

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 30, 2017

A ZONING ORDINANCE TO FORBID USE VARIANCES

Be it ordained by the City Council of the City of Newburyport as follows:

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

THAT subsection X-H.6.A of said Zoning Ordinance, entitled "Variances," be amended pursuant to section XII-B, entitled "Adoption and Amendment," to read as follows, with deletions ~~stricken-through~~ **and in bold**, and additions **double-underlined and in bold**.

6. Variances. [Variances from the provisions of this ordinance shall be subject to the following:]
 - A. The zoning board of appeals shall have the power, after giving appropriate public hearing notice as described in section X-H, and after holding said hearing within sixty-five (65) days after the zoning board of appeals receives the petition from the city clerk, to grant, upon appeal or upon petition, a variance, ~~including~~ **expressly excluding any** use variance, **notwithstanding anything in this ordinance to the contrary**, from the terms of this zoning ordinance where the zoning board of appeals finds that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance.

Councillor Jared Eigerman