

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 12, 2018

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

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

**THAT** the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

**Section II-B: Definitions.**

The Newburyport Zoning Ordinance, Section II-B, entitled "Definitions" is hereby amended by adding the following sentence to the end of the existing definition number 23, entitled "Lot Area":

"All lot area calculations shall be made in accordance with Section VI-B (*entitled "Lot areas"*)."

**Section VI-B: Lot areas.**

The Newburyport Zoning Ordinance, Section VI-B, entitled "Lot areas" is hereby amended by adding the following new subsections:

**D. Required Contiguous Upland**

Regardless of actual lot size, at least 80% of the minimum lot area required for the applicable zoning district(s) shall be provided in contiguous uplands. Uplands, as used in this section, shall include all portions of the subject lot(s) except for wetlands or buffer zones, as defined in subsection VI-B(E).

**E. Required Lot Area Shall Exclude Wetlands & Buffer Zones**

Notwithstanding any provision within this Ordinance to the contrary, the required lot size and area calculations in all residential zoning districts shall not include any portion of the land or property in question which is located within wetlands or buffer zones. For interpretation and application of this requirement, the location and extent of wetlands and buffer zones (and conversely, of uplands) shall be based upon a current wetlands delineation plan approved by the Newburyport Conservation Commission in accordance with the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and/or local Wetlands Protection Ordinance (Article II of the City of Newburyport Code of Ordinances).

**F. Documentation Required to Ensure Compliance**

Applicants shall be required to submit documentation supporting applicable lot area calculations on any plans submitted to the City of Newburyport Building Department, Office of Planning & Development, Planning Board and/or Zoning Board of Appeals when any portion of the property or land in question is located within such wetlands or buffer zones, as defined therein.

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**Councillor Charles F. Tontar**