

ORDERED:

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 III-C: Zoning Map.

The Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” as follows:

- a) Add a so-called “Colby Farm Lane Residential Overlay District” (CFL-ROD) as depicted on the attached map entitled “Colby Farm Lane Residential Overlay District,” prepared by the Office of Planning & Development, dated August 7, 2018;
- b) Eliminate the existing “IB-ROD” Overlay District, which is referenced in Section XIV entitled “Open Space Residential Development (OSRD); and
- c) Change the entire existing I-1B District located north of Colby Farm Road and west of Low Street to an R-2 District.

Section XIV: Open Space Residential Development (OSRD)

Section XIV-A: Purposes and intent.

Delete subsection (5) of Section XIV-A, entitled “Purposes and intent,” in its entirety, and replace said subsection with the following:

(5) To further the goals and policies of the City of Newburyport Master Plan, Strategic Land Use Plan and Open Space & Recreation Plan, as amended from time to time;

Section XIV-B: Applicability

Delete subsection b. of Section XIV-B, entitled “Applicability,” in its entirety, and replace said subsection with the following:

b. Zoning classification: Only those tracts located in the following districts shall be eligible for consideration as an OSRD: AC, R1, R2, R3 and the Colby Farm Lane – Residential Overlay District (CFL-ROD). Residential Overlay Districts, such as the CFL-ROD, are intended to provide added incentives for open space protection due to the unique ecological, cultural, and/or aesthetic characteristics of the properties within the overlay district.

Section XIV-G: Conventional subdivision yield plan – Basic maximum number of lots/dwelling units.

Insert a new subsection b. under Section XIV-G, entitled “Conventional subdivision yield plan – Basic maximum number of lots/dwelling units,” as follows:

b. Determination of yield within CFL-ROD: Notwithstanding any provision to the contrary, properties within the CFL-ROD are required to establish a determination of yield based on the requirements listed in Section XIV-G(a) using dimensional regulations applicable to the R-2 District.

Section XIV-I: Open space requirements

Delete subsection (i)(d) of Section XIV-I, entitled “Open space requirements,” in its entirety, and replace said subsection with the following:

d. In the CFL-ROD a minimum of eighty (80) percent of the tract shown on the OSRD-SP plan shall be open space and must be preserved as such in perpetuity in accordance with this subsection.

Delete the first two (2) sentences of subsection (vii)(3) of Section XIV-I, entitled “Open space requirements,” and replace said sentences with the following:

3. A corporation or trust owned individually (for agricultural or conservation purposes only) or jointly or in common by the owners of lots within the OSRD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lot(s) in perpetuity.

Section XIV-J: Design standards

In subsection (a)(i)(1) of Section XIV-J, entitled “Design standards,” replace the word “it” with “its”.

In subsection (a)(i)(3) of Section XIV-J, entitled “Design standards,” replace the word “compliment” with “complement”.

Section XIV-K: Decision of the planning board

In subsection (a)(v) of Section XIV-K, entitled “Decision of the planning board,” delete the phrases “(2001)” and “(2004)”.

Replace the text of subsection (a)(viii) of Section XIV-K, entitled “Decision of the planning board,” in its entirety, and replace said text with the following:

viii. Whether the proposed construction of housing, landscape and streetscape is in harmony with the overall architectural heritage and historic character of the City of Newburyport; and”

Section XIV-L: Increases in permissible density

Delete subsections (b) and (c) of Section XIV-L, entitled “Increases in permissible density,” in their entirety, and replace said subsections with the following:

b. In the CFL-ROD district, the planning board at its discretion may award a density bonus for an OSRD to increase the number of dwelling units beyond the basic maximum number. All projects within the CFL-ROD which provide either: 1) at least eighty-five (85) percent protected open space; or 2) deeded public access to, and improvements on, the protected open space, may be permitted an increase in permissible density of twenty-five (25) percent beyond the basic maximum number to a maximum density of twenty-five (25) units excluding the required percent of affordable housing units.

c. In the AC, R1, R2, R3, and CFL-ROD districts, excluding units required under the Inclusionary Affordable Housing Ordinance, for every one dwelling unit restricted to occupancy for a period of not less than ninety-nine (99) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the commonwealth's department of housing and community development, the planning board may award a density bonus of two (2) market-rate dwelling units; provided, however, that this density bonus, in aggregate with other density bonuses, shall not exceed twenty-five (25) percent of the basic maximum number.

Section XIV-N: Affordable housing requirements for OSRD projects

Insert a new Section XIV-N, entitled "Affordable housing requirements for OSRD projects" to read as follows:

For additional information regarding the minimum affordable housing requirements applicable to all OSRD projects, regardless of any density increases awarded pursuant to Section XIV-L, see Section XXX, entitled "Inclusionary affordable housing."

Councilor Larry G. Giunta, Jr.

Councilor Charles F. Tontar