CITY OF NEWBURYPORT

IN CITY COUNCIL

JANUARY 25, 2016

ORDERED:

A ZONING ORDINANCE TO AMEND THE NEWBURYPORT SMART GROWTH DISTRICT (SGD)

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

Amend existing Subsection XXIX -B – Establishment & Applicability to read as follows, with deletions ~~double stricken-through~~, and additions double-underlined:

XXIX-B Establishment & Applicability.

1. **Establishment:** The Smart Growth District (SGD) is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "40R Smart Growth District – Newburyport, MA," prepared by the Office of Planning and Development, and dated March 26, 2015. The Smart Growth District, hereinafter referred to as the SGD, is an overlay district having a land area of approximately 49.56 acres in size that is superimposed over the underlying zoning district(s) and is shown on the above referenced zoning map on file in the Office of the City Clerk, which is hereby made a part of the Zoning Ordinance.

2. **Underlying Zoning:** The SGD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district shall remain in full force except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGD, a developer may elect either to develop a Project in accordance with the requirements of this Section, or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district.

3. **Applicability of SGD.** In accordance with the provisions of M.G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SGD may seek Plan Approval in accordance with the requirements of this Section. In such case, notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provisions of this Zoning Ordinance, including limitations upon the issuance of building permits related to a rate of development or phased growth limitation or to a local

moratorium on the issuance of such permits, or to building permit or dwelling unit limitations.

4. **Intersection of State and Parker Streets.** Notwithstanding anything to the contrary in this Zoning Ordinance, in order to ensure connectivity and walkability to the MBTA Station and Clipper City Rail Trail from the following six parcels located near the intersection of State Street and Parker Street, no certificate of occupancy for a Project approved under this Section at any such parcels shall issue until safe pedestrian crossings are in operation across both State Street and U.S. Route 1, at or southerly of Parker Street and within the SGD: Parcel 34-5 (165 State Street); Parcel 34-6 (3 Parker Street); Parcel 34-9-A (4 Parker Street); Parcel 34-11 (163-165 State Street); Parcel 34-12 (161 State Street); and Parcel 34-13 (151-155 State Street).

Councillor Robert J. Cronin

Councillor Jared J. Eigerman

In City Council May 9, 2016:

Motion to remove by Councillor Cameron, seconded by Councillor Eigerman. Amendment to Section 4 was read into the record. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Connell. Roll call vote, 11 yes.

In City Council June 13, 2016:
Motion to suspend Council rule # 9, to receive and file ODNC001_01_25_16, ODNC004_01_25_16, ODNC005_02_08_16, ODNC007_04_11_16, and ODNC009_04_25_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Withdrawn. Motion to suspend Council rule # 9, to approve ODNC001_01_25_16, ODNC004_01_25_16, ODNC005_02_08_16, ODNC007_04_11_16, and ODNC009_04_25_16 collectively, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 Yes.

Approve: Donna D. Holaday

Donna D. Holaday, Mayor

Attest: _____

Richard B. Jones, City Clerk

Date: 6/23/2016