

## CITY OF NEWBURYPORT



IN CITY COUNCIL

February 12, 2024

**A ZONING ORDINANCE TO ESTABLISH THE STATE/HIGH OVERLAY DISTRICT (SHOD)**

**WHEREAS** The lot located at the corner of State and High Street is extremely prominent given it is on the corner of two of the most prominent streets of the City of Newburyport – State St. and High St.

**WHEREAS** The lot is so important and unique that it, alone, attracted the attention of the Newburyport City Council in 2021 to consider declaring its current state as an abandoned gas station a nuisance property. The City Council ultimately did not do this. Instead, it reached an agreement with its then landowner to have it redeveloped for residential use.

**Therefore**, the following is inserted into the Newburyport Zoning Ordinance:

**SECTION XXXIII-A - Purpose**

The State/High Corner Overlay District (“SHOD”) is established in the interest of respecting the unique and prominent nature of the lots located at the southeast corner of State St. and High St., defined herein.

**SECTION XXXIII-B - Establishment**

The SHOD shall encompass the following Lots:

107 State Street (Assessors Map/Lot 33-43)

95 High Street (Assessors Map/Lot 33-42)

The underlying district for the SHOD is unchanged and shall remain High Street Residential A (HSR-A).

**SECTION XXXIII-C – Rules and Allowances**

Within the SHOD, the provisions of the Residential 3 (“R-3”) district as defined in the Newburyport Zoning Ordinance, Section III, Subsection III-A shall be in full force and effect, except to the extent that the provisions of the SHOD below are different. In such cases, the provisions of SHOD shall supersede the provisions of R-3.

The special requirements and allowances for the State/High Overlay District are as follows:

1. Solely for the purposes this overlay district and solely within its confines, “Multifamily” (Use #103) shall be defined as:

One or more building(s) or structure(s) that together contain(s) three (3) or more dwelling units on the same lot, and where at least one such building or structure contains three (3) or more units.

Where there is more than one dwelling unit in a building, the units must be separated by either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in section II-B, definitions.

2. All uses defined in the Newburyport Zoning Ordinance, Section V, Subsection V-D, Table titled “4. Business” are Not Permitted (“NP”) in the SHOD.
3. Any project permitted under the SHOD shall be subject to Site Plan Review by the Newburyport Planning Board, as defined in the Newburyport Zoning Ordinance, Section XV, Subsection XV-D.

**SECTION XXX-IIIID – Severability**

The provisions of this section are severable. If any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

---

Councillor Sharif I. Zeid

**In City Council February 12, 2024:**

Motion to waive the rules and accept the late files by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.

Motion to refer to P&D and COTW by Councillor Zeid, seconded by Councillor Preston. Roll call vote, 11 yes, motion passes.