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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

DATE: April 10, 2015

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: James Freas, Acting Director of Planning and Development

RE: #6-15 - ALD. BAKER, HESS-MAHAN, ALBRIGHT requesting a discussion by the Zoning and Planning Committee with the Acting Director of Planning and Development of how Phase 2 of Zoning Reform might be undertaken, including the contents of the proposed Village and Master Planning and Zoning Reform Request for Proposals, including the planning process and ordinance revision process the RFP anticipates, as well as the staffing and funding needed to enable both in-house and contracted work under the RFP to be both well done and appropriately supervised.

MEETING DATE: April 13, 2015

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

Many planners and urban designers talk about the idea of “The right building in the right place,” basically referring to the simple principle that building design matters and one should not place buildings in locations where they are entirely out of context with their surroundings. In a number of ways, many of the issues raised about development activity in Newton relate back to this principle. Large houses, inappropriate two-family designs, and similar issues are a product of Newton’s current zoning ordinance which is significantly out of date and lacks the tools necessary to address these issues.

Based on the discussion at the Zoning and Planning Committee meeting on February 9, 2015, the Planning Department has developed an RFP seeking consultant support for a Context-Based Zoning Ordinance. The basic idea of a context-based zoning ordinance is that property owners should not be surprised by the building that is built next door. Unless an area is subject to a clear decision to transform, one should be able to predict the character of new buildings based on what is already there.

What is context based zoning?

Context-based zoning places greater emphasis on the design elements of zoning over more traditional zoning ordinances such as Newton's. This type of ordinance is more specific about issues of building scale, setback, and height – rather than simply setting minimums or maximums, in many cases precise ranges are identified. Generally, these ordinances do not regulate architectural style, addressing only the aspects of building design relating to scale, mass, and placement relative to the street. Land uses are still regulated in these codes similar to traditional zoning ordinances.

What are building types and how are they used as a tool for regulation in a Zoning Ordinance?

One of the principle tools of a context-based zoning ordinance is the use of “building types.” The basic idea behind the use of building types to regulate development is the recognition that a given use, such as a bookstore, can be developed as a small storefront in a village-like setting or as a big-box store surrounded by parking. While a traditional zoning ordinance would essentially treat these two examples as essentially the same and allow them in the same places, a context-based zoning ordinance recognizes that they are very different and belong in different places. Building types are used to indicate, for example, that a ‘small retail building type’ belongs in the area zoned as a village center and the ‘big box retail building type’ belongs out by the highway.

What is a pattern book?

A “pattern book” is a common term for a document that provides an analysis of a community's built form. Beginning at a citywide level, the document would describe the development patterns of the City such as the way different neighborhoods or villages vary in their lot sizes, densities, and building scale. This analysis forms the basis for understanding neighborhood context and therefore becomes the means of defining zoning district boundaries that correspond to Newton's built environment. From the City-wide level, a pattern book then drills down to individual buildings, describing each of the basic building types that make up the City's neighborhoods and commercial areas. Lot size, height, building mass, and setbacks are all explored. With this information, a palette of building types is created that can then be codified into the Zoning Ordinance. Beyond being the raw material from which a context-based zoning ordinance can be created, a Pattern Book can also be used as the basis for forming conservation districts or other policies or regulations that might spring from a clearer understanding of Newton's existing buildings and neighborhoods.

Resources

One of the better examples of a context-based zoning ordinance is the new Denver Zoning Ordinance. Their website has a short video on the concept and a number of resources explaining their code.

<https://www.denvergov.org/cpd/CommunityPlanningandDevelopment/Zoning/DenverZoningCode/tabid/432507/Default.aspx>

The City of Norfolk, VA has used patterns books to guide infill development and shape the redevelopment of strategically important areas of the City. While the example pattern books on their website are tailored to their needs, and are therefore different than what is proposed for Newton, they provide examples of the concept and how this tool can be used.

<http://www.norfolk.gov/index.aspx?NID=1086>

The Hampton, VA Buckroe Pattern Book was used as the basis for a new zoning district.

<http://www.hampton.gov/DocumentCenter/View/88>