



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#376-14**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

**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:** #376-14 - PLANNING & DEVELOPMENT DEPARTMENT  
requesting that Chapter 30 Zoning be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance.

**MEETING DATE:** April 13, 2015

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

---

The City of Newton's Zoning Ordinance is a critically important set of regulations as it is the primary determinant of what residents, business owners, and developers can do with the land they own in the City and it therefore sets the bounds for the future development of the City, affecting economic development, quality of life, and neighborhood character. The Zoning Reform Group was created in the winter of 2010/2011 to consider the existing ordinance and recommend a process for revisions that would bring it into greater consistency with Newton's *Comprehensive Plan* and address identified problems in the ordinance impacting its administration and application. Those recommendations, provided in a report released in December 2011, set in motion the Newton Comprehensive Zoning Reform project, representing the first such reform process in 25 years. The Public Hearing on April 13, 2015 is to consider a draft Zoning Ordinance reflecting the conclusion of Phase 1 of this process.

As defined in the Zoning Reform Group report, Phase 1 focused on reorganizing and clarifying the existing zoning ordinance, setting the stage for future substantive regulatory changes in Phase 2. The primary scope of changes involved the introduction of a greater array of illustrations and tables as well as greater organization and coherency. A number of inconsistencies in the ordinance were addressed and some basic language supporting zoning administration introduced. Overall, the

submitted draft ordinance is a significant improvement to the appearance and use ability of Newton's Zoning Ordinance.

### Docketed Items

A number of existing docket items were identified as issues that could be addressed in the Phase 1 revisions. The table below shows these items and how each was resolved.

	Issue	Docket Number	Resolution
1	Definitions: Common roof & wall connectors & dwelling, two-family	222-13	Not phase 1
2	Clarify definitions of attached dwellings	129-13	Not phase 1
3	Clarify lot width, area, & frontage	220-12	Lot width changed to frontage, table re-organized and clarified.
4	Clarify definition of structure	219-12	Fixed
5	Clarify sideline distance	218-12	Changed to side lot lines
6	Clarify tandem parking stalls	217-12	Fixed
7	Define usable open space	216-12	No Change
8	Define flat & sloped roofs	65-11	Done
9	Revise lot line & structure	154-10(2)	No Change
10	Define lot area and setback line	154-10	Done

### Significant Amendments

As the intent of the Phase 1 revision was strictly organization and presentation of the Zoning Ordinance, there are very few changes that might be considered significant or substantive. Two of the more important changes are switching to a GIS based digital official zoning map, consistent with the objective to modernize and internet-enable Newton's Zoning Ordinance, and the introduction of specific language to guide the interpretation of land uses, which is relatively standard administrative language that did not previously exist in Newton's ordinance.

Work was also put into consolidating and more clearly defining land uses as there were a number of inconsistencies and conflicts that became apparent with all land uses were put into tables. One of the better examples of this type of change was the consolidation of manufacturing type uses into one manufacturing category. Another example is in the 'places of assembly', which was defined as clubs, theatres, halls and similar uses. In other parts of the ordinance, clubs, theatres, and halls were spelled out individually, leading to inconsistencies. As a result, 'places of assembly' was removed as a use and a definition and the individual uses are now used throughout the ordinance.

### Look-up Table

The Planning Department has created a Look-Up Table on the Zoning Reform website, that can be used as a cross referencing tool for the Zoning Reform - Phase I project to look up content from the City's existing Zoning Ordinance and see where it can be found in the proposed Phase 1 Zoning Ordinance. <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

### Next Steps

Following the public hearing, the Planning Department will generate a final Phase 1 Zoning Ordinance. The Department recommends that the Zoning and Planning Committee vote on this project at a following working session meeting.