



Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

MEMORANDUM

DATE: August 19, 2016

TO: Councilor Ted Hess-Mahan, Chairman
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director

RE: #80-13 – THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

MEETING DATE: August 22, 2016

CC: City Council
Planning and Development Board
Donnalyn Kahn, City Solicitor

This past Spring the City contracted with Sasaki Associates for the Zoning Reform Phase 2 project. The team has worked over the summer to establish the framework for this 18 month project and we are preparing for the kick-off in September. Attached are memos describing the project goals and the Community Engagement Plan. Sasaki Associates will be at the meeting for introductions and questions.

Efforts to reform Newton's Zoning Ordinance began in response to "broad sentiment that Newton's Zoning Ordinance is difficult to understand and administer and sometimes does not result in the best outcomes for the community" as stated in the executive summary of the 2011 Zoning Reform Group report. The Zoning Reform Group identified a two-phase process, with the first phase focused on enhancing the usability of the existing ordinance through reorganization, clarification, illustration, and the use of tables. The Phase 1 Zoning Ordinance was adopted in November 2015. The second phase is designed to address the more substantive issues that will ultimately address the outcomes of Newton's Zoning Ordinance for the community. The Zoning and Planning Committee approved the RFP for Phase 2 last fall.

Zoning Reform Phase 2 has been described as a context-based zoning approach incorporating two major ideas, one being the idea of "building types" as a part of the new ordinance and the other being the use of a "pattern book" as a means of understanding the current context of the City as a new ordinance is developed. This idea was described in an April 10, 2015 memo to the Committee, excerpted below.

What is context based zoning?

Context-based zoning places greater emphasis on the design elements of zoning compared to 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 dimensional minimums or maximums, in many cases precise ranges for buildings or lots are identified. Generally, context based 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>

Appendixes

- Appendix A DRAFT CZR-2 Goals Statement
- Appendix B Phase 2: Public Engagement Plan
- Appendix C Project Calendar