

# **Draft Zoning Ordinance**

**Dated October 19, 2018**

**Presented to the  
Zoning and Planning Committee  
October 22, 2018**

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## Sec. 1.1. Title

This Ordinance is known as the 'City of Newton Zoning Ordinance' and may also be cited and referred to as 'Newton Zoning Ordinance' and/or NZO.

## Sec. 1.2. Purpose

The provisions of this Chapter are ordained by the City for the purpose of promoting the health, safety, convenience, and welfare of its inhabitants by:

- A. Implementing the Comprehensive Plan of the City of Newton as well as other officially adopted plans and policies.
- B. Coordinating development and redevelopment according to neighborhood, village, and other area plans developed collaboratively with community members.
- C. Equitably balancing the interests of property owners with the interests of the community as a whole.
- D. Protecting and promoting the social, environmental, and economic benefits provided by a walkable development pattern.
- E. Preserving and enhancing the existing character of Newton's traditional walkable villages and neighborhoods, to continue to promote sense of community, respect the existing built form, and honor the historic development pattern inherent to the city.
- F. Permitting redevelopment and infill construction that contributes to and preserves the character of Newton.
- G. Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics.
- H. Promoting the adaptation and preservation of existing buildings.
- I. Providing a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Newton residents at all income levels, paying particular attention to providing housing that is affordable to individuals and families with low and moderate incomes and housing that is accessible for those with disabilities.
- J. Promoting a welcoming community where people of diverse demographics, origins, and income levels will be able to find a home and opportunity for success.
- K. Addressing the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- L. Promoting arts and culture for community and economic benefit including improving the public realm, enhancing community life, and growing a vibrant creative sector.
- M. Encouraging the use of public transportation, bicycling, and walking.
- N. Decreasing vehicular air and water pollutant emissions, conserving energy resources and reducing ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city.
- O. Reducing the demand for parking facilities and increasing the capacity and efficiency of existing transportation infrastructure.
- P. Assisting in the provision of transportation, water, sewage, schools, parks, open spaces and other public facilities and ensuring these are adequate to serve existing and proposed development.
- Q. Increasing the commercial tax base in support of the fiscal health of the City.
- R. Protecting and promoting a diverse mix of businesses and employment opportunities.
- S. Providing opportunities for businesses to remain in Newton as they develop and grow.
- T. Promoting environmentally sustainable building and site design practices.
- U. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.
- V. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.

## Sec. 1.3. Legal Status Provisions

### 1.3.1. Authority

This Ordinance is adopted under the authority granted by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and enacted in accordance with the provisions of the Massachusetts General Laws (M.G.L.) Chapter 40A, as amended.

### 1.3.2. Applicability

- A. Unless otherwise specified, this Ordinance is applicable to all real property within the City of Newton.
  - 1. Real property used or occupied by the Commonwealth of Massachusetts in conducting its essential government functions is exempt from the provisions of this Ordinance.
  - 2. This Chapter does not apply in particular respects to any buildings, structures or lands used or to be used by a public service corporation if, upon petition of the corporation, the Commonwealth of Massachusetts Department of Public Utilities shall, after notice given pursuant to M.G.L. Chapter 40A, Section 11, and public hearing in the City, determine the exemptions required and find that the present or proposed use of the buildings, structures or lands is reasonably necessary for the convenience or welfare of the public.
  - 3. Nothing contained in this Ordinance shall be construed to restrict the use of land or structures for activities protected by M.G.L. Chapter 40A, Section 3.
- B. All divisions, departments, commissions, boards, and authorities of the City of Newton shall comply with the procedural requirements of this Ordinance.

### 1.3.3. Conflicting Provisions

- A. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- B. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements,

covenants, or agreements, the provisions of this Ordinance apply.

- C. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance imposes a greater restriction than required by Federal or State law, the provisions of this Ordinance apply unless otherwise prohibited by law.

### 1.3.4. Fines & Penalties

- A. Any person who violates the provisions of this Ordinance shall be punished with a fine of not more than \$300.00 for each offense, where each day that a violation is not corrected or abated shall constitute a separate offense.
- B. In addition to procedure for enforcement described above and in Article 11, the Commissioner of ISD may enforce the ordinance by a non-criminal disposition per M.G.L. Chapter 40 Section 21 D and the Revised Ordinances of the City of Newton, Chapter 17, Article III.

### 1.3.5. Text & Graphics

- A. Words, phrases, and terms used in this Ordinance are defined in Article 12.
- B. The graphics, illustrations, photographs and flowcharts used to visually explain certain provisions of this Chapter are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of this Chapter, the text of this Chapter controls.

### 1.3.6. Validity

Nothing in this Chapter shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures, or land, and for each class or kind of use in each district.

### 1.3.7. Severability & Invalidity

If it is determined by any court of competent jurisdiction that any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is unconstitutional or otherwise held invalid, the validity of the remaining provisions of this

Ordinance and their application to any other person, partnership, corporation, or circumstance shall not be affected.

## Sec. 1.4. Zoning Districts & Map

### 1.4.1. Establishment

The City is hereby divided into districts, to be known respectively as follows:

Residence Districts (Article 3)
Residence 1
Residence 2
Residence 3
Neighborhood General
Village Districts (Article 4)
Village 1
Village 2
Village 3
Public Use and Recreation Districts (Article 5)
Public Use District
Recreation District
Single Purpose Districts (Article 6)
Office District
Fabrication District
Regional Retail District
Non-Contextual Multi-Unit Residential District
Campus/Institutional District
Overlay and Master Plan Districts (Article 7)

Historic Districts (which are not part of zoning) may apply to property in addition to the regulations in this Chapter 30. See Revised Ordinances, Chapter 22, Article III.

### 1.4.2. Official Zoning Map

- A. Zoning district boundaries are shown on the map “Official Zoning Map of the City of Newton”. This map and all explanatory matter on the map are hereby made a part of this Chapter.
- B. The location and boundaries of zoning districts established by this Chapter are also shown and maintained as part of the City’s Geographic Information System (GIS).
- C. The zoning districts in the GIS constitute the City of Newton’s Official Zoning Map and are part of this Chapter. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Chapter.

- D. Upon amendment by the City Council per Sec. 11.8, the Director of Planning and Development is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.
- E. The City Clerk maintains printed copies of the Official Zoning Map and records of superseded official maps. All changes to the Official Zoning Map shall be identified by updating the original computer digital data of each change, together with the date of the change.
- F. All revisions to printed copies will be numbered, dated and signed by the Director of Planning and Development and retained in the City Clerk's records.

#### 1.4.3. District Boundary Interpretation

- A. Zoning district boundary lines are intended to follow lot lines or are otherwise as indicated on the Official Zoning Map.
- B. Where the Official Zoning Map indicates a district boundary line that approximately coincides with a lot line, the lot line is the official boundary line between districts.
- C. Where the Official Zoning Map indicates a district boundary line that divides a lot or undivided parcel of land, the boundary between districts is determined using the scale of that map and the provisions for each zoning district apply to the portion of the lot within the respective districts.
- D. Any land not specifically included in any zoning district on the Official Zoning Map is classified as the Public Use district unless rezoned according to the Map Amendment procedures of Article 11: Administration.
- E. Whenever any uncertainty exists as to the exact location of a boundary line, the location shall be determined by the Commissioner of ISD in consultation with the Director of Planning and Development. Any person affected by the decision may appeal to the Zoning Board of Appeals in the manner provided in Sec 11.6.

#### 1.4.4. Adoption & Effect

- A. **Adoption Date.** This Ordinance was adopted by the Newton City Council on Month XX, 20xx.
- B. **In Effect.** This Ordinance takes effect upon its passage and supersedes the City of Newton Zoning Ordinance adopted on November 1, 2015, as amended.
- C. **Published Notice.** Per M.G.L. Chapter 40 Section 32, notice of the adoption of this Ordinance, or any amendment to this Ordinance, shall be published at least two times in a newspaper of general circulation without delay upon its adoption by the City Council and signing into law by the Mayor. Failure to publish this notice does not affect the validity of this Ordinance or its amendments.
- D. **Previous Approvals.**
  - 1. Any discretionary or administrative permit issued prior to the adoption of this Ordinance remains valid, subject to all conditions of the approval.
  - 2. Any discretionary or administrative permit, excluding subdivision plan approval, issued prior to the first notice of the public hearing for any amendment to this Ordinance, remains valid, subject to all conditions of the approval.

# Article 2. General Standards

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## Sec. 2.1. Purpose

### 2.1.1. Purpose

The purpose of this section is to explain the dimensional standards of this ordinance, defining how each is measured and providing generally applicable rules, standards, and reference information.

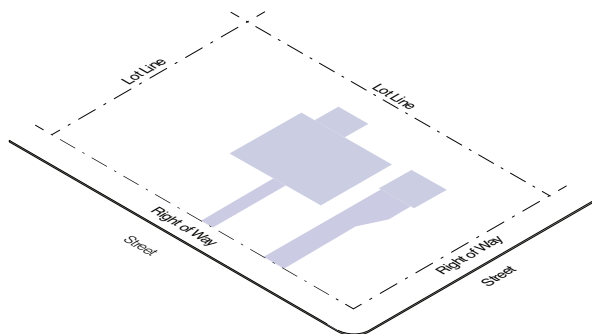
### 2.1.2. Applicability

The rules and standards described in this Article apply to all development in the City.

## Sec. 2.2. Lots

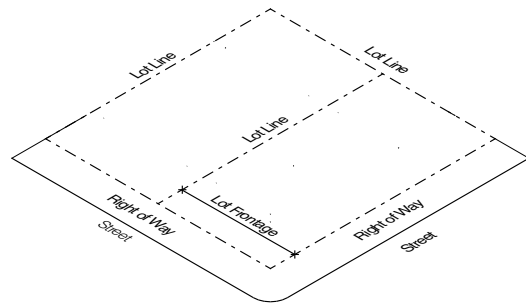
### 2.2.1. Lot Definitions

- A. **Lot.** An area of land with definite boundaries established by deed and/or a plan recorded in the Registry of Deeds, undivided by a street (except where allowed by the Zoning District).
- B. **Lot Area.** The horizontal measurement of a lot in square feet, exclusive of area in a street.
- C. **Lot Coverage.** The percentage of lot area that is covered by structures, impermeable surfaces, paving, pavers, and decking. The lot coverage standard is intended to differentiate between the built and unbuilt aspects of a lot. Buildings are measured from the outer edge of the walls and include cantilevered portions of building, exclusive of the area under the eaves. Any area used for parking, no matter the surface material, is counted in the lot coverage.

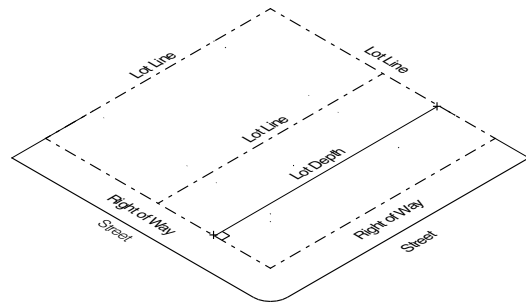


### D. Lot Dimensions.

1. **Lot Frontage.** Lot frontage is the length of the primary front lot line of a lot.

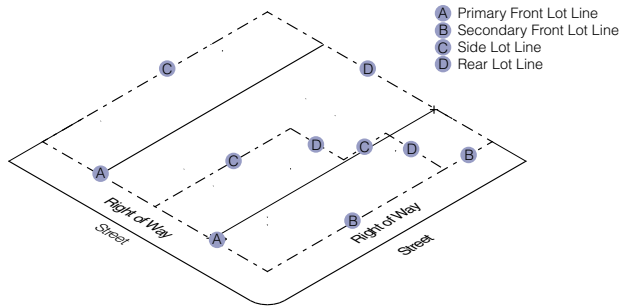


2. **Lot Depth.** Lot depth is the horizontal distance between the midpoint of the primary front lot line and the midpoint of the rear lot line or, if there is no rear lot line, to the most distant point on any other lot line.



- E. **Lot Line.** A boundary line that demarcates a lot.
- F. **Front Lot Line.** Any lot line abutting a street is a front lot line.
  1. **Primary Front Lot Line.** Where there are multiple front lot lines, one is designated a primary front lot line.
    - a. At time of application for a building permit or other municipal approval for which the location of the front lot line must be established, the property owner of such a lot may designate a Primary Front Lot Line which will be utilized to measure lot frontage. The other secondary front lot line continues to be a front lot line.

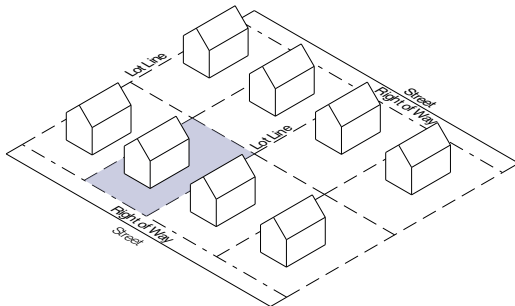
- G. **Rear Lot Line.** Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line. If what would be a rear lot line is a side lot line of an abutting property, it is considered a side lot line.
- H. **Side Lot Line.** Any lot line other than a front or rear lot line.



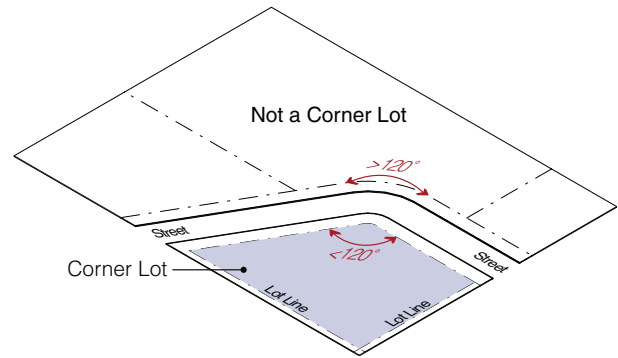
- I. **Front Elevation.** The exterior wall of a building oriented in whole or in part toward the primary front lot line.

### 2.2.2. Lot Types

- A. **Interior Lot.** A lot with frontage on a single street.

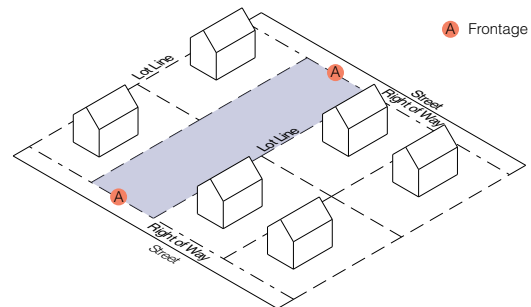


- B. **Corner Lot.** A lot with frontage on two intersecting streets or at the bend in a street.
1. A corner lot occurs when:
    - a. Two streets intersect at an interior angle of 120 degrees or less
    - b. A bend in the street forms an interior angle of 120 degrees or less
    - c. A curve in a street or at the intersection of two streets where the tangent lines of the curve form an angle of 120 degrees or less when extended into the intersection.

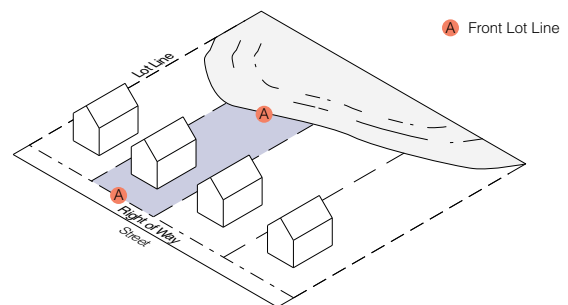


2. The frontage along the primary front lot line runs from the intersection of the two front lot lines to the intersection of the primary front lot line with the side lot line.

- C. **Through Lot.** A lot with frontage on two or more non-intersecting streets.



- D. **Rear Lot.** See Sec. 3.4.2.
- E. **Waterfront Lot.** A lot with frontage on a street and a body of water.
1. The frontages on both the street and body of water are considered front lot lines. The primary front lot line is along the street.





## Sec. 2.3. Lot Standards and Setbacks

### 2.3.1. Lot Frontage

- A. All lots must have no less and no more than the minimum and maximum lot frontage established for the zoning district in which the lot is located. See Article 10 for rules applying to nonconforming lots.

### 2.3.2. Lot Coverage

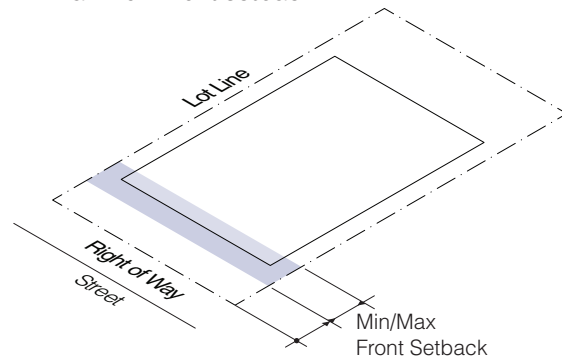
- A. All lots are required to meet the lot coverage standard established for the zoning district in which the lot is located.
- B. Lot coverage may be increased through Special Permit up to 10% beyond the maximum standard established for the zoning district in which the lot is located.
1. Increasing lot coverage within 10% of the maximum established for the zoning district requires a Special Permit. The Special Permit Granting Authority is determined by the scale of the project (See Secs. 3.1, 4.1, 5.1, and 6.1).
  2. Review Criteria. In its discretion to approve or deny a Special Permit authorizing an expansion of the lot coverage, the Special Permit Granting Authority must find that the application meets the following criteria:
    - a. The criteria for a Special Permit specified in Sec. 11.4.3.
    - b. Design and landscaping is compatible with the neighborhood and adjacent properties.
    - c. Methods to address stormwater runoff on neighboring properties and public infrastructure meet or exceed the standards of Sec. 8.3.
    - d. The landscaped areas and trees included address the heat island effect.

### 2.3.3. Setback Definitions

- A. **Setback.** A line parallel to a lot line that establishes where a structure or parking area may be placed. Setbacks are understood to represent a vertical plane rather than a point on the ground. A minimum

setback establishes the nearest point to the lot line where any part of a structure or parking area may be placed.

1. **Maximum Front Setback.** A maximum front setback establishes the furthest point from the lot line where the front elevation may be located.
- B. **Setback Area.** The area between the minimum and maximum front setback.



### 2.3.4. Setback Standards

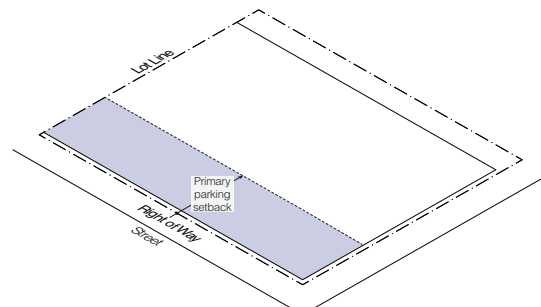
#### A. Building Setbacks

1. All buildings and structures must be located no closer to an adjoining lot or street line than any required minimum front, side, or rear setback, except as permitted in Sec 2.3.5.C.
2. The front elevation of a principal building must be built no further from the front lot line than the required maximum front setback.

#### B. Parking Setbacks

Parking Lots and Parking Structures, excluding underground parking, must be located at or behind any required minimum parking setback.

1. If a lot has more than one front lot line, the parking setback is only taken from the primary front lot line.





**C. Specific Setback Rules for Buildings and Structures on Waterfront Lots.**

1. Accessory buildings and structures on waterfront lots may be located forward of the front elevation along the street frontage, but not within the front setback area.

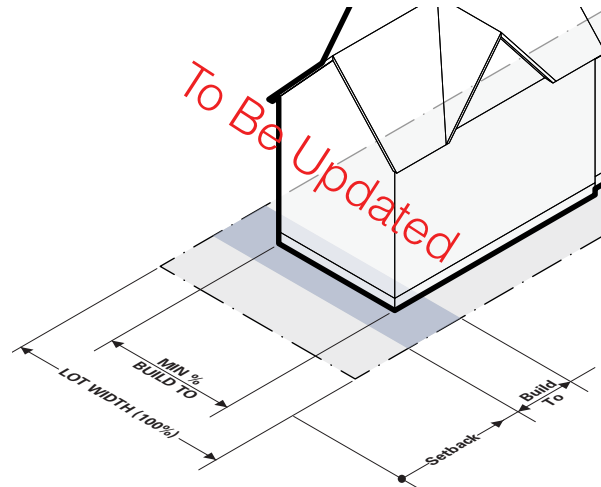
**2.3.5. Setback Encroachments.**

- A. Building components may extend in front of a required minimum front setback as indicated for each type of component.
- B. Cornices, belt courses, sills, buttresses and other architectural features may encroach up to 2 feet into a minimum front or side setback.
- C. Building eaves and roof overhangs may encroach up to 3 feet into a minimum front or side setback, provided that at least 3 feet is maintained from any lot line.
- D. Insulation exterior to the walls of a building may encroach in the setback.
- E. Chimneys and flues may encroach up to 4 feet into a minimum side or rear setback, provided that they are at least 2 feet from of any lot line.
- F. Unenclosed fire escapes or emergency egress stairways may encroach up to 4 feet into a minimum side or rear setback, provided that they are at least 2 feet from any lot line.
- G. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a minimum side or rear setback, provided that such equipment is at least 4 feet from any lot line.
  1. Mechanical equipment located in the setback must meet the requirements of the City of Newton Noise Ordinance (Chapter 20, Article II).
- H. Terraces, uncovered and unenclosed patios, driveways, and/or structures below and covered by the ground may fully encroach into any minimum setback.

- I. Minor structures accessory to utilities, such as hydrants, manholes, transformers, and other cabinet structures, may fully encroach into a minimum setback.
- J. Accessory structures, fences and walls, signs, and landscape buffers may encroach into minimum setbacks as indicated in Article 8.

**2.3.6. Frontage Buildout**

- A. Frontage buildout is the ratio of the width of the front elevation within the minimum and maximum setback as established by the district to the lot frontage.
- B. If a contextual front setback applies, the front elevation must meet the contextual front setback for a minimum of 40% of its width.



## Sec. 2.4. Building Types and Components

### 2.4.1. Building Types

Building type regulations are applicable in all zoning districts and include building standards for new construction, renovation of existing structures, and redevelopment.

Instead of applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district.

### 2.4.2. Building Type General Standards

- A. Each building type may only be constructed in the zoning districts where that building type is allowed.
- B. Each building type may contain any of the uses permitted in the district in which it is located, unless otherwise specified.
- C. **No Other Building Types.** All principal buildings constructed must fulfill the requirements of one of the building types permitted in the zoning district where it is located.
- D. **Permanent Structures.** All principal buildings must be permanent construction without wheels or other features that would make the structure mobile, unless otherwise noted.

### 2.4.3. Determining Building Type for Existing Buildings

- A. The Commissioner of ISD is responsible for determining the building type classification of an existing building. Classification of existing buildings as building types is based on which building type the existing building most closely resembles.
- B. When determining which building type an existing building most closely resembles, the Commissioner of Inspectional Services will consider the following criteria:
  1. Use(s) and Number of Residential Units
  2. Height

### 3. Building Footprint

- C. A Property Owner may submit a written request to reassess the building type classification assigned to their property and receive a written decision in return. A property owner may also appeal the decision of the Commissioner of Inspectional Services to the Zoning Board of Appeals.

## Sec. 2.5. Building Footprint

### 2.5.1. Measuring Building Footprint

- A. Each building type has a maximum allowed footprint.
- B. The building footprint is measured from the outer edge of the exterior walls at the ground story and includes all enclosed spaces whether for habitation or storage. This includes building components on the ground story and attached garages.
- C. Unenclosed features, with and without roofs, attached to the building do not count toward the maximum building footprint. This includes attached decks, stoops, porticos, and porches. These features all count in the calculation of lot coverage and must not project into the setbacks.

### 2.5.2. Building Components

Building components are defined accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building front elevations and are permitted as indicated for each building type.

- A. Articles 3 and 4 include standards for building components along the front elevation that allow for minor encroachments in the front setback or over a public sidewalk.

## Sec. 2.6. Height and Massing

### 2.6.1. Intent and Purpose

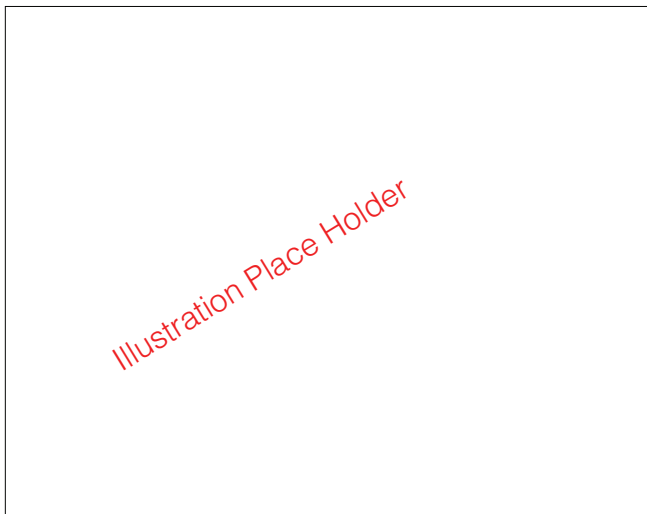
- A. The height and massing measurement standards are written with an understanding that the height and bulk that a building presents toward the public street is one of the prime determinants of neighborhood character.
- B. The height and massing measurement standards are intended to enable and encourage a property owner to work with the existing grade of a site, whether flat or sloped. Earthworks to change the grade related to building height measurement are discouraged. Earthworks projects are subject to the Erosion and Sedimentation Control Permit regardless of intent.

### 2.6.2. Definitions

- A. **Average Ground Level.** The mean (average) grade of the finished ground level next to a building at the exterior walls as it existed prior to any site alteration in preparation for building.
- B. **Ground Story.** The lowest story of a building with a finished floor at or above the finished ground level at the front elevation.

### 2.6.3. Building Height Standards

- A. The total number of stories of a building is calculated as follows:
  - 1. The maximum number of stories is calculated along the front elevation.



#### 2. Ground Story and Basement:

- a. A basement is counted as a story in the maximum number of stories when the finished floor of the ground story is 4 feet or more above the average ground level of the lot along the front elevation.
- b. An exposed basement story along the front elevation is considered the ground story if it exceeds 50% of the width of the front elevation. An exposed basement story along the front elevation not exceeding 50% of the front elevation width is not counted toward the maximum number of stories.
- c. A basement story exposed along a side or rear building wall, such as a walkout basement, is exempt from the maximum number of stories.
- d. For any lot with frontage on 2 or more streets, the number of stories is calculated along the front elevation facing the primary front lot line.

#### 3. Upper Stories:

- a. Upper stories must comply with stated minimums and maximum story heights for the building type.
- b. A half-story is the space located directly under a roof and is less than a full story. The following standards apply to half-stories:
  - i. The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than 2 feet above the finished floor of the half-story.
  - ii. Ceiling height of a half story must not exceed 12 feet at any point.
  - iii. Attic space located under a 0 story equivalent roof is not counted as a half story (See Sec 2.6.3.E on Roof Types).

- 4. Interior spaces may be configured to include multiple stories within the same interior volume.

## 5. Stories in Above Grade Structured Parking:

- a. Each story of above ground structured parking is counted as 1 story regardless of its relationship to habitable stories, except that up to 2 stories of above ground structured parking may be counted as 1 story when those stories are fully screened by a single ground story with active uses of an equal or greater story height (See Lined Garage Building Type).

## B. Story Height

1. Story height is measured vertically from the surface of the finished floor to the surface of the finished floor above. When there is no floor above, story height is measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is higher.
2. Minimum story height is not measured for half-stories.

## C. Ground Story Elevation.

Ground story elevation is measured from the average ground level at the exterior walls. Subject to Site Plan Approval, a property owner may request that the grade be calculated from the grade of the sidewalk of the abutting street or from the crown of the roadway of the adjacent street when no sidewalk exists, to the top of the finished floor of the ground story of a building, where this provision will allow a more contextual building.

## D. Roof Types and Roof Components.

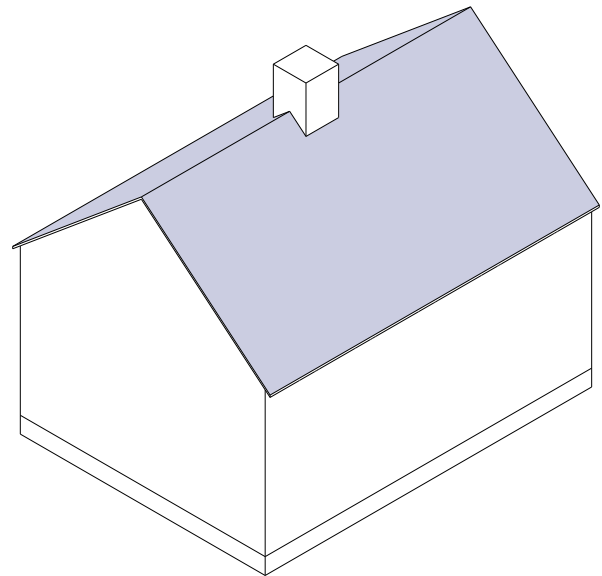
1. Defined primary roof types and roof components are permitted as indicated for each building type.
2. Primary Roof Types.
  - a. General Standards.
    - i. Each Roof Type has a "story equivalent" based on the amount of potential living area available under the roof. The story equivalent, depending upon the roof type, may limit the number of stories in a building. Building types that are

permitted to have a 0.5 story may utilize a Roof Type equaling 0 or 1 story only if they do not build that 0.5 story.

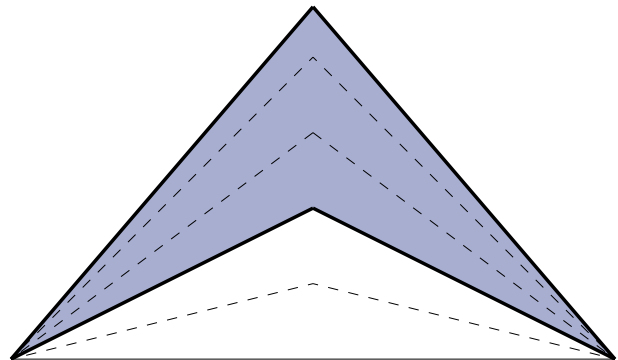
- ii. Buildings may have more than one roof and roof type, provided that one roof type is used for at least 50% of the building footprint, the "primary roof type."
- iii. Any roof type may be used as a secondary roof type as long as the maximum stories is met.

## b. Gable Roof Type.

- i. Description. A pitched roof with two sides meeting at a single ridge-beam.

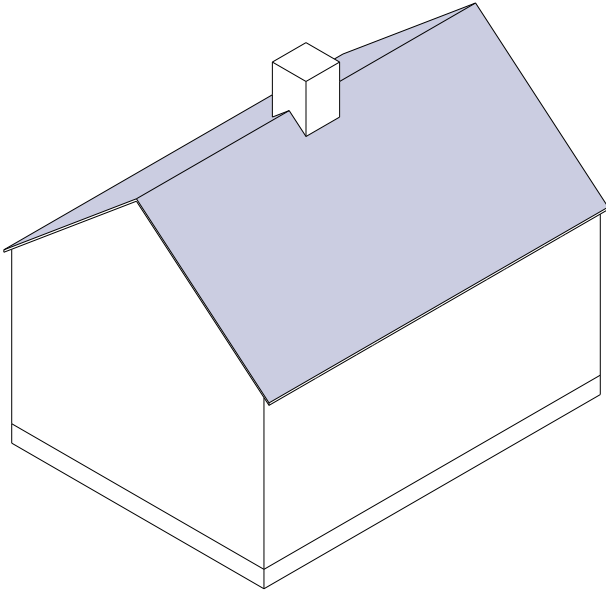


- ii. Story Equivalent. 0.5 story
- iii. Roof Pitch. - Min pitch = 6:12, Max pitch = 14:12

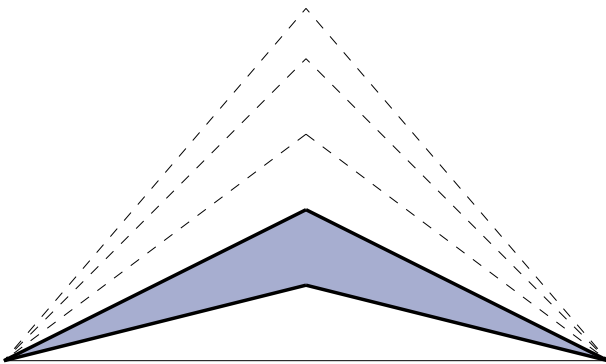


c. Low Gable Roof Type.

- i. Description. A pitched roof with two sides meeting at a single ridge-beam.

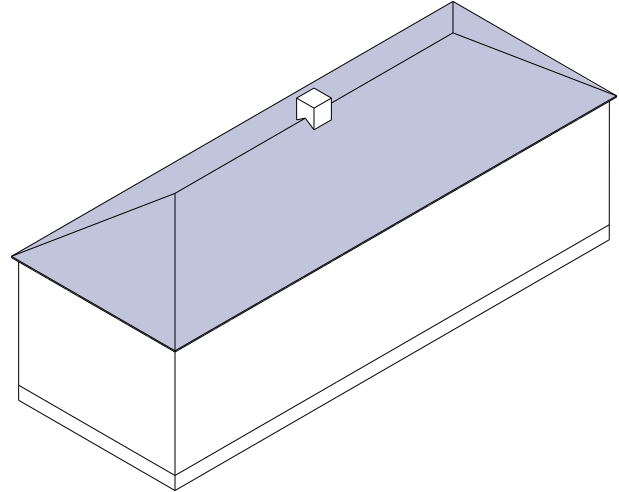


- ii. Story Equivalent. 0 story  
iii. Roof Pitch: Min pitch = 3:12, Max pitch = 6:12

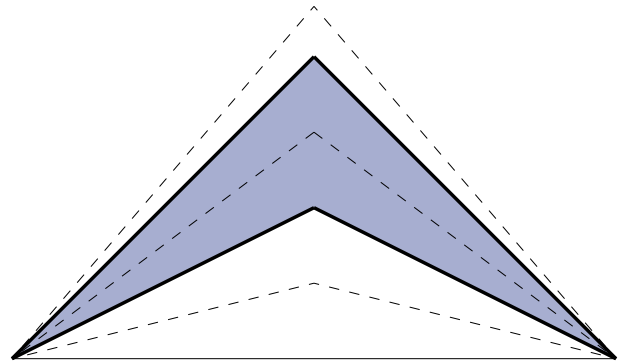


d. Hipped Roof Type.

- i. Description. A roof that is pitched on all sides meeting in a single point or ridge-beam.

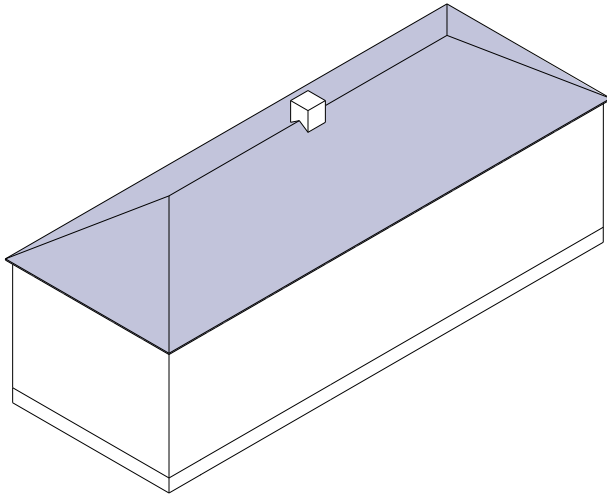


- ii. Story Equivalent. 0.5 story  
iii. Roof Pitch: Min pitch = 6:12, Max pitch = 12:12



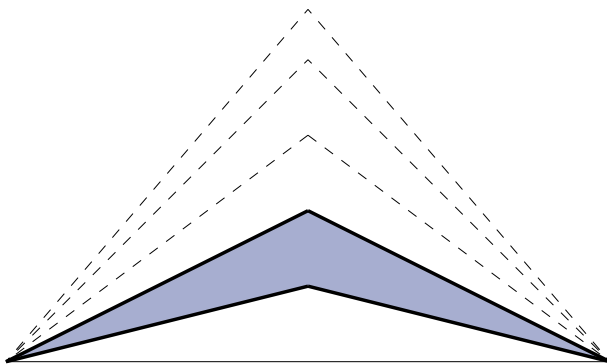
## e. Low Hipped Roof Type.

- i. Description. A roof that is pitched on all sides meeting in a single point or ridge-beam.



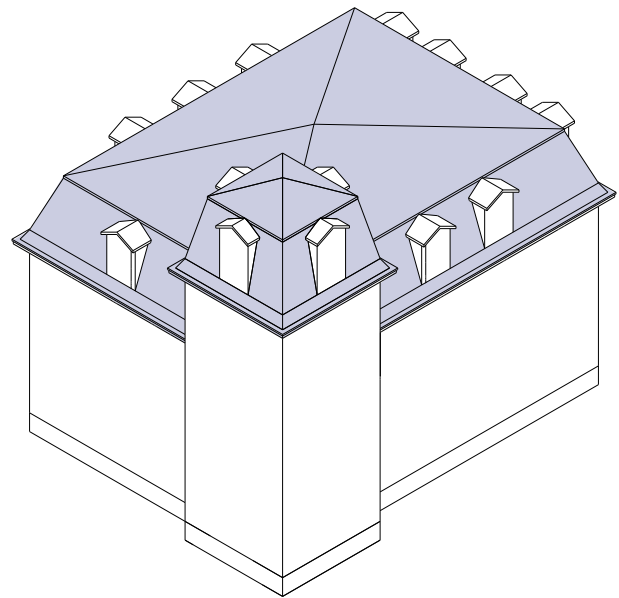
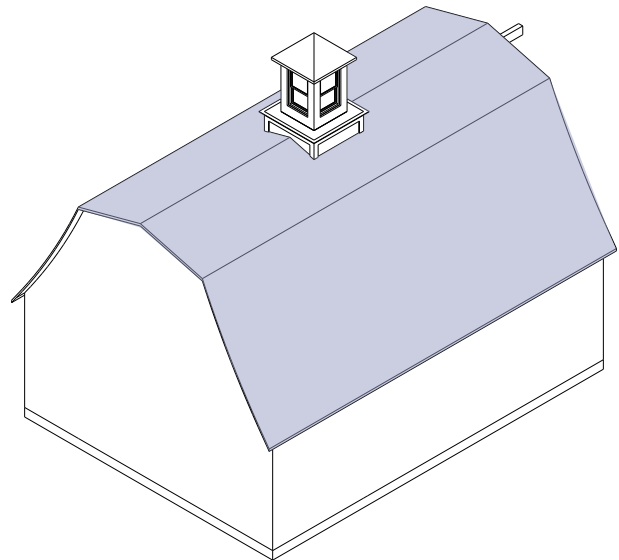
- ii. Story Equivalent. 0 story

- iii. Roof Pitch: Min pitch = 3:12, Max pitch = 6:12

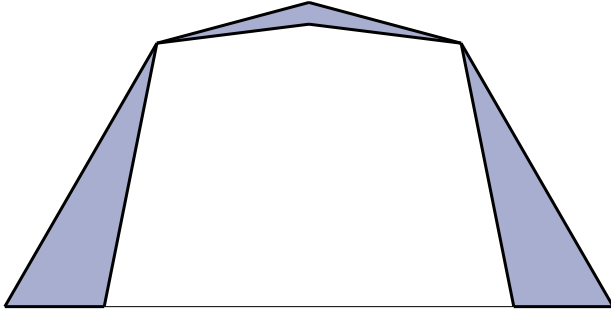


## f. Two-Stage Roof Type.

- i. Description. A complex pitched roof consisting of a shallow sloped upper portion and a steeply sloped lower portion, meeting either in a single ridge-beam (like a gambrel roof) or a single point (like a mansard roof).



- ii. Story Equivalent. 1 story
- iii. Roof Pitch: Upper slope: Min pitch = 1.5:12, Max pitch = 3:12, Lower slope: Min pitch = 9:12, Max pitch = 60:12



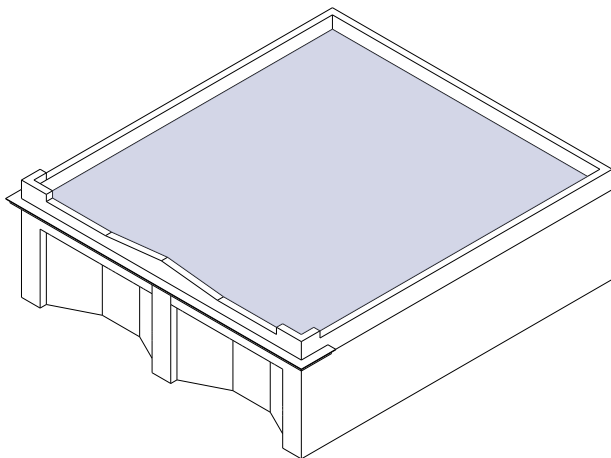
- iv. The point at which slope changes must be at least 8 ft but no more than 12 ft higher than the building eaves.

g. Vault Roof Type.

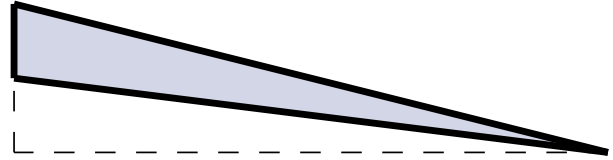
- i. Description. A roof formed by an arch, series of arches, or dome.
- ii. Story Equivalent. 1 story
- iii. The midpoint of the slope of the roof may be no more than 8 ft higher than the building eaves.

h. Flat Roof Type.

- i. Description. A roof with almost no pitch and no central ridge.

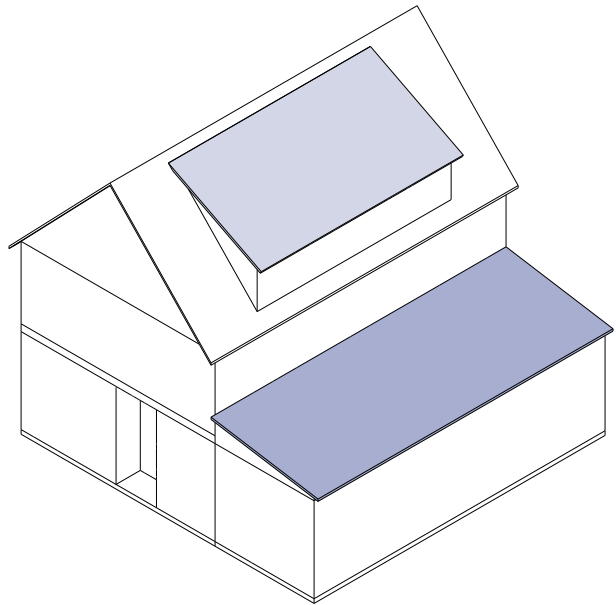


- ii. Story Equivalent. 0 story
- iii. Roof Pitch: Min pitch = 1.5:12, Max pitch = 3:12



i. Shed Roof Type.

- i. Description. A pitched roof sloping in one direction from a single high ridge beam to a single low ridge beam.



- ii. Story Equivalent. 0.5 story
- iii. The midpoint of the slope of the roof may be no more than 8 ft higher than the building eaves.

3. Rooftop Mechanicals.

The following rooftop mechanical systems are exempt up to a limit of 3 feet if unscreened or 8 feet if screened by parapet walls or similar opaque screening from view of the street.

- a. Roof mounted cellular, radio, and internet transmission equipment

- b. Skylights, vents and exhausts
- c. Solar panels and solar hot water systems
- d. Enclosed mechanical and stairwell penthouses

#### 4. Rooftop Architectural Features.

Flagpoles, belfries, chimneys, cupolas, monuments, spires, steeples, and other non-habitable features are permitted on roofs and are exempt up to a height limit of 10 feet. Parapet walls are exempt to a height limit of 6 feet.

### 2.6.4. Building Massing Standards

#### A. Cantilevered Upper Stories

The upper stories of a building may not project in any direction beyond the exterior wall plane of the stories below, except for the following:

1. Cantilevered building massing counts toward lot coverage.
2. Permitted architectural components on the front elevation may project beyond the exterior wall of the stories below.
3. On a House A or House B, the second story may project up to 2 feet forward of the front elevation on the ground story.
4. The upper stories of a building may project up to 6 ft beyond the exterior wall plane of the stories below, with the exception of the front elevation, through cantilevering.
5. A Special Permit may be granted to allow cantilevering beyond 6 feet in any direction.
  - a. A Special Permit application for cantilevering shall be referred to the Urban Design Commission.
  - b. Review Criteria. In its discretion to approve or deny a special permit authorizing an expansion of the lot coverage, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.

- ii. Design is compatible with the scale, massing, and fenestration of the proposed building type.
- iii. Design and landscaping is compatible with the neighborhood and adjacent properties.

#### B. Building Width

Building width is measured parallel to the front elevation of a building at the widest point of the building.

#### C. Building Depth

Depth is measured perpendicularly from the front elevation to the point on the rear wall most distant from the front elevation.

#### D. Floor Plate

Floor plate is measured as the total gross floor area of each story of a building, measured at the outer edge of exterior walls but excluding building components.

#### E. Floor Area

Floor area is measured as the total gross floor area of a building, addition, or portion of a building measured at the outer edge of exterior walls and summed across all floors. Where a measurement of floor area of a portion of the building (e.g. portion of non-residential floor area), it is measured to include the walls enclosing that space but does not include areas that are accessory to the portion of the building not being measured.

## Sec. 2.7. Front Elevation Composition

### 2.7.1. Definitions

#### A. Front Elevation

The exterior wall of a building oriented in whole or in part toward the primary front lot line.

#### B. Fenestration

The openings in a front elevation of a building, including windows and doors, but excluding entrances for parking, loading, and service facilities.



### 2.7.2. Fenestration Standards

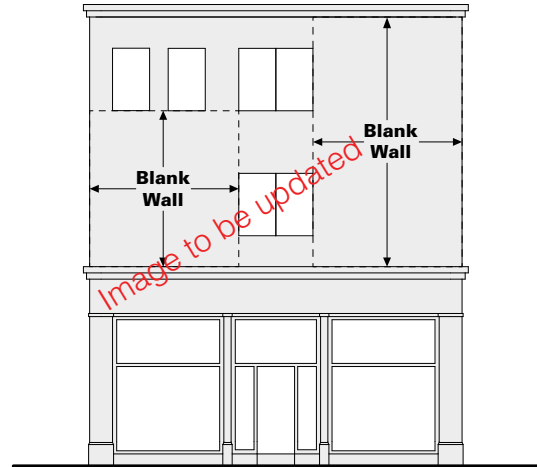
- A. Fenestration must be provided as indicated for each building type and is calculated as a percentage of the area of a front elevation.
- B. Openings are measured by the size of the windows or doors or the size of the opening where neither are present.
- C. Ground story fenestration is measured between 2 and 12 feet above the finished grade.
- D. Upper story fenestration is measured independently for each story, from the top of the finished floor to the top of the finished floor above. There is no fenestration requirement for a half story.
- E. Fenestration enclosed with glazing may be included in the calculation if it meets the following criteria:
  1. For ground story fenestration, glazing must have a minimum 60% Visible Light Transmittance and no more than 15% Visible Light Reflectance.
  2. For upper story fenestration, glazing must have a minimum of 40% Visible Light Transmittance and no more than 15% Visible Light Reflectance.



### 2.7.3. Blank Wall Area

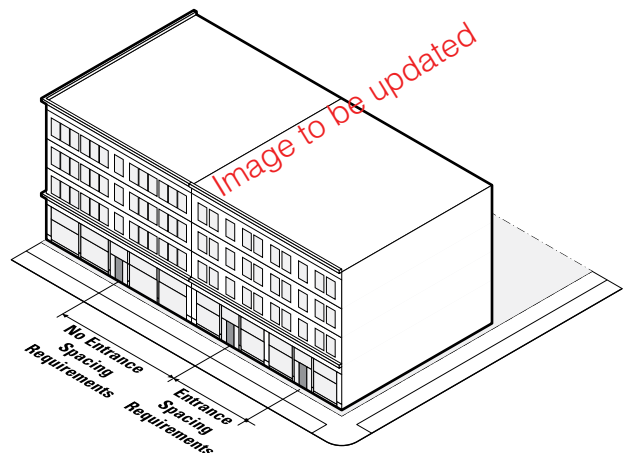
Blank Wall area is any portion of the front elevation that does not include fenestration and surface relief through the use of columns, cornices, moldings, sills, sign bands, and other architectural features that either recess or project from the average grade plane of the front elevation by at least 4 inches.

Blank wall area limitations apply both vertically and horizontally for all stories of a building for any front elevation.



### 2.7.4. Principal Entrance Standards

- A. Principal entrance spacing is measured as the distance between the center lines of doors along a front elevation.
- B. Principal entrance spacing requirements must be met for each building individually but are not applicable to adjacent buildings.



## Sec. 2.8. Residential Units Factor

### 2.8.1. Definition

The factor by which the maximum number of residential units permitted is calculated for a building.

### 2.8.2. Intent and Purpose

The residential unit factor relates the number of units directly to the size of the building.

- A. Two residential unit factors are given for each building type, a baseline and a bonus. The bonus residential units factor can be utilized if a project is 100% affordable units or meets the Sustainable Design Standards. Standards for when the bonus factor may be applied are articulated in Article 9. The bonus allows for more smaller units, but does not allow for an expanded building footprint.

### 2.8.3. Calculation

The maximum number of dwelling units permitted is equal to the gross floor area of a building, less any floor area for non-residential uses, divided by the applicable residential unit factor.

## Sec. 2.9. Outdoor Amenity Space

### 2.9.1. Definition

A feature of a lot or a building that provides outdoor social, recreational, and/or leisure space for the comfort and convenience of the residents of a building such as a balcony, deck, patio, porch, roof deck, terrace, or yard.

### 2.9.2. Standards

- A. Where required, outdoor amenity space must be provided for each dwelling unit.
  - 1. Each outdoor amenity space must provide an unobstructed area of at least 24 square feet that may be used for seating.
  - 2. Some building types may allow outdoor amenity spaces to be shared spaces, provided that the shared space(s) includes the required area for each dwelling unit that the shared space is meant to serve. On building type pages this is indicated by the phrase "may be shared."
  - 3. For all other building types, each outdoor amenity space must be directly accessible by a doorway from the dwelling unit it is meant to serve.

## Sec. 2.10. Public Gathering Space

### 2.10.1. Definition

A space for public use constructed as part of certain building types and multi-building assemblages.

### 2.10.2. Standards

- A. Space must be at least 1000 sf in size and may consist of plazas, greens, playgrounds, and other recreational areas.
- B. Space must be made available to the public from the hours of 8am-9pm at **the minimum**.
- C. Property owner will be responsible for maintaining the public gathering space in accordance with the approved plan.

# Article 3. Residence Districts

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## Sec. 3.1. Residence Districts

The provisions of Article 3 apply to all real property within the Residence Districts as shown on the Newton Zoning Map.

### 3.1.1. Development Review

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials as required in Article 11.

- A. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
- B. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance

based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.

- C. Upon completion of the required development review or verification that no additional development review is necessary, the Commissioner of ISD shall issue a Zoning Consistency Determination indicating compliance with the provisions and procedures of this Ordinance.
- D. The Special Permit Granting Authority is determined by the scale of the proposed development in accordance with the table below, or by the uses on the lot (See Article 9).

	Scale at which the Planning Board as Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Number of Residential Units on the Lot	Up to 20 units	21 units or more
Square footage of Commercial Space on the Lot	Up to 20,000 sf of floor area	More than 20,000 sf of floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Up to 10,000 sf of additional floor area	More than 10,000 sf of additional floor area
Increase in Lot Coverage	Up to 10,000 sf of additional lot coverage	More than 10,000 sf of additional lot coverage

### 3.1.2. Residence 1 District (R1)

#### A. Context Description

The Residence 1 District is composed of neighborhoods characterized typically by larger homes on larger parcels of land. These neighborhoods consist almost entirely of single unit residences and frequently feature architecturally distinctive homes and significant areas of landscaping and trees. Where other uses exist or may be proposed, the City would like to preserve the existing building stock by allowing, to a limited extent, for existing buildings to be converted to multiple units or to a civic institution.

#### B. Purpose

1. To preserve the scale of these neighborhoods throughout the City.
2. To permit the development of single unit detached residential buildings on individual lots.
3. To permit contextual modifications of existing single unit detached residential buildings.
4. To create a mechanism for the preservation and continued use of architecturally significant homes.

#### C. Lot Standards

The following table contains lot standards for the Residence 1 District:

Lot Characteristics	
Frontage:	Min. 80 ft, Max. -
Lot Depth:	N/A
Lot Coverage:	30% Max; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards

The following table contains setback standards for the Residence 1 District:

Setbacks	Min	Max
Front:	20 ft	-
Side:	15 ft	-
Rear:	30 ft	-
Frontage Buildout	-	-

#### E. Building Types

The following principal building types are permitted in the Residence 1 District:

1. House A (Sec. 3.2.3)
2. House B (Sec. 3.2.4)
3. House C (Sec. 3.2.5)
4. House D (Sec. 3.2.6)
5. Civic Building (Sec. 3.2.14)

#### F. Alternate Lot/Building Configurations

The following alternate lot/building configurations are permitted in the Residence 1 District:

1. Rear Lots (Sec. 3.5.1)
2. Multi-Unit Conversion (Sec. 3.5.2)
3. Courtyard Clusters (Sec. 3.5.3)

#### G. Allowed Uses

Uses permitted in the Residence 1 District are described in Sec. 3.6 and subject to further restrictions as described in each building type.

### 3.1.3. Residence 2 District (R2)

#### A. Context Description

The Residence 2 District contains quintessentially suburban neighborhoods with ample lawns and single-unit homes, developed primarily in the 20th Century in the spaces between Newton's villages. The intent of this district is to preserve neighborhood character and to create predictability for homeowners in what they may do with their homes. Many of these neighborhoods are remote from the walkable village centers of the City and therefore do not have nearby gathering places, shops, or services.

#### B. Purpose

1. To preserve the scale of these neighborhoods throughout the city.
2. To permit the development of single unit detached residential buildings on individual lots.
3. To permit contextual modifications of existing single unit detached residential buildings.
4. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.

#### C. Lot Standards

The following table contains lot standards for the Residence 2 District:

Lot Characteristics	
Frontage:	60 ft Min, 110 ft Max
Lot Depth:	N/A
Lot Coverage:	35% Max; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards

The following table contains setback standards for the Residence 2 District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See 3.5.1A) Absolute Min: 10 ft	40 ft
Side:	10 ft	-
Rear:	20 ft	-
Frontage Buildout:	greater of 12 ft or 25% of the frontage non-conforming lots exceeding the max. frontage have a min. of 27.5 ft	-

#### E. Building Types

1. The following principal building types are permitted in the Residence 2 District:

- a. House B (3.2.4)
- b. House C (3.2.5)
- c. House D (3.2.6)
- d. Civic Building (3.2.14)

#### 2. Additional Criteria for House D.

- a. The House D building type may only be utilized on a lot if there are at least 3 House D buildings within 500 linear feet, measured from the edges of the front lot line along the street.
- b. Establishing a new House D in the R2 district requires Site Plan Approval to confirm the above criteria have been met.
  - i. In reviewing a proposed new House D, the Director of Planning and Development may refer the proposal to the Urban Design Commission and may condition the property based on recommendations of the UDC.
- c. Notwithstanding the above requirements, a new House D may be established on a lot that does not meet the above criteria by Special Permit.
- d. Review Criteria. In its discretion to approve or deny a special permit authorizing a new House D, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Design and landscaping is compatible with the neighborhood and adjacent properties.
  - iii. Methods to address energy efficiency are sufficiently employed.

#### F. Alternate Lot/Building Configurations

The following alternate lot/building configurations are permitted in the Residence 2 District:

1. Rear Lots (Sec. 3.5.1)
2. Multi-Unit Conversion (Sec. 3.5.2)
3. Courtyard Clusters (Sec. 3.5.3)

#### G. Allowed Uses

Uses permitted in the Residence 2 District are described in Sec. 3.6 and subject to further restrictions as described in each building type.

### 3.1.4. Residence 3 District (R3)

#### A. Context Description

The Residence 3 District includes suburban neighborhoods composed of single, two, and three-unit homes, frequently within walking distance to transit and activity centers. The intent of this district is to preserve neighborhood character, increase predictability, and integrate homes in two and three-unit buildings into the fabric of the neighborhoods.

#### B. Purpose

1. To preserve the scale of these neighborhoods.
2. To permit the development of single and multi-unit detached residential buildings on individual lots.
3. To permit contextual modifications of existing residential buildings.
4. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.

#### C. Lot Standards

The following table contains lot standards for the Residence 3 District:

Lot Characteristics	
Frontage:	40 ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	60% Max; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards.

The following table contains setback standards for the Residence 3 District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See 3.5.1A) Absolute Min: 5 ft	35 ft
Side:	7.5 ft	-
Rear:	15 ft	-
Frontage Buildout:	Greater of 12 ft or 25% of the frontage non-conforming lots exceeding the max. frontage have a min. of 25 ft	-

#### E. Building Types.

1. The following principal building types are permitted in the Residence 3 District:
  - a. House B (3.2.4)
  - b. House C (3.2.5)
  - c. Two-Unit Residence (3.2.7)
  - d. Apartment House (3.2.8)
  - e. Small Apartment Building (3.2.10)
  - f. Civic Building (3.2.14)

#### 2. Additional Criteria for Apartment House and Small Apartment Building.

- a. The Apartment House and Small Apartment Building building types may only be utilized on a lot if there are at least 3 of the same type (apartment house or small apartment building respectively) within 500 linear feet along the street, measured from the lot edge.
- b. Establishing a new Apartment House or Small Apartment Building in the R3 district requires Site Plan Approval to confirm the above criteria have been met.
  - i. In reviewing a proposed new Apartment House or Small Apartment Building, the Director of Planning and Development may refer the proposal to the Urban Design Commission (see Sec. 11.X) and may condition the property to require additional screening if needed.
- c. Notwithstanding the above requirements, a new Apartment House or Small Apartment Building may be established on a lot that does not meet the above criteria by Special Permit.
- d. Review Criteria. In its discretion to approve or deny a special permit authorizing a new apartment house or small apartment building, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Design is compatible with the scale of the neighborhood and adjacent properties.
  - iii. Strategies to address transportation demand are sufficiently employed.

#### F. Alternate Lot/Building Configurations

The following alternate lot/building configurations are permitted in the Residence 3 District:

1. Rear Lots (Sec. 3.5.1)
2. Multi-Unit Conversion (Sec. 3.5.2)
3. Courtyard Clusters (Sec. 3.5.3)

#### G. Allowed Uses

Uses permitted in the Residence 3 District are described in Sec. 3.6 and subject to further restrictions as described in each building type.



### 3.1.5. Neighborhood General District (N)

#### A. Context Description.

Within a short walk of the amenities, mixture of uses, and transit options found in Newton's village centers, the Neighborhood General District serves as a transition from the village centers to the adjoining neighborhoods. With easy access to the above amenities, these areas are appropriate for a wider range of housing types, consistent in scale with the neighboring single and two-unit homes, including small multi-unit residential buildings and townhouses, as well as a range of small-scale neighborhood-serving commercial spaces.

#### B. Purpose.

1. To allow middle-scale forms of development that create greater housing choices and opportunities while preserving the overall scale of these neighborhoods throughout the City.
2. To permit the development of single and multi-unit detached residential buildings on individual lots.
3. To permit townhome-style buildings.
4. To permit contextual modifications of existing buildings.
5. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.

#### C. Lot Standards

The following table contains lot standards for the Neighborhood General District:

Lot Characteristics	
Frontage:	30 ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	65% Max; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards

The following table contains setback standards for the Neighborhood General District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See 3.5.1A) Absolute Min: 0 ft	25 ft
Side:	7.5 ft	-
Rear:	15 ft	-
Frontage Buildout:	greater of 12 ft or 40% of the frontage nonconforming lots exceeding the max. frontage have a min. of 40 ft	-

#### E. Building Types

1. The following principal building types are permitted in the Neighborhood General District:
  - a. House B (Sec. 3.2.4)
  - b. House C (Sec. 3.2.5)
  - c. Two-unit residence (Sec. 3.2.7)
  - d. Apartment House (Sec. 3.2.8)
  - e. Townhouse Section (Sec. 3.2.9)
  - f. Small Apartment Building (Sec. 3.2.10)
  - g. Shophouse (Sec. 3.2.11)
  - h. Small Shop (Sec. 3.2.13)
  - i. Civic Building (Sec. 3.2.14)
2. The following principal building types are permitted, subject to a Special Permit from the Planning Board, in the Neighborhood General District:
  - a. Small Multi-Use Building (Sec. 3.2.12)

#### F. Alternate Lot/Building Configurations

1. The following alternate lot/building configurations are permitted by Special Permit in the Neighborhood General District:
  - a. Rear Lots (Sec. 3.5.1)
  - b. Multi-Unit Conversion (Sec. 3.5.2)
  - c. Courtyard Clusters (Sec. 3.5.3)
2. A Multi-Building Assemblage (Sec. 3.5.4) is permitted in the Neighborhood General District. Depending on the scale of the project, a Special Permit may be required.

#### G. Review Criteria. In its discretion to approve or deny a special permit authorizing a new small multi-use building or a multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence



of large parking areas and extensive areas of pavement.

5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. **Allowed Uses**

Uses permitted in buildings in the Neighborhood General District are described in Sec. 3.6 and subject to further restrictions as described in each building type.

## Sec. 3.2. Building Types

### 3.2.1. Introduction to Building Types.

This Ordinance uses building types as a tool to regulate development within each zoning district.

- A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.
- B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.
- C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district.
- D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each **zoning district**.

### 3.2.2. Special Permit to Vary the Dimensional Standards of a Building Type

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

- A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:
  1. The criteria for all Special Permits specified in Sec. 11.4.3.
  2. Design strategies achieve compatibility with the scale of neighboring properties.
  3. Design strategies break up the massing and modulate the roof line.

### 3.2.3. House A

#### A. Description

A one-unit house with a large footprint and up to 2.5 stories. House A building types are common in several Newton neighborhoods like Chestnut Hill, Waban, and West Newton Hill. House A types may have been built in several eras of Newton's development history from the era when Newton was a destination for country estates to the modern development period of the 1980s to the present.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
25 ft	100 ft	100 ft	2,500 sf SP: 3,000 sf	2.5 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types

All Roof Types are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit; option for Multi-unit conversion (see Sec. 3.6.2)
3. Outdoor Amenity Space: 1/dwelling unit

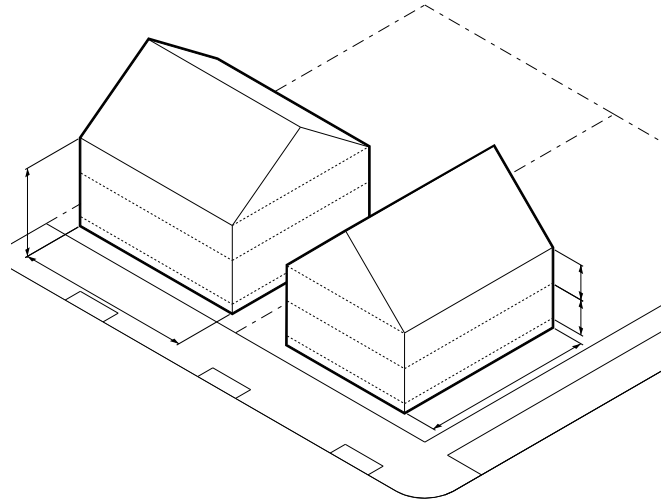
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### 3.2.4. House B

#### A. Description

A one-unit house with a medium footprint and up to 2.5 stories. House B building types can be found throughout Newton. The House B type includes typical midscale Victorian homes close to village centers, and midscale Colonial homes frequently built in the era of suburban infill between Newton's historic village centers.



#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
15 ft	65 ft	90 ft	1,600 sf SP: 2,200 sf	R1, R2: 2.5 stories R3, N: 3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Type

All Roof Types are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit
3. Outdoor Amenity Space: 1/dwelling unit

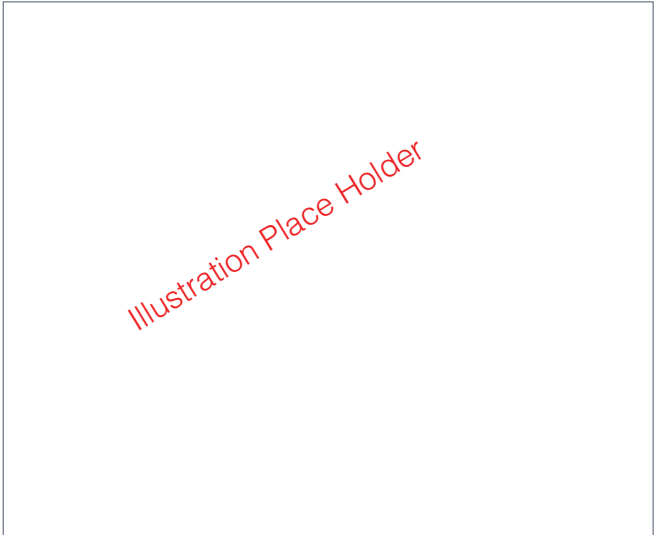
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3.2.5. House C

A. Description

A one-unit house with a small footprint and up to 1.5 stories. House C building types are located across Newton and are most typified by the bungalow or cape house style. House C building types are most likely to have been built between the 1920s when the bungalow style gained popularity through the post-war construction boom of the 1950s.



B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
12 ft	65 ft	80 ft	1,500 sf SP: 1,800 sf	1.5 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum

D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit
3. Outdoor Amenity Space: 1/dwelling unit



### 3.2.6. House D

#### A. Description

A one-unit house with a large footprint and no more than 1 story. House D building types are best known as Ranch houses – and are characterized by 1-floor living with or without a basement. The House D building type is most common in southern Newton and is typical of mid-20th century development.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
30 ft	120 ft	100 ft	3,500 sf SP: 4,000 sf	1 story	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum

#### D. Roof Types

All Roof Types with an equivalent of 0 stories are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit.
3. Outdoor Amenity Space: 1/dwelling unit.

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### 3.2.7. Two-Unit Residence

#### A. Description

The two-unit residence building type is common in Newton's traditional mill village areas like the Upper Falls and Nonantum, as well as in early commuter neighborhoods near transit like West Newton, Newtonville and Auburndale. Two-unit residence types can be organized with one unit above and one below, two units side-by-side, or a combination as in the case of a "Philadelphia-style" duplex.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	2,000 sf SP: 2,200 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration 10% Minimum, 70% Maximum

#### D. Roof Types

All roof types are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Must have 2 Residential Units.
3. Outdoor Amenity Space: 1/dwelling unit

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### 3.2.8. Apartment House

#### A. Description

A small multi-unit residential building with a footprint similar to a one-unit house. An apartment house contains more than 2 units, but the scale of the structure is similar to 1- and 2-unit building types nearby, just with a few smaller than average units. Apartment houses were commonly built during the industrial revolution, and include the triple-decker, a building type unique to New England communities.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	2,500 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types

All Roof Types are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Residential Unit Factor:
  - a. Base = 1250
  - b. 100% Affordable OR Sustainable Design Standard = 900
3. Outdoor Amenity Space: 1/dwelling unit

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### 3.2.9. Townhouse Section

#### A. Description

A series of connected one- to two-unit houses, called townhouse sections, with separate entrances. The townhouse section building type first are seen in Newton in the late -18th century, but most townhouses in Newton date from the late 20th and early 21st century. Traditional townhouses come up to the street with alley access from the rear. Assemblages of 3 or 4 townhouse sections are found in neighborhoods across Newton. Large townhouse complexes are more typically found in southern Newton.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	28 ft	-	1,500 sf SP: 1,800 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

The following standards apply to each townhouse section:

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types

All Roof Types are permitted.

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#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 2 Residential Units are permitted per townhouse section.
3. Outdoor Amenity Space: 1/Dwelling Unit
4. In no case may an attached series of townhouses contain more than 8 townhouse sections.
5. At least 1 townhouse unit in a series must be oriented toward the primary front lot line.



### 3.2.10. Small Apartment Building

#### A. Description

A small multi-unit residential building. Whether built as a stand-alone building or as part of a complex, small apartment buildings typically are no taller than the peak of the roof of houses and apartment houses in the surrounding neighborhood and about the footprint of two mid-large attached house building types.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	80 ft	80 ft	4,200 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft

#### D. Roof Types

All Roof Types are permitted.

#### E. Additional Standards

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Residential Units Factor:
  - a. Base = 1,250
  - b. 100% Affordable or Sustainable Design Standard = 900
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

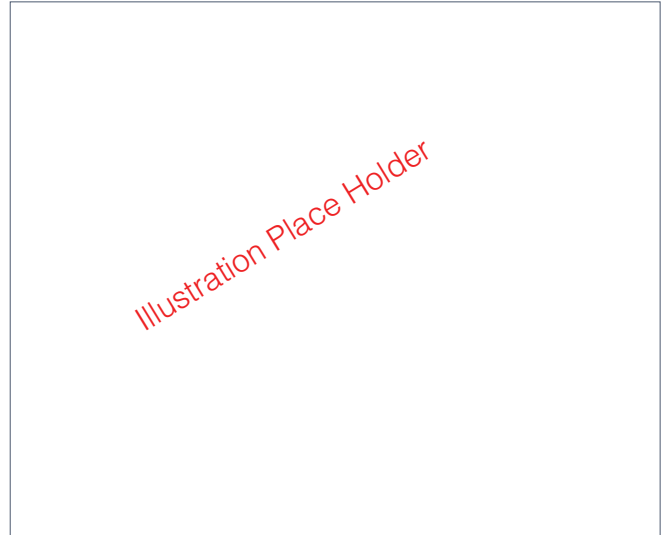
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### 3.2.11. Shop House

#### A. Description

A small mixed-use building, typically a house with a ground floor shopfront containing a commercial use. Shop houses typically start as house or townhouse section building types with a shopfront added to the front elevation. Shop houses are commonly found at the edges of Newton's traditional village centers and can contain a variety of uses.



#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
20 ft	40 ft	80 ft	2,000 sf SP: 2,500 sf	2.5 stories	Max 20 ft	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 40% Minimum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft

#### D. Roof Types

All Roof Types are permitted.



#### E. Additional Standards

1. Ground floor Standards:
  - a. A minimum of 30% of the ground floor must be utilized for non-residential uses.
  - b. Ground floor non-residential uses must be located along the front elevation.
2. Upper stories must be a residential use.
3. Residential Units Factor:
  - a. Base = 1,250
  - b. 100% Affordable or Sustainable Design Standard = 900
4. Outdoor Amenity Space: 1/dwelling unit, may be shared.

### 3.2.12. Small Multi-Use Building

#### A. Description

A small mixed-use building has ground floor commercial activity along the frontage and either residential or commercial uses on the upper floors. Small multi-use building types are found in many village centers in Newton.

Illustration Place Holder

#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
40 ft	100 ft	150 ft	12,000 sf	3 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 50% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

- c. Ground story non-residential use space must be a minimum depth of 50 ft or 60% of the building depth whichever is less.
- d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 3.2.2.

#### 2. Residential Units Factor:

- a. Base = 1,250
- b. 100% Affordable/Sustainable Design Standard = 900

#### D. Roof Types

All Roof Types are permitted.

#### E. Additional Standards

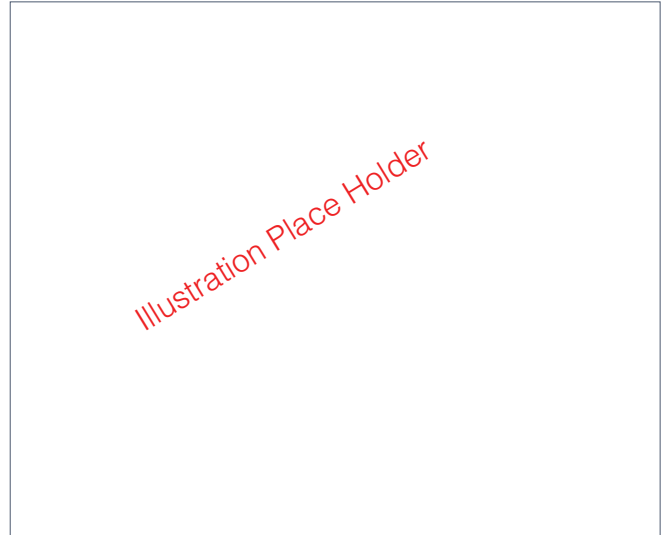
1. Ground Story Non-residential Use Dimensional Standards:
  - a. A minimum of 50% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.

3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

### 3.2.13. Small Shop

#### A. Description

A single-story commercial building, typically for a retail or service use. Small shop building types generally contain one, but may contain a few, smaller commercial establishments with an active frontage.



#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
18 ft	100 ft	100 ft	7,000 sf	1.5 stories	Min 12 ft Max 24 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

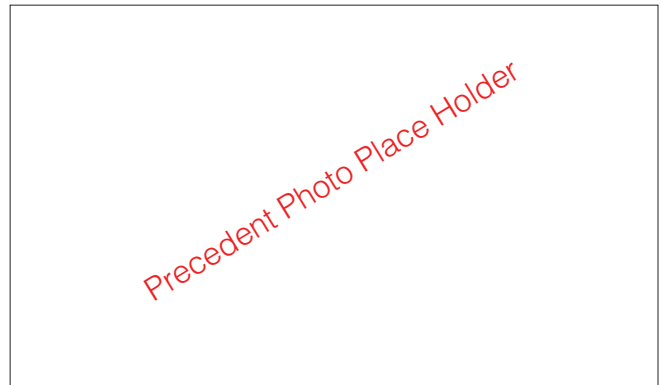
1. Ground Story Fenestration: 60% Minimum
2. Max Blank Wall = 20 ft x 20 ft
3. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

#### E. Additional Standards

1. Loading and Garage Bays. Loading and Garage doors are considered blank walls.
2. No residential uses.

#### D. Roof Types

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.



### 3.2.14. Civic Building

#### A. Description

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

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#### B. Building Dimensional Standards

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Max 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

#### C. Fenestration on the Front Elevation

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types

All Roof Types are permitted.

#### E. Additional Standards

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. A Civic Building Type may be converted to commercial or residential uses by Special Permit as described in Sec. 3.6.2 and Sec. 3.6.1.B.

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## Sec. 3.3. Building Components

### 3.3.1. Introduction and General Standards

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

### 3.3.2. Architectural Components on the Front Elevation

Any architectural components may be utilized in any design if fully compliant with the setbacks.

A. Architectural components utilizing the standards below, in total, may not exceed 40% of the width of the **front elevation**.

B. **Bay.**

1. Description. A bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.

2. Dimensions

	Min	Max
Width (each bay)	-	Greater of 20% of wall length or 12 ft
Depth	-	3 ft
Fenestration	60%	-
Permitted Front Setback Encroachment	-	3 ft

3. Additional Standards.

- a. Bays may not cover more than 40% of the width of the front elevation on any story.
- b. In the Neighborhood General district, bays may project over the sidewalk of a public way under the following circumstances:
  - i. Bay must have a minimum of 20 ft clearance above the sidewalk.

- ii. Permits for new bays over the public-way require written permission from the Commissioner of Public Works, verifying that the bay does not interfere with public infrastructure and maintenance needs.

C. **Balcony**

1. Description. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.

2. Dimensions.

	Min	Max
Width (each balcony)	5 ft	Greater of 20% of wall length or 12 ft
Depth	3 ft	8 ft
Clearance	10 ft	-
Permitted Front Setback Encroachment	-	3 ft

3. Additional Standards

- a. Balconies may be recessed, projecting, or a combination of the two.
- b. The guard rail of any balcony oriented toward a front lot line must permit views of the public realm through the posts and rails with a maximum height of 48" for an opaque enclosure at the bottom of the guardrail.
- c. In the Neighborhood General district, balconies may project over the sidewalk of a public way under the following circumstances:
  - i. Balcony must have a minimum of 20 ft clearance above the sidewalk.
  - ii. Balcony may extend up to 3 ft over a sidewalk.
  - iii. Permits for new balconies over the public-way require written permission from the Commissioner of Public Works, verifying that the balcony does not

interfere with public infrastructure and maintenance needs.

#### D. Front Porch

1. Description. An unenclosed platform connected to a principal building that provides outdoor amenity space forward of the front elevation.
2. Dimensions

	Min	Max
Width	8 ft	Same as front elevation width
Depth	6 ft	-
Permitted Front Setback Encroachment	-	6 ft

#### 3. Standards

- a. Stairs may encroach upon the front setback by a maximum of 4 ft beyond the front porch but must be no less than 2 feet from the front property line.
- b. The guard rail of any front porch oriented toward a front lot line must permit views of the public realm through the posts and rails with a maximum height of 48" for an opaque enclosure at the bottom of the guardrail.
- c. A front porch may be screened or open.
- d. Front porches may include multiple levels for buildings of 2 or more stories, provided the footprint is the same as at the ground floor or reduced on upper stories.

#### E. Projecting Front Entry

1. Description. An enclosed or unenclosed entry to a principal building.
2. Dimensions

	Min	Max
Width	4 ft	8 ft or 20% of the front elevation whichever greater
Ceiling Height	-	12 ft
Permitted Front Setback Encroachment	-	4 ft

#### 3. Standards

- a. Uncovered stairs, at the minimal width required by building code, may encroach upon the front setback.

#### F. Turret

1. Description. A small, decorative, tower-like extension from the wall or corner of a building, meant to provide distinctive living space or to terminate an important axis.
2. Dimensions.

	Min	Max
Width	6 ft	10 ft
Depth	6 ft	10 ft
Height	-	Stories equal to the principal building type
Fenestration	30%	-
Permitted Front Setback Encroachment	-	3 ft
Front	-	2 ft
Side	-	2 ft
Rear	-	-

3. Standards
  - a. A building may include a maximum of one turret.
  - b. The highest point of the roof of a turret may be higher than the highest point of the roof of the primary building by up to 10%.
  - c. Turrets may wrap around corners.

### 3.3.3. Roof Components

#### A. Dormer.

1. Description. A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. Dimensions.
  - a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
    - i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
  - b. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. Standards
  - a. Dormers may be used with any roof type, except the flat roof.
  - b. No dormer may extend above the roof ridge line.

#### B. Cross Gable

1. Description. A cross gable is a sloped roof that projects perpendicularly from the main roof of a building to increase the habitable space of a

half story or add architectural distinction to a low gabled roof.

#### 2. Dimensions

- a. A Cross Gable may not exceed 50% of the eave length of the roof to which it connects.

#### 3. Standards

- a. A cross gable may only be used with a gable or low gable roof type.

#### C. Roof Deck

1. Description. A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. Dimensions.
  - a. The area of a roof deck may be up to the lesser of 400 sf or 20% of the footprint of the building.
  - b. The width of a roof deck may not exceed 50% of the building width, except on a flat roof it may extend up to the full width of the roof.
  - c. A roof deck must be set at least 5 ft back from all building edges, and 10 ft from the front elevation. This standard is waived if the parapet wall is utilized as the guardrail, provided it is of sufficient height.
3. Standards
  - a. The guardrail must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
  - b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height required by building code.



### 3.3.4. Accessory Structures

#### A. General Standards

1. Definitions
  - a. Accessory Structure. A non-enclosed structure accessory to the principal building on the lot, such as a swing set, play structure, or pergola.
  - b. Accessory Building. An accessory building is a fully enclosed structure accessory to the principal building on the lot. (See Sec. 3.3.5)
  - c. Bounding Box. The smallest rectangle that can enclose the accessory structure.
2. Accessory Structure Placement.
  - a. Unless otherwise specified, an accessory structure may encroach any side or rear setback, provided that at least 3 feet is maintained from any lot line.
  - b. Unless otherwise specified, accessory structures may be no nearer to any front lot line than the front elevation of the principal building.
  - c. Unless otherwise specified, any accessory structure, exceeding a bounding box of 150 sf, must meet the setbacks for a principal building.

#### B. Accessory Garden Structures.

1. Raised Planting Beds
  - a. Raised planting beds may be forward of the front elevation and may encroach the front setback, provided that at least 2 feet is maintained from any front lot line.
2. Pergola.
  - a. A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area, or providing growing area for climbing plants.
  - b. A maximum of 1 pergola within a bounding box of 300 sf may be located forward of the

front elevation but must not be within the front setback.

- i. A pergola within a bounding box of 300 sf may encroach on the side and rear setbacks, provided that at least 5 feet is maintained from any lot line.

#### C. Accessory Art Structures.

1. Any artwork within any setback may not exceed 12 ft in height.
2. Any artwork fitting within a bounding box of 100 sf may be forward of the front elevation and may encroach the front setback, provided that at least 5 feet is maintained from any front lot line.
3. Determination of whether an item qualifies as an artwork is to be made by the Director of the Mayor's Office of Arts and Culture or their designee.

#### D. Accessory Athletic Structures.

1. Any permanent sport court or swimming pool must meet the setbacks for a principal building.

### 3.3.5. Accessory Buildings

#### A. General Standards.

1. Definition. An accessory building is a fully enclosed structure accessory to the principal building on the lot.
2. Accessory buildings shall conform to the following dimensions:

Building Footprint	Number of Stories	Ground Story Height
Max	Max	Max
700 sf	1.5 stories	18 ft

- a. No accessory building may exceed 22 ft in height from average grade to the peak of the roof.

### 3. Accessory Building Placement.

- a. Unless noted for a specific accessory building type below, an accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the front elevation of the principal building, unless otherwise specified for the lot type.
- b. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.
- c. Accessory buildings must be separated from the principal building by at least 6 feet, measured from any surface of one to any surface of the other.

#### B. Accessory Garden Buildings

1. Animal house. (e.g. dog house, horse barn)
  - a. Accessory buildings used for the keeping of animals must meet the setbacks for a principal building.
2. Greenhouse.
  - a. Permanent greenhouses exceeding 300 sf must meet the setbacks for a principal building.

## Sec. 3.4. Design Standards

### 3.4.1. Building Design Standards

#### A. Contextual Front Setback

Notwithstanding the front setbacks identified for each zoning district, new construction must have a contextual front setback as follows:

1. If the subject lot is an interior lot, the minimum and maximum front setbacks are equal to the actual distances that principal structures are set back from the front lot line on the two abutting lots of the same block face. See Figure 3.1 (a).
2. If the subject lot is a corner lot, the minimum front setback is equal to the actual distance that the principal structure is set back from the front lot line on the abutting lot that is oriented toward the same thoroughfare.
3. The contextual front setback provision does not exempt any building from complying with the maximum front setback required for each zoning district.

### 3.4.2. Garage Design Standards

A. **Applicability.** Garage Design Standards apply in the R2, R3, and N districts.

B. **Garage, defined.** An attached or detached structure designed primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building (See Sec. 3.3.4).

#### C. Standards for one-unit residential building types.

1. There may be no more than 700 sf in total garage space on a lot providing for no more than 3 motor vehicles, between a maximum of one attached garage and one detached garage.
2. A garage may be no closer to the primary front lot line than the front elevation of the building.
3. The length of an attached garage facing the primary front lot line may be up to 50% of the width of the front elevation or 12 feet, whichever is greater.

#### D. Standards for building types with two or more residential units.

Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 3.7. Garages may be attached or detached.

1. Attached Garages. The length of an attached garage facing the primary front lot line may be up to 50% of the total front elevation or 24 feet, whichever is greater.
2. Detached Garages. Centralized and underground garages are encouraged.
  - a. The number of detached garages on a property may not exceed one half of the number of units on the property, rounded down.
  - b. A detached garage of more than 700 sf and providing for more than 3 vehicles is allowed by right if it meets the setbacks for a principal building.
  - c. By Special Permit, a detached garage of more than 700 sf may be located within the setback, but not more than 5 ft from the property line.
  - d. Review Criteria. In its discretion to approve or deny a special permit authorizing a detached garage in the setback, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Design and siting are compatible with the neighborhood and adjacent residential properties.
    - iii. Strategies such as screening, landscaping, and window placement reduce effects on neighboring properties.

## Sec. 3.5. Alternate Lot/Building Configurations

### 3.5.1. Rear Lots

A. **Defined.** A lot that has no or substandard frontage on a street, which has access to a street by either:

1. A “flag pole” or “pan-handle” shaped portion of the lot that is narrower than the minimum lot width and has street frontage, or
2. An easement over an adjoining lot that has street frontage.

B. **Standards.**

1. A rear lot may only be created from an interior lot.
2. A rear lot must meet the lot frontage, lot depth, setback, and lot coverage standards of the zoning district.
3. The front lot line of a rear lot may be either:
  - a. The rear lot line of the adjoining lot fronting the street; or
  - b. A lot line parallel to the driveway and perpendicular to the street as designated by the property owner at the time of the special permit application.
  - c. The building front elevation shall face the front lot line.
  - d. Minimum lot frontage is measured along this line.
4. No newly-created rear lot may create a non-conformity on the front lot. If the front lot does not have an existing principal building or is proposed for development/ redevelopment at the same time as the creation of the rear lot, the following minimum depth for the front lot is required in each district:
 

a. Residence 1:	100 ft
b. Residence 2:	75 ft
c. Residence 3:	75 ft
d. Neighborhood General:	100 ft

5. A building type placed on a rear lot configured according to 3.6.1.B.3.a must be placed such that no more than 50% of the building width is behind the building on the lot fronting the street, as viewed in a direct line from the street.
  6. Only a House C building type may be placed on a rear lot.
- C. **Review Criteria.** The creation of a rear lot requires a special permit from the Planning Board in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing the creation of a rear lot, the Special Permit Granting Authority must find that the application meets the following criteria:
1. The criteria for all Special Permits specified in Sec. 11.4.3.
  2. Design and landscaping are compatible with the neighborhood and adjacent properties.
  3. Landscaping and other screening strategies serve to clearly delineate the private yards of the proposed dwelling on the rear lot and that of buildings on abutting lots.
  4. Access to the rear lot is sufficient to accommodate public safety needs.
- E. **Review Criteria.** In its discretion to approve or deny a special permit authorizing multi-unit conversion of an existing building, the Special Permit Granting Authority must find that the application meets the following criteria:
1. The criteria for all Special Permits specified in Sec. 11.4.3.
  2. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
  3. Design and landscaping are compatible with the neighborhood and adjacent properties.
  4. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
  5. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

### 3.5.2. Multi-Unit Conversion

- A. An existing House A or Civic building type may be altered or renovated to install or increase the permitted number of residential units by special permit in accordance with the procedures described in Article 11.
- B. The Special Permit Granting Authority is determined by the scale of the project (See Secs. 3.1).
- C. The building must have been built at least 10 years prior to the date of application.
- D. The maximum number of residential units allowed in a building is subject to the following residential **unit factors**:
  1. Base RU Factor = 1250
  2. 100% Affordable/Sustainable Design Standard RU Factor = 900

### 3.5.3. Courtyard Cluster

- A. **Defined.** A series of smaller than typical residential building types surrounding a shared courtyard green space. The Courtyard Cluster is scaled to fit within neighborhoods of residential building types and provide units that are smaller than average for the area in a setting where some features, like parking and outdoor amenity spaces, are located in common facilities.

#### B. Standards

1. Lot Standards

District	Lot Size	Lot Frontage	Lot Coverage
	Min	Min	Max
R1	1 ac	50 ft	30%
R2	1 ac	50 ft	40%
R3	.75 ac	50 ft	50%
N	.75 ac	50 ft	60%

2. Building Types and Additional Standards. The following building types may be used in a courtyard cluster. Unless varied by the standards listed here, all other standards for each building type apply.

District	Building Types	Footprint Limits
		Max.
Residence 1	House C	1200 sf
	House D	1400 sf
Residence 2	House C	1200 sf
	House B	
Residence 3	House C	1200 sf
	House B	
	Two-Unit Residence	
Neighborhood General	House B	1400 ft
	Two-Unit Residence	
	Apartment House	

3. Buildings shall front the courtyard or the public street. No building may orient a rear wall to the courtyard or street.
4. Courtyard Requirements.
- A minimum of 400 square feet per unit of courtyard is required with a minimum width and depth of 20 feet.
  - At least 50% of the buildings must abut the courtyard.
  - All buildings must be within 60 feet of the courtyard as measured from the front door to the edge of the courtyard.
  - The courtyard must have buildings abutting at least two sides.
5. Courtyard clusters may not contain streets.
6. Driveways may not be located between any building and the court.
7. Parking.
- Parking may be located in or under a building, in a surface lot, or in detached garages, provided that parking is screened from view from adjoining properties and the street.
  - Parking may be located between any two buildings and a rear or side lot line.
8. An existing House A, House B, House C, House D, Two-Unit Residence, Apartment House, or Shop House which may be non-conforming with respect to the standards of this section, shall be permitted to remain, but the extent of the non-conformity with the courtyard cluster requirements may not be increased.
- C. **Review Criteria.** A Courtyard Cluster requires a Special Permit in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing a courtyard cluster, the Special Permit Granting Authority must find that the application meets the following criteria:
- The criteria for all Special Permits specified in Sec. 11.4.3.
  - Design and landscaping are compatible with the neighborhood and adjacent properties.
  - The landscaped areas and trees are preservation and/or enhanced, especially to serve as a buffer to neighboring lots.
  - On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

### 3.5.4. Multi-Building Assemblage

- A. **Purpose.** The intent of this section is to allow multiple principle building types to be built on a single lot. Buildings in an assemblage present and function as individual structures with varied character in order to lend visual interest and vibrancy to the mixed-use areas in which they are built.
- B. **Assemblage, defined.** An assemblage is a series of attached or related buildings, assembling multiple principal building types on one lot.

C. **Standards.**

Multi-building Assemblage is allowed in the Neighborhood General (N) district in accordance with the following standards:

1. All lot standards must be met.
  2. Buildings may be attached within the setbacks.
  3. Each building in the assemblage must meet the standards for a building type allowed in the Neighborhood General District.
  4. Townhouse Sections must be in a series of at least 3 but no more 8 sections.
  5. All building front elevations must front on private- or public-ways.
  6. If buildings are attached, the front elevation setbacks from the front lot line must vary after every 3 adjacent buildings by at least 4 feet.
  7. All buildings must have individual entrances. Except as allowed below, no building may be accessed through an adjacent building.
    - a. Underground parking may be connected and shared.
    - b. Ground floor non-residential spaces may be combined between adjacent buildings.
    - c. Floor-to-floor connections on upper stories may be allowed between attached buildings in an assemblage by special permit in accordance with Sec. 3.2.2. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this section 3.5.4.
  8. No more than 2 adjacent buildings, with the exception of a series of townhouses, may have the same primary roof orientation and/or type.
  9. Each assemblage with a mix of commercial and residential uses with a total of more than 60 dwelling units must contain a minimum of 1 public gathering space adjacent to a public-way, in accordance with Sec. 2.10.
- D. **Development Review.** Depending on the scale, a Multi-Building Assemblage may be by right or require a special permit.
1. By Right. An assemblage is by-right if it includes no more than 8 dwelling units or 8,000 square feet of commercial space.
  2. By Special Permit. Multi-building assemblages with more than the by right number of units or square footage of commercial space require a special permit. The Special Permit Granting Authority is determined by the scale of the project in accordance with Sec. 3.1.1.D.
    - a. Review Criteria. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this Sec. 3.5.4.

## Sec. 3.6. Allowed Uses

### 3.6.1. General Standards for Allowed Uses in the Residence Districts

#### A. Permitted Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Uses are permitted as specified in Sec. 3.6.2.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article 9 and Article 11.
5. Number of residential units allowed and the size of building permitted is subject to the Building Type rules in Sec. 3.2.

#### B. Adaptive Reuse of Existing Buildings

The use of any principal building constructed before the effective date of this Ordinance may be changed by Special Permit from the Planning Board to include any use within the following principal use categories in accordance with the table in 3.6.2 and according to the requirements and processes of Article 9 and Article 11.

1. The following use categories are allowed:
  - a. Arts Exhibition
  - b. Art Sales & Services
  - c. Community Center
  - d. Museum
  - e. Shared Workspaces & Arts Education
  - f. Restaurant/Café
  - g. General Office
2. Review Criteria. In its discretion to approve or deny a special permit authorizing an adaptive reuse of an existing building, the Special Permit Granting Authority must find that the application meets the following criteria:

- a. The criteria for all Special Permits specified in Sec. 11.4.3.
- b. Design, landscaping, and property management strategies are compatible with the neighborhood and adjacent residential properties.
- c. Location relative to the transportation system, ensuring that the proposed customer base, clients, and/or suppliers, can readily get to the proposed location while minimizing disruption to the neighborhood.
- d. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
- e. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### C. Permitted Accessory Uses.

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses permitted by Special Permit require additional development review in accordance with Article 9 and Article 11.



### 3.6.2. Use Table

The following use categories and specific uses are permitted in the Residence Districts:

Use Category • Specific Use	R1	R2	R3	N	Definitions & Use Specific Standards
<b>Residential Use Categories</b>					
Household Living Uses	P	P	P	P	
Group Living Uses (except as follows)	SP	SP	SP	SP	
• Community / Group Residence	P	P	P	P	
• Dormitory, Student Residences	SP	SP	SP	SP	
• Lodging House	N	N	SP	SP	
• Nursing Home / Assisted Living Facility	SP	SP	SP	SP	
<b>Arts &amp; Creative Enterprise Use Categories</b>					
Artisan Production Uses	N	N	N	P	
Arts Exhibition Uses	SP	N	N	SP	
Arts, Sales & Service Uses	SP	SP	SP	P	
Shared Workspaces & Arts Education Uses	SP	N	N	SP	
Work/Live Creative Studio Uses	N	N	N	P	
<b>Civic &amp; Institutional Use Categories</b>					
Community Center Uses	SP	SP	SP	SP	
Minor Utility Uses	SP	SP	SP	SP	
Major Utility Uses	SP	SP	SP	SP	
Museum Uses	SP	SP	SP	SP	
Private, Non-profit Club or Lodge Uses	SP	SP	SP	SP	
Public Service Uses	P	P	P	P	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	L	L	
<b>Commercial Service Use Categories</b>					
Animal Service Uses (as noted below)	-	-	-	-	
• Veterinarian	N	N	N	SP	
Banking & Financial Service Uses	N	N	N	SP	
Building & Home Repair Service Uses	N	N	N	P	
Business Support Service Uses	N	N	N	P	
Day Care Service Uses (as noted below)	--	--	--	--	
• Adult Day Care Center	SP	SP	SP	SP	
• Child Day Care Center	P	P	P	P	
Educational Institution Uses	SP	SP	SP	SP	
Maintenance & Repair of Consumer Goods Uses	N	N	N	SP	
Personal Service Uses (as noted below)	-	-	-	-	
• Funeral Home	N	N	N	P	
• Health Care Provider	N	N	N	SP	



<b>Eating and Drinking Use Categories</b>					
Restaurant/Café Uses	SP	SP	SP	SP	
<b>Lodging Use Categories</b>					
Bed & Breakfast Uses	SP	SP	SP	SP	
<b>Motor Vehicle-Oriented Use Categories</b>					
Motor Vehicle Parking Uses (as noted below)	--	--	--	--	
• Off-Site Accessory Parking	N	N	N	SP	
<b>Office Use Categories</b>					
Co-Working Uses	N	N	N	P	
General Office Uses	SP	SP	SP	P	
<b>Open Space Use Categories</b>					
Farming Uses	P	P	P	P	
• Community Gardening	P	P	P	P	
Private Cemetery Uses	P	P	P	P	
Resource Extraction Uses	SP	SP	SP	SP	
<b>Retail Sales Use Categories</b>					
Consumer Goods Uses (Except as Follows)	N	N	N	P	
• Fresh Food Market or Grocery Store	N	N	N	P	
• Farmer/Vendor Market	N	N	N	P	
<b>Accessory Uses</b>	R1	R2	R3	N	
Uses typically found as accessory to permitted principal uses.	P	P	P	P	
Uses typically found as accessory to household living.	P	P	P	P	
Accessory Apartment	--	--	--	--	
• Internal	P	P	P	P	
• Detached	SP	SP	SP	SP	
A.T.M.	N	N	N	P	
Car Share & Bike Share	N	N	N	P	
Commercial Vehicle Parking	P	P	P	P	
Home Business Uses	P	P	P	P	
• Day Care	P	P	P	P	
Short Term Rental	P	P	P	P	

P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit

## Sec. 3.7. Parking Requirements in the Residence Districts

### 3.7.1. General Standards

#### A. Required Accessory Parking Spaces

Vehicular and bicycle parking must be provided as specified in Sec. 3.7.3, except as follows:

1. 1- and 2-unit residential buildings are exempt from the requirements of Sec. 3.7.3.
2. Ground story non-residential uses with five thousand (5,000) square feet or less of gross leasable floor area are exempt from the requirements of Sec. 3.7.3.
3. There are no parking requirements for accessory uses.
4. Parking may be shared between uses on the same lot and buildings within 500 linear ft as measured along the street in accordance with Article 8.
5. One on street parking space, where permitted, for every twenty feet of lot width may be counted toward any minimum parking requirement.

#### B. Vehicular Parking Space Types

Accessory motor vehicle parking spaces may be provided as off-street surface parking spaces, structured parking spaces, and on-street parking spaces.

#### C. Unbundled Market Rate Parking

1. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
2. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

#### D. Parking Design

The design of all parking is subject to Article 8 of this Ordinance.

#### E. Driveway Access.

1. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas.
2. No parking stall may be located within any required setback area, with the exception that up to 2 parking stalls may be located in a side setback area. No parking stall may be located between the building front elevation and the street.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
4. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners.
5. Unless otherwise specified, only one curb cut is permitted per front lot line.
6. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
7. Curb cuts may be no wider than the driveway or vehicular entrance they serve, excluding flares or returned curbs.
8. Driveways and alleys traversing sidewalks must be designed to maintain the grade and clear width of the walkway they cross and must include returned curbs.

#### F. Off-site Parking on a Contiguous Lot

Required accessory vehicular parking spaces, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

1. The following additional standards apply:
  - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.

- b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the Special Permit Granting Authority or Commissioner of Inspectional Services, as appropriate, and executed and filed with the Registry of Deeds.

### 3.7.2. Parking Relief

- A. Relief from the number of required accessory parking spaces in Sec. 3.7.3. requires a special permit from the Planning Board.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 3.7.3, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The supply and demand of on-street parking in the neighborhood, as determined through a parking study.
  - 2. Mobility management programs and services provided by the applicant to reduce the demand for parking.
  - 3. Availability and access to public transportation options.
  - 4. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

### 3.7.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Residence Districts:

	Bicycle Parking		Motor Vehicle	
Use Category • Specific Use	Short (min)	Long (min)	Min	Max
<b>Residential Use Categories</b>				
Household Living Uses	-	0.5 / DU	1.0 / DU	2.0 / DU
Group Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Arts &amp; Creative Enterprise Use Categories</b>				
Artisan Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Arts Exhibition Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Arts, Sales & Service Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Shared Workspaces & Arts Education Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Work/Live Creative Studio Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Civic &amp; Institutional Use Categories</b>				
Community Center Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Minor Utility Uses	n/a	n/a	n/a	n/a
Major Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Private, Non-profit Club or Lodge Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	1.0 / 1,000 sf	1.0 / 2,500	2.0 / 1,000 sf	8.0 / 1,000 sf
<b>Commercial Services Use Categories</b>				
Animal Services Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	3.5 / 1,000 sf
Banking & Financial Services Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
Building & Home Repair Service Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Business Support Service Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	3.0 / 1,000 sf
Educational Institution Uses	1.0 / 1,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Maintenance & Repair of Consumer Goods Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Personal Service Uses	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf

<b>Eating and Drinking Use Categories</b>				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	8.0 / 1,000 sf
<b>Lodging Use Categories</b>				
Bed & Breakfast Uses	-	-	1.0 / bedroom	3 + 1.0 / bedroom
<b>Motor Vehicle Oriented Uses</b>				
Motor Vehicle Parking Uses	-	-	-	-
<b>Office Use Categories</b>				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	2.5 / 1,000 sf
<b>Open Space Use Categories</b>				
Farming Uses	-	-	-	-
Private Cemetery Uses	-	-	-	-
Resource Extraction Uses	-	-	-	-
<b>Retail Sales Use Categories</b>				
Consumer Goods Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf

## Article 4 Village Districts

### 4.1. Village Districts

The provisions of Article 4 apply to all real property within the Village Districts as shown on the Newton Zoning Map.

#### 4.1.1. Development Review.

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials as required in Article 11.

- A. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
- B. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.
- C. Upon completion of the required development review or verification that no additional development review is necessary, the Commissioner of ISD shall issue a Zoning Consistency Determination indicating compliance with the provisions and procedures of this Ordinance.
- D. The Special Permit Granting Authority is determined by the scale of the proposed development in accordance with the table below, or by the uses on the lot (See Article 9).

Criteria	Scale at which the Planning Board as Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Number of Residential Units	Up to 20 units	21 units or more
Square footage of Commercial Space	Up to 20,000 sf of floor area	More than 20,000 sf of floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Adding no more than 20,000 sf of floor area	Adding more than 20,000 sf of floor area
Increase in Lot Coverage	Up to 20,000 sf of additional lot coverage	More than 20,000 sf of additional lot coverage

#### 4.1.2. Village 1 District

##### A. Context Description.

The Village 1 District consists of the smallest village centers in Newton, exemplified by such places as Waban and Newton Highlands. The Village 1 District also encompasses the outer portions of larger villages and mixed-use districts that abut residential neighborhoods, where the Village 1 District functions as a transition from the more intense village center districts. This district generally has buildings no taller than three stories that front directly on sidewalks with active storefronts and small commercial spaces that accommodate local businesses.

##### B. Purpose.

1. To preserve the scale of these areas throughout the City.
2. To permit the development of commercial spaces oriented mostly towards the local community.
3. To permit the development of mixed-use buildings with upper stories that contain residential or office uses.
4. To permit contextual modifications of existing buildings.

##### C. Lot Standards.

The following table contains lot standards for the Village 1 District:

Lot Characteristics	
Frontage:	Min. 30 ft, Max. 200 ft
Lot Depth:	Min. 50 ft, Max. 250 ft
Lot Coverage:	80% Max; +10% by SP (See Sec. 2.3.2)

##### D. Setback Standards

The following table contains setback standards for the Village 1 District:

Setbacks	Min	Max
Front:	0 ft	15 ft
Side:	5 ft	-
Rear:	15 ft	-
Frontage Buildout:	60% of the frontage, except to allow a min. driveway required by Article 8.	
Parking Setback	15 ft	-

##### E. Building Types.

1. The following principal building types are permitted in the Village 1 District:
  - a. Shop House (Sec. 4.2.4)
  - b. Small Shop (Sec. 4.2.5)
  - c. Shop (Sec. 4.2.6)
  - d. Small Multi-Use Building (Sec. 4.2.7)
  - e. Civic (Sec. 4.2.14)

2. The following principal building types are permitted, subject to Special Permit, in the Village 1 District:
  - a. Small Apartment Building (Sec. 4.2.3)
  - b. Fabrication Building (Sec. 4.2.13)

**F. Alternate Lot/Building Configurations.**

The following alternate lot/building configurations are permitted by Special Permit in the Village 1 District:

1. Multi-Building Assemblage (Sec. 4.5.1)

**G. Review Criteria.** In its discretion to approve or deny a special permit authorizing a new small apartment building, fabrication building, or a multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

**H. Allowed Uses.**

Uses permitted in buildings in the Village 1 District are described in Sec. 4.6 and subject to further restrictions as described in each building type.



### 4.1.3. Village 2 District

#### A. Context Description.

The Village 2 District consists of the centers of the middle-sized villages in Newton, exemplified by the central parts of Newton Centre and West Newton. This district generally has buildings ranging from two-four stories that front directly on the sidewalk with active storefronts. The Village 2 District contains a mixture of small and medium sized commercial spaces to accommodate mostly local businesses along with some regional or national companies. The intent of this district is to maintain a vibrant mixed-use village atmosphere with a significant residential population and primarily local serving office space. The Village 2 District also serves as a shopping destination for residents of Newton and neighboring municipalities.

#### B. Purpose.

1. To preserve the scale of these areas throughout the City.
2. To permit the development of commercial spaces oriented mostly towards the local community.
3. To permit the development of mixed-use buildings with upper stories that contain residential or office uses.
4. To permit contextual modifications of existing buildings.

#### C. Lot Standards.

The following table contains lot standards for the Village 2 District:

Lot Characteristics	
Frontage:	Min. 30 ft, Max. 200 ft
Lot Depth:	Min. 50 ft, Max. 350 ft
Lot Coverage:	85% Max; +10% by SP (See Sec 2.3.2)

#### D. Setback Standards

The following table contains setback standards for the Village 2 District:

Setbacks	Min	Max
Front:	0 ft	15 ft
Side:	5 ft	-
Rear:	15 ft	-
Frontage Buildout:	75% of the frontage, except to allow a min. driveway required by Article 8.	-
Parking Setback	15 ft	-

#### E. Building Types.

1. The following principal building types are permitted in the Village 2 District:
  - a. Shop House (Sec. 4.2.4)
  - b. Small Shop (Sec. 4.2.5)
  - c. Shop (Sec. 4.2.6)
  - d. Small Multi-Use Building (Sec. 4.2.7)

- e. Medium Multi-Use Building (Sec. 4.2.8)
- f. Lab Building (Sec. 4.2.12)
- g. Civic (Sec. 4.2.14)
- 2. The following principal building types are permitted, subject to Special Permit, in the Village 2 District:
  - a. Small Apartment Building (Sec. 4.2.3)
  - b. Lined Garage (Sec. 4.2.11)

#### F. Alternate Lot/Building Configurations.

The following alternate lot/building configurations are permitted by Special Permit in the Village 2 District:

- 1. Multi-Building Assemblage (Sec. 4.5.1)

#### G. Review Criteria.

In its discretion to approve or deny a special permit authorizing a new small apartment building, lined garage, or a multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

- 1. The criteria for all Special Permits specified in Sec. 11.4.3.
- 2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
- 3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
- 4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
- 5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. Allowed Uses.

Uses permitted in buildings in the Village 2 District are described in Sec. 4.6 and subject to further restrictions as described in each building type.

#### 4.1.4. Village 3 District

##### A. Context Description.

The Village 3 District consists of the core area of larger villages such as Newton Corner. Buildings range in height from three to ten stories and front directly on the sidewalk with active storefronts. The Village 3 District contains a mixture of small and medium sized commercial spaces to accommodate mostly local businesses along with some regional or national companies. The intent of this district is to maintain a vibrant mixed-use village atmosphere with a significant residential population and office space targeted towards regional or national companies. The Village 3 District also serves as a shopping destination for residents of Newton and neighboring municipalities.

##### B. Purpose.

1. To allow for increases in the scale of these areas throughout the City.
2. To permit the development of commercial spaces suitable for corporate headquarters or major offices for regional and national companies.
3. To permit the development of mixed-use buildings with upper stories that contain residential or office uses.
4. To permit contextual modifications of existing buildings.

##### C. Lot Standards.

The following table contains lot standards for the Village 3 District:

Lot Characteristics	
Frontage:	Min. 30 ft., Max. 200 ft
Lot Depth:	Min. 50 ft, Max. 350 ft
Lot Coverage:	85% Max; +10% by SP (2.3.2)

##### D. Setback Standards

The following table contains setback standards for the Village 3 District:

Setbacks	Min	Max
Front:	0 ft	15 ft
Side:	5 ft	-
Rear:	15 ft	-
Frontage Buildout:	75% of the frontage, except to allow a min. driveway required by Article 8.	-
Parking Setback	15 ft	-

##### E. Building Types.

1. The following principal building types are permitted in the Village 3 District:
  - a. Shop House (Sec. 4.2.4)
  - b. Small Shop (Sec. 4.2.5)
  - c. Shop (Sec. 4.2.6)
  - d. Small Multi-Use Building (Sec. 4.2.7)
  - e. Medium Multi-Use Building (Sec. 4.2.8)

- f. Large Multi-Use Building (Sec. 4.2.9)
- g. Lab Building (Sec. 4.2.12)
- h. Civic (Sec. 4.2.14)
- 2. The following principal building types are permitted, subject to Special Permit, in the Village 3 District:
  - a. Tall Multi-Use Building (Sec. 4.2.10)
  - b. Lined Garage (Sec. 4.2.11)

#### F. Alternate Lot/Building Configurations.

The following alternate lot/building configurations are permitted by Special Permit in the Village 3 District:

- 1. Multi-Building Assemblage (Sec. 4.5.1)

#### G. Review Criteria. In its discretion to approve or deny a special permit authorizing a new tall multi-use building, lined garage, or a multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

- 1. The criteria for all Special Permits specified in Sec. 11.4.3.
- 2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
- 3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
- 4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
- 5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. Allowed Uses.

Uses permitted in buildings in the Village 3 District are described in Sec. 4.6 and subject to further restrictions as described in each building type.

## 4.2. Building Types.

### 4.2.1. Introduction to Building Types.

This Ordinance uses building types as a tool to regulate development within each zoning district.

- A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.
- B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.
- C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district and is authorized by M.G.L. Chapter 40A, Section 4. d.
- D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

### 4.2.2. Special Permit to Vary the Dimensional Standards of a Building Type.

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

- A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
  - 2. Design strategies achieve compatibility with the scale of neighboring properties.
  - 3. Design strategies break up the massing and modulate the roof line.

### 4.2.3. Small Apartment Building

#### A. Description.

A small multi-unit residential building. Whether built as a stand-alone building or as part of a complex, small apartment buildings typically are no taller than the peak of the roof of houses and apartment houses in the surrounding neighborhood and about the footprint of two mid-large attached house building types.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	80 ft	80 ft	4,200 sf	3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)					

#### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum
4. Max Blank Wall = 20 ft x 20 ft

#### D. Roof Types.

All Roof Types are permitted.

#### E. Additional Standards.

1. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
2. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.4. Shop House.

##### A. Description.

A small mixed-use building, typically a house with a ground floor shopfront containing a commercial use. Shop houses typically start as house types with a shopfront added to the frontage. Shop houses are commonly found at the edges of Newton's traditional village centers and can contain a variety of uses.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
20 ft	40 ft	80 ft	2,000 sf SP: 2,500 sf	2.5 stories	Min 12 ft Max 24 ft	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)						

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 40% Minimum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. Ground Story Non-residential Use Dimensional Standards:
  - a. Non-residential uses must occupy a minimum of 30% of the ground story
  - b. Non-residential use space must have a minimum depth of 25 ft
2. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.5. Small Shop.

##### A. Description.

A single-story commercial building, typically for a retail or service use. Small shops generally contain one, but may contain a few, smaller commercial establishments with an active frontage.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
18 ft	100 ft	100 ft	7,000 sf	1.5 stories	Min 12 ft Max 24 ft

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 60% Minimum
2. Max Blank Wall = 20 ft x 30 ft
3. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

##### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.
2. No residential uses.



#### 4.2.6. Shop.

##### A. Description.

A single-story commercial building, typically for a retail or service use. Shop building types generally contain one, but may contain a few, smaller commercial establishments with an active frontage.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
30 ft	150 ft	150 ft	15,000 sf	1.5 stories	Min 12 ft Max 24 ft

##### C. Fenestration.

1. Ground Story Fenestration: 70% Minimum
2. Max Blank Wall = 20 ft x 30 ft
3. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

##### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.
2. No residential uses.

#### 4.2.7. Small Multi-Use Building.

##### A. Description.

A small mixed-use building has ground floor commercial activity along the frontage and either residential or commercial uses on the upper floors. Small multi-use building types are found in many village centers in Newton.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
40 ft	100 ft	150 ft	12,000 sf	3 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft

SP = Special Permit with mandatory design review (See Sec. 4.2.2)

##### C. Fenestration.

1. Ground Story Fenestration: 50% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 30 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. Ground Story Non-residential Use Dimensional Standards:
  - a. A minimum of 50% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 50 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 4.2.2.
2. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.8. Medium Multi-Use Building.

##### A. Description.

A medium mixed-use building with the ground story designed for commercial activity along the frontage and either residential or commercial uses on the upper floors. Medium multi-use building types are found in many village centers in Newton as well as along Needham Street.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights		
Min	Max	Max	Max	Max	Ground Story	2 <sup>nd</sup> -3 <sup>rd</sup> Stories	Upper Stories
40 ft	200 ft	200 ft	20,000 sf	V2: 3 stories V3: 5 stories SP: +1 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft	Max 14 ft SP: +2 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)							

##### C. Fenestration.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. Ground Story Non-residential Use Dimensional Standards:
  - a. A minimum of 60% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 4.2.2.
2. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.9. Large Multi-Use Building.

##### A. Description.

A large footprint mid-rise mixed-use building with the ground story designed for commercial activity along the frontage and either residential or commercial uses on the upper floors. Large multi-use building types are found in a select few locations in Newton's village centers and commercial areas, like Newton Corner and Needham Street.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights		
Min	Max	Max	Max	Max	Ground Story	2 <sup>nd</sup> – 3 <sup>rd</sup> Stories	Upper Stories
60 ft	200 ft	250 ft	30,000 sf SP: 40,000 sf	5 stories SP: 7 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft	Max 14 ft SP: +2 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)							

##### C. Fenestration.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All roof types are permitted.

##### E. Additional Standards.

1. Ground Story Non-Residential Use Dimensional Standards:
  - a. A minimum of 70% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 4.2.2.
2. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.10. Tall Multi-Use Building.

##### A. Description.

A large footprint tall mixed-use building with the ground story designed for commercial activity along the front elevation and either residential or commercial uses on the upper floors. Tall multi-use building types are found in a select few locations in Newton's village centers and commercial areas, like Newton Corner and Needham Street. The standards for tall multi-use buildings are intended to require that new buildings of this type present as a 5-story building to the street with the upper stories stepped back from the front elevation with smaller floor plates than the lower floors.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights		
Min	Max	Max	Max	Max	Ground Story	2 <sup>nd</sup> -3 <sup>rd</sup> Stories	Upper Stories
60 ft	200 ft	250 ft	30,000 sf SP: 40,000 sf	10 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft	Max 14 ft SP: +2 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)							

##### C. Fenestration.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 40 ft x 40 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. Ground Story Commercial Use Dimensional Standards:
  - a. A minimum of 70% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 4.2.2.
2. Residential Units Factor:
  - a. Base RU Factor = 1,000
  - b. 100% Affordable/Sustainable Design Standard = 750
3. Outdoor Amenity Space: 1/residential unit, may be shared.
4. Stories over the fifth story.
  - a. Stories over the fifth story must be set back at least 15 ft from the front elevation
  - b. The maximum floor plate size is 20% smaller than the building footprint on all stories over the fifth story.

#### 4.2.11.Lined Garage.

##### A. Description.

A large building chiefly designed for the storage of vehicles, while providing leasable non-garage space along the front elevation.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
-	300 ft	300 ft	75,000 sf	V2: 3 stories V3: 6 stories SP: +2 stories	Liner: Min 16 ft Max 24 ft  Garage: Min 9 ft Max 12 ft	Liner: Max 14 ft  Garage: Min 9 ft Max 12 ft

##### C. Fenestration.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. Standards for the Leasable Liner (non-garage) portion:
  - a. Leasable liner must extend the full length of the front elevation
  - b. Leasable liner must have a minimum depth of 30 ft and a maximum depth of 80 ft
  - c. Ground Story Commercial Use Dimensional Standards:
    - i. A minimum of 70% of the ground story must be utilized for non-residential uses.
    - ii. Ground story non-residential uses must be located along the front elevation.
    - iii. Ground story non-residential use space must be a minimum depth of 30 ft or 75% of the leasable liner whichever is more.
    - iv. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 4.2.2.
  - d. Residential Units Factor applies to the area of the leasable liner only:
    - i. Base = 1,000, 100%
    - ii. Affordable/Sustainable Design Standard = 750

2. Standards for the garage portion:
  - a. There may be one additional story in the parking garage portion than in the liner building provided that the total height of the garage is screened by the liner building.
  - b. Rooftop parking is allowed if screened from view of the public-way with a parapet wall, trellis, etc. with at least 50% opacity. Rooftop parking must be set back at least 10 ft from the front elevation.
  - c. Story height min and max for the garage portion is waivable by Special Permit.
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

#### 4.2.12. Lab Building.

##### A. Description.

A multi-story building type purpose built for laboratory and research & development uses. Floor space is mechanically intensive labs, and a higher floor height is anticipated to accommodate lab mechanical equipment.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
40 ft	200 ft	300 ft	40,000 sf	V2: 3 stories V3: 6 stories SP: +1 stories	Min 16 ft Max 24 ft	Min 12 ft Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 4.2.2)						

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 60% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 30 ft x 30 ft

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors on the front elevation are considered blank walls.



#### 4.2.13. Fabrication Building.

##### A. Description.

A one- to two- story building built to house fabrication and manufacturing uses that require higher than typical ceiling heights. Newton's historic mills, like in Upper and Nonantum, and 20<sup>th</sup> century manufacturing buildings along Needham Street are typical of the Fabrication Building Type.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
-	175 ft	200 ft	30,000 sf SP: 40,000 sf	3 stories	Min 16 ft Max 24 ft	Min 14 ft Max 20 ft

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 30% Minimum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum
3. Max Blank Wall = 30 ft x 60 ft

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.

#### 4.2.14.Civic Building.

##### A. Description.

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Min 12 ft Max 18 ft

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. **Civic Building Conversion.**
  - a. An existing Civic building type may be converted to any of the permitted uses allowed in the district by special permit with design review in accordance with the procedures described in Article 11.
  - b. The maximum number of residential units allowed in a building is subject to the following residential unit factors: Base RU Factor = 1000, 100% Affordable/Sustainable Design Standard = 750
  - c. **Review Criteria.** In its discretion to approve or deny a special permit authorizing the conversion of a civic building, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
    - iii. Design and landscaping are compatible with the neighborhood and adjacent properties.
    - iv. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
    - v. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

## 4.3. Building Components and Accessory Structures.

### 4.3.1. General Standards.

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building front elevations and are permitted as indicated for each building type.

### 4.3.2. Architectural Components on the Front Elevation.

Any architectural components may be utilized in any design if fully compliant with the setbacks.

A. Architectural components utilizing the standards below, in total, may not exceed 40% of the width of the front elevation.

#### B. Bay.

1. **Description.** A bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.
2. **Dimensions.**

	Min	Max
Width (each bay)	-	Greater of 20% of wall length or 12 ft
Depth	-	3 ft
Fenestration	80% ground story, 30% upper stories	-
Permitted Front Setback Encroachment	-	3 ft

#### 3. Required Standards.

- a. Bays may not cover more than 40% of the width of the front elevation on any story.
- b. In all Village districts, bays may project over the sidewalk of a public-way under the following circumstances:
  - i. Bay must have a minimum of 20 ft clearance.
  - ii. Permits for new bays over the public-way require written permission from the Commissioner of Public Works, verifying that the bay does not interfere with public infrastructure and maintenance needs.

#### C. Canopy or Awning.

1. **Description.**
  - a. **Canopy, defined.** A permanent overhanging shelter projecting from the face of a building and entirely supported by the building.
  - b. **Awning, defined.** A lightweight shade structure made of fabric or other stretched material on a retractable frame.

## 2. Required Standards.

- a. In all Village districts, a canopy or awning may project over the sidewalk of a public-way under the following circumstances:
  - i. The base of the awning must be at least 90” above the surface of the sidewalk.

### 4.3.3. Roof Components.

#### A. Dormer.

1. **Description.** A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. **Dimensions.**
  - a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
    - i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
  - a. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. **Standards.**
  - a. Dormers may be used with any roof type, except the flat roof.
  - b. No dormer may extend above the roof ridge line.

#### F. Cross Gable.

1. **Description.** A cross gable is a pitched roof that projects perpendicularly from the main roof of a building to increase the habitable space of a half story or add architectural distinction to a low gabled roof.
2. **Dimensions.**
  - a. A cross gable may not exceed 50% of the eave length of the roof to which it connects.
3. **Additional Standards.**
  - a. A cross gable may only be used with a gable or low gable roof type.

#### G. Roof Deck.

1. **Description.** A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. **Dimensions.**
  - a. In the Village districts, the maximum area of a roof deck is up to 60% of the footprint of the building.
  - b. The width of a roof deck may not exceed 50% of the building width, except that on a flat roof it may extend up to the full width of the roof.
  - c. A roof deck must be set at least 5 ft in from all building edges. Roof decks built on a flat roof may extend to the building parapet and use the parapet as a guardrail provided it is of sufficient height.

### 3. Additional Standards.

- a. The railing must be constructed with posts and rails spaced so that it does not exceed 50% opacity, except when built on a flat roof.
- b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height required by building code.

### D. Penthouse.

1. **Description.** A rooftop structure, considerably smaller than the footprint of the primary building.
2. **Dimensions.**

	Min	Max
Width	-	40% of the floor below
Depth	-	40% of the floor below
Height	-	12 ft
Fenestration	20%	-

- a. A penthouse must be set back at least 15 ft of the front elevation.
- b. No penthouse may extend beyond the walls of the building to which it attaches.

### 3. Additional Standards.

- a. Penthouses may only attach to a flat roof type.
- b. Penthouses are only allowed on the following building types:
  - i. Small Apartment Building
  - ii. Small Multi-use Building
  - iii. Medium Multi-use Building
  - iv. Large Multi-use Building
  - v. Tall Multi-use Building
  - vi. Lab Building
  - vii. Lined Garage
- c. Penthouses solely used for enclosing mechanical equipment are exempt from fenestration requirements

### 4.3.4. Accessory Structures.

#### A. General Standards.

##### 1. Definitions.

- a. **Accessory Structure.** A non-enclosed structure accessory to the principal building on the lot, such as a swing set, play structure, or pergola.
- b. **Accessory Building.** An accessory building is a fully enclosed structure accessory to the principal building on the lot. (See Sec. 4.3.5)
- c. **Bounding Box.** The smallest rectangle that can enclose the accessory structure.

## 2. Accessory Structure Placement.

- a. Unless otherwise specified, an accessory structure may encroach any side or rear setback, provided that at least 3 feet is maintained from any lot line.
- b. Unless otherwise specified, accessory structures may be no nearer to any front lot line than the front elevation of the principal building.
- c. Unless otherwise specified, any accessory structure, exceeding a bounding box of 150 sf, must meet the setbacks for a principal building.

## B. Drive-through Business Structures.

- 1. **Drive-through, defined.** Any structure intended to be interacted with, by a per driver or passenger without parking in a parking stall, such as a fueling station, or convenience kiosk or lockers.
- 2. **Required Standards.**
  - a. No drive-through structure may be located between the front elevation and the street.
  - b. The maneuvering aisle providing access to a drive-through structure must be screened from neighboring properties.
- 3. **Fueling.**
  - a. Gasoline pumps and canopies.
    - i. Gasoline pumps and canopies must meet the setbacks for a primary building.
  - b. Electric Vehicle Charging equipment.
    - i. Electric vehicle charging equipment affiliated with any accessory parking space is exempt from the standards of a drive-through business structure.

## C. Accessory Art Structures.

- 1. Any artwork within any setback may not exceed 12 ft in height.
- 2. Any artwork fitting within a bounding box of 100 sf may be forward of the front elevation and may encroach the front setback, provided that at least 5 feet is maintained from any front lot line.
- 3. Determination of whether an item qualifies as an artwork is to be made by the Director of the Mayor's Office of Arts and Culture or their designee.

## D. Accessory Athletic Structures.

- 1. Any permanent sport court or swimming pool must meet the setbacks for a principal building.

### 4.3.5. Accessory Buildings.

#### A. General Standards.

- 1. **Definition.** An accessory building is a fully enclosed structure accessory to the principal building on the lot.

2. Accessory buildings shall conform to the following dimensions:

Building Footprint	Number of Stories	Story Heights	
Max	Max	Ground Story	Half Story
700 sf	1.5 stories	Max 18 ft	Max 11 ft

- a. No accessory building may exceed 22 ft in height from average grade to the peak of the roof.

3. Accessory Building Placement.

- a. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the front elevation of the principal building.
- b. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.
- c. Accessory buildings must be separated from the principal building by at least 6 feet.

## 4.4. Design Standards

### 4.4.1. Garage Design Standards

A. Standards for building types with two or more units.

Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 4.7. Garages may be attached or detached.

1. **Attached Garages.** The length of an attached garage facing the primary front lot line may be up to 50% of the total front elevation or 24 feet, whichever is greater.
2. **Detached Garages.** Centralized and underground garages are encouraged.
  - a. The number of detached garages on a property may not exceed one half of the number of units on the property, rounded down.
  - b. A detached garage of more than 700 sf and providing for more than 3 vehicles is allowed by right if it meets the setbacks for a principal building.
  - c. By Special Permit, a detached garage of more than 700 sf may be located within the setback, but not more than 5 ft from the property line. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the following criteria:
    - i. Design and management strategies to achieve compatibility with the neighborhood and adjacent residential properties.
    - ii. Screening and landscaping between the proposed dwelling on the rear lot and buildings on abutting lots.

## 4.5. Alternative Building Configurations

### 4.5.1. Multi-building Assemblages

- A. **Purpose.** The intent of this section is to allow multiple principle building types to be built on a single lot. Buildings in an assemblage present and function as individual structures with varied character in order to lend visual interest and vibrancy to the mixed-use areas in which they are built.

B. **Assemblage, defined.** An assemblage is a series of attached or related buildings, assembling multiple principal building types on one lot.

C. **Standards.**

Multi-building Assemblage is allowed in the Village Districts in accordance with the following standards:

1. All lot standards must be met.
2. Buildings may be attached within the setbacks.
3. Each building in the assemblage must meet the standards for a building type allowed in the district.
4. All building front elevations must front on private- or public-ways.
5. If buildings are attached, the front elevation setback from the front lot line must vary after every 3 adjacent buildings by at least 4 feet.
6. All buildings must have individual entrances. Except as allowed below, no building may be accessed through an adjacent building.
  - a. Underground parking may be connected and shared.
  - b. Ground floor non-residential spaces may be connected between adjacent buildings.
  - c. Floor-to-floor connections on upper stories may be allowed between attached buildings in an assemblage by special permit from the Planning Board in accordance with the procedures described in Article 11. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this section.
5. No more than 2 adjacent buildings, with the exception of a series of townhouses, may have the same primary roof orientation and/or type.
6. Each assemblage must contain a minimum of 1 public gathering space adjacent to a public-way, in accordance with Sec. 2.10.

D. **Development Review.** In the Village Districts, a Multi-Building Assemblage requires a special permit.

1. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this Sec. 4.5.1.

## 4.6. Allowed Uses.

### 4.6.1. General Standards for Allowed Uses in the Village Districts.

A. **Permitted Uses**

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Uses are permitted as specified in Sec. 4.6.2.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article 11.

B. **Permitted Accessory Uses**



1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses are permitted as specified in Sec. 4.6.2.
3. Accessory Uses not expressly authorized are prohibited.
4. Accessory Uses permitted by Special Permit require additional development review in accordance with Article 11.

#### 4.6.2. Use Table.

Use Category • Specific Use	V1	V2	V3	Definitions & Use Specific Standards
Residential Use Categories				
Household Living Uses	P	P	P	
Group Living Uses (except as follows)	SP	SP	SP	
• Community / Group Residence	P	P	P	
• Dormitory, Student Residences	SP	SP	SP	
• Homeless Shelter	SP	SP	SP	
• Lodging House	SP	SP	SP	
• Nursing Home / Assisted Living Facility	SP	SP	SP	
Arts & Creative Enterprise Use Categories				
Artisan Production Uses	P	P	P	
Arts Exhibition Uses	P	P	P	
Arts, Sales & Service Uses	P	P	P	
Shared Workspaces & Arts Education Uses	P	P	P	
Work/Live Creative Studio Uses	P	P	P	upper stories only
Civic & Institutional Use Categories				
Community Center Uses	P	P	P	
Minor Utility Uses	SP	SP	SP	
Museum Uses	SP	SP	SP	
Private, Non-profit Club or Lodge Uses	SP	SP	SP	
Public Service Uses	P	P	P	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	L	
Commercial Service Use Categories				
Animal Service Uses	SP	SP	N	
• Pet Day Care & Training	SP	SP	N	
• Pet Grooming	P	P	P	
• Veterinarian	SP	SP	SP	
Assembly & Entertainment Uses	SP	SP	SP	
Banking & Financial Service Uses	L	L	L	
Broadcast/Recording Studio Uses	P	P	P	
Building & Home Repair Service Uses				
Business Support Service Uses	P	P	P	
Caterer/Wholesale Food Production Uses				

Day Care Service Uses (as noted below)	--	--	--	
• Adult Day Care Center	SP	SP	SP	
• Child Day Care Center	P	P	P	
Educational Institution Uses	SP	SP	SP	
Maintenance & Repair of Consumer Goods Uses	P	P	P	
Personal Service Uses	SP	SP	SP	
• Gym or Health Club	SP	SP	SP	
• Funeral Home	SP	N	N	
• Health Care Provider	SP	SP	SP	
Recreation Uses	SP	SP	SP	
Eating and Drinking Use Categories				
Restaurant/Café Uses	P	P	P	
• Formula Eating and/or Drinking Establishment	SP	SP	SP	
Brewery Uses	SP	SP	SP	
Lodging Use Categories				
Hotel Uses	N	SP	SP	
Motor Vehicle-Oriented Use Categories				
Gasoline Station Uses	SP	SP	SP	
Motor Vehicle Parking Uses (as noted below)	--	--	--	
• Off-Site Accessory Parking	SP	SP	SP	
• Public Parking	SP	SP	SP	
Personal Vehicle Repair & Maintenance Uses	SP	SP	SP	
Vehicle Sale Uses	N	SP	SP	
Office Use Categories				
Co-Working Uses	P	P	P	
General Office Uses	P	P	P	
Research & Development and/or Laboratory Uses	N	P	P	
Open Space Use Categories				
Farming Uses	P	P	P	
Retail Sales Use Categories				
Building/Home Supplies & Equipment Uses	SP	P	P	
Consumer Goods Uses (Except as Follows)	P	P	P	
• Formula Retail	SP	SP	SP	
• Fresh Food Market or Grocery Store	P	P	P	
• Farmer/Vendor Market	P	P	P	
Restricted Use Categories				
Gambling Uses	SP	SP	SP	
Marijuana Establishment Uses	TBD	TBD	TBD	

Accessory Uses	V1	V2	V3	
Uses typically found as accessory to permitted principal uses.	P	P	P	
Uses typically found as accessory to household living.	P	P	P	
A.T.M.	P	P	P	
Car Share & Bike Share	P	P	P	
Fueling Station	SP	SP	SP	
Commercial Vehicle Parking	P	P	P	
Home Business Uses	P	P	P	
• Day Care	L	L	L	
Short Term Rental	P	P	P	
P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit				

## 4.7. Parking Requirements in the Village Districts.

### 4.7.1. General Standards.

#### A. Required Accessory Parking Spaces.

Bicycle and vehicular parking must be provided as specified in Sec. 4.7.3, except as follows:

1. Existing non-conforming 1- and 2-unit residential buildings are exempt from the requirements of Sec. 4.7.3.
2. Ground story non-residential uses with 5,000 square feet or less of gross leasable floor area are exempt from the requirements of Sec. 4.7.3.
3. There are no parking requirements for accessory uses.
4. Parking may be shared between uses on the same lot and buildings within 500 linear feet as measured along the street in accordance with Article 8.

#### B. Vehicular Parking Types.

Motor vehicle parking may be provided as off-street surface parking spaces, structured parking spaces, and on-street parking spaces.

#### C. Unbundled Market Rate Parking.

1. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
2. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

#### D. Parking Design.

The design of all parking is subject to Article 8 of this Ordinance.

#### E. Driveway Access.

1. Driveways may provide access from a front, side, or rear lot line and may be located within a required front, side, and rear setback areas, but are prohibited between the front elevation of a building and any front lot line.
2. Unless otherwise specified, only one curb cut is permitted per front lot line.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
4. Driveway curb cuts must be no wider than the driveway or vehicular entrance they serve, excluding flares or returned curbs.
5. Driveway curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
6. Driveways and alleys traversing sidewalks must be designed to maintain the grade and clear width of the walkway they cross and must include returned curbs.
7. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners and is recorded at the Registry of Deeds.

#### F. Off-site Parking on a Contiguous Lot.

Required accessory vehicular parking spaces, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

1. The following additional standards apply:
  - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
  - b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the review board or Commissioner of ISD and executed and filed with the Registry of Deeds.

#### 4.7.2. Parking Relief.

- A. Relief from the number of required accessory parking spaces in Sec. 4.7.3. requires a Special Permit from the Planning Board.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 4.7.3, the Special Permit Granting Authority must find that the application meets the following criteria:
  1. The supply and demand of on-street parking in the neighborhood, as determined through a parking study.
  2. Mobility management programs and services provided by the applicant to reduce the demand for parking.
  3. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

#### 4.7.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Village Districts:

Use Category	Bicycle Parking		Motor Vehicle	
	Short (min)	Long (min)	Min	Max
Residential Use Categories				
Household Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
Group Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
Arts & Creative Enterprise Use Categories				
Artisan Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Arts Exhibition Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Arts, Sales & Service Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Shared Workspaces & Arts Education Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Work/Live Creative Studio Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
Civic & Institutional Use Categories				
Community Center Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Minor Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Private, Non-profit Club or Lodge Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	3.0 / 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Commercial Services Use Categories				
Animal Services Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	3.0 / 1,000 sf
Assembly & Entertainment Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	3.0 / 1,000 sf
Banking & Financial Services Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
Broadcast/Recording Studio Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Building & Home Repair Service Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Business Support Service Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Caterer/Wholesale Food Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf

Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	2.5 / 1,000 sf
Educational Institution Uses	1.0 / 1,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Maintenance & Repair of Consumer Goods Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Personal Service Uses	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Recreation Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	3.0 / 1,000 sf
Eating and Drinking Use Categories				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	5.0 / 1,000 sf
Brewery Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	5.0 / 1,000 sf
Lodging Use Categories				
Hotel Uses	1.0 / 10,000 sf	1.0 / 5,000 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Motor Vehicle Oriented Uses				
Gasoline Station Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	2.0 / 1,000 sf
Motor Vehicle Parking Uses	-	-	-	-
Personal Vehicle Repair & Maintenance Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	2.0 / 1,000 sf
Vehicle Sale Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	2.0 / 1,000 sf
Office Use Categories				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
Research & Development and/or Laboratory Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
Open Space Use Categories				
Farming Uses	-	-	-	-
Retail Sales Use Categories				
Building/Home Supplies & Equipment Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Consumer Goods Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Restricted Use Categories				
Gambling Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
Marijuana Establishment Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.5 / 1,000 sf	2.0 / 1,000 sf

# Article 5 Public Use and Recreation Districts

## 5.1. Public Use & Recreation Districts

### 5.1.1. Public Use District

This section is applicable to all real property within the Public Use and Recreation Districts as shown on the Newton Zoning Map.

#### A. Context Description.

The Public Use District is composed of public spaces such as parks, plazas, and conservation areas, and buildings dedicated to public uses such as education, recreation, and local government. All of the properties in this district are publicly owned. Buildings are frequently distinctive in their placement and design and contribute significantly to community identity.

#### B. Purpose.

1. To accommodate and permit buildings and grounds that serve a public purpose for the community such as municipal buildings, schools, libraries, and public safety facilities.
2. To facilitate the preservation and creation of civic spaces including parks, recreational fields and facilities, and protected natural areas.
3. To permit the development or modification of public buildings and spaces through the Section 5-58 process as described in the City of Newton Ordinances.

#### C. Development Review.

1. Development on parcels owned by the City of Newton is reviewed through the process described in the City of Newton Ordinances, Section 5-58.
2. Development on state-owned parcels, where the proposed use and buildings are intended for public uses as allowed in Sec. 5.4 and in Article 9.

#### D. Development Standards.

1. Principal and accessory structures in the Public Use District are not subject to any dimensional standards.
2. Development is exempt from Article 8. Development Standards.

#### E. Allowed Uses

Uses permitted in buildings in the Public Use District are described in Sec. 5.4.

### 5.1.2. Recreation District

#### A. Context Description.

The Recreation District represents large, privately held recreational facilities such as golf courses or tennis clubs as well as other, similar substantial and largely undeveloped parcels such as cemeteries. These parcels typically represent significant open space resources for the community at large as well as serving as a recreational resource for members of the community. Buildings in this district tend to stand-alone and not relate to the surrounding neighborhood or village context.

#### B. Purpose.

1. To preserve the open space resources of these large parcels.
2. To permit reasonable associated development or modification of existing buildings as relate to the primary purpose of the property.

#### C. Development Review.

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials as required in Article 11.

1. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
2. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.
3. Upon completion of the required development review or verification that no additional development review is necessary, the Commissioner of ISD shall issue a Zoning Consistency Determination indicating compliance with the provisions and procedures of this Ordinance.
4. The Special Permit Granting Authority is determined by the scale of the proposed development in accordance with the table below, or by the uses on the lot (See Article 9).

	Scale at which the Planning Board as Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Square footage of Non-residential space on the Lot	Up to 10,000 sf of floor area	More than 10,000 sf of floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Up to 10,000 sf of additional floor area	More than 10,000 sf of additional floor area
Increase in Lot Coverage	Up to 10,000 sf of additional lot coverage	More than 10,000 sf of additional lot coverage



**D. Lot Standards.**

The following table contains lot standards for the Recreation District:

Lot Characteristics	
Frontage:	Min. 100 ft, Max. -
Lot Depth:	N/A
Lot Coverage:	50% Max; +10% by SP (See Sec. 2.3.2)

**E. Setback Standards.**

The following table contains setback standards for the Recreation District:

Setbacks	Min	Max
Front:	25 ft	-
Side:	20 ft	-
Rear:	30 ft	-
Frontage Buildout	-	-

**F. Building Types.**

1. The following principal building types are permitted in the Recreation District:
  - a. Recreation Activity Center (See Sec. 5.2.3)
  - b. Civic Building (See Sec. 5.2.4)
2. In the Recreation District more than one principal building may be located on a lot by Special Permit, in accordance with Sec. 11.4.
  - a. If multiple buildings are located on a lot, all lot and setback standards must be met.

**G. Development Standards.**

1. No impervious surface may be located within 10 feet of any lot line, except for driveways and sidewalks.
2. Properties must comply with the Light Trespass standards of Newton City Ordinance, Chapter 20, Article 3.

**H. Allowed Uses**

Uses permitted in buildings in the Recreation District are described in Sec. 5.4.

## 5.2. Building Types.

### 5.2.1. Introduction to Building Types.

This Ordinance uses building types as a tool to regulate development within each zoning district.

- A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.
- B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.
- C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district and is authorized by M.G.L. Chapter 40A, Section 4. d.
- D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

### 5.2.2. Special Permit to Vary the Dimensional Standards of a Building Type.

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

- A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
  - 2. Design strategies achieve compatibility with the scale of neighboring properties.
  - 3. Design strategies break up the massing and modulate the roof line.

### 5.2.3. Recreation Activity Center.

#### A. Description.

A building providing for indoor recreational activities including sport courts, swimming pools, club houses, and similar spaces for events.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf SP: 50,000 sf	2.5 stories SP: 3.5 stories	Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 5.2.2)					

#### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types.

All Roof Types are permitted.

#### E. Additional Standards.

1. A Recreation Activity Center Building Type may be occupied by the following use categories:
  - a. Civic and Institutional Use Categories
  - b. Recreation Uses
  - c. Assembly/Entertainment Uses
2. Additional use categories permitted in the district may be allowed by Special Permit in accordance with Article 9 and Article 11.

#### 5.2.4. Civic Building.

##### A. Description.

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

##### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Min 12 ft Max 18 ft

##### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

##### D. Roof Types.

All Roof Types are permitted.

##### E. Additional Standards.

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. **Civic Building Conversion.**
  - a. An existing Civic building type may be converted to any of the permitted uses allowed in the district by special permit with design review in accordance with the procedures described in Article 11.
  - b. The maximum number of residential units allowed in a building is subject to the following residential unit factors: Base RU Factor = 1000, 100% Affordable/Sustainable Design Standard = 750
  - c. **Review Criteria.** In its discretion to approve or deny a special permit authorizing the conversion of a civic building, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
    - iii. Design and landscaping are compatible with the neighborhood and adjacent properties.
    - iv. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
    - v. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

## 5.3. Building Components and Accessory Structures.

### 5.3.1. Introduction and General Standards.

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

### 5.3.2. Architectural Components.

Any architectural components may be utilized in any design if fully compliant with the setbacks.

### 5.3.3. Roof Components.

#### A. Dormer.

1. **Description.** A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. **Dimensions.**
  - a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
    - i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
  - b. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. **Standards.**
  - a. Dormers may be used with any roof type, except the flat roof.
  - b. No dormer may extend above the roof ridge line.

#### A. Cross Gable.

1. **Description.** A cross gable is a sloped roof that projects perpendicularly from the main roof of a building to increase the habitable space of a half story or add architectural distinction to a low gabled roof.
2. **Dimensions.**
  - a. A Cross Gable may not exceed 50% of the eave length of the roof to which it connects.
3. **Standards.**
  - a. A cross gable may only be used with a gable or low gable roof type.

#### B. Roof Deck.

1. **Description.** A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. **Dimensions.**

- a. The area or a roof deck may be up to the lesser of 400 sf or 20% of the footprint of the building.
  - b. The width of a roof deck may not exceed 50% of the building width, except on a flat roof it may extend up to the full width of the roof.
  - c. A roof deck must be set at least 5 ft back from all building edges, and 10 ft from the front elevation. This standard is waived if the parapet wall is utilized as the guardrail, provided it is of sufficient height.
3. **Standards.**
- a. The guardrail must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
  - b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height required by building code.

#### 5.3.4. Accessory Structures.

##### A. General Standards.

- 1. **Definitions.**
  - a. **Accessory Structure.** A non-enclosed structure accessory to the principal building on the lot, such as a swing set, play structure, or pergola.
  - b. **Accessory Building.** An accessory building is a fully enclosed structure accessory to the principal building on the lot. (See Sec. 5.3.5)
  - c. **Bounding Box.** The smallest rectangle that can enclose the accessory structure.
- 2. **Accessory Structure Placement.**
  - a. Unless otherwise specified, an accessory structure within a bounding box of 150 sf may encroach any side or rear setback, provided that at least 3 feet is maintained from any lot line. Any accessory structure, exceeding a bounding box of 150 sf, must meet the setbacks for a principal building.
  - b. Unless otherwise specified, accessory structures may be no nearer to any front lot line than the front elevation of the principal building.

##### B. Accessory Garden Structures.

- 1. **Raised Planting Beds.**
  - a. Raised planting beds may be forward of the front elevation and may encroach the front setback, provided that at least 2 feet is maintained from any front lot line.
- 2. **Pergola.**
  - a. A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area, or providing growing area for climbing plants.
  - b. A maximum of 1 pergola within a bounding box of 300 sf may be located forward of the front elevation but must not be within the front setback.
    - i. A pergola within a bounding box of 300 sf may encroach on the side and rear setbacks, provided that at least 5 feet is maintained from any lot line.

##### C. Accessory Art Structures.

1. Any artwork within any setback may not exceed 12 ft in height.
2. Any artwork fitting within a bounding box of 100 sf may be forward of the front elevation and may encroach the front setback, provided that at least 5 feet is maintained from any front lot line.
3. Determination of whether an item qualifies as an artwork is to be made by the Director of the Mayor's Office of Arts and Culture or their designee.

#### D. Accessory Athletic Structures.

Any permanent sport court or swimming pool must meet the setbacks for a principal building.

### 5.3.5. Accessory Buildings.

#### A. General Standards.

1. **Definition.** An accessory building is a fully enclosed structure accessory to the principal building on the lot.
2. **Dimensional Standards.** Unless noted below, all accessory buildings shall conform to the following dimensions:

Building Footprint	Number of Stories	Story Heights
Max	Max	Ground Story
700 sf	1.5 stories	Max 18 ft

- a. No accessory building may exceed 22 ft in height from average grade to the roof peak.
3. **Accessory Building Placement.**
  - a. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the front elevation of the principal building.
  - b. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.
  - c. Accessory buildings must be separated from the principal building by at least 6 feet, measured from any surface of one to any surface of the other.

#### B. Accessory Garden Buildings.

1. **Animal house.** (e.g. dog house, horse barn)
  - a. Accessory buildings used for the keeping of animals must meet the setbacks for a principal building.
2. **Greenhouse.**
  - a. Permanent greenhouses exceeding 300 sf must meet the setbacks for a principal building.

#### C. Caretaker Cottage.

1. **Definition.** An accessory building containing a permanent residence affiliated with the operation of a recreational property.
2. **Building Dimensional Standards.**

Building Footprint	Number of Stories	Story Heights
Max	Max	Ground Story

1200	1.5 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory design review (See Sec. 5.2.2)		

3. **Additional Standards.**

- a. A maximum of one caretaker cottage is allowed per lot.
- b. A caretaker cottage must meet the setbacks for a principal building, except that where a caretaker cottage is within 100 ft of a residential district, the front and side setbacks of the abutting residential district may be applied.
- c. All roof types are permitted.
- d. Ground story fenestration on the front façade: 20% Minimum, 70% Maximum
- e. Maximum of 1 dwelling unit
- f. Outdoor Amenity Space: 1/dwelling unit



## 5.4. Allowed Uses.

### 5.4.1. General Standards for Allowed Uses in the Public Use and Recreation Districts.

#### A. Permitted Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Uses are permitted as specified in 5.3.2.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article 11.

#### B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses are permitted as specified in 5.3.2.
3. Accessory Uses not expressly authorized are prohibited.

### 5.4.2. Use Table.

Use Category • Specific Use	Public Use	Recreation	Definitions & Use Specific Standards
Civic & Institutional Use Categories			
Community Center Uses	P	P	
Minor Utility Uses	SP	SP	
Major Utility Uses	N	N	
Museum Uses	P	P	
Private, Non-profit Club or Lodge Uses	N	P	
Public Service Uses	P	P	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	
Commercial Services Use Categories			
Day Care Service Uses (as noted below)	--	--	
• Child Day Care Center	P	N	
Recreation Uses	N	P	
Eating and Drinking Use Categories			
Restaurant/Café Uses	P	P	
Lodging Use Categories			
Bed & Breakfast Uses	N	P	
Motor Vehicle-Oriented Use Categories			
Motor Vehicle Parking Uses (as noted below)	--	--	
• Off-Site Accessory Parking	N	SP	
• Public Parking	L	N	
Office Use Categories			

Co-Working Uses	P	N	
General Office Uses	P	N	
Open Space Use Categories			
Farming Uses	P	P	
• Community Gardening	P	P	
Private Cemetery Uses	P	P	
Resource Extraction Uses	N	SP	
Retail Sales Use Categories			
Farmer/Vendor Market Uses	P	N	
Accessory Uses	Public Use	Recreation	Definitions & Use Specific Standards
Uses typically found as accessory to permitted principal uses	P	P	
Caretaker Housing Uses	N	P	
Car Share & Bike Share Uses	P	P	
P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit			

## 5.5. Parking Requirements in the Recreation District.

### 5.5.1. General Standards.

#### A. Required Accessory Parking Spaces.

Vehicular parking must be provided as specified in Sec. 5.5.3, except as follows:

1. There are no parking requirements for accessory uses.
2. Parking may be shared between uses on the same lot in accordance with Article 8.

#### B. Vehicular Parking Space Types.

Accessory motor vehicle parking may be provided as off-street surface parking spaces or structured parking spaces.

#### C. Parking Design.

The design of all parking is subject to Article 8 of this Ordinance.

#### D. Driveway Access.

1. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas.
2. No parking stall may be located within any required setback area, with the exception that up to 2 parking stalls may be located in a side setback area. No parking stall may be located between the building front elevation and the street.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.

4. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners.
5. Unless otherwise specified, only one curb cut is permitted per front lot line.

#### E. Off-site Parking on a Contiguous Lot.

Required vehicular parking, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

1. The following additional standards apply:
  - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
  - b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the Special Permit Granting Authority or Commissioner of Inspectional Services, as appropriate, and executed and filed with the Registry of Deeds.

#### 5.5.2. Parking Relief.

- A. Relief from the number of required accessory parking spaces in Sec. 5.5.3. requires a special permit from the Planning Board.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 5.5.3, the Special Permit Granting Authority must find that the application meets the following criteria:
  1. Mobility management programs and services provided by the applicant to reduce the demand for parking.
  2. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

#### 5.5.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Public Use and Recreation Districts:

Use Category	Bicycle Parking		Motor Vehicle	
	Short (min)	Long (min)	Min	Max
<b>Civic &amp; Institutional Use Categories</b>				
Community Center Uses	<b>1.0 /</b> 5,000 sf	<b>1.0 /</b> 2,500 sf	<b>2.0 /</b> 1,000 sf	<b>5.0 /</b> 1,000 sf
Minor Utility Uses	-	-	-	-
Major Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	<b>5.0 /</b> 1,000 sf
Private, Non-profit Club or Lodge Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	<b>5.0 /</b> 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	<b>1.0 /</b> 1,000 sf	<b>1.0 /</b> 2,500 sf	<b>2.0 /</b> 1,000 sf	<b>12.0 /</b> 1,000 sf

Commercial Services Use Categories				
Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	4.0 / 1,000 sf
Recreation Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
Eating and Drinking Use Categories				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	12.0 / 1,000 sf
Lodging Use Categories				
Bed & Breakfast Uses	-	-	1.0 / bedroom	3 + 1.0 / bedroom
Motor Vehicle-Oriented Use Categories				
Motor Vehicle Parking Uses	-	-	-	-
Office Use Categories				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
Open Space Use Categories				
Farming Uses	-	-	-	-
Private Cemetery Uses	-	-	-	-
Resource Extraction Uses	-	-	-	-
Retail Sales Use Categories				
Farmer/Vendor Market Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	5.0 / 1,000 sf

## Article 6 Single Purpose Districts

### 6.1. Single Purpose Districts

#### 6.1.1. Intent and Purpose

The Single Purpose Districts in Article 6 represent districts whose development patterns, in terms of scale, setbacks, and building orientation, do not match the context of Newton's village centers and neighborhoods. Development within these districts typically stands-alone.

- A. These districts are intended to allow continued use and improvement to properties.
- B. It is generally not the intention of this Zoning Ordinance to rezone lots into these districts in the future.

#### 6.1.2. Development Review.

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials as required in Article 11.

- A. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
- B. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.
- C. Upon completion of the required development review or verification that no additional development review is necessary, the Commissioner of ISD shall issue a Zoning Consistency Determination indicating compliance with the provisions and procedures of this Ordinance.
- D. The Special Permit Granting Authority is determined by the scale of the proposed development in accordance with the table below, or by the uses on the lot (See Article 9).

	Scale at which the Planning Board as Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Number of Residential Units on the Lot	Up to 20 units	21 units or more
Square footage of Commercial Space on the Lot	Up to 40,000 sf of gross floor area	More than 40,000 sf of gross floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Up to 20,000 sf of additional floor area	More than 20,000 sf of additional floor area
Increase in Lot Coverage	Up to 30,000 sf of additional lot coverage	More than 30,000 sf of additional lot coverage

### 6.1.3. Office District

This section is applicable to all real property within the Office District as shown on the Newton Zoning Map.

#### A. Context Description.

The Office District is composed of stand-alone office buildings, most typically found in proximity to highway access. Buildings in this district are frequently surrounded by landscaping and surface parking lots. Wells Ave is the largest Office District in Newton.

#### B. Purpose.

1. To permit modifications of existing office buildings.
2. To permit redevelopment of existing office buildings into new office buildings.
3. To permit the addition of new office buildings into areas of existing office buildings.

#### C. Lot Standards.

The following table contains lot standards for the Office District:

	Min	Max
Frontage:	20 ft	-
Lot Coverage:	-	70%; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards

The following table contains setback standards for the Office District:

	Min	Max
Front:	20 ft	-
Side:	Abutting residence districts: greater of ½ bldg. height or 20 ft General min: 15 ft	-
Rear:	Greater of ½ bldg. height or 15 ft	-

#### E. Building Types.

The following principal building types are permitted in the Office District:

1. General Commercial Building (See Sec. 6.2.3)
2. Lab Building (See Sec.6.2.10)
3. Civic Building (See Sec.6.2.13)

#### F. Alternate Lot/Building Configurations.

The following alternate lot/building configurations are permitted by Special Permit in the Office District:

1. Multi-Building Assemblage (Sec. 6.4.1)

G. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.

3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. Allowed Uses.

Uses permitted in buildings in the Office District are described in Sec. 6.6 and subject to further restrictions as described in each building type.

#### 6.1.4. Fabrication District

This section is applicable to all real property within the Fabrication District as shown on the Newton Zoning Map.

##### A. Context Description.

The Fabrication District represents Newton's manufacturing, light industrial, and maker/builder spaces. This district is composed of buildings where things get made and for uses that require storage space. The uses in this district can generate noise, odors, and other environmental conditions that must be mitigated.

##### B. Purpose.

1. To reserve these areas of the City for intense commercial purposes.
2. To promote innovation through flexible space and use configuration and generally lower costs.
3. To permit modifications of existing buildings.
4. To permit redevelopment for new fabrication buildings or the addition of new fabrication buildings on an existing lot.

##### C. Lot Standards.

The following table contains lot standards for the Fabrication District:

	Min	Max
Frontage:	20 ft	-
Lot Coverage:	-	70%; +10% by SP (See Sec. 2.3.2)

##### D. Setback Standards

The following table contains setback standards for the Fabrication District:

	Min	Max
Front:	10 ft	Abutting a Village District: 25 ft
Side:	15 ft	-
Rear:	25 ft	-
Frontage Buildout:	Abutting a Village District: 40%, except to allow a minimal driveway	

##### E. Building Types.

The following principal building types are permitted in the Fabrication District:

1. Fabrication Building (See Sec.6.2.4)
2. Lab Building (See Sec. 6.2.10)
3. Civic Building (See Sec. 6.2.13)

##### F. Alternate Lot/Building Configurations.

The following alternate lot/building configurations are permitted by Special Permit in the Fabrication District:

1. Multi-Building Assemblage (Sec. 6.4.1)



G. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

H. **Allowed Uses.**

Uses permitted in buildings in the Fabrication District are described in Sec. 6.6 and subject to further restrictions as described in each building type.

### 6.1.5. Regional Retail District

This section is applicable to all real property within the Regional Retail District as shown on the Newton Zoning Map.

#### A. Context Description.

The Regional Retail District is composed of regional retail destinations; typically, large, multi-unit retail complexes. These lots typically have large amounts of parking and the buildings are isolated from any surrounding neighborhoods.

#### B. Purpose.

1. To permit modifications of existing retail buildings.
2. To permit redevelopment of existing buildings into new buildings.
3. To permit the addition of new retail or office buildings into existing regional retail areas.

#### C. Lot Standards.

The following table contains lot standards for the Regional Retail District:

	Min	Max
Frontage:	200 ft	-
Lot Depth:	100 ft	-
Lot Coverage:	-	50%; +10% by SP (See Sec. 2.3.2)

#### D. Setback Standards.

The following table contains setback standards for the Regional Retail District:

	Min	Max
Front:	20 ft	-
Side:	30 ft	-
Rear:	40 ft	-

#### E. Building Types.

1. The following principal building types are permitted in the Regional Retail District:
  - a. General Commercial Building (See Sec. 6.2.3)
  - b. Large Multi-use Building (See Sec. 6.2.5)
  - c. Shop (See Sec 6.2.8)
  - d. Box Building (See Sec.6.2.9)
  - e. Civic Building (See Sec 6.2.13)
2. The following principal building types are permitted by Special Permit in the Regional Retail District:
  - a. Tall Multi-Use Building (See Sec. 6.2.6)
  - b. Lined Garage Building (See Sec. 6.2.7)

#### F. Alternate Lot/Building Configurations.

The following alternate lot/building configurations are permitted by Special Permit in the Regional Retail District:

1. Multi-Building Assemblage (Sec. 6.4.1)

G. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new tall multi-use building, lined garage, or a multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

H. **Allowed Uses.**

Uses permitted in buildings in the Regional Retail District are described in Sec. 6.6 and subject to further restrictions as described in each building type.

### 6.1.6. Non-contextual Multi-unit Residence District

This section is applicable to all real property within the Non-contextual Multi-unit Residence District as shown on the Newton Zoning Map.

#### A. Context Description.

The Non-contextual Multi-unit Residence District is composed of large-scale multi-unit development projects configured as either one large building or as multiple townhouse style buildings. The defining characteristic is that the development project is isolated from surrounding neighborhoods through vegetated buffers and/or parking lots. These projects do not typically reflect the patterns of the surrounding neighborhood building character.

#### B. Purpose.

1. To permit modifications of existing residential buildings.
2. To permit redevelopment of existing buildings into new buildings.
3. To permit the addition of new buildings onto an existing developed site.
4. In limited circumstances, to permit a new residential development on an existing regional retail site, following rezoning to this district.

#### C. Lot Standards.

The following table contains lot standards for the Non-contextual Multi-unit Residence District:

	Min	Max
Lot Frontage:	100 ft	-
Lot Area:	1 ac	-
Lot Coverage:	-	40%; + 10% by SP (See Sec.2.3.2)

#### D. Setback Standards.

The following table contains setback standards for the Non-contextual Multi-unit Residence District:

	Min	Max
Front:	20 ft	-
Side:	20 ft	-
Rear:	40 ft	-

#### E. Building Types.

The following principal building types are permitted in the Non-contextual Multi-unit Residence District:

1. Townhouse Section (See Sec. 6.2.11)
2. Tall Multi-Use Building (See Sec. 6.2.6)
3. Recreation Activity Center (See Sec. 6.2.12)
4. Civic Building (See Sec. 6.2.13)

#### F. Alternate Lot/Building Configurations.

A Multi-Building Assemblage (Sec. 6.4.1) is permitted in the Non-contextual Multi-unit Residence District. Depending on the scale of the project, a Special Permit may be required.

- G. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. Allowed Uses.

Uses permitted in buildings in the Non-contextual Multi-unit Residence District are described in Sec. 6.6 and subject to further restrictions as described in each building type.

### 6.1.7. Campus/Institutional District

This section is applicable to all real property within the Campus/Institutional District as shown on the Newton Zoning Map.

#### A. Context Description.

The Campus/Institutional District represents Newton's large school, hospital, and institution campuses. These areas are characterized by buildings at different scales, greenspaces, parking facilities, and other structures with most of these features internally oriented rather than relating to the public street network.

#### B. Purpose.

1. To permit modifications to existing buildings, structures, and land uses of the campus.
2. To permit development and redevelopment of new buildings and structures.
3. To provide a process whereby review of changes to a given campus over time can be understood within the context of a long-range campus master plan.

#### C. Lot Standards.

The following table contains lot standards for the Campus/Institutional District:

	Min	Max
Lot Frontage:	40 ft	-
Lot Coverage:	-	50% max

#### D. Setback Standards.

The following table contains setback standards for the Campus/Institutional District:

	Min	Max
Front:	10 ft	25 ft
Side:	15 ft	-
Rear:	30 ft	-

#### E. Building Types.

The following principal building types are permitted in the Campus/Institutional District:

1. General Commercial Building (See Sec. 6.2.3)
2. Large Multi-Use Building (See Sec. 6.2.5)
3. Lab Building (See Sec 6.2.10)
4. Recreation Activity Center (See Sec.6.2.12)
5. Civic Building (See Sec.6.2.13)

#### F. Alternate Lot/Building Configurations.

A Multi-Building Assemblage (Sec. 6.4.1) is permitted in the Non-contextual Multi-unit Residence District. Depending on the scale of the project, a Special Permit may be required.

- G. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new multi-building assemblage, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.

2. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
4. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
5. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

#### H. Allowed Uses.

Uses permitted in buildings in the Campus/Institutional District are described in Sec. 6.6 and subject to further restrictions as described in each building type.

## 6.2. Building Types.

### 6.2.1. Introduction to Building Types.

This Ordinance uses 'building types' as a tool to regulate development within each zoning district.

- A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.
- B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.
- C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district.
- D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

### 6.2.2. Special Permit to Vary the Dimensional Standards of a Building Type.

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

- A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
  - 2. Design strategies achieve compatibility with the scale of neighboring properties.
  - 3. Design strategies break up the massing and modulate the roof line.



### 6.2.3. General Commercial Building

#### A. Description.

A large floorplate multi-story building built for commercial operations with limited accessory retail or no retail space on the ground floor, such as an office building for a one or more tenant companies.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
100 ft	400 ft	400 ft	75,000 sf	5 stories	Min 12 ft Max 24 ft	Min 10 ft Max 16 ft

#### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 30% Minimum
6. Upper Story Fenestration: 20% Minimum
7. Max Blank Wall = 40 ft x 60 ft

#### D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

#### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.

## 6.2.4. Fabrication Building.

### A. Description.

A one- to two- story building built to house fabrication and manufacturing uses that require higher than typical ceiling heights. Newton's historic mills, like in Upper and Lower Falls, and 20<sup>th</sup> century manufacturing buildings along Needham Street are typical of the Fabrication Building Type.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
-	175 ft	200 ft	30,000 sf SP: 40,000 sf	3 stories	Min 16 ft Max 24 ft	Min 14 ft Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)						

### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 40% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 30 ft x 60 ft

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.

## 6.2.5. Large Multi-Use Building.

### A. Description.

A large footprint mid-rise mixed-use building with the ground story designed for commercial activity.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights		
Min	Max	Max	Max	Max	Ground Story	2 <sup>nd</sup> – 3 <sup>rd</sup> Stories	Upper Stories
60 ft	200 ft	250 ft	30,000 sf SP: 40,000 sf	5 stories SP: 7 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft	Max 14 ft SP: +2 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)							

### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. Ground Story Non-Residential Use Dimensional Standards:
  - a. A minimum of 70% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be waived with a Special Permit in accordance with the procedures of Article 11.
2. Residential Units Factor: Base = 1,250, 100% Affordable/Sustainable Design Standard = 900
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

## 6.2.6. Tall Multi-Use Building.

### A. Description.

A large footprint tall mixed-use building with the ground story designed for commercial activity along the front elevation and either residential or commercial uses on the upper floors. In the Single Purpose Districts, tall multi-use buildings typically present as residential towers, like Chestnut Hill Towers or Nahanton Woods.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
60 ft	200 ft	250 ft	30,000 sf SP: 40,000 sf	10 stories	Min 14 ft Max 24 ft	Max 14 ft SP: +2 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)						

### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 40 ft x 40 ft

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. Except in the Non-contextual Residence District, the following Ground Story Commercial Use Dimensional Standards apply:
  - a. A minimum of 70% of the ground story must be utilized for non-residential uses.
  - b. Ground story non-residential uses must be located along the front elevation.
  - c. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
  - d. The ground story non-residential use dimensional standards may be waived with a Special Permit from the Planning Board in accordance with the procedures of Article 11.
2. Residential Units Factor: Base = 1,250, 100% Affordable/Sustainable Design Standard = 900
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

## 6.2.7. Lined Garage.

### A. Description.

A large building chiefly designed for the storage of vehicles, while providing leasable non-garage space along the front elevation.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
-	300 ft	300 ft	75,000 sf	5 stories SP: +2 stories	Liner: Min 16 ft Max 24 ft  Garage: Min 10 ft Max 12 ft	Liner: Min 12 ft Max 16 ft  Garage: Min 10 ft Max 12 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)						

### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 40 ft x 40 ft
4. Principal Entrance Spacing: min. 1 entrance in each 75 ft of front elevation

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. Standards for the Leasable Liner (non-garage) portion:
  - a. Leasable liner must extend the full length of the front elevation
  - b. Leasable liner must have a minimum depth of 30 ft and a maximum depth of 80 ft
  - c. Ground Story Commercial Use Dimensional Standards:
    - i. A minimum of 70% of the ground story must be utilized for non-residential uses.
    - ii. Ground story non-residential uses must be located along the front elevation.
    - iii. Ground story non-residential use space must be a minimum depth of 75 ft or 60% of the building depth whichever is less.
    - iv. The ground story non-residential use dimensional standards may be waived with a Special Permit from the Planning Board in accordance with the procedures of Article 11.
  - d. Residential Units Factor applies to the area of the leasable liner only:
    - i. Base = 1,250
    - ii. 100% Affordable/Sustainable Design Standard = 900

- e. Outdoor Amenity Space: 1/dwelling unit, may be shared.
2. Standards for the garage portion:
- a. There may be one additional story in the parking garage portion than in the liner building provided that the total height of the garage is screened by the liner building.
  - b. Rooftop parking is allowed if screened from view of the public-way with a parapet wall, trellis, etc. with at least 50% opacity. Rooftop parking must be set back at least 10 ft from the front elevation.
  - c. Story height min and max for the garage portion is waivable by Special Permit.

### 6.2.8. Shop.

#### A. Description.

A single-story commercial building, typically for a retail or service use. Shop building types generally contain one, but may contain a few, smaller commercial establishments with an active frontage.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
30 ft	150 ft	150 ft	15,000 sf	1.5 stories	Min 12 ft Max 35 ft

#### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 70% Minimum
2. Max Blank Wall = 20 ft x 30 ft
8. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

#### D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

#### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.
2. No residential uses.

### 6.2.9. Box Building

#### A. Description.

A single story, large footprint, commercial building, for one or more tenants, that is typically setback by vehicle parking. Box building types are common in strip type shopping malls, and are found on properties along Route 9 and Needham Street, typically with large surface parking lots.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
-	400 ft	400 ft	65,000 sf	1 story	Min 12 ft Max 35 ft

#### C. Fenestration on the Front Elevation.

1. 50% Minimum First Floor Fenestration
2. Max Blank Wall = 50ft x 50 ft
3. Principal Entrance Spacing: min. 1 entrance in each 150 ft of front elevation

#### D. Roof Types.

All Roof Types with an equivalent of 0 stories are permitted.

#### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors on the front elevation are considered blank walls.
2. Building Components may not be utilized on a Box Building.
3. No residential uses.



## 6.2.10. Lab Building.

### A. Description.

A multi-story building type purpose built for laboratory and research & development uses. Floor space is mechanically intensive labs, and a higher floor height is anticipated to accommodate lab mechanical equipment.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
40 ft	200 ft	300 ft	40,000 sf SP: 50,000 sf	Office: 5 stories Fab.: 3 stories SP: +1 stories	Min 16 ft Max 24 ft	Min 12 ft Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)						

### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 70% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 40 ft x 70 ft

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. **Loading and Garage Bays.** Loading and Garage doors are considered blank walls.
2. No residential uses

## 6.2.11. Townhouse Section

### A. Description.

A series of connected one- to two-unit houses (called “townhouse sections”) with separate entrances. The townhouse building type first are seen in Newton in the late -18<sup>th</sup> century, but most townhouses in Newton date from the late 20<sup>th</sup> and early 21<sup>st</sup> century. Traditional townhouses come up to the street with alley access from the rear. Townhouse building types with 3 or 4 sections are found in neighborhoods across Newton. Large townhouse complexes are more typically found in southern Newton.

### B. Building Dimensional Standards.

The following standards apply to each townhouse section.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	28 ft	-	1,500 sf SP: 1,800 sf	3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)					

### C. Fenestration on the Front Elevation.

The following standards apply to each townhouse section:

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. Only residential use categories are permitted.
2. Maximum of 2 Residential Units are permitted per townhouse section.
3. Outdoor Amenity Space: 1/dwelling unit
4. In no case may an attached series of townhouses contain more than 8 townhouse sections.

## 6.2.12. Recreation Activity Center.

### A. Description.

A building providing for indoor recreational activities including sport courts, swimming pools, club houses, and similar spaces for events.

### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf SP: 50,000 sf	2.5 stories SP: 3.5 stories	Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 6.2.2)					

### C. Fenestration on the Front Elevation .

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

### D. Roof Types.

All Roof Types are permitted.

### E. Additional Standards.

1. A Recreation Activity Center Building Type may be occupied by the following use categories:
  - a. Civic and Institutional Use Categories
  - b. Recreation Uses
  - c. Assembly/Entertainment Uses
2. Additional use categories permitted in the district may be allowed by Special Permit in accordance with Article 9 and Article 11.

### 6.2.13. Civic Building.

#### A. Description.

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

#### B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Min 12 ft Max 18 ft

#### C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

#### D. Roof Types.

All Roof Types are permitted.

#### E. Additional Standards.

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. **Civic Building Conversion.**
  - a. An existing Civic building type may be converted to any of the permitted uses allowed in the district by special permit with design review in accordance with the procedures described in Article 11.
  - b. The maximum number of dwelling units allowed in a building is subject to the following Residential Unit Factors:
    - i. Base = 1250
    - ii. 100% Affordable/Sustainable Design Standard = 900
  - c. **Review Criteria.** In its discretion to approve or deny a special permit authorizing the conversion of a civic building, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
    - iii. Design and landscaping are compatible with the neighborhood and adjacent properties.
    - iv. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
    - v. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

## 6.3. Building Components and Accessory Structures.

### 6.3.1. Introduction and General Standards.

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

### 6.3.2. Roof Components.

#### A. Dormer.

1. **Description.** A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. **Dimensions.**
  - a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
    - i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
  - b. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. **Standards.**
  - a. Dormers may be used with any roof type, except the flat roof.
  - b. No dormer may extend above the roof ridge line.

#### B. Cross Gable.

1. **Description.** A cross gable is a pitched roof that projects perpendicularly from the main roof of a building to increase the habitable space of a half story or add architectural distinction to a low gabled roof.
2. **Dimensions.**
  - a. A cross gable may not exceed 50% of the eave length of the roof to which it connects.
3. **Additional Standards.**
  - a. A cross gable may only be used with a gable or low gable roof type.

#### C. Roof Deck.

1. **Description.** A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. **Dimensions.**
  - a. In the Single Purpose Districts, the maximum area of a roof deck is up to 60% of the footprint of the building.
  - b. The width of a roof deck may not exceed 50% of the building width, except that on a flat roof it may extend up to the full width of the roof.

- c. A roof deck must be set at least 5 ft in from all building edges. Roof decks built on a flat roof may extend to the building parapet and use the parapet as a railing, provided it is of sufficient height.

3. **Additional Standards.**

- a. The railing must be constructed with posts and rails spaced so that it does not exceed 50% opacity, except when built on a flat roof.
- b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height required by building code.

**D. Penthouse.**

- 1. **Description.** A rooftop structure, considerably smaller than the footprint of the primary building.

2. **Dimensions.**

	Min	Max
Width	-	40% of the floor below
Depth	-	40% of the floor below
Height	-	12 ft
Fenestration	20%	-

- a. A penthouse must be set back at least 15 ft of the front elevation.
- b. No penthouse may extend beyond the walls of the building to which it attaches.

3. **Additional Standards.**

- a. Penthouses may only attach to a flat roof type.
- b. Penthouses are only allowed on the following building types:
  - i. Large Multi-use Building
  - ii. Tall Multi-use Building
  - iii. Lab Building
  - iv. Lined Garage
- c. Penthouses solely used for enclosing mechanical equipment are exempt from fenestration requirements

**6.3.3. Accessory Structures.**

**A. Residential Accessory Structures**

- 1. Residential Accessory Structures in the Non-contextual Multi-unit Residence District follow the standards in Article 3.
- 2. Residential Accessory Structures in all other Single Purpose Districts follow the standards in Article 4.

**B. Non-residential Accessory Structures**

- 1. With the exception of the Non-contextual Multi-unit Residence District, non-residential accessory structures follow the standards in Article 4.

## 6.4. Alternative Building Configurations

### 6.4.1. Multi-Building Assemblage

- A. **Purpose.** The intent of this section is to allow multiple principle building types to be built on a single lot. Buildings in an assemblage present and function as individual structures with varied character in order to lend visual interest and vibrancy to the mixed-use areas in which they are built.
- B. **Assemblage, defined.** An assemblage is a series of attached or related buildings, assembling multiple principal building types on one lot.
- C. **Standards.**

Multi-building Assemblage is allowed in the Single Purpose Districts in accordance with the following standards:

1. All lot standards must be met.
2. Buildings may be attached within the setbacks.
3. Each building in the assemblage must meet the standards for a building type allowed in the district.
4. Townhouse Sections must be in a series of at least 3 but no more 8 sections.
5. All building front elevations must front on private- or public-ways.
6. If buildings are attached, the front elevation setback from the front lot line must vary after every 3 adjacent buildings by at least 4 feet.
7. All buildings must have individual entrances. Except as allowed below, no building may be accessed through an adjacent building.
  - a. Underground parking may be connected and shared.
  - b. Ground floor non-residential spaces may be connected between adjacent buildings.
  - c. Floor-to-floor connections on upper stories may be allowed between attached buildings in an assemblage by special permit from the Planning Board in accordance with the procedures described in Article 11. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this section.
8. No more than 2 adjacent buildings, with the exception of a series of townhouses, may have the same primary roof orientation and/or type.
9. Each assemblage must contain a minimum of 1 public gathering space adjacent to a public-way, in accordance with Sec. 2.10.

#### D. Development Review.

1. In the Single Purpose Districts, a Multi-Building Assemblage requires a special permit, except that:
  - a. In the Non-contextual Multi-unit Residence District, an assemblage of more than 8 townhouse units requires a special permit.
2. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this Sec. 6.4.1.

## 6.5. Design Standards.

### 6.5.1. Garage Design Standards.

Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 6.7. Garages may be attached or detached.

1. **Attached Garages.** The length of an attached garage facing the primary front lot line may be up to 50% of the total front elevation or 24 feet, whichever is greater.
2. **Detached Garages.** Centralized and underground garages are encouraged.
  - a. The number of detached garages on a property may not exceed one half of the number of units on the property, rounded down.
  - b. A detached garage of more than 700 sf and providing for more than 3 vehicles is allowed by right if it meets the setbacks for a principal building.
  - c. By Special Permit, a detached garage of more than 700 sf may be located within the setback, but not more than 5 ft from the property line. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the following criteria:
    - i. Design and management strategies to achieve compatibility with the neighborhood and adjacent residential properties.
    - ii. Screening and landscaping between the proposed detached garage and buildings on abutting lots.

## 6.6. Allowed Uses.

### 6.6.1. General Standards for Allowed Uses in the Single Purpose Districts.

#### A. Permitted Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Uses are permitted as specified in Sec. 6.6.2.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article 11.

#### B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses are permitted as specified in Sec. 6.6.2.
3. Accessory Uses not expressly authorized are prohibited.
4. Accessory Uses permitted by Special Permit require additional development review in accordance with Article 11.



### 6.6.2. Use Table.

The following use categories and specific uses are permitted in the Single Purpose Districts:

Use Category Specific Use	Office	Fab.	Regional Retail	N.C.M.	Campus	Definitions & Use Specific Standards
<b>Residential Use Categories</b>						
Household Living Uses	N	N	N	P	L	
Group Living Uses (except as follows)	N	N	N	SP	N	
• Community / Group Residence	N	N	N	P	N	
• Dormitory, Student Residences	N	N	N	N	L	
• Nursing Home / Assisted Living Facility	N	N	N	SP	N	
<b>Arts &amp; Creative Enterprise Use Categories</b>						
Artisan Production Uses	N	P	P	N	L	
Arts Exhibition Uses	N	P	P	N	L	
Arts, Sales & Service Uses	N	P	P	N	N	
Shared Workspaces & Arts Education Uses	N	P	P	N	L	
Work/Live Creative Studio Uses	N	P	N	N	N	
<b>Civic &amp; Institutional Use Categories</b>						
Community Center Uses	N	N	N	P	L	
Hospital Uses	N	N	N	N	L	
Minor Utility Uses	SP	SP	SP	SP	L	
Major Utility Uses	N	SP	N	N	N	
Museum Uses	N	N	N	N	L	
Public Service Uses	P	P	P	P	L	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	L	L	L	
<b>Commercial Service Use Categories</b>						
Animal Service Uses	N	SP	SP	N	N	
• Commercial Kennel	N	SP	N	N	N	
• Pet Day Care & Training	N	SP	SP	N	N	
• Pet Grooming	N	N	P	N	N	
• Veterinarian	N	SP	SP	N	N	
Assembly & Entertainment Uses	N	N	N	N	L	
Banking & Financial Service Uses	N	N	P	N	L	
Broadcast/Recording Studio Uses	P	P	P	N	L	
Building & Home Repair Service Uses	SP	P	N	N	N	

Business Support Service Uses	P	N	P	N	N	
Caterer/Wholesale Food Production Uses	N	P	P	N	N	
Day Care Service Uses (as noted below)	--	--	--	--	--	
• Adult Day Care Center	SP	N	SP	N	N	
• Child Day Care Center	P	N	P	N	L	
Educational Institution Uses	SP	N	SP	N	L	
Maintenance & Repair of Consumer Goods Uses	N	P	P	N	N	
Personal Service Uses	N	N	SP	N	N	
• Gym or Health Club	SP	N	SP	N	L	
• Health Care Provider	SP	N	SP	N	L	
Recreation Uses	N	N	SP	N	L	
Eating and Drinking Use Categories						
Restaurant/Café Uses	P	N	P	N	L	
• Formula Eating and/or Drinking Establishment	N	N	P	N	L	
Brewery	N	SP	N	N	N	
Industrial Use Categories						
Commercial Dry Cleaning & Laundry Service Uses	N	P	N	N	N	
Data Center & Telecommunication Uses	SP	SP	N	N	L	
Manufacturing Uses	N	P	N	N	N	
Moving & Self Storage Uses	N	P	N	N	N	
Trash & Recycling Collection/Storage Uses	N	P	N	N	L	
Vehicle Storage & Transportation Depot Uses	N	P	N	N	L	
Wholesale Trade & Distribution Uses	N	P	N	N	N	
Lodging Use Categories						
Hotel Uses	SP	N	SP	N	N	
Motor Vehicle-Oriented Use Categories						
Commercial Vehicle Repair & Maintenance Uses	N	P	N	N	L	
Dispatch Service Uses	N	P	N	N	N	
• Towing Service	N	P	N	N	N	
Gasoline Station Uses	N	P	SP	N	N	
Motor Vehicle Parking Uses (as noted below)	--	--	--	--	--	
• Off-Site Accessory Parking	SP	SP	SP	SP	N	
• Public Parking	SP	SP	SP	N	L	

Personal Vehicle Repair & Maintenance Uses	N	P	SP	N	N	
Vehicle Sale Uses	N	P	SP	N	N	
Office Use Categories						
Co-Working Uses	P	P	P	N	L	
General Office Uses	P	SP	P	N	L	
Research & Development and/or Laboratory Uses	P	P	P	N	L	
Open Space Use Categories						
Farming Uses	P	P	P	P	N	
• Community Gardening	P	P	N	P	N	
Resource Extraction Uses	SP	SP	SP	SP	N	
Retail Sales Use Categories						
Building/Home Supplies & Equipment Uses	N	P	P	N	N	
Consumer Goods Uses (Except as Follows)	N	N	P	N	L	
• Formula Retail	N	N	P	N	L	
• Fresh Food Market or Grocery Store	N	N	P	N	L	
• Farmer/Vendor Market	N	P	P	N	L	
Restricted Use Categories						
Adult Entertainment Uses	N	SP	SP	N	N	
Gambling Uses	N	N	SP	N	N	
Marijuana Establishment Uses	TBD	TBD	TBD	TBD	TBD	
Accessory Uses	Office	Fab.	Regional Retail	N.C.M.	Campus	Definitions & Use Specific Standards
Uses typically found as accessory to permitted principal uses.	P	P	P	P	P	
Uses typically found as accessory to household living.	N	N	N	P	N	
A.T.M.	P	N	P	N	L	
Car Share & Bike Share	P	P	P	P	L	
Commercial Vehicle Parking	N	N	N	P	N	
Home Business Uses	N	N	N	P	N	
Short Term Rental	N	N	N	P	N	
P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit						

## 6.7. Parking Requirements in the Single Purpose Districts.

### 6.7.1. General Standards.

#### A. Required Accessory Parking Spaces.

Vehicular parking must be provided as specified in Sec. 6.7.3, except as follows:

1. 1- and 2-unit residential buildings, including townhouse sections, are exempt from the requirements of Sec. 6.7.3.
2. Ground story non-residential uses with five thousand (5,000) square feet or less of gross leasable floor area are exempt from the requirements of Sec. 6.7.3.
3. There are no parking requirements for accessory uses.
4. Parking may be shared between uses on the same lot and buildings within 500 ft in accordance with Article 8.
5. One on street parking space, where permitted, for every twenty feet of lot width may be counted toward any minimum parking requirement.

#### B. Vehicular Parking Space Types.

Accessory motor vehicle parking spaces may be provided as off-street surface parking spaces, structured parking spaces, and on-street parking spaces.

#### C. Unbundled Market Rate Parking.

1. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
2. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

#### D. Parking Design.

The design of all parking is subject to Article 8 of this Ordinance.

#### E. Driveway Access.

1. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas.
2. No parking stall may be located within any required setback area, with the exception that up to 2 parking stalls may be located in a side setback area. No parking stall may be located between the building front elevation and the street.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
4. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners.
5. Unless otherwise specified, only one curb cut is permitted per front lot line.
6. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
7. Curb cuts may be no wider than the driveway or vehicular entrance they serve, excluding flares or returned curbs.
8. Driveways and alleys traversing sidewalks must be designed to maintain the grade and clear width of the walkway they cross and must include returned curbs.

#### F. Off-site Parking on a Contiguous Lot.

Required vehicular parking, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

1. The following additional standards apply:
  - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
  - b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the Special Permit Granting Authority or Commissioner of Inspectional Services, as appropriate, and executed and filed with the Registry of Deeds.

#### 6.7.2. Parking Relief

- A. Relief from the number of required accessory parking spaces in Sec. 6.7.3. requires a special permit from the Planning Board.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 6.7.3, the Special Permit Granting Authority must find that the application meets the following criteria:
  1. The supply and demand of on-street parking in the neighborhood, as determined through a parking study.
  2. Mobility management programs and services provided by the applicant to reduce the demand for parking.
  3. Availability and access to public transportation options.
  4. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

#### 6.7.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Single Purpose Districts:

Use Category	Single Use			
	Bicycle Parking		Motor Vehicle	
	Short (min)	Long (min)	Min	Max
<b>Residential Use Categories</b>				
Household Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
Group Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Arts &amp; Creative Enterprise Use Categories</b>				
Artisan Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Arts Exhibition Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Arts, Sales & Service Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Shared Workspaces & Arts Education Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf

Work/Live Creative Studio Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Civic &amp; Institutional Use Categories</b>				
Community Center Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Hospital Uses	1.0 / 10,000 sf	1.0 / 5,000 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Minor Utility Uses	-	-	-	-
Major Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	12.0 / 1,000 sf
<b>Commercial Services Use Categories</b>				
Animal Services Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Assembly & Entertainment Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
Banking & Financial Services Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
Broadcast/Recording Studio Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Building & Home Repair Service Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Business Support Service Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Caterer/Wholesale Food Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	4.0 / 1,000 sf
Educational Institution Uses	1.0 / 1,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	5.0 / 1,000 sf
Maintenance & Repair of Consumer Goods Uses <sup>0</sup>	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Personal Service Uses	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Recreation Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
<b>Eating and Drinking Use Categories</b>				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	12.0 / 1,000 sf
Brewery Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	12.0 / 1,000 sf
<b>Industrial Use Categories</b>				
Commercial Dry Cleaning & Laundry Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Data Center & Telecommunication Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf

Manufacturing Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Moving & Self Storage Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Trash & Recycling Collection/Storage Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Vehicle Storage & Transportation Depot Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Wholesale Trade & Distribution Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Lodging Use Categories				
Hotel Uses	1.0 / 10,000 sf	1.0 / 5,000 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Motor Vehicle Oriented Uses				
Commercial Vehicle Repair & Maintenance Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	3.0 / 1,000 sf
Dispatch Service Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	3.0 / 1,000 sf
Gasoline Station Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	3.0 / 1,000 sf
Motor Vehicle Parking Uses	-	-	-	-
Personal Vehicle Repair & Maintenance Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	3.0 / 1,000 sf
Vehicle Sale Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	0.25 / 1,000 sf	3.0 / 1,000 sf
Office Use Categories				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
Research & Development and/or Laboratory Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
Open Space Use Categories				
Farming Uses	-	-	-	-
Private Cemetery Uses	-	-	-	-
Resource Extraction Uses	-	-	-	-
Retail Sales Use Categories				
Building/Home Supplies & Equipment Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	5.0 / 1,000 sf
Consumer Goods Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	5.0 / 1,000 sf
Restricted Use Categories				
Adult Entertainment Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	3.0 / 1,000 sf
Gambling Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
Marijuana Establishment Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.5 / 1,000 sf	4.0 / 1,000 sf

## Article 7 Overlay & Master Plan Districts

### 1.1. Applicability

The provisions of Article 7 apply to all real property within an overlay or master plan district as shown on the Newton Zoning Map.

### 1.2. [Reserved]

*\*\*Likely to appear here:*

- a potential marijuana establishments overlay district
- the Washington Street Master Plan District
- other future master plan districts

In some cases, master plan related changes to the zoning ordinance will be possible to incorporate into the base zoning districts, but where specific changes are proposed, these could be incorporated into new geographically defined base or overlay districts. It is anticipated that the master plan districts will be more detailed districts (like the downtown districts seen in many communities), addressing the issues that the broader, more general citywide code simply cannot.



## Article 8 Development Standards

### 8.1. Transportation Standards.

#### 8.1.1. Intent and Purpose.

The intent of these provisions is that any use of land be designed and operated to:

- A. Ensure safe travel for all moving along public ways and in and out of private property
- B. Encourage the use of public transportation, shared mobility services, walking, and bicycling
- C. Decrease vehicular air and water pollutant emissions, conserve energy resources, and reduce ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city
- D. Reduce the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure
- E. Protect the use of adjacent property from nuisance caused by noise, fumes, and glare of headlights
- F. Enhance and protect the visual quality of the city

#### 8.1.2. Parking Standards Overview.

##### A. General Parking Definitions.

1. **Parking Space.** A demarcated area in a parking lot or structure intended for the parking of one vehicle (bicycle, motor vehicle, motorcycle, or similar).
2. **Accessory Parking Spaces.** The physical parking spaces for bicycles or motor vehicles created as an accessory site characteristic to a building on the property.
3. **Parking Uses.**
  - a. **On-site Parking.** The use of parking spaces on a property as an accessory use to a primary use on the property.
  - b. **Off-site Parking.** The use of parking spaces unrelated to a use on the property, whether by the public at large or a specific use on a separate property.
  - c. **Commercial Parking.** Parking made available to the public at large as a commercial land use, either as a primary use or an accessory use, by the hour, day, month, or year.
  - d. **Public Parking.** Parking available to the public at large that is managed by the City of Newton, the Massachusetts Department of Transportation, or another government entity.

- B. All accessory parking spaces must be developed in accordance with the design standards in Article 8.

- C. The number of required accessory bicycle and motor vehicle parking spaces changes depending on the intensity of the commercial uses and the number of residential units in the building. Properties are required to provide accessory bicycle and motor vehicle parking spaces in accordance with the standards for the district (Sec. 3.7, 4.7, 5.5, 6.7, and 8.1).

### 8.1.3. Accessory Bicycle Parking Spaces

#### A. General Design Standards.

1. Each bicycle parking space must be a minimum of 2 feet by 6 feet in size.
2. Areas designed for bicycle parking spaces must have a hard, stabilized surface.
3. Bicycle parking spaces must have at least one access aisle at least 5 feet wide to allow room for maneuvering. This access aisle must be kept free from obstructions and may be shared with pedestrian traffic.
4. Bicycle racks and lockers must be installed in accordance with the standards below or according to manufacturer's specifications. Where there is a conflict between manufacturer's specifications and city standards, the Commissioner of ISD may issue a Zoning Consistency Determination to allow the manufacturer's specifications to be utilized.
5. **Bicycle Racks.** All bike racks must:
  - a. Be a fixed-in-place stand that is securely anchored
  - b. Provide support to the bicycle frame, allowing it to stand upright without the use of a kickstand, and prevent the bicycle from falling over
  - c. Be configured to provide two points of contact to allow locking of the frame and at least one wheel with a user-provided locking device
  - d. Be constructed of materials that resist cutting, rusting, bending, or deformation
  - e. Be arranged in rows (with bicycles parked side-by-side) or in alignment (with bicycles parked end-to-end)
6. **Bike Lockers.** All bike lockers must:
  - a. Be fully covered and protected from weather
  - b. Be constructed of materials that resist cutting, rusting, bending, or deformation
  - c. Provide locked security

#### B. Short-Term Bicycle Parking.

1. **Short-term Bicycle Parking, defined.** Accommodations for the parking of a bicycle for two hours or less.
2. Short-term bicycle parking may be provided in any combination of bicycle racks and bicycle lockers. Racks that are double height or require hanging of a bicycle are prohibited for short-term bicycle parking.
3. Location of short-term bicycle parking.
  - a. Short-term bicycle parking must be within 50 feet of the principal entrance of the use served by the parking. This distance may be waived by Administrative Site Plan Approval, if the short-term bicycle

parking is no further from the principal entrance than the nearest motor vehicle parking spaces.

- b. If required short-term bicycle parking is not visible from the street or principal entrance(s), a sign must be posted at the principal entrance(s) indicating the location of the parking.
  - c. Short term bicycle parking requirements may be met through the installation of bike racks installed on a sidewalk of an abutting public street with written approval by the Commissioner of Public Works.
4. Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route from the sidewalk that is a minimum of 5 feet wide, with no steps and a 6% slope or less.
  5. Any required short-term bicycle parking provided in a structure or under cover must be:
    - a. Provided at ground level
    - b. Provided free of charge
    - c. Clearly marked as bicycle parking
    - d. Separated from vehicle parking by a physical barrier such as a curb to minimize the possibility of parked bicycles being hit by a vehicle
    - e. Co-located in relative proximity to the nearest vehicular parking spaces

#### C. Long-Term Bicycle Parking.

1. **Long-term bicycle parking, defined.** Accommodations for the parking of a bicycle for two or more hours.
2. Long-term bicycle parking serving multiple uses may be combined into a single area or accessory structure.
3. Long-term bicycle parking must be provided in a well-lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within 200 feet of the principal entrance of the building.
4. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements and security.
  - a. To provide security, long-term bicycle parking must either be:
    - i. In a locked room
    - ii. In a covered structure that is enclosed with a locked gate. The enclosure must be either 8 feet high or be floor-to-ceiling.
  - b. Long-term bicycle parking may be provided through any combination of racks or lockers.
5. Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier such as a curb must be provided to prevent potential damage to bicycles by other vehicles.
6. No more than 40% of long-term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.

7. When 20 or more long-term bicycle parking spaces are provided, a minimum of 5% of the spaces must be 3 feet by 8 feet in size to accommodate tandem bicycles or bicycles with trailers.
8. When 50 or more long-term bicycle parking spaces are provided, a bike repair station is required.

#### D. Alternative Compliance.

1. The provisions of section 8.1.3 may be modified by special permit from the Planning Board to accommodate alternative technologies and methods for providing bicycle parking.
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an alternative method of providing bicycle parking, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The ability of alternative technologies and methods of bicycle parking to provide equal or greater benefits to bicycle users.

### 8.1.4. Motor Vehicle Parking.

#### A. Definitions.

1. **Parking Area.** A surface parking facility with capacity for 5 or fewer motor vehicle parking spaces.
2. **Parking Lot.** A surface parking facility with more than 5 parking spaces.
3. **Parking Structure.** Any structure used for the off-street parking of more than 3 motor vehicles.
4. **Mechanical access parking.** Machinery used to efficiently park vehicles without the aid of a driver.

#### B. General Design Standards.

1. Parking lots and structures must be designed so that vehicles enter or exit onto a public street in a forward direction rather than backing out into the roadway.
2. Ingress and egress from individual parking spaces in a parking lot or structure must be from a maneuvering aisle or driveway.
3. Outdoor parking lots must be graded and surfaced to accommodate motor vehicles during all weather conditions.
4. **Lighting.** Parking lots must meet the lighting standards of Sec. 8.9.
5. **Accessibility.** All parking spaces, lots, and structures must comply with relevant State and Federal regulations for parking designed for persons with disabilities, including 521 CMR 300.
  - a. Accessible parking spaces are counted in the number of required motor vehicle parking spaces.
6. **Signage.** All traffic control signs must be installed in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and 521 CMR 300.
7. **Dimensions.** All parking spaces and maneuvering aisles must comply with the minimum dimensional standards shown below, with the following exceptions:

- a. Motorcycle and scooter parking spaces must measure at least 4 feet in width and 8 feet in depth.
- b. Mechanical access parking is exempt from parking space and drive aisle dimensional requirements.
- c. When 20 or more spaces are required, up to 20% of those spaces may be designed as parking for compact cars with the minimum space length reduced to 16 feet and minimum space width reduced to 7.5 feet for all but parallel spaces. Compact spaces must be clearly identified with a pavement marking and signage.
- d. When the side of a parking space abuts a wall or other obstruction that is taller than 6 inches, the width of the parking space must be increased by one foot.

	Parallel	45 Degree s	60 Degrees	90 Degrees
Space Width (min.) Measured from center to center of the space demarcation lines, or the length of the demarcation line for parallel spaces	7 ft.	9 ft.	9 ft.	8 ft.
Space Length (min.) Measured along the length of the demarcated line, or between demarcation lines for parallel spaces	20 ft.	18 ft.	18 ft.	16 ft.
Maneuvering Aisle, 1 Way (min.)	12 ft.	12 ft.	12 ft.	12 ft.
Maneuvering Aisle, 2 Way (min.)	20 ft.	-	-	20 ft.
Vertical Clearance	7.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.

#### C. Driveways.

1. Driveways must be located to minimize conflict with automobile, bicycle, and pedestrian traffic on the street and where good visibility and sight distance are available.
2. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
  - a. As an exception to the above, driveways and vehicular entrances to parking areas with 5 or fewer parking spaces must be between 8 feet and 12 feet in width.

#### D. Parking Lots.

1. **Access.** Pedestrian access from parking lots must lead directly to a public sidewalk (i.e., not just directly into a building).
2. **Design & Construction.**
  - a. No surface parking lot may have a grade in excess of 10%.
  - b. Individual parking spaces must be delineated with paint or similar method and maintained in clear, visible condition to identify the parking spaces from drive aisles and other circulation features.
  - c. Wheel stops, bumper guards, or other alternatives must be installed to prevent vehicles from damaging or encroaching upon any sidewalk,

landscaping, fence, wall, or structure and must be properly anchored and secured into the ground.

- d. **Charging Stations.** Any parking lot of 20 or more parking spaces must provide that 10% of parking spaces have electric vehicle charging stations and an additional 10% that are “EV Ready” with appropriate conduit for future charging installations.
  - i. A Special Permit may be granted by the Planning Board to reduce or eliminate this requirement where it is determined that other commensurate design or management features on the property will serve to promote the use of electric vehicles by tenants or visitors to the property.
- e. Parking lots abutting or within 20 ft of a public street must be effectively screened by a building, perimeter wall, fence, or landscaping.
  - i. Perimeter walls, fences, and landscaping must be no more than 4 feet in height measured from the surface of the lot, no less than 50% opaque, and designed to allow surveillance over and beyond the wall, fence, or landscape buffer by pedestrians approaching or passing the parking lot.
3. **Capacity.** Unless otherwise specified, the actual parking of motor vehicles in excess of the number of parking spaces delineated in a parking lot is prohibited.

#### E. Parking Structures.

1. **Access.** Pedestrian access to structured parking must lead directly to a public sidewalk (i.e., not just directly into a building), except underground levels, which may allow pedestrians to exit directly into a building.
2. **Design & Construction.** Unless lined by a building for non-parking uses, the front elevation of any story of a building occupied by motor vehicle parking must be designed to screen parking from the surrounding properties. The following standards apply:
  - a. The front elevation masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's front elevation.
  - b. The front elevation must meet at least one of the following standards:
    - i. The front elevation includes fenestration designed to appear as windows for between 20% and 50% of the wall area of each floor
    - ii. The front elevation is at least 40% covered by landscaping (e.g. living wall or hanging plants)
    - iii. An enclosed wall covered by a mural area in accordance with Sec. 8.#.#.
  - c. The Commissioner of ISD shall seek advice from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement.

#### F. Flexible use of Accessory Parking Spaces.

During time periods when existing accessory parking spaces (bicycle or motor vehicle, required or in excess of the minimum) are not needed to meet the parking demand of a principal use (such as when the principal use is closed for business), the property owner may make the unused or underutilized accessory parking

spaces available for other uses, including commercial parking, when the proposed use is permitted in the district where the lot is located.

#### G. Alternative Compliance.

1. The provisions of Section 8.1.4 may be modified by special permit from the Planning Board to accommodate alternative technologies and methods for providing motor vehicle parking.
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an alternative method of providing motor vehicle parking, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The ability of alternative technologies and methods of motor vehicle parking to provide equal or greater benefits to drivers.

#### 8.1.5. Pick-up/Drop-off Zones

- A. **Defined.** Areas along a curb or within a parking lot or structure designated for the dropping off or picking up of passengers.
- B. **Standards.**
  1. Any project with 50,000 square feet or more of commercial space, or a use serving children, must provide a pick-up/drop-off zone.
  2. A pick-up/drop-off zone must be at minimum of 8 feet wide and 32 feet long.
  3. The pick-up/drop-off zone may be located on a public street adjacent to the project, with an approved change to the City of Newton Traffic and Parking Regulations (TPR) through the Traffic Council.
  4. The pick-up/drop-off zone must be designed so that vehicles picking up or dropping off do not impede automobile, bicycle, or pedestrian traffic on a street.

#### 8.1.6. Loading Facilities.

##### A. General.

1. Buildings providing space for uses that regularly receive or distribute large quantities of goods must provide loading facilities as required by the Director of Planning and Development. Loading facilities must be of sufficient quantity to adequately serve the intended use(s).
2. A public or private road may be utilized for loading activities in lieu of requiring a separate on-site loading facility with an approved change to the City of Newton Traffic and Parking Regulations (TPR) through the Traffic Council. Loading and unloading activities are not permitted within a public street except in a loading zone during permitted hours designated by the TPR.
3. A loading zone may be collocated with a pick-up/drop off zone by Special Permit from the Planning Board.
  - a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an expansion of the lot coverage, the Special Permit Granting Authority must find that the application meets the following criteria:



- i. The criteria for all Special Permits specified in Sec. 11.4.3.
- ii. Management strategies to ensure that both the needs of goods loading and passenger loading are met.

#### B. Design & Construction.

- 1. Loading facilities, including all docks and areas used for the storing and staging of materials being transported to or from the site, must be fully enclosed within a building or located to the side or rear of buildings and screened from view from any public street or civic space.
- 2. Common loading facilities may be shared by 2 or more buildings or multiple uses within the same building with the approval of the Director of Planning and Development.

#### C. Neighborhood Compatibility.

- 1. Loading and unloading activities may not encroach on or interfere with the use of sidewalks, drive aisles, or parking areas, or public streets.
- 2. Maneuvering aisles and driveways may serve both required parking and loading bays if they meet the design needs of each activity.
- 3. Loading facilities requiring vehicles to back in from a public street are permitted.
- 4. Loading and unloading activities for lots abutting any Residential District are limited to the hours of the day between 7:00 a.m. and 10:00 p.m.
- 5. All loading docks must have signage to indicate “no idling for more than 5 minutes.”

### 8.1.7. Centralized On-site and Off-site Parking.

#### A. Purpose.

- 1. To allow accessory parking spaces to be shared between uses on the same lot or between buildings within 500 feet of each other when the actual demand for parking is less than the total number of spaces required by this Ordinance for each individual use.
- 2. To help prevent land from being unnecessarily devoted to the parking of motor vehicles.
- 3. To support the efficient use of Newton’s limited land area for productive uses that contribute toward the City’s tax base.
- 4. To encourage the efficient use of existing parking resources.
- 5. To reduce impermeable surfaces and associated stormwater runoff and pollution.

#### B. Standards.

- 1. Accessory parking spaces may be shared between uses on the same lot or adjacent lots as long as the buildings for which the parking will be shared are within 500 feet of each other.
- 2. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.



3. Centralized parking facilities must provide signage identifying the permitted users.

#### C. Reduced Parking Requirement Calculation.

1. Development proposing to centralize parking may use the standards in the table below to reduce the number of accessory motor vehicle parking spaces required for the combined uses. Uses qualifying as evening commercial include all uses from the Assembly & Entertainment, Restaurant, and Hotel use categories.
2. The reduction to minimum accessory parking requirements due to centralized parking is calculated as follows:
  - a. Replace each 'X' with the total number of accessory motor vehicle parking spaces required for all commercial uses. See the Vehicular Parking table for the zoning district where the lot is located to determine this number.
  - b. Replace each 'Y' with the total number of accessory motor vehicle parking spaces required for all residential uses. See the Vehicular Parking table for the zoning district where the lot is located to determine this number.
  - c. Multiply the number required by sections 8.1.6.C.2.a and 8.1.6.C.2.b (above) by the percentage as indicated for each time slot for all three columns.
  - d. Add the result of each cell together for each row.
  - e. The row (time period) with the highest total parking requirement is the reduced minimum number of parking spaces that are required for all participating uses.

Time of Day	Commercial	Evening Commercial	Residential	Total
6 AM to 9 AM	X * 25%	X * 0%	Y * 100%	= sum of this row
9 AM to 7 PM	X * 100%	X * 50%	Y * 65%	= sum of this row
7 PM to 11 PM	X * 25%	X * 100%	Y * 100%	= sum of this row
11 PM to 6 AM	X * 0%	X * 25%	Y * 100%	= sum of this row
				Highest number in this column is required minimum parking.

#### D. Centralized Parking Agreements.

1. Centralized parking requires a written agreement among all owners of record.
2. An attested copy of the agreement between the owners of record must be submitted to the Commissioner of Inspectional Services and in a form deemed acceptable by the City Solicitor's Office prior to and as a condition of the issuance of a Building Permit.
3. Revocation of an existing centralized parking agreement will only be accepted if the required off-street parking spaces are provided in accordance with the standards for the district where each property is located.

### 8.1.8. Transportation Demand Management.

#### A. Purpose.

1. To improve transportation options available to travelers and promote the use of efficient travel modes.
2. To reduce vehicular air pollutant emissions, energy consumption, and ambient noise levels by reducing automobile trips, total vehicle miles traveled, and traffic congestion within the city.
3. To reduce automobile dependence and the associated costs of owning, operating, and maintaining a motor vehicle.
4. To decrease costs associated with the construction, repair, maintenance, and improvement of city streets and parking facilities.
5. To decrease the cost of traffic enforcement and promote traffic safety.
6. To reduce the demand for vehicular parking facilities and increase the capacity and efficiency of existing transportation infrastructure.
7. To support a fiscal return on federal, state, and local financial investment made in transportation infrastructure by increasing ridership of public transportation services and reducing need to repair roadways.
8. To incorporate transportation planning considerations into development review.

#### B. Definitions.

1. **Transportation Demand Management.** A broad range of strategies intended to reduce drive-alone motor vehicle trips at the peak demand hours and increase use of public transportation, shared mobility services, walking, and biking. Transportation Demand Management is the alteration of travel behavior through a program of incentives and disincentives, services, and policies, that move drive-alone vehicle trips out of the peak travel period (e.g. change in work hours) or eliminate them altogether (e.g. through switch to carpooling or transit).
2. **Transportation Management Associations.** Organizations formed to help individual users and property owners collectively implement and administer transportation demand management programs and services.

#### C. Applicability.

1. This section is applicable to proposed development or uses that include:
  - a. Non-residential buildings or portions of buildings with 50,000 sf or more in gross floor area;
  - b. Residential buildings or portions of buildings with 25 or more net new dwelling units or rooming units;
  - c. Property owners and employers not subject to the provisions of this Section are encouraged to implement transportation demand management programs and services voluntarily.
2. The Director of Planning and Development, or designee, is responsible for reviewing, conditioning, approving, and denying transportation demand management plans and annual reports.

#### D. Transportation Demand Management Plan Requirements.

1. A project for which this section is applicable is required to submit a Transportation Demand Management Plan along with or before submitting a development review application and annual reporting after receipt of a Certificate of Occupancy in accordance with the process described in 8.1.8.E.
2. A Transportation Demand Management Plan must include the following:
  - a. A commitment to achieving a peak hour mode split target.
    - i. The mode split target identified must be consistent with and contribute to the achievement of the Comprehensive Plan of the City of Newton in accordance with the purpose of this section.
  - b. Objective targets to reduce one or more of the following: motor vehicle parking demand, single-occupant automobile trips, vehicle miles traveled, or vehicle trips associated with the development.
  - c. The Transportation Demand Management Plan must identify a phasing schedule for the project and how the plan will be implemented in conjunction with the project's phases of implementation.
  - d. Metrics and methods for performance evaluation.
3. The Director of Planning and Development shall establish submittal requirements for Transportation Demand Management Plans and annual reporting. The Director of Planning and Development shall make the submittal requirements available to the public on the City website.

#### E. Transportation Demand Management Plan Annual Reporting.

1. Transportation demand management plans must be updated on an annual basis following the receipt of a Certificate of Occupancy and submitted for approval to the Director of Planning and Development to validate continued compliance with the provisions of this Section.
2. A property required to meet the requirements of Sec. 8.1.8, must meet the peak hour mode split identified in its Transportation Demand Management Plan within 3 years of receiving a Certificate of Occupancy.
  - a. For the first 3 years of occupancy or operations, the annual report must identify parking utilization, travel behavior of employees or residents, proposed transportation demand management programs & services, and an implementation schedule to reach the peak hour mode split and additional targets.
  - b. After 3 years of occupancy or operations, a transportation demand management plan must demonstrate that the mode split and additional targets has been met, including a listing of the programs and services, incentives/disincentives, that have been used in the past year. The annual report must identify additional strategies to be utilized in the next year if the mode split target is not met.
  - c. Failure to achieve the identified peak hour mode split target after the first 3 years of operation will be considered a violation of the Zoning Ordinance with enforcement and penalties as described in Sec. 11.12.1.B and Sec. 11.12.2.
3. To ascertain the level of success for implemented programs and services, incentives/disincentives, and other measures, annual updates to

transportation demand management plans must include, but may not be limited to, the following:

- a. A statistically valid travel survey of employees and residents, as applicable.
  - b. Annual report on parking utilization and operations.
  - c. Biennial counts of vehicle trips entering & exiting any parking facilities.
  - d. A status update of transportation demand management program & service implementation.
  - e. A statistically valid survey of employees and residents and parking utilization data, as applicable, to ascertain the level of success of implemented programs and services, incentives, and other measures in accordance with the purpose of this Section.
4. The cost associated with drafting a transportation demand management plan, annual updates, and all monitoring and reporting is borne by the property owner.

#### F. Process.

##### 1. Transportation Demand Management Plan Approval Process.

- a. A transportation demand management plan must be submitted to the Director of Planning and Development prior to or simultaneously with development review applications.
- b. The Director of Planning and Development shall issue a written preliminary decision within 30 days of receipt of the Transportation Demand Management plan indicating approval, approval with conditions, or denial of the proposed plan.
- c. The Director of Planning and Development shall issue a written final decision within 60 days of receipt of the Transportation Demand Management Plan indicating approval, approval with conditions, or denial of the proposed plan. The final decision of the Director of Planning and Development must be posted on the City website.
  - i. Upon mutual agreement by the applicant and the Director of Planning and Development, the time limits required of the Director to issue a preliminary and final decision may be extended. Mutual agreement of extended time limits must be in writing.
  - ii. Failure by the Director of Planning and Development to issue a written final decision within 60 days or any extended time period, if applicable, is deemed to be constructive approval of the proposed Transportation Demand Management Plan.
- d. If the project requires a Special Permit, the Special Permit Granting Authority shall require compliance to a transportation demand management plan, as approved by the Director of Planning and Development, as a condition of discretionary permit approval.
  - i. The Director of Planning and Development shall issue a reconciliation letter to address any conditions applied by the Special Permit Granting Authority to an approval required for development subject to the provisions of this Section.
- e. The final approved Transportation Demand Management Plan must be filed with the Registry of Deeds.

2. **Annual Reporting Process.**

- a. Annual Reports must be submitted in accordance with the deadlines and forms set by the Director of Planning and Development.
- b. A representative from an approved Transportation Management Association may jointly represent property owners subject to the provisions of this Section in the preparation of annual reports and implementation of programs and services to meet a property's Transportation Demand Management targets.
- c. The commitments and obligations of an approved transportation demand management plan are automatically transferred to the new property owner when ownership of real property subject to the provisions of this Section is transferred.

## 8.2. Signs.

### 8.2.1. Intent and Purpose.

- A. Signs perform important functions in the City, but too many signs can reduce the effectiveness of all signs in the vicinity and can have a detrimental impact effect on the visual environment. Signs are regulated as to time, place, and manner in order to:
  - 1. Provide property owners and tenants reasonable and effective means for identifying street address, business name, goods sold or produced, and services provided to the public
  - 2. Prevent hazards to the traveling public
  - 3. Provide for easy recognition and legibility of all permitted signs
  - 4. Ensure building transparency requirements are maintained
  - 5. Preserve the visual quality of the city

### 8.2.2. Applicability.

- A. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this section or in other chapters of the Revised Ordinances.
- B. Nothing contained in this Section shall be construed as the content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions.
- C. Nothing contained in this Section shall be construed to conflict with M.G.L. Chapter 85, Section 8 & 9 or M.G.L. Chapter 93, Sections 29 through 33, as amended.

### 8.2.3. Definitions.

- A. **Sign.** Any name, identification, description, emblem, logo, structure, or device, visible or intended to be visible from any public place which directs attention to a person, product, place, activity, institution, business, organization, activity, or service including any letter, numeral, character, figure, emblem, painting, illustration, banner, pennant, placard, or temporary sign designed to advertise, identify, solicit, or convey information Signs include devices designed to attract the eye by intermittent or repeated motion and any permanently installed or situated merchandise, with the exception of window displays.
  - 1. The following are not considered signs:
    - a. The flag of any nation, state, or City if displayed in a manner conforming to the Flag Code (4 USC §5 (2011) et seq.).
    - b. Any sculpture, statue, relief, mosaic, or mural that is a work of art or otherwise decorative and does not include a commercial message or symbol related to a commercial use.
- B. **Accessory Sign.** A sign that directs attention to the property on which the sign is located.

- C. **Non-Accessory Sign.** A sign that directs attention to an activity, service, product, organization, or business not located at the property on which the sign is located.
- D. **Sign Band.** The sign band is the area above the ground story entrance and below the sills of the second story windows on a multi-story building or below the roof line, parapet wall, or cornice of a single-story building.
- E. **Window Sign.** A sign affixed to or mounted within 6" of a window.
- F. **Window Display.** Merchandise and sign displays located 6" or more behind a window.

#### 8.2.4. Exempt Signs.

The following signs are exempt from regulation under this section:

- A. A public notice or informational sign required by federal, state, or local law, regulation or ordinance and any sign erected by a government agency or public utility in the performance of a public duty
- B. Signs indicating the address of a property.
  - 1. Address signs for any residential or commercial property are exempt up to 2 square foot, which may include the name of the occupant, and may not exceed 1 such sign per address.
  - 2. Addresses, names of buildings, dates of erection, commemorative tablets, and the like when carved into stone, made of cast metal, or otherwise made a permanent and integral part of the building are exempt up to 20 square feet.
- C. Credit card, trading stamp, trade association, or similar signs not exceeding 0.5 square feet each and not exceeding 10 per business or civic establishment. Gasoline pumps and other accessory business structures may each contain up to 10 such 0.5 square feet signs.
- D. Historic building identification, as reviewed by the Director of Planning and Development or designee.
- E. Clocks and thermometers displaying no information other than the time and temperature.
- F. Signs on the valance of a canopy or awning with the name or address of a commercial or institutional establishment, not exceeding one sign of 4 square feet.
- G. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as "trespass," "beware of dog," parking space information, or restaurant menu.

#### 8.2.5. Prohibited Signs.

The following signs shall not be permitted, constructed, erected, or maintained.

- A. Signs that, in location, meet any of the following criteria are prohibited:
  - 1. Signs that interfere with free passage from or obstructs any building egress or the opening of any window to provide light and air
  - 2. Signs that create less than 4' clearance on a sidewalk

3. Signs which are located on or extend above the roof plate line of a building
  4. Signs attached to landscape elements including trees, rocks, and fences
- B. Signs that, in manner, meet any of the following criteria are prohibited:
1. Signs that flash, move, blink, rotate, simulate motion, feature electronic sign copy, or has illumination that changes intensity over time, including televisions or monitors.
  2. Signs that emit audible sounds, odors, or visible matter
  3. Inflatable signs and other gas inflated objects
  4. Any sign and/or sign structure that obstructs the view of, is confusing with, or imitates official traffic sign, signal, or device
  5. Signs which advertise or call attention to any products, businesses, or activities which were but are no longer sold or carried on at the premises.
  6. Sign structures that no longer contain any sign face

#### 8.2.6. General Standards.

##### A. Sign Area.

1. Sign area is measured by the following standards:
  - a. The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the message or announcement or wording together with any frame, background, trim, or other integral part of the display, including any background area without which the sign is illegible.
  - b. Sign area of a free-standing sign or a blade sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.
2. Sign Supports and Raceways.
  - a. Any supports, braces, anchors, and other supporting hardware must be integral to the design of the sign.
  - b. Braces, anchors, supports, or other hardware exceeding 8 inches in diameter are measured within the sign area.
  - c. Free-standing sign bases not exceeding 2 feet in height or 1 foot beyond the sign in any direction are not included in the sign area.
  - d. Raceways are a wall mounted sign support for channel letters and are considered part of the sign area. A raceway must be finished to match the background wall or canopy or integrated into the overall design of the sign.

##### B. Sign Illumination.

1. General.
  - a. Illuminated signs indicating if a business is open must be turned off except during the hours of operation
2. External Illumination.
  - a. An externally illuminated sign is characterized by the use of artificial light reflected off the surface of a sign



- b. External light sources must be shielded so that they illuminate only the face of the sign and do not shine directly onto a public right-of-way or onto adjacent properties
  - c. Light fixtures that project from the front elevation of a building for externally illuminated signs are exempt from setback requirements.
  - d. Light fixtures for external illumination should be simple and unobtrusive in design and not obscure the sign content
  - e. Externally illuminated signs are allowed in all districts
3. Internal Illumination.
- a. An internally illuminated sign is characterized by the use of artificial light projecting through or from behind the surface of a sign
  - b. Channel letters may be internally lit or back-lit
  - c. Signs may be internally lit cabinets if the background is opaque or of a darker color than the message of the sign and the lettering is no more than 50% of the surface area of the sign
  - d. Exposed neon is only permitted for wall or windows signs
  - e. Internally illuminated signs are prohibited in the Residential 1, Residential 2, Residential 3, and Neighborhood General Districts
4. Illumination in Window Signs and Window Displays.
- a. Window signs and window displays may contain internally or externally illuminated signs.
  - b. Any illumination for a window display in the R1, R2, R3, and N districts must be turned off when the business is closed. Any illumination for a window display in all other districts may be illuminated after a business has closed but must be turned off between 2 am and 5am unless the business is open during those hours.

#### C. Sign Maintenance and Removal.

- 1. All signs, including nonconforming signs, together with any supports, braces, anchors, and other supporting hardware, must be maintained in good condition.
- 2. When an existing sign is removed, replaced, or repaired, all supports, braces, anchors, and other supporting hardware that is no longer required must be removed, and any surfaces baring evidence of attachment must be appropriately repaired.
- 3. Signs must be removed within 30 days of a user vacating a property.
  - a. If any sign is not removed within 30 days, the Commissioner of Inspectional Services may, after giving written notification, in hand or by certified mail, return receipt requested, to the owner of the premises, have such sign removed and assess any costs of the removal to the owner.

#### 8.2.7. Window Signs and Window Displays.

- A. **Intent.** Window signs and window displays are regulated to ensure that building transparency requirements are met. Window signs are intended to be viewed at

close range by pedestrians and may include detailed information such as the business website, phone number, and hours of operation.

**B. Window Signs.**

1. Permanent window signs shall cover no more than 15% of each window. The total of all permanent and temporary window signs shall not cover more than 25% of each window.
2. For the purposes of this measurement, a window is considered as the transparent glazed area between solid surfaces. Glazed areas separated by mullions are considered as a single window. Spandrel glass is not considered a window upon which signs may be placed.
3. Temporary window signs must be removed after 90 days.
4. Window signs are prohibited above the ground story.

**C. Window Displays.**

1. Window displays may include advertising signs as well as merchandise displays.
2. Window displays must allow views into and out of the window to the use within. No window display may block more 25% of a window's transparency, unless the opaque items are placed at least 4 ft inside from the surface of the window.

**D. Process.** Window signs and window displays do not require a sign permit.

**8.2.8. Permanent Accessory Signs for a Commercial or Institutional Establishment.**

**A. Intent.** Permanent accessory signs are regulated to provide legible directional guidance for visitors to businesses and civic institutions. Permanent sign types are regulated with respect to time, place, and manner.

**B. Standards for all districts.**

1. The information type in permanent accessory signs is limited to business names and logos. Additional information is prohibited. Temporary signs may be placed over permanent signs with other messages (see 8.2.12.A).
2. An establishment may choose to utilize any of the sign types in 8.2.8.D for their primary or secondary sign in accordance with the applicable standards.
3. Home Businesses may not utilize the standards of this section but may have exempt signs in accordance with Sec. 8.2.4.
4. **Sign Size Based on Occupied Wall Width.**
  - a. A primary or secondary sign mounted on the building must be on a wall behind which the establishment is located.
  - b. The size of a primary or secondary sign is calculated based on the width of the occupied space measured at the wall on which the sign is to be located.
  - c. Establishments which occupy the corner of a building may have an additional primary sign on the wall facing the secondary front lot line if that wall is at least 50% of the width of the occupied front elevation on the first wall.

### C. Primary and Secondary Signs.

Each business and/or institutional establishment may have primary and secondary signs in accordance with the following table:

District	Primary Sign (max. # @ max. size)	Secondary Sign (max. # @ max. size)
<ul style="list-style-type: none"> <li>R1, R2, R3, N</li> <li>N.C.M. Residence</li> </ul>	1 @ 20 sf	1 @ 10 sf
<ul style="list-style-type: none"> <li>V1, V2, V3</li> <li>Fabrication</li> <li>Office</li> <li>Campus/ Institutional</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 75 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 32 sf, whichever is less
<ul style="list-style-type: none"> <li>Public Use</li> <li>Recreational</li> </ul>	1 @ 32 sf	1 @ 20 sf
<ul style="list-style-type: none"> <li>Office</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 100 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 50 sf, whichever is less
<ul style="list-style-type: none"> <li>Regional Retail</li> </ul>	1 @ 3 sf per linear foot of occupied wall width or 120 sf, whichever is less	2 @ 1 sf per linear foot of occupied wall width or 50 sf, whichever is less

### D. Permanent Accessory Sign Types.

1. **Wall Signs.** A sign affixed parallel to the wall of a building.
  - a. Wall signs may be used for primary or secondary signs.
  - b. A wall sign shall project no more than 1 foot from the building surface.
  - c. Wall signs are limited to being placed in the sign band.
    - i. The location of the sign band on a building may be modified by applying for a Comprehensive Sign Plan (See Sec. 8.2.9).
2. **Blade Signs.** A two-sided sign that is attached to and projecting perpendicularly from the front elevation of a building. Blade signs are intended to be viewed by pedestrians on the same side of the street.
  - a. Blade signs may be used for primary or secondary signs.
  - b. Blade signs must be located within 10 feet of the principal entrance for the business it identifies.
  - c. Blade signs may have no more than 2 faces and shall not project more than 6 ft in any linear dimension. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.
  - d. Blade signs must be mounted with at least 8 ft of clearance above a sidewalk. Blade signs must also be mounted below the sills of the second story windows of a multi-story building or below the roof line, parapet wall, or cornice of a single-story building.

- e. Blade signs are prohibited for upper story establishments.
- 3. **Canopy Signs.** A sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.
  - a. Canopy signs may be primary or secondary signs.
  - b. Canopies with no text or logos that provide shelter to entrances or shade to windows are not considered canopy signs.
- 4. **Free-standing Signs.** A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building.
  - a. A Special Permit is required to use a free-standing sign as a primary sign or secondary sign in accordance with the limits below:
    - i. In all districts except the Regional Retail district, a free-standing sign is limited to 75 sf in area and 16 ft in height from grade.
    - ii. In the Regional Retail district, a free-standing sign is limited to 120 sf in area and 25 ft in height from grade.

#### E. Process.

- 1. All permanent accessory signs meeting the standards of 8.2.8 require sign permits from the Commissioner of Inspectional Services.

### 8.2.9. Comprehensive Sign Plans for Properties with Multiple Establishments.

- A. **Intent.** Properties with multiple commercial or institutional establishments may, depending on the site plan, architecture, and signage layout, be more difficult for a visitor to navigate to their destination, and as such, have additional sign standards intended to make it easy to navigate to the property and then to the ultimate destination.
- B. **Standards for all districts.**
  - 1. Any property with 5 or more commercial or institutional establishments and any property seeking approval of the signs listed in 8.2.9.B.2 below, must have an approved Comprehensive Sign Plan.
  - 2. A Comprehensive Sign Plan must identify the following:
    - a. Location of the sign band(s) for each building on the property, noting where the sign band is different from the standard definition.
    - b. Location of any building identification or wall-mounted directory signs
    - c. Permanent structures for temporary signage
      - i. Wall-mounted Display Case
      - ii. Community Notice Boards
    - d. Location of wayfinding signs.
      - i. Any lot may include up to 6 permanent free-standing signs not exceeding 6 sf each. Information type is limited to wayfinding around the property but may include business names and logos to provide clear directional guidance to the public.

### C. Building Identification Signs.

Each building containing multiple business and/or civic establishments may have primary and secondary signs to identify the name and/or address of the building as allowed by the district in accordance with the table in 8.2.9.C.

1. Building identification signs must be identified in a comprehensive sign plan.
2. Building identification signs may be any of the sign types listed in 8.2.8.E with the following additional standards:
  - a. Building identification signs are intended to help visitors locate a building rather than any specific business or civic institution within it and therefore must be distinct from any establishment's signs and may not contain logos.
  - b. Building identification signs are not required to be in the sign band and may be on upper-stories. Locating a building identification sign outside of the sign band must be identified in the Comprehensive Sign Plan.

### D. Wall-mounted Directory Signs.

Each building with multiple business and/or civic establishments may have wall-mounted directory signs in accordance with the table in 8.2.9.E.

1. In all districts, a directory sign must be within 10 ft of a building entrance serving multiple establishments. Each establishment may have up to the 50% or 12 square feet of sign area, whichever is less, within the directory sign.

### E. Buildings with multiple business and/or civic establishments may have building identification and wall-mounted directory signs in accordance with the following table:

District	Building Identification Signs (max. # @ max. size)	Wall-Mounted Directory Signs (max. # @ max. size)
<ul style="list-style-type: none"> <li>• R1, R2, R3, N</li> <li>• N.C.M. Residence</li> </ul>	SP Required: 1 @ 20 sf	SP Required: 1 @ 10 sf
<ul style="list-style-type: none"> <li>• V1, V2, V3</li> <li>• Fabrication</li> <li>• Office</li> <li>• Campus/ Institutional</li> </ul>	1 @ 3 sf per linear foot of front elevation or 75 sf, whichever is less  1 @ 1 sf per linear foot of front elevation or 20 sf, whichever is less	2 @ 10 sf
<ul style="list-style-type: none"> <li>• Public Use</li> <li>• Recreational</li> </ul>	1 @ 10 sf	2 @ 10 sf
<ul style="list-style-type: none"> <li>• Regional Retail</li> </ul>	1 @ 3 sf per linear foot of front elevation or 100 sf, whichever is less  1 @ 1 sf per linear foot of front elevation or 50 sf, whichever is less	2 @ 50 sf

- F. **Wall-mounted Display Case.** A wall mounted, lockable, framed cabinet with a transparent window to display changeable content related to the business or civic establishment, like a menu or list of event showtimes. Display cases are intended to be viewed at close range by pedestrians.
1. A display case may not exceed 6 sf in area or a maximum of 3 ft in any linear dimension.
  2. A display case must be attached to the front elevation or wall of a recessed storefront entrance.
  3. A display case must be located at least 4 feet above the sidewalk and below the top of the doorway and must be within 10 feet of the building entrance.
  4. A display case may be internally or externally illuminated.
  5. Display cases must receive a sign permit from the Commissioner of Inspectional Services. Temporary signs within the display case are exempt as long as any individual sign does not exceed 2 square feet.
- G. **Community Notice Boards.** A covered or enclosed case for the display of temporary messages to the community at large.
1. Community notice boards must be identified on a Comprehensive Sign Plan.
  2. Community notice boards may not exceed 8 ft in height or 10 ft in any linear dimension.
  3. Temporary signs on the community notice board are exempt as long as any individual sign does not exceed 2 square feet.
  4. Civic Building Types may locate a community notice board in the front yard between the front lot line and the building front elevation.
- H. **Process.**
1. A Comprehensive Sign Plan must be approved by the Commissioner of Inspectional Services with advice of the Director of Planning and Development and the Urban Design Commission.
    - a. In reviewing a Comprehensive Sign Plan, the Commissioner of Inspectional Services must find that the application meets the following criteria:
      - i. No proposed sign location outside the standard definition of the sign band will be detrimental to the neighborhood.
      - ii. All other aspects of the sign plan are consistent with Section 8.2, such as, but not limited to, to sign types, sizes, and illumination.
    - b. The Urban Design Commission shall review any application for a Comprehensive Sign Plan and provide a written recommendation to the Director of Planning and Development and Commissioner of Inspectional Services within 35 days.
    - c. The Commissioner of Inspectional Services shall issue a written final decision within 60 days of receipt of the Comprehensive Sign Plan indicating approval, approval with conditions, or denial of the proposed plan.
      - i. Upon mutual agreement by the applicant and the Commissioner of Inspectional Services, the time limits required to issue a decision by the Urban Design Commission or the Commissioner

of Inspectional Services may be extended. Mutual agreement of extended time limits must be in writing.

- d. After approval of a Comprehensive Sign Plan, any sign meeting the sign standards and sign band locations of the plan, may receive a sign permit from the Commissioner of Inspectional Services without further review.
  - i. The Commissioner of Inspectional Services may request advice from the Director of Planning and Development and the Urban Design Commission if there is a question about the consistency of a proposed sign with the approved plan.
- e. Modifying a Comprehensive Sign Plan, requires approval of the Commissioner of Inspectional Services with advice of the Director of Planning and Development and the Urban Design Commission following the process for a plan outlined above.

#### 8.2.10. Special Permit to vary the number, size, or standards of an accessory sign type.

- A. The Special Permit Granting Authority for signs is the Planning Board.
- B. In all Village and Single Purpose Districts, a Special Permit may be granted to approve a comprehensive sign plan that identifies more or larger primary or secondary signs for unspecified establishments, or to vary the standards of a sign type.
- C. **Review Criteria.** In its discretion to approve or deny a special permit authorizing more, or larger signs, or to vary the standards of a sign type, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
  - 2. Depending on the application, one of the following criteria:
    - a. The addition, enlargement, or special location of the sign improves navigation for the visiting public, OR
    - b. The addition, enlargement, or specific location of the sign spurs additional interest in Newton businesses for a regional audience, OR
    - c. The addition, enlargement, or specific location of the sign serves a unique placemaking role for the immediate context.

#### 8.2.11. Non-accessory Sign Types.

- A. Non-accessory directory signs.
  - 1. Complexes consisting of multiple properties may include non-accessory directory signs, subject to special permit, provided that all signage is for uses and activities within the complex of related properties.
  - 2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing non-accessory directory signs, the Special Permit Granting Authority must find that the application meets the following criteria:
    - a. The criteria for all Special Permits specified in Sec. 11.4.3.
    - b. Information type is limited to wayfinding around the properties but may include business names and logos to provide clear directional guidance to the public.



- c. Non-accessory directory signs may be wall-mounted or free-standing.
- B. All other permanent non-accessory signs, including billboards, are prohibited.

### 8.2.12. Temporary Signs.

The following temporary sign types are regulated with respect to time, place, and manner. Temporary signs are regulated to prevent sign clutter while allowing residents to express themselves through signage on their property and allowing businesses and civic establishments to advertise special events. Permanent structures for displaying temporary signage are permitted subject to permitting as described below.

#### A. Accessory Temporary Signs.

##### 1. Temporary Signs in place of Permanent Accessory Signs.

- a. A temporary sign may be placed in the proposed location of a permanent sign during the sign review process, from the time a sign application is submitted to the Commissioner of Inspectional Services to the 30 days after the issuance of a decision of the Commissioner or Planning Board, as appropriate. In the event of an unfavorable decision, such temporary sign shall be removed within 2 business days.
- b. Such signs shall conform to the size and location requirements of this section or, in the case of a special permit application, the size and locations proposed in the application.
- c. Such signs shall be temporary in nature and displayed in a manner that will not deface the building front elevation or otherwise impinge upon the review of the proposed sign.
- d. Temporary signs of equal size may also be placed over a permanent sign at any time to display a temporary message of a non-commercial nature. Such temporary signs may be in place up to 90 days in a calendar year.

##### 2. Accessory Yard Signs.

- a. **Yard Sign, defined.** A two-sided sign mounted in a front yard between the front lot line and the building front elevation. Yard signs are intended to be viewed at close range by pedestrians on the same side of the street and motorists.
- b. Temporary commercial yard sign for residential uses.
  - i. Residential uses may locate a temporary yard sign not to exceed 6 square feet, announcing temporary activity of a commercial nature at the property. Such commercial activities may include, but are not limited to, garage sale, work being done by a contractor on the property, or sale of the property. Home Businesses, as permanent commercial activity, are not allowed to advertise through temporary commercial yard signs.
  - ii. A maximum of 1 sign is allowed per commercial activity.
  - iii. Such signs may be placed up to 3 days prior to the beginning of the temporary commercial activity and must be removed within 3 days after the completion of the activity. In the case of a real estate transaction, the temporary commercial activity shall be considered the period of listing on the market and shall conclude at the execution of a rental contract or closing of a sale.



- c. Temporary non-commercial yard sign for residential uses.
  - i. Accessory non-commercial yard signs are intended to allow for personal expression of the residents of the property through temporary signage.
  - ii. Residential uses may display a maximum of 2 temporary signs for a non-commercial purpose, each up to 6 sf, for up to 56 days at a time.
- d. Accessory yard signs for commercial uses.
  - i. Accessory yard sign locations for commercial uses are subject to comprehensive sign plan review. A lot may have no more than 1 temporary yard sign location for every 100 ft of frontage.
  - ii. Should a property have more than one approved yard sign location, each business or civic establishment may display a maximum of 1 yard sign at a time.
  - iii. Commercial yard signs shall not exceed 6 sf.
  - iv. Accessory yard signs for commercial uses must be made of chalkboard material.
  - v. Commercial and civic establishments may use their approved temporary yard sign locations to display a non-commercial message.
  - vi. Accessory yard signs for commercial uses may be placed on sidewalks on private land, provided placement allows at least 4 ft of clearance around the sign.

3. **Sidewalk Signs.** Temporary signs located on City-owned sidewalks.

Sidewalk signs are regulated by the Department of Public Works in accordance with Article 25 of the Revised Ordinance of the City of Newton.

**B. Non-accessory Temporary Signs.**

- 1. **Community Notice Boards.** Temporary signs placed on the community notice board are exempt as long as any individual sign does not exceed 2 square feet.
- 2. **Non-accessory Yard Signs.** Yard signs carrying non-commercial messages from a community group or political campaign; these signs are typically coordinated across multiple properties in the community.
  - a. Yard signs with non-commercial messages from a Newton-based non-profit organization or a political organization at the local, state, or federal level may be placed in the front yard between the front lot line and the building front elevation of residential properties with consent of the property owner.
  - b. Non-accessory yard signs shall not exceed 6 sf.
  - c. A property shall not have more than 1 non-accessory yard sign from an organization at a time, for a maximum of 56 days at a time.

### 8.3. Stormwater Management.

8.3.1. **Intent and Purpose.** The intent of these provisions is that any use of land be designed and operated to address issues of water quality and quantity and to:

- A. Contribute to the protection and restoration of Newton's waterways;
- B. Reduce the burden on the City's stormwater drainage infrastructure;
- C. Limit the potential for flooding of neighboring properties;
- D. Encourage sustainable and environmentally friendly development efforts; and
- E. Support efforts to address requirements under the City's National Pollutant Discharge System permit.
- F. Be consistent with State stormwater standards (citation needed).

#### 8.3.2. Definitions.

- A. **Best Management Practices (BMP).** For purposes of stormwater management, structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce nonpoint source pollutants from entering receiving waters and reduce overall run off volumes and peak flows.
- B. **Impermeable surfaces.** Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impermeable surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.
- C. **Permeable or Pervious.** Surfaces and the underlying material that consistently allow rapid infiltration of water.
- D. **Total suspended solids (TSS).** Matter suspended in water or stormwater, when water is filtered for laboratory analysis, TSS are retained by the filter, dissolved solids pass through.

#### 8.3.3. Applicability.

- A. This section applies to all real property where there is proposed
  - 1. An increase in the area of impermeable surfaces of 400 square feet or more, aggregate across a lot or lots
  - 2. Any change in grade of greater than [TBD with ISD & Engineering]

#### 8.3.4. Stormwater Management Requirements.

- A. **Erosion & Sediment Control.** All projects subject to this section shall have appropriate erosion and sediment control methods in place during the construction period according to a plan approved by city engineer. [Reference to erosion and sediment control ordinance [this section will likely be reserved until the erosion and sediment control ordinance is adopted.]
- B. **Small Impervious Area Projects.** Increases of impermeable area of between 400 square feet and 800 square feet must employ stormwater management best

practices sufficient to collect stormwater runoff from a 1-inch rainstorm from an impermeable area equivalent in size to the amount added to the property as approved by the City Engineer. These best practices would employ drain lines or swales which lead to depressed vegetated areas, underground dry wells, cisterns, stone infiltration trenches, or similar.

- C. **Large Impervious Area Projects.** Increases of impermeable area greater than 800 square feet must utilize site planning and design criteria in combination with BMPs to achieve the following standards as approved by the City Engineer.
  - 1. No net increase in stormwater runoff to neighboring properties or the City's stormwater drainage system;
  - 2. Stormwater quality improvements representing a 80% reduction in total suspended solids and a 50% reduction in total phosphorous.
- D. **Change in Grading.** Changes in the grading of land must demonstrate to the City Engineer's satisfaction that there will be no net increase in stormwater runoff to neighboring properties or the City's stormwater drainage system.
- E. **Offsite Mitigation.** Where compliance is technically infeasible or to avoid harm (flooding) to neighbors or city systems, as determined by the City Engineer, the requirements of this section can be met in whole or in part through offsite mitigation. Compliance can be found to be technically infeasible due to limiting factors such as:
  - 1. Seasonal high groundwater
  - 2. Bedrock/ledge
  - 3. Slopes where infiltrated stormwater could lead to flooding of nearby properties, including flooding as a result of increased or rerouted groundwater flow.
  - 4. The scale and nature of the project design, which would make compliance difficult.
  - 5. Brownfields or other site contamination.
- F. Where the City Engineer determines that offsite mitigation is warranted, mitigation may include such methods as incorporation of stormwater management BMPs such as bioswales or similar into the street right-of-way, parking lot retrofits with stormwater management BMPs, neighborhood-scale structural BMPs or similar or payment into a mitigation fund. Offsite mitigation must occur within the same sub-watershed as the project, as determined by the City Engineer, with preference given to mitigation projects close to the project. Off-site mitigation must also include an explanation of how long-term operations and maintenance will be managed.

#### 8.3.5. Stormwater Management Maintenance.

- A. A Stormwater Operations & Maintenance Plan describing how the requirements of this section will be met is required and must be approved by the City Engineer.
- B. All projects subject to this section must have an approved Stormwater Operations & Maintenance Plan recorded with the deed [or kept with City Engineer's Office].

- C. Large Impervious Area Projects, as described above, must submit an annual letter to the City Engineer indicating continued compliance with the approved stormwater operations & maintenance plan.
- D. A stormwater operations & maintenance plan must include methods, practices and maintenance schedules for ensuring that surfaces engineered to be permeable or pervious are maintained as permeable or pervious.

## 8.4. Environmental Site Design.

### 8.4.1. Intent and Purpose.

The intent of this section is to:

- A. Ensure that large development projects and parking lots make use of landscaping and other site design features to mitigate environmental impacts associated with storm-water, air quality, and heat
- B. Address screening, where necessary, between potentially incompatible uses
- C. Reflect special attention to significant environmental features such as Newton's wetlands, waterways, and Great Ponds

### 8.4.2. Landscaping.

- A. **Parking Lot Landscaping Requirements.** Parking lots of 20 spaces or more must have landscaping in accordance with the following requirements:
  1. An area equivalent to at least 5% of the interior area of the parking lot, excluding perimeter landscaping, screening, or sidewalks, must be landscaped and continuously maintained.
  2. There must be at least 1 shade tree for every 10 parking spaces located in the interior landscaping areas.
  3. Each tree must have at least 3 inches in caliper at the time of planting.
  4. Trees must be planted in accordance with one of the following standards:
    - a. Trees may be planted in open tree pits with at least 25 square feet with no side dimension measuring less than 5 feet. Open tree pits must not have mounded earth or mulch. The level of soil or mulch must be at or below the level of the adjacent curb or paved surface.
    - b. Trees may be planted in structural soils with permeable surface material. Trees in structural soil must have at least 750 cubic feet of soil volume.
- B. **Parking Lot Screening Requirements.** Parking lots must be screened from abutting properties with a residential use in accordance with the following requirements:
  1. Screening materials must be located along the perimeter of the parking facility where it abuts a separate property with a residential use. Screening must consist of one or a combination of the following:
    - a. A strip of at least 5 feet in width of densely planted shrubs or trees which are at least 3 1/2 feet high at the time of planting and are of a type that may be expected to form a year-round screen;
    - b. A wall, barrier, or fence of uniform appearance. Such wall, barrier, or fence may be opaque or perforated provided that no more than 50% of the face is open, and must be at least 3 feet and not more than 6 feet in height.
  2. Every effort should be made to retain existing trees (see sec. 8.4.5).

3. The required screening must be designed and located so as not to conflict with any corner visibility requirements or any other City ordinances.
4. The required screening may be interrupted by passageways.

C. **General Landscaping Requirements.** [Reserved]

#### 8.4.3. Great Ponds.

- A. **Defined.** A natural pond with an area of 10 acres or more. There are 2 Great Ponds in Newton, Hammond Pond and Crystal Lake.
- B. **Standards.** All development within 300 feet of a Great Pond requires a Special Permit from the Planning Board in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing development within 300 ft of a Great Pond, the Special Permit Granting Authority must find that the application meets the following criteria
  1. The criteria for all Special Permits specified in Sec. 11.4.3.
  2. Physical improvements and/or management practices have been incorporated above and beyond that required under section 8.3 Stormwater Management, to address water quality and nutrient loading in the Great Pond.
  3. Public views of the Great Pond have been maintained.
  4. Where commercial uses are present, public access to the Great Pond has been maintained or provided.

#### 8.4.4. Floodplain, Watershed Protection.

Floodplain and watershed protection is not part of this Chapter and is regulated in the Revised Ordinances Chapter 22, Article II, Sec. 22-22 et. seq.

#### 8.4.5. Tree Preservation.

Tree preservation is not part of this Chapter and is regulated in the Revised Ordinances Chapter 21, Article III, Div. 3, Tree Preservation.

## 8.5. Fences & Retaining Walls.

### 8.5.1. Fences.

Fences are regulated in the Revised Ordinances Chapter 5, Article III, Fences.

### 8.5.2. Retaining Walls.

- A. **Defined.** A wall or terraced combination of walls holding a mass of earth material at a higher position. Where there is a combination of walls height is measured from the foot of the lowest wall to the top of the highest wall. A berm with a slope of 1:1 or greater is considered a retaining wall.
- B. **Review Criteria.** A retaining wall of 4 feet in height or greater requires a special permit from the Planning Board. In its discretion to approve or deny a special permit authorizing a taller retaining wall, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The criteria for all Special Permits specified in Sec. 11.4.3
  - 2. The retaining wall will not negatively impact the quality and safety of the pedestrian environment where abutting a public street.
  - 3. Stormwater runoff implications for neighboring properties and public spaces, including consideration of altered groundwater flows.

## 8.6. Sustainable Building Design.

### 8.6.1. Intent and Purpose.

The intent of this section is to:

- A. Reduce the use of energy, water, and other natural resources in Newton's building stock
- B. Increase the use of renewable energy sources for electricity, transportation and heat
- C. Increase the use of electricity for transportation
- D. Increase the number of energy efficient buildings
- E. Minimize the environmental impacts of construction materials and methods, including waste reduction

### 8.6.2. Definitions.

### 8.6.3. Sustainable Building Design Standards.

- A. **Solar Panels.** Any building with a roof area greater than 10,000 square feet must include solar panels on a minimum of 50% of the roof area. The Special Permit Granting Authority may reduce or eliminate this requirement where it is determined that the same or greater amount of the building's energy as would be produced by solar panels on the roof of the building will come from renewable energy sources.

### 8.6.4. Sustainable Building Design Incentives.

- A. Buildings that achieve a [place standard here – could be LEED Gold] are eligible for a bonus in the number of residential units created in the building according to the standards for the building type as reflected in the residential unit factor for each building type.



## 8.7. Cultural Arts Requirements.

[Reserved]

## 8.8. Noise.

Noise is not a part of this Chapter and is regulated in the Revised Ordinances Chapter 20, Article II, Noise.

## 8.9. Outdoor Lighting.

Outdoor Lighting is not a part of this Chapter and is regulated in the Revised Ordinances Chapter 20, Article IV, Light Trespass.

## 8.10. Inclusionary Zoning.

[Reserved]

## Article 9 Use Regulations

### 9.1. General.

#### 9.1.1. Development Review.

- A. The establishment of any use, change in use of any structure or land, and any expansion in the use of land requires the submittal of a development review application to the Commissioner of Inspectional Services.
- B. All uses must comply with any use-specific standards applicable for each use in section 9.2.

#### 9.1.2. Protected Uses.

- A. Nothing contained in this Ordinance shall be construed to prohibit the use of land or structures for activities protected by M.G.L. Chapter 40A, Section 3. In cases where a protected use is indicated as being by Special Permit or not permitted, that use is permitted and subject only to the provisions for the appropriate building type and zoning district.

#### 9.1.3. Classification of Uses.

- A. **Use Categories.** The Commissioner of Inspectional Services is responsible for determining the use category and use. Use categories are based on similar functional, product, or physical characteristics, the type and amount of activity, the manner of tenancy, the conduct of customers, how goods or services are sold or delivered, and likely impacts on surrounding properties. The Commissioner of Inspectional Services determines the use category of a proposed use based on the similarity of the proposed use to the uses within a given category with these criteria.
  - 1. A use classified into one category may not also be classified in a different use category.
  - 2. If a proposed use is not listed in a use category, but meets the definition of a use category, as described above, the Commissioner may consider the proposed use part of that use category and issue a written interpretation to document such a determination for subsequent applications.
- B. **Uses Not Listed.** A use not specifically listed is prohibited unless the Commissioner of Inspectional Services determines the use to be part of a listed use category as described in paragraph A. above.

#### 9.1.4. Outdoor Storage & Display.

- A. Outdoor storage of equipment, inventory, materials, merchandise, supplies, or other items, or the use of temporary storage containers, is prohibited except in the Fabrication district.
- B. Unless otherwise specified, outdoor display of products and merchandise is prohibited.

## 9.2. Use Definitions & Standards.

### 9.2.1. General.

- A. This section provides definitions for use categories and individual uses and identifies standards applicable to either all uses within a category or specifically to an individual use.
- B. In some cases, a principal use may include ancillary activities that are subordinate, customary, and incidental to the day-to-day operations of the principal use, as determined by the Commissioner of Inspectional Services. Such ancillary activities do not require separate approval but must comply with any standards applicable to the principal use.
- C. Unless otherwise specified, the Special Permit Granting Authority for all uses where a Special Permit is required is the Planning Board.

### 9.2.2. Residential Use Categories.

#### A. Household Living Uses.

**Defined.** Residential occupancy of a dwelling unit (whether that unit is a single-unit building type, or one of multiple dwelling units within a building type) for 30 days or more by one of the following arrangements of people:

- 1. An individual
- 2. 2 or more persons related by blood, marriage, adoption, or foster care agreement
- 3. No more than 4 unrelated persons living as a single housekeeping unit

#### B. Group Living Uses.

**Defined.** Residential occupancy of a Dwelling Unit or set of Rooming Units for 30 days by more than 4 unrelated persons. The group living use category includes any residential occupancy that is not categorized as household living and any residential accommodations that provide a shared or communal kitchen, dining room, living room, or bathroom, including residential accommodations of an educational institution.

##### 1. Community or Group Residence.

**Defined.** Residential occupancy of a dwelling unit by more than 4 unrelated individuals living as a single housekeeping unit, if said occupants are ‘handicapped’ as defined in 42 U.S.C. §3602 or have a ‘disability’ as defined in 42 U.S.C. §12102. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.

##### 2. Dormitory or Chapter House.

**Defined.** Residential occupancy in dwelling units or rooming units exclusively by full- or part-time students, faculty, and staff of an educational institution and any group living facilities owned by or affiliated with an educational institution.

- a. The Special Permit Granting Authority for a dormitory or chapter house is the City Council.
- b. Review Criteria. In its discretion to approve or deny a special permit authorizing a dormitory or chapter house, the Special Permit Granting Authority must find that the application meets the following criteria:

- i. The criteria for all Special Permits specified in Sec. 11.4.3.
- ii. Proximity of the primary educational institution to the proposed site.
- iii. Methods of transportation from the proposed site to the primary educational institution.
- iv. Concentration of dormitories, fraternities, or sororities in the neighborhood.

### 3. Homeless Shelter.

**Defined.** A facility that has a primary function of providing overnight sleeping accommodations in rooming units or bunk rooms to homeless people.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a homeless shelter, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. The current supply of overnight sleeping accommodations available within the city.
  - iii. The need for additional resources to properly address changes in demand.

### 4. Lodging House.

**Defined.** Residential occupancy of 4 or more rooming units by individuals or up to 2 persons related by blood, marriage, adoption, or foster care agreement for at least 30 days. Lodging houses include boarding houses, rooming houses and single room occupancy buildings.

- a. Required Standards.
  - i. All lodging houses shall be licensed at all times of operation.
  - ii. The special permit granting authority may allow lodging houses located within ½ mile of rail transit (Green Line or Commuter Rail), or within ¼ mile of an MBTA bus stop, to reduce the number of required parking stalls to as little as 0.
  - iii. All parking areas shall be screened from any adjacent residences and from the public way according to the requirements found at 8.4.2.B and 8.1.3.C.2.d.i.
- b. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a lodging house, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. The intent to diversify housing choices in Newton while respecting the residential character and scale of existing neighborhoods.
  - iii. The need for less expensive housing options.
  - iv. The proximity to transit.

### 5. Nursing Home / Assisted Living.

**Defined.** Residential occupancy in rooming units where room and board, personal services, and skilled nursing care is provided to tenants. Nursing homes include hospice care, but specifically exclude hospitals.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a nursing home/assisted living use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Characteristics of the local thoroughfare network in providing a walkable environment and access for emergency vehicles.
  - iii. Location, visibility, and design of the principal entrance, resident drop-off area, and outdoor amenity spaces.

### 9.2.3. Arts & Creative Enterprise Use Categories.

#### A. Artisan Production Uses.

**Defined.** Individuals and firms involved in the on-site production of hand-fabricated or hand-manufactured parts and/or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. The artisan production category includes apparel manufacturing, breweries, cabinetry, chocolatiers, confectionery, furniture making, glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents. Showrooms and the ancillary sales of goods produced on-site are permitted.

##### 1. Required Standards.

- a. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect is prohibited, except in the Fabrication district.
- 2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an artisan production use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The application includes appreciable methods to mitigate noise for abutting residential properties.
  - c. The application identifies location(s) of loading, trash and recycling storage, and the procedure for drop-off and pickup that are not detrimental to the neighborhood.

#### B. Arts Exhibition Uses.

**Defined.** The production, rehearsal, or live performance of cultural entertainment or artistic expression such as singing, dancing, comedy, literary readings, performance art, musical theater, live plays, and concerts. The arts exhibition category includes venues such as assembly halls, auditoriums, cinemas, concert halls, dinner theaters, gallery space, performance halls, rehearsal & preproduction studios, live theaters, and their substantial equivalents along with the administrative offices, booking agencies, and ticket sales of performing arts organizations.

#### C. Arts, Sales & Service Uses.

**Defined.** The display and retail sale, lease, or rental of finished artwork, art supplies, musical instruments, multi-media, or publications and activities that provide various arts related services to individuals, groups, or businesses including galleries, supply stores, printing shops, set design studios, and their substantial equivalents.

### 1. Required Standards.

- a. Outdoor display of products and merchandise is permitted according to the following:
  - i. Outdoor display is permitted in any storefront frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity.
  - ii. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
  - iii. Display areas extending more than 8 feet from the front elevation are prohibited.
  - iv. A minimum 4 ft wide clear path must be maintained to the principal entrance and along any sidewalk or pedestrian path.
  - v. Display areas are permitted to occupy no more than 30% of the frontage area.
- b. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an arts, sales and services use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Appreciable methods to mitigate noise for abutting residential properties.
  - iii. Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.

### D. Shared Workspaces & Arts Education Uses.

**Defined.** The transfer of knowledge or skills related to the creative enterprises through teaching, training, or research; organizations providing collaborative workplace facilities and business planning, finance, mentoring, and other business or administrative support services to creative enterprises; and multipurpose facilities dedicated to providing space for multiple creative enterprises. The shared workspace & arts education category includes arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a shared workspace and arts education use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Appreciable methods to mitigate noise for abutting residential properties.
  - c. Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.

### E. Work/Live Creative Studio Uses.

**Defined.** Creative studio space consisting of not more than 1 room, including an area for accessory living, where the work needs of creative industry activities within the same building take precedence over any “quiet expectations” of the residents and neighbors residing in work/live creative studios within the same building.

#### 1. Required Standards.

- a. Kitchen, dining, and bathroom facilities, excluding work sinks, must be shared between the tenants of each floor.

- b. Floor area for accessory living space is limited to 200 sq. ft. or 30% of the total floor space of a Work/Live Studio, whichever is less.
  - c. The occupant(s) of the Work/Live Creative Studio must be a certified Artist.
- 2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a work/live creative studio, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Width of doorways and hallways to accommodate the moving of large objects.
  - c. Weight capacity of elevators to accommodate heavy equipment.
  - d. Access to natural light within each studio with a preference towards northern exposure.
  - e. Sound transmission co-efficient to prevent the transmission of sounds from equipment or repetitive tasks.
  - f. Ventilation and air handling techniques to ensure the safety and health of residents, visitors, and neighbors.
  - g. Ceiling heights that allow for the creation of large works and equipment, including machinery and lighting.
  - h. Weight-bearing capacity of the floor.
  - i. Ability to install flooring for specific users such as dancers or performers.

#### 9.2.4. Civic & Institutional Use Categories.

##### A. Community Center Uses.

**Defined.** A place for recreational, social, educational, or cultural activities operated by a non-profit or public group or agency.

##### B. Hospital Uses.

**Defined.** An institution providing health services to patients and offering inpatient (overnight) medical or surgical care.

##### C. Minor Utility Uses.

**Defined.** Public and quasi-public facilities and services that need to be located in the area where the service is to be provided, such as water and sewer pump stations; electrical transforming substations; wind energy conversion systems; solar collector systems; water conveyance systems; gas regulating stations; storm water facilities and conveyance systems; telephone switching equipment; emergency communication warning/broadcast facilities; and central heating facilities.

- 1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a minor utility use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Need for a facility at the proposed site.
  - c. Visual impact and quality of screening from abutting thoroughfares and surrounding properties.

- d. Impact and mitigation of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects.
- e. Location of access for servicing the facility.

#### D. Major Utility Uses.

**Defined.** Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include, but are not limited to, water and wastewater treatment facilities, major water storage facilities, and electric generation plants.

#### E. Museum Uses.

**Defined.** A repository for a collection or collections of historical, natural, scientific, or artistic objects of interest.

- 1. **Required Standards.** Ancillary sales and the holding of meetings and social events are permitted.

#### F. Private, Non-Profit Club or Lodge Uses.

**Defined.** An organization, which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and /or entertainment activities.

- 1. **Required Standards.**
  - a. A non-profit club or lodge must be managed by an association with elected officers and directors pursuant to a charter or by-laws, that generally excludes the general public from its premises, and which holds property for the common benefit of its members.
  - b. A non-profit club or lodge shall not offer membership for a period of less than two months
  - c. A non-profit club or lodge may serve meals and/or alcohol on the premises for members and their guests.
  - d. A non-profit club or lodge may do event rentals, including the service of meals and/or alcohol.
- 2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a private, non-profit club or lodge use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level of activity associated with the surrounding properties, particularly with regard to number and duration of events.
  - c. Location of access to the site and building.
  - d. Impact and mitigation of the production of offensive noise and light.
  - e. Location of trash and recycling storage and the procedure for pick-up.

#### G. Public Service Uses.

**Defined.** Government services provided to the community at large including municipal operations of the City of Newton, such as departmental offices, social service facilities, and public works facilities; public safety services, such as police and firefighting headquarters and substations; and open spaces reserved for social and recreational activities or natural resource protection.



#### H. Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3.

**Defined.** Activities related to providing general or specialized education, instruction, or training in subject areas, skills, or vocations and the practice of religions, including all accessory or ancillary activities customarily included in the operations of educational institutions and religious organizations.

##### 1. Required Standards.

- a. Real property must be owned or leased by the Commonwealth of Massachusetts, a religious sect or denomination, or by a non-profit educational corporation.
- b. Real property must be used for an educational or religious activity (See Sec. 11.4.4).

#### 9.2.5. Commercial Service Use Categories.

##### A. Animal Service Uses.

**Defined.** Any of the following: (1) grooming of dogs, cats, and similar small animals, including dog bathing and clipping salons and pet grooming shops; (2) animal shelters, care services, and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, dog training centers, and animal rescue shelters; (3) animal hospitals or veterinary services; (4) household pet crematory services; or (5) taxidermy services.

##### 1. Commercial Kennel.

**Defined.** Animal rescue shelters, boarding facilities, pet resorts/hotels, or training services for dogs, cats, and other household pets.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a commercial kennel, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Methods or techniques for noise mitigation to limit noise for other users of the building and abutting properties.
  - iii. Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.

##### 2. Pet Day Care & Training.

**Defined.** Kennel and/or training centers for animals operated on a daytime-only basis.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a pet day care and training use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Methods or techniques for noise mitigation to limit noise for other users of the building and abutting properties.
  - iii. Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.

##### 3. Pet Grooming.

**Defined.** The grooming of dogs, cats, and similar household pets.

#### 4. **Veterinarian.**

**Defined.** The diagnosis and treatment of animal patients' illnesses, injuries, and physical malfunctions performed in an office setting.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a veterinarian, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Methods or techniques for noise mitigation to limit noise for other users of the building and abutting properties.
  - iii. Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.

#### B. **Assembly & Entertainment Uses.**

**Defined.** Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities including, but not limited to, a cinema, venue of a professional or semi-professional sports team, bowling alley, dance hall, but excluding those regulated under the Arts & Creative Enterprise Use Categories.

##### 1. **Required Standards.**

- a. Assembly and entertainment uses may provide incidental food or beverage service for on-site consumption.
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a assembly and entertainment use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level of activity associated with the surrounding properties.

#### C. **Banking & Financial Service Uses.**

**Defined.** Uses related to the exchange, lending, borrowing, and safe keeping of money.

#### D. **Broadcast/Recording Studio Uses.**

**Defined.** Uses that provide studios for audio or video production, recording, filming, or broadcasting of radio or television programs over-the-air, cable, or satellite. Telecommunications transmission towers are regulated according to the provisions of Sec. 9.2.15 Wireless Communication Structures.

#### E. **Building & Home Repair Service Uses.**

**Defined.** Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces. Typical uses include janitorial, landscape maintenance, exterminator, plumbing, electrical, HVAC, window cleaning and similar services.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a building and home repair service use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.

- b. Visual impact and quality of screening of parked business vehicles.

#### F. Business Support Service Uses.

**Defined.** Uses that provide personnel services, printing, copying, photographic services, or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, telephone answering services, and photo developing labs.

#### G. Caterer/Wholesale Food Production Uses.

**Defined.** The preparation of food in significant quantities to be delivered and served or sold off-site.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a caterer/wholesale food production use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Visual impact and quality of screening of parked business vehicles.
  - c. Location of loading, trash, and recycling storage and the procedure for pick-up and drop-off.
  - d. Ventilation and air handling techniques to reduce the emission of odor or exhaust onto neighboring properties.

#### H. Day Care Service Uses.

**Defined.** Uses that provide licensed care, protection, and supervision in a protective setting for children or adults, with or without compensation, on a regular basis away from their primary residence and for less than 16 hours per day.

1. **Adult Day Care Center.**

**Defined.** A day care service use providing custodial care of adults over 18 years old, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention.

2. **Child Day Care Center.**

**Defined.** A day care center as defined in M.G.L. 15D Section 1A.

#### I. Educational Institution Uses.

**Defined.** A facility for the general or specialized education, instruction, or training in subject areas, skills, or vocations including all accessory and ancillary activities customarily included in the operations of educational institutions in directly serving the needs of employees and students but does not meet the standards of a Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 (Sec. 9.2.4.H).

#### J. Maintenance & Repair of Consumer Goods Uses.

**Defined.** Uses that provide maintenance, cleaning, and repair services for consumer goods. Typical uses include dry cleaning shops, tailors, shoe repair, vacuum repair shops, electronics repair shops, and similar establishments.

#### K. Personal Service Uses.

**Defined.** Uses that provide a variety of services associated with personal grooming, personal instruction, and the maintenance of fitness, health, and well-being.

1. **Gym or Health Club.**

**Defined.** Use of space for physical exercise or training on an individual or group basis, using exercise equipment or open floor space, with or without an option for having instruction with a personal trainer.

2. **Funeral Home.**

**Defined.** A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a funeral home, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - iii. Location, visibility, and design of the principal entrance.

3. **Health Care Provider.**

**Defined.** An office providing outpatient health services involving the diagnosis and treatment of physical or mental ailments and disorders, including doctors, dentists, mental health practitioners, physical therapists, and their substantial equivalents.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a health care provider, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Compatibility with the level of activity associated with surrounding properties.
  - iii. Location, visibility, and design of the principal entrance and patient drop-off areas.

L. **Recreation Uses.**

**Defined.** A facility providing for the communal or solitary, active or passive, indoor or outdoor pursuit of leisure activities.

- 1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a recreation use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level of activity associated with surrounding properties.
  - c. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - d. Location, visibility, and design of the principal entrance and pedestrian circulation from all exit points.
  - e. Lighting and hours of operation.

### 9.2.6. Eating & Drinking Use Categories.

#### A. Restaurant/Café Uses.

**Defined.** An establishment preparing and selling ready-to-consume food and drinks for on-site consumption.

##### 1. Required Standards.

- a. Outdoor seating is permitted on the lot or on a public sidewalk subject to the Revised Ordinances Chapter 12, Article 8.

##### 2. Formula Eating and/or Drinking Establishment.

**Defined.** Any eating and/or drinking establishment which, along with 9 or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other arrangement to maintain 2 or more of the following features: a standardized menu; a standardized façade; a standardized décor and/or color scheme; a standardized uniform; a standardized sign or signage; or a trademark or a service mark. s

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a formula eating and/or drinking establishment, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. The existing concentrations of formula eating and/or drinking establishment uses within the commercial area or neighborhood.
  - iii. The availability of other similar eating & drinking establishment uses and the maintenance of a diverse blend of eating & drinking establishment uses within the commercial area or neighborhood.
  - iv. The compatibility of the proposed design for the formula eating & drinking establishment with the existing architectural and aesthetic character of the commercial area or neighborhood.
  - v. The existing non-residential vacancy rates within the neighborhood.

##### 3. Brewery Uses.

**Defined.** An establishment producing alcoholic beverages for on-site consumption and purchase. The brewery use category includes breweries producing beer, wineries producing wine, and distilleries producing hard alcohol. A brewery use is distinguished from an artisan production use by the on-site consumption of food and beverages.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a brewery use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Compatibility with the level of activity associated with the surrounding properties.

### 9.2.7. Industrial Use Categories.

#### A. Commercial Dry Cleaning & Laundry Service Uses.

**Defined.** Uses that provide centralized dry cleaning and/or laundry services for other industrial, commercial, institutional, and/or business establishments.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a commercial dry cleaning and laundry service use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - c. Something environmental?

#### B. Data Center & Telecommunication Uses.

**Defined.** Uses providing information/data storage and processing services to other business or end users through a collection of computer serves and related information technology infrastructure as well as uses providing telecommunication system operation and maintenance.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a data center and telecommunications use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Mitigation of any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

#### C. Manufacturing Uses.

**Defined.** Uses that process, fabricate, assemble, treat, or package finished parts or products. Operations may include the storage of materials and the loading and unloading of materials and products. Activities common to this use category include, but are not limited to, food and beverage production, electronics and other electrical equipment assembly, medical appliances manufacturing, clothing and textile production, furniture and other woodworking products, boatbuilding, printing and publishing operations, and fabrication of metal products.

1. **Required Standards.**
  - a. Such use shall not be injurious, noxious, or offensive to the neighborhood by reason of noise, smoke, odor, gas, dust or similar objectionable features or dangerous to the neighborhood on account of fire or any other cause.
  - b. Ancillary retail sales, cafes, and showrooms are permitted where the products displayed or sold are made or produced on the premises.
  - c. The manufacturing or production of toxic and/or hazardous materials is prohibited.

#### D. Moving & Self Storage Uses.

**Defined.** Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including temporary storage of those same items. Typical uses include moving companies and self service and mini-storage warehouses.

1. **Self Storage Use.**

**Defined.** The temporary storage of personal possessions in containers or individual rentable or leasable spaces.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a self storage use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Mitigation of any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
  - iii. Location of loading, trash, recycling, and the procedure for drop-off and pick-up.

#### E. Trash & Recycling Collection/Storage Uses.

**Defined.** Uses that collect and temporarily store household waste and/or recyclable materials including glass, cardboard, paper, aluminum, tin, plastics, and compostable yard waste that are regularly moved off-site to be processed elsewhere.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a trash and recycling collection/storage use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level and type of activities associated with the surrounding properties.
  - c. Capacity of the local thoroughfare network providing access to the site.
  - d. Location and screening of loading, the procedure for drop-off and pickup, and the impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - e. Visual impact and quality of screening of parked business vehicles.

#### F. Vehicle Storage & Transportation Depot Uses.

**Defined.** Uses engaged in the dispatching and long-term or short-term storage of large vehicles or boats. Minor repair and maintenance of vehicles or boats stored on the premises is also included.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a vehicle storage and transportation depot use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level and type of activities associated with the surrounding properties.
  - c. Capacity of the local thoroughfare network providing access to the site and the impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - d. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - e. Visual impact and quality of screening of parked or stored vehicles.
  - f. Ventilation and air handling techniques to reduce the emission of odor or exhaust onto neighboring properties.



## G. Wholesale Trade & Distribution Uses.

**Defined.** Uses engaged in the wholesale collection, sorting, processing, and distribution of bulk mail, packages or commercial goods, storage, processing, and distribution of bulk goods including, but not limited to, furniture & home furnishings; professional and commercial equipment; electrical goods; hardware, plumbing, and heating equipment; paper and paper products; sundries; apparel; food and beverages; healthcare equipment and supplies; and their substantial equivalents to retailers, commercial services, and/or industrial businesses.

### 1. Required Standards.

- a. Ancillary retail sales and wholesale showrooms are permitted.
- b. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way that has minimal impact on surrounding properties.
- c. The wholesale and/or storage or warehousing of toxic and/or hazardous materials is prohibited.

## 9.2.8. Lodging Use Categories.

### A. Bed & Breakfast Uses.

**Defined.** A single unit residential building type providing rooms for temporary, overnight lodging, with or without meals, for paying guests.

#### 1. Required Standards.

- a. A bed & breakfast lodging use must be owner or manager occupied.
- b. A bed & breakfast lodging use may be located within a principal building and/or an accessory structure.
- c. A common gathering space, such as a parlor, dining room, or living room must be maintained for guest use.
- d. Cooking facilities are not permitted in guest rooms.

#### 2. Review Criteria. In its discretion to approve or deny a special permit authorizing a bed and breakfast use, the Special Permit Granting Authority must find that the application meets the following criteria:

- a. The criteria for all Special Permits specified in Sec. 11.4.3.
- b. Transportation options provided to guests and the on-site management of parking.
- c. Operational procedures for limiting noise impacts on neighboring properties.
- d. Anticipated frequency of events/functions and food service is compatible with neighboring properties.

### B. Hotel Uses.

**Defined.** A building providing temporary lodging in guest rooms or apartments to persons who have residences elsewhere for a fee.

#### 1. Required Standards.

- a. A hotel use must provide for one or more employees to be on-site at all times.



2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a hotel use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility with the level and type of activities associated with the surrounding properties.
  - c. Capacity of the local thoroughfare network providing access to the site and the impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - d. Location and visibility of the principal entrance, guest drop-off area, outdoor amenity space, and pedestrian circulation from all exit points.
  - e. Location of loading, trash, and recycling storage and the procedure for pick-up and drop-off.

### 9.2.9. Motor Vehicle-Oriented Use Categories.

#### A. Commercial Vehicle Repair & Maintenance Uses.

**Defined.** Repair, installation, or maintenance of the mechanical components or the bodies of large trucks, mass transit vehicles, large construction equipment, or commercial boats.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a commercial vehicle repair and maintenance use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - c. Visual impact and quality of screening of vehicles.

#### B. Dispatch Service Uses.

**Defined.** The storage and dispatch of ambulances, taxis, limousines, armored cars, tow trucks, buses, and similar vehicles for specialized transportation, including where ambulance crews not located at a hospital or fire department stand by for emergency calls, ancillary professional offices, and/or minor vehicle service and maintenance repair.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a dispatch service use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Compatibility of the service with other surrounding properties.
  - c. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles, particularly with regard to driver sightlines.
  - d. Visual impact and quality of screening of vehicles.
  - e. Procedures for controlling emission of noxious or hazardous materials or substances.

#### 2. Towing Service.

**Defined.** Storage of towed vehicles and/or the parking and dispatch of tow vehicles.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a towing use, the Special Permit Granting Authority must find that the application meets the criteria listed for a dispatch service use above.

#### C. Gasoline Station Uses.

**Defined.** Uses engaged in the retail sales of personal or commercial vehicle fuels.

#### D. Motor Vehicle Parking Uses.

**Defined.** The storage, for a limited period of time, of operable motor vehicles.

##### 1. Off-Site Accessory Parking.

**Defined.** Motor vehicle parking that supports a principal use on a different lot.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an off-site accessory parking use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - iii. Visual impact and quality of screening of vehicles.

##### 2. Commercial Parking.

**Defined.** The rent or lease of parking stalls for motor vehicles on an hourly, daily, monthly, annually or other basis.

- a. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a commercial parking use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - iii. Visual impact and quality of screening of vehicles.

#### E. Personal Vehicle Repair & Maintenance Uses.

**Defined.** Repair, installation, or maintenance of the mechanical components or the bodies of automobiles, small trucks or vans, motorcycles, motor homes, or recreational vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of these types of vehicles.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a commercial parking use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - c. Visual impact and quality of screening of vehicles.

#### F. Vehicle Sale Uses.

**Defined.** Sale or rental of new or used motor vehicles including automobiles, small trucks or vans, motorcycles, motor homes, or recreational vehicles. Examples include car dealerships and car rental agencies.

1. **Required Standards.**

- a. On-site vehicle maintenance and repair is considered an additional principal use.
- b. Vehicles for display, sale, or lease must be located entirely within a building.

2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a vehicle sale use, the Special Permit Granting Authority must find that the application meets the following criteria:

- a. The criteria for all Special Permits specified in Sec. 11.4.3.
- b. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.

#### 9.2.10. Office Use Categories.

A. **Co-Working Uses.**

**Defined.** A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.

B. **General Office Uses.**

**Defined.** The regular processing, manipulation, or application of business information or professional expertise predominantly for administrative, professional, and clerical operations in accounting, advertising, business to business brokerage and other business support services, employment, finance, healthcare administration, information technology and/or services, insurance, internet content development and publishing, law, non-profit organization, real estate, urban development and their substantial equivalents. Office activities may or may not provide direct services to the public.

1. **Required Standards.**

- a. Office uses do not include activities materially involved in fabricating, assembling, warehousing or sale of products for the retail or wholesale market.

C. **Research & Development and/or Laboratory Uses.**

**Defined.** The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical equipment, communication & information technology, electronics, computer hardware, and their substantial equivalents.

1. **Required Standards.**

- a. Research & Development and/or Laboratory does not include activities involved in fabricating, assembling, warehousing, or sale of products for the retail or wholesale market.

- b. Ancillary development of mock-up and prototype products is permitted so long as the total floor area devoted to their fabrication or assembly is limited to 25% of the gross floor area occupied by the use.

### 9.2.11. Open Space Use Categories.

#### A. Farming Uses.

**Defined.** The cultivation of soil and the production, planting, caring for, treating, growing, and harvesting of any agricultural, aquacultural, horticultural, hydrocultural, floricultural, silvicultural, or viticultural commodities.

##### 1. Community Gardening.

**Defined.** The practice of growing and cultivating plants; including vegetables, flowers, and fruits; for display, enjoyment, or private/personal consumption.

##### a. Required Standards.

Sales, processing, and storage of plants or plant products are prohibited on site.

#### B. Private Cemetery Uses.

#### C. Resource Extraction Uses.

**Defined.** The removal of resources such as sod, loam, subsoil, sand, or gravel from the premises for the purpose of sale.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a resource extraction use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Stability of the ground relative to the impacts of the proposed use.
  - c. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.

### 9.2.12. Retail Use Categories.

#### A. Building/Home Supplies & Equipment Uses.

**Defined.** Uses that sell or otherwise provide furniture, appliances, equipment and/or home improvement goods needed to repair, maintain, or visually enhance a structure or premises that are typically too large to be carried by hand.

##### 1. Required Standards.

- a. Outdoor display of products and merchandise is permitted according to the following:
  - i. Outdoor display is permitted in the private frontage or on a public sidewalk subject to City Ordinances as an ancillary activity.
  - ii. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
  - iii. Display areas extending more than 8 feet from the front elevation are prohibited.

- iv. A minimum 4 ft wide clear path must be maintained to the principal entrance and along any sidewalk or pedestrian path.
- v. Display area are permitted to occupy no more than 30% of the frontage area.

2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a building/home supplies and equipment use, the Special Permit Granting Authority must find that the application meets the following criteria:

- a. The criteria for all Special Permits specified in Sec. 11.4.3.
- b. Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
- c. Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
- d. Location of loading, trash, and recycling storage and the procedure for pick-up and drop-off.

#### B. Consumer Goods Uses.

**Defined.** Uses that sell or otherwise provide consumer goods, functional or decorative, for use in entertainment, comfort, or aesthetics which are of a size that a customer can typically carry by hand. Consumer goods stores include, but are not limited to, stores selling apparel and accessories, sundries, pharmaceuticals, hardware and hand tools, housekeeping supplies, plants and other gardening products, and convenience food and beverage for off-site consumption. The manufacturing, assembly, and/or packaging of merchandise is prohibited unless ancillary to the sale of products from the same location.

##### 1. Required Standards.

- a. Outdoor display of products and merchandise is permitted according to the following:
  - i. Outdoor display is permitted in the private frontage or on a public sidewalk subject to City Ordinances as an ancillary activity.
  - ii. Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
  - iii. Display areas extending more than 8 feet from the front elevation are prohibited.
  - iv. A minimum 4 ft wide clear path must be maintained to the principal entrance and along any sidewalk or pedestrian path.
  - v. Display area are permitted to occupy no more than 30% of the frontage area.

#### C. Formula Retail.

**Defined.** Any use classified into a use category under section 9.2.12 Retail Use Categories, which, along with 9 or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other arrangement to maintain 2 or more of the following features: a standardized array of merchandise; a standardized façade; a standardized décor and/or color scheme; a standardized uniform; a standardized sign or signage; or a trademark or a service mark.

1. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a formula retail use, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The existing concentrations of formula retail uses within the commercial area or neighborhood.
  - c. The availability of other similar retail uses and the maintenance of a diverse blend of retail uses within the commercial area or neighborhood.
  - d. The compatibility of the proposed design for the formula retail use with the existing architectural and aesthetic character of the commercial area or neighborhood.
  - e. The existing non-residential vacancy rates within the neighborhood.

#### D. Fresh Food Market or Grocery Store Use.

**Defined.** The self-service sales of food and household products including, but not limited to, fresh and prepared meat, dairy, baked goods, fresh fruits and vegetables, canned and/or frozen foods, and other regularly consumed household products.

1. **Required Standards.**
  - a. Floor area devoted to the sale of non-food items must not exceed twenty-five percent (25%) of the sales floor.
  - b. Ancillary prepared food and beverage service is permitted.

#### E. Farmer/Vendor Market Uses.

**Defined.** The direct sales of goods and/or products by farmers or vendors to consumers from individual booths, tables, or stands, whether indoors or outdoors.

### 9.2.13. Restricted Use Categories.

#### A. Adult Entertainment Uses.

**Defined.** Any use engaged in the sale of products or the display of video or live shows, where a significant portion of its stock in trade, or the emphasis of the videos or shows, have to do with or depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31. Adult entertainment includes, but is not limited to, adult bookstore, adult motion picture theatre, adult paraphernalia store, adult video store, and adult night club, as defined by M.G.L. Chapter 40A, Section 9A. For the purposes of this section, a significant portion of stock in trade is defined as at least 15%. Adult entertainment uses are not included within the consumer goods use category, the assembly and entertainment use category or any other use category.

1. **Purpose.** The purpose of this Sec. 9.2.13.A is to address and mitigate the secondary effects of adult entertainment uses that are referenced and defined herein. Secondary effects have been shown to include urban blight, increased crime, adverse impacts on the business climate of a city, adverse impacts on property values, adverse impacts on the tax base and adverse impacts on the quality of life in a city. All of said secondary impacts are adverse to the health, safety, and general welfare of the City and its inhabitants.
2. **Intent.** The provisions of this Sec. 6.10.1 have neither the purpose nor the intent of imposing a limitation on the content of any communicative matter or materials, including sexually-oriented matter or materials. Similarly, it is not the purpose or

intent of this ordinance to restrict or deny access by adults to adult entertainment establishments or to sexually-oriented matter or materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights of distributors or exhibitors of such matter or materials. Neither is it the purpose or intent of this ordinance to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

### 3. Required Standards.

- a. As measured by a straight line from property line to property line, an adult entertainment use must not be located within:
  - i. 500 feet of the nearest religious use, school, public park intended for passive or active recreation, youth center, day care facility, family day care facility, center for child counseling, great pond, or navigable river;
  - ii. 1,000 feet from any other adult entertainment use, whether in Newton or in a neighboring municipality, nor within 1,000 feet of a zoning district in a neighboring municipality allowing an adult entertainment use;
  - iii. 500 feet from an establishment manufacturing, selling, serving, or storing alcoholic beverages;
  - iv. 150 feet of any residential property.
- b. Notwithstanding building type or district requirements to the contrary, all building openings, entries, and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
- c. Material that depicts, describes or relates to nudity or sexual conduct as defined in M.G.L. Chapter 272, Section 31 must not be located in or on the building housing such adult use in a way that is visible to the public from the outside of the premises in which an adult entertainment use is permitted. Advertising, or other material, whether displayed in the window or affixed to the building must not depict, describe or relate to nudity or sexual conduct as defined in M.G.L. Chapter 272, Section 31.
- d. An adult entertainment use must not disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.
- e. An adult entertainment use is not permitted to have a free-standing accessory sign.
- f. An adult entertainment use is not permitted to be open between the hours of 11:30 p.m. and 6:00 a.m.
- g. An adult entertainment use is not permitted to serve, or allow to be consumed on premises, alcoholic beverages.

### 4. Review.

- a. **Application.** An application shall be submitted in accordance with section 11.4. The following additional materials are required for an application:
  - i. Name and address of the legal owners of the proposed establishment.
  - ii. Name and address of all persons having legal, beneficial, equitable or security interests in the adult use.



- iii. Name and address of the establishment's manager(s).
  - iv. The number of employees.
  - v. Proposed security precautions.
  - vi. A map showing all properties within 1,000 feet of the property boundary.
  - vii. A plan of the physical layout of the proposed premises showing, among other things, the location of the adult books, adult paraphernalia, or adult videos.
  - viii. A sworn statement that neither the applicant nor any persons having legal, beneficial, equitable or security interests in the establishment has been convicted of violating M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272, Section 28.
- b. The legal owner of an adult entertainment use having received a special permit shall promptly notify the special permit granting authority of any changes in the above information within 10 days and failure to do so will be grounds for revocation of the special permit.
- c. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an adult entertainment use, the Special Permit Granting Authority must find that the application meets the following criteria:
- i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. The compatibility of the proposed design for the adult entertainment use with the existing architectural and aesthetic character of the commercial area or neighborhood.
  - iii. The level of crime and/or blight in the vicinity of the proposed location and the proposed security precautions.
  - iv. No special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272, Section 28 or registered with or required to be registered under the Sex Offender Registration Law, M.G.L. Chapter 6, Sections 178C et. seq., or its successor.
- d. **Expiration.** A special permit to conduct an adult entertainment use expires after a period of 2 calendar years from its date of issuance and is eligible for renewal for successive two-year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to said expiration and that no objection to said renewal is made and sustained by the special permit granting authority based upon notification of adverse changes regarding the public safety factors applied at the time that the original special permit was granted.
- e. **Existing Adult Entertainment Uses.** Any adult entertainment use in existence upon the effective date of this Sec. 9.2.13 shall apply for an adult entertainment use special permit within 90 days of the adoption of this Sec. 9.2.13.

#### B. Gambling Uses.

**Defined.** Any use in which participants are engaged in the wagering of money enabled by, under the supervision of, or otherwise with the consent of the property owner. When including wagering, such uses include, but are not limited to, keno, sports betting, card or dice games, or slot machines, but do not include the sale of lottery tickets. A gambling use is never considered an accessory use.



1. **Purpose.** Whereas the deleterious effects of gambling and wagering on individuals, families and the public health, safety, convenience and welfare are known and documented, it is the policy of the City to regulate and condition the operation of establishments allowing Keno, or similar games of chance, entertainment or amusement, whether operated live or through audio or video broadcast or closed-circuit transmission, and to prohibit persons under 18 years of age from engaging in or participating in any manner in such games of chance, entertainment or amusement.
2. **Required Standards.** No building or structure, or any portion of a building or structure, shall be used for a gambling use unless the following conditions are met:
  - a. It must be a restaurant-business which is duly licensed by the Newton Board of Licensing Commissioners pursuant to both M.G.L. Chapter 140 as a common victualler selling prepared food to patrons and pursuant to M.G.L. Chapter 138, Section 12, whereby alcoholic beverages may be sold to and drunk on the premises by patrons. The alcoholic beverages license may be either an “all alcoholic beverage” license, or a “wine and malt beverages” license.
  - b. The restaurant-business must provide a lounge or similar area within the premises which is physically separated from the regular dining area by a wall, partition or other means deemed acceptable to the Newton Board of Licensing Commissioners. Keno, or similar games of chance, entertainment or amusement shall be restricted to this separate lounge or similar area. The restaurant-business shall not permit minors unaccompanied by a parent or adult guardian to enter, occupy, or remain in the restricted lounge or similar area, and shall prominently post signs to this effect.
  - c. No restaurant-business shall provide more than 2 video monitors for broadcast or closed-circuit transmission of Keno or similar games of chance, entertainment or amusement in the aforesaid lounge or similar area. Said limitation shall not apply to regular television programming of network, independent television stations, or television stations provided by cable, satellite, or similar systems.
  - d. No person under 18 years of age shall be permitted to engage in or participate in any manner in Keno or other such games of chance, entertainment or amusement, pursuant to this Sec. 6.10.1, M.G.L. Chapter 10, Section 29, as amended, and the regulations promulgated thereunder, including, but not limited to 961 CMR 2.00, 2.20(3) and 2.27(5).
3. **Violation.** Any establishment found to have violated state laws or regulations or the provisions of this section regarding the prohibition of minors in this regard shall be deemed an unlawful use in violation of this Chapter, and shall be subject to enforcement proceedings and penalties provided under M.G.L. Chapter 40A, Section 7, and this Chapter.
4. **Penalties.** Any ‘person’, including a business as defined in the Massachusetts Lottery Commission regulations, 961 CMR 2.03, which is found to have violated state laws or regulations regarding prohibition of minors in this regard shall be subject to the statutory penalties of M.G.L. Chapter 10, Section 29, as amended, and revocation of their license as a lottery sales agent pursuant to state law, including but not limited to Massachusetts Lottery Commission regulations 961 CMR 2.00, 2.13(1), 2.20(3) and 2.27(5).

5. **No Affirmative Rights are Granted by this Sec. 6.10.2.** The City shall not be precluded from exercising any legislative powers it may now have or which may be granted to the city by the General Court in future legislative enactments to prohibit or further regulate Keno, or similar games of chance, entertainment or amusement.
6. **Existing Keno License.** Any ‘person’, including a business as defined in the Massachusetts Lottery Commission regulations, 961 CMR 2.03, who has filed prior to June 10, 1996 an application for a Keno license with the Massachusetts Lottery Commission and who thereafter receives from said Commission a valid Keno license, pursuant to M.G.L. Chapter 10, Section 27A, will be exempt from the provisions of paragraphs 2.a., 2.b., and 2.c. above, but only at the location for which the application was filed prior to June 10, 1996.

#### C. Marijuana Establishment Uses.

[Reserved]

### 9.2.14. Accessory Use Categories.

#### A. Accessory Apartments.

**Defined.** A separate secondary dwelling unit located in a single or two-unit residential building, or in a detached building located on the same lot as a single or two-unit residential building, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of this Sec. 9.2.14.A. An internal accessory apartment is located within the principal building on a lot. A detached accessory apartment is not located in the principal building but is located in a separate detached accessory building.

1. **Intent.** Accessory apartments are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit, meeting the requirements of the following section. Accessory apartments are intended to advance the following objectives:
  - a. Diversify housing choices in the City while respecting the residential character and scale of existing neighborhoods;
  - b. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
  - c. Create more housing units with minimal adverse effects on Newton’s neighborhoods;
  - d. Provide flexibility for families as their needs change over time and, in particular, provide options for seniors to be able to stay in their homes and for households with disabled persons; and
  - e. Preserve historic buildings, particularly historic carriage houses and barns.
2. **Allowed Building Types.** An accessory apartment may be located in a House A, House B, House C, House D or Duplex building type or on the same lot as a House A, House B, House C, House D or Duplex building type.
3. **Rules for All Accessory Apartments.**
  - a. An accessory apartment cannot be held in separate ownership from the principal structure/dwelling unit;
  - b. No more than 1 accessory apartment shall be allowed per lot;

- c. The property owner must occupy either the principal dwelling unit or the accessory apartment;
- d. The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone, under Sec. 9.2.2.A and other applicable sections;
- e. The principal dwelling unit must have been constructed 4 or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling or, where no certificate is available, the owner provides other evidence of lawful occupancy of the existing dwelling on or before a date at least 4 years prior to the date of application, except by special permit;
- f. Where the accessory apartment or the principal dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be 30 days;
- g. No additional parking is required for the accessory apartment. If parking for the accessory apartment is added, however, screening is required sufficient to minimize the visual impact on abutters, such as evergreen or dense deciduous plantings, walls, fences, or a combination;
- h. Before a Certificate of Occupancy is issued the property owner of any accessory apartment shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or of the determination from the Commissioner of Inspectional Services granting the accessory apartment and certified copies shall be filed with the Department of Inspectional Services, where a master list of accessory apartments shall be kept, and with the Assessing Department;
- i. When ownership of the property changes, the new property owner shall notify the Commissioner of Inspectional Services within 30 days, at which time the Commissioner of Inspectional Services shall conduct a determination of compliance with this Section 9.2.14.A and with 780 CMR; and
- j. The property owner shall file with the Commissioner of Inspectional Services a sworn certification attesting to continued compliance with the requirements of this Section 9.2.14.A and all applicable public safety codes. Such certification shall be filed annually on the first business day of January or upon transfer to a new owner as provided above, and the property may be subject to inspection.

#### 4. Rules for Internal Accessory Apartments.

- a. An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total Habitable Space in the principal dwelling, as defined in Sec. 8.3, whichever is less. The applicant may request a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40 % of the total Habitable Space, whichever is less.
- b. Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure, and the look, character and scale of the surrounding neighborhood as viewed from the street, including, but not limited to, the following considerations:

- i. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;
  - ii. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
  - iii. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;
  - iv. Windows should be consistent with those of the remainder of the building in proportion and orientation;
  - v. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;
  - vi. The Commissioner of Inspectional Services, or the special permit granting authority in the case of a special permit, shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of the above criteria. Where a building is determined to be of historic significance and therefore subject to the procedures required under Section 22-50(C)(4) of the City of Newton ordinances, or where a building is located within a local historic district and therefore subject to the procedures required under Sections 22-40 through 44 of the City of Newton ordinances, any decisions of the Newton Historical Commission, or the local Historic District Commission, shall take precedence over the criteria and procedures set forth above, but may be guided by them in addition to their own criteria and procedures.
- c. Only one entrance may be located on the front elevation of the building facing a street unless the building had additional street-facing entrances before the accessory apartment was created, except by special permit.

#### 5. Rules for Detached Accessory Apartments.

- a. Except as provided below, a Detached Accessory Apartment may be allowed by special permit as a use accessory to a single or two-unit residential building.
- b. A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the total Habitable Space of the principal dwelling, whichever is less. The City Council may grant a special permit for a larger Detached Accessory Apartment up to 1,500 square feet.
- c. Exterior alterations to an existing accessory structure or the creation of a new accessory structure are permitted provided they are in keeping with the architectural integrity of the existing structure and/or the principal dwelling on the lot and the residential character of the neighborhood. The exterior finish material should be the same or visually compatible in type, size, and placement, as the exterior finish material of the principal dwelling unit on the site. The Commissioner of Inspectional Services, or the City Council in the case of a special permit, shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement. Where a building is determined to be of historic significance and therefore subject to the procedures required under Section 22-50(C)(4) of the City of Newton ordinances, or where a building is located within a local historic district and therefore subject to the procedures required

under Sections 22-40 through 44 of the City of Newton ordinances, any decisions of the Newton Historical Commission, or the local Historic District Commission, shall take precedence over the criteria and procedures set forth above, but may be guided by them in addition to their own criteria and procedures.

- d. The Detached Accessory Apartment must be at least 6 feet from the principal dwelling unit on the site.
  - e. The Detached Accessory Apartment must meet the setback requirements of the principal dwelling unit and other applicable dimensional controls, except by special permit.
  - f. Except as required above, a Detached Accessory Apartment is subject to the dimensional requirements of an Accessory Building in the zoning district that the lot is located in. For the purposes of this section, the Commissioner of Inspectional Services may determine which lot line is the front on corner lots.
  - g. Historic Carriage Houses and Other Historic Accessory Buildings. Under the following conditions, a Detached Accessory Apartment in an historic accessory building located outside of an historic district, may be allowed by right without requiring a special permit, and only subject to the rules in this subsection 5.g.
    - i. The proposed Detached Accessory Apartment will be located in a historic carriage house building or other historic accessory building such as an auto house, garage, stable, machine shop, or barn. To qualify under this subsection 5.g, the structure must qualify and be deemed as “historically significant” under Section 22-50 of the City of Newton Ordinances, The Demolition Review Ordinance, as determined by the Director of Planning and Development and the Chair of the Newton Historical Commission;
    - ii. The proposed Detached Accessory Apartment will be greater than 15 feet from an existing residential dwelling on an abutting property, except by special permit; and
    - iii. Any exterior alteration of the building to permit the creation of the Detached Accessory Apartment will preserve the historic character and integrity of the building. Exterior alterations shall be subject to the jurisdiction of the Newton Historical Commission.
6. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an accessory apartment use or to modify or waive dimensional or other requirements as identified in this section 9.2.14.A, the Special Permit Granting Authority must find that the application meets the following criteria:
- a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. The consistency of the proposed exterior design for the accessory apartment with the existing architectural and aesthetic character of the existing building and neighborhood.
  - c. The citywide need for a diverse array of housing choices.
7. **Invalidity Clause.** If it is determined by a court of competent jurisdiction that any provision or requirement of Sec. 9.2.14.A. is invalid as applied for any reason, then Sec. 9.2.14.A. must be declared null and void in its entirety.

#### B. A.T.M.

**Defined.** An automated teller machine operated as an accessory use to a commercial establishment other than a banking or financial services use.

**C. Car Share & Bike Share.**

**Defined.** Parking for bikes or motor vehicles that are made available for hourly or daily rental fee, typically to members of a bike or car share service.

**D. Commercial Vehicle Parking.**

1. **Defined.** The parking of any vehicle, conveyance or piece of mechanized equipment which is used to further any business, trade, profession or employment, and which meets any 1 or more of the following criteria:
  - a. There is affixed on it any writing or logo that designates an affiliation with any business, trade, profession or employment.
  - b. It is used to store, in a manner or place that is visible from outside of the vehicle, any tools, equipment, accessories, body height extensions or other things used to further any business, trade, profession or employment.
  - c. It is used to transport persons, their luggage, and/or their animals or other materials for any kind of fee or charge.
  - d. It has a mechanized dumping capability.
  - e. It has a plow blade or plow blade frame or other device attached, or a plow blade or other device associated with the vehicle is stored on the premises.
2. **Required Standards.** In any residential district commercial vehicles must not:
  - a. Exceed 18 feet in length or 7 feet in width.
  - b. Contain more than 4 square feet of advertising on any one side.
  - c. Be stored between any front line of the principal building and the street line, or in the side or rear setback unless stored within a garage or other enclosure.

**E. Food Trucks.**

**Defined.** Defined in City Ordinances Sec. 20-88.

1. **Intent.** Food trucks are intended to advance the following:
  - a. Bring variety to the availability of local food establishments.
  - b. Add vibrancy and interest to the street life of a district.
  - c. Encourage the advancement of new restaurants and food service businesses by serving as a form of business incubator for new restaurant ideas in a start-up phase.
  - d. Create food options and amenities for underserved locations in the City.
2. **Required Standards.**
  - a. In the Public Use District, Food Trucks must only locate on the public street 'Wells Avenue' according to City Ordinances Sec 20-88 and 20-92. Food Trucks are allowed on public land as part of a special event with a license from the Health Department.
  - b. A Food Truck must not remain parked overnight.



- c. A Food Truck is not required to provide parking.
- d. A Food Truck must meet all of the requirements of City Ordinances sections 17-47 through 17-50.
- e. A Food Truck operating as part of a special event or in a catering capacity for a private function is allowed in all districts.

#### F. Home Business Uses.

**Defined.** A commercial occupation carried on by a resident of a dwelling unit where the occupation is secondary to the use of the dwelling unit for residential purposes and where the “quiet expectations” of neighbors takes precedence over work needs of the occupation. A home business must be a use from the following use categories; Artisan Production; Building & Home Repair Services; Day Care Services; Maintenance & Repair of Consumer Goods; Personal Services; and General Office.

##### 1. Required Standards.

- a. The home business must be operated within a completely enclosed principal or accessory building owned or occupied by the resident of the property where the home business is located. The home business must be operated by said resident.
- b. The Home Business must not change the residential character of the dwelling.
- c. The Home Business must not occupy more than 25% of the useable floor area of the dwelling unit or be located within an Accessory Building that meets the requirements for accessory buildings for the zoning district in which the lot is located.
- d. No storage of materials, supplies, or equipment is permitted outdoors.
- e. No display of products may be visible from the right-of-way of any public street.
- f. Commercial signs are prohibited except as allowed for Home Business in Sec. 8.2.
- g. Shipping and delivery is restricted to parcel and small freight carriers.
- h. No more than one off street parking space is permitted for the Home Business.
- i. The Home Business must not produce noise, vibration, glare, fumes, odors, electrical interference, or traffic congestion beyond that which normally occurs in the immediate residential area or that might unreasonably interfere with any person’s “quiet expectations” in enjoyment of their residence.
- j. Products produced on-site must be grown, fabricated, or assembled by hand.
- k. No more than one non-resident employee may be present at any one time during the hours of operation.
- l. Retail sales to walk-in customers are prohibited.
- m. Not more than three clients, customers, or pupils for business or instruction shall be present at any one time.

- n. Client, customer, or pupil visits must be by appointment only and business activities may not have more than one visitor car at a time.

## 2. Home Day Care.

**Defined.** A home business providing custodial care of children under 7 years of age or children under 16 years of age if such children have special needs. Home day care does not include the informal cooperative arrangement for child care among neighbors or relatives, or the occasional care of children with or without compensation.

### a. Required Standards.

The requirements of Sec 9.2.14.F.1 apply to home day care except care may be provided for no more than 6 children at a time, including any children living with the residence providing home day care services.

## G. Short Term Rental.

**Defined.** The rental of an owner-occupied dwelling unit, or portion thereof, on an overnight or short-term basis of less than 30 days (typically less than 7 days).

### 1. Required Standards.

- a. The property owner must reside on the property for a minimum of 185 days a year.
- b. The number of guests may not exceed the maximum allowed in household living uses at any time.
- c. A property, or portion thereof, may be used for short term rental for a maximum of 90 days in a calendar year.
- d. A property used for short term rental may not be rented for a commercial event during its use for a short term rental.
- e. The burden of proof is placed on the property owner to demonstrate that they are operating within the limits of this section.

## H. Rental of a Residential Property for a Commercial Event.

**Defined.** The rental of a residential unit, or portion thereof, for a commercial event such as a party rental, promotional event, or filming.

### 1. Required Standards.

- a. A commercial event may not coincide with use of the property for short term rental.
- b. Commercial events must comply with the City Noise Ordinance.
- c. The burden of proof is placed on the property owner to demonstrate that they are operating within the limits of this section.

## 9.2.15. Wireless.

[Same as Existing]



# Article 10 Nonconformity

## 10.1. General

### 10.1.1. Intent and Purpose

The adoption and occasional amendment of the Newton Zoning Ordinance and Zoning Map, including the adoption of the City's first zoning ordinance in 1922, can cause previously lawfully conforming lots, buildings, structures, uses, site characteristics, and signs to become nonconforming to new regulations. This section explains the impact of this nonconforming status on the continuation and/or expansion of nonconforming properties.

The purpose of this Article is to establish rules for properties where some aspect of the property, such as the lot, structure, or use of land, are non-conforming. This Article describes the circumstances under which such aspects of a property may continue and how changes to nonconforming uses or structures may be permitted to occur.

### 10.1.2. Definition.

- A. **Nonconformity.** A situation where a use of land, a structure, a lot, or some other aspect or characteristic of real property was legally created or legally commenced prior to the adoption of this Ordinance or an amendment to it, where such use or structure no longer conforms to one or more requirements of this Ordinance or ordinance amendment.

### 10.1.3. Applicability

- A. No amendment to this Zoning Ordinance shall affect any building, structure, or use lawfully in existence or lawfully begun prior to the first publication of notice of the public hearing on such ordinance amendment required by M.G.L. Chapter 40A, Section 5.
- B. An amendment to this ordinance shall apply to any change or alteration to a building, structure, or use permitted, or where no permit is required, commenced following the first publication of notice of the public hearing on such ordinance amendment required by M.G.L. Chapter 40A, Section 5.
- C. No amendment to this ordinance shall affect any previously issued building permit or special permit provided that construction work under such a permit must be commenced within 6 months after it is issued and the work, whether under such permit or otherwise lawfully begun is continued through to completion as continuously and expeditiously as it is reasonable.
- D. Notwithstanding paragraph A, all applications for site plan approval or special permits which were filed with the City Clerk on or before [date of adoption] and which were approved subsequent to that date shall be subject to the provisions of the Newton Zoning Ordinance in effect immediately before [date of adoption].
- E. A structure or use that was not lawful at the time it was commenced shall not be entitled to the nonconformity protections of this Article 10 and shall be subject to all provisions of this ordinance and any amendments thereto.

#### 10.1.4. General Provisions

##### A. Basic Rules.

1. Preexisting nonconforming lots, structures, or uses may continue in the same form and use so long as the nonconformity remains otherwise compliant with this Ordinance.
2. Status as a preexisting nonconformity runs with the lot, structure, use, lot characteristic, or sign and is not affected by changes in tenancy, ownership, or management.
3. Any modification that increases an existing nonconformity or creates a new nonconformity is prohibited, except by Section 6 Finding according to Sec 11.7.
4. A nonconformity in any one aspect of the property does not affect the other conforming aspects of the property.
5. A nonconformity resulting from exceeding a maximum standard, does not prevent the modification, alteration, development, or redevelopment of a property within the limit of the preexisting nonconformity.
6. Any modification to a property that results in greater compliance with this Ordinance is permitted.

##### B. Determination of Nonconforming Status.

1. The Commissioner of Inspectional Services shall determine whether a property owner has provided reliable evidence of nonconforming status.
2. The burden of proving that a lot, structure, use, site characteristic, or sign is a preexisting nonconformity rests entirely with the property owner.
3. Applicants applying for development review required by this ordinance may be required to submit evidence of a prior permit or other documentation showing that the lot, structure, use, site characteristic, or sign was legally platted, built, or established prior to the effective date of this Ordinance or to any amendment to this Ordinance that created a nonconformity.

##### C. Casualty

Lawfully existing nonconforming uses and structures destroyed by fire, explosion, weather, flooding, or act of public enemy may be reconstructed or restored by right, subject to the following:

1. There shall be no increase in the degree of nonconformity from the state existing prior to destruction.
2. Reconstruction or restoration shall be started within a period of 2 years of the date of destruction and shall be continued in a timely fashion until completed.
3. No building permit shall be issued until the Commissioner of Inspectional Services has issued a zoning consistency determination.

##### D. Abandonment.

1. Lawfully existing nonconforming uses and structures are considered abandoned and may not be reestablished when one or more of the following occurs:
  - a. A nonconforming building or structure is not used for a period of 2 or more years.

- b. A nonconforming use is discontinued, with or without the intent to abandon, for a period of 2 or more years.
  - c. A nonconforming use is changed to a conforming use or a use protected under MGL 40A, Section 3.
  - d. The equipment or furnishings necessary for the operation of the nonconforming use have been removed and not replaced for a period of 2 or more years.
  - e. Utilities, such as water, gas, or electricity to the property have been disconnected for 2 or more years.
  - f. Reconstruction or restoration does not start within a period of two years from the date of destruction (See Sec. 10.1.4.C.2).
2. Should any of the above conditions for abandonment be met, the nonconforming use or structure shall not be reestablished or resumed unless it has been brought into conformance with this Ordinance.

## 10.2. Nonconforming Lots

### 10.2.1. Nonconforming Lot, defined.

A nonconforming lot is a lot that was lawfully established but that no longer complies with applicable lot standards because of the adoption or amendment of this Ordinance.

### 10.2.2. Unbuildable Lots.

- A. A lot is not considered unbuildable if the lot is noncompliant with the ordinance as to setback and/or lot standards:
- 1. Solely as a result of a taking of a portion of the lot for a public purpose, or
  - 2. As a result of a conveyance of a portion of the lot by the owner thereof to the City of Newton, any other body politic, or any agency or department thereof, in lieu of such a taking.

### 10.2.3. Alteration of Buildings Containing One or Two Units on Nonconforming Lots.

In the following circumstances, the reconstruction, extension, alteration or change (collectively “alteration”) to a 1 or 2 unit residential building on a nonconforming lot will not be considered an increase in the nonconformity and will be permitted by right if:

- 1. The alteration is to a structure which complies with all current setback and lot standards and requirements of the building type, but is located on a lot with insufficient frontage, where the alteration will also comply with all of these current requirements; or
- 2. The alteration is to a structure that complies with all current lot standards and requirements of the building type, but is located on a lot that does not allow sufficient setbacks, where the alteration will also comply with all of these current requirements. Setbacks may be reduced by:
  - a. First reducing the minimum distance of such dwelling house from the rear lot line to not less than 7½ feet; and

- b. Second, if necessary, reducing the minimum distance of such dwelling house from the front lot line to not less than 15 feet, unless the district regulations permit a front setback of less than 15 feet.

#### 10.2.4. Residential Uses on Nonconforming Lots.

Any nonconforming lot that, at the effective date of this Ordinance, lot frontage requirements of this Ordinance, but complies with any such standards or their equivalent in force at the time the lot was lawfully laid out by duly recorded plan or deed may be built upon for residential use, provided that such lot is in a district zoned for residential use under the provisions of this Ordinance, that the proposed building type allows no more than 1 or 2 residential units, and the lot meets one of the following additional conditions:

##### A. Nonconforming Lot in Single and Separate Ownership.

A nonconforming lot held in single and separate ownership, which at the time of its creation had an area of 5,000 square feet or more and a frontage of 50 feet or more, may be built upon by right. For purposes of this Section 10.4.2, “single and separate ownership” means that the owner of a specific lot does not have a sufficient ownership interest in an adjacent lot to control the use and disposition of that lot. Where 1 or more owners can control the use and disposition of adjacent lots, such lots shall be deemed to be in “common ownership.”

### 10.3. Nonconforming Buildings and Structures

#### 10.3.1. Nonconforming Structure, defined.

A principal building, or accessory building or structure, other than a sign, that was lawfully built but that no longer complies with applicable standards because of the adoption or amendment of this Ordinance.

#### 10.3.2. Ordinary Repair and Maintenance.

Normal maintenance of a nonconforming building or structure including, but not limited to painting, roof replacement, re-siding, window replacement, and other improvements that are deemed to be cosmetic or de minimus in nature by the Commissioner of Inspectional Services, are permitted.

#### 10.3.3. Alterations of Nonconforming Principal Building Types.

- A. An alteration of a preexisting building that is not a type permitted in a zoning district is prohibited, except as follows:
  - 1. Any building component allowed for any building type permitted within the same district may be added if approved by a Section 6 Finding, and
  - 2. An alteration that makes a building more similar to a permitted building type, thereby reducing the nonconformity, may be allowed by a Section 6 Finding.
- B. The modification of a permitted building type that is nonconforming as to siting on the lot is subject to the following:

1. If a building that is a permitted building type is in a nonconforming location with respect to any minimum setback line, it may be expanded by a Section 6 Finding, provided that:
  - a. Through fenestration layout, landscape screening, and/or other permitted means, the proposed modification does not reduce the privacy of an abutting residential property beyond that created by the current nonconformity.
2. If a building that is a permitted building type is in a nonconforming location with respect to any maximum setback line, it may be expanded within the parameters of the building type and is not considered nonconforming.

#### C. Section 6 Findings to Extend or Modify a Nonconforming Building or Structure

1. In its discretion to approve or deny a Section 6 Finding authorizing the modification of a nonconforming structure, the Zoning Board of Appeals shall not authorize any modification to an existing nonconforming structure that increases the degree of an existing nonconformity of the structure unless it finds that the alteration is not substantially more detrimental to the neighborhood (see Sec. 11.7).
2. In considering a Section 6 Finding to authorize modification of a nonconforming structure, the ZBA shall consider the following criteria in addition to any general criteria for a Section 6 Finding:
  - a. The extent and nature of the proposed alteration
  - b. Conformance to the purpose and intent of the zoning district and the Ordinance
  - c. Consistency of the proposed alterations with the character of neighboring structures
  - d. The need to minimize impermeable lot surface to the maximum extent practical
  - e. Whether conforming alterations can meet the demonstrated need of the applicant with minimal increase in the nonconformity.

## 10.4. Nonconforming Uses

### 10.4.1. Nonconforming Use, defined.

A nonconforming use is a use that was lawfully established but that no longer complies with applicable standards because of the adoption or amendment of this Ordinance.

### 10.4.2. Change of Use.

- A. No nonconforming use of a structure or of land may be changed to another use unless the new use is permitted by this Ordinance in the district where the use is located.
- B. Whenever a nonconforming use of land or of a structure has been changed to a conforming use, it may not thereafter be changed to a nonconforming use.

- C. A nonconforming use may not be changed to a nonconforming use that is in a different use category from the existing nonconforming use (e.g. an existing Banking use may not be changed into a Restaurant in a district where neither is permitted).
- D. A nonconforming use may change to another nonconforming use that is in the same Use Category as the existing nonconforming use by Section 6 Finding granted by the Zoning Board of Appeals according to Sec 11.8.

#### 10.4.3. Alterations to Use.

- A. An alteration that results in the increase of a nonconforming use of land or a structure may be permitted by a Section 6 Finding by the Zoning Board of Appeals.
- B. A nonconforming use is considered to be increased in circumstances such as the following:
  1. an increase in gross floor area or land area for that use
  2. an increase in the number of dwelling units
  3. a change from seasonal to full-time operation
  4. a substantial increase in the number of trips generated by the use.
  5. a change in hours of operation beyond the hours of 7:00am to 9:00pm
  6. a significant increase in the scale, scope, or nature of activities conducted on the premises
- C. In using its discretion to approve or deny a Finding authorizing alterations to a nonconforming use, the Zoning Board of Appeals must find that the application meets the following criteria:
  1. The requirements for a Section 6 Finding (see Sec. 11.8.2)
  2. The extent and nature of the proposed alteration
  3. The impact of the alteration to the neighborhood when compared to the existing nonconforming use.
  4. Consistency of the proposed alteration with the evolution of uses in neighboring structures.
  5. Whether conforming alterations could meet the demonstrated need of the Applicant with minimal increase in nonconformity

### 10.5. Nonconforming Site Characteristics

#### 10.5.1. Nonconforming Site Characteristics, defined.

A nonconforming site characteristic is an improvement on a given lot, such as parking, landscaping, paving, etc. that is not a building or a structure, that was lawfully established but that no longer complies with applicable standards because of the adoption or amendment of this Ordinance.

#### 10.5.2. Alterations

- A. Nonconforming parking lots shall not be expanded in violation or further violation of maximum parking requirements.
- B. Nonconforming landscape and permeable area shall not be further reduced.

#### 10.5.3. Reduction of Nonconformity

Reviewing boards or officials may require nonconforming site characteristics to be brought into partial or full conformance with the provisions of this Ordinance as a condition applied to the grant of a discretionary or administrative approval.

## Article 11 Administration

The provisions of this ordinance shall be implemented through the procedures contained in this Article 11. The procedures in this Article are intended to ensure compliance with the zoning regulations in this ordinance. These procedures shall not, in any way, supersede any other reviews or approvals required by other City Departments (i.e. Department of Public Works, Inspectional Services Department, Fire Department, etc.).

### 11.1 Development Review Bodies.

Applications for permits or approvals under this ordinance are subject to approval by the City Boards and officials listed below.

#### 11.1.1 Commissioner of Inspectional Services Department (ISD)

The Commissioner of Inspectional Services issues Building Permits, Certificates of Occupancy, and all other approvals under the State Building Code (780 CMR). The Commissioner of Inspectional Services is also responsible for ensuring that all issued building permits, and all other modifications to real property or the use of land or buildings not requiring a building permit, are in compliance with this zoning ordinance through the issuance of zoning consistency determinations.

#### 11.1.2 Director of Planning & Development.

The Director of Planning and Development has the following responsibilities:

- A. Administrative Site Plan Approval (Sec. 11.3)
- B. Administrative Review of Exempt Educational, Religious, and Child Care Uses (Sec. 11.3.1)
- C. Advisory review and comment on special permits, zoning amendments, and comprehensive permits.
- D. Advisory review and comment on projects before the Commissioner of Inspectional Services, as requested by the Commissioner.
- E. The Director of Planning and Development shall ensure that all agencies, boards, commissions, and departments with jurisdiction over a project are informed of any pending applications and invited to participate in the decision process under this Article.
- F. The Director of Planning and Development shall coordinate all required reviews involving Site Plan Approval, Special Permits, and the division of land and real property, as well as other permits and approvals of City, State, and Federal agencies.

#### 11.1.3 Planning Board.

The Planning Board has the following review and approval responsibilities:

- A. Special Permits, as provided in Section 11.5 of this ordinance



- B. Appeals of Administrative Site Plan decisions by the Director of Planning and Development (See Sec. 11.4.3).
- C. The Planning Board also provides a recommendation to the City Council on amendments to the zoning ordinance.

#### 11.1.4 Zoning Board of Appeals.

The Zoning Board of Appeals has the following review and approval responsibilities:

- A. Variances (See Sec. 11.6)
- B. Appeals (See Sec. 11.7)
- C. Comprehensive Permits (See Sec. 11.13)
- D. Section 6 Findings (See Sec. 11.8)

#### 11.1.5 City Council.

The City Council has the following review and approval responsibilities:

- A. Zoning Amendments (See Sec. 11.9)
- B. Certain special permits for large-scale developments (See Sec. 11.5)

#### 11.1.6 Urban Design Commission

The Urban Design Commission provides advisory design review to City boards and officials as required by this Ordinance. See Chapter 22, XXXXX, of the Newton Revised Ordinances.

## 11.2 Development Review.

The purpose of development review is to provide a predictable and expeditious development review process, tailored to the scale of a proposed development, in order to enable the City to ensure compatibility of different uses and minimize the impact of proposed uses on their surroundings. Such review is also intended to ensure that development is designed in a way that fulfills the purposes of this Ordinance.

#### 11.2.1 Definitions.

- A. **Development Review Application.** Any application for review by Site Plan, Special Permit, Variance, or Section 6 Finding.

#### 11.2.2 Pre-application meetings

- A. An applicant for any type of development review is advised to first contact the Commissioner of Inspectional Services and/or the Director of Planning and Development for advice as to which type(s) of review is required.
- B. Based upon the consultation in A, the applicant will be advised to make a specific type of application either to the Commissioner of Inspectional Services for a by-right

use, appeal, variance, or Section 6 finding, or to the Director of Planning and Development for special permits and site plan approvals.

- C. If the applicant determines that the application is likely to require Site Plan Approval, a Special Permit, or a Variance, the applicant is advised to obtain a Preliminary Zoning Review from the Director of Planning and Development. A Preliminary Zoning Review identifies all required municipal approvals as well as the need for any waivers or other forms of zoning relief needed to obtain approval of an application.
- D. Before submitting an application for a use that will require a special permit or site plan approval, an applicant is strongly encouraged to attend a Pre-application meeting with the Director of Planning and Development to determine specific submission requirements for that application and to clarify procedures, as well as to identify concerns posed by the application and possible ways to address those concerns.
- E. Before submitting an application for a use that will require a special permit or site plan approval, an applicant is also strongly encouraged to meet with the Urban Design Commission for a preliminary discussion of proposed project design. Such a pre-application discussion will expedite any design review that occurs or is required as a formal step in the application review process.
- F. None of the steps in A through E above are required, but they are highly recommended to ensure that an applicant applies for the appropriate approvals, relief, and/or waivers and submits the necessary application materials to enable the approval process to proceed efficiently.

### 11.2.3 Development Review Process.

The Development Review process for each type of review is specified in the following sections as well as in M.G.L. 40A.

## 11.3 Site Plan Approval

### 11.3.1 Administrative Site Plan Approval

- A. The Director of Planning and Development shall conduct administrative Site Plan Approval in cooperation with the Commissioner of Inspectional Services, Department of Public Works, and other departments that have jurisdiction.
- B. Application.
  - 1. A development review application for Administrative Site Plan Approval is submitted to the Director of Planning and Development.
  - 2. The Director of Planning and Development may waive certain submittal requirements or require the submission of additional materials as necessary to conduct an informed review.
  - 3. Application materials shall be prepared by a licensed professional engineer, architect, land surveyor, or landscape architect, unless the Director of Planning and Development determines that the services of such professionals are not necessary to provide accurate information and are not otherwise required by law.

#### C. Administrative Site Plan Approval Criteria.

1. In order to grant administrative approval of a site plan, the Director of Planning and Development must find that the application complies with this Ordinance and other applicable laws, including applicable district requirements, development and use standards.
2. The Director of Planning and Development shall not deny approval of an application that meets all applicable requirements.
3. The Director of Planning and Development may impose reasonable conditions as necessary to ensure compliance with applicable standards and any other applicable provisions of this Ordinance. These conditions shall be incorporated in writing into the site plan approval decision.

#### D. Decision Process.

1. The Director of Planning and Development shall make a decision within 30 days of finding that the application is complete. This 30 day period may be extended with the written consent of the applicant.
2. If the Director of Planning and Development fails to act within the 30 day period, approval shall be deemed constructively granted and the applicant may file an application for a Building Permit in the same manner as for a by-right use.
3. The Director of Planning and Development's decision shall be mailed to the applicant and to all parties in interest (as defined in Section 11.3.3.F and MGL Ch 40A Sec. 11) within 2 business days after the decision has been made, and shall be simultaneously filed with the City Clerk and the Commissioner of Inspectional Services.

#### E. Expiration.

1. The applicant shall file a Building Permit application or, where no Building Permit is required, commence work consistent with the Site Plan Approval decision, within 2 years of receiving Administrative Site Plan Approval.
2. If no Building Permit application is filed, or work not commenced, within this time period, the Director of Planning and Development may require a new application for Administrative Site Plan Approval to be filed.
3. The Director of Planning and Development may grant a 1 year extension if the applicant files a request for such extension within the original 2 year period, stating the reason for requesting such extension. Such extension by the Director of Planning and Development may not be unreasonably denied.

#### F. Appeals of Administrative Site Plan Decisions.

An applicant or any party in interest may appeal a decision of the Director of Planning and Development to the Planning Board by filing a request for review within 10 business days of the filing of the Director of Planning and Development's decision in the City Clerk's Office. In such a case the Planning Board shall follow the procedures and timelines for special permits in Section 11.4.

1. The applicant shall be given an opportunity to appear before the Planning Board, but no public hearing shall be required for an appeal of an administrative Site Plan Approval. No additional information shall be required to be submitted unless the Planning Board determines that additional information is necessary to make an informed decision.

2. If the Planning Board determines that more information is needed, it shall so inform the applicant at the meeting at which the appeal is discussed, and all applicable timelines shall be suspended until the applicant provides the required information. Upon submission of the required information, the appeal shall be decided at the regular meeting of the Planning Board occurring at least 7 days after submission of the material. If the information is not provided within 60 days of the Planning Board meeting during which the request for additional information was made, the appeal shall be denied.
3. The criteria for decision making applied by the Planning Board shall be those in Section 11.4.2.

### 11.3.2 Administrative Site Plan Review for Educational, Religious, and Child Care Uses

- A. Religious uses, exempt educational uses, child care centers and school age child care programs, as those uses are defined in Article 9, which are partially exempted from local zoning regulation by M.G.L. Chapter 40A, Section 3, shall be subject to the streamlined Site Plan Review provisions of this Section 11.3.2.
- B. The Director of Planning and Development shall conduct Administrative Site Plan Review of such exempt uses in cooperation with the Commissioner of Inspectional Services, Department of Public Works, and other departments that have jurisdiction.

#### C. Application.

In addition to the application requirements of Sec. 11.3.1.B, applicants shall submit evidence of their religious or educational non-profit status in order to qualify for the protections of this Section 11.3.2.

#### D. Decision Process.

The Director of Planning and Development shall follow the decision-making procedure for review and approval of an exempt use under this Section provided in Section 11.3.1.D.

#### E. Criteria

The Director of Planning and Development shall consider the exempt use application in light of the criteria set forth below:

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements, including regulation of the number, design and location of access driveways and the location and design of handicapped parking. The sharing of access driveways by adjoining sites is to be encouraged wherever feasible
2. Adequacy of the methods for disposal of sewage, refuse and other wastes and of the methods of regulating surface water drainage
3. Provision for off-street loading and unloading of vehicles incidental to the servicing of the buildings and related uses on the site
4. Screening of parking areas and structures on the site from adjoining premises or from the street by walls, fences, plantings or other means. Location of parking between any existing or proposed structures and the street shall be discouraged

5. Avoidance of major topographical changes; tree and soil removal shall be minimized and any topographic changes shall be in keeping with the appearance of neighboring developed areas
  6. Location of utility service lines underground wherever possible. Consideration of site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines
  7. Avoidance of the removal or disruption of historic resources on or off-site. Historical resources including designated historical structures or sites, historical architectural elements or archaeological sites.
- F. In approving any site plan for an exempt use under this section, the Director of Planning and Development shall be limited to imposing reasonable restrictions on the bulk and height of structures, setbacks, lot area, open space, parking, and lot coverage. The Director of Planning and Development shall refer to the applicable sections of this Ordinance in considering such reasonable restrictions.

## 11.4 Special Permits

### 11.4.1 Special Permit Granting Authority

- A. The Planning Board is the Special Permit Granting Authority except where a project is of a size, or includes a specific use, where the project is of exceptional significance to the City, in which case the City Council is the Special Permit Granting Authority.
- B. The thresholds at which Special Permit review shifts from the Planning Board to the City Council are specified in Articles 3, 4, 5, and 6 and in the use standards of Article 9.
- C. Where an application requires Special Permits from both the Planning Board and the City Council, the City Council shall be the Special Permit Granting Authority for all required Special Permits.
- D. The Planning Board and City Council shall adopt and from time to time amend rules relative to the issuance of Special Permits and shall file a copy of these rules in the office of the City Clerk.

### 11.4.2 Decision Process.

- A. The decision-making process is as defined by M.G.L. 40A.
- B. The Director of Planning and Development shall conduct a detailed review of the application and prepare a staff report to the Special Permit Granting Authority detailing compliance or non-compliance of the application with the requirements of this ordinance and recommending approval, denial, or approval with conditions. This staff report must be submitted to the Planning Board or City Council prior to the public hearing and should include the reports of all City departments who have submitted comments.

### 11.4.3 Special Permit Review Criteria

In its discretion to approve or deny a special permit required by this Ordinance, the Special Permit Granting Authority shall find that the application meets the following criteria:

- A. Conformance with the adopted Comprehensive Plan and other existing policy plans of the City of Newton
- B. Consistency with the purposes of this Ordinance.
- C. Consistency with the purpose of the district where the subject property is located
- D. Conformance with all applicable provisions of this Ordinance
- E. Considerations indicated elsewhere in this Ordinance specifically for the required special permit

#### 11.4.4 Conditions Attached to Special Permit Approvals

- A. In granting approval of a special permit the Planning Board or City Council may impose reasonable conditions, limitations and safeguards, which shall be in writing and shall be part of such approval. Such conditions shall be limited to those necessary to ensure compliance with the review criteria in Sec. 11.4.3.
- B. Conditions may include, but are not limited to, the following:
  1. Modifying the exterior features or appearance of the structure;
  2. Modifying the site design characteristics including building setbacks, landscaping, and parking areas;
  3. Limiting the size, number of occupants, method or time of operation, or extent of facilities;
  4. Regulating the number, design, and location of pedestrian facilities, access drives, and other streetscape elements; and/or
  5. Requiring improvements to necessary public infrastructure.

#### 11.4.5 Expiration.

A Special Permit shall lapse if a substantial use thereof or construction authorized by the special permit has not commenced within 2 years. This 2-year period shall not include the time required to pursue or await the determination of an appeal under MGL Ch. 40A, §17. Exception may be made for good cause by the issuing Special Permit Granting Authority upon the filing of a request for an extension, for a maximum of 1 year, prior to the lapse of such Special Permit.

#### 11.4.6 Subsequent Applications following Denial

If the Planning Board or City Council denies the development review application, it shall not entertain any further application for the same development for a period of 2 years from the date of denial, except as provided in MGL Ch. 40A, Section 16.

## 11.5 Variances

- A. The Zoning Board of Appeals has the power to hear and grant petitions for variances.
- B. The Zoning Board of Appeals shall adopt, and from time to time amend, rules relative to the granting of variances and shall file a copy of these rules in the office of the City Clerk.

### 11.5.1 Criteria.

In order to grant a variance, the Zoning Board of Appeals must find:

- A. That owing to circumstances relating to soil conditions, shape or topography of land or structures and especially affecting such land or structures, but not affecting generally the Zoning District in which it is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or otherwise, to the petitioner
- B. That desirable relief may be granted without substantial detriment to the public good
- C. That granting such relief would not nullify or substantially derogate from the intent or purpose of this Ordinance

### 11.5.2 Decision Process.

- A. The decision-making process is as defined by M.G.L. 40A.
- B. A concurring vote of 4 members of the Board shall be required to grant a variance.

### 11.5.3 Expiration.

If rights authorized by a variance are not exercised within one year of the date of grant of such variance, such rights shall lapse unless the petitioner grants an extension as provided in MGL Ch. 40A, Sec. 10.

## 11.6 Appeals.

- A. An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of his/her inability to obtain a permit or enforcement action from any administrative officer under the provisions of this Ordinance or of M.G.L Chapter 40A.
- B. Such an appeal may also be taken by the Metropolitan Area Planning Council, an abutting city or town, or any person, including an officer or board of the City who is aggrieved by an order or decision of the Commissioner of Inspectional Services or of any other administrative official where such an order or decision is alleged to be in violation of any provision of this Ordinance or of M.G.L Chapter 40A.
- C. Appeals of Administrative Site Plan decisions by the Director of Planning and Development may only be taken to the Planning Board.
- D. Any appeal under Sections 11.6.A or 11.6.B. shall be taken within 30 days from the date of the order or decision which is being appealed.



### 11.6.1 Decision Process.

- A. The decision-making process is as defined by M.G.L. 40A.
- B. A concurring vote of 4 members of the Zoning Board of Appeals Board shall be required to grant an appeal.

## 11.7 Section 6 Finding

### 11.7.1 Overview.

- A. The Zoning Board of Appeals has the power to make findings relative to the alteration, extension, or enlargement of nonconforming uses and structures under M.G.L. Ch. 40A, Section 6. Such findings may be made for any application for an alteration, extension, or enlargement that is not permitted by right under Article 10.
- B. The Zoning Board of Appeals shall adopt, and from time to time amend, rules relative to making Section 6 Findings and shall file a copy of these rules in the office of the City Clerk.

### 11.7.2 Criteria.

The Zoning Board of Appeals may make a Section 6 Finding only if it determines that the proposed alteration, extension, or enlargement will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure.

### 11.7.3 Decision Process.

- A. A concurring vote of 3 members of the Zoning Board of Appeals shall be required to grant a Finding.
- B. Except as noted in this section, the Zoning Board of Appeals shall follow the notice and process requirements for a public hearing as are required for the granting of a Variance request.
- C. The decision of the Board of Appeals shall be made within 100 days after the filing of an application. The 100-day period may be extended with the written consent of the applicant. Failure of the Board of Appeals to act within the allowed time shall be deemed to be an approval of the application.

## 11.8 Zoning Amendments

The purpose of this Section 11.9 is to provide standards and procedures for legislative amendments to this Ordinance and the Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, needs, and desires, to correct mistakes, to implement a comprehensive plan or area plan, to address changes in the law, or to address other community needs.

### 11.8.1 Initiation of Zoning Ordinance Amendments

This Ordinance may be amended by the City Council on its own initiative or upon submission of a petition to the City Council by the Planning Board, the Board of Appeals, a landowner proposing a zoning amendment affecting his or her land, or a regional



planning agency, or by petition signed by ten (10) registered voters of the City or by any other methods provided by the City Charter.

### 11.8.2 Procedure

- A. The notice and decision-making process is as defined by M.G.L. 40A.
- B. The City Council shall transmit such submission to the Planning Board for review within 14 days of such submission.
- C. The City Council, or a committee designated by the City Council for that purpose, and the Planning Board, shall hold a public hearing at which persons interested shall be given an opportunity to be heard. Such hearing shall be held within 65 days of submission of the proposed amendment.
- D. A vote to amend this ordinance shall not be taken by the City Council until the Planning Board has submitted a report with recommendations or 21 such days have elapsed since the hearing without submission of such report or recommendations.
- E. A vote to amend the Zoning Ordinance requires a 2/3 vote of the City Council; provided that if there is filed with the City Clerk, prior to final action, a written protest against such change stating the reasons, duly signed by owners of 20 percent or more of the area included in such change, or of the area of the land immediately adjacent, extending three hundred 300 feet therefrom, shall require a 3/4 vote of the City Council.

### 11.8.3 Zoning Map Amendments

The Zoning Map, which is part of this Ordinance, may be amended, altered or changed only in accordance with the foregoing provisions.

## 11.9 Institutional Campus Master Plans

[Reserved].

## 11.10 Design Review

For any application in which design review is required, the application shall be submitted to the Urban Design Commission for a formal recommendation. If the application has received a pre-application review and substantially complies with Urban Design Commission recommendations made in that review, the Urban Design Commission, through its Chair or staff, may waive formal review of the application. For any application that does not require UDC review, the administrative official or Board conducting the approval process may seek the advice of the Urban Design Commission. For any UDC referral, the UDC shall have a maximum of 30 days from the date of referral to submit its recommendations.

## 11.11 Zoning Consistency Determination

Once an applicant has met all of the requirements of the Zoning Ordinance, either for a by-right use for which an application for a building permit has been submitted or following successful completion of a site plan approval, special permit, variance, or section 6 finding process, as determined by the Commissioner of Inspectional Services, the Commissioner shall issue a

Zoning Consistency Determination, which shall be a precondition for the issuance of a Building Permit.

## 11.12 Enforcement and Penalties

### 11.12.1 Enforcement

#### A. Building Permits

1. The Commissioner of Inspectional Services shall enforce the provisions of this Chapter and shall have the same powers as are provided for executing and enforcing the State Building Code (780 CMR). The Commissioner of Inspectional Services shall not grant a permit for the construction, alteration, enlargement, extension, reconstruction, moving or razing of any building or structure or for use, change in use, moving or extension of use in any building or structure which would violate the provisions of this ordinance.
2. The applicant for a building permit shall, upon the granting of such permit, post a copy of the building permit in view and protected from the weather on the site of operation within a reasonable time after the granting of the permit and prior to the start of construction.

#### B. Violations

1. If the Commissioner of Inspectional Services is informed, in accordance with M.G.L. Chapter 40A, Section 7, or otherwise has reason to believe that any provision of this Chapter is being or may be violated, his/her designee shall investigate the alleged violation and inspect the property in question.
2. If the Commissioner of Inspectional Services determines that the provisions of this Chapter are being violated, the Commissioner of Inspectional Services shall give notice thereof in writing to the owner of the property at which the violation is occurring or to the owner's duly authorized representative. and shall order that the violation cease.

#### C. Right of Appeal

Decisions of the Commissioner of Inspectional Services may be appealed to the Zoning Board of Appeals within 30 days of such decision.

### 11.12.2 Penalties

- A. Any person who violates the provisions of this Ordinance shall be punished with a fine of not more than \$300.00 for each offense, where each day that a violation is not corrected or abated shall constitute a separate offense.
- B. In addition to procedure for enforcement described above and in Article 11, the Commissioner of Inspectional Services may enforce the ordinance by a non-criminal disposition per M.G.L. Chapter 40 Section 21 D and the Revised Ordinances of Newton, MA Chapter 17, Article III.

## 11.13 Zoning Board of Appeals, Establishment

- A. **Established.** A Zoning Board of Appeals (ZBA) is established, consisting of 5 members and 5 associate members appointed by the Mayor, subject to confirmation

by the City Council with the powers and duties set forth in Ch. 40A, Sec. 12, including but not limited to the power to hear and decide upon appeals and variances. The ZBA shall also have the power to review and decide upon applications for Section 6 Findings where authorized in this ordinance.

- B. **Appointments.** Each member shall be appointed for a term of 3 years. Vacancies shall be filled for the balance of the unexpired term in the same manner in which original appointments are made. The Zoning Board of Appeals shall annually elect a chairman from its members and a clerk.
- C. **Associate Members.** In the case of a temporarily unfilled vacancy or inability to act on the part of a regular member, the Chairman shall designate 1 of the associate members to fill such vacancy or serve in place of such regular member, as the case may be.
- D. **Powers.** The Zoning Board of Appeals shall have the following powers:
  1. To hear and decide appeals as described in Sec. 11.6.
  2. To grant a Comprehensive Permit for an affordable housing development under flexible rules, provided at least 20 percent to 25 percent of the units have long-term affordability, and the project otherwise meets all of the requirements of M.G.L. Chapter 40B.
  3. To grant, upon appeal or application in cases where a particular use is sought for which no permit is required with respect to particular land or structures, a variance from the terms of this Chapter according to Sec. 11.5.
  4. To make findings with regard to the alteration, extension, or enlargement of nonconforming uses and structures under M.G.L, Ch. 40A, Section 6., as described in Sec. 11.7.
- E. **Zoning Administrator.** The power to grant variances or make Section 6 Findings may be delegated by the Zoning Board of Appeals to a Zoning Administrator duly appointed by the Zoning Board of Appeals pursuant to M.G.L. Ch.40A, Sec. 13. In the event such delegation is made, decisions of the Zoning Administrator may be appealed to the Zoning Board of Appeals as provided in M.G.L. Ch.40A, Sec. 13.
- F. **Rules.** The Zoning Board of Appeals shall adopt rules, not inconsistent with the provisions of this Chapter, for conducting its business and otherwise carrying out the purposes of this Chapter; a copy of these rules shall be filed with the office of the City Clerk.
- G. **Meetings.** Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and also when called in such other manner as the Zoning Board of Appeals shall determine in its rules. Such Chairman, or in the Chairman's absence the Acting Chairman, may administer oaths, summon witnesses and call for the production of papers. All hearings of the Zoning Board of Appeals shall be open to the public.

## Article 12 Definitions

### 12.1 General.

#### 12.1.1 Common Meaning

- A. All words and terms used have their commonly accepted and ordinary meaning unless they are specifically defined in this Chapter or the context in which they are used clearly indicates to the contrary.
- B. In the absence of court decisions or Zoning Board of Appeals decisions specifically interpreting a provision in question, specific definitions listed in this Chapter or previous interpretations of a provision by the Commissioner of Inspectional Services, the meaning of provisions shall be based on the following general hierarchy of sources:
  1. For a legal term, definitions in a legal dictionary or if not a legal term, definitions in an ordinary dictionary;
  2. Statements of the purpose and intent of particular sections, although such statements cannot overrule a specific code provision;
  3. Minutes of discussions of legislative or advisory bodies considering adoption of the provision in question;
  4. Definitions of similar terms contained in Federal and State statutes and regulations; and
  5. Ordinary rules of grammar.
- C. When vagueness or ambiguity is found to exist as to the meaning of any word or term used, any appropriate canon, maxim, principle or other technical rule of interpretations or construction used by the courts of this state may be employed to resolve vagueness and ambiguity in language.

#### 12.1.2 Abbreviations.

AMI	Area Median Income
ANR	Approval Not Required
Bldg Ht	Building Height
DHCD	Massachusetts Department of Housing and Community Development
DNA	Deoxyribaneucleic Acid
DPH	Massachusetts Department of Public Health
CCTV	Closed-Circuit Television
CMR	Code of Massachusetts Regulations
FCC	Federal Communications Commission
GIS	Geographic Information System
HUD	United States Department of Housing and Urban Development
MWRA	Massachusetts Water Resource Authority
M.G.L.	Massachusetts General Law

NIH	National Institute of Health
n/a	Not Applicable
Ord.	Ordinance
RMD	Registered Marijuana Dispensary
Sec.	Section
SF	Square Feet
SP	Special Permit
TDM	Transportation Demand Management

## 12.2 Defined Terms.

[Abandonment \(nonconformance\)](#) See Sec. 10.1.3  
[Accessory Apartments](#) See Sec. 9.2.14  
[Accessory Art Structures](#) See Sec. 4.3.5  
[Accessory Athletic Structures](#) See Sec. 4.3.5  
[Accessory Bicycle Parking Spaces](#) See Sec. 8.1.3  
[Accessory Buildings](#) See Sec. 3.3.5, 4.3.4  
[Accessory Parking Spaces](#) See Sec. 8.1.2  
[Accessory Sign](#) See Sec. 8.2.3  
[Accessory Structures](#) See Sec. 3.3.4, 4.3.5, 6.3.4  
[Accessory Yard Signs](#) See Sec. 8.2.9  
[Adult Day Care Center](#) See Sec. 9.2.5  
[Adult Entertainment](#) See Sec. 9.2.13  
[Animal Services](#) See Sec. 9.2.5  
[Apartment House](#) See Sec. 3.2.8  
[Artisan Production](#) See Sec. 9.2.3  
[Arts Exhibition](#) See Sec. 9.2.3  
[Arts, Sales & Services](#) See Sec. 9.2.3  
[Assemblage](#) See Sec. 3.5.4, 4.5.1  
[Assembly & Entertainment](#) See Sec. 9.2.5  
[Average Ground Level](#) See Sec. 2.6.2  
[Awning](#) See Sec. 6.3.2  
[Balcony](#) See Sec. 3.3.2  
[Banking & Financial Services](#) See Sec. 9.2.5  
[Bay](#) See Sec. 3.3.2, 4.3.2, 6.3.2  
[Bed & Breakfast](#) See Sec. 9.2.8  
[Best Management Practices \(BMP\)](#) See Sec. 8.3.2  
[Bicycle Racks](#) See Sec. 8.1.3

[Bike Lockers](#) See Sec. 8.1.3  
[Blade Signs](#) See Sec. 8.2.8  
[Blank Wall Area](#) See Sec. 2.7.3  
[Bounding Box](#) See Sec. 3.3.4  
[Box Building](#) See Sec. 6.2.6  
[Broadcast/Recording Studio](#) See Sec. 9.2.5  
[Building & Home Repair Services](#) See Sec. 9.2.5  
[Building Footprint](#) See Sec. 2.5  
[Building/Home Supplies & Equipment](#) See Sec. 9.2.12  
[Business Support Services](#) See Sec. 9.2.5  
[By-Right](#) See Sec. 11.1.2  
[Campus/Institutional District](#) See Sec. 6.1.7  
[Canopy Signs](#) See Sec. 8.2.8  
[Car Share & Bike Share](#) See Sec. 9.2.14  
[Casualty \(nonconformance\)](#) See Sec. 10.1.3  
[Caterer/Wholesale Food Production](#) See Sec. 9.2.5  
[Centralized Parking](#) See Sec. 8.1.7  
[Child Day Care Center](#) See Sec. 9.2.5  
[Civic Building](#) See Sec. 3.2.14, 4.2.13, 6.2.8  
[Commercial Dry Cleaning & Laundry Services](#) See Sec. 9.2.7  
[Commercial Kennel](#) See Sec. 9.2.5  
[Commercial Parking](#) See Sec. 8.1.2  
[Commercial Vehicle Parking](#) See Sec. 9.2.14  
[Commercial Vehicle Repair & Maintenance](#) See Sec. 9.2.9  
[Community Center](#) See Sec. 9.2.4  
[Community Gardening](#) See Sec. 9.2.11  
[Community Notice Boards](#) See Sec. 8.2.9  
[Community or Group Residence](#) See Sec. 9.2.2  
[Consumer Goods](#) See Sec. 9.2.12  
[Corner Lot](#) See Sec. 2.2.2  
[Courtyard Cluster](#) See Sec. 3.5.3  
[Co-Working](#) See Sec. 9.2.10  
[Cross Gable](#) See Sec. 3.3.3, 4.3.3, 6.3.3  
[Data Center & Telecommunications](#) See Sec. 9.2.7  
[Day Care Service](#) See Sec. 9.2.5  
[Development or Development Project.](#)  
[Development Review Application](#) See Sec. 11.2.1

[Development Review](#). See Sec. 4.1.1, 9.1.1  
[Dispatch Service](#) See Sec. 9.2.9  
[Dormer](#) See Sec. 3.3.3, 4.3.3, 6.3.3  
[Dormitory or Chapter House](#) See Sec. 9.2.2  
[Drive-through Business Structures](#) See Sec. 4.3.5  
[Driveways](#) See Sec. 8.1.4  
[Educational Institution](#) See Sec. 9.2.5  
[Fabrication Building](#) See Sec. 4.2.12, 6.2.2  
[Fabrication District](#) See Sec. 6.1.4  
[Farmer/Vendor Market](#) See Sec. 9.2.12  
[Farming](#) See Sec. 9.2.11  
[Fenestration](#) See Sec. 2.7.1  
[Flat Roof](#) See Sec. 2.6.3  
[Food Trucks](#) See Sec. 9.2.14  
[Formula Eating and/or Drinking Establishment](#) See Sec. 9.2.6  
[Formula Retail](#) See Sec. 9.2.12  
[Free-standing Signs](#) See Sec. 8.2.8  
[Fresh Food Market or Grocery Store](#) See Sec. 9.2.12  
[Front elevation](#) See Sec. 2.2.1, 2.7.1  
[Front Lot Line](#) See Sec. 2.2.1  
[Front Porch](#) See Sec. 3.3.2  
[Frontage Buildout](#) See Sec. 2.3.6  
[Funeral Home](#) See Sec. 9.2.5  
[Gable Roof](#) See Sec. 2.6.3  
[Gambling](#) See Sec. 9.2.13  
[Garage](#) See Sec. 3.4.2  
[Gasoline Station](#) See Sec. 9.2.9  
[General Commercial Building](#) See Sec. 6.2.1  
[General Office](#) See Sec. 9.2.10  
[Great Ponds](#) See Sec. 8.4.3  
[Ground Story](#) See Sec. 2.6.2  
[Group Living](#). See Sec. 9.2.2  
[Gym or Health Club](#) See Sec. 9.2.5  
[Health Care Provider](#) See Sec. 9.2.5  
[Height and Massing](#) See Sec. 2.6  
[Hipped Roof](#) See Sec. 2.6.3  
[Home Business](#) See Sec. 9.2.14

[Home Day Care](#) See Sec. 9.2.14  
[Homeless Shelter](#) See Sec. 9.2.2  
[Hospital](#) See Sec. 9.2.4  
[Hotel](#) See Sec. 9.2.8  
[House A](#) See Sec. 3.2.3  
[House B](#) See Sec. 3.2.4  
[House C](#) See Sec. 3.2.5  
[House D](#) See Sec. 3.2.6  
[Impermeable Surfaces](#) See Sec. 8.3.2  
[Interior Lot](#) See Sec. 2.2.2  
[Lab Building](#) See Sec. 4.2.11, 6.2.7  
[Large Multi-Use Building](#) See Sec. 4.2.8  
[Lined Garage](#) See Sec. 4.2.10, 6.2.5  
[Loading Facilities](#) See Sec. 8.1.6  
[Lodging House](#) See Sec. 9.2.2  
[Long-Term Bicycle Parking](#) See Sec. 8.1.3  
[Lot Area](#) See Sec. 2.2.1  
[Lot Coverage](#) See Sec. 2.2.1, 2.3.2  
[Lot Depth](#) See Sec. 2.2.1  
[Lot Dimensions](#) See Sec. 2.2.1  
[Lot Frontage](#) See Sec. 2.2.1, 2.3.1  
[Lot](#) See Sec. 2.2.1  
[Low Gable Roof](#) See Sec. 2.6.3  
[Low Hipped Roof](#) See Sec. 2.6.3  
[Maintenance & Repair of Consumer Goods](#) See Sec. 9.2.5  
[Major Utility Use](#) See Sec. 9.2.4  
[Manufacturing](#) See Sec. 9.2.7  
[Medium Multi-Use Building](#) See Sec. 4.2.7  
[Minor Utility Use](#) See Sec. 9.2.4  
[Motor Vehicle Parking](#) See Sec. 9.2.9  
[Moving & Self Storage](#) See Sec. 9.2.7  
[Multi-building Assemblages](#) See Sec. 4.5.1  
[Museum](#) See Sec. 9.2.4  
[Neighborhood General District \(N\)](#) See Sec. 3.1.5  
[Non-accessory directory signs](#) See Sec. 8.2.8  
[Non-Accessory Sign](#) See Sec. 8.2.3  
[Non-accessory Yard Signs](#) See Sec. 8.2.9



[Nonconforming Lots](#) See Sec. 10.1.3  
[Nonconforming Structure](#) See Sec. 10.1.5  
[Nonconforming Use](#) See Sec. 10.1.5  
[Non-contextual Multi-unit Residential District](#) See Sec. 6.1.6  
[Nursing Home / Assisted Living](#) See Sec. 9.2.2  
[Office District](#) See Sec. 6.1.3  
[Off-Site Parking](#) See Sec. 9.2.9  
[On-Site Parking](#) See Sec. 8.1.2  
[Outdoor Amenity Space](#) See Sec. 2.9  
[Parking Lot](#) See Sec. 8.1.4  
[Parking Setbacks](#) See Sec. 2.3.4  
[Parking Structure](#) See Sec. 8.1.4  
[Penthouse](#) See Sec. 4.3.3, 6.3.3  
[Permeable or Pervious](#) See Sec. 8.3.2  
[Personal Services](#) See Sec. 9.2.5  
[Personal Vehicle Repair & Maintenance](#) See Sec. 9.2.9  
[Pet Day Care & Training](#) See Sec. 9.2.5  
[Pet Grooming](#) See Sec. 9.2.5  
[Private Cemetery](#) See Sec. 9.2.11  
[Private, Non-Profit Club or Lodge](#) See Sec. 9.2.4  
[Projecting Front Entry](#) See Sec. 3.3.2  
[Public Gathering Space](#) See Sec. 2.10  
[Public Parking](#) See Sec. 8.1.2  
[Public Service](#) See Sec. 9.2.4  
[Public Use District](#) See Sec. 5.1.1  
[Rear Lot Line](#) See Sec. 2.2.1  
[Rear Lot](#) See Sec. 2.2.2  
[Rear Lots](#) See Sec. 3.5.1  
[Recreation District](#) See Sec. 5.1.2  
[Recreation Use](#) See Sec. 9.2.5  
[Regional Retail District](#) See Sec. 6.1.5  
[Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3](#) See Sec. 9.2.4  
[Research & Development and/or Laboratory](#) See Sec. 9.2.10  
[Residence 1 District \(R1\)](#) See Sec. 3.1.2  
[Residence 2 District \(R2\)](#) See Sec. 3.1.3  
[Residence 3 District \(R3\)](#) See Sec. 3.1.4  
[Residential Units Factor](#) See Sec. 2.8

[Resource Extraction](#) See Sec. 9.2.11  
[Restaurant/Café](#) See Sec. 9.2.6  
[Retaining Walls](#) See Sec. 8.5  
[Roof Deck](#) See Sec. 3.3.3, 4.3.3, 6.3.3  
[Self Storage](#) See Sec. 9.2.7  
[Setback Area](#) See Sec. 2.3.3  
[Setback Encroachments](#) See Sec. 2.3.5  
[Setback](#) See Sec. 2.3.3  
[Shared Workspaces & Arts Education](#) See Sec. 9.2.3  
[Shed Roof](#) See Sec. 2.6.3  
[Shop](#) See Sec. 4.2.5, 6.2.5  
[Shophouse](#) See Sec. 3.2.11, 4.2.3  
[Short Term Rental](#) See Sec. 9.2.14  
[Short-Term Bicycle Parking](#) See Sec. 8.1.3  
[Side Lot Line](#) See Sec. 2.2.1  
[Sidewalk Signs](#) See Sec. 8.2.9  
[Signs](#) See Sec. 8.2.3  
[Single Purpose Districts](#) See Sec. 6.1  
[Small Apartment Building](#) See Sec. 3.2.10, 4.2.2  
[Small Multi-Use Building](#) See Sec. 3.2.12, 4.2.6  
[Small Shop](#) See Sec. 3.2.13, 4.2.4  
[Stormwater Management](#) See Sec. 8.3  
[Story Height](#) See Sec. 2.6.3  
[Tall Multi-Use Building](#) See Sec. 4.2.9, 6.2.4  
[Temporary Signs](#) See Sec. 8.2.9  
[Through Lot](#) See Sec. 2.2.2  
[Total suspended solids \(TSS\)](#) See Sec. 8.3.2  
[Towing Service](#) See Sec. 9.2.9  
[Townhouse Section](#) See Sec. 3.2.9  
[Transportation Demand Management](#) See Sec. 8.1.8  
[Trash & Recycling Collection/Storage](#) See Sec. 9.2.7  
[Turret](#) See Sec. 3.3.2  
[Two-Stage Roof](#) See Sec. 2.6.3  
[Two-Unit Residence](#) See Sec. 3.2.7  
[Unbuildable Lots](#) See Sec. 10.1.4  
[Unbundled Market Rate Parking](#) See Sec. 4.7.3, 6.5  
[Unique Design](#) See Sec. 4.4.1

Vault Roof See Sec. 2.6.3  
Vehicle Sales See Sec. 9.2.9  
Vehicle Storage & Transportation Depot See Sec. 9.2.7  
Veterinarian See Sec. 9.2.5  
Wall Signs See Sec. 8.2.8  
Wall-mounted Display Case See Sec. 8.2.9  
Waterfront Lot See Sec. 2.2.2  
Wholesale Trade & Distribution See Sec. 9.2.7  
Window Display See Sec. 8.2.3  
Window Sign See Sec. 8.2.3  
Work/Live Creative Studio See Sec. 9.2.3



# DRAFT Zoning Map

# Oct 19, 2018



**Residence Districts**

- R1 Residence 1
- R2 Residence 2
- R3 Residence 3
- N Neighborhood General

**Village Districts**

- V1 Village 1
- V2 Village 2
- V3 Village 3

**Single Purpose Districts**

- Public Use
- Recreation
- Office
- Fabrication
- Non-Contextual Multi-Unit Residence
- Regional Retail
- Campus / Institutional

Washington Street Vision Plan  
(area under study for master plan zoning)