

Zoning & Planning Committee February 24, 2019



#31-20 – AMEND ZONING ORDINANCE SPECIAL
PERMIT CRITERIA RELATED TO ENERGY
CONSERVATION

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Special Permit Criterion 5



- COUNCILORS CROSSLEY AND ALBRIGHT seeking a review and possible amendments to Section 7.3.3.C.5 of Chapter 30, Newton Zoning Ordinance, to:
 - a) **further inform the objectives of reducing energy consumption and limiting use of natural resources, and,**
 - b) consider reducing the threshold for compliance to apply the requirement to buildings 10,000 sq. ft. and larger.

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Existing Language

Section 7.3.3.C.5:

“In cases involving construction of building or structures or additions to existing buildings or structures, if those proposed buildings or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the site planning, building design, construction, maintenance or long term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.”

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Proposed Language

“In cases involving construction of building or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the **site and buildings as developed and operated** will contribute significantly to the efficient use and conservation of natural resources and energy, **through some or all of the following: (a) minimizing building operating energy; (b) reducing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.**”

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Amended Language

“In cases involving construction of building or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the **site and buildings as designed, constructed and operated** will contribute significantly to the efficient use and conservation of natural resources and energy, **including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.**”

7.3.3. Grant of Permit

- A. A special permit from the City Council for any purpose for which a permit is required under this Chapter shall be granted only by 2/3 vote of all the City Council.
- B. The City Council may grant a special permit when, in its judgement, the public convenience and welfare will be served, and subject to such conditions, safeguards and limitations as it may impose.
- C. The City Council shall not approve any application for a special permit unless it finds, in its judgement, that the use of the site will be in harmony with the conditions, safeguards and limitations of this Sec. 7.3, and the application meets all the following criteria:
 - 1. The specific site is an appropriate location for such use, structure;
 - 2. The use as developed and operated will not adversely affect the neighborhood;
 - 3. There will be nuisance or serious hazard to vehicles or pedestrians;
 - 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved; and
 - 5. In cases involving construction of building or structures or additions to existing buildings or structures, if those proposed buildings or structures or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following:
 - (a) minimizing operating energy;
 - (b) minimizing the use of fossil fuels;
 - (c) implementing a transportation plan that will minimize carbon footprint.
- D. The City Council shall not approve any application for a special permit unless it finds that said application complies in all respects with the requirements of the Chapter. In approving a special permit, the City Council may attach such conditions, limitations, and safeguards as it deems necessary to protect or benefit the neighborhood, the zoning district and the City. Such conditions may include, but are not limited to the following:
 - 1. Requirement of front, side or rear yards, greater than the minimum required by this Chapter;
 - 2. Limitation of the number of occupants, size, method of time of operation, or extent of facilities; and
 - 3. Requirement of off-street parking or other features beyond the minimum required by this, or any other applicable Chapter.
- E. Minimizing the environmental impacts of construction materials and methods, including waste reduction.

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