

Zoning Redesign Booklet

Created by the City of Newton's Department of Planning & Development, on March 31, 2021

City of Newton's Current Zoning Ordinance Map

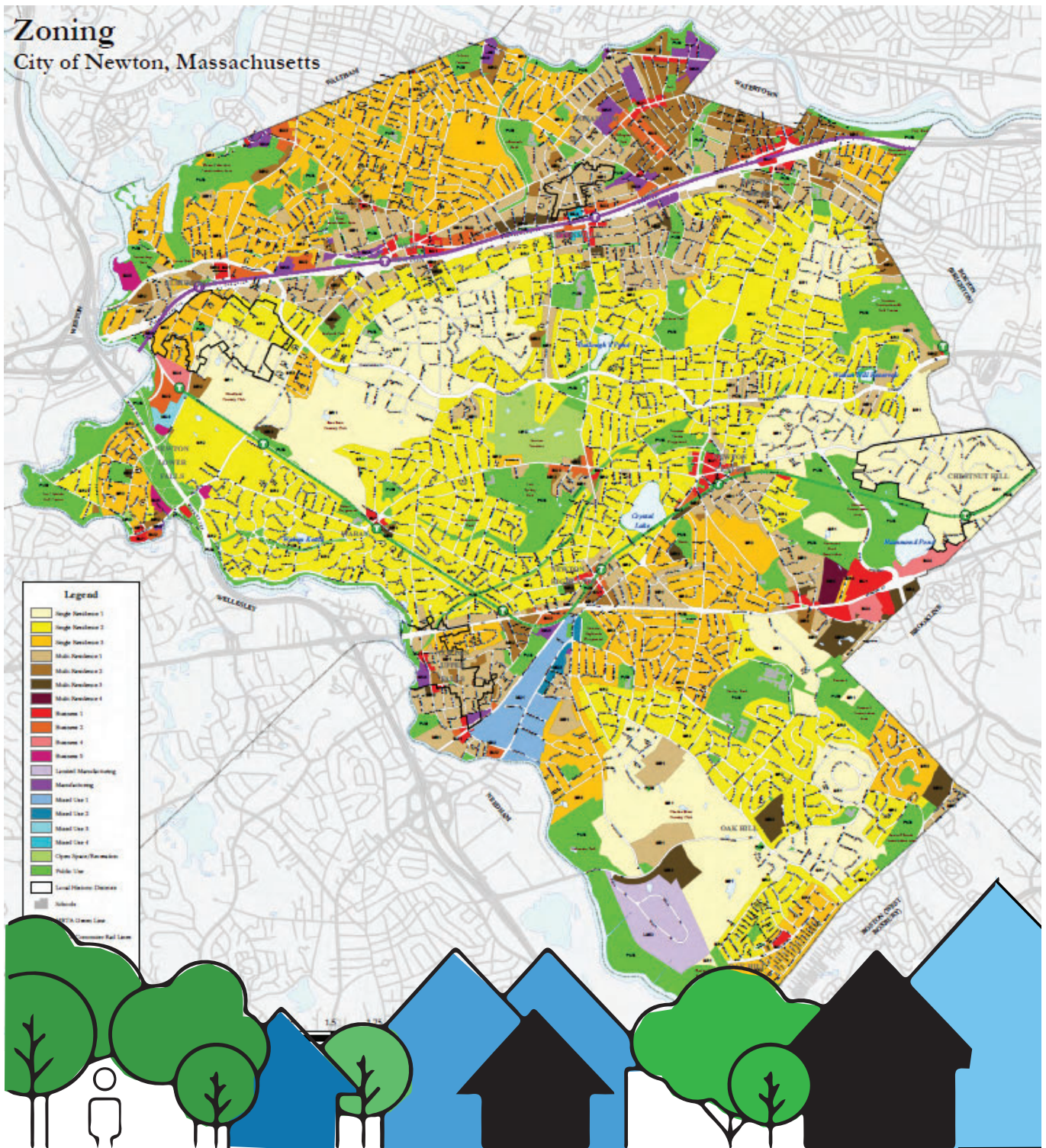


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Introduction

This Zoning Redesign booklet was created in partnership with NextGen Voices, a group of high schoolers from Newton North High School's Center for Civic Engagement, as part of the Planning Department's community engagement with Newton's young people. This version was completed on March 30th, 2021.

This booklet serves as an introduction to zoning generally and the Zoning Redesign project - please learn more and get involved at [newtonma.gov/zoningredesign!](https://newtonma.gov/zoningredesign)

Tip: When you come across a word that is **bold**, it is defined in the 'Dictionary' section – flip to page 16 to learn it's meaning!



What is Zoning?

Zoning is a set of laws that regulate how land is used across the community and shapes buildings, homes, blocks, neighborhoods, and village centers. It includes the regulations in the zoning **ordinance** text and a map that organizes the community into **zoning districts**. Each district has its own set of rules. Zoning matters for sustainability, housing, economic **development**, and how our city looks and feels.

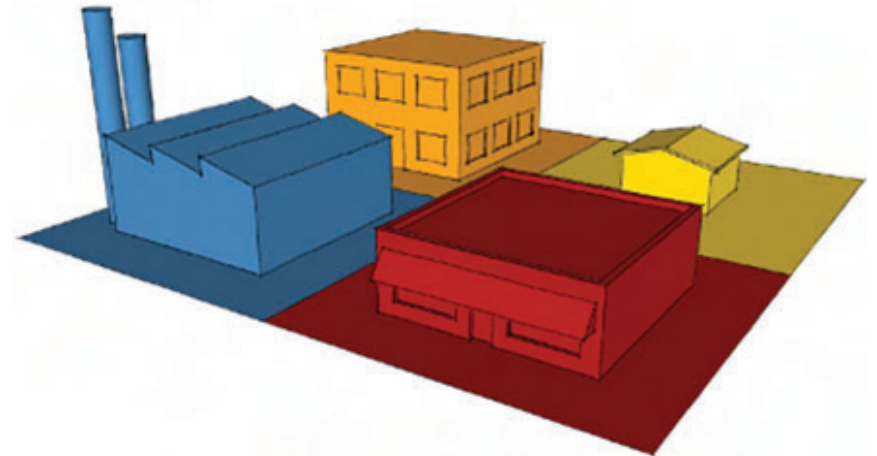
Zoning rules can be complex, but these are the main things they control:

- Zoning determines the category of use for every **lot** in the city. Much of the land in Newton is zoned for residential uses (like housing), but some zones allow for commercial use (like stores and businesses), mixed uses (like an apartment building with stores on the ground floor), institutional uses (like colleges and hospitals), or open space (like parks and recreation areas)
- Zoning creates rules for the general size and shape of new buildings, and how you can change existing buildings
- Zoning also provides the rules for how new buildings or structures, or a change to the uses within a building, are approved. Some things do not need any

additional review if they fully comply with zoning regulations. Some things always require review and approval (currently by the City Council). And sometimes the zoning allows for certain deviations from the regulations if approved by the City Council

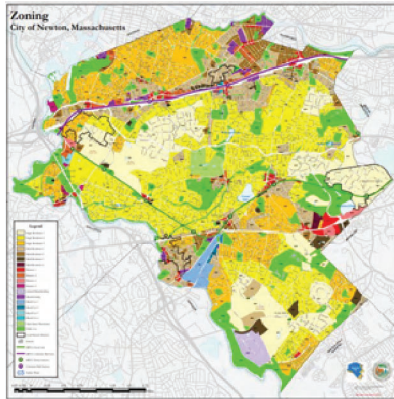
Tip: look up '**by-right**' and '**special permit**' in the Dictionary on p.16

Zoning is not set in stone forever- it can be adjusted over time to adapt to the changing needs and desires of the city. When zoning rules are changed or updated, it doesn't apply retroactively on structures that already exist. But a zoning change does alter the rules that developers and builders follow, which means that it plays an important role in shaping the future of our communities.



What is Zoning in Newton?

There are two major components of zoning in Newton. The first is the Zoning Ordinance text which lays out specific rules and regulations for each zoning category. The second is the zoning map, which is a city map overlaid with colors showing the type of zoning that applies to each property.



Newton's Current Zoning Map

Zoning Districts in the Zoning Map

Residential zones occupy most of the city. These zones allow for housing primarily, but community amenities like schools, parks, and places of worship are also permitted. There are 7 kinds of residential zones in the city that range in what they allow, from only **single-family** detached houses (SR1) to higher-density apartment buildings (MR4)

Tip: also look up 'duplex' & 'multi-family' in the Dictionary on p.16



Single-family home in Auburndale (SR-1 zoning district)



Multi-family housing near Oak Hill (MR-3 zoning district)

Business zones are where you'll find commercial buildings. These can include offices, shopping malls, restaurants, grocery stores, banks, boutiques, and many other similar establishments. There are five business zones, BU1 - BU5.

The business zones also allow for housing (such as apartment buildings), but the ground floor is typically reserved for commercial uses such as shops and restaurants.



Small retail stores in Newton Center

Mixed Use zones include the areas along Needham Street which primarily include large commercial uses and some manufacturing and office buildings, the proposed new development at the Riverside T station, and new mixed use buildings in village centers such as Austin Street and Trio in Newtonville. There are four mixed use zones, MU1 - MU4. However, MU1 and MU2, located along Needham Street, do not actually allow for a large mix of uses and only allow very limited amounts of housing.



Mixed-use building at 28 Austin Street (MU-4 zoning district)



Manufacturing zones are reserved for industrial structures and other uses that might not be compatible with residential uses. Things like warehouses, scrap yards, factories, and autobody shops can all be found in manufacturing zones.

Newton has two manufacturing zones, Limited Manufacturing and Manufacturing. The Limited Manufacturing zone consists primarily of office buildings and other commercial uses.



Industrial building on California Street (Manufacturing zoning district)

Open space/Recreation/Public Use Zones include public parks and conservation areas, athletic fields, playgrounds, community gardens, and golf courses.

Development is strictly regulated in these zones, with residential uses not permitted at all and other things like schools, museums, day cares, or agriculture allowed by **special permit** or subject to certain standards



Webster Woods (Public Use zoning district)

What is Zoning Redesign?

Today's effort at updating the city's zoning began in 2011 with the formation of the Zoning Reform Group, which was formed in response to broad sentiment, including from the 2007 Comprehensive Plan, that the Zoning Ordinance was difficult to understand and did not always lead to desirable outcomes. This group released their report confirming the need for a zoning rewrite and providing guidance on how to carry the project out. Since then, this effort has been overseen by the City Council Zoning and Planning Committee (ZAP).



Community engagement event with the Pattern Book, 2017

What kinds of issues merit a zoning rewrite? Newton's Zoning Ordinance was last significantly updated in 1987 (mostly related to commercial uses), with the last major updates to residential neighborhoods dating back to the 1950s. Since these major zoning changes, the average housing unit size in Newton has increased, while the average amount of people per household has decreased. In addition, land in Newton is very expensive and thus incentivizes the desire to build larger homes, as allowed by the current zoning. Rising median sales prices for homes in Newton also mean many homeowners could not buy their home today, seniors have limited options for downsizing, and it is increasingly difficult for young adults to stay in Newton when they move out of their family home.

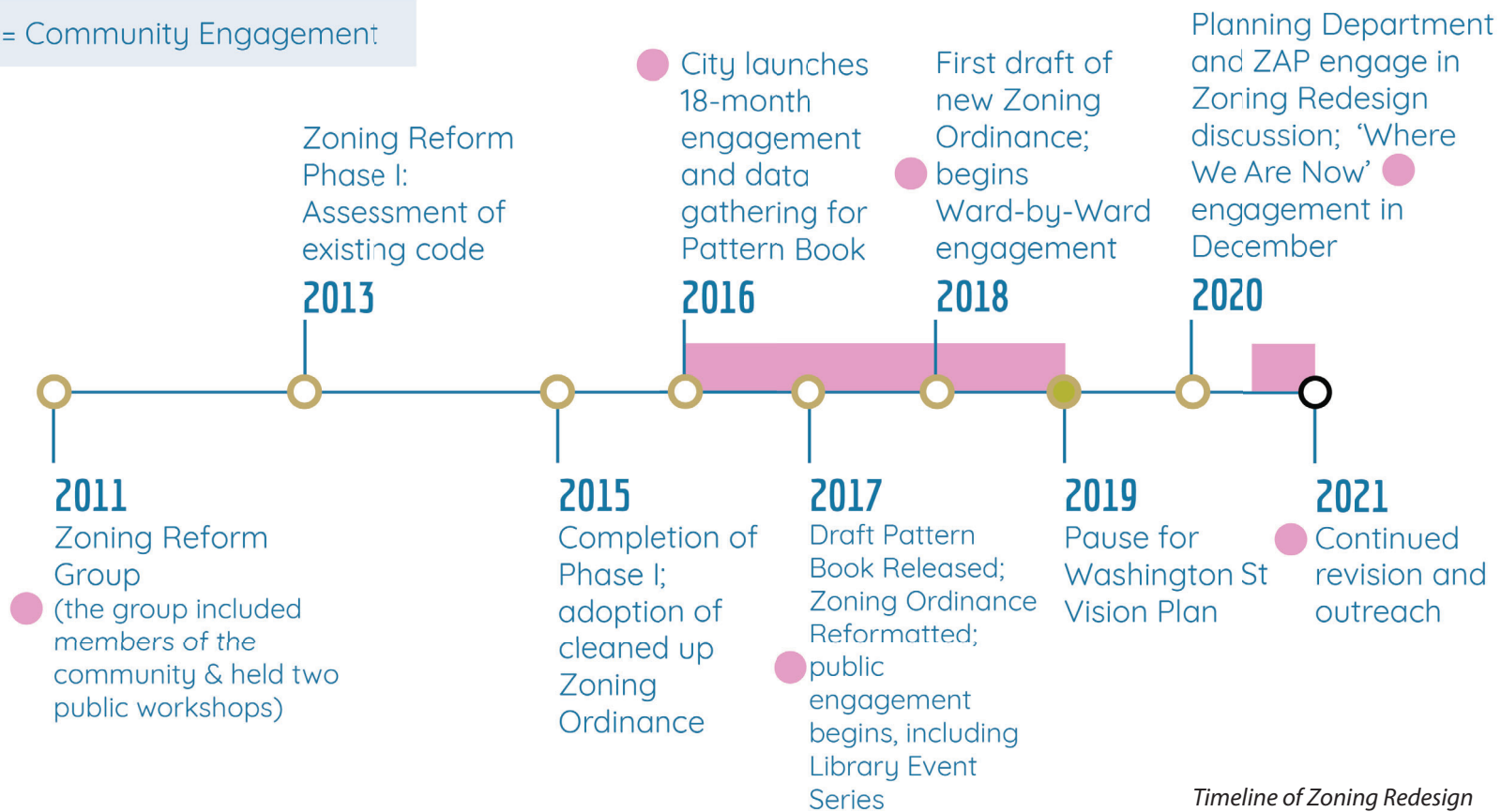
Tip: look up 'affordability' in the Dictionary on p.16



In addition, over the past 15 years the City has set forward many goals around land use, housing, transportation, economic development and climate action through multiple guiding planning and policy documents. Many of these goals are not reflected in the current version of the Zoning Ordinance.

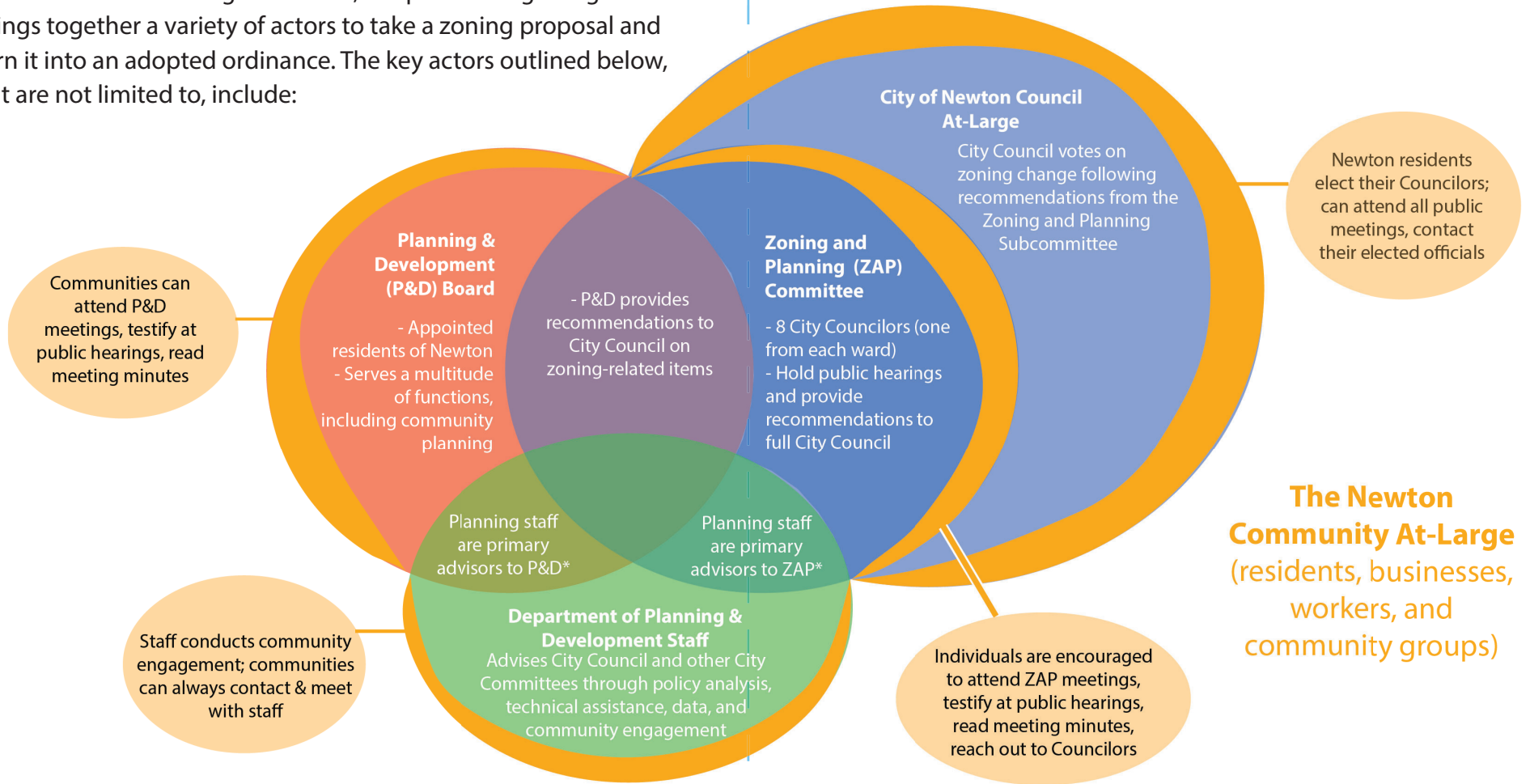
Since zoning is how we regulate what gets built and where, defining the right set of tools is important for ensuring that the new buildings built - for housing, businesses, and more - align with these goals of Newton. Staff are working closely with ZAP and are building upon previous work, such as the Pattern Book (an extensive overview of the patterns of development that have shaped Newton over time), to move the Zoning Ordinance's rewrite closer to such goals.

● = Community Engagement



What is the process?

Though the City Council of Newton has the sole authority to amend Newton's Zoning Ordinance, the process of getting there brings together a variety of actors to take a zoning proposal and turn it into an adopted ordinance. The key actors outlined below, but are not limited to, include:



Actors of Zoning Redesign

*In many cases City staff are the primary advisors to ZAP and P&D, while in other cases (like Zoning Redesign) outside consultants, expert groups or individuals, etc., are brought in to guide ZAP as well



In terms of process, the State's Zoning Act (Massachusetts General Law Chapter 40A), provides a specific procedure that a municipality, like Newton, must follow when adopting or amending its Zoning Ordinance:

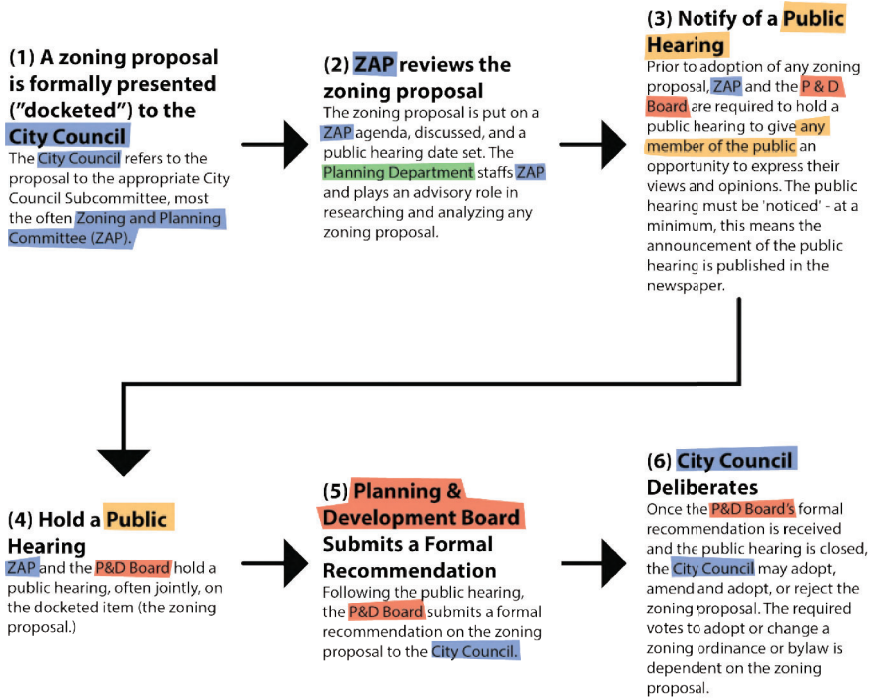


Diagram #1, of the MA State Process

For the past 10 years, Zoning Redesign has sat within steps (1) and (2) in diagram #1. The Zoning Redesign Project is currently docketed as **Docket Item #88-20**. Diagram #2 better describes the day-to-day process of Zoning Redesign as it remains a docketed item and as ZAP works towards submitting a draft to the full City Council:



Diagram #2, of Day-to-Day Process of Zoning Redesign

Learn More

You can learn more about Zoning Redesign and find the comprehensive 'Zoning Redesign FAQ' at newtonma.gov/zoningredesign!



Dictionary

Many definitions of terms related to zoning can be found in Newton's current Zoning Ordinance (Chapter 30 of the City Ordinances.) Here are some basics to get familiar with:

Accessory Apartment: An accessory apartment is also often called an accessory dwelling unit (ADU) or an in-law apartment. An accessory apartment is a separate dwelling unit included either within an existing single family or two-family home, or located in a detached building, such as a garage, on the same lot. Accessory apartments in Newton cannot be sold as a separate house.

Affordability: Affordable Housing is generally defined as housing that is available to households with gross annual incomes that do not exceed 80 percent of the area median income (AMI) and at a cost that does not exceed 30 percent of their monthly gross income, including utilities. Affordable housing can also be synonymous with low- or moderate-income housing. The 'area median income' (AMI) is the median income, adjusted for household size, within a given statistical area, updated annually by the U.S. Department of Housing & Urban Development (HUD). Newton is part of the Boston-Cambridge-Quincy, MA-NH HUD Metro Area. 'Median Income' is the income amount that divides a population into two equal groups: half having an income above that amount, and half having an income below that amount. You can learn more about the income limits for Newton at the city's Housing & Community Development website.

Building Footprint: The area contained within the outside edges of a structure at the ground level.

By-right: The term "by-right" or "as-of-right", refers to land uses/developments that are allowed in a particular district without discretionary review. So long as these developments abide by other local and state regulations such as environmental regulations, and building codes, they cannot be prohibited. By-right development in Newton is regulated by the Inspectional Service Department (ISD).

Development: Development encompasses several different activities relating to property and real estate. Development might include things like building new structures like homes or retail spaces, or renovating existing ones, or tearing them down entirely to build something new. Developers need to work with the city's planners, inspectors, surveyors, and more to move through the development process.

Docketed item: When an item is submitted for consideration to the City Council it is "docketed" with the Council. Docketing involves giving the item a unique number, assigning it the appropriate committee(s) for discussion, and placing the item on the "Docket." A docketed item can be tracked through the City Clerk's archive.

Duplex: Also known as two-family: a building that contains 2 dwelling units. Per Massachusetts' state definition, as well as the zoning ordinance, a duplex does not count as multi-family.



Lot size: The land area contained within a parcel, or lot.

Multi-family: A building or structure containing 3 or more dwelling units, per Massachusetts' state definition.

Ordinance: This term is often used for law passed by a local political body, such as a city, county, village or town (in this case, it is the City of Newton.) Ordinances may address a wide variety of local issues, from local government structure to speed limits and sign sizes.

Parcel: Parcels are how land is divided up for ownership, use, and taxes. The use of each parcel of land is guided by the zoning code.

Setback: The distance the building or structure must be set back from the property lines. Setbacks differ based on the zoning district and the type of building.

Single-family: A building or structure that contains only one dwelling unit. A single-family home is detached, which means there is nothing attached to that one building.

Special Permit: A Special Permit grants permission to construct a building or establish a use that is not allowed by-right. Special Permits are granted by the City Council in Newton. It usually consists of a set of plans that are accompanied by a list of findings and conditions for their approval. Special permits are always required for multi-family housing and larger commercial projects

in Newton. They often are required when special site characteristics or design features warrant a deviation from the zoning standards for a typical lot. The Zoning Ordinance states when a Special Permit is required and when a regulation can be waived by Special Permit. Common requests for exceptions to these standards include variations in floor area ratios (FARs) and the number of parking spaces provided. Sometimes a proposed use has unique characteristics that warrant special review to make sure it will be compatible with other uses nearby. When the Zoning Ordinance does not allow for a deviation from a regulation by Special Permit, a Variance would be required.

Variance: A variance grants permission to deviate from zoning regulations that have not been identified in the Zoning Ordinance as being eligible for Special Permit. Variances are granted by the Zoning Board of Appeals. Variances are much harder to grant than a Special Permit and require that there be very unusual circumstances on a parcel related to the soil conditions, shape of the land, or topography (for example a steep hill).

Zoning: Zoning is a set of rules that govern how land can or cannot be used through areas called zoning districts.

Zoning district: A zoning district is an area of the city within which zoning regulations control how the land is used and the bulk of the structure. All zoning districts can be found in the city zoning map.



Bibliography

Newton Assessor's Database

<https://newtonma.mapgeo.io/datasets/properties?abuttersDistance=100&latlng=42.325373%2C-71.213678>

Newton Pattern Book

<https://www.newtonma.gov/home/showpublisheddocument?id=50442>

Newton Zoning Ordinance

<https://www.newtonma.gov/home/showpublisheddocument?id=29553>

Newton Zoning Map

<https://www.newtonma.gov/home/showpublisheddocument?id=27803>

CNU California (zoning diagram)

<http://cnucalifornia.org/straight-line-radius-v-shortest-path-analysis-finding-right-tool-zoning-code/>

The Center for Urban Pedagogy

http://welcometocup.org/file_columns/0000/0530/cup-whatiszoning-guidebook.pdf

Massachusetts General Law Chapter 40A

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40A/Section5>

