



Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

MEMORANDUM

DATE: Updated Last: August 13, 2021
Original: July 2, 2021

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Cat Kemmett, Planning Associate

RE: **#240-21 Requesting an amendment to Chapter 30**
DIRECTOR OF PLANNING AND DEVELOPMENT requesting ordinance amendments to the Newton Zoning Ordinance, Chapter 30 in order to clarify definitions, edit missing or incorrectly transcribed provisions and revise inconsistencies in the ordinance.

MEETING: August 16, 2021

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

Overview

In the past, the Planning and Development Department has conducted regular “clean ups” of the zoning ordinance in order to correct internal inconsistencies, improve clarity, and fix typos or errors, in particular those that have been a result of the 2015 recodification of the Zoning Ordinance. In this vein, the Department proposes making several amendments to the Zoning Ordinance based on feedback from residents, staff, building professionals, and others.

This memo provides an overview of the revisions proposed. For each item, staff have provided a brief explanation of the issue followed by the expected impact of proposed changes in an annotated redline, as well as side-by-side comparison of the existing text and suggested revisions (Attachment A). Also provided is the unannotated redlined version of these proposed changes in the Zoning Ordinance (Attachment B).

Organization

The items are classified into three sections. Section 1 (Housing Type Definitions) includes changes to housing type definitions, including a reconfiguring of the definition of Two-Family, Detached buildings to allow for more flexible design for that building type. Section 2 (Garage Ordinance) includes changes to improve the Garage Ordinance based on feedback from ISD and Current Planning now that the ordinance has been in effect for several months. Both of these sections contain minor policy changes that will require discussion in committee.

Section 3 (Other Changes) includes a number of smaller proposed ordinance changes that include corrections, language codifying existing practice, simple clarifying edits, and scrivener's errors. Also, items in this section include errors in transcription from the 2015 recodification.

Changes Made Since Previous ZAP Meeting (July 8, 2021)

Most of the proposed changes in Attachment A are unchanged from what was presented in July. However, several items were removed or revised based on feedback from ZAP, Planning staff, and input from building professionals. These changes include:

Removed:

- A proposed special permit for accessory buildings in Sec. 3.4.3.A.3. staff have confirmed with the Law department that there are already options for applicants to seek special permits for both detached accessory apartments or garages in excess of 700 square feet
- An incorrect edit proposed to Sec. 1.5.2.D, lot coverage.
- A proposed edit striking Sec. 6.10.4, Recreational Marijuana Establishments, the moratorium put into place while the zoning was being developed for recreational marijuana. Zoning ordinance changes passed earlier this year have already removed this language.

Updated:

- Staff have added a second option for proposed language changes to Sec. 1.5.1.b, the definition of Two-Family, Detached. An explanation of the policy implications and considerations for each option proposed can be found in Attachment A.
- The language in Sec. 1.5.1.D, the definition of Multi-Family, has been updated for clarity.
- Staff have added a second option for proposed language changes to Sec. 3.4.4.G.1, an exemption for Side Facing Garages behind the Front Elevation of a home. An explanation of the policy implications and considerations for each option proposed can be found in Attachment A.

Attachment A

Annotated redline

Attachment B

Unannotated redline