

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. C-42

April 16, 2024

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

I. **DELETE** from **Section 5.4.2.A** the following:

When a combination of walls is placed within a setback, height is measured from the foot of the lowest wall to the top of the highest wall.

II. **DELETE Section 5.4.2.B** in its entirety and **INSERT** in its place a new **Section 5.4.2.B** as follows:

The construction of a retaining wall of 4 feet or more in height requires a special permit. When a combination of retaining walls are within 25 feet of each other (measured from front-face of wall to front-face of wall), height is measured from the foot of the lowest wall to the top of the highest wall.

III. **INSERT** a new **Section 5.4.2.C** as follows:

Special Permit Criteria: In granting a special permit, the city council shall find:

1. That the lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of retaining walls;
2. That the requested retaining wall will not adversely impact adjacent property, the neighborhood, or the public; and
3. That the proposed retaining wall is the minimum structure necessary to allow a subject property to be reasonably utilized.

IV. The amendments to the City of Newton Zoning Ordinance set forth in this Order shall be effective on June 1, 2024, and shall apply to all building permits, special permits, and comprehensive permits issued on or after the effective date.

Approved as to legal form and character:

Alissa O. Giuliani

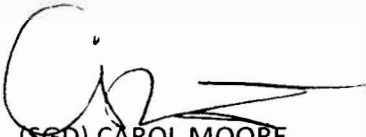
ALISSA O. GIULIANI

City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

22 yeas 2 nays (Councilors Danberg and Kelley)



(SGD) CAROL MOORE

City Clerk

EXECUTIVE DEPARTMENT

Approved:



(SGD) RUTHANNE FULLER

Mayor

Date: 4/24/2024