

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. C-48

August 12, 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 Section 1.5.4.E** in its entirety and **INSERT** in place thereof a new **Section 1.5.4.E** as follows:

E. Original Grade. The grade of the lot before any regrading, demolition, development, or redevelopment begins based on the following standards:

1. If a lot,
 - a. Has an existing building that is to be demolished or modified, the original grade of the lot shall be the grade that existed prior to any activity that caused a change in position or location of soil, sand, rock, gravel, or similar earth material, which changes the grade of the lot, that occurred after January 1, 2025 and within five (5) years of the date of application for the building permit for such demolition or modification of the existing building; or
 - b. Has no existing building on the property, the natural grade of the property, prior to any activity that causes a change in position or location of soil, sand, rock, gravel, or similar earth material, which changes the grade of the lot, shall be considered the original grade; or
 - c. Is a new subdivision, notwithstanding anything to the contrary contained in the City of Newton Zoning Ordinance, the original grade shall mean the approved and recorded grade.

2. The original grade shall be certified by a registered Massachusetts licensed professional land surveyor and shown on a certified plot plan to be verified by the Building Inspector prior to commencement of work on the property with all elevations in Newton City base.

- II. **DELETE** the words “finished grade” where they appear in the first sentence of **Section 1.5.4.F** and **INSERT** in place thereof the words “original or proposed grade, whichever is lower,”.
- III. **DELETE** the words “greater than 6 feet” where they appear in the second sentence of **Section 1.5.4.F** and **INSERT** in place thereof the words “six (6) feet or greater”.
- IV. **DELETE** the portions of **Section 1.5.4.F** that appear after the second sentence.
- V. **INSERT** a new **Section 1.5.4.F.1** as follows:

1. In cases where the walls of the building are more than five (5) feet from the nearest street line, the grade shall refer to the mean elevation of the ground adjoining said wall; and in all other cases, the mean elevation of the nearest sidewalk.

$$\bar{\Sigma} = \frac{(e1 + e2) / 2 \times L}{P}$$

Where:

- $\bar{\Sigma}$ sums the weighted average grades of all segments;
- Segments less than 6 feet in length are not included as separate segments;
- e1 and e2 are the elevations of the original or proposed ground level, whichever is lower at the respective ends of each segment, determined as the lowest point at each end of the segment within 6 feet of the foundation or the lot line, whichever is closer;
- L is the corresponding horizontal length of the segment; and
- P is total horizontal length of all segments.

- VI. **DELETE** the word “existing” where it appears in the first bullet point of **Section 1.5.5.D.1** and **INSERT** in place thereof the word “original”.
- VII. The amendments to the City of Newton Zoning Ordinance set forth in this Order shall be effective on January 1, 2025, and shall apply to all building permits and

special permits issued, and all comprehensive permit applications submitted, 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

21 yeas 0 nays 3 absent (Councilors Block, Downs and Lobovits)



(SGD) CAROL MOORE

City Clerk

EXECUTIVE DEPARTMENT

Approved:



(SGD) RUTHANNE FULLER

Mayor

Date: 8/23/2024