

Introduction

The City Council Zoning and Planning Committee (ZAP) kicked-off the project to revise Newton’s Zoning Ordinance for village center commercial centers in early 2021. The second draft zoning ordinance below, “version 2.0,” represents the continued collaborative effort with the City Council, City staff, urban design & economic development consultants, and the Newton Community.

Why is this necessary? While Newton has a strong foundation of diverse and dynamic village centers, the current zoning one-size-fits-all format does not recognize this. This draft set of zoning rules, along with the version 1.0 zoning maps, build upon the successes and uniqueness of each village center, while also guiding development that addresses our current and future needs. In other words, the zoning is the technical tool that supports the community vision like helping small businesses thrive, responding to climate change, developing more diverse & affordable housing, and creating more communal & active spaces.

How to read this Document

Like the draft maps, the draft zoning ordinance is intentionally meant to be reviewed and updated. This is also a working document. Some items may not be fully resolved and other items may require further refinement in advance of a vote to adopt this zoning ordinance.

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Village Center Overlay District (VCOD)

1. Applicability.
 - 1.1. General
 - A. The provisions of Article # shall apply to all real property within a defined Overlay District as shown on the Newton Zoning Map. It is intended that the provisions of these Overlay Districts will modify the form, location, and use of buildings by applying special dimensional, use, and other standards in a variety of areas in the City tailored to those specific areas and relevant policy objectives. Overlay District provisions may be voluntary or required based on the following criteria:
 1. Where a site has not been previously reviewed and developed under an Overlay District, development may occur in accordance with the underlying zoning district or the Overlay District. Submittal for an Overlay District development application shall be voluntary.
 2. Where development activity for a given site was reviewed and approved as part of any Overlay District, but a building permit has not been issued by the City of Newton, future review for development applications on the site may either be under the Overlay District or those of the underlying zoning district.
 3. Where development activity for a given site was reviewed and approved as part of any Overlay District, and a building permit has been issued by the City of Newton, any future development applications shall be reviewed in accordance with the procedures and standards of the Overlay District.
 - B. Conflicts. If the applicant chooses development under an Overlay District, and where conflicts exist between the Overlay District and the rest of the City of Newton Zoning Ordinance, the Overlay District regulations shall apply.
 2. Village Center Overlay District (VCOD)
 - 2.1. District Intent.
 - A. Allow the development of buildings and uses appropriate to Newton's village centers, areas immediately adjacent to village centers, transit-rich areas, and aligned with the vision of the City's Comprehensive Plan and other policy documents.
 - B. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
 - C. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
 - D. Expand the diversity of housing options available in the City.
 - E. Promote the health and well-being of the community by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place.

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- F. Facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.

2.2. District Purpose.

The Village Center Overlay District (VCOD) has been divided into four (4) distinct tiers of districts:

- A. Multi Residence Transit (MRT). The MRT District facilitates new small-scale multi-family buildings similar in size to the surrounding residential neighborhoods and the preservation of existing homes through conversion to multiple units. This district acts as a transition between the mixed-use cores of village centers and surrounding residential neighborhoods.
- B. Village Center 1 (VC1). The VC1 District facilitates small- to medium-scale multi-family buildings given its location along major corridors and proximity to amenities, mixture of uses, and transit options found in Newton's village centers. This district acts to link certain village centers and allow for neighborhood serving retail along key corridors and intersections.
- C. Village Center 2 (VC2). The VC2 District facilitates mixed-use and residential development of moderate scale. This district serves as the core of some village centers and as a transition district for other village centers. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood as well as the larger Newton Community.
- D. Village Center 3 (VC3). The VC3 District facilitates mixed-use development of moderate- and large-scale. This district serves as the core commercial zone of certain village centers, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood, the larger Newton Community, and regional visitors.

2.3. Definitions

In addition to the definitions found in Article 8 Definition, the following definitions apply. Where conflicts exist between the Overlay District definitions and definitions within the rest of the City of Newton Zoning Ordinance, the Overlay District definitions shall apply.

- A. Awning. A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.
- B. Balcony. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
- C. Basement. See Section 1.5.4.D.
- D. Bay. A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building

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- wall. Two Bays can connect around corners to create distinctive living space or terminate in an important axis.
- E. Bicycle Parking, Long-Term. Accommodations for the parking of a bicycle for two (2) or more hours.
 - F. Bicycle Parking, Short-Term. Accommodations for the parking of a bicycle for two (2) hours or less.
 - G. Building Footprint Area. Area of the largest above grade floor of the building as measured to the exterior faces of the walls, including decks that extend more than 8' from the building face.
 - H. Development. The subdivision or land platting of a development site; the construction or modification of any principal building type, accessory building type, or other structure; the excavation, fill, or grading of land. and the establishment, change, or expansion of any use of any structure or land.
 - I. Facade Build Out Ratio. The ratio of the width of the entire Front Elevation to the Lot Width along the Primary Front Lot Line.
 - J. Frontage Area. The area of a lot between the building facade(s) and any front lot line(s), extending fully to each side lot line(s).
 - K. Frontage Type. A distinct combination of facade and frontage area design features.
 - L. Front Elevation. The exterior wall of a building oriented in whole or in part toward the public right of way.
 - M. Furnishing Zone. The portion of the sidewalk between the curb and the walkway that is used for street trees, landscaping, transit stops, street lights, and site furnishing.
 - N. Lot Line. See Section 1.5.2.A.
 - O. Lot Line, Front. The lot line abutting a street or right of way.
 - P. Lot Line, Side. Any lot line other than a front or rear lot line.
 - Q. Lot Line, Rear. Any lot line which is parallel to or within forty-five (45 degrees) of being parallel to a front lot line, unless that lot line is a side lot line of an abutting lot.
 - R. Lot Width. The length of the front lot line of a lot.
 - S. Mixed-Use Priority Street. A portion of street that requires ground story active uses within the VCOD tiers as shown on the Newton Zoning Map.
 - T. Open Space, Usable. See definition in Article 8.
 - U. Party Wall. A wall separating two attached buildings.
 - V. Primary Front Lot Line. The lot line abutting a street or right of way. Where there are multiple lot lines abutting streets or rights of way, the Primary Front Lot Line shall be the one the main entrance faces. Where there are multiple lot lines abutting streets or rights of way and the main entrance does not face a street or right of way, the Primary Front Lot Line shall be determined by the Commissioner of Inspectional Services or their designee.
 - W. Principal Entrance. The addressed entrance to a building or commercial space.
 - X. Rear Lot. A rear lot is defined as a parcel of land not fronting or abutting a Street and which has limited access to a Street by either:

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1. A “flag pole” or “pan-handle” shaped portion of the lot,
 2. An easement over an adjoining lot possessing frontage directly on the street, or
 3. A private right-of-way as shown or described in plans or deeds duly recorded with the Registry of Deeds for the Southern District of Middlesex County.
- Y. Residential District. Residential districts include lots located in the Single Residence (SR), Multi Residence (MR), and Multi Residence Transit (MRT) zoning districts.
- Z. Retaining Wall. See Sec. 5.4.2.A.
- AA. Screening. See Section #.
- BB. Step-Back. A recess of an upper story façade a set distance behind the façade of the story below.
- CC. Story. See Section 1.5.4.
- DD. Story, Ground. The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
- EE. Story, Half. See VCOD Section 2.6.B.3
- FF. Story, Upper. Any full story above the ground story of a building.
- GG. Substantial Renovation. Any modification, interior renovation, or both of an existing principal building that exceeds fifty percent (50%) of the assessed value of the building, as identified on the most recent tax list maintained by the Assessor’s Office of the City of Newton, within any twelve (12) month period.
- 2.4. Development Review
- A. Applicability.
1. The density and dimensional controls in Sec. # apply to all buildings, structures and uses in each of the listed VCOD classes, except as exempted in this ordinance.
- B. Approval Process.
- Development on any lot, by-right or by Special Permit, requires the submittal of development review materials as required in Article 7, except as modified herein. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development.
1. Special Permit is required for:
 - i. Any Development in the Village Center 1, 2, and 3 districts on a lot larger than thirty-thousand (30,000) square feet, except as modified through Adaptive Reuse (see Sec. #).
 - ii. The construction of multiple buildings in the Multi Residence Transit district (MRT), except as modified through Adaptive Reuse (see Sec. #).
 - iii. The City Council is the decision-making authority for all development that requires a Special Permit, except as modified in this ordinance.
 2. Site Plan Review is required for:

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- i. Any development in the Village Center 1, 2, and 3, and Multi Residence Transit (MRT) districts on a lot larger than twenty-thousand (20,000) square feet but less than thirty-thousand (30,000) square feet, except as modified through Adaptive Reuse (see Sec. #).
- ii. The Planning Board is the decision-making authority for all development that requires Site Plan Review.

2.5. Dimensional Standards

A. Site Standards

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard ¹
Approval Process					
Special Permit					
–	Multiple buildings on a lot	Development on lots greater than or equal to 30,000 sf			
Site Plan Review					
Lot Size	Development on lots greater than or equal to 20,000 sf but less than 30,000 sf				
Usable Open Space					
Lots greater than 30,000 sf	30%	30%	5%	5%	
Building Setbacks					
Front (min.)					
–	10' or Average	10' or Average	0'	0'	
Side (min.)					
Abutting a Party Wall in a non-Residential District	7.5'	0'	0'	0'	
Abutting a building without a Party Wall in non-Residential District	7.5'	10'	0'	0'	
Abutting a Residential District	7.5'	15'	15'	15'	
Rear (min.)					

¹ Section references to be added as needed

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard ¹
Abutting a non-Residential District	15'	15'	5'	5'	
Abutting a Residential District	15'				
Building Separation for Multiple Buildings on a Lot (min.)					
–	15'	15'	25'	25'	
Facade					
Facade Build Out Ratio (min.)					
Facing a public right-of-way	N/A	75%, or Lot Width within side setbacks minus 15', whichever is less			
Parking Placement					
Parking Setbacks (min.)					
Facing a right of way	12'				
Not facing a right of way	4'				
– = Not Allowed N/A = Not Applicable					

B. Building Standards

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Building Massing					
Building Footprint (max.)					
–	1,500 sf	4,000 sf	10,000 sf	15,000 sf	
Building Height in Stories (max.)					
–	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	4.5	
Development within 50' of lot line abutting a Residential District	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	3.5	

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Pitched Roof, Building Height in Feet (max.)					
–	45'	45'	62'	75'	
Development within 50' of lot line abutting Residential District	45'	45'	62'	62'	
Flat Roof, Building Height in Feet (max.)					
–	27'	40'	56'	69'	
Development within 50' of lot line abutting Residential district	27'	40'	56'	56'	
Ground Story Height in Feet (min.)					
Mixed-Use Priority Streets	N/A		15'		
All other Streets	N/A	12'	12'	12'	
Half-Story Height in Feet (max.)					
Flat Roof		12'			
Pitched Roof		18'			
Half-Story Step-Back in Feet (min.)					
Flat Roof	7' along all Lot Lines, see Sec. #				
Pitched Roof	N/A, see figure #				
Facade					
Ground Story Fenestration (min.)					
Mixed-Use Priority Streets	N/A	N/A	70%	70%	
All other Streets, non-residential use	N/A	N/A	50%	50%	
All other Streets, residential use	N/A	N/A	15%	15%	
Ground Story Active Use (min.)					
Mixed-Use Priority Streets	N/A	N/A	100%	100%	
Active Use Depth	N/A	N/A	25'	25'	

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Articulation					
Length of continuous facade (max.)	100', see Sec. #				
Use and Occupancy					
Dwelling Units (min./max.)	3 / 4 except as modified through Adaptive Reuse (see Sec. #)	3 / N/A	3 / N/A	3 / N/A	
- = Not Allowed N/A = Not Applicable					

2.6. Development and Design Standards

A. Site Design Standards

This section provides an explanation of the dimensional standards for site and lot improvements within the VCOD tiers, defines how to measure certain standards, and provides other requirements and reference information as necessary.

1. Building Placement

- a. The Front Elevation must be built out to a percentage of the Lot Width as specified by the Facade Build Out Ratio in the Lot Standards for each VCOD tier.
 - i. The Facade Build Out Ratio may be met cumulatively by multiple buildings on a lot.
 - ii. Usable Open Space with Ground Story Active Uses is considered part of the building for the purpose of measuring the Front Elevation.
- b. When development occurs on any lot abutting a sidewalk that is less than twelve (12) feet in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least twelve (12) feet in width is provided, inclusive of the Furnishing Zone.

2. Number of Buildings

- a. Multiple buildings are permitted on each lot by-right, except;
- b. A Special Permit is required in the MRT district for multiple buildings on a lot, except as modified through Adaptive Reuse (see Sec. #).

3. Building Separation

- a. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in Building Standards for each VCOD tier.

4. Open Space and Public Realm

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- a. Development on lots greater than 30,000 sf must provide Usable Open Space as specified for each VCOD tier.
 - b. In the VC2 and VC3 districts, the Usable Open Space must be accessible to the public.
 - c. Buildings must provide shared Usable Open Space as exterior spaces (patio, roof deck, roof terrace, yard, forecourt, plaza) that maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.
5. Rear Lots
 - a. The City Council may grant a Special Permit for a Rear Lot in the VC1 and MRT districts.
 6. Retaining Walls
 - a. The placement of a retaining wall of four (4) feet or more requires a special permit.
 7. Street Hierarchy
 - a. Mixed-Use Priority Streets are determined within the VCOD tiers as shown on the Newton Zoning Map.
- B. Building Design Standards**
- This section provides an explanation of the dimensional standards for buildings within the VCOD tiers, defines how to measure certain standards, and provides other requirements and reference information as necessary.
1. Building Height
 - a. Buildings must comply with the maximum building height specified for each building type. Building height is measured as defined in Section 1.5.4. Height.
 2. Story Height
 - a. The Ground Story of a building must comply with the minimum and maximum story height requirements specified for each VCOD tier and is measured independently for each story of a building.
 - b. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.
 - c. The height of a half story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.
 3. Number of Stories
 - a. Buildings must comply with the maximum number of stories as specified in the Building Standards for each VCOD tier.
 - b. The Ground Story is always counted as one (1) story, except that a single Ground Story over eighteen (18) feet in height is counted as two (2) stories.

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- c. Any Upper Story is counted as (1) additional story, except that any upper story sixteen (16) feet or greater in height is counted as two (2) stories;
 - d. Space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:
 - i. At least two opposite roof planes are pitched toward each other.
 - ii. A pitched roof may be composed of roof planes with different slopes.
 - iii. The slope of any pitch must be no greater than 14:12 (49 degrees); otherwise, this story is counted as a full story.
 - iv. The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half-story; otherwise, this story is counted as a full story.
 - v. Dormers must comply with requirements in Sec. 1.5.4.G.
4. Half-Story Step-Back for Flat Roofs
- a. A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.
 - i. Required Step-Backs must be provided for all stories as specified in the Building Standards for each VCOD tier.
 - ii. Buildings on any lot with a Lot Width of Less than seventy (70) feet are exempt for the upper story Step-Back requirement along the Side Lot Line(s), except when abutting a Residential District.
 - iii. Buildings on any lot with an average lot depth less than seventy (70) feet are exempt from the upper story Step-Back requirement along the Rear Lot Line, except when abutting a Residential District.
5. Building Footprint
- a. Buildings must comply with the maximum Building Footprint as specified in the Building Standards for each VCOD tier. Building Footprint is measured as defined in Definitions.
 - b. Building Footprint includes all enclosed spaces whether for habitation or storage. Any parking area that is covered by a roof is included in the Building Footprint.
 - c. Portions of the building below the average grade and not visible from any right of way or adjacent lot line do not count towards the Building Footprint.
 - d. Bays, Awnings, and Balconies, do not count towards the Building Footprint. See Sec. # Architectural Features.
6. Affordable Housing
- a. Except as modified herein, the provisions of Section 5.11 Inclusionary Zoning shall apply to all developments in the VCOD.

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- b. Bonus. To increase the supply of affordable housing, beyond the requirements within Newton's Inclusionary Zoning Ordinance, the following building height and building footprint increases are allowed within the VC2 and VC3 districts by-right:

Affordable Housing Bonus			
	Option 1		Option 2
VCOD District	VC2	VC3	VC3
Building Height in Stories, (max.)	4.5	5.5	6.5
Pitched Roof, Building Height in Feet, (max.)	72'	84'	96'
Flat Roof, Height in Feet, (max.)	66'	78'	90'
Building Footprint, (max.)	12,500 sf	17,500 sf	17,500 sf

c. Standards

- i. To utilize the affordable housing bonus in the above table, a development must fully comply with the provisions of Section 5.11, except the number of inclusionary units required shall be as follows:

Number of Inclusionary Units Required				
	Option 1		Option 2	
Project Type	Rental	Ownership	Rental	Ownership
Tier 1 (# of units)	25%	25%	30%	30%
Tier 2 (# of units)	N/A	N/A	N/A	N/A
Area Median Income (AMI)	50-80%	80%	50-80%	80%

- ii. The portion of the development within 50' of lot line abutting a Residential District may not increase the number of stories or height.

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- iii. Any VC3 parcel adjacent to a VC1 or Residential District may not utilize Option 2.
7. Ground Story Active Uses
- a. Any lot with Mixed Use Priority Street frontage must also provide ground story Active Use space for a depth specified in each VCOD Tier, measured as the distance from the facade towards the interior of the building, for one hundred percent (100%) of the total width of the building. No more than thirty percent (30%) may be dedicated to semi-active accessory uses, as defined below.
 - b. Active Uses include:
 - i. Retail
 - ii. Restaurant / bar / specialty food service
 - iii. Place of amusement
 - iv. Personal service
 - v. Day care center
 - vi. Gallery / arts studio
 - vii. Live/work space
 - viii. Community use space
 - ix. Semi-active accessory uses, such as lobbies and common areas associated with office, hotel, or residential uses, and access to accessory parking.
 - c. Only uses listed above are considered Active Uses.
8. Adaptive Reuse
- a. The reuse and revitalization of existing buildings, particularly large homes and historically significant buildings, within the VCOD tiers will benefit the general health and welfare of the Newton community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation.
 - b. An adaptive reuse development must comply with the following standards:
 - i. Submission of a pre-development site survey with existing conditions prepared, stamped, and signed by a registered engineer or land surveyor.
 - ii. No exterior alterations of the building along the Front Elevation except those necessary to comply with applicable Health, Building, and Fire codes.
 - iii. There are no parking requirements.
 - iv. There are no open space requirements.
 - v. Existing building side and rear setbacks that do not meet the minimums in Sec. # may remain. Alterations, enlargements, or reconstruction within the side or rear setbacks are not allowed, except as permitted under Section 7.8.

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- c. Additional standards for buildings within the VC2 and VC3 districts:
 - i. Constructed prior to 1945 or determined to be historically significant by the Newton Historical Commission.
 - ii. A building must have at least two (2) stories in height.
 - iii. A building may exceed the maximum Building Footprint, up to five-thousand (5,000) square feet along the side and rear elevations set back at least twenty (20) feet from the Front Elevation.
 - iv. Additional height may be added to existing buildings; however the total height may not exceed the overall height or number of stories as specified in each VCOD tier.
 - v. Lots larger than thirty thousand (30,000) square feet are permitted by-right, subject to Site Plan Review.
 - d. Additional standards for buildings within the VC1 and MRT districts:
 - i. A building must have at least one-and-a-half (1.5) stories.
 - ii. A building may exceed the maximum Building Footprint by fifty percent (50%) along the side and rear elevations set back at least twenty (20) feet from the front elevation.
 - iii. Multiple buildings on a lot are permitted, subject to Site Plan Review.
9. Architectural Features
- a. The structural and architectural elements which extend outward from a building facade, including Awnings, Canopies, Bays, and Balconies. Architectural features may project into the front setback and/or right of way as shown below:
 - i. Bay. A Bay is a projection extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners to create distinctive living space.

Dimensions	
Width of Each Bay (max.)	Greater of 20% of wall length or 12 ft
Depth (max.)	3 ft
Fenestration (min.)	60%
Front Setback Encroachment at Ground Story (max.)	3 ft
Front Setback Encroachment at Upper Story (max.)	100%
Extension into the right of way (max.)	3 ft

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Clearance above Grade within right of way (min.)	Top of the Ground Story
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- ii. **Balcony.** An unenclosed platform with a railing that provides outdoor amenity space on upper stories. The portion of the balcony extending into the setback or right of way must comply with the dimensions below.

Dimensions	
Width of Each Balcony (min. / max.)	5 ft / Greater of 20% of wall length or 12 ft
Depth (min. / max.)	3 ft / 8 ft
Clearance above Grade (min.)	Top of the Ground Story
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	3 ft

- iii. **Awning.** A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure that provides shade and weather protection over a storefront or building entrance.

Dimensions	
Width of Each Awning	–
Depth (min.)	3 ft
Clearance above Grade (min.)	8 ft
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	10 ft

10. Facade Articulation

- a. The Front Elevation of any building greater than one hundred (100) feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide and designed as two (2) or more distinct facades of differing architectural treatment so that the building appears to be multiple buildings. Modifications to the facade of existing buildings are exempt.

11. Ground Story Fenestration

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- a. Fenestration must be provided as specified in the Building Standards for each VCOD tier and is calculated as a percentage of the area of the Front Elevation.
- b. For buildings with ground story Active Use spaces, ground story fenestration is measured between two (2) feet and ten (10) feet above the finished floor of the ground story.
- c. For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

12. Building Entrances

- a. For parcels with Street frontage, buildings must have their main entrance from a right of way on that Street. For parcels without Street frontage, buildings should have their main entrance on the side wall oriented toward the parking lot provided for the building.
- b. Buildings with ground story Active Use spaces must have principal entrances for the Active Uses along the Street frontage.
- c. Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning, to signal building entry and provide adequate protection from the elements.

13. Roof Features

- a. Non-habitable architectural features are permitted on roofs in accordance with Section 1.5.4.A.

14. Mechanical Equipment

- a. Roof-mounted mechanical equipment must be screened and setback at least ten (10) feet from the intersection of the roof and wall plane immediately below. See Section 5.1.9. Screening.
- b. Wall-mounted mechanical and/or electrical equipment such as louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters, etc. must not be mounted on a Front Elevation.
- c. All free standing mechanical and/or electrical equipment are prohibited between any Front Lot Line and Front Elevation.

C. Parking Design Standards**1. Applicability**

All development within the VCOD tiers is subject to the provisions below. Where conflicts exist between the Overlay District and the rest of the City of Newton Zoning Ordinance, the Overlay District regulations shall apply.

2. Required Accessory Parking Spaces

- a. There are no vehicular parking minimums within the VCOD.
- b. Bicycle parking must be provided as specified in Sec. #.
- c. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.
- d. Centralized parking facilities must provide signage identifying the permitted users.

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- e. Pedestrian access to vehicular parking must be via a paved sidewalk or walkway.
 - f. Unbundled Market Rate Parking
 - i. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
 - ii. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.
3. Required Number of Accessory Bicycle Parking Stalls
The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the VCOD tiers:

Use Category	Bicycle Parking	
	Short-term(min.)	Long-term (min.)
Residential Uses		
Multi-family dwelling, ten (10) units or less	None	None
Multi-family dwelling, more than ten (10) units	0.1 per unit	1.0 per unit
Lodging House	1 per 10,000 sf	1 per 5,000 sf
Live/work space	0.5 per unit	0.1 per unit
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	–	–
Elderly housing with services, residential care facility, elderly congregate living facility	–	–
Civic/Institutional Uses		
Dormitory	0.1 per bed	0.5 per bed
Religious Institutions	–	–
School serving children under 14 years of age	1 per classroom	4 per classroom
Commercial Uses		
Bank	1 per 5,000 sf	1 per 2,500 sf
Family child care home, large family child care home, day care center	2	1 per 10,000 sf
Funeral home	1 per 2,500 sf	1 per 10,000 sf

Health club, similar establishment	1 per 2,500 sf	1 per 10,000 sf
Hospital, sanitarium	10 per entrance	1 per 5,000 sf
Hotel, motel	1 per 20 rooms	1 per 10 rooms
Medical office	1 per 2,000 sf	1 per 10,000 sf
Office, professional building	1 per 5,000 sf	1 per 2,000 sf
Outdoor or open-air sales space, drive-in establishments, open-air retail business, amusements and other similar uses	–	–
Personal service	1 per 1,000 sf	1 per 2,500 sf
Post Office	1 per 1,000 sf	1 per 2,500 sf
Radio or television broadcasting studio	1 per 2,500 sf	1 per 10,000 sf
Restaurant, food or beverage establishment (for sidewalk and parking space cafe seating, see 12-70)	1 per 2,000 sf	1 per 2,000 sf
Retail store, showroom	1 per 2,500 sf	1 per 10,000 sf
Service establishment	1 per 1,000 sf	1 per 2,500 sf
Theaters, halls, clubs, auditoriums and other places of amusement or assembly	1 per 5,000 sf	1 per 2,500 sf
Industrial Uses		
Manufacturing	–	1 per 10,000 sf
Research, laboratory	1 per 20,000 sf	1 per 5,000 sf
Storage warehouse or business	–	–
Telecommunications and data storage facility	–	–
Wholesale business	–	1 per 40,000 sf

4. Parking Access

- a. Access to parking lots and structures along the Primary Front Lot Line is prohibited when access along another lot line is available.
- b. Shared use of parking lots, by multiple uses and/or developments on multiple parcels, is encouraged.
- c. The sum of the width of a garage door or doors may be no more than 40% of the Front Elevation along any Primary Front Lot Line.

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5. Curb Cuts and Driveways

- a. A curb cut requires a permit from the City Engineer and must be compliant with all City Ordinances.
- b. Curb cuts are prohibited along the Primary Front Lot Line when access along another lot line is available.
- c. Each lot is limited to one curb cut per Street frontage.
- d. The maximum width of a driveway for access to parking lots and structures is as follows:

Access Type	Width (max.)
One-way	12 ft
Two-way	24 ft

- e. The interior width of a curb cut (between curb stones) may be no wider than the driveway, vehicular entrance, or loading facility it serves.
- f. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.
- g. Curb cuts for driveways must be at least 20 feet from an unsignalized intersection and at least forty 40 feet from a signalized intersection.

6. Parking Placement

- a. Unless otherwise specified, all parking spaces must be located at or behind any required parking setback as specified in the Lot Standards for each VCOD tier.
- b. No parking spaces are allowed between the Front Elevation and the Primary Front Lot Line.

7. Parking Stall Dimensions

- a. For vehicular parking stalls, see Section 5.1.8.B and 5.1.8.C.
- b. Bicycle parking stalls must meet the following standards:
 - i. Size and Layout. Each bicycle parking space must be at least two (2) feet by six (6) feet in size or the minimum required by the manufacturer of a bicycle rack or locker, whichever is more.
 - ii. Access.
 - a. Areas designed for bicycle parking spaces must have a hard, stabilized surface.
 - b. Bicycle parking spaces must have at least one (1) access aisle at least five (5) feet wide to allow room

- for maneuvering. This access aisle must be kept free from obstructions.
- c. Bicycle parking spaces must be accessible without moving another bicycle or lifting or carrying a bicycle over any steps or stairs.
 - d. Outdoor access routes must be appropriately lighted to allow for safe nighttime use.
- iii. Weather Protection. When provided, weather protection must be permanent, designed to protect bicycles from rainfall, and provide at least seven (7) feet of clearance above ground level.
 - iv. Bicycle racks must meet the following standards:
 - a. Be a fixed-in-place stand that is securely anchored to the ground;
 - b. Provide support to the bicycle frame, allowing for both wheels to rest upon a stable surface and for the bicycle to stand upright and not fall over without the use of a kick-stand;
 - c. Be configured not to block handlebars and baskets and to provide two points of contact for locking the frame and at least one wheel with a user-provided locking device;
 - d. Be constructed of materials that resist cutting, rusting, bending, or deformation; and
 - e. Be arranged in rows (with bicycles parked side-by-side) or in alignment (with bicycles parked end-to-end).
 - v. Bicycle lockers must meet the following standards:
 - a. Be securely anchored to the ground;
 - b. Be configured to provide support to the bicycle, allowing it to stand upright without the use of a kick-stand, and
 - c. Be secured by means of a lockable door or, alternatively, configured internally to allow locking of the frame and at least one wheel with a user-provided locking device.
 - vi. Signage. If required bicycle parking is not visible from the street or principal entrance(s), a sign must be posted at the principal entrance(s) indicating the location of the parking.
 - vii. Additional standards for Short-Term Bicycle Parking.
 - a. Short-term bicycle parking may be provided in any combination of bicycle racks and bicycle lockers. Racks that are double height or require hanging of

a bicycle are prohibited for short-term bicycle parking.

- b. Short-term bicycle parking must be provided outside of a principal building and within one-hundred (100) feet of the principal entrance of the use served by the parking.
- c. Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route from the sidewalk that is a minimum of five (5) feet wide, with no steps and a six percent (6%) slope or less.
- d. Bike racks may be installed within the furnishing zone of a sidewalk of an abutting right of way provided, and/or consist of a hoop affixed to a parking meter, with approval from the City Engineer.
- e. Short-term bicycle parking serving multiple uses on a single lot, or abutting parcels under the same ownership, may be combined into a single area.
- f. Any required Short-Term Bicycle Parking provided in a structure or under cover must be provided at ground level, free of charge, and clearly marked as bicycle parking.

viii. Additional standards for Long-Term Bicycle Parking.

- a. Long-term bicycle parking may be provided through any combination of racks or lockers.
- b. Long-term bicycle parking must be provided in a well lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within two-hundred (200) feet of the principal entrance of the building.
- c. To provide security, long-term bicycle parking must either be:
 - i. In a locked room;
 - ii. In an area that is enclosed by a fence with a locked gate. The fence must be either eight (8) feet high, or be floor-to-ceiling;
 - iii. Within view of an attendant or security guard;
 - iv. In an area that is monitored by a security camera; or
 - v. In an area that is visible from employee work areas.

- d. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
- e. Long-term bicycle parking serving multiple uses may be combined into a single area or accessory structure.
- f. Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier must be provided to prevent potential damage to bicycles by other vehicles.
- g. When twenty (20) or more long term bicycle parking spaces are provided, a minimum of ten percent (10%) of the spaces must be three (3) feet by eight (8) feet in size.
- h. Up to twenty five (25%) of long term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.
- ix. Alternative Compliance. The provisions of this Section # may be modified by Special Permit to accommodate alternative technologies and methods for providing bicycle parking so long as the Special Permit Granting Authority makes a finding that the alternatives provide equal or greater benefits to bicycle users.

8. Screening

- a. Parking lots must be separated from the right of way by a building or screening within the parking setback as specified in the Lot Standards for each VCOD Tier. Screening shall consist of one or a combination of the following:
 - i. A landscape strip at least five (5) feet in width, running the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways (Fig. #).
 - a. The landscape strip must be planted with trees, shrubs, perennials, native grasses, and/or other planting types that provide a buffer from the right-of-way.
 - b. Deciduous shade trees must be planted for every 20 feet of landscape strip length, spaced linearly and parallel to the public right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - ii. A wall, barrier, or fence of uniform appearance. Such a wall, barrier, or fence may be opaque or perforated provided that not more than fifty (50) percent of the face is open. There shall be a landscaped strip with a minimum

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- width of 3 feet between the base of the wall, barrier, or fence and right of way. The wall, barrier, or fence shall be at least 3 feet and not more than 6 feet in height.
- b. The required screening shall be located so as not to conflict with any corner visibility requirements or any other City ordinances. Such screening may be interrupted by entrances or exits.
 - c. Every effort shall be made to retain existing trees.
 - d. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
 - e. Outdoor parking facilities containing 20 stalls or more must comply with the requirements in Sec. 5.1.9.B.
 - f. Parking lots in the VC1, VC2, and VC3 districts abutting properties in any Residential Districts along any side or rear lot line must be screened, per the standards above.
 - g. Parking lot landscape strips, parking lot islands, landscape buffers, and other landscaped areas should utilize Low-Impact-Development (LID) practices consistent with state law to treat and discharge stormwater.
9. Lighting. Lighting shall comply with the provisions of the Light Trespass ordinance in Chapter 20 Sections 20-23 - 20-49.
10. Loading
- a. For off-street loading requirements, see Section 5.1.12.
 - b. Access to loading docks and areas along the Primary Front Lot Line is prohibited.
 - c. Outdoor loading facilities, including all docks and areas used for the storage and staging of goods or materials, that are visible from a public street, public space, or abutting properties in any Residential Districts must be screened from view. See Section #.
11. Service Areas
- a. Buildings containing five or more residential units must provide private trash and recycling pick up.
 - b. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.
 - c. Outdoor service areas are not permitted along any Primary Front Lot Line.
 - d. Outdoor service areas that are visible from a public street, public space, or abutting properties in any Residential Districts must be fully screened from view. See Section #.
12. Parking Relief
- a. The Planning Board is the Special Permit Granting Authority for all parking relief within the VCOD tiers.
 - b. In particular instances, a Special Permit may be granted to allow for exceptions to this Sec. # if it is determined that literal

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compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

2.7. Design Guidelines

The Director of Planning and Development shall adopt, and periodically amend as deemed necessary, design guidelines. These guidelines provide direction, not requirements, for the design of new development within the VCOD tiers resulting in a cohesive pattern over time. The intent is to define expectations for new development while allowing for flexibility and fostering high quality design.

2.8. Allowed Uses

Uses permitted in buildings with the VCOD tiers are described below.

A. Permitted Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Uses are permitted as specified in Sec. #.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article #.

B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Accessory Uses are permitted as specified in Sec. #.
3. Accessory Uses not expressly authorized are prohibited.
4. Accessory Uses permitted by Special Permit require additional development review in accordance with Article #.

C. Use Table

Use Category	MRT	VC1	VC2	VC3	Definitions & Use Specific Standards
Residential Uses					
Single-Family, detached	–	–	–	–	Sec. 6.2.1
Two-Family, detached	–	–	–	–	Sec. 6.2.2
Multi-Family Residential use	P	P	P	P	Sec. 6.2.4
Assisted living, nursing home	SP	SP	SP	SP	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	Sec. 6.2.10

Live/work space	P	P	P	P	Sec. 6.2.11
Lodging House	SP	SP	SP	SP	Sec. 7
Civic/Institutional Uses					
Cemetery, private	-	-	-	-	Sec. 6.3.1
Club, clubhouse	SP	P	P	P	Sec. 6.3.2
Community use space	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	Sec. 6.3.4
Government offices or services	P	P	P	P	Sec. 6.3.5
Heliport	-	-	-	-	Sec. 6.3.6
Hospital	-	SP	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	P	P	P	Sec. 6.3.8
Public use	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	Sec. 6.3.14
Theater, hall	SP	P	P	P	Sec. 6.3.15
Commercial Uses					
Animal service, excluding overnight boarding	-	-	P	P	Sec. 6.4.1
ATM, standalone	-	P	P	P	Sec. 6.4.2
Bank, ground story	-	SP	SP	-	Sec. 6.4.4
Bank, upper story	-	-	SP	SP	Sec. 6.4.4
Bed & Breakfast	P	P	P	SP	Sec. 6.4.5
Business incubator	-	P	P	P	Sec. 6.4.6

Business services	-	SP	P	P	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station as accessory uses	P	P	P	P	Sec. 6.4.8
Car wash	-	-	-	-	Sec. 6.4.9
Drive-in business	-	-	-	-	Sec. 6.4.11
Dry cleaning or laundry, retail	SP	P	P	P	Sec. 6.4.12
Fast food establishment	-	-	-	-	Sec. 6.4.13
Fuel establishment	-	-	-	-	Sec. 6.4.14
Funeral home	-	-	SP	SP	Sec. 6.4.15
Health club	SP	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	-	SP	P	P	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	-	P	P	P	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	-	SP	SP	SP	Sec. 6.4.18
Kennel	-	-	-	-	Sec. 6.4.19
Microfulfillment Center	-	-	-	-	Sec. 6.4.47
Office	-	SP	P	P	Sec. 6.4.20
Open-air business	-	SP	P	P	Sec. 6.4.22
Outdoor storage	-	-	-	-	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, accessory, multi-level	-	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, multi-level	-	P	P	P	Sec. 6.4.24
Personal service, up to 5,000 square feet	-	P	P	P	Sec. 6.4.25
Personal service, over 5,000 square feet	-	-	P	P	Sec. 6.4.25
Place of amusement, indoor or outdoor	-	P	P	P	Sec. 6.4.26
Radio or television broadcasting studio	SP	P	P	P	Sec. 6.4.27

Radio, or television transmission station	-	-	-	-	Sec. 6.4.27
Restaurant	-	P	P	P	Sec. 6.4.29
Retail sales, under 5,000 square feet	-	P	P	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	-	SP	P	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	-	P	P	P	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	-	SP	P	P	Sec. 6.4.31
Stable, public	-	-	-	-	Sec. 6.4.32
Taxidermist	-	-	-	-	Sec. 6.4.33
Vehicle repair shop, minor	-	-	-	-	Sec. 6.4.34
Vehicle repair shop, major	-	-	-	-	Sec. 6.4.34
Vehicles sales and service facility, indoor -	-	-	-	-	Sec. 6.4.35
Vehicles sales and service facility, outdoor	-	-	-	-	Sec. 6.4.35
Veterinary hospital	SP	SP	SP	SP	Sec. 6.4.36
Industrial Uses					
Assembly or fabrication of materials manufactured off premise	-	-	-	-	Sec. 6.5.1
Bakery, wholesale	-	-	-	-	Sec. 6.5.2
Boat building, storage and repair	-	-	-	-	Sec. 6.5.3
Bottling works (except for alcoholic beverages)	-	-	-	-	Sec. 6.5.4
Building materials sales yard and storage building	-	-	-	-	Sec. 6.5.5
Contractor's yard	-	-	-	-	Sec. 6.5.6
Feed and seed store	-	-	-	-	Sec. 6.5.7
Food processing, wholesale	-	-	-	-	Sec. 6.5.8
Laboratory, research and development	-	-	P	P	Sec. 6.5.9
Laundry, cleaning & dyeing establishment	-	-	-	-	Sec. 6.5.10
Manufacturing	-	-	-	-	Sec. 6.5.11
Manufacturing, molding, shaping or assembly	-	-	-	-	Sec. 6.5.11

from prepared materials (including repairs)					
Paint store	-	-	-	-	Sec. 6.5.12
Printing, publishing and reproduction establishment	-	-	-	-	Sec. 6.5.13
Sign painting shop	-	-	-	-	Sec. 6.5.14
Telecommunications and data storage facility	-	-	-	-	Sec. 6.5.15
Trash or yard waste, collection, storage, transfer-haul or composting	-	-	-	-	Sec. 6.5.16
Vehicle storage	-	-	-	-	Sec. 6.5.17
Wholesale business or storage facility -	-	-	-	-	Sec. 6.5.18
Wholesale distribution plant	-	-	-	-	Sec. 6.5.19
Wireless communication equipment	-	-	-	-	Sec. 6.9
Manufacturing, uses not allowed by right	-	-	-	-	Sec. 6.5.11
Open Space Uses					
Agriculture, on a parcel of 5 or more acres	-	-	-	-	Sec. 6.6.1
Agriculture, on a parcel under 5 acres	-	-	-	-	Sec. 6.6.1
Resource extraction	-	-	-	-	Sec. 6.6.4
Restricted Uses					
Adult business	-	-	-	-	Sec. 6.10.1
Keno	-	-	-	-	Sec. 6.10.2
Medical Marijuana Treatment Center	-	-	-	-	Sec. 6.10.3
Craft Marijuana Cooperative	-	-	-	-	Sec. 6.10.3
Independent Testing Laboratory	-	-	-	-	Sec. 6.10.3
Marijuana Courier	-	-	-	-	Sec. 6.10.3
Marijuana Cultivator	-	-	-	-	Sec. 6.10.3
Marijuana Delivery Operator	-	-	-	-	Sec. 6.10.3
Marijuana Product Manufacturing	-	-	-	-	Sec. 6.10.3

Marijuana Research Facility	-	-	-	-	Sec. 6.10.3
Marijuana Retailer	-	-	-	-	Sec. 6.10.3
Marijuana Transporter	-	-	-	-	Sec. 6.10.3
Microbusiness	-	-	-	-	Sec. 6.10.3
Firearm Business	-	-	-	-	Sec. 6.10.4
Firing Range	-	-	-	-	Sec. 6.10.4
Gunsmith	-	-	-	-	Sec. 6.10.4
P = Permitted -- = Not Allowed L = Allowed with Limitations SP = Special Permit					

2.9. Administration

A. Special Permit Review

1. A special permit application shall be submitted and reviewed in accordance with Section 7.3, except in lieu of the criteria in 7.3.3.C, the City Council shall not approve any application for a special permit in the VCOD unless it finds, in its judgment, that the proposal meets all the following criteria:
 - i. The proposed development is consistent with the City’s Comprehensive Plan and existing policies and plans established by the City.
 - ii. The proposed development is consistent with the intent and purposes of the VCOD.

B. Site Plan Review

1. Application. Whenever Site Plan Review is required under the provisions of the VCOD an electronic application shall be submitted in accordance with forms and instructions provided by the Planning and Development Department.
 - i. Fee. [Reserved]
2. Review. Site Plan Review shall be conducted by the Planning and Development Board.
 - i. Timeline. [Reserved]
3. Grant of Permit. Site Plan approval shall be granted upon determination by the Planning and Development Board that the following conditions have been satisfied. The Planning and Development Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - i. The Applicant has submitted the required fees and information as set forth in the City’s requirements for Site Plan Review; and

- ii. The project as described in the application meets the development standards set forth in Section #.
- 4. Site Plan approval shall be granted by a majority vote of the Planning and Development Board.
- 5. Approval shall be good for a period of three years.

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