

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. C-34

December 4, 2023

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

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

1. **INSERT** after the words "Mixed Use 4 District" the following:

Overlay Districts
Multi Residence Transit
Village Center 2
Village Center 3

2. **INSERT** a new **Article 9** as follows:

Article 9 Overlay Districts

9.1. Applicability

9.1.1. General

A. As set forth herein, the provisions of Article 9 shall apply to all real property within a defined Overlay District as shown on the Newton Zoning Map. The provisions of the Overlay District 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. Compliance with the Overlay District provisions may be voluntary or required based on the following criteria:

1. The owner of a site may opt-in to an Overlay District by obtaining and exercising a building and/or zoning permit for development of the site, or any portion thereof, under the provisions and standards of the Overlay District. Until a site has opted-in to an Overlay District, future development on the site, or any portion thereof, shall be in accordance

with the underlying zoning district. When a site, or any portion thereof, opts-in to an Overlay District, the site shall be deemed to be zoned in the Overlay District and the provisions of Article 9 shall apply to and control any future development on the site.

2. Buildings or structures that lawfully exist pursuant to the underlying zoning district at the time a site opts-in to an Overlay District shall be deemed a nonconforming building or structure and shall be subject to the provisions of Section 7.8. Sites with uses that are not permitted in an Overlay District may not opt-in to the Overlay District.
- B. Conflicts. If a site is subject to the provisions and standards of an Overlay District, and where conflicts exist between the Overlay District and any other provision of the City of Newton Zoning Ordinance, the provisions and standards of the Overlay District shall take precedence and apply.

9.2. Village Center Overlay District (VCOD)

9.2.1. District Intent.

- A. Allow the development of buildings and uses appropriate to Newton's village centers, areas immediately adjacent to village centers, and transit-rich areas, in a manner that aligns 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 Newton.
- 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.
- F. Facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.
- G. Encourage the preservation and reuse of existing buildings.

9.2.2. District Purpose.

The Village Center Overlay District (VCOD) has been divided into three (3) district zones.

- A. Multi Residence Transit (MRT). The MRT zone facilitates the preservation of existing homes through conversion to multiple units and new, small-scale, multi-family buildings similar in size to the surrounding residential neighborhoods. This zone acts as a transition between the mixed-use cores of village centers and surrounding residential neighborhoods.
- B. Village Center 2 (VC2). The VC2 zone facilitates mixed-use and residential development of moderate scale. This zone serves as the core of some village centers and as a transition zone 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.
- C. Village Center 3 (VC3). The VC3 zone facilitates mixed-use development of moderate- and larger-scale. This zone 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.

9.2.3. Definitions.

In addition to the definitions found in Article 8 Definitions, the following definitions apply.

- A. Awning. A roof-like covering attached to a structural frame and supported entirely from a building or other structure.
- B. Balcony. An unenclosed platform with a railing, wall, or balustrade that provides outdoor amenity space on upper stories.
- C. Basement. See Section 1.5.4.D.
- D. Bay. A window assembly 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.
- 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 less than two (2) hours.
- G. **Building Footprint Area.** Area of the largest above grade floor of the building as measured to the exterior faces of the walls.
- H. **Development.** The construction or modification of any principal building, accessory building, or other structure; and/or the establishment, change, or expansion of any use of any structure or land.
- I. **Façade Build Out Ratio.** The ratio of the width of the entire front elevation to the lot width along the right of way.
- J. **Fenestration.** The openings in the façade of a building, including windows and doors. Fenestration is measured from the inside face of the jambs on any window or door trim.
- K. **Front Elevation.** The exterior wall of a building oriented in whole or in part toward the right of way.
- L. **Furnishing Zone.** The portion of the sidewalk between the back of curb and the walkway that is used for street trees, landscaping, transit stops, streetlights, and site furnishing.
- M. **Lot Line.** See Section 1.5.2.A.
- N. **Lot Line, Front.** The lot line abutting a street or right of way.
- O. **Lot Line, Primary Front.** Where there is only one front lot line, it shall be the primary front lot line. Where there are multiple front lot lines, the primary front lot line shall be the one the principal entrance faces. Where there are multiple front lot lines and the principal 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.
- P. **Lot Line, Rear.** Any lot line, other than a lot line that is a side lot line of an abutting property, which is parallel to or within forty-five (45) degrees of being parallel to a front lot line.
- Q. **Lot Line, Side.** Any lot line other than a front or rear lot line.
- R. **Lot Width.** The length of the front lot line of a lot.
- S. **Mixed-Use Priority Street.** A portion of a street that requires ground story active uses within the VCOD zones as shown on the Newton Zoning Map.
- T. **Open Space, Beneficial.** Open space that is freely open to the public.

- U. Open Space, Useable. See definition in Article 8.
- V. Porch. An unenclosed platform connected to a principal building that provides outdoor amenity space. A porch may be bordered with a railing, screened or covered, but permanent enclosure to create habitable space is prohibited.
- W. Principal Entrance. The main point of access for pedestrians into a building, upper story use, or ground story tenant space.
- X. Residential District. Residential districts include lots located in the Single Residence (SR), Multi Residence (MR), and Multi Residence Transit (MRT) zoning districts. For the purposes of applying VCOD standards to a lot, the abutting lots in the MRT shall be considered to be in a residential district regardless of whether such abutting lot has opted-in.
- Y. Retaining Wall. See Section 5.4.2.A.
- Z. Screening. See Section 9.2.6.C.8.
- AA. Step-Back. A recess of an upper story façade a set distance behind the façade of the story below.
- BB. Story. See Section 1.5.4.
- CC. Story, Ground. The lowest story of a building with a finished floor at or above the average grade plane adjacent to the building.
- DD. Story, Half. See Section 9.2.6.B.5 for definition of a half-story for a pitched roof and Section 9.2.6.B.6 for definition of a half-story for a flat roof.
- EE. Story, Upper. Any full story above the ground story of a building.

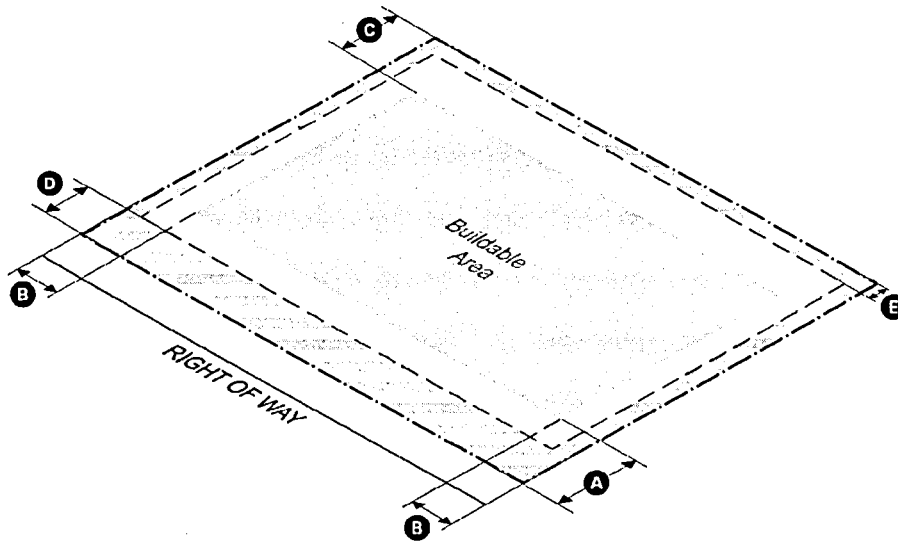
9.2.4. Development Review.

- A. Applicability. The density and dimensional controls of the VCOD apply to all buildings, structures, and uses on a lot that has opted-in to a listed VCOD zone.
- B. Approval Process.
 - 1. A pre-submittal discussion or meeting, known as a Design Review Team (DRT), with the Planning Department, who shall consult with the Inspectional Services Department (ISD), is recommended for all development.

2. Development that requires a special permit or site plan review shall be reviewed in accordance with Section 9.2.9. Administration.
3. Special Permit Required.
 - a. Any construction or substantial reconstruction of one or more buildings in the VC2 or VC3 zones on a lot thirty-thousand (30,000) square feet or larger.
 - b. The construction of multiple buildings on a lot in the Multi Residence Transit zone (MRT), except as modified through Adaptive Reuse (see Sec. 9.6.2.B.8).
 - c. The City Council is the granting authority for all development that requires a special permit, except as otherwise provided in this ordinance.
4. Site Plan Review Required.
 - a. Any construction or substantial reconstruction of one or more buildings in the VC2 or VC3 zones on a lot fifteen-thousand (15,000) square feet or larger but less than thirty-thousand (30,000) square feet.
 - b. The Planning Board is the granting authority for all development that requires site plan review.

9.2.5. Dimensional Standards.

A. Site Dimensional Standards.



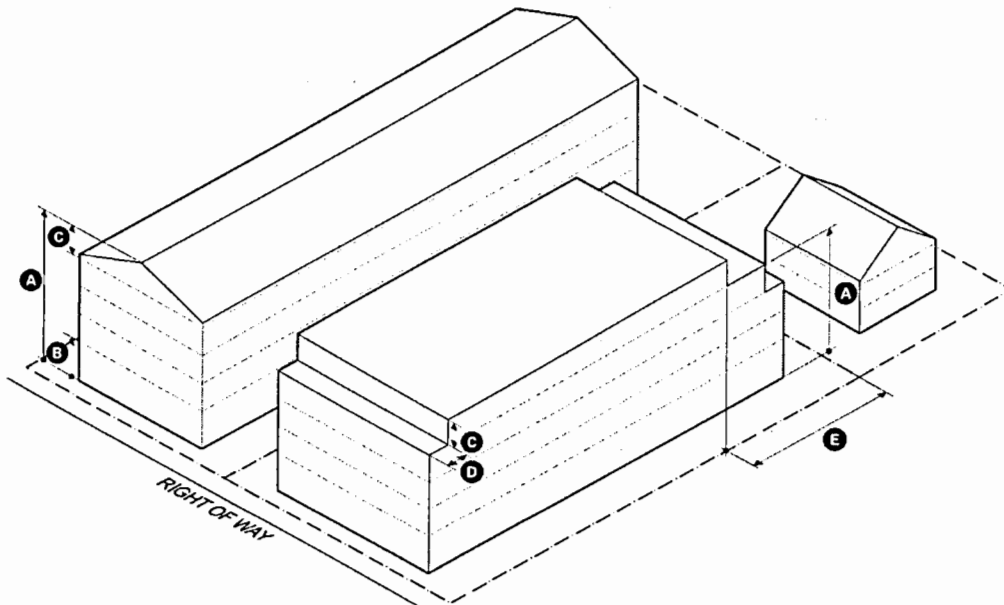
	MRT	VC2	VC3	Definition / Listed Standard
Open Space (min.)				
	35% Useable Open Space	5% Beneficial Open Space for lots greater than 30,000 sf		Sec. 9.2.6.A.6
Lot Frontage (min.)				
	45'	N/A	N/A	Sec. 9.2.6.A.1
Building Setbacks				
A Front (min.)				
	20' or Average*	0'	0'	Sec. 9.2.6.A.2
B Side (min.)				
	10'	0'	0'	Sec. 9.2.6.A.2
Abutting a Residential or Public Use District	10'	20'	20'	Sec. 9.2.6.A.2
C Rear (min.)				
	15'	5'	5'	Sec. 9.2.6.A.2
Abutting a Residential or Public Use District	15'	20'	20'	Sec. 9.2.6.A.2
Building Separation for Multiple Buildings on a Lot (min.)				

	20'	25'	25'	Sec. 9.2.6.A.5
Façade				
Façade Build out Ratio (min.)				
Primary front lot line	N/A	75%, or lot width within side setbacks minus 15', whichever is less		Sec. 9.2.6.A.3
Front lot line	N/A	50%		Sec. 9.2.6.A.3
Parking Placement				
Parking Setbacks (min.)				
D Facing a right of way		12'		Sec. 9.2.6.C.7
E Not facing a right of way		4'		Sec. 9.2.6.C.7
-- = Not Allowed N/A = Not Applicable				

* Average setback is described in Sec. 1.5.3.

B. Building Dimensional Standards.

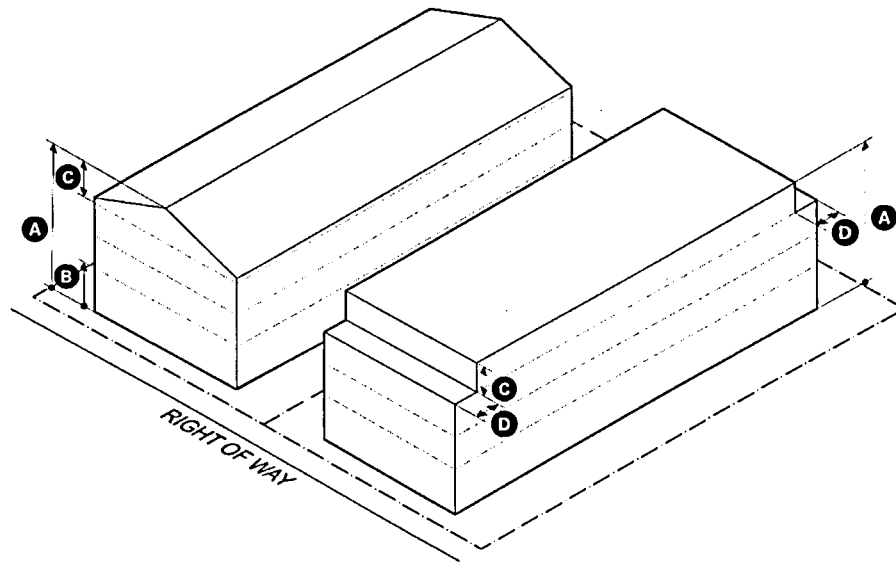
VC3 Building Dimensional Standards



Regulation	Standard	Definition / Listed Standard
Building Massing		
Building Footprint (max.)		

	15,000 sf	Sec. 9.2.6.B.1
Building Height in Stories / Feet (max.)		
A Pitched Roof	4.5 / 71'	Sec. 9.2.6.B.5
E Pitched Roof, development within 50' of lot line abutting a Residential District	3.5 / 58'	Sec. 9.2.6.B.5
A Flat Roof	4.5 / 69'	Sec. 9.2.6.B.6
E Flat Roof, development within 50' of lot line abutting a Residential District	3.5 / 56'	Sec. 9.2.6.B.6
Ground Story Height in Feet (min.)		
B Mixed-Use Priority Street	15'	Sec. 9.2.6.B.3
B All other streets	12'	Sec. 9.2.6.B.3
Half-Story Height in Feet (max.)		
C Pitched Roof	14'	Sec. 9.2.6.B.3
C Flat Roof	12'	Sec. 9.2.6.B.3
Half-Story Step-Back in Feet (min.)		
Pitched Roof	N/A	Sec. 9.2.6.B.5
D Flat Roof	10' along front and rear lot lines	Sec. 9.2.6.B.6
Façade		
Ground Story Fenestration (min.)		
Mixed-Use Priority Streets	70%	Sec. 9.2.6.B.12
All other streets, non-residential uses	50%	Sec. 9.2.6.B.12
All other streets, residential uses	15%	Sec. 9.2.6.B.12
Ground Story Active Use (min.)		
Mixed-Use Priority Street	100%	Sec. 9.2.6.B.9
Articulation		
Length of continuous façade (max.)	80'	Sec. 9.2.6.A.11
Use and Occupancy		
Dwelling Units (min. / max.)	3 / N/A	
-- = Not Allowed N/A = Not Applicable		

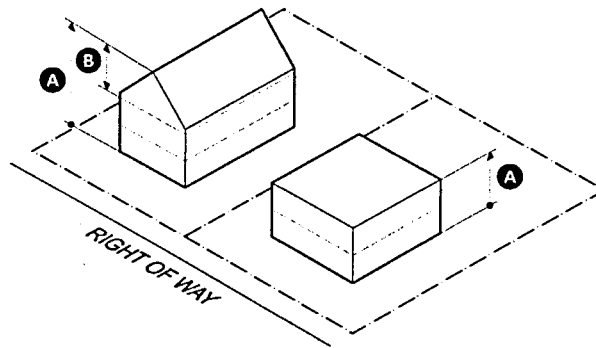
VC2 Building Dimensional Standard



Regulation	Standard	Definition / Listed Standard
Building Massing		
Building Footprint (max.)		
	10,000 sf	Sec. 9.2.6.B.1
Building Height in Stories / Feet (max.)		
A Pitched Roof	3.5 / 58'	Sec. 9.2.6.B.5
A Flat Roof	3.5 / 56'	Sec. 9.2.6.B.6
Ground Story Height in Feet (min.)		
B Mixed-Use Priority Street	15'	Sec. 9.2.6.B.3
B All other streets	12'	Sec. 9.2.6.B.3
Half-Story Height in Feet (max.)		
C Pitched Roof	14'	Sec. 9.2.6.B.3
C Flat Roof	12'	Sec. 9.2.6.B.3
Half-Story Step-Back in Feet (min.)		
Pitched Roof	N/A	Sec. 9.2.6.B.5
D Flat Roof	10' along front and rear lot lines	Sec. 9.2.6.B.6
Façade		
Ground Story Fenestration (min.)		
Mixed-Use Priority Streets	70%	Sec. 9.2.6.B.12
All other streets, non-residential uses	50%	Sec. 9.2.6.B.12
All other streets, residential uses	15%	Sec. 9.2.6.B.12
Ground Story Active Use (min.)		
Mixed-Use Priority Street	100%	Sec. 9.2.6.B.9

Articulation		
Length of continuous façade (max.)	80'	Sec. 9.2.6.A.11
Use and Occupancy		
Dwelling Units (min. / max.)	3 / N/A	
-- = Not Allowed N/A = Not Applicable		

MRT Building Dimensional Standard



Regulation	Standard	Definition / Listed Standard
Building Massing		
Building Footprint (max.)		
	1,500 sf	Sec. 9.2.6.B.1
A Pitched Roof, Building Height in Stories / Feet (max.)		
	2.5 / 40'	Sec. 9.2.6.B.5
A Flat Roof, Building Height in Stories / Feet (max.)		
	2.0 / 24'	Sec. 9.2.6.B.6
Ground Story Height in Feet (min.)		
Mixed-Use Priority Street	N/A	
All other streets	N/A	
B Half-Story Height in Feet (max.)		

Pitched Roof	18'	Sec. 9.2.6.B.3
Flat Roof	N/A	
Half-Story Step-Back in Feet (min.)		
Pitched Roof	N/A	
Flat Roof	N/A	
Façade		
Ground Story Fenestration (min.)		
Mixed-Use Priority Streets	N/A	
All other streets, non-residential uses	N/A	
All other streets, residential uses	N/A	
Ground Story Active Use (min.)		
Mixed-Use Priority Street	N/A	
Articulation		
Length of continuous façade (max.)	N/A	
Use and Occupancy		
Dwelling Units (min. / max.)	3 / 4, except as modified through Adaptive Reuse (see Sec. 9.6.2.B.8)	
-- = Not Allowed N/A = Not Applicable		

9.2.6. Development and Design Standards.

A. Site Design Standards.

This section provides the design standards for lot improvements within the VCOD zones, defines how to measure certain standards, and provides other requirements and information.

1. Lot Frontage

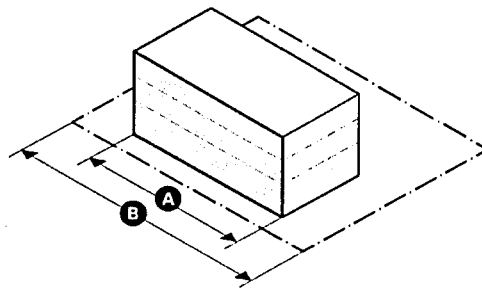
- a. Lots in the MRT zone must have the minimum lot frontage specified in the Site Dimensional Standards.
- b. Lot Frontage shall be measured per Section 1.5.2.E. Lot Frontage. Section 1.5.2.G. Rear Lots shall not be applicable to lots in the VCOD.

2. Setbacks

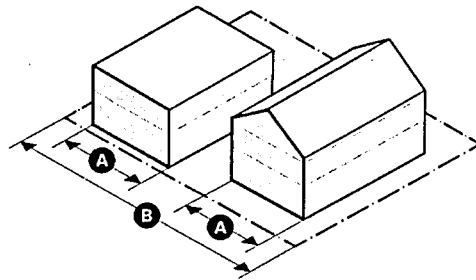
- a. Buildings shall comply with the setback requirements set forth in Section 1.5.3. Setback, except as modified in this Article 9.2.

- b. Buildings must meet the minimum setbacks specified in the Site Dimensional Standards for each VCOD zone.
- c. Buildings in the VC2 and VC3 zones must be set back from any lot line abutting a sidewalk an additional distance so that at least twelve (12) feet in width is provided between the back of curb and exterior façade of the building, at all points. Excluding the furnishing zone, the area of the lot that is within twelve (12) feet of the curb shall be paved in compliance with the City’s sidewalk standards.
- d. For the limited purposes of determining the applicable setback requirements, if an abutting property is within a VC2 or VC3 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

3. Building Placement



Single Building per Lot = $A \div B$



Multiple Buildings per Lot = $(A + A) \div B$

- a. The width of the front elevation must be a percentage of the lot width as specified by the façade build out ratio in the Site Dimensional Standards for each VCOD zone.
 - i. The façade build out ratio may be met cumulatively by multiple buildings on a lot.
 - ii. Useable open space between the front lot line and front elevation is considered part of the building for the purposes of calculating the façade build out ratio.
- 4. Number of Buildings**
- a. Multiple buildings are permitted on each lot by-right, except;

- i. A special permit is required in the MRT zone for multiple buildings on a lot, except as modified through Adaptive Reuse (see Sec. 9.2.6.B.8)

5. Building Separation

- a. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in the Building Dimensional Standards for each VCOD zone.
- b. Abutting buildings on separate lots may not be interconnected so as to be internally accessible from one to the other at or above grade level.

6. Open Space and Beneficial Open Space

- a. Lots must provide the minimum open space specified in the Site Dimensional Standards for each VCOD zone.
- b. Development on lots thirty-thousand (30,000) sf and greater in the VC2 and VC3 zones must provide beneficial open space specified in the Site Dimensional Standards for the applicable VCOD zone and meet the following standards:
 - i. At least four hundred (400) square feet and at least twenty (20) feet in width and twenty (20) feet in length;
 - ii. Not on rooftops or other elevated portions of buildings; and
 - iii. Designed to accommodate public congregation and use, including any necessary amenities or infrastructure. Examples of such spaces include plazas, parks, playgrounds, playing fields, and community gardens.
- c. Street Trees.
 - i. Installation of a street tree within the public right of way must be approved by the Tree Warden or their designee.

7. Retaining Walls

- a. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit.

B. Building Design Standards.

This section provides the design standards for buildings within the VCOD zones, defines how to measure certain standards, and provides other requirements and information.

1. Building Footprint

- a. Buildings must comply with the maximum building footprint as specified in the Building Dimensional Standards for each VCOD zone.
- 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. Building footprint includes decks that extend more than eight (8) feet from the building face.
- d. The following features do not count towards the building footprint.
 - i. Portions of the building below the average grade and not visible from any right of way or adjacent lots.
 - ii. Architectural features, as defined in Sec. 9.2.6.B.10.
 - iii. Structures, as defined in Sec. 1.5.3.D.

2. Building Height

- a. Buildings may not exceed the maximum building height specified in the Building Dimensional Standards for each VCOD zone. Building height is measured as defined in Section 1.5.4. Height.
- b. For the limited purposes of determining the applicable building height requirements, if an abutting property is within a VC2 or VC3 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

3. Story Height

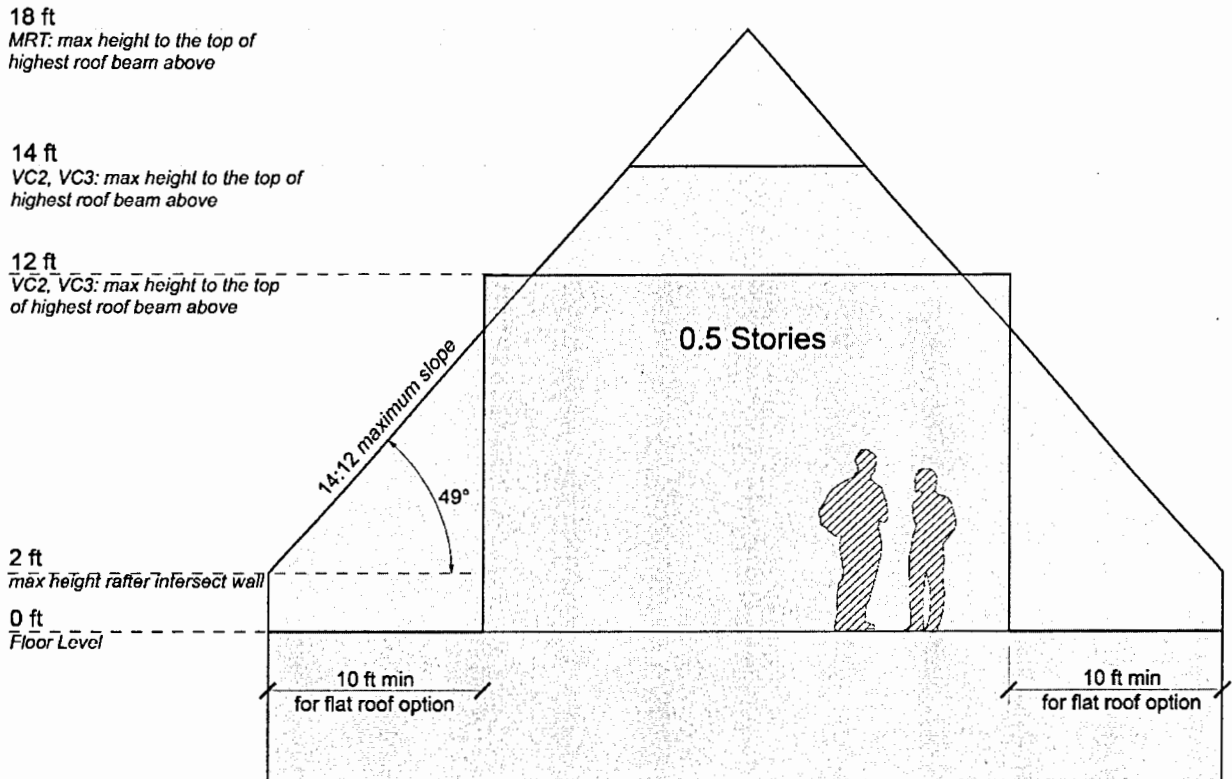
- a. The Ground Story of a building must comply with the minimum story height requirements specified in the Building Dimensional Standards for each VCOD zone.
- b. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, or to the top of the highest roof beam if no finished floor is immediately 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.

4. Number of Stories

- a. Buildings may not exceed the maximum number of stories as specified in the Building Dimensional Standards for each VCOD zone.
- b. For the limited purposes of determining the allowable number of stories for a building, if an abutting property is within a VC2 or VC3 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

5. Half-Story for Pitched Roofs

- a. 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 (2) 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 (49.4 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 (0.5)-story; otherwise, this story is counted as a full story.
- v. Dormers must comply with the requirements set forth in Sec. 1.5.4.G.

6. Half-Story Step-Back for Flat Roofs

- a. For buildings in the VC3 zone, the required step-backs must be provided above the fourth story, or for buildings less than four (4) stories at a building height of fifty-seven (57) feet.
- b. For buildings in the VC2 zone, the required step-backs must be provided above the third story, or for buildings less than (3) stories at a building height of forty-four (44).
- c. For the limited purposes of determining the applicable step-back requirements, if an abutting property is within a VC2 or VC3 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.
- d. Buildings must meet the upper story step-back requirement along any lot line abutting a residential district.
- e. Exceptions.
 - i. Sections of buildings that are on a portion of a lot where the lot depth is less than seventy (70) feet are exempt from the upper story step-back requirement along the rear lot line, except when the rear lot line abuts a residential district.
 - ii. Any portion of the half-story set back more than twenty-five (25) feet from any lot line is exempt from the upper story step-back requirement, except when the lot line abuts a residential district.

7. Affordable Housing Bonus

- a. Except as modified herein, the provisions of Section 5.11 Inclusionary Zoning shall apply in the VCOD.
- 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 zones by-right, subject to the dimensional requirements of Sec. 9.2.5 and other development and design standards of Sec. 9.2.6:

Building Dimensional Standards		
VCOD Zone	VC2	VC3
Building Height in Stories, (max.)	4.5	5.5
Pitched Roof, Building Height in Feet, (max.)	71'	84'
Flat Roof, Building Height in Feet, (max.)	69'	82'
Building Footprint, (max.)	12,500 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				
Project Type	Rental		Ownership	
	VC2	VC3	VC2	VC3
Tier 1 (% of units)	25%	50%	25%	50%
Tier 2 (% of units)	--	--	--	--
Area Median Income (AMI)	50-80%	50-80%	80%	50-80%

- ii. The number of stories or height of any portion of the building within fifty (50) feet of a lot line abutting a residential district may not be increased.
- iii. For the limited purposes of determining the affordable housing bonus requirements, if an abutting property is within a VC2 or VC3 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

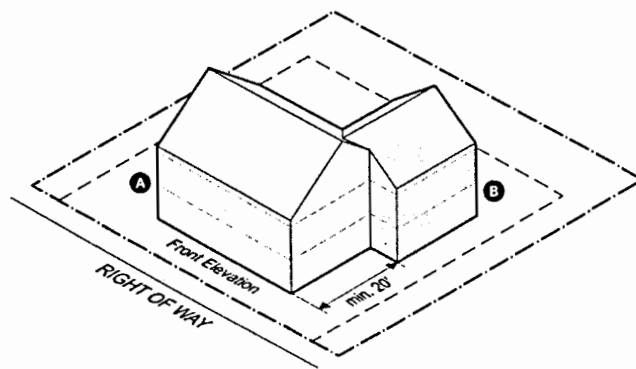
8. Adaptive Reuse

- a. Purpose. To benefit the general health and welfare of the Newton community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation through the reuse and revitalization of existing buildings, including historically significant buildings.
- b. Eligibility.

- i. Adaptive reuse development is only permitted in the MRT zone.
 - ii. Only lots with buildings that exist at the time the lot opts-in to the MRT zone are eligible for the provisions of this Adaptive Reuse section.
 - iii. The existing principal building on the lot must be preserved in compliance with the requirements set forth in Sec. 9.2.6.B.8.c.
 - iv. Any proposed development under the provisions of this Adaptive Reuse section must submit a pre-development site survey with existing building and site conditions prepared, stamped, and signed by a registered engineer or land surveyor, with the building permit application.
- c. Reuse Requirement. No alterations or replacements to or demolition of the existing structural framing of the existing principal building along the front and side elevations, and the roof, up to a new addition constructed pursuant to the adaptive reuse standards in Sec. 9.2.6.B.8 are permitted, except those required:
 - i. To comply with applicable Health, Building, and Fire codes;
 - ii. For the installation, replacement, relocation, or reconfiguration of windows and doors;
 - iii. For the installation, replacement, relocation, or reconfiguration of architectural features, as defined in Sec. 9.2.6.B.10; or
 - iv. Determined to be necessary for safety purposes by the Commissioner of Inspectional Services or their designee.
- d. Standards. Notwithstanding anything to the contrary in the City of Newton Zoning Ordinance, development on a lot that qualifies as an adaptive reuse development and complies with the reuse requirement herein may utilize the following building standards:
 - i. The maximum number of units allowed in the existing principal building is six (6) units, except by special permit.
 - ii. Lots developed under this Adaptive Reuse section are exempt from the VCOD open space requirements.
 - iii. The existing principal building developed under this Adaptive Reuse section has a minimum parking stall

requirement of one-half (0.5) parking stalls per residential unit.

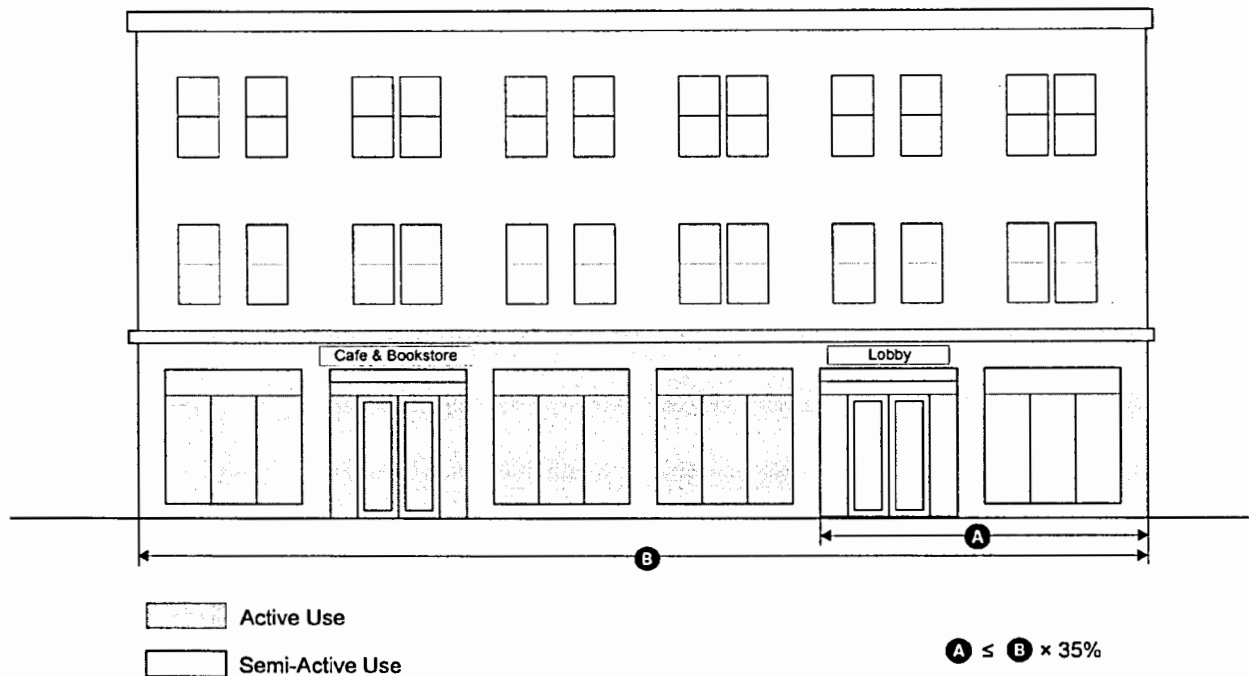
- iv. Multiple buildings on a lot are permitted, subject to site plan review in lieu of special permit approval.
- v. The maximum building footprint of the existing principal building shall be the footprint of the existing building at the time the lot opts-in to the MRT Zone plus fifty (50%) percent of the footprint of the principal existing building. For the purposes of calculating the building footprint of the existing principal building under Adaptive Reuse, unenclosed porches and decks shall not be considered part of the existing principal building's footprint.



Building footprint of **B** ≤ Building footprint of **A** × 50%

1. Additions to the existing building(s) must meet the minimum VCOD setbacks specified in the Site Dimensional Standards.
 2. Additions are only permitted along the rear and side elevations of the existing principal building.
 3. Any portion of the addition along the side elevations of the existing principal building must be set back at least twenty (20) feet from the front elevation of the existing principal building.
- vi. Additions permitted herein may be built up to the maximum height specified in the MRT Building Dimensional Standards. The height of those portions of the existing principal building that must be preserved pursuant to Sec. 9.2.6.B.8.c may not be increased.

9. Ground Story Active Uses



a. Any lot with mixed-use priority street frontage must provide ground story active use for the entire width of the front elevation of the building facing the priority street. No more than thirty-five (35%) percent of the required active use space may be dedicated to semi-active accessory uses as defined below.

b. Active uses include only:

- i. Retail
- ii. Restaurant / bar / craft beverage establishment / specialty food service
- iii. Place of amusement
- iv. Personal service
- v. Gallery / arts studio
- vi. Live/work space
- vii. Community use space

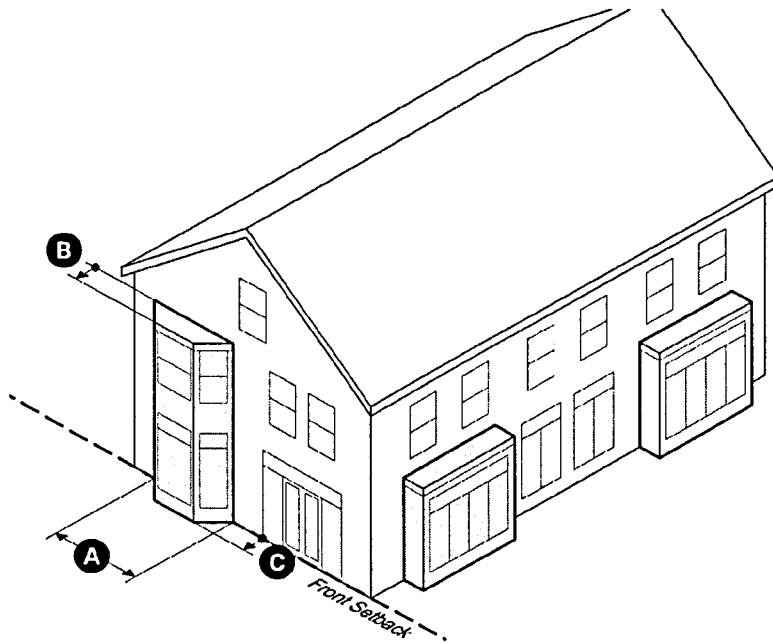
c. Semi-active accessory uses include only:

- i. Lobbies and common areas associated with office, hotel, or residential uses

- ii. Access to accessory parking, loading, or service areas

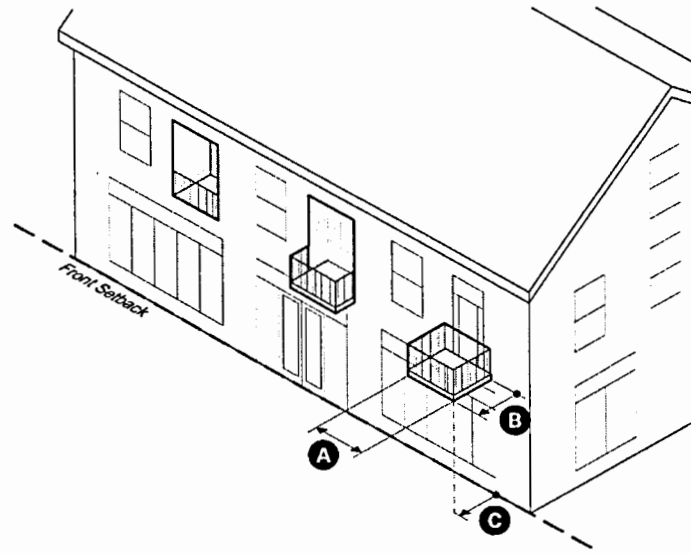
10. Architectural Features

- a. The structural and architectural elements that extend outward from a building façade, including awnings, bays, balconies, and porches.
- b. Architectural features which fully comply with the dimensional standards below are not considered part of the building footprint.
- c. Architectural features may project into the front setback and/or right of way only based on the following standards:
 - i. Bay.



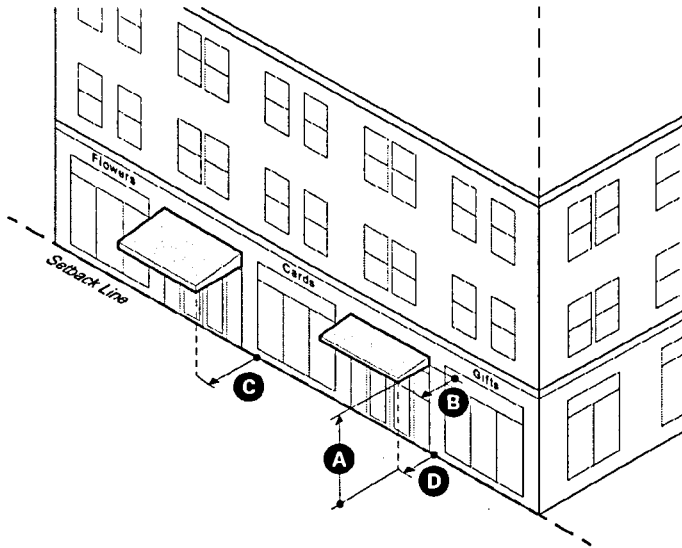
Dimensions	
A Width of Each bay (max.)	Greater of 20% of wall length or 12 ft
B Depth (max.)	3 ft
Fenestration (min.)	60%
C Front setback encroachment at the ground story (max.)	3 ft
Extension into the right of way (max.)	3 ft
Clearance above Grade within right of way (min.)	Top of the ground story

ii. Balcony.



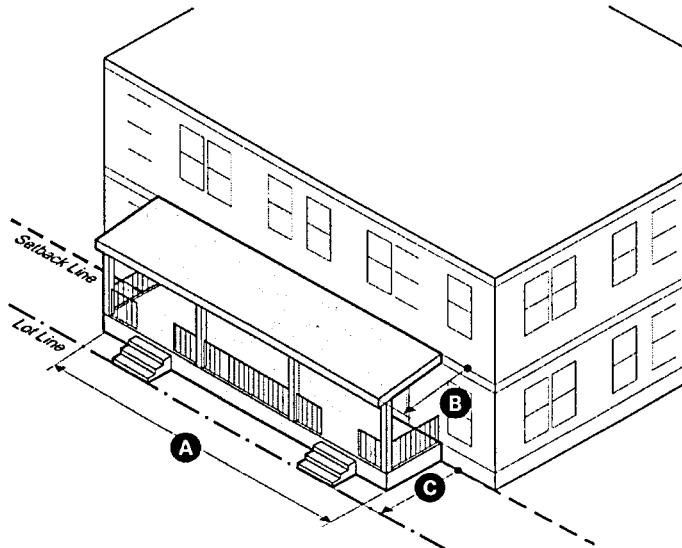
Dimensions	
A Width of Each balcony (min./max.)	5 ft / Greater of 20% of wall length or 12 ft
B Depth (min. / max.)	3 ft / 8 ft
C Extension into the right of way (max.)	3 ft
Clearance above grade	Top of the ground story
Front setback encroachment (max.)	100%

iii. Awning.



Dimensions	
Width of Each awning (min.)	--
A Clearance above grade (min.)	10 ft
B Depth (max.)	3 ft
C Extension in the right of way, principal entrance (max.)	6 ft
D Extension into the right of way, other (max.)	3 ft
Front setback encroachment (max.)	100%

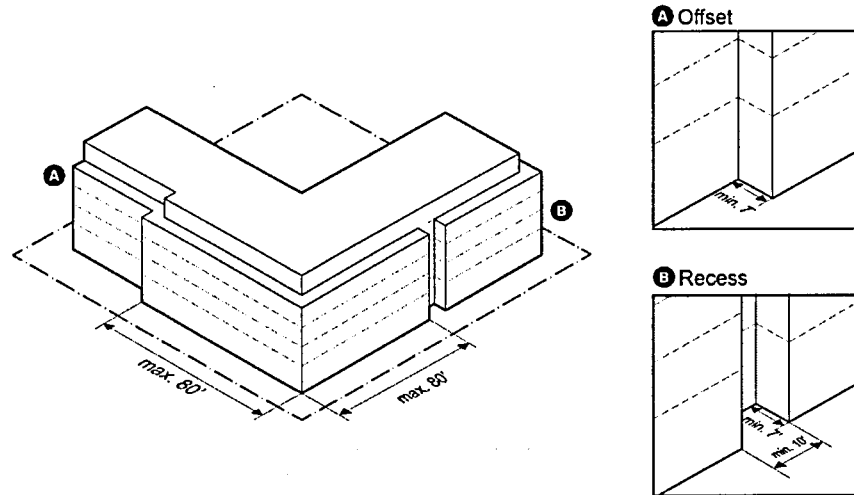
iv. Porch.



Dimensions	
A Width, front (min.)	8 ft
A Width, side (min.)	4 ft

B Depth, front (max.)	8 ft
B Depth, side (min.)	4 ft
C Front setback encroachment (max.)	6 ft

11. Façade Articulation.



- a. The front elevation of any building greater than eighty (80) feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide for the full height of the building, excluding:
 - i. The half-story.
 - ii. Any portion of the ground story with ground story active uses as defined in Sec. 9.2.6.B.9.
- b. Balconies and awnings may be located within the recess or adjacent to the offset.
- c. Balconies and bays may be utilized to satisfy the façade articulation requirements in this section.

12. Ground Story Fenestration.



- a. Fenestration must be provided as specified in the Building Dimensional Standards for each VCOD zone and is calculated as a percentage of the area of the front elevation at the ground story.
- 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.

13. Building Entrances.

- a. For lots with street frontage, buildings must have their principal entrance(s) from that right of way. For lots without street frontage, buildings must have their main entrance(s) on the side wall oriented toward a secondary right of way or parking lot provided for the building.
- b. Within the VC2 and VC3 zones, principal entrances must either be recessed or projected from the plane of the façade, or have a

projecting awning, to signal building entry and provide adequate protection from the elements.

14. Roof Features.

- a. Non-habitable architectural features are permitted on roofs in accordance with Section 1.5.4.A. In addition to the non-habitable architectural features set forth in Section 1.5.4.A., stair headhouses are not included in the height measurement for buildings in the VCOD.

15. 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.
- b. Wall-mounted alarm devices, cable boxes, and utility meters shall not be mounted on a wall plane facing a right of way.
- c. Wall-mounted mechanical, plumbing, and/or electrical equipment such as louvers, exhaust equipment and ducts vents along the front elevation must be architecturally integrated into the design of the building and located to minimize adverse effects on pedestrian comfort along sidewalks and within open spaces.
- d. All free-standing mechanical and/or electrical equipment are prohibited between any front lot line and front elevation.

C. Parking Design Standards.

1. Required Accessory Parking Spaces.

- a. There are no motor vehicle parking minimums within the VCOD, except:
 - i. One (1.0) parking stall per residential unit is required within the MRT zone, except as modified through Adaptive Reuse (see Sec. 9.6.2.B.8).
 - ii. A half (0.5) parking stall per residential unit is required for the existing principal building developed under the Adaptive Reuse section (see Sec. 9.6.2.B.8).
 - iii. A half (0.5) parking stall per residential unit is required within the VC3 zone for lots over twenty-thousand (20,000) square feet.

- b. Bicycle parking must be provided as specified in Sec. 9.2.6.C.2., except,
 - i. No bicycle parking is required for ground floor non-residential uses with five-thousand (5,000) square feet or less of gross leasable floor area.
- c. Motor vehicle parking spaces for persons with disabilities must be provided per 521 CMR 23.00 Parking and Passenger Loading Zones.
- d. Centralized parking facilities must provide signage identifying the permitted users.
- e. Pedestrian access to motor vehicle parking must be via a paved sidewalk or walkway.
- f. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

2. Required Number of Accessory Bicycle Parking Stalls.

The following standards for accessory bicycle parking spaces are associated with the use categories permitted in the VCOD zones:

Use Category	Bicycle Parking	
	Short-term (min.)	Long-term (min.)
Residential Uses		
Multi-family dwelling, ten (10) units or less	--	--
Multi-family dwelling, more than ten (10) units	0.1 per unit	1.0 per unit
Lodging House	0.1 per bed	0.5 per bed
Live/Work space	0.5 per unit	1.0 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	0.075 per student	2.5 per classroom
Commercial Uses		

Bank	1 per 10,000 sf	1 per 5,000 sf
Family child care home, large family child care home, day care center	0.05 per child	0.075 per employee
Funeral home	1 per 10,000 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 20 rooms
Medical office	1 per 4,000 sf	1 per 10,000 sf
Office, professional building	1 per 10,000 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 2,500 sf	1 per 5,000 sf
Post office	1 per 2,500 sf	1 per 5,000 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 4,000 sf
Retail store, showroom	1 per 2,500 sf	1 per 10,000 sf
Service establishment	1 per 2,500 sf	1 per 5,000 sf
Theaters, halls, clubs, auditoriums and other places of amusement or assembly	1 per 5,000 sf	0.075 per employee
Industrial Uses		
Manufacturing	--	1 per 10,000 sf
Research, laboratory	1 per 10,000 sf	1 per 5,000 sf
Storage warehouse or business	--	--
Telecommunications and data storage facility	--	--
Wholesale business	--	1 per 40,000 sf

3. Vehicular Parking Stall Dimensions.

- a. For vehicular parking stall requirements, see Sections 5.1.8.B and 5.1.8.C.

4. Bicycle Parking Stall Dimensions.

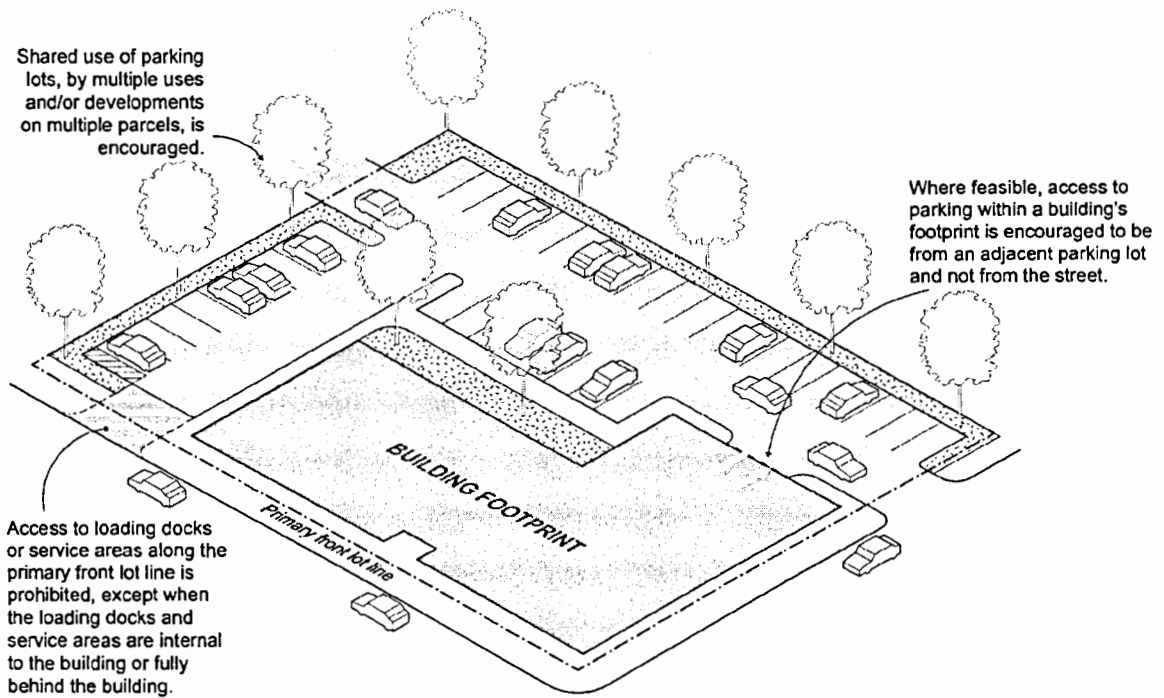
- a. Bicycle parking may be provided through any combination of racks and lockers.

- b. Bicycle parking serving multiple uses may be combined into a single area or accessory structure.
- c. Access
 - i. Areas designed for bicycle parking stalls must have a hard, stabilized surface with an access aisle free from obstruction.
 - ii. Bicycle parking stalls must be accessible without moving another bicycle or lifting or carrying a bicycle over any steps or stairs.
- d. 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.
- e. Bicycle racks must meet the following standards:
 - i. Be a fixed-in-place stand that is securely anchored to the ground providing support to the bicycle without the use of a kick-stand.
 - ii. Be configured to provide two points of contact for locking the frame and at least one wheel.
- f. Bicycle lockers must meet the following standards:
 - i. Be securely anchored to the ground and provide support to the bicycle without the use of a kick-stand.
 - ii. Be secured by means of a lockable door or, alternatively, configured internally to allow locking of the frame and at least one wheel.
- g. Additional standards for short-term bicycle parking:
 - i. Short-term bicycle parking must be provided outside of a principal building and within one-hundred (100) feet of the building served by the parking.
 - ii. 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 that is a minimum of five (5) feet wide, with no steps and a six percent (6%) slope or less.
 - iii. Any required short-term bicycle parking provided in a structure or under cover must be provided at ground level and clearly marked as bicycle parking.

- h. Additional standards for long-term bicycle parking:
 - i. 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 building.
 - ii. To provide security, long-term bicycle parking must be either in a locked room or in an area that is enclosed by a fence that is a minimum eight (8) feet high, with a locked gate.
 - iii. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
 - iv. When twenty (20) or more long-term bicycle parking spaces are provided, a minimum of ten percent (10%) of the spaces must be at least three (3) feet by eight (8) feet in size.
 - v. A minimum of ten percent (10%) of long-term bicycle parking spaces must have access to outlets for charging electric bicycles.
- i. Alternative compliance. The provisions of this Section 9.2.6.C.4 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 alternative bicycle parking provides equal or greater benefits to bicycle users.

5. Parking Access.

- a. Vehicular access to parking lots and structures along the primary front lot line is prohibited when vehicular access along another lot line is available.
- b. Shared use of vehicular parking lots, by multiple uses and/or developments on multiple parcels, is permitted.
- c. If the entrance to a parking area is along the primary front lot line, the width of the entrance may be no more than 40% of the front elevation along the primary front lot line.



6. Curb Cuts and Driveways.

- a. Curb cuts are prohibited along the primary front lot line when vehicular access along another lot line is available. Notwithstanding the foregoing, a curb cut along a primary front lot line on a corner lot is permitted if the Commissioner of Public Works, or their designee, determines one-way vehicular access along the primary front lot line and a one-way vehicular access along the secondary front lot line improves safety and traffic flow.
- b. Each lot is limited to one curb cut per street frontage.
- c. The maximum width of a driveway for vehicular access to parking lots and structures is as follows:

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

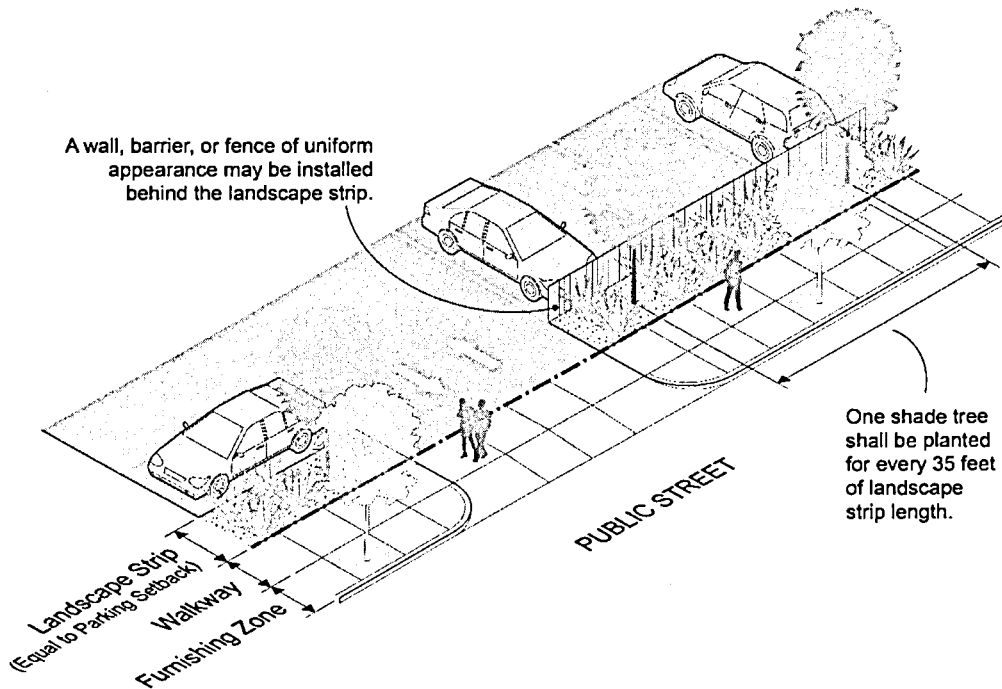
- d. The interior width of a curb cut (between curb stones) may be no wider than the driveway, vehicular entrance, or loading facility it serves.

- e. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway.
- f. Curb cuts for driveways must be at least twenty (20) feet from an intersection that does not have a traffic-control signal as defined in Chapter 19 of the City Ordinances and at least forty (40) feet from an intersection with traffic-control signals. The distance between the curb cut and the intersection shall be measured from the point of intersection of the tangent lines of the curve. The Commissioner of Public Works, or their designee, may modify the minimum allowable distance of a proposed curb cut from an intersection and the location of a proposed curb cut upon their determination that such modification will improve vehicular and pedestrian safety.

7. Vehicular Parking Placement.

- a. Unless otherwise specified in this Section, all vehicular parking stalls must be located at or behind any required parking setback as specified in the Lot Standards for each VCOD zone.
- b. No vehicular parking stalls are allowed between the front elevation and the primary front lot line, except in the MRT zone where one (1) parking stall may be located between the front elevation and the primary front lot line.

8. Screening. Surface vehicular parking spaces and outdoor loading facilities must be separated from the right of way by a building or screening within the parking setback as specified in the Site Dimensional Standards for each VCOD zone. Screening shall consist of one or a combination of the following:



- a. A landscape strip at least five (5) feet in width, running the full length of the parking lot along the right-of-way, excluding curb cuts and driveways (see above image).
 - i. 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.
 - ii. Deciduous large shade trees must be planted for every thirty-five (35) feet of landscape strip length, spaced linearly and parallel to the right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.

- b. 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 width of 3 feet between the base of the wall, barrier, or fence and right of way. The wall, barrier, or fence shall comply with the provisions of the Fence ordinance in Chapter 5, Sections 5-30 - 5-34.

- c. 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.

- d. Outdoor parking facilities containing 20 stalls or more must comply with the requirements in Sec. 5.1.9.B.
 - e. Parking lots in the VC2 and VC3 zones on a lot abutting properties in any residential districts along any side or rear lot line must be screened, per the standards above.
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 or service areas along the primary front lot line is prohibited, except when the loading docks and service areas are internal to the building or fully behind the building.
 - 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 9.2.6.C.8.
11. Service Areas.
- a. Buildings containing five (5) 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 within fully locked enclosures.
 - 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 9.2.6.C.8.
12. Parking Relief.
- a. The Planning Board is the Special Permit Granting Authority for all parking relief within the VCOD zones.

- b. In particular instances, a special permit may be granted to allow for exceptions to this Sec. 9.2.6.C. if it is determined that literal 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.
- c. A special permit may not be granted to allow exceptions to the minimum parking setbacks or to allow parking between the primary front lot line and front elevation where not otherwise permitted.

9.2.7. Design Guidelines.

The Director of Planning and Development may adopt, and periodically amend as deemed necessary, design guidelines. These guidelines provide direction, not requirements, for the design of new development within the VCOD zones 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.

9.2.8. Allowed Uses.

Uses permitted in the VCOD zones are described below.

A. Permitted Uses

1. The use of real property is subject to the provisions of Article 9.2.8. Allowed Uses.
2. Uses are permitted as specified in Article 9.2.8 Allowed Uses.
3. Non-residential uses are permitted as specified in the table below, subject to the standards set forth in Article 6, only in combination with a permitted residential use.
4. Use categories not expressly authorized are prohibited.

B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article 9.2.8. Allowed Uses.
2. Accessory Uses are permitted as specified in Section 6.7, Accessory Uses.
3. Accessory Uses not expressly authorized are prohibited.

C. Use Table

Use Category	MRT	VC2	VC3	Definition / Listed Standard
Residential Use				
Single-Family, detached	--	--	--	Sec. 6.2.1
Two-Family, detached	--	--	--	Sec. 6.2.2
Multi-Family residential use	P	P	P	Sec. 6.2.4
Assisted living, nursing home	SP	SP	SP	Sec. 6.2.5
Congregate living facility	SP	P	P	Sec. 6.2.8
Elderly housing with services	SP	SP	SP	Sec. 6.2.10
Live/work space	P	P	P	Sec. 6.2.11
Lodging house	SP	SP	SP	Sec. 7
Civic/Institutional Use				
Cemetery, private	--	--	--	Sec. 6.3.1
Club, clubhouse	SP	P	P	Sec. 6.3.2
Community use space	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	Sec. 6.3.4
Government offices or services	P	P	P	Sec. 6.3.5
Heliport	--	--	--	Sec. 6.3.6
Hospital	--	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	P	P	Sec. 6.3.8
Public use	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	L	L	L	Sec. 6.3.14
Theater, hall	SP	P	P	Sec. 6.3.15
Commercial Uses				
Animal service, excluding overnight boarding	--	P	P	Sec. 6.4.1
ATM, standalone	--	P	P	Sec. 6.4.2
Bank, ground story	--	SP	--	Sec. 6.4.4

Bank, upper story	--	P	P	Sec. 6.4.4
Bed & Breakfast	P	P	SP	Sec. 6.4.5
Business incubator	--	P	P	Sec. 6.4.6
Business services	--	P	P	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station as accessory uses	P	P	P	Sec. 6.4.8
Car wash	--	--	--	Sec. 6.4.9
Craft beverage establishment	--	L/SP	L/SP	Sec. 6.4.10
Drive-in business	--	--	--	Sec. 6.4.11
Dry cleaning or laundry, retail	--	P	P	Sec. 6.4.12
Fast food establishment	--	P	P	Sec. 6.4.13
Fuel establishment	--	--	--	Sec. 6.4.14
Funeral home	--	SP	SP	Sec. 6.4.15
Health club	--	P	P	Sec. 6.4.16
Hotel or lodging establishment	--	P	P	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	--	P	P	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	--	SP	SP	Sec. 6.4.18
Kennel	--	--	--	Sec. 6.4.19
Microfulfillment Center	--	--	--	Sec. 6.4.27
Office	--	P	P	Sec. 6.4.21
Open-air business	--	P	P	Sec. 6.4.22
Outdoor storage	--	--	--	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, single level	P	P	P	Sec. 6.4.24

Parking facility, accessory, multi-level	--	P	P	Sec. 6.4.24
Parking facility, non-accessory, multi-level	--	P	P	Sec. 6.4.24
Personal service, up to 5,000 square feet	--	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	Sec. 6.4.26
Radio or television broadcasting studio	--	P	P	Sec. 6.4.27
Radio, or television transmission station	--	--	--	Sec. 6.4.27
Restaurant	--	P	P	Sec. 6.4.29
Retail sales, under 5,000 square feet	--	P	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	--	P	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	--	P	P	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	--	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	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 from prepared materials (including repairs)	--	--	--	Sec. 6.5.11
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	P/L/SP	P/L/SP	P/L/SP	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	--	SP	--	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				

The Commissioner of Inspectional Services is responsible for determining all uses. If a proposed use is not listed, but is similar or accessory to a listed use, the Commissioner of Inspectional Services may consider the proposed use part of the listed use.

9.2.9. 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:

- a. The proposed development is consistent with the intent and purposes of the VCOD;
- b. The specific site is an appropriate location for the proposed use and/or building(s);
- c. The proposed development does not have material and adverse effects on its surroundings;
- d. The proposed development enhances the public realm and pedestrian experience;
- e. The site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.

B. Site Plan Review

1. Purpose. Site plan review is the administrative review and approval of a development under the provisions of the VCOD to identify and address any potential impacts from the proposed development.
2. Applicability. Site plan review is required as specified within the sections of VCOD ordinance.
3. Authority. The Planning Board is the granting authority for site plan review.
4. Submission Requirements. Whenever site plan review is required under the provisions of the VCOD an electronic application shall be submitted in accordance with the requirements of this section.
5. Application. The applicant must submit the following documents, as appropriate, to explain how the development proposal meets the review criteria in Section 9.2.9.B.6.:
 - a. Site plans that show the boundaries, dimensions, and area of the lot, zoning table, the position of the building(s) on the site, points of vehicular and pedestrian access to and from the site and vehicular

circulation on the site, location of utilities, locations and dimensions of bicycle and vehicular parking, location and screening of dumpsters, exterior lighting detail, and landscape treatments, including any screening of adjacent properties.

- b. Elevations and floorplans of the building(s) showing the architectural design and layout of the building(s).
 - c. A 3D computer generated model or rendered perspective drawings including such details as necessary to show the relationship of the project to its surroundings.
 - d. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts.
 - e. Narrative of compliance with applicable review criteria in Section 9.2.9.B.6.
 - f. Additional analysis may be required at the discretion of the Planning Board.
6. Procedure.
- a. Development requiring site plan review must hold pre-submittal discussion or meeting with the Planning Department, who shall consult with the Inspectional Services Department (ISD), prior to filing an application for site plan review.
 - b. The Planning Board shall hold a public hearing within 45 days of the filing of an application for site plan review. Notice of such public hearing shall be provided as required by M.G.L. Chapter 40A, Section 11.
7. The Planning Board shall close the public hearing within 120 days from the opening of the public hearing, unless the applicant has agreed to an extension in writing. The Planning Board shall render a decision no later than sixty (60) days from the close of the public hearing and file its written decision with the City Clerk.
8. Review Criteria. When conducting a site plan review, the Planning Board shall consider the following criteria:
- a. Circulation. Special attention shall be given to traffic circulation, parking areas and access points to public streets and community facilities to maximize convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent streets. The sharing of access driveways by adjoining sites is to be encouraged wherever feasible.

- b. Screening and Loading. Screening by plantings, fences, walls, or other means of parking areas, exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures in order to minimize their prominence on the site and surrounding properties.
 - c. Landscape and Topography. Avoidance of major topographical changes; tree and soil removal shall be minimized, and any topographic changes shall be in keeping with the appearance of neighboring developed areas.
 - d. Environmental Sustainability. Significant contribution to the efficient use and conservation of natural resources and energy for projects proposing buildings, structures, or additions to existing buildings or structures.
 - e. Historic Preservation. Avoidance of the removal or disruption of historic resources on or off-site. Historical resources include designated historical structures or sites, historical architectural elements or archaeological sites.
 - f. Design. Proposed developments shall utilize high quality materials that enhance the village center as a whole, not just a quality building, with a strong relationship to the public realm, nearby buildings and structures, and pedestrian experience.
9. Grant of Permit. Site plan approval shall be granted upon determination by the Planning Board that the following have been satisfied:
- a. The Applicant has submitted the required fees and information as set forth in this section.
 - b. The project as described in the application meets the design standards of the VCOD and the review criteria of Section 9.2.9.B.6.
10. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure compliance with their findings and the standards for granting site plan review.
- a. Conditions must have a rational nexus to potential impacts of the proposed development, and be roughly proportional, both in nature and extent, to the impacts of the proposed development.
11. The Planning Board may reject an application for site plan review only when:
- a. The applicant fails to furnish adequate information required for approval;

- b. The imposition of reasonable conditions would not ensure compliance to standards and review criteria, as applicable; and/or
 - c. The submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.
 - 12. Site plan approval shall be granted by a majority vote of the members of the Planning Board present and voting.
 - 13. Site Plan approval under this Section 9.2.9.B shall lapse if substantial use thereof or construction thereunder has not begun within 36 months following the grant of the site plan approval.
- II. Chapter 30 of the Revised Ordinances of Newton, 2017, as amended, be and is hereby further amended by amending sheets of plans entitled "City of Newton, Massachusetts, Amendments to Zoning Plans, adopted July 21, 1951, as amended from time to time," and the City of Newton Official Zoning Map as shown and maintained as part of the City's Geographic Information System (GIS), as amended from time to time, by establishing certain boundaries for the Village Center Overlay District as described below:
- 1. Establish the boundaries for the Multi Residence Transit, Village Center 2, and Village Center 3 zones of the Village Center Overly District in West Newton, Newtonville, Waban, Eliot, Newton Highlands, Auburndale, and Newton Centre in accordance with the map attached hereto.

Approved as to legal form and character:

Alissa O. Giuliani

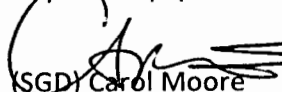
Alissa O. Giuliani

City Solicitor

Under Suspension of Rules

Readings Waived and Approved

21 yeas 2 nays (Councilors Leary and Noel) 1 absent (Councilor Ryan)


(SGD) Carol Moore

City Clerk


(SGD) RUTHANNE FULLER

Mayor

Date: 12/6/2023