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Barney Heath
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MEMORANDUM

DATE: August 8, 2024

TO: R. Lisle Baker, Chair, Zoning & Planning Committee
Members of the City Council

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

RE: **#24-24(2) Discussion and possible ordinance amendment to business use definitions.**
ZONING & PLANNING COMMITTEE requesting discussion and possible amendments to Chapter 30, Zoning to incorporate the "Fast Food Establishment" use into the "Restaurant" use, allow for shared "makerspaces" and/or co-working, and define a "Place of Amusement" use. where appropriate.

MEETING: August 12, 2024

CC: Planning Board
Jonathan Yeo, Chief Operating Officer

Overview

The Zoning and Planning Committee (ZAP) recommended zoning amendments to promote desired small business uses throughout Newton's village, commercial, and industrial centers at the June 27th, 2024 joint public hearing ([see report here](#)). Specifically, ZAP and the Planning Board recommended no parking requirements for the proposed "Place of Amusement" and "Business Incubator" uses.

In advance of the July 8th, 2024 City Council meeting, where the item was postponed, the Planning Department provide a possible alternative to placing no parking requirement on the proposed "Place of Amusement" and "Business Incubator" uses in Docket Item #24-24(2), ([see memo here](#)).

Since the July 8th, 2024 City Council meeting, City Councilors have requested the Planning Department provide another possible amendment that a) maintains the lower parking requirement for these two uses and b) provides a parking exemption for these two uses when a business is below a certain size.

Updated Zoning Recommendation

Below are the specific updates requested from the City Councilors. The full language with these updated highlighted in yellow can be found in Attachment A.

Reduced Parking Requirement

- Proposed Place of Amusement: 1 Parking Space required per 1,200 square feet
- Proposed Business Incubator: 1 Parking Space required per 1,600 square feet

Parking Exemption for “Place of Amusement” and “Business Incubator” Below a Certain Size

- Place of Amusement and Business Incubator uses with five thousand (5,000) square feet or less of gross floor area are exempt from any minimum parking requirements

Attachments

Attachment A **Zoning Amendments for “Place of Amusement” and “Business Incubator” with Councilor requested updates**

Explicitly allow for shared “makerspaces”, start-up spaces and co-working spaces (Sec. 4.4., Sec. 6.4.20 and 6.4.27)

Proposed Change:

Existing Language	Proposed Language
6.4.6. Business Incubator	6.4.6. Business Incubator
A. Defined. [reserved]	<p>A. Defined. [reserved] <u>Uses that provide multi-purpose facilities with dedicated space for multiple creative business enterprises. Business incubators include, but are not limited to:</u></p> <ol style="list-style-type: none"><u>1. Co-working. A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, artist studios, office suites, for-rent ‘hot-desks’, dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.</u><u>2. Culinary Incubator. An organization or business providing start-up catering, retail, and wholesale food businesses with shared kitchen facilities and often providing business planning, access to finance, mentoring, and other business or administrative support services and accessory retail and office space, provided however, that the space is not used as kitchen facilities solely for the delivery of goods directly to consumers.</u><u>3. Creative Incubator. An organization or business providing startup and early-stage arts and creative enterprises with shared facilities and often providing business planning, access to finance, mentoring, and other business or administrative support services.</u> <p><u>B. Standards. A Business Incubator use with five thousand (5,000) square feet or less of gross floor area is exempt from any minimum parking requirements.</u></p>

Sec. 5.1.4. Number of Parking Stalls

Use	Parking Stalls Required	Allowed by Special Permit
Commercial		
<u>Business Incubator</u>	None 1 space per 1,600 square feet	

Off-Street Loading Requirements (Sec. 5.1.12) -

Table of Off-street Loading Requirements

Number of bays required for new or expanded uses by gross floor area of structure of land use (in sf)

Uses	Under 5,000 sf	5,000 – 50,999 sf	51,000 – 100,999 sf	101,000 – 150,999 sf	151,000 – 300,000 sf	Over 300,000 sf
Retail Trade, Wholesale and Storage, Transportation Terminal, Manufacturing, and Public Utility	0	1	2	3	4	1 for each additional 150,000 sf
Business Services, Office Building, Hotel, Motel & Dormitory, Microfulfillment Center, and Research Laboratory	0	1	1	2	3	1 for each additional 150,000 sf
Recreation, and Institution, <u>Business Incubator</u>	0	0	1	1	2	1 for each additional 150,000 sf

Sec.4.4.1. Business, Mixed Use & Manufacturing Districts

Existing Language

Commercial Uses	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition / Listed Standard
Business Incubator	P	P	P	P	--	P	P	P	--	P	P	Sec. 6.4.6

Proposed Language

Commercial Uses	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition / Listed Standard
Business Incubator	P	P	P	P	<u>P--</u>	P	P	P	<u>P--</u>	P	P	Sec. 6.4.6

Place of Amusement Define and allow by-right where appropriate (Sec. 4.4., Sec. 6.3.15, and Sec. 6.4.28)

Proposed Change:

Existing Language	Proposed Language
<p>6.4.28. Place of Amusement, Indoor or Outdoor</p> <p>A. Defined. [reserved]</p>	<p>6.4.28. Place of Amusement, Indoor or Outdoor</p> <p>A. <u>Defined. [reserved] Uses that provide gathering places for participant and spectator recreation, entertainment, or other assembly activities including, but not limited to, cinema, theater, bowling alley, dance hall, and/or venue of a professional or semi-professional sports team.</u></p> <p><u>B. Standards for Allowed Uses.</u></p> <p><u>1. Places of amusement may provide accessory food or beverage service for on-site consumption.</u></p> <p><u>2. A Place of Amusement use with five thousand (5,000) square feet or less of gross floor area is exempt from any minimum parking requirements.</u></p> <p><u>C. Standards for Special Permit Uses.</u></p> <p><u>1. In the Business Use 1-2 and Mixed Use 3-4 districts, indoor places of amusement uses occupying space in excess of 12,500 square feet require a special permit.</u></p> <p><u>2. All outdoor places of amusement require a special permit.</u></p>

Existing Language	Proposed Language
<p>6.3.15. Theatre, Hall</p> <p>A. Defined. [reserved]</p>	<p>6.3.15. Theatre, Hall</p> <p>A. Defined. [reserved]</p>

Sec.4.4.1. Business, Mixed Use & Manufacturing Districts

Existing Language

Commercial Uses	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition / Listed Standard
Place of amusement, indoor or outdoor	--	SP	--	--	--	--	--	SP	SP	--	SP	Sec. 6.4.28

Proposed Language

Commercial Uses	BU 1	BU2	BU3	BU4	BU5	MU 1	MU 2	MU3	MU4	M	LM	Definition / Listed Standard
Place of amusement , indoor	P/S P-	P/SP SP	P/S P-	P/S P-	P/S P-	P/S P-	P/S P-	P/SPS P	P/SPS P	P/S P-	P/SPS P	Sec. 6.4.28
Place of amusement , outdoor	- SP	SP	--SP	--SP	--SP	--SP	--SP	SP	SP	--SP	SP	Sec. 6.4.28

Sec. 5.1.4. Number of Parking Stalls

Use	Parking Stalls Required	Allowed by Special Permit
Commercial		
Theaters, halls, clubs, auditoriums and other places of amusement or assembly in a hotel, motel, <u>Place of amusement</u>	None 1 per 12 seats plus 1 per every 3 employees plus .25 per 45-sf used for meeting functions <u>1 space per 1,200 square feet</u>	