



Zoning & Planning Committee Report

City of Newton In City Council

Monday, February 26, 2018

Present: Councilors Albright (Chair), Danberg, Kalis, Baker, Krintzman, Downs and Brousal-Glaser

Absent: Councilor Leary

Also Present: Councilors Laredo and Crossley

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.) Lily Reynolds (Community Engagement Manager), Jonathan Yeo (Chief Administrative Officer), Marie Lawlor (Assistant City Solicitor), Maura O'Keefe (Assistant City Solicitor), Noah Rivkin (Executive Assistant), Karyn Dean (Committee Clerk)

#75-18 Discussion relative to the Zoning Redesign Event Series

DIRECTOR OF PLANNING requesting discussion of topics, issues, and ideas from the Zoning Redesign Event Series, with Committee feedback leading to staff preparation of the draft policy content outline for the new Zoning Ordinance

Action: Programs & Services Held 7-0

Note: Lily Reynolds, Community Engagement Manager joined the Committee. She provided a PowerPoint presentation and Summary Report of the latest Zoning Redesign Event Series: *Tapping the Creative Economy: Zoning, Arts, and Artisans*. About 40 participants were in attendance at the event. Please see attached for details.

Committee Comments/Questions

A Committee member noted that he had seen some murals in other communities that have degraded. There should be a strategy for maintenance in some way, perhaps from the property owner. Some communities have provided easements for buildings on which murals were painted which provided the opportunity for public funds for maintenance. President Laredo said that there should be some mechanism for affirmative enforcement on any type of maintenance strategy. He also wondered how the determination would be made between a mural and graffiti. While public art should be encouraged, graffiti should not. It was noted that graffiti could be defined as something that is not specifically allowed. Some communities sponsor mural festivals and they are changed every year or so. Lynn has a mural festival and they invite artists to participate. Deciding on what is appropriate as art is a slippery slope. Expressing views on hot button issues through art can be a sensitive area. Art can be very political and make commentary on a variety of issues.

A Councilor said the visual quality of the City needs to be preserved when thinking about murals. Keeping clutter in check needs to be considered and there should be a good balance. Ms. Reynolds said an art district overlay could be useful in certain areas and a review process would be put in place to consider location when allowing art.

Committee members suggested that sidewalk art should be considered as well as more venues for live performances. It was noted that a police officer has to be hired for something like a coffee house at the Unitarian Church and that seems like an unnecessary cost.

A Councilor had a concern about reducing parking requirements so there needs to be a distinction between village commercial centers and village centers. This distinction would apply to murals as well. There was concern for spillover parking from art events and enforcement would be necessary in the neighborhoods. A shared parking program could be helpful because parking needs to be handled better. In Pasadena, historic buildings were being demolished to allow parking lots which created gaps in the streetscape. The lots are not pleasant to walk past or look at.

It was asked if data could be collected on how parking spaces are being used. A Councilor explained that a traffic study was done a decade ago in Newton Centre. They found that people parked and shopped on one side of the Centre, then moved their car to the other side of the Centre to do more shopping. A suggestion was made that data could be collected from the parking meters through an app.

The Chair noted that there is an art district outside Miami which is a huge commercial district and famous graffiti artists do their work there.

In terms of the idea of encouraging art via a 1% donation for art from construction costs of some new developments, President Laredo suggested that funding permanent or semi-permanent art would be easier than asking funding for programming. It was suggested that an endowment of the arts could be established to fund ongoing programs or festivals.

It was asked if art is allowed in setbacks on residential lots. Staff indicated that is unclear because some pieces may be identified as "structures". Further analysis will be needed. It was suggested that Historic Districts would need review for private art. There was some concern about defining art on private property, which could be very intrusive, and again, defining art at all is very tricky,

A Committee member noted that the Claflin School project was wonderful. Ms. Reynolds said if more existing buildings could be used for the arts that would be beneficial.

The Chair said that many cities in Europe have an Art Commission that decides on art and placement of art. Newton has a Cultural Council but it was unclear what their authority is.

A Councilor explained that a new property owner in the Highlands has worked with their neighbor to repair a wall that was in terrible shape and is planning on having the a mural festival to keep the wall pleasant for the community.

There have been discussions for years that all commercial spaces have at least 50% of their window space clear. For instance, the drugstores that have half their windows covered with unattractive signage would be a great place for more art in windows. Ms. Reynolds said their next event series

will cover design guidelines and goals. Senior Planner, Ms. Caira, will be discussing the great improvements that were made in LA on this kind of issue.

Councilor Leary, who was unable to attend the meeting, provided some comments via email which are attached to this report.

There was support for the ideas and goals that came out of this event series and the Committee thanked staff for their work.

Zoning Redesign, Project Status

James Freas, Deputy Director, Planning addressed the Committee regarding the project status of Zoning Redesign. A Memo was provided to the Committee and can be found online at <http://www.newtonma.gov/civicax/filebank/documents/87969>

Going forward the Committee will have two discussions on each topic from the event series. First, immediately following each event, there will be a discussion providing feedback on the topic; second there will be discussions with a framework based on gaining agreement on a set of principles for the zoning ordinance, review and feedback on regulatory ideas consistent with those principles, all of which will be informed by explanations and illustrations of the potential implications. Third, there would be a policy outline document and the zoning map.

In the summer, staff will work ward-by-ward on the map with the Councilors to illicit feedback based on their knowledge of the wards. The first draft of the ordinance will be drafted with the consultant over the summer as well, with the draft to Committee in the fall and aim for adoption as soon as is reasonable.

The Chair explained that at the last meeting with the Planning Department, it was decided that the City Council needs to be updated on the work at various intervals. Committees of the Whole would be convened on April 2 as well June 18 for this purpose. Having Land Use join the Committee on May 14 for the "Process" discussion would be helpful as it includes element related to special permits as well as to the April 30 meeting on Map Making. April 30 is a special meeting and not a regularly scheduled meeting. The Chair suggested meeting with Sasaki before the map is brought to Committee.

Committee Questions/Comments

It was noted that only a modest number of residents come to the zoning workshops. The rest will suddenly become concerned when they see changes in their neighborhoods. There are major shifts being proposed, so Councilors will have to explain the changes to their constituents. Examples will be necessary to facilitate that process. People tend to come out for special permit public hearings because they know it may directly impact them, but the more general zoning does not get their attention as much. Mr. Freas said the experience around the country is that people do not get interested until there is text for them to look at. The Planning Department is reaching out in a number of ways, but people do not come out for zoning. Compared to other communities,

the number of people who are coming to these events is impressive and they are not just the same people coming; different people show up when they have interest in the specific topic. This is not a perfect science but they are looking for direction from the public and from the City Council to get the best draft ordinance possible. Some communities have posted their zoning document online which allows the public to comment on it. Staff is looking at doing that as well, if possible.

Transportation

Mr. Freas referred to the Principles, Ideas & Implications on Transportation section of the Planning Memo <http://www.newtonma.gov/civicax/filebank/documents/87969> He said they would like to flush out the implications section further. An outline of the ordinance is included as well. He noted that the Transportation Strategy is informing their work on this section.

Committee Questions/Comments

A Councilor said he would like to see the implications further developed before there was much of a discussion on this topic.

A Committee member mentioned there is more traffic and congestion in the City and it is being exacerbated by Uber and Lyft cars driving around the City waiting for customers. He is not in favor of reducing parking requirements because people will end up parking on the street in neighborhoods around village centers. There has been a great effort to require Boston College to provide their parking on-site. Mr. Freas said this creates an option to not build parking for single and two-family homes, but they still could and many probably will. The Councilor would prefer to keep the requirement and waive it if there is a reason to. Residents have cars and that has not changed. There was a concern that the winter ban will be difficult if requirements are removed. Mr. Freas noted that right now if there is a choice between parking and greenspace, the ordinance requires the parking. This would allow for a choice. Another Councilor said that removing the minimums helps the City to reach its climate goals.

It was mentioned that safe places to walk in parking lots is necessary. Parking spots for electric vehicles or chargers in lots should be considered as well. A Councilor said he would like to gather more data on how parking is being used to find out what is necessary. For example, are the restaurants getting use of the spaces they are required to have, or are those spaces being used for something else. Mr. Freas said when they did the Newton Centre parking study, they looked at the utilization rate of all parking there. The state of the practice is to measure the utilization rate: how much of the parking is being used; for how long; what is the turnover, etc. There is a study underway to look at utilization at the large projects. Regionally, the majority of large residential projects are using only about 75% of their parking. These studies should be done a regular basis to keep up with the demand and use of parking. Tearing down a building to put up parking creates gaps, as was mentioned earlier, and is expensive. A managed parking approach, with parking as a public asset, seems to be working well in other communities.

A Councilor noted that parking on Newbury Street in Boston has gone up to \$3.75 an hour and she was able to find a space fairly easily. She feels there should be a similar demand parking program

in Newton Centre. Currently, many employees of the stores in the Centre are using the spaces and it's very difficult to park. However, there needs to be some solution for where they can park. Shifting that parking to the nearby neighborhoods can become problematic and enforcement is necessary. A solution needs to be found for this problem.

Mr. Freas explained that they will be looking at enforcement, a permit parking program for the neighborhood and a shared parking program to open up some underutilized parking spots in Newton Centre. This will be a longer term issue as the village centers evolve and become more robust.

It was noted that Uber and Lyft drop-off and pick-up spots should be included in this process as well. As was mentioned, these car-share services are adding more traffic and congestion in the City. They are circling the City waiting for calls and while the rider is not using their own car, they are using an Uber car and not necessarily walking or taking the T. Autonomous vehicles will bring their own issues, which are still not entirely known. People would unlikely park their car, but instead send it home or have it circle around until it is needed again.

A Councilor was cautious about using the zoning system to solve transportation issues, which is outside of that realm. Mr. Freas noted that parking is a necessary evil; it is not attractive, it is expensive and the city does not get tax revenue from parking lots. It was asked if the malls in Chestnut Hill, which provide free parking, have an advantage over village centers that charge parking. It was pointed out that the cost of parking is included in the cost of good at the malls. People come to Newton Centre for the specific shops that are there and a few quarters for parking will not prevent that. The availability of parking is the real problem. Some Committee members said that they do take the free parking into consideration when deciding where to shop.

Mr. Freas said the City has been starting to incorporate Transportation Demand Management (TDM) into special permits. This puts responsibility on property owners to have strategies to reduce reliance on private vehicles. They come up with various way to encourage biking, walking, carpools, using public transportation, etc. There is not a good example that has been built yet, however. The goal is to formalize a percent reduction in private vehicle utilization, using some census data from the district. Seventy-five percent of people in Newton generally drive so the goal could be to bring that down to the census track level to start. Staff will have to have the capacity to track and enforce any reduction goals that are established. There are communities in the area using this system so there are plenty of models to look at.

Mr. Freas explained that the membership of Transportation Management Associations are expanding. They provide guaranteed rides homes, educational materials on available options, shuttle services, etc. The City could require that a developer have membership in a TMA.

The Committee voted to hold this item, unanimously.

Public Hearing assigned for March 12, 2018:

#143-18 Zoning amendment to delay effective date of garage ordinance

DIRECTOR OF PLANNING proposing to further amend Chapter 30, Section 3.4.4 of the Revised Ordinances as amended by Ordinance A-78, to implement a deferred effective date for the ordinance of December 1, 2019 or such other appropriate date, for the purpose of allowing the Planning Department to complete a comprehensive study thereof.

Action: Programs & Services Held 7-0

Note: The Chair reminded the Committee that this is the garage ordinance and the effective date was previously delayed to April 1, 2018. There were amendments that were offered via a memo from Councilors Albright, Crossley and Lennon. Some members felt there could be some resolution on this fairly quickly. They would like to avoid the construction of any more “snout houses” in the City. Mr. Freas said he did not recall the memo so the Chair said she would send it to him.

Mr. Heath said the garage ordinance will be addressed within zoning redesign. A Councilor said this might be something that could be taken care of before then. While this amendment calls for delay until the end of the term, it can certainly be addressed prior to that. A Councilor reminded staff that curb cuts and the pedestrian way should be considered in this ordinance as it has an effect on the streetscape.

Back-up information on this ordinance will be sent to the new members of the Committee.

The Committee voted to hold this item, unanimously. A public hearing is set for March 12th.

Public Hearing assigned for March 12, 2018:

#144-18 Zoning amendment relative to parking facilities

ALAN SCHLESINGER, on behalf of Northland Development LLC, requesting to amend Newton Zoning Ordinance, Chapter 30, Section 4.4.1 to allow parking facilities, accessory and non-accessory, single and multi-level in the Mixed Use 1 District by special permit.

Action: Programs & Services Held 7-0

Note: Alan Schlesinger, attorney for Northland Development, joined the Committee. He provided a map and draft ordinance, attached. He noted that the table in Section 4.4.1 of Chapter 30 allows uses in Business and Mixed Used Districts in the Zoning Ordinance, excludes parking facilities in Mixed Use 1 and Business 5 districts.

He provided the 1988 zoning ordinance which does not list accessory parking as an allowed use, presumably because it was assumed parking would, of course, be allowed and necessary. He is asking that this be remedied either by special permit or, in some circumstances, by-right. Single level accessory parking facility should be allowed in every district since it is required. Northland owns the Needham Street site, which is comprised of separate lots. In order to redevelop the old mill building at 156 Oak Street, parking would be required on the adjoining lot, which would

currently not be allowed under the zoning ordinance. There was an attempt to rezone the parcels to Business 4 to solve this problem; however, the Land Use Committee felt that was premature. This is not a “technical” amendment as it was properly transcribed into the new zoning ordinance, but when put in the Table, it is quite clear that it does not make sense.

James Freas, Deputy Director of Planning, stated that staff recommends that non-accessory parking be allowed by special permit in Mixed Used 1 as it is in all other districts and that accessory parking be permitted by-right.

Committee Questions/Comments

A Committee member asked that the Planning Department check this table to see if other amendments should be made. This item has been advertised for public hearing to deal with MU1 district only, so any further amendments would have to be done separately.

This item will go to public hearing on March 12th. Councilor Kalis moved hold and the Committee voted in favor.

Referred to Programs & Services, Zoning & Planning and Finance Committees

#59-18 **Ordinance amendment for licensing and criteria for lodging houses**
COUNCILORS CROSSLEY, ALBRIGHT, NORTON, DANBERG, LEARY, KALIS, AND BAKER
requesting amendments to Chapters 17 and 20 of the City of Newton Ordinances to establish criteria, licensing requirements, and fees for lodging house owners and resident supervising agents.


Action: **Programs & Services voted No Action Necessary 7-0**

Note: This item has been discussed several times in Committee, and the Committee approved the companion item for the necessary zoning amendments. The licensing requirements are primarily under the purview of the Programs & Services Committee for approval, therefore, Zoning & Planning need not continue discussion of this item. This item will return to Programs & Services on March 7th, then on to Finance Committee on March 12th.

Councilor moved No Action Necessary and the Committee voted in favor.

Respectfully Submitted,

Susan S. Albright, Chair



Tapping the Creative Economy: Zoning, Arts, and Artisans



TAPPING THE CREATIVE ECONOMY: ZONING, ARTS AND ARTISANS

Thursday, February 15, 2018

6:30 - 8:00 p.m.

Newton Free Library, 330 Homer Street



www.courbanize.com/newtonzoning

Wheelchair accessible location. For ADA accommodations, contact Jini Fairley at least two business days in advance: jfairley@newtonma.gov or 617-796-1253. For City's TTY/TDD: 617-796-1069. For TRS, dial 711.

Newton is a vibrant cultural community with over 60 arts organizations and 30 community performance spaces and galleries. Residents of the city include professional artists, makers, cultural sector leaders, as well as students and emerging artists.

Vibrant cultural uses are engines of economic development. Every \$1 spent by an arts and cultural organization generates \$2.30 in sales for nearby businesses.

In 2017 the Newton Festival of the Arts showcased 100 performances and events, drawing over 1,000 attendees to the city.

Zoning Redesign is an opportunity to establish a strong connection between creative uses and Newton's built environment, with zoning serving as a tool to facilitate expansion of arts related uses.

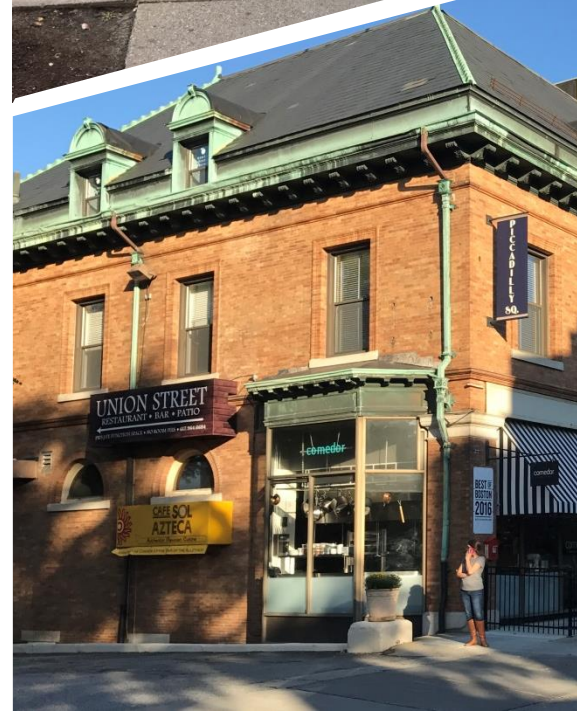
On February 15 we will explore how Newton's new Zoning Ordinance could:

- Include a purpose statement of **supporting a vibrant cultural sector**
- Define cultural uses, including newer use types like **makerspaces**
- Allow **greater flexibility** for cultural activities in zones
- Create a pathway for creating **murals** on private property
- Encourage new development to allocate **1% for the arts**
- Allow **live/work studios** and create more **affordable housing** that could benefit artists
- Reduce barriers to cultural uses including **parking requirements** and encourage transportation options
- Consider an **Arts & Culture District** that could enhance economic development and deepen local cultural capacity

Zoning can...

...help establish a strong connection between creative uses and Newton's built environment.

...serve as a tool to facilitate expansion of arts related uses.



Current Zoning Ordinance



Created by Francisco Garcia Gallegos
from Noun Project

“culture”

=

Agriculture
Horticulture
Floriculture
Viticulture
Silviculture

Current Zoning Ordinance



“art”

=

Article
...

Created by Francisco Garcia Gallegos
from Noun Project

Comprehensive Plan



Created by Francisco Garcia Gallegos
from Noun Project

*“Attract people into the village centers at off hours by developing **cultural facilities** focused on the local community—**small theaters, art galleries, etc.**—and maintaining local parks with improved facilities such as public gardens, outdoor cafes, band stands, tennis courts etc.” [Pg. 6-7]*

Performance Spaces

City of Newton, Massachusetts

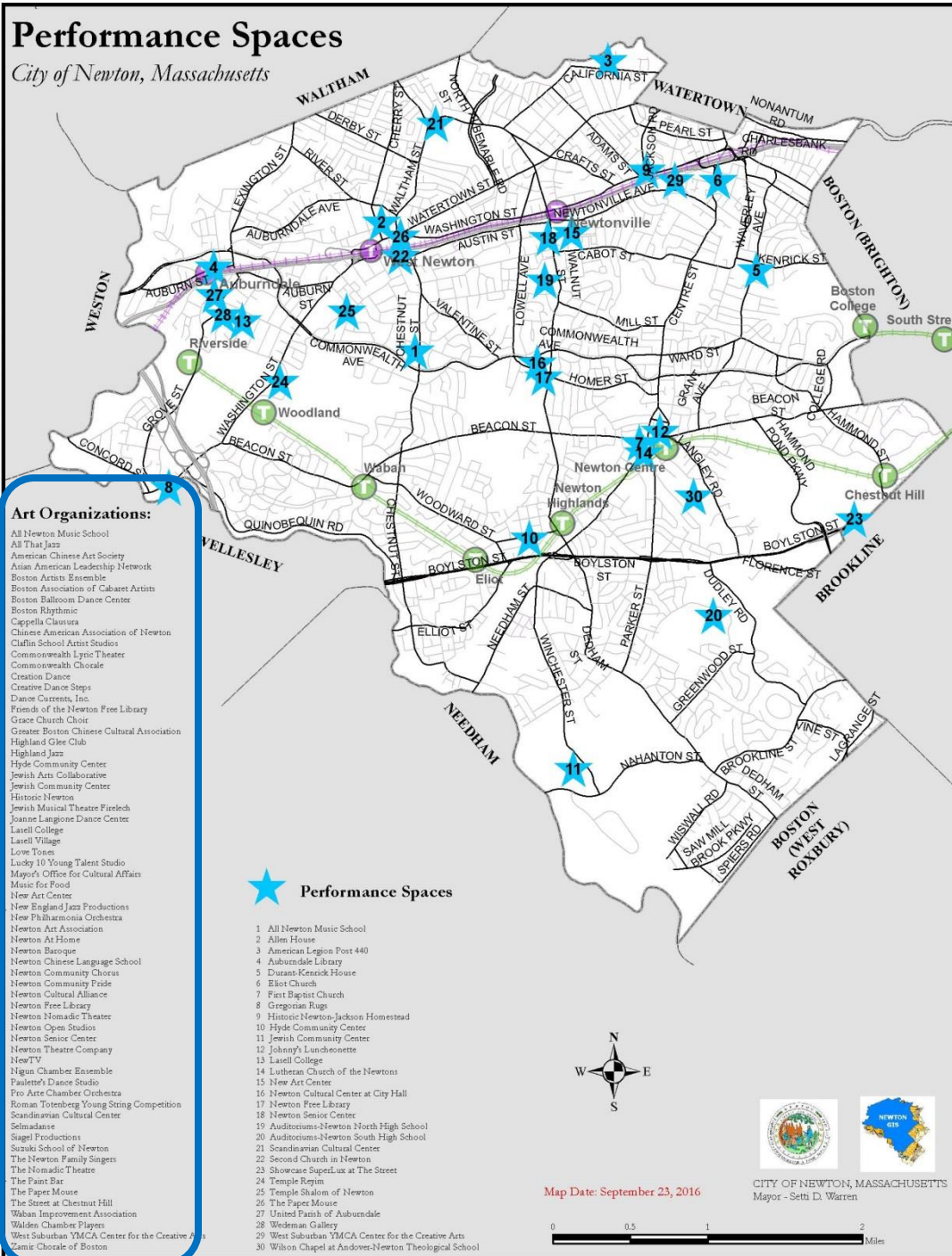
#75-18



Performance Spaces

City of Newton, Massachusetts

#75-18



Art Organizations:

- All Newton Music School
- All That Jazz
- American Chinese Art Society
- Asian American Leadership Network
- Boston Artists Ensemble
- Boston Association of Cabaret Artists
- Boston Ballroom Dance Center
- Boston Rhythmic
- Cappella Claudia
- Chinese American Association of Newton
- Clafin School Artist Studios
- Commonwealth Lyric Theater
- Commonwealth Chorus
- Creation Dance
- Creative Dance Steps
- Dances Currents, Inc.
- Friends of the Newton Free Library
- Grace Church Choir
- Greater Boston Chinese Cultural Association
- Highland Glee Club
- Highland Jazz
- Hyde Community Center
- Jewish Arts Collaborative
- Jewish Community Center
- Historic Newton
- Jewish Musical Theatre Fiddich
- Joanne Langone Dance Centre
- Lasell College
- Lasell Village
- Low Tones
- Lucky 10 Young Talent Studio
- Mayor's Office for Cultural Affairs
- Music for Food
- New Art Center
- New England Jazz Productions
- New Philharmonia Orchestra
- Newton Art Association
- Newton At Home
- Newton Baroque
- Newton Chinese Language School
- Newton Community Chorus
- Newton Community Pride
- Newton Cultural Alliance
- Newton Free Library
- Newton Nomadic Theater
- Newton Open Studios
- Newton Senior Center
- Newton Theatre Company
- NewTV
- Nigun Chamber Ensemble
- Paulette's Dance Studio
- Piso Arts Chamber Orchestra
- Roman Totenberg Young String Competition
- Scandinavian Cultural Center
- Selmadans
- Sigal Productions
- Suzuki School of Newton
- The Newton Family Singers
- The Nomadic Theatre
- The Paper Mouse
- The Paper Mouse
- The Street at Chestnut Hill
- Waban Improvement Association
- Walden Chamber Players
- West Suburban YMCA Center for the Creative Arts
- Zamir Choral of Boston

★ Performance Spaces

- 1 All Newton Music School
- 2 Allen House
- 3 American Legion Post 440
- 4 Auburndale Library
- 5 Durant-Kenrick House
- 6 Eliot Church
- 7 First Baptist Church
- 8 Gregorian Rugs
- 9 Historic Newton-Jackson Homestead
- 10 Hyde Community Center
- 11 Jewish Community Center
- 12 John's Luncheonette
- 13 Lasell College
- 14 Lutheran Church of the Newtons
- 15 New Art Center
- 16 Newton Cultural Center at City Hall
- 17 Newton Free Library
- 18 Newton Senior Center
- 19 Auditoriums-Newton North High School
- 20 Auditoriums-Newton South High School
- 21 Scandinavian Cultural Center
- 22 Second Church in Newton
- 23 Showcase SuperLux at The Street
- 24 Temple Rejim
- 25 Temple Shalom of Newton
- 26 The Paper Mouse
- 27 United Parish of Auburndale
- 28 Wedeman Gallery
- 29 West Suburban YMCA Center for the Creative Arts
- 30 Winton Chapel at Andover-Newton Theological School

Map Date: September 23, 2016



CITY OF NEWTON, MASSACHUSETTS
Mayor - Seth D. Warren



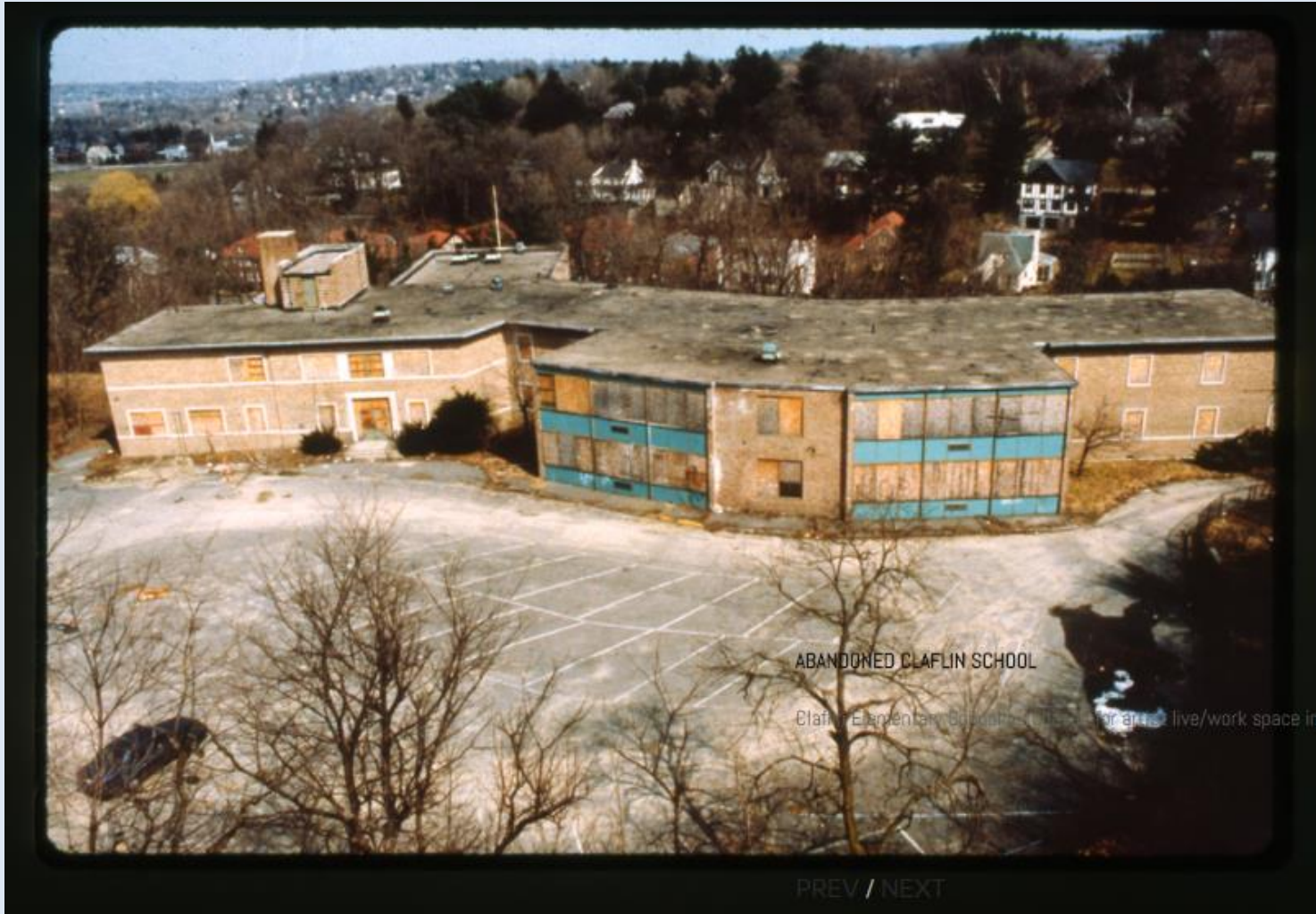
City & Community Partnerships



City & Community Partnerships



City & Community Partnerships

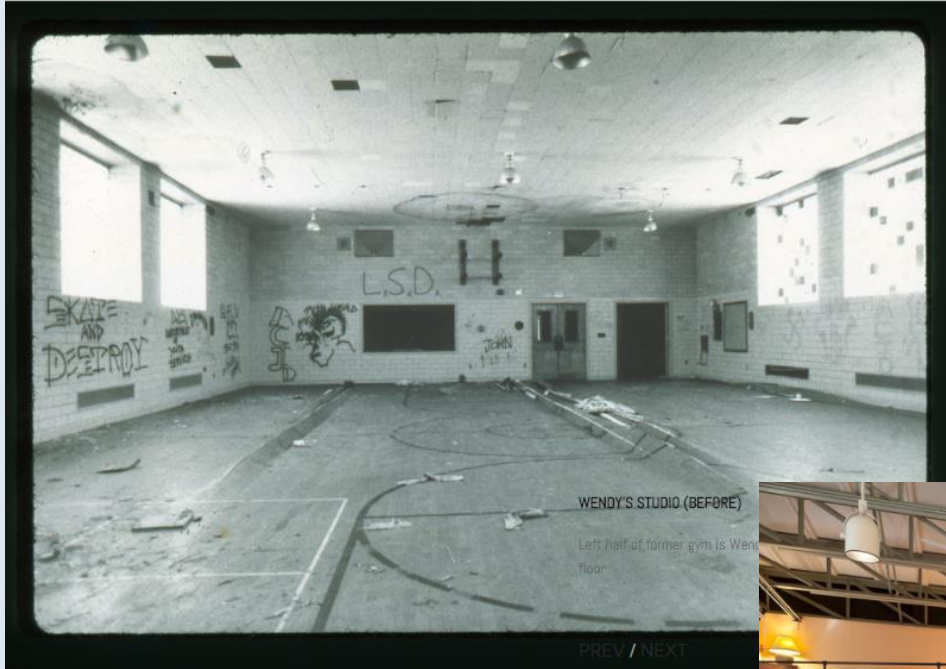


ABANDONED CLAFLIN SCHOOL

Clafin Elementary Building will be used for arts, live/work space in

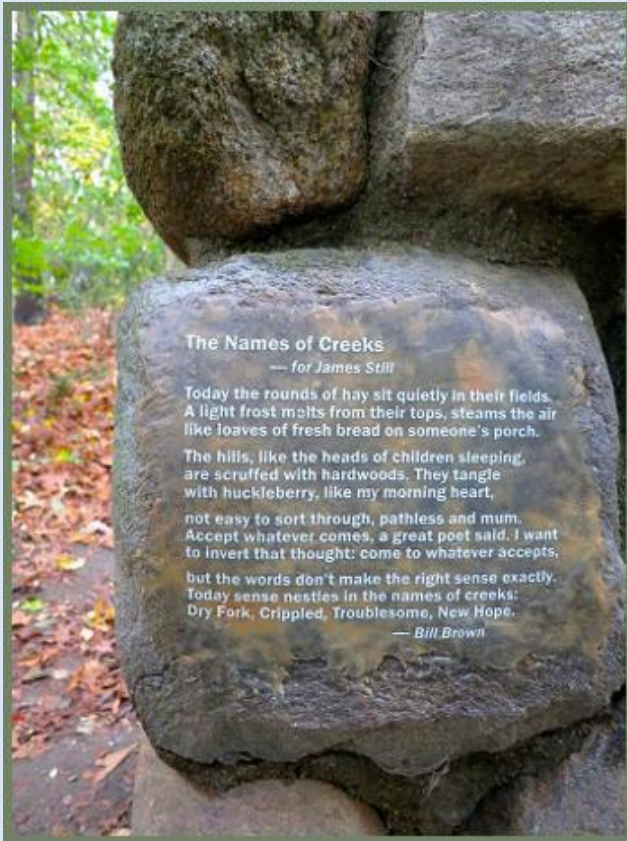
PREV / NEXT

City & Community Partnerships



Wendy Sellers
Clafin Studios Newton

City & Community Partnerships



Salvatore A. Balsamo Millennium Park
Newton, MA
Completion: 2004

City & Community Partnerships

Mayor Elect Ruthanne Fuller

Transition Committee Report

Community Voices:

Thoughts, Findings, Strategies and Ideas
for the Future of Newton

December 28, 2017



City & Community Partnerships

“A universal sense that **through work in the arts the community is served...**

Newton is a vibrant cultural community already with a vast number of creative people in every discipline and on every level of personal development...

Challenges lie in proper support for this eclectic mix as **we seek to establish a much stronger connection amongst the creative community itself as well as with the constituency at large.”**



City & Community Partnerships

“Goal

Make Newton a cultural destination – inherent economic impact:

- World-class facilities
- Transportation
- Parking
- Artist opportunities”



City & Community Partnerships

“Space

Visual arts

- Studios
- Live/work space for artists
- Exhibit spaces
- Public art

Performing arts

(music, dance, theater)

- Rehearsal
- Teaching
- Performance”



Zoning, Arts, and Artisans

**Bring Art &
Culture into
Zoning:**

**Reflect Newton's
cultural sector in
zoning ordinance**

Bring Arts & Culture into Newton's Zoning Ordinance

Purpose statement

Allow more flexibility
among uses and
districts



Current Zoning

Mixed Use 1 Zone

Allowed:

Residential
Cemetery
Schools
Animal Boarding
Bank
Dry Cleaner
Health Club
Office
Retail >5k sq. ft.
Restaurant
Storage
Agriculture
Adult business
Keno
Medical Marijuana

Not Allowed:

Single family homes

Live/work

Community Space

Library or Museum

Theatre, hall

Bowling Alley

Car share/rental

Bike rental

Fast food

Hotel

Broadcasting Studio

Retail <5k sq. ft.

Building Material

Sale & Storage

Thinking Differently about “Manufacturing District”

Manufacturing District:

- Opportunity to encourage arts-related uses (makerspaces, fabrication, etc.)



Proposed Policy: Bring Arts & Culture into Zoning

Goal: Explicitly connect art and culture to Newton's built environment through zoning

1. Include purpose statement in zoning that explicitly connects arts and culture to Newton's built environment.
2. Allow more flexibility among uses and districts
3. Revise manufacturing district to support arts-related uses (makerspaces, light industry).



Zoning, Arts, and Artisans

Bring Art & Culture into Zoning:

Reflect Newton's cultural sector in zoning ordinance

Art in the Built Form:

Encourage art in the public realm through zoning

Art in the Built Form

Define publicly accessible art:

- Ordinance definition of “art” may include consultation by Mayor’s Office of Cultural Affairs, Urban Design Commission, etc.

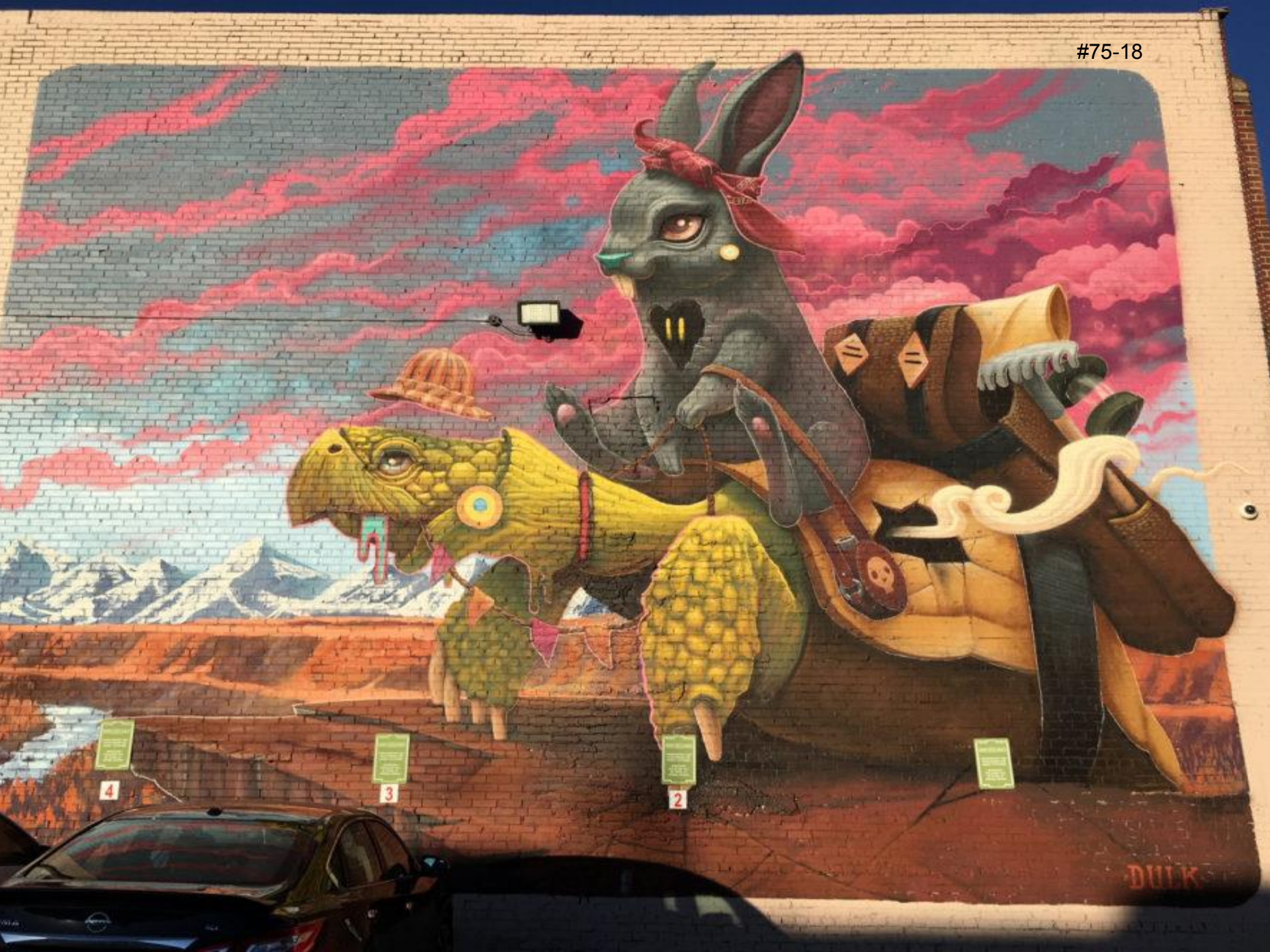


Art in the Built Form

Allow Murals and Make Permitting Easy:

- Make explicit pathway for mural permitting
- Clearly define signs vs. murals in ordinance





4

3

2

1

DULK

#75-18



RT

@DETOUR303



2810

Burns
@JayJayJay
2016

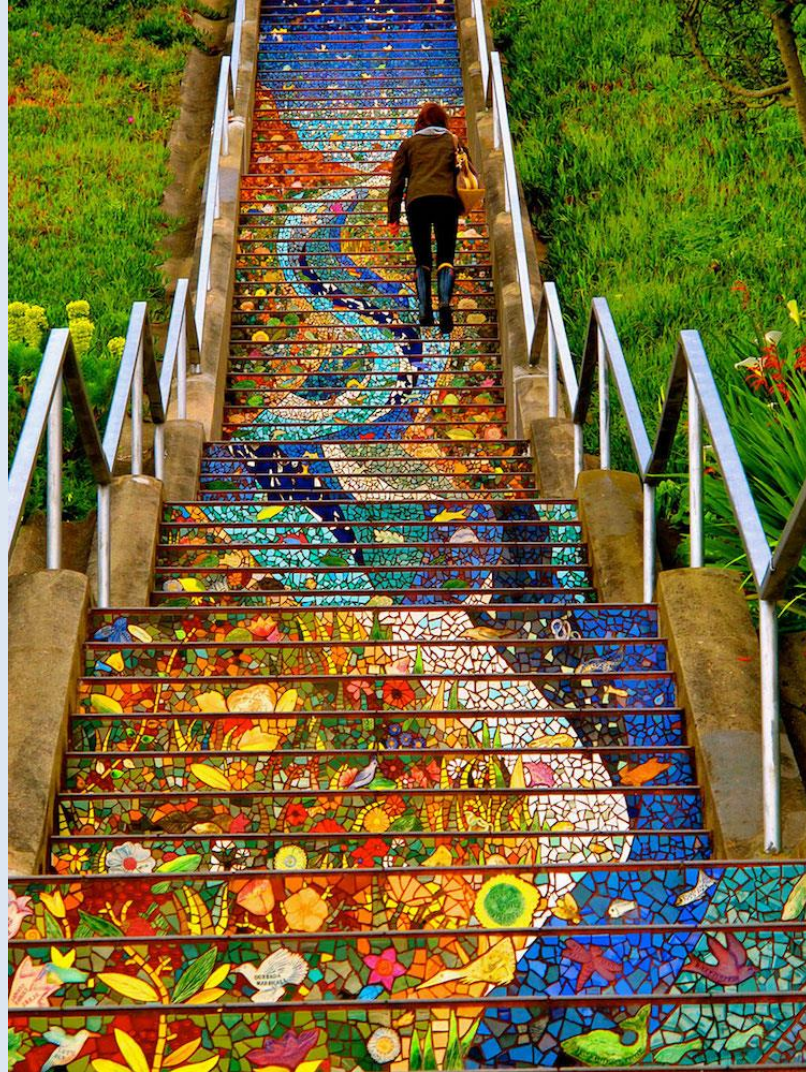
#75-18



1% for Art in New Development



1% for Art in New Development



1% for Art in New Development



Viewland/Hoffman Electrical Substation, Seattle

Photos: Jerry Allen, Cultural Planning Group

1% for Art in New Development



Photo: <http://www.communityartsla.com>

1% for Art in New Development



Photo: <http://www.communityartsla.com>

#75-18



Ralph Helmick, *SCHWERPUNKT*
McGovern Institute for Brain Research at MIT



Light Matrix by Leo Villareal
3601 Market, Philadelphia

1% for Art in New Development

28 Austin Street

- Developer contribution up to \$20,000 of unspent contingency fund for “programming of social or cultural activities to occur either on or adjacent to the public plaza”
- Design competition for the public garden area, \$25,000 for implementation, manage ongoing maintenance

Washington Place

- Artist Community Space “dedicated time for the community to use the space for academic or public presentations, discussion groups, community meetings, etc.” (2,000+SF)

1% for Art in New Development

Encourage new publicly accessible art:

- 1% for art
- Larger commercial, mixed use and residential
- Exclusions: religious, historic renovations, affordable housing, repair from extreme weather damage, etc.



1% for Art in New Development (cont.)

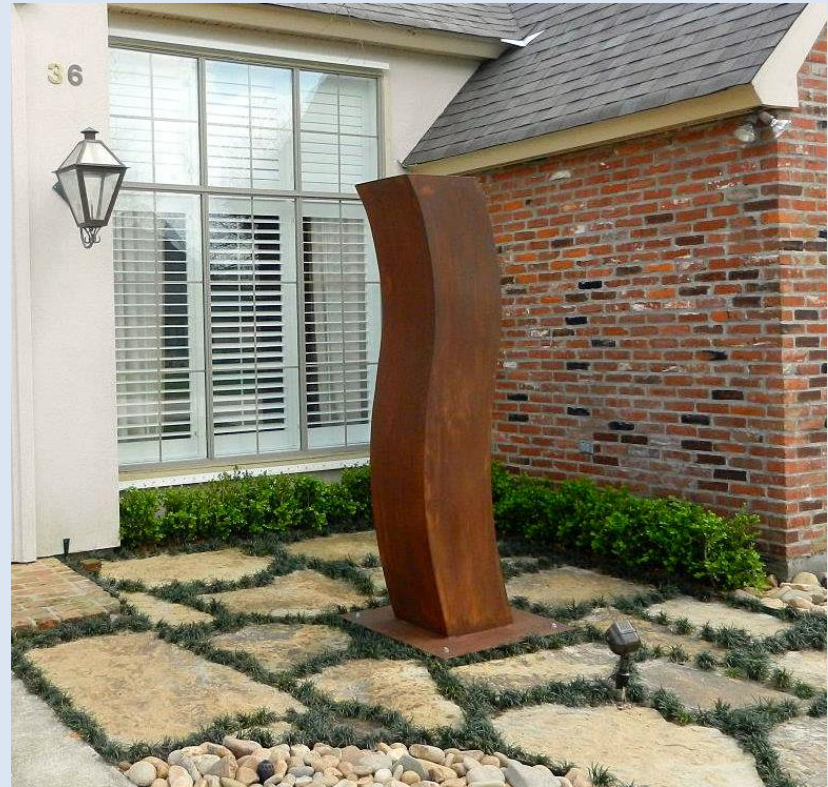
Encourage new publicly accessible art:

- City review of art plan
- Property owner responsible for maintenance
- Cash in lieu option
- Requirement could be met via community space with arts focus



Private Art on Private Property

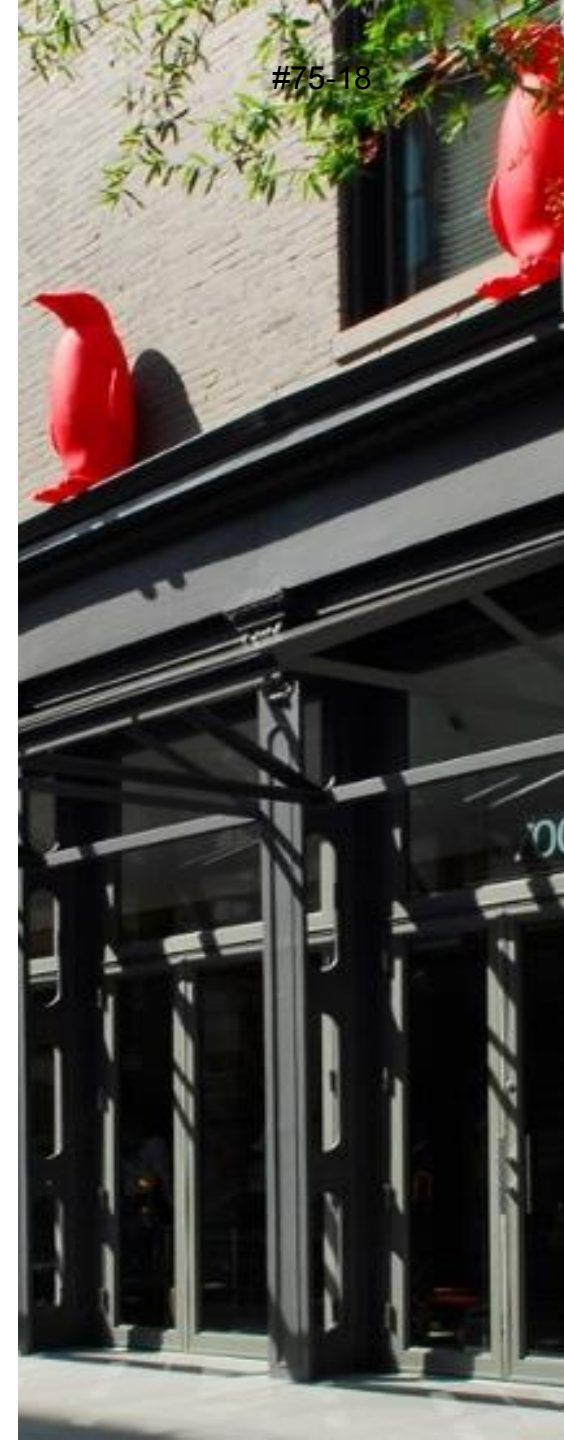
Clarify allowances for private art on private residential property



Proposed Policy: Art in the Built Form

Goal: Encourage art in the public realm through zoning.

1. Allow murals and make permitting easy
2. Define public art in ordinance and review by Mayor's Office of Arts & Culture, Urban Design Commission.
3. Encourage creation of publicly accessible art through 1% for art in new development.
4. Clarify allowances for private art on private property.



Zoning, Arts, and Artisans

Bring Art & Culture into Zoning:

Reflect Newton's cultural sector in zoning ordinance

Art in the Built Form:

Encourage art in the public realm through zoning

Tap into the Creative Economy:

Support arts, artisans, and arts-driven economy

Tap into the Creative Economy

- Artists contribute to economy
- Every \$1 spent by an arts and cultural organization generates \$2.30 in sales for nearby businesses
- Create more housing, transportation options

Economic Impact of Boston's Creative Economy (2002)

	CITY OF BOSTON	METRO AREA
Gross Regional Product	\$6.5 billion	\$7.6 billion
Total Jobs	47,020 jobs	60,800 jobs
• Direct	29,720 jobs	-
• Indirect	17,300 jobs	31,080 jobs
Personal Income	\$1.1 billion	\$2.6 billion
Output	\$10.7 billion	\$12.7 billion

Source: BRA/Research; REMI Simulation

Live-Work Housing

#75-18



Norfolk, VA

Home Businesses & Studios

Update home business:

- Allow more flexibility for home businesses
- Differentiate types to ensure zoning is a good fit



Housing Needs: Affordability

#75-18

BETWEEN 2000-2013

+4,200

HOUSEHOLDS
MAKING \$200K
OR MORE

-4,700

HOUSEHOLDS
MAKING \$125K
OR LESS

Loss of Low and Middle Income Households

Between 2000 and 2013 Newton gained 4,200 households earning \$200,000 or more, while at the same time losing 4,700 households earning \$125,000 or less.

Source: Housing Strategy Report, pg. 12

Reduce Barriers to Cultural Uses

- Eliminate/reduce parking minimums

Theaters, halls, clubs, auditoriums and other places of amusement or assembly, not in a hotel, motel

1 per 3 seats, permanent or otherwise plus

1 per every 3 employees plus

1 per 45 sf used for meeting functions

- Allow shared parking
- Transportation Demand Management (TDM) for larger new development

Arts & Culture Districts

- Identity making
- Attract visitors
- Zoning Overlay District



Arts & Culture Districts

Are there places in Newton that should be designated?



Proposed Policy: Tap into the Creative Economy

Goal: Support arts, artisans, and creative economy

1. Encourage housing that may benefit creative economy: live-work
2. Update rules for home businesses
3. Create more affordable and middle-income units
4. Eliminate parking minimums & increase transportation options
5. Consider an arts & culture district





Summary Report

Tapping the Creative Economy: Zoning, Arts, and Artisans

Arts, culture and the creative economy in Newton was the focus of the February Zoning Redesign event at the Newton Free Library. Over forty people, many of them artists, art patrons or leaders of arts organizations gathered to consider how Newton's new zoning ordinance could help establish a strong connection between creative uses and Newton's built environment. While zoning and the arts may not appear to be highly related topics, zoning can serve as a tool to facilitate expansion of arts related uses in Newton. After a guest performance by youth vocalist Julianna Walsh from the West Suburban YMCA, staff gave a presentation on proposals for arts and culture in Newton's new zoning ordinance, and then sought feedback on proposals from attendees via facilitated small group discussions.

In general participant feedback was positive to the zoning proposals. Proposals were outlined in three categories and are described in further detail below: 1) bringing arts and culture into zoning, 2) supporting more art in the built form, 3) tapping into the creative economy. Video of the presentation and slides can be viewed on the project website www.courbanize.com/newtonzoning

In Newton's current zoning ordinance there is no mention of arts and cultural uses beyond permitted uses such as theaters, halls, and galleries. The 2007 Newton Comprehensive Plan mentions arts and culture in one instance when it identifies developing more cultural facilities to activate Newton's village centers during different times of day. Despite this lack of reference to arts and culture in Newton's guiding documents for planning and development, the city has a strong cultural sector including dozens of arts organizations, schools, performance and practice spaces. Furthermore, there is a longstanding and strong partnership between the Mayor's Office of Cultural Affairs and the artists who live and work in Newton including the Newton Festival of the Arts.

Community Feedback: Bring Arts & Culture into Zoning

Zoning can more explicitly connect art and culture to Newton's built environment through zoning in three specific ways as listed in the slide below. Participant feedback to these ideas was overwhelmingly positive. Attendees of the event liked the idea of recognizing the arts, artists and the creative economy in the zoning ordinance. In part because many attendees work in this sector, participants attested to the benefits of a strong arts-based economy for community members directly involved as patrons or students or makers, but also to the positive ripple effect the arts has across an entire community. Attendees supported the idea of adopting a more flexible zoning ordinance that more easily allows uses to intermix – for example a theater use in an office-focused commercial district.

Revising the zoning for manufacturing uses in Newton was supported by attendees who highlighted how difficult it is to find available studios and makerspaces in Newton, which pushes artists to neighboring communities like Natick, Dedham or Somerville. Participants also expressed the need for studio space that is *affordable*. Group discussions identified new considerations when zoning and permitting these uses like fume hoods for welding equipment, and the need for rules for fabrication workshops which are a relatively new type of light industrial or manufacturing use. One group suggested that Newton has limited opportunities to convert existing older manufacturing buildings into artist spaces, and perhaps these uses would only be found in new construction.

Attendees highlighted the need for more large community arts spaces, such as exhibition spaces, performance and rehearsal spaces, and places for larger concerts and productions - this was a significant focus of many of the discussion groups. Participants were interested in finding ways for these spaces to be affordable and shared among different groups and organizations. Some creative ideas emerged including working with property owners to offer unused spaces to artists or allowing temporary or pop-up art exhibitions during construction and in empty storefronts. People wanted to find better ways to work with schools and universities and pointed to businesses like L’Aroma Café and West Newton Cinema that have rotating art exhibits.



Proposed Policy:
Bring Arts & Culture into Zoning

Goal: Explicitly connect art and culture to Newton’s built environment through zoning

1. Include purpose statement in zoning that explicitly connects arts and culture to Newton’s built environment.
2. Allow more flexibility among uses and districts
3. Revise manufacturing district to support arts-related uses (makerspaces, light industry).

Community Feedback: Art in the Built Form

The second area of policy proposed included ways to use zoning to encourage art in the public realm. There was overwhelming support for the first and second proposals in this category - to allow murals and to make the permitting of murals easy; and to define art in the ordinance with review by the appropriate departments and commissions. At least one group expressed surprise that there are currently no murals of note in Newton or other art in the public realm, except for the standing mosaic in Newton Centre and the temporary pianos in the park project. This demonstrates a significant opportunity area for connecting Newton’s artist community to the wider city and achieving the goal to further enliven village centers as

identified in the 2007 Comprehensive Plan. In addition to murals painted on buildings, attendees wanted to explore building wrappers that use alternates to paint for mural art. One group suggested ways to encourage art to be displayed in windows of commercial spaces.

Group discussions expressed significant support for encouraging art via a 1% for art from construction costs of some new development. There was concern that this percentage may need to be increased to 1.5% or 5% to make an impact. Some people questioned if a developer team selected the publicly accessible art or worked with an artist to design a piece, if the art would achieve the intended goals or if the funds might be misused for other expenditures. Staff indicated how this process would likely involve City staff and/or Council review and a process could be set up for ensuring accountability.

This discussion led to other ideas about partnerships with developers including specific sites such as Riverside and new development on Washington Street near Newton Corner. One group discussed the approved Washington Place project and both the Community Art Space and outdoor plaza that is planned there. Very few groups discussed the proposal to clarify allowances for private art on private property. One group expressed surprise that this would be part of zoning.



Proposed Policy:
Art in the Built Form

Goal: Encourage art in the public realm through zoning.

1. Allow murals and make permitting easy
2. Define public art in ordinance and review by Mayor's Office of Arts & Culture, Urban Design Commission.
3. Encourage creation of publicly accessible art through 1% for art in new development.
4. Clarify allowances for private art on private property.

The graphic also includes a photograph of a red, abstract sculpture mounted on a building's exterior wall, with a modern building facade and sky visible in the background.

Community Feedback: Tap into the Creative Economy

The third category of proposals focused on using zoning to support the arts, artisans and the creative economy. Many participants expressed support for encouraging more live/work housing as a benefit to artists, and for allowing more of these types of units to be designed.

Supporting arts uses with improved connections to transit and walkable areas was identified as a benefit. Attendees widely supported updating the zoning ordinance to allow shared parking. People pointed out this shared parking is especially important for performances and events, which may require large parking demand, but only on an intermittent basis.

The idea of creating an arts district was the area of most mixed feedback at the event. Some groups thought every village in Newton should become an “arts district”. Others thought that creating any sort of arts district would unfairly disadvantage other parts of the city. A few groups really liked the idea of an arts district and identified Union St. in Newton Centre, Waban Village, Auburn St. in Auburndale, West Newton and the entire Washington Street Corridor as potential areas.

Of particular interest to one group was the idea of a cultural district along the Washington Street Corridor, especially as it is in the initial visioning and planning phase and provides a strong opportunity to partner with development. One group asked, what would Washington Street look like if we let artists take over?



**Proposed Policy:
Tap into the Creative Economy**

Goal: Support arts, artisans, and creative economy

1. Encourage housing that may benefit creative economy: live-work
2. Update rules for home businesses
3. Create more affordable and middle-income units
4. Eliminate parking minimums & increase transportation options
5. Consider an arts & culture district



Community Feedback: Ideas to Encourage More Opportunities

One group discussed the need for an overall vision, process, and plan for managing, supporting and implementing the arts in Newton. Another group, also encouraged by the discussion, didn’t want to wait for the City to adopt plans, but instead wanted to get pilot projects going now to keep the momentum moving forward. One group suggested allowing “artist in residence” programs and partnerships with the City. Attendees wanted to see more temporary public art projects, which would allow for artists to create public art on rotating basis. Participants were concerned about the length of time for City processes and decisions and suggested an expedited special permit process. Groups wanted to find ways to strengthen collaborative relationships. Finally, one group talked about arts organizations banding together to act as developer to build the types of arts performance and studio spaces that were identified at the event.

Karyn Dean

From: Alison M. Leary
Sent: Monday, February 26, 2018 2:41 AM
To: James Freas; Barney Heath
Cc: Susan Albright; Deborah J. Crossley; Karyn Dean
Subject: ZAP Meeting Comments

Dear James and Barney,

Thank you for your memos regarding the discussion items for ZAP. Unfortunately, I will miss the ZAP discussion on Transportation but I wanted to share some thoughts.

#144-18 Zoning amendment relative to parking facilities - MU1 Districts- no parking facilities currently allowed. Was this really just an oversight or was there some reason why parking facilities were not allowed in MU1?

#75-18 Discussion relative to the Zoning Redesign Event Series

Safe, Smart, Accessible, Livable and Sustainable

Newtonians, age 9 to 90, already walk, bike, and take public transit at some of the highest rates in the country, avoiding tens of thousands of car trips every day.

I'm not sure what to think about this statement. The overwhelming number of trips in this country are done in personal vehicles, maybe 2-3% of commuter trips are walking or biking trips. Over 1.5 million miles are driven in Newton every day. My understanding is that Newtonian's actually commute by car more than our neighbors.

Parking Lot Design (Think Eran Ben-Joseph). Let's think about multi use options- not just spots to temporarily store cars. Parking lots have always had significant negative environmental impacts, especially in contributing to the phosphorus load in our surface waters, but also they sterile, ugly and often dangerous. I think we can improve on this. What change is possible?

More effort to mimic the natural environment. Great opportunities to reduce urban heat island effect by including requirements for trees and green spaces, permeable pavement and direct stormwater into greenery and rain gardens instead of overburdened storm-drains.

What other public uses are possible? Can we give greater consideration to context and aesthetics? More shared parking and shared spaces. Farmer's markets? Pop up markets? Outdoor music events?

I dislike parking in front of businesses especially in village centers and would like our zoning code to discourage it. (think the Dunkin Donuts in Nonantum). It disconnects local businesses from the street and makes walking more dangerous. Both Nonantum and Newton Corner have huge swaths of curb cuts that allow vehicles to impact pedestrian spaces and are a threat to bicyclists as well (remember a teen bicyclist was stuck by a vehicle making a left hand turn from Watertown Street into a parking in Nonantum last last year).

Safety- Ensure safe pedestrian spaces in parking lots (this was done in Chestnut Hill Square).

Coordinate efforts with HHS to prioritize walking as a public health benefit. Consider wayfinding signs. Design our built environment that give safe, accessible options for people to park their car and visit multiple shops and businesses instead of having to get back into their car to travel a short distance (Needham Street a good example of what not to do).

Really important to connect the street design standards with our zoning standards and core principals (Safe, Smart, Accessible, Livable and Sustainable) so that the built infrastructure reflects our true vision (The Adams Street project -was a lost opportunity to do a "complete Street").

Can someone explain why the Walgreens Parking lot in Newton Corner is so big? Most of it is completely empty all the time. Can part of it be green spaced? It would also be a good location for solar canopy.

5.1.8. Transportation Demand Management

So glad you are adding this section on TDM . I am interested in how TDM can be incorporated as part of the SP process. Subsidized transit passes for properties within ½ mile of Green Line, Commuter Rail, or Express Bus services -YES! This should be included in most SP requiring parking waivers. For example, Sunrise initially resisted a request for subsidized MBTA passes or their employees (I guess they were feeling like they were being nickle and dimed), but I think this should be the expectation not just a "perk".

I would love to see more coordination and communication with our neighbors and private businesses on these parking and transportation strategies (Newton is not an island). For example coordinate a shuttle service with Watertown to service Newton Corner, Nonantum, Chapel Bridge Park & JFK Senior Housing. Coordinate with Needham for service along the Needham Street Corridor and Wells Ave. Talk with City of Boston officials about plans for TDM for businesses that impact our neighborhoods.

Just throwing these ideas out there:

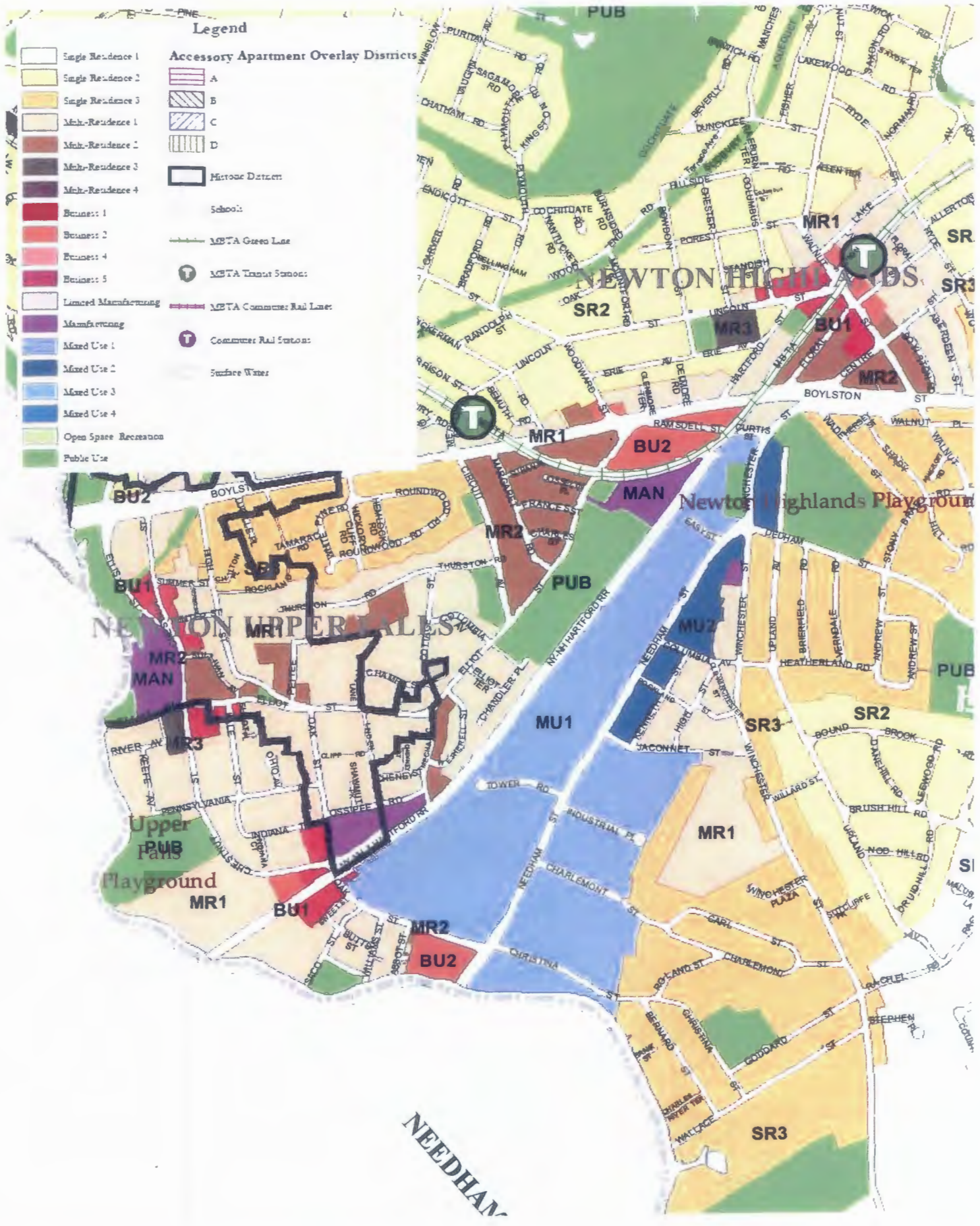
Wouldn't it be great to see some higher profile events that put the spot light on transit and biking? For example our Mayor and the Secretary of Transportation or the Governor taking the Express Bus or commuter rail downtown and making it a press event?

Getting a few City Councilors, Barney, James and Jim and the Mayor on bikes and getting a better understanding feel for for the biking experience in Newton. (maybe you have done this already)? Roads feel and appear very different than when you are surrounded by 3 tons of metal.

Finally a great quote from UCLA Prof. Donald Shoup "*[Parking minimums] distort transportation choices toward cars, and thus increase traffic congestion, air pollution, and energy consumption. They reduce land values and tax revenues. They damage the economy and degrade the environment. They debase architecture and urban design. They burden enterprise and prevent the reuse of older buildings. And they increase the prices for everything except parking.*"

Thank you for taking the time to read my comments.

Alison M. Leary
Newton City Council



Legend

- Single Residence 1
 - Single Residence 2
 - Single Residence 3
 - Mult-Residence 1
 - Mult-Residence 2
 - Mult-Residence 3
 - Mult-Residence 4
 - Business 1
 - Business 2
 - Business 4
 - Business 5
 - Limited Manufacturing
 - Manufacturing
 - Mixed Use 1
 - Mixed Use 2
 - Mixed Use 3
 - Mixed Use 4
 - Open Space Recreation
 - Public Use
- Accessory Apartment Overlay Districts
- A
 - B
 - C
 - D
- Historic District
- School
- METRA Green Line
- METRA Transit Station
- METRA Commuter Rail Line
- Commuter Rail Station
- Surface Water

Scale: 1" = 100'

NEEDHAM

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Residential Uses												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.1
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.2
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	Sec. 6.2.4
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	Sec. 6.2.4
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	Sec. 6.2.10
Live/work space	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.2.11
Single-room occupancy dwelling, single-person occupancy dwelling	--	--	--	--	--	--	--	SP	--	--	--	Sec. 6.2.14
Civic/Institutional Uses												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	Sec. 6.3.2
Community use space	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.4
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.5
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	Sec. 6.3.6
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	Sec. 6.3.7
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	Sec. 6.3.8
Public use	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.10
Rail/bus station	--	--	--	--	--	--	--	P	--	--	--	Sec. 6.3.11
Religious institution	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.3.15
Commercial Uses												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	Sec. 6.4.1
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	Sec. 6.4.2
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by Board of Aldermen Required -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank	P	P	P	P	--	SP	P	--	--	--	P	Sec. 6.4.4
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	Sec. 6.4.5
Business incubator								P				Sec. 6.4.6
Business services	--	--	--	--	--	SP	P	--	--	--	--	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.4.8
Car wash	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.4.9
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	Sec. 6.4.11
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	Sec. 6.4.12
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	Sec. 6.4.13
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.14
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	Sec. 6.4.15
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	Sec. 6.4.16
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	Sec. 6.4.18
Kennel	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.4.19
Office	P	P	P	P	P	P	P	L	P	P	P	Sec. 6.4.20
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	Sec. 6.4.21
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	Sec. 6.4.22
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	--	--	P	--	P	P	P/SP	Sec. 6.4.24
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	--	SP	--	SP	SP	SP	Sec. 6.4.24
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	--	--	--	P	SP	SP	Sec. 6.4.24
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	--	--	--	SP	SP	SP	Sec. 6.4.24
Parking facility, public	--	--	--	--	--	--	--	P	P	--	SP	Sec. 6.4.24
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.25
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.4.25
Place of amusement, indoor or outdoor	--	SP	--	--	--	--	--	SP	SP	--	SP	Sec. 6.4.26

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by Board of Aldermen Required -- Not Allowed

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Radio or television broadcasting studio	SP	SP	SP	SP	SP	--	SP	--	--	L	--	Sec. 6.4.27
Radio, or television transmission station	--	--	--	--	SP	SP	--	--	--	SP	--	Sec. 6.4.27
Research and development	--	--	--	--	--	--	--	P	--	--	--	Sec. 6.4.28
Restaurant	L SP	L SP	L SP	L SP	--	SP	P/ SP	P/ SP	P/ SP	--	L/ SP	Sec. 6.4.29
Retail sales, under 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	P	P	P	P	--	SP	P	SP	SP	--	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	--	--	--	--	--	SP	P	--	P	--	--	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	--	--	--	--	--	SP	P	--	SP	--	--	Sec. 6.4.31
Stable, public	--	--	--	--	--	--	--	--	--	--	SP	Sec. 6.4.32
Taxidermist	--	--	--	--	--	--	--	--	--	--	P	Sec. 6.4.33
Vehicle repair shop, minor	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.34
Vehicle repair shop, major	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.34
Vehicles sales and service facility, indoor	--	SP	--	--	--	SP	SP	--	--	SP	--	Sec. 6.4.35
Vehicles sales and service facility, outdoor	--	SP	--	--	--	SP	--	--	--	SP	--	Sec. 6.4.35
Veterinary hospital	--	SP	--	--	--	SP	SP	--	SP	P	P	Sec. 6.4.36
Industrial Uses												
Assembly or fabrication of materials manufactured off premise	--	--	--	--	--	P	SP	--	--	P	--	Sec. 6.5.1
Bakery, wholesale	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.2
Boat building, storage and repair	--	--	--	--	--	--	--	--	--	L	P	Sec. 6.5.3
Bottling works (except for alcoholic beverages)	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.4
Building materials sales yard and storage building	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.5
Contractor's yard	--	--	--	--	--	--	--	--	--	P	--	Sec. 6.5.6
Feed and seed store	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.7
Food processing, wholesale	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.8
Laboratory and research facility, no recombinant DNA	SP	SP	SP	SP	SP	P	P	SP	P	P	P	Sec. 6.5.9
Laboratory and research facility, recombinant DNA	--	--	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.5.9
Laundry, cleaning & dyeing establishment	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.10
Manufacturing	--	--	--	--	--	L	--	--	--	P	P	Sec. 6.5.11
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.11
Paint store	--	--	--	--	--	--	--	--	--	SP	P	Sec. 6.5.12
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by Board of Aldermen Required -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Printing, publishing and reproduction establishment	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.13
Sign painting shop	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.14
Telecommunications and data storage facility	--	--	--	--	--	SP	--	--	--	--	SP	Sec. 6.5.15
Trash or yard waste, collection, storage, transfer-haul or composting	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.5.16
Vehicle storage	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.5.17
Wholesale business or storage facility	--	L	--	--	--	SP	--	--	--	L	L	Sec. 6.5.18
Wholesale distribution plant	--	--	--	--	--	--	--	--	--	--	P	Sec. 6.5.19
Wireless communication equipment	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	Sec. 6.9
Manufacturing, uses not allowed by right	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.5.11
Open Space Uses												
Agriculture, on a parcel of 5 or more acres	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.6.1
Agriculture, on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.1
Resource extraction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.4
Restricted Uses												
Adult business	--	--	--	--	--	SP	--	--	--	--	SP	Sec. 6.10.1
Keno	SP	SP	SP	SP	--	SP	SP	SP	--	--	--	Sec. 6.10.2
Registered marijuana dispensary	--	SP	--	--	SP	SP	--	--	--	--	--	Sec. 6.10.3
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by Board of Aldermen Required -- Not Allowed												

See [Sec. 7.8.4](#), Substandard Commercial Lots.

(Ord. No A-73, 04/04/16)

available for use in common or in connection with a contiguous or adjacent lot.

(g) *Special Permit, Building Size.* In the Manufacturing and Limited Manufacturing Districts, land, buildings and structures may be used for the purposes authorized in their respective districts, provided that:

- (1) any proposed building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (2) any addition(s) to an existing building(s) or structure(s) containing individually or in the aggregate 20,000 or more square feet in gross floor area; or
- (3) any addition(s) to an existing building(s) or structure(s) which increases the gross floor area individually or in the aggregate to 20,000 or more square feet in gross floor area

shall require a special permit in accordance with section 30-24, except that after August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure identified in subsection (2) or (3) of this section shall only require site plan approval pursuant to section 30-23. All building(s), structure(s) and addition(s) thereto shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.

(Ord. No. T-65, 12-18-89; Ord. No. T-75, 3-5-90; Ord. No. T-319, 12-20-93; Ord. No. V-156, 1-5-98; Ord. No. W-33, 3-5-01; Ord. No. W-34, 3-5-01)

Sec. 30-13. Mixed Use Districts.

(a) *Allowed Uses in Mixed Use 1 Districts.* In Mixed Use 1 Districts, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, land, buildings and structures may be used, or may be designed, arranged or constructed for one or more of the following purposes:

- (1) Office;

- (2) Research and development facility, laboratory or research facility; provided that no recombinant DNA research or technology is involved;

- (3) Manufacturing, provided that such use shall not be injurious, noxious or offensive to the neighborhood by reason of noise, smoke, odor, gas, dust or similar objectionable features, or dangerous to the neighborhood on account of fire, or any other cause;

- (4) Assembly or fabrication of materials manufactured off-premises;

- (5) Uses similar or accessory to those authorized by section 30-13(a).

(b) *Special Permits in Mixed Use 1 Districts.* In Mixed Use 1 Districts, the board of aldermen may grant a special permit in accordance with the procedures in section 30-24, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, to use land, buildings and structures for one or more of the following purposes:

- (1) Retail store, provided that a free-standing retail structure shall contain a minimum of 5,000 square feet of gross floor area;

- (2) Wholesale business;

- (3) Storage or distribution facility;

- (4) Service establishment;

- (5) Restaurants and businesses which hold a Common Victualler—All Alcoholic, or Common Victualler—Wine/Malt Beverages license issued by the licensing authority of the city, provided that a free-standing restaurant or business shall contain a minimum of 5,000 square feet of gross floor area;

- (6) Inside sales, service, display or storage of motor vehicles;

- (7) Outside storage, display and sale of motor vehicles, provided that no lighting shall be allowed except such as is necessary for the

safety and protection of the public and prospective purchasers and such reasonable display lighting of vehicles as the board of aldermen shall approve;

- (8) Fuel establishment including a gasoline service station, fuel oil distributor. The following or similar uses shall not occur in conjunction with a gasoline service station or be considered an accessory use to a gasoline service station unless such use has been authorized pursuant to a special permit: carwash; trailer and/or motor vehicle leasing; retail outlets or service establishments; self-service gasoline pumping facilities;
- (9) Radio or television transmission station, provided that wireless communication equipment shall be subject to section 30-18A;
- (10) Multi-family dwelling;
- (11) Garage repair shop;
- (12) Bank, excluding drive-in facilities;
- (13) Recombinant DNA research or technology, as defined in sections 12-20 et. seq. of the Revised Ordinances as amended;
- (14) Veterinary hospital;
- (15) Telecommunications and data storage facility;
- (16) Uses similar to or accessory to those authorized by section 30-13(b) which are not injurious to the neighborhood.

(c) *Allowed Uses in Mixed Use 2 Districts.* In Mixed Use 2 Districts, subject to the density and dimensional controls set forth in section 30-15 and the parking requirements set forth in section 30-19, land, buildings and structures may be used, or may be designed, arranged or constructed for one or more of the following purposes:

- (1) Office;

- (2) Research and development facility, laboratory or research facility; provided that no recombinant DNA research or technology is involved;
- (3) Retail store;
- (4) Library or museum;
- (5) Bank, excluding drive-in facilities;
- (6) Theatre, hall or club;
- (7) Personal services;
- (8) Retail dry cleaning or laundry;
- (9) Service establishments;
- (10) Job printing under 3,000 square feet;
- (11) Restaurants having not more than 50 seats;
See Ord. A-13
- (12) Bakery, the products of which are sold at retail and only on the premises;
- (13) Dwelling units above the first floor, provided that the first floor is used for an allowed use described above;
- (14) Accessory parking facilities, provided they are limited to a single level;
- (15) Uses similar or accessory to those authorized by section 30-13(c).

(d) For substandard commercial lots as described in section 30-15(o), the only uses listed under subsection (c) herein which are permitted are:

- (1) Office;
- (2) Research and development facility;
- (3) Bank, excluding drive-in facilities;
- (4) Barbershop, beauty parlor, tailor, shoe repair shop, or similar service establishment;
- (5) Dwelling units above the first floor;
- (6) Accessory parking facilities;