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**Barney Heath**  
Director

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## **PUBLIC HEARING MEMORANDUM**

**DATE:** February 9, 2018

**TO:** Councilor Susan Albright, Chair  
Members of the Zoning and Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
James Freas, Deputy Director

**RE:** #113-18: DIRECTOR OF PLANNING requesting technical amendments to the Newton Zoning Ordinance, Chapter 30, in order to address edits related to missing or incorrectly transcribed ordinance provisions.

**MEETING DATE:** February 12, 2018

**CC:** City Council  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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At the adoption of the reformatted Zoning Ordinance in 2015, the Planning Department described a plan to conduct an annual review of the ordinance to identify minor corrections and edits. Over the past year, staff from Planning and ISD have identified errors and other problems in the ordinance and logged them into a tracking sheet. This docket item represents the proposed resolution of these problems.

Attached is a table describing each individual change to the ordinance and sample pages from the ordinance showing the reline changes for each item.

### **RECOMMENDATION AND NEXT STEPS**

The Planning Department recommends that docket item # 133-18 be approved and forwarded to the City Council for consideration.

Attachments:

February 2018 Annual Zoning Ordinance Clean-up FINAL LIST

"Redline" Ordinance Pages

Sections	Ordinance Pages
Secs 3.1.3, 3.2.3	3-2, 3-12
Sec 5.1.4	5-4, 5-5
Secs. 5.2.7, 6.7.3.B.1.f	5-20, 6-21
Sec 5.2.8	5-21

Section References	Page Numbers	Issue	Recommendation	Resolution
Sec. 5.1.4 – Number of Parking Stalls	5-4, 5	Missing the no parking requirement for café seating.	Insert in 5.1.4.A: 1 per patron seats, permanent or otherwise, excluding any sidewalk café seating permitted under Sec. 12-70, plus	
Sec 5.2.8 – Signs in Commercial districts	5-21	Apparent inconsistency between table header, which says number per business establishment and 3 <sup>rd</sup> row where it says per building.	Change Sec. 5.2.8: 1 per <del>building</del> entrance	
Sec. 5.2.7 Signs in Commercial districts & Sec. 6.7.3.B.1.f Home Businesses	5-20 & 6-21	Inconsistency in size of sign allowed for home businesses. Table in Sec. 5.2.7 says 2 sf while home business section says 1 sf	Make it 2 sf.	
Sec. 1.5.6 Build Factor & 3.1.3 – old lot tables and Sec 3.2.3 all tables	1-12, 3-2, 3-12	Need to add build factor number to dimensional requirement tables.	Add new line to appropriate tables as done in Sec. 3.1.3.	

## Sec. 3.1. Single Residence Districts

### 3.1.3. Single-Family Detached

#### 3.1.1. District Intent

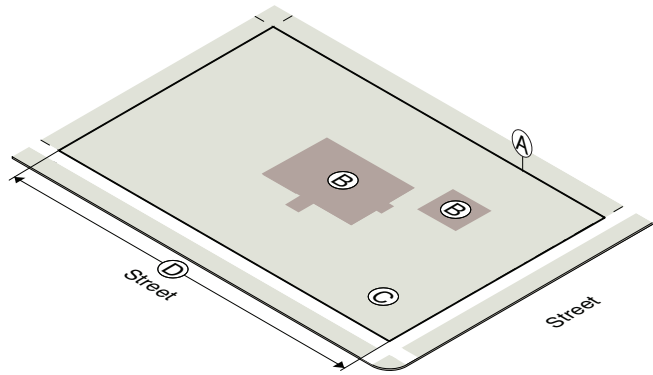
[reserved]

#### 3.1.2. Dimensional Standards

##### A. Applicability.

1. The density and dimensional controls in Sec. 3.1 apply to all buildings, structures and uses in each of the listed districts.
2. Lots created before December 7, 1953 (referred to as 'Before 12/7/1953') use a different set of density and dimensional standards than lots created on or after December 7, 1953 (referred to as 'On or After 12/7/1953'), as shown in the tables in Sec. 3.1.3.
3. Where a density or dimensional control is not set forth in this Sec. 3.1 for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the Board of Aldermen.
4. Where a lot does not meet these standards it is nonconforming (see Sec. 7.8).

(Ord. No. S-260, 08/03/87)



	SR1	SR2	SR3
<b>Lot Dimensions (On or After 12/7/1953)</b>			
Ⓐ Lot Area (min)	25,000 sf	15,000 sf	10,000 sf
Lot Area Per Unit (min)	25,000 sf	15,000 sf	10,000 sf
Ⓑ Lot Coverage (max)	15%	20%	30%
Ⓒ Open Space (min)	70%	65%	50%
Ⓓ Lot Frontage (min)	140'	100'	80'
Build Factor (max)	30	25	20
<b>Lot Dimensions (Before 12/7/1953)</b>			
Ⓐ Lot Area (min)	15,000 sf	10,000 sf	7,000 sf
Lot Area Per Unit (min)	25,000 sf	15,000 sf	10,000 sf
Ⓑ Lot Coverage (max)	20%	30%	30%
Ⓒ Usable Open Space (min)	65%	50%	50%
Ⓓ Lot Frontage (min)	100'	80'	70'
<b>Build Factor (max)</b>	<b><u>30</u></b>	<b><u>25</u></b>	<b><u>20</u></b>

## Sec. 3.2. Multi-Residence Districts

### 3.2.1. District Intent

[reserved]

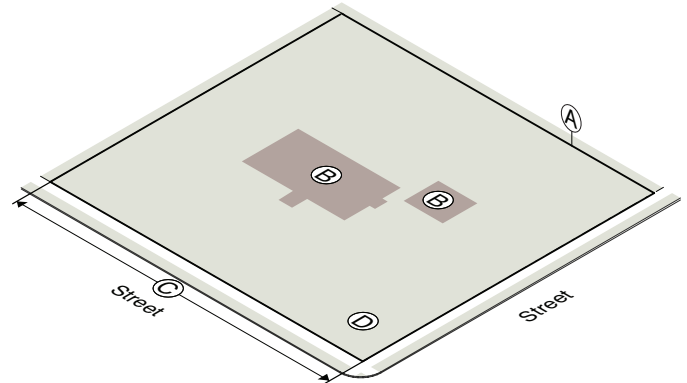
### 3.2.2. Dimensional Standards

#### A. Applicability.

1. The density and dimensional controls in [Sec. 3.2](#) apply to all buildings, structures and uses in each of the listed districts.
2. Lots created before December 7, 1953 (referred to as 'Before 12/7/1953') use a different set of density and dimensional standards than lots created on or after December 7, 1953 (referred to as 'On or After 12/7/1953'), as shown in the tables in [Sec. 3.2.3](#).
3. Where a density or dimensional control is not set forth in this [Sec. 3.2](#) for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the Board of Aldermen.
4. Where a lot does not meet these standards it is nonconforming (see [Sec. 7.8](#)).

(Ord. No. S-260, 08/03/87)

### 3.2.3. Single-Family Detached or Two-Family Detached



	MR1	MR2	MR3	MR4
<b>Lot Dimensions (On or After 12/7/1953)</b>				
Ⓐ Lot Area (min)	10,000 sf	10,000 sf	10,000 sf	10,000 sf
Lot Area Per Unit (min)	5,000 sf	5,000 sf	5,000 sf	5,000 sf
Ⓑ Lot Coverage (max)	30%	30%	30%	30%
Ⓒ Frontage (min)	80'	80'	80'	80'
Ⓓ Usable Open Space (min)	50%	50%	50%	50%
<u>Build Factor (max)</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<b>Lot Dimensions (Before 12/7/1953)</b>				
Ⓐ Lot Area (min)	7,000 sf	7,000 sf	7,000 sf	--
Lot Area Per Unit (min)	3,500 sf	3,500 sf	3,500 sf	--
Ⓑ Lot Coverage (max)	30%	30%	30%	--
Ⓒ Frontage (min)	70'	70'	70'	--
Ⓓ Open Space (min)	50%	50%	50%	--
<u>Build Factor (max)</u>	<u>20</u>	<u>20</u>	<u>20</u>	--

-- Not Applicable

### 5.1.4. Number of Parking Stalls

A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units
Boarding house, rooming house, lodging house, tourist house, congregate living facility	1 per sleeping room plus 1 per 3 employees	
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	
Medical office on or abutting hospital property	1 per 400 sf plus 1 per every 3 employees in any lab or pharmacy in bldg	

Use	Parking Stalls Required	Allowed by Special Permit
Medical office, not on or abutting hospital property	1 per 200 sf plus 1 per 3 every employees in any lab or pharmacy in bldg	
Office, professional building	1 per 250 sf up to 20,000 sf; 1 per 333 sf over 20,000 sf	
Outdoor or open-air sales space, drive-in establishments, open-air retail business, amusements and other similar uses	1 per 600 sf	
Personal service	1 per 300 sf plus 1 per every 3 employees	
Post Office	1 per 300 sf plus 1 per 3 every employees	
Radio or television transmission station	1 per 2,500 sf plus 1 per every 4 employees	
Restaurant, food or beverage establishment (for sidewalk cafe, see 12-70)	1 per 3 patron seats, permanent or otherwise, <u>excluding any sidewalk cafe seating permitted under Sec. 12-70</u> , plus 1 per 3 employees	
Restaurant, food or beverage establishment in a hotel, motel	1 per 90 sf plus 1 per every 6 employees	
Retail store, showroom	1 per 300 sf plus 1 per 3 employees	
Service establishment	1 per 300 sf plus 1 per 3 employees	
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	
Theaters, halls, clubs, auditoriums and other places of amusement or assembly in a hotel, motel	1 per 12 seats plus 1 per every 3 employees plus .25 per 45 sf used for meeting functions	
<b>Industrial</b>		
Manufacturing	1 per 1,000 sf plus 1 per 4 employees	
Research, laboratory	1 per 1,000 sf plus 1 per 4 employees	
Storage warehouse or business	1 per 2,500 sf plus 1 per 4 employees	
Telecommunications and data storage facility	1 per 2,500 sf plus 1 per 4 employees	
Wholesale business	1 per 1,000 sf plus 1 per 4 employees	

(Ord. No. A-99, 01/17/17)

### 5.2.7. Signs in Residence Districts

No sign shall be erected or maintained in a residence district, except as provided in Sec. 5.2.6 and this Sec. 5.2.7:

Use	Number	Type	Area per Sign (max)	Notes
Residential: single- or two-family	1 per unit	Wall sign	1 sf	Name of occupant, address of premises
Residential: single- or two-family with permitted accessory use or occupation	1 per unit	Wall sign	2 sf	Name of occupant(s), address of premises
Residential: building with more than 2 families or group of buildings forming a single housing development	1 total	Principal wall sign OR Free-standing sign	15 sf OR 10 sf	
Residential: Each building in a group of buildings forming a single housing development	1 per building in group	Secondary wall sign	2 sf	
Churches, schools, other institution or group of buildings forming a complex or campus	2 per street frontage	Free-standing sign AND principal wall sign	1 @ 20 sf 1 @ 10 Ssf	1 Free-standing sign per frontage; for notices and announcements of services and events
Churches, schools, or other institutions: Each building in a group of buildings forming a single complex or campus	1 per building in group	Free-standing sign AND principal wall sign	10 sf	
	1 total	Principal wall sign	20 sf	
Nonresidential use, permitted or nonconforming	1 total	Free-standing sign	15 sf	The Board of Aldermen may grant a special permit for a free-standing sign
Any use	--	Directional sign	3 sf	For the direction of Persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable



### 5.2.8. Signs in Commercial Districts

No sign shall be erected or maintained in a business, limited manufacturing, manufacturing, and mixed use district, except as provided in Sec. 5.2.6 and this Sec. 5.2.8:

Type	Number per business establishment	Area per Sign (max)	Notes
Principal sign	1 total	3 sf per linear foot of building wall frontage OR 100 sf, whichever is less	In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.
Principal sign: Business on a corner lot	2 total	3 sf per linear foot of building wall OR 100 sf, whichever is less	Frontage on the second street must be at least 75 percent of frontage on first street
Secondary sign	1 per <b>building</b> , entrance or frontage on a street or parking area; 2 max	1 sf per linear foot of building wall OR 50 sf, whichever is less	May not be erected on the same wall as a principal sign.
Directory sign	1 per building entrance	1 sf per occupant or tenant	Indicating the occupants or tenants of the building to which the sign is affixed
Directory sign: building with 2nd entrance	1 per entrance	1 sf per occupant or tenant	The second entrance must have frontage on a street or parking lot. Such signs shall not be deemed nonaccessory directory signs.
Marquee sign	1 per theater		
Awning sign	--	Up to 20% of awning area	
Window sign	--	Up to 25% of window area through which they are visible	
Gas station sign	1 consolidated display	20 sf (aggregate)	Product identification signs (tires, oil...)
Directional sign		3 sf	For the direction of persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

(Ord. No. A-99, 01/17/17)

1. The studio of an artist, musician, photographer or writer;
2. Small group or individual instruction or tutoring;
3. Tailoring;
4. Millinery;
5. Crafts;
6. Word processing;
7. Computer software development;
8. Telephone solicitation;
9. A manicurist;
10. An office of a sales or manufacturer representative; and
11. An office of a physician, dentist, lawyer, architect, registered engineer, accountant, psychologist, social worker or other professional.

The term "home business" shall not include the following:

1. A clothing rental business;
2. A barber shop;
3. A hairdresser;
4. A restaurant;
5. A repair shop, whether for small appliances or otherwise;
6. A real estate broker;
7. An orchestra or instrumental music group;
8. An antique shop;
9. An animal hospital; or
10. Businesses similar to those enumerated.

**B. Standards.**

1. In Single Residence districts, a single home business per dwelling unit is permitted as an accessory use so long as such home business does not violate any of the following conditions:
  - a. The home business shall be clearly incidental and secondary to the use of the dwelling as a residence, shall be located

within the dwelling unit, and shall not change the residential character of the dwelling;

- b. Irrespective of the location of the home business within the dwelling unit, the total area of the dwelling unit utilized for the home business shall not exceed 30 percent of the ground floor area of the dwelling unit or 30 percent of the gross floor area of an individual apartment if the dwelling unit is located in a multifamily dwelling;
- c. Not more than 1 nonresident shall be employed in a secretarial or like position in a home business, except that a physician or dentist may employ 1 technician in a capacity supportive of the practice of the resident professional in addition to 1 secretary;
- d. Not more than 3 customers, pupils or patients for business or instruction shall be present at any one time;
- e. There shall be no on-premises storage of merchandise for sale in any instance where the home business is primarily a direct mail-order or telephone-order business, except in instances where the merchandise for sale is produced entirely on the premises;
- f. There shall be no exterior display or exterior storage of merchandise, and no exterior indication of the home business other than 1 non-illuminated identification sign not to exceed ~~12~~ **12** square ~~feet~~ **feet** in area;
- g. There shall be no retail or wholesale sale of merchandise on the premises;
- h. The home business shall not produce noise, vibration, glare, fumes, odors, electrical interference or traffic congestion beyond that which normally occurs in the immediate residential area, nor shall the home business result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood;
- i. In addition to the parking required by Sec. 5.1.4 for residential use of the dwelling unit, off-street parking designed in compliance with the requirements of Sec. 5.1.4 shall be provided as follows: