



Zoning & Planning Committee Agenda

City of Newton In City Council

Monday, April 23, 2018

7:15PM – New Start Time
Room 205

PLEASE BRING YOUR BUDGET AND CIP BOOKS

Items Scheduled for Discussion:

BUDGET & CIP DISCUSSIONS:

- Inspectional Services Department
- CPA Administration
- Planning & Development

Referred To Finance and Appropriate Committees

#250-18 **Submittal of the FY 201 Municipal/School Operating Budget**
HER HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY19 Municipal/School Operating Budget totaling \$412,513,389 passage of which shall be concurrent with the FY19-FY23 Capital Improvement Program (#63-18).
EFFECTIVE DATE OF SUBMISSION 04/17/18; LAST DATE TO PASS THE BUDGET 06/01/18

Referred to Finance and Appropriate Committees

#63-18 **Submittal of the FY 2019 to FY 2023 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2019 to 2023 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. (Submitted 10/16/17)

Referred To Finance and Appropriate Committees

#251-18 **Submittal of the FY 2019 – FY 2023 Supplemental Capital Improvement Plan**
HER HONOR THE MAYOR submitting the FY 2019 – FY 2023 Supplemental Capital Improvement Plan.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#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.

Respectfully Submitted,

Susan S. Albright, Chair

Newton Community Preservation Program Fy19 Budget

for Zoning & Planning Committee, 23 April 2018

Fy19 Revenue

- local surcharge
- state funds
- undesignated fund balance

Fy19 Expenditures

- program administration
- debt service
- budgeted reserves

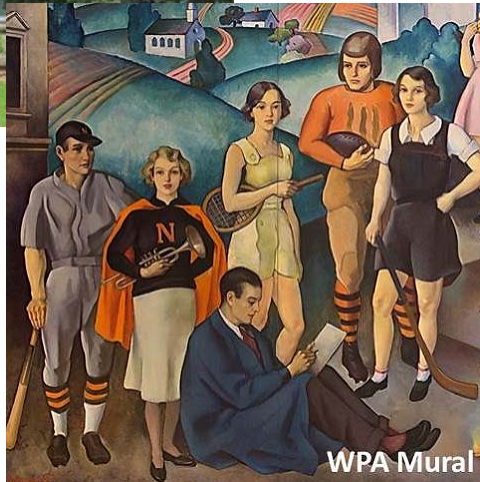
Future Needs & Resources

- 5- Year (Fy18-22) & 10-Year (Fy18-27)

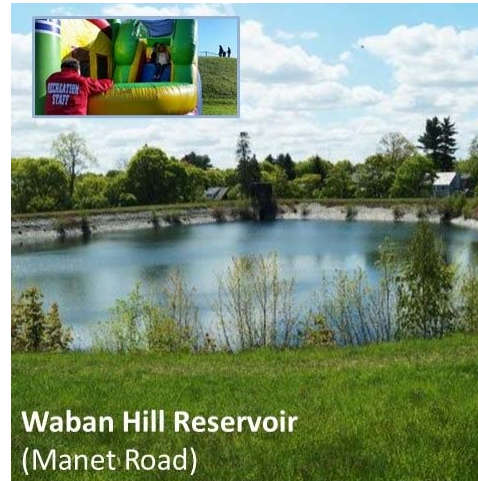


New Art Center

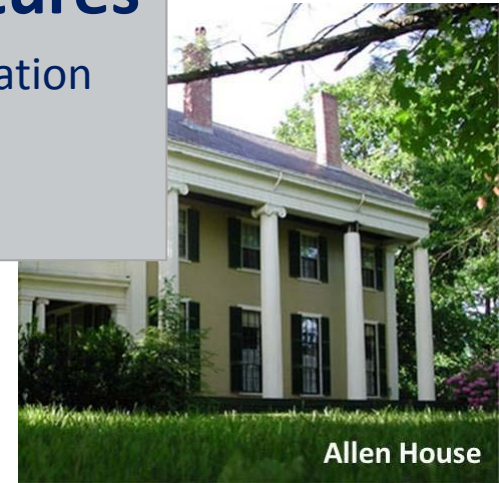
FY 18 COMPLETED & ONGOING PROJECTS



WPA Mural



Waban Hill Reservoir (Manet Road)



Allen House



Myrtle Village housing

Newton Community Preservation Program Fy19 Budget

Overall Revenue & Expenditures, Approved by CPC 3 April 2018

REVENUE	Fiscal 2018	Fiscal 2019
local CPA surcharge	\$2,987,877	\$3,062,574
state matching funds	\$291,500	\$253,970
undesignated fund balance	\$181,657	\$240,424
TOTAL REVENUE	\$3,461,034	\$3,556,967

EXPENDITURES	Fiscal 2018	Fiscal 2019
PROGRAM ADMINISTRATION & DEBT SERVICE		
Program Administration	-\$155,728	-\$160,044
Debt Service: none currently	\$0	\$0
BUDGETED RESERVES		
Community Housing Reserve (10% of annual new funds)	-\$346,103	-\$355,697
Historic Resources Reserve (10% of annual new funds)	-\$346,103	-\$355,697
Open Space Reserve (10% of annual new funds)	-\$346,103	-\$355,697
General Reserve - all annual new funds not budgeted for purposes above.	-\$2,266,996	-\$2,329,833
TOTAL EXPENDITURES	-\$3,461,034	-\$3,556,967

Q. What is the “undesignated fund balance”?

A. In most years, a portion of Newton’s state CPA funding for a given year is confirmed too late to be included in that year’s budget.

We add these “lagged” state funds to the *following* year’s budget as “undesignated fund balance,” dividing them among the restricted & general reserves along with the other funds in that budget.

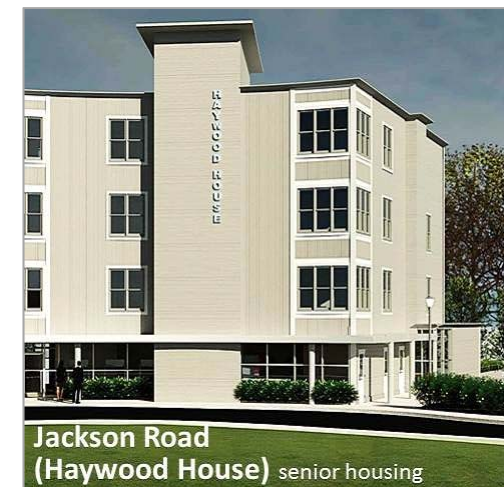
FY 18 NEW PROJECTS



Newton Community Preservation Program Fy19 Budget

Detail for Program Administration, Approved by CPC 3 April 2018

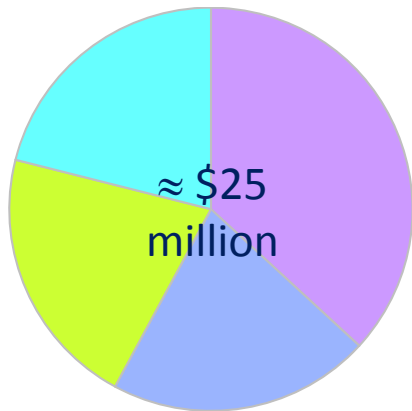
Detail for Program Administration	Fiscal 2018 budgeted	Fiscal 2019 approved by CPC 3 April 2018
PERSONNEL		
Program Manager (salary plus benefits)	\$113,328	\$118,794
Work by Other Depts. (mostly Housing staff in Planning)	\$5,500	\$3,500
SUBTOTAL Personnel	\$118,828	\$122,294
OTHER		
Consultants	\$22,000	\$24,250
Advertising/ Publications	\$500	\$500
Audiovisual Equipment	\$500	\$500
Computer Software	\$1,500	\$500
Computer Supplies	\$0	\$500
Dues & Subscriptions	\$7,900	\$7,900
Office Supplies & Equipment	\$500	\$500
Postage	\$500	\$600
Printing	\$2,500	\$1,500
Signs	\$1,000	\$1,000
SUBTOTAL Other Expenses	\$36,900	\$37,750
TOTAL	\$155,728	\$160,044



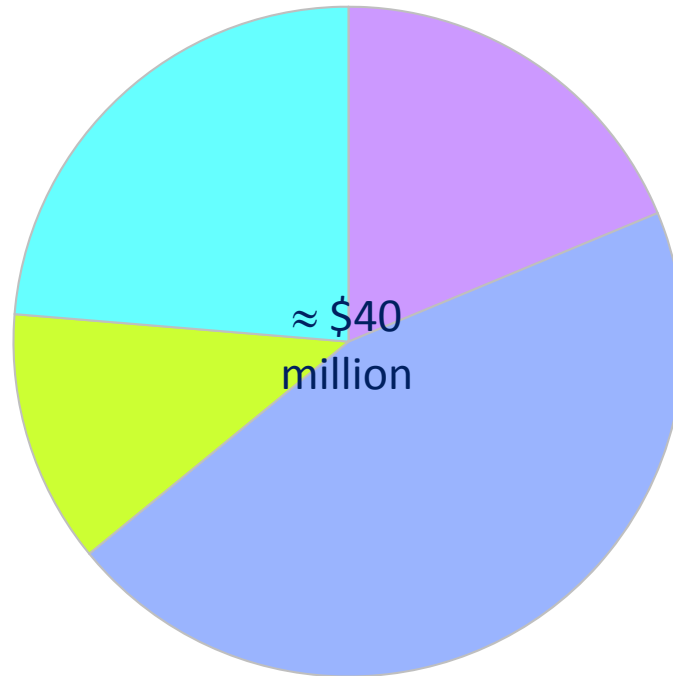
FY 18 PROPOSALS

Newton's Future CPA Needs & Resources, as of April 2018

5-year targeted resources

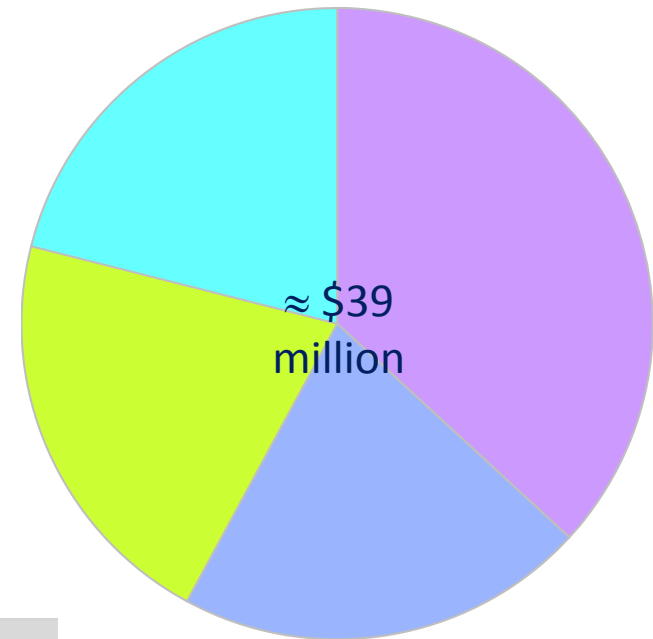


5-year current & possible future proposals



based primarily on City Capital Improvement Plan

10-year targeted resources



Newton Community Preservation Program

Overview Slides Available on Request, 23 April 2018

Massachusetts Community Preservation Act (CPA)

1. Where do CPA funds come from?
2. How *must* CPA funds be spent?
3. How *may* CPA funds be spent?

Newton's CPA Program – Resources, Needs, *Plan*

4. Newton's CPA funds by source (2003-present)
5. Newton CPA funding forecast (2018-27)
6. Newton's CPA local surcharge (how much does it cost a sample homeowner?)
7. How *has* Newton spent its CPA funds? (map, graphs)
8. How *should* Newton spend its CPA funds ? (2011-12 community survey)
9. How *should* Newton spend its CPA funds? (*Community Preservation Plan* funding guidelines & targets) – **current version included in Council packet**

Newton's CPA Program – Management

10. Who makes Newton's CPA funding decisions? (roles of CPC & City Council)
11. How do CPA projects get funded in Newton? (process diagram)
12. program website – how to find what you need



Ruthanne Fuller,
Mayor

Newton, Massachusetts
Community Preservation Committee
COMMUNITY PRESERVATION PLAN

Adopted 3 April 2018

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Director of Planning &
Development

Massachusetts' [Community Preservation Act](#) (CPA) provides local and state funds for community housing (affordable housing), historic resources, open space, and land for outdoor recreation, within certain constraints:

ALLOWABLE SPENDING PURPOSES under the Community Preservation Act				
RESOURCES → ↓ ACTIVITIES	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	LAND for OUTDOOR RECREATION
ACQUIRE	YES	YES	YES	YES
CREATE	YES	NO	YES	YES
PRESERVE	YES	YES	YES	YES
SUPPORT	YES	NO	NO	NO
REHABILITATE / RESTORE	YES, IF acquired or created with CPA funds	YES	YES, IF acquired or created with CPA funds	YES

The [Guidelines & Forms](#) page of Newton's CPA program website, at www.newtonma.gov/cpa, includes a more detailed [allowable uses of funds](#) chart, with the state statute's full definitions of these eligible resources and activities, as well as Newton-specific proposal instructions and upcoming deadlines. The CPC works with the sponsors of CPA-appropriate proposals to help them meet program requirements.

Like most CPA communities, Newton does not have enough CPA funding for all current and anticipated requests, even those that are both CPA-eligible and CPA-appropriate. The Community Preservation Committee (CPC) uses the following guidelines to decide which projects it will recommend for funding by the City Council.

1. Use Newton's regularly updated community-wide plans to guide funding decisions.

The CPC relies on Newton's *Comprehensive Plan* and other regularly updated community-wide plans to prioritize Newton's CPA-eligible needs. Each funding proposal must cite at least two of these plans, most of which are linked to [Guidelines & Forms](#) at www.newtonma.gov/cpa.

2. Balance funding across all CPA-eligible resources and activities.

The CPA statute requires communities to spend at least 10% of each year's new funds on each of three resources – housing, historic resources, and the combination of open space and land for outdoor recreation. Funds may be allocated in the year they are received or retained for future projects. Unless exceptional needs require otherwise, Newton's CPC aims to end each year with a remaining balance of about one year's worth of funds (currently about \$3 million), so the program can respond quickly to unanticipated future opportunities. Unusually expensive projects, such as land acquisition or major capital improvements to public buildings or parks, may also be funded by borrowing – selling bonds that will be repaid from future local CPA revenue.

Newton's allocation targets for CPA funding of the different eligible resources (see next page) are flexible guidelines, not rigid quotas. These targets reflect Newton's past funding patterns, available information about possible future proposals, and feedback the CPC has received through community surveys and public hearings. The targets also reflect cost differences among different types of projects. For example, in Newton projects

website www.newtonma.gov/cpa
contact Alice E. Ingerson, Community Preservation Program Manager
email aingerson@newtonma.gov phone 617.796.1144

that involve land acquisition, such as creating new affordable housing or a new conservation area, tend to cost more than projects that preserve or rehabilitate buildings and land already in public ownership.

Newton CPA Allocation Targets: Balancing Funds Across Resources	± 5%
affordable housing: development & preservation	35 ±5%
historic resources: all purposes	20 ±5%
open space & recreation land: acquisition	20 ±5%
open space & recreation land: rehabilitation / capital improvements	20 ±5%
total, min. - max.	75-115%

The final two pages of this *Plan* compare the allocation of current and future funding requests to these targets.

3. Support projects that are CPA-appropriate and that leverage non-CPA funds.

Newton's CPC prioritizes projects that are not only CPA-eligible but also CPA-appropriate, and that leverage the maximum possible funding from other sources. The CPC also recognizes that a project may need a relatively high share of CPA funding in its initial phases (such as design) in order to raise funds primarily from non-CPA sources for its later phases (such as construction).

project categories	CPA appropriateness & funding leverage
special public resources and public-private partnerships: publicly or privately owned assets that benefit all Newton residents & neighborhoods, including housing that is both deed restricted to ensure permanent affordability and proactively marketed to all eligible households	highest priority for CPA funding, with these minimums from other sources: 30% for public projects, 50% for private projects
limited-benefit public resources: publicly owned assets that benefit only some Newton residents or neighborhoods	lower priority for CPA funding, with a target of at least 60% non-CPA funding
core public resources: assets already in public ownership and that the City of Newton would be obligated to rehabilitate even if Newton had not adopted the CPA with one primary exception: CPA funding may be appropriate for the <i>difference</i> between lowest-cost and historically appropriate methods or materials for the rehabilitation of publicly owned historic resources	usually not appropriate for CPA funding,
limited-benefit private resources: privately owned assets that benefit only some Newton residents or neighborhoods	not appropriate for CPA funding

4. Support proposal sponsors with a proven capacity for project management and long-term maintenance.

Newton’s CPC requires each proposal to identify both a qualified, available project manager and a reliable source of non-CPA funding for future maintenance. The CPC also considers each proposal sponsor’s past record of project management and maintenance when reviewing new proposals from that sponsor.

These requirements help Newton to avoid repeating past experiences with projects that took far more time or public funding to complete than originally anticipated or promised, and to comply with the state CPA statute’s prohibition on using CPA funds for maintenance and operations.

5. Evaluate Projects to Ensure Accountability & Improve Future Projects

Once a project is funded, the CPC requires regular progress reports. For all non-City projects, the final release of CPA funds is contingent on presentation of a final in-person and written report to the CPC. City departments are also strongly encouraged to provide final reports to the CPC.

The CPC monitors completed projects indefinitely, to evaluate the community’s long-term returns on its CPA investments, and to learn how well – and why – different projects are maintained with non-CPA funds.

Newton, Massachusetts, Community Preservation Program							
Current & Future Proposals Compared to Available Funds & Allocation Targets							
Sources & CIP Priority Oct 2017	Sources & CIP Priority April 2018	Project Title	Affordable Housing	Historic Resources	Open Space or Recreation Land		
					Acquisition	Rehabilitation	
Total Funded Projects, Fy13-Fy17 (including debt service) ≈							
			\$14,608,039	\$3,905,703	\$4,260,339	\$2,807,175	\$3,634,822
			Fy13-Fy17 % allocation by resource	27%	29%	19%	25%
			CPC target allocations by resource, ± 5% before 4 April 2018	30% ±5%	25% ±5%	20% ±5%	20% ±5%
Current Proposals or Pre-proposals, with Related Future Proposals							
✓ = Fy18 appropriation ? = recommended by CPC but not yet funded * = cost revised or estimated by CPC staff							
funded project	funded project	✓ 236 Auburn Street (CAN-DO)	\$677,700	\$300,000			
funded project	funded project	✓ Newton Cemetery - Whipple-Beal		\$60,000			
anticipated (re)proposal	anticipated (re)proposal	* Jackson Road/Haywood House Senior Housing (NHA)	\$3,000,000				
Dec 2017 proposal, CIP 21	March 2018 proposal, CIP 23, 24	70 Crescent Street <i>(excl. prior CPA funding already incl. in Fy13-17 totals above: \$100,000 for site assessment, Apr. 2016; \$260,000 for feasibility</i>	\$1,481,622			\$1,093,378	
past proposal, anticipated proposal	past proposal, anticipated proposal	* New Art Center <i>(excl. prior CPA funding already incl. in Fy13-17 totals above: \$72,562, December 2015)</i>		\$2,250,000			
anticipated (pre)proposal	anticipated (pre)proposal	* 113-134 Stanton Avenue Senior Housing (JCHE)	\$2,500,000			\$1,095,070	
Subtotal ≈ (including debt service)							
			\$12,457,770	\$7,659,322	\$2,610,000	\$0	\$2,188,448
			% Allocation by Resource	61%	21%	0%	18%
Other Future Proposals							
* = cost revised or estimated by CPC staff CIP (Capital Improvement Plan) listings as of October 2017							
Branch Libraries (Current or Former)							
CIP 136, 216	CIP 140, 220	Auburndale Library		\$255,000			
CIP 95	CIP 99	Newton Centre Library <i>(former Health Dept.)</i>		\$1,500,000			
CIP 159, 176	CIP 163, 180	Newton Corner Library <i>(now Newton Innovation Center)</i>		\$292,500			
CIP 172	CIP 176	Nonantum Library		\$200,000			
CIP 89, 188	CIP 93, 192	Waban Library		\$318,500			
CIP 173	CIP 177	West Newton Library <i>(Police Annex)</i>		\$250,500			
City Archives							
CIP 105	CIP 109	City Archives <i>(facilities)</i> <i>CPC staff note: Actual cost is probably > \$1 million</i>		\$100,000			
CIP 158	CIP 162	Engineering Map Archives <i>(scanning)</i> <i>CPC staff note: Engineering Map collection was microfilmed in 1980s, so scanning may not be needed..</i>		\$900,000			
City Hall							
CIP 103	CIP 107	City Hall War Memorial - Exterior Stairs		\$450,000			
CIP 148	CIP 152	City Hall War Memorial - Auditorium HVAC		\$150,000			
CIP 196	CIP 200	City Hall Doors & Windows <i>(previously withdrawn by Public Bldgs Commissioner's 7 Jan 2016 memo to CPC)</i>		\$3,000,000			
CIP 202	CIP 206	City Hall/War Memorial Historic Landscape		\$1,500,000			
Crafts Street Stable (Public Works, Operations)							
CIP 139, 187	CIP 143, 191	Crafts Street Stable <i>(DPW Operations Center)</i>		\$3,500,000			

Community Preservation Plan

Newton, Massachusetts, Community Preservation Program							
Current & Future Proposals Compared to Available Funds & Allocation Targets							
Sources & CIP Priority Oct 2017	Sources & CIP Priority April 2018	Project Title	Affordable Housing	Historic Resources	Open Space or Recreation Land		
					Acquisition	Rehabilitation	
Jackson Homestead (Historic Newton)							
CIP 177, 193	CIP 181, 197	Jackson Homestead <i>(bldg repairs, off-site collections storage)</i>		\$292,000			
Historic Burying Grounds (Historic Newton)							
CIP 170, 205, 215	CIP 174, 209, 219	* Historic Burying Grounds <i>(CIP description appears to include some work that has already been funded)</i>		\$702,000			
Parks & Recreation							
CIP 65	CIP 71	* Horace Mann Community Center <i>(listed in Oct 2017 CIP for \$15m from bonding + CPA; most work probably will not be CPA-eligible as outdoor recreation)</i>				\$2,500,000	
CIP 63	CIP 69	Chaffin Park Wall (Fy21) <i>(abutting Farlow Park)</i>		\$200,000			
CIP 128	CIP 132	Burr Park Fieldhouse		\$313,500			
CIP 203	CIP 207	* Crystal Lake Bathhouse <i>(previously est. full project cost \$8m)</i>				\$5,000,000	
CIP 99	CIP 103	Newton Centre Playground Recreation Ctr		\$1,500,000			
CIP 126	CIP 130	Upper Falls/Braceland Playground <i>(now listed in CIP only for general City bonding; Parks & Rec Commissioner's 22 Nov 2016 ltr to CPC stated intention to request CPA funds)</i>					
Senior Center							
CIP 127, 133, 165	CIP 131, 137, 169	Senior Center		\$519,000			
Webster Woods *							
CIP 221	CIP 52	Acquisition of land or restriction - <i>placeholder amt based on existing appraisal</i>			\$5,000,000		
Subtotal ≈							
			\$28,443,000	\$0	\$15,943,000	\$5,000,000	\$7,500,000
% Allocation by Resource			0%	56%	18%	26%	
TOTAL Current Proposals + Pre-proposals & Related Proposals + Other Future Proposals ≈							
			\$40,900,770	\$7,659,322	\$18,553,000	\$5,000,000	\$9,688,448
% Allocation by Resource			19%	45%	12%	24%	
CPC target allocations by resource, ± 5%: as of 4 April 2018			35% ± 5%	20% ± 5%	20% ± 5%	20% ± 5%	
Following amts <i>incl.</i> fund balance. For funds available once that balance is spent down, see separate funding forecast.							
FIVE-YEAR FORECAST: Total Available Funds for Fy18-22 ≈							
			\$25,673,464				
target allocations – 5%			\$7,702,039	\$3,851,020	\$3,851,020	\$3,851,020	
target allocations + 5%			\$10,269,386	\$6,418,366	\$6,418,366	\$6,418,366	
TEN-YEAR FORECAST: Total Available Funds for Fy18-27 ≈							
			\$39,009,578				
target allocations – 5%			\$11,702,873	\$5,851,437	\$5,851,437	\$5,851,437	
target allocations + 5%			\$15,603,831	\$9,752,394	\$9,752,394	\$9,752,394	

Principles, Ideas & Implications – Economic Development

Economic Development is important to any city. Beyond their vital contributions to the tax base, businesses are an essential element of the quality of life of the community. Restaurants and stores/services are amenities for the community, many of which contribute to the unique quality of place of our villages and commercial areas. Larger office uses create job opportunities close to home for residents. Increasingly businesses seek to locate in communities that not only offer easy transportation access and supportive government services, but those that also offer the environments that attract talent – with lunch options, nearby housing, and social activities after work.

Zoning has significant influence on economic development, defining the regulatory environment for many businesses.

The following looks at principles, ideas, and implications related to economic development in zoning and incorporates ideas presented in the Economic Development event in October. Newton is also engaged in the development of an Economic Development strategy with completion of a final draft anticipated for June and staff anticipates a number of recommendations relevant to zoning.

PART I. PRINCIPLES

On the topic of economic development, the most relevant purposes section is that of the entire ordinance, found in Article 1. An excerpt of that section, with those proposed purpose statements most relevant to the topic is provided below.

Article 1. General Provisions

Sec. 1.2. Purpose of Chapter

- Q. To increase the commercial tax base in support of the fiscal health of the City.
- R. To protect and promote a diverse mix of businesses and employment opportunities.
- S. To provide opportunities for businesses to remain in Newton as they develop and grow.

PART II. IDEAS

Economic Development related provisions run throughout the ordinance and include such issues as allowed building envelope in commercial areas, the development review process, signage and parking. This discussion will focus on commercial use categories and home business rules. Below is a sampling of how the use categories in the use table would potentially translate into the definitions and rules provided in Article 6, Use Regulations.

Article 4. Business, Mixed Use & Manufacturing Districts

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Newton's current ordinance lists 68 commercial uses ranging from the very specific (ATM, bowling alley) to the general (office, retail sales). The objective of the proposed changes will be to group uses into categories to which the same rules would apply uniformly while only calling out those specific uses within a category for which there would be specific requirements.

- A. Retail Use Category
 - a. Village Retail
 - b. General Retail
 - c. Craftsman/Artisan Retail
- B. Service Use Category
 - a. Village Service
 - b. General Service
 - c. Automotive Service
 - d. Animal Services
- C. Employment Use Category
 - a. Office
 - b. Co-Working
 - c. Lab / Research & Development
- D. Restaurant Use Category
 - a. Restaurant
 - b. Brewery
 - c. Fast Food Restaurant
- E. Lodging Use Category
 - a. Hotel
 - b. Bed & Breakfast
- F. Infrastructure Use Category
 - a. Commercial Parking Lot
- G. Industrial Use Category
 - a. Maker Space
- H. Accessory Uses (Commercial)
 - a. Artisan/Artist Living Space

Article 6. Use Regulations

Sec. 6.4. Commercial Uses

6.4.1. Retail Use Category

- A. Defined. A category of use involving the sale of goods with the limited provision of services to the general public for personal or household consumption. Customers are generally walk-in.

- B. Village Retail. A retail use with a gross floor area of less than 8,000 square feet. Village retail includes such uses as are listed in figure x.
- C. General Retail. A retail use with a gross floor area of 8,000 square feet or greater. General retail includes such uses as those listed in figure x.
- D. Craftsman/Artisan Retail. A retail use with an associated production/fabrication space. Goods produced in this space must be hand-made and available for sale in the establishment. Examples might include a candy or chocolate maker, a jewelry maker, a toy maker, etc.

6.4.2. Service Use Category

- A. Defined. A category of use that provide patrons services and limited retail products related to those services.
- B. Village Service. A service use with a gross floor area of less than 8,000 square feet. Village retail includes such uses as are listed in figure y.
- C. General Service. A service use with a gross floor area of 8,000 square feet or greater. General retail includes such uses as those listed in figure y.
- D. Automotive Service.
 - 1. Gas Station.
 - 2. Automobile Repair.
- E. Animal Service.
 - 1. Animal Service with Overnight Boarding.
 - 2. Animal Service without Overnight Boarding.

6.4.3. Employment Use Category

- A. Defined. A category of use involving workplaces for professional staff. Customers are generally by appointment.
- B. Office.
- C. Co-Working. A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.
- D. Lab / Research & Development.

ZAP Committee Homework!!!!

There are a wide array of existing or potential commercial uses in Newton. Staff is requesting that the Committee members review the commercial uses identified in section 4.4.1 and the definitions and rules provided in section 6.4. Are there uses either listed or not that should have special rules (for example, Newton has no special rules for liquor stores)? Are there rules provided that should go away or be changed (for example, all restaurants are required to close by 11 PM)? Any other commercial use related ideas?

Examples of special rules include restrictions on operations such as parking or outdoor displays, restrictions on the types of places where they may operate such as greater than 500 feet from a residential use or only on the 2nd floor, or proximity restrictions such as no more than 2 such establishments on a given block.

Sec. 6.7. Accessory Uses

6.7.3. Home Business

A. Defined. A commercial occupation carried on by a resident of a dwelling unit where the occupation is secondary to the use of the dwelling unit for residential purposes and where the “quiet expectations” of neighbors takes precedence over work needs of the occupation. Home business shall include, but is not limited to:

1. Professional offices;
2. Artist’s studio;
3. Etc

Home business shall not include:

1. Restaurant;
2. Auto repair shop;
3. Etc

B. Standards.

1. The Home Business shall not change the residential character of the dwelling;
2. The Home Business shall not occupy more than 25% of the useable floor area of the dwelling unit or be located within an accessory structure that meets the requirements for accessory structures found in section X;
3. No materials or products shall be stored outside of a building.
4. No display of products may be visible from the right-of-way of any public street;
5. Commercial signs are prohibited except as allowed for Home Business in sec. 5.x.x.
6. Shipping and delivery is restricted to parcel and small freight carriers;
7. No more than one off street parking space is permitted for the Home Business;
8. 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;
9. Products produced on-site must be grown, fabricated, or assembled by hand;
10. No more than one non-resident employee may be present at any one time during the hours of operation;
11. Retail sales to walk-in customers are prohibited;
12. Not more than three clients, customers, or pupils for business or instruction shall be present at any one time;
13. Client, customer, or pupil visits must be by appointment only and business activities may not have more than one visitor car at a time;

PART III. IMPLICATIONS

Commercial Uses

Classifying uses into categories has a number of benefits. Foremost is the degree to which using and enforcing the use section of the ordinance is made easier. A user can readily find their use by category and, for enforcement purposes, a new use can more readily be identified as part of a use category and appropriately regulated. This second benefit is particularly important as the current retail market, and commercial market generally, are going through profound changes brought on by increasing competition from online commercial enterprises and other challenges. Combinations of traditionally different uses are increasingly common. Under the current ordinance, if its not listed on the use table, or not readily identified as similar to a listed use, its not allowed. The proposed allows a greater degree of flexibility for new uses, while still ensuring the intent and rules of the ordinance are applied.

The approach being demonstrated above is one where most uses are generalized into categories with each category having the same regulatory controls. Within those categories are a few specified uses with specific rules. The above is meant only to demonstrate the approach, not what those rules would be. Many of the rules will be drawn from the existing ordinance.

Overall, there is still work to be done in the use section. The Committee homework assignment above is intended to draw out policy concerns relative to land uses in Newton. Staff needs some direction on what uses present challenges in the community that require investigation for potential regulatory solutions. At the same time, the use section is layered with rules and requirements that seem largely irrelevant and generally go unenforced.

Some new uses are suggested in the above sample language including co-working space, bed & breakfasts, and artist living space as a commercial accessory uses. Staff is also proposing to separate village retail and service from general retail and service. The idea here is to ensure only smaller uses (in this example, set at less than 8,000 square feet) can locate in the zoning districts associated with the village centers. Larger uses could be allowed by special permit. This approach reinforces the idea introduced earlier that ground floor commercial uses in the village centers would not require onsite parking – though parking or transportation related requirements could be introduced as part of a special permit for larger uses.

As we continue to work on this section, we will also be working closely with the Kathryn Ellis, Economic Development Director, and the Economic Development Strategy team, to understand how the zoning ordinance can help make Newton competitive in attracting businesses to the city. In recent years, Newton has seen the loss of multiple large employers to neighboring communities. Furthermore, a number of the more than 60 companies in the Newton Innovation Center are growing to the point that they need new space but are struggling to find appropriate places to continue their growth within Newton. Reducing zoning barriers to growing the commercial tax base is on our radar.

Home Business

This section represents an update of Newton’s Home Business accessory use section, addressing a number of the challenges present in the existing ordinance. Under this proposal, having a home business becomes a little easier as a special permit is no longer required for a home business in multi-residence districts or

accessory buildings and there is no longer a restriction of one home business per dwelling. At the same time, the restrictions are clearer and more limiting, addressing many of the common concerns raised by home businesses, such as on disturbances and deliveries. A maximum parking requirement is set because parking lots are not conducive to residential neighborhoods and encourage greater amounts of traffic. The rules also provide for a maximum number of visitor cars associated with the business. Overall, these standards uphold the notion that a home business should be effectively invisible to one's neighbors.

Staff is also recommending that the ability to grant a special permit to exceed these requirements be removed, meaning that a home-based business can only operate within the limits set by ordinance. The requirements themselves are fair and represent a good balance of the rights of an individual and their neighbors. Beyond the limits set by these rules, a business should be moving to commercial space. Special permits stay with the property, creating a long-term right that doesn't seem necessary for a generally transient accessory use.

ATTACHMENTS

- A. Commercial Use Table
- B. Commercial Use Section
- C. Home Business Section

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	P	P	P	P	P	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	P	P	P	P	P	P	P	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	P	P	P	P	P	P	P	P	P	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 City Council Required -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	Sec. 6.4.4
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	Sec. 6.4.4
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	Sec. 6.4.5
Business incubator	P	P	P	P	--	P	P	P	--	P	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	P	P	P	P	P	P	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	L/SP	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
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 City Council 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	P	P	P	P	--	SP	P	--	P	--	--	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	P	P	P	P	--	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	SP	SP	SP	SP	SP	P	P	SP	P	P	P	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
Printing, publishing and reproduction establishment	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.13
Sign painting shop	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.5.14
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
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 City Council Required -- Not Allowed												

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

(Ord. No A-72, 04/04/16; Ord. No A-73, 04/04/16; Ord. No. A-99, 01/17/17; Ord. No. A-113, 06-19-17)

6.3.13. Sanitarium, Convalescent or Rest Home, Other Like Institution

A. **Defined.** [reserved]

6.3.14. School or Other Educational Purposes

A. **Defined.** Any building or part of a building used as a public or private educational institution containing 1 or more rooms, with provisions for 2 or more pupils, provided that a school or other use for educational purposes shall not include a correctional facility, and is either a.

1. **Non-Profit.** A school or other educational use on land owned or leased by a religious sect or denomination, or the Commonwealth of Massachusetts or any agencies, subdivisions or bodies politic, or nonprofit educational corporation; or

2. **For-Profit.** [reserved]

B. **Standards.**

1. **Non-Profit.** A non-profit school or other educational use is subject to the standards of Sec. 7.5.2.

a. **Administrative Site Plan Review.** In all districts, the construction, alteration, enlargement, reconstruction, use or change of use for a School or Other Educational Purpose shall be subject to the dimensional regulations of the respective zoning district and the parking regulations of Article 5. For purposes of this section "Alteration" shall mean those modifications which produce an increased parking demand pursuant to the requirements in Article 5.

b. **Special Permit Required.** The construction, alteration, enlargement, reconstruction, use or change of use for a School or Other Educational Purpose that cannot meet the parking regulations in Article 5.

2. **For-Profit.** A for-profit school or other education use requires a special permit.

3. **Vegetative Buffer Required.** In Single Residence 1 and 2 districts where a multi-use institution and dormitories with more than 3 acres of land abuts single residence uses or is separated from such uses by an adjacent street, a 60 foot vegetative buffer shall be maintained from all property lines

of the institutional use and for those exceeding 10 acres of land, the vegetative buffer shall be a minimum of 100 feet, and for those exceeding 20 acres of land, the vegetative buffer shall be a minimum of 150 feet.

(Rev. Ords. 1973 §24-1; Ord. No. S-260, 08/03/87; Ord. No. S-287, 12/07/87)

6.3.15. Theatre, Hall

A. **Defined.** [reserved]

Sec. 6.4. Commercial Uses

6.4.1. Animal Service

A. **Defined.** Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding.

(Ord. No. A-4, 10/01/12)

6.4.2. ATM, Standalone

A. **Defined.** A standalone automated teller machine (ATM) not located on the same lot as a bank, trust company or other banking institution.

6.4.3. Bakery, Retail

A. **Defined.** A bakery selling products at retail and only on premise.

6.4.4. Bank

A. **Defined.** Bank, trust company or other banking institution.

B. **Standards.**

1. Drive-in facilities are prohibited in the Business 1 through 4, Mixed Use 1 and 2, and Limited Manufacturing districts.

(Ord. No. S-260, 08/03/87; Ord. No. T-12, 03/20/89; Ord. No. T-75, 03/05/90)

6.4.5. Bowling Alley

A. **Defined.** [reserved]

6.4.6. Business Incubator

A. **Defined.** [reserved]

6.4.7. Business Services

A. **Defined.** [reserved]

6.4.8. Car-Sharing Service, Car Rental, Bike Rental, Electric Car-Charging Station

A. **Defined.** [reserved]

6.4.9. Car Wash

A. **Defined.** An establishment for washing automobiles where 3 or more vehicles may be washed simultaneously.

(Rev. Ords. 1973 §24-1)

6.4.10. Country Club Facilities

A. **Defined.** Dining rooms, conference or meeting facilities and clubhouses associated with a country club or golf course.

6.4.11. Drive-In Business

A. **Defined.** A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle. Includes drive-in food establishments.

(Ord. No. 312, 02/05/79)

6.4.12. Dry Cleaning or Laundry, Retail

A. **Defined.** [reserved]

6.4.13. Fast Food Establishment

A. **Defined.**

1. **Fast Food Establishment.** An establishment whose primary business is the sale of food for consumption on or off the premises which is:
 - a. Primarily intended for immediate consumption rather than for use as an ingredient or component of meals;
 - b. Available upon a short waiting time; and
 - c. Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

(Ord. No. 22, 10/07/74)

6.4.14. Fuel Establishment

A. **Defined.**

1. **Fuel Establishment.** Any business, including a gasoline service station, which for wholesale or retail sales or any combination thereof, expands an existing capacity or introduces on-site fuel, petroleum products, gas, LNG, or propane for residential, commercial, industrial or motor vehicle use or sales, in an amount in excess of 5,000 gallons. Excluded are residential properties storing 5,000 gallons of fuel oil or less.
2. **Gasoline Service Station.** A building or structure or part of a building or structure used in connection with tanks, pumps and other appliances for supplying motor vehicles with gasoline, compressed air, oil, water and similar supplies, and accessories and/or used in connection with making minor repairs and adjustments on motor vehicles, other than structural repairs.
3. **Fuel Oil Distributor.** Any business which stores fuel oil above or underground for the purposes of direct resale to retail customers of the fuel oil distributor or to other fuel oil distributors.

B. **Standards.** 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; and self-service gasoline pumping facilities.

(Rev. Ords. 1973 §24-1; Ord. No. 301, 11/06/78; Ord. No. S-260, 08/03/87)

6.4.15. Funeral Home

A. **Defined.** [reserved]

B. **Standards.** In the multi-residence districts:

1. No portion of the lot or tract shall be further than 500 feet from a business district;
2. The proprietor, manager or a person in charge shall maintain a permanent residence in the funeral home; and
3. Hearses used by the funeral home and stored on the premises shall be garaged under cover.

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

6.4.16. Health Club

- A. **Defined.** A commercial establishment which as its primary purpose provides facilities for individual physical health activities, such as aerobic exercise, running and jogging, use of exercise equipment, saunas, showers, massage rooms and lockers. Such establishments are operated as a business even if open only to members and their guests on a membership basis and not to the public at large paying a daily admission fee.

(Ord. No. X-10, 03/18/02)

6.4.17. Hotel or Lodging Establishment

- A. **Defined.** A building or several buildings containing 6 or more sleeping rooms for guests, other than a dormitory, lodging house or apartment house.
- B. **Standards.**
 - 1. In a Business 5 district, in addition to the density and dimensional controls set forth in Sec. 4.1.3, the lot or tract of land shall have a minimum area of 2 acres and 25 percent of the lot or tract of land shall be in landscaped area.

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

6.4.18. Job Printing

- A. **Defined.** [reserved]

6.4.19. Kennel

- A. **Defined.** [reserved]

6.4.20. Office

- A. **Defined.** Offices for professional, business, or medical purposes, excluding the retail sale of tangible personal property from a stock of goods on the premises.

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

6.4.21. Office of a Contractor, Builder, Electrician, Plumber or Similar Enterprises

- A. **Defined.** Office of a contractor, builder, electrician, plumber or similar enterprises, together with such storage buildings as are necessarily appurtenant thereto.

- B. **Standards.** No outside storage is permitted and no more than 40 percent of the total gross floor area may be used for storage.

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

6.4.22. Open-Air Business

- A. **Defined.** A business conducted outdoors, without any primary structures.

6.4.23. Outdoor Storage

- A. **Defined.** Areas for outside storage, display and sale of goods and materials.
- B. **Standards.** 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 as the City Council shall approve by special permit.

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

6.4.24. Parking Facility

- A. **Defined.**
 - 1. Single Level [reserved]
 - 2. Multi-Level [reserved]
 - 3. Accessory [reserved]
 - 4. Non-Accessory [reserved]
 - 5. Public [reserved]

6.4.25. Personal Service

- A. **Defined.** Personal services, including but not limited to barbershop, salon, tailor, cobbler, personal trainer or fitness studio, and laundry, and/or dry cleaning drop off.

(Ord. No. Z-108, 04/17/12; Ord. No. A-99, 01/17/17)

6.4.26. Place of Amusement, Indoor and Outdoor

- A. **Defined.** [reserved]

6.4.27. Radio or Television Transmission Station

- A. **Defined.** [reserved]

- B. Standards.** Wireless communication equipment shall be subject to Sec. 6.9.

6.4.28. Research and Development

- A. Defined.** [reserved]

6.4.29. Restaurant

- A. Defined.** An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

B. Standards for Allowed Uses

1. In the Business 1 through 4, Mixed Use 2 and 4 districts, restaurants having not more than 50 seats.
2. In the Mixed Use 3 district, restaurants having not more than 5,000 square feet of gross floor area.
3. In all districts, outdoor sidewalk seats permitted under revised Ordinances Chapter 12, Section 12-70 shall be excluded from the total number of seats used to determine the review process.

C. Standards for Special Permit Uses

1. In the Business 1 through 4 districts, restaurants having over 50 seats which are not open for business between the hours of 11:30 p.m. and 6:00 a.m., except that such restriction as to hours of operation shall not apply to a hotel or motel restaurant.
2. In a Limited Manufacturing district, restaurant, pastry shop, coffee shop, fast food establishment, drive-in food service establishment, or other such establishment when such establishment dispenses food products between 10:30 p.m. and 6:00 a.m., but not including in this paragraph any such business operated as part of a hotel or motel.
3. In a Mixed Use 1 district, 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.

4. In a Mixed Use 2 district, restaurants over 50 seats, and such businesses which hold a Common Victualler – All Alcoholic or Common Victualler-Wine/Malt Beverages license issued by the licensing authority of the City.
5. In the Mixed Use 3 district, restaurants with more than 5,000 square feet of gross floor area.
6. In the Mixed Use 4 district, restaurants having more than 50 seats and extended hours of operation.
7. In all districts, outdoor sidewalk seats permitted under revised Ordinances Chapter 12, Section 12-70 shall be excluded from the total number of seats used to determine the review process.

(Rev. Ords. 1973 §24-1; Ord. No. S-260, 08/03/87; Ord. No. X-20, 05/06/02; Ord. No. A-13, 03/18/13)

6.4.30. Retail Sales

- A. Defined.** Retail sales, including but not limited to specialty food store, convenience store, newsstand, bookstore, food coop, retail bakery, and general merchandise.

B. Standards.

1. In a Mixed Use 1 district, a free-standing retail structure shall contain a minimum of 5,000 square feet of gross floor area.

(Ord. No. Z-108, 04/17/12)

6.4.31. Service Establishment

- A. Defined.** Business service establishments, including but not limited to copying and printing establishments and shipping services.

(Ord. No. Z-108, 04/17/12)

6.4.32. Stable

A. Defined.

1. **Private.** A building or part of a building in which 1 or more horses are kept and used in connection with the business of the owner or tenant for other purposes than sale, rent or hire.
2. **Public.** A building or part of a building in which horses are kept for compensation.

(Rev. Ords. 1973 §24-1)

6.4.33. Taxidermist

- A. **Defined.** [reserved]

6.4.34. Vehicle Repair Shop

- A. **Defined.** A building or part of a building in which repairs are made to motor vehicles, or a repair shop in a garage or other building in which heavy machinery is used. An automobile school shall be regarded as a vehicle repair shop.
 - 1. **Minor.** A part of a garage where minor structural repairs are made to motor vehicles for profit, by means of lathes, vises and other appliances, but not by means of heavy machinery.
 - 2. **Major.** [reserved]

(Rev. Ords. 1973 §24-1)

6.4.35. Vehicle Sales and Service Facility

- A. **Defined.** The display, sales, storage and service of motor vehicles and the repair of motor vehicles performed in connection with said sales.
- B. **Standards.** In the Business 2 and Mixed Use 1 districts, 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 the vehicles as the City Council shall approve.

(Ord. No. S-260, 08/03/87; Ord. No. V-44, 11/20/95)

6.4.36. Veterinary Hospital

- A. **Defined.** [reserved]
- B. **Standards.** In the Mixed Use 4 district, a veterinary hospital is allowed by special permit, but may not have overnight boarding not related to medical care.

(Ord. No. V-87, 07/06/96)

Sec. 6.5. Industrial Uses

6.5.1. Assembly or Fabrication of Materials Manufactured Off Premise

- A. **Defined.** [reserved]
- B. **Standards.** In a Mized Use 2 district, no building associated with assembly or fabrication of materials may be larger than 10,000 square feet.

6.5.2. Bakery, Wholesale

- A. **Defined.** A bakery selling products at wholesale and not on premise.

6.5.3. Boat Building, Storage and Repair

- A. **Defined.** Shipbuilding, small boat building, yards for storage and repair.
- B. **Standards.** In the manufacturing districts, no ships or boats are located within 100 feet of a residence district.

(Ord. No. S-260, 08/03/87; T-65, 12/18/89)

6.5.4. Bottling Works

- A. **Defined.** [reserved]
- B. **Standards.** No bottling of alcoholic beverages allowed.

6.5.5. Building Materials Sales Yard and Storage Building

- A. **Defined.** [reserved]

6.5.6. Contractor's Yard

- A. **Defined.** Office and storage of vehicles and materials for a contractor or builder.

6.5.7. Feed and Seed Store

- A. **Defined.** [reserved]

6.5.8. Food Processing, Wholesale

- A. **Defined.** [reserved]
- B. **Standards.** No meat, fish, vinegar, yeast or fat processing.

6.5.9. Laboratory and Research Facility

- A. **Defined.** Research and development facility, laboratory or research facility with or without recombinant DNA research or technology, as defined in Revised Ordinances Chapter 12, Sections 12-20 et. seq.
- B. **Standards.** In the business 5 District, the facility is exclusively for research purposes with no manufacturing on the premises.

(Ord. No. S-260, 08/03/87; Ord. No. T-319, 12/20/93; Ord. No. A-113, 06-19-17)

6.5.10. Laundry, Cleaning and Dyeing Establishment

- A. **Defined.** [reserved]

6.5.11. Manufacturing

- A. **Defined.** Manufacturing includes:
 1. Canvas products, fabrication and sales;
 2. Glass fabrication or installation;
 3. Ice manufacturing or storage;
 4. Light metal fabrication such as sheet metal, ducts, gutters and leaders;
 5. Lightweight and nonferrous metal casting (no noxious fumes);
 6. Machine shop (excluding presses over 10 tons), plumbing shop, blacksmith shop;
 7. Molding, shaping or assembly from prepared materials (including repairs) of boxes, staging, toys, stationery, novelties, paper boxes, toilet preparations, drugs, perfumes, flavoring extracts, medical and hygienic appliances, clothing, textiles, hats, leather and sporting goods, mattresses, store, house, office, theater, playground equipment, signs, musical instruments, art goods, industrial models, tools, appliances or electrical goods;
 8. Optical, scientific instrument and jewelry manufacturing;
 9. Wearing apparel fabrication and processing; and
 10. Other similar manufacturing uses.

- B. **Standards.** 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.

(Ord. No. S-260, 08/03/87; Ord. No. T-65, 12/18/89; Ord. No. T-185, 11/18/91)

6.5.12. Paint Store

- A. **Defined.** [reserved]

6.5.13. Printing, Publishing and Reproduction Establishments

- A. **Defined.** [reserved]

6.5.14. Sign Painting Shop

- A. **Defined.** [reserved]

6.5.15. Telecommunications and Data Storage Facility

- A. **Defined.** A facility for the operation, monitoring and maintenance of telecommunications switching equipment, data storage computers, internet connectivity routers, and ancillary equipment.

(Ord. No. W-34, 03/05/01)

6.5.16. Trash or Yard Waste, Collection, Storage, Transfer-Haul or Composting

- A. **Defined.** On-site collection or storage for wholesale sale of trash or yard waste of any sort, including, but not limited to recyclable materials, brush, leaves, grass clippings and any other similar materials.

(Ord. No. W-33, 03/05/01)

6.5.17. Vehicle Storage

- A. **Defined.** Motor vehicle storage, including outside storage of an automobile dealer's inventory of motor vehicles
- B. **Standards.** No vehicles are located within 100 feet of a residential district and no automotive sales or repairs are conducted. No lighting shall be allowed except such as is necessary for the safety and protection of the public.

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

6.5.18. Wholesale Business or Storage Facility

- A. **Defined.** [reserved]
- B. **Standards.**
 - 1. **In the Limited Manufacturing and Business 2 Districts.** No outside storage.
 - 2. **In the Manufacturing District.** No on-site collection or storage for wholesale sale of trash or yard waste of any sort (including, but not limited to recyclable materials, brush, leaves, grass clippings and any other similar materials).

(Ord. No. W-33, 03/05/01)

6.5.19. Wholesale Distribution Plant

- A. **Defined.** [reserved]

Sec. 6.6. Open Space Uses

6.6.1. Agriculture

- A. **Defined.** Includes horticulture, silviculture, floriculture and viticulture.

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

6.6.2. Indoor Recreation Facility

- A. **Defined.** Indoor swimming pools, indoor tennis courts, or similar indoor recreational activities.

6.6.3. Outdoor Recreational Activities, Private

- A. **Defined.** Includes, but is not limited to, golf courses, boating, play areas, nature studies and walks.
- B. **Standards.** Shall not permit the operation of motorized recreational vehicles (other than golf carts) such as automobiles used for races of any sort, dirt bikes, motorcycles, snowmobiles, dune buggies or motor boats, nor shall sports stadiums be permitted as either a principal or accessory use.

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

6.6.4. Resource Extraction

- A. **Defined.** The removal of resources such as sod, loam, subsoil, sand or gravel from the premises for the purpose of sale.
- B. **Standards.** Resource extraction requires a special permit.

6.6.5. Riding School, Stock Farm

- A. **Defined.** [reserved]

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

6.7.2. Commercial Vehicle Parking

A. Defined: The parking of any vehicle, conveyance or piece of mechanized equipment in a residence district which is used to further any business, trade, profession or employment, and which meets any 1 or more of the following criteria:

1. There is affixed on it any writing or logo that designates an affiliation with any business, trade, profession or employment;
2. It is used to store in a manner or place that is visible from outside of the vehicles any tools, equipment, accessories, body height extensions or other things used to further any business, trade, profession or employment;
3. It is used to transport persons, their luggage, and/or their animals or other materials for any kind of fee or charge;
4. Its length is more than 18 feet;
5. Its width is more than 7 feet;
6. It has a mechanized dumping capability;
7. It has a plow blade or plow blade frame or other device attached, or a plow blade or other device is stored on the premises.

B. Standards: In a residence district commercial vehicles shall not:

1. Exceed 18 feet in length or 7 feet in width;
2. Contain more than 4 square feet of advertising on any one side; and
3. Be stored between any front line of the principal building and the street line, or in the side or rear setback unless stored within a garage or other enclosure.

Ord. No. V-288, 03/20/00)

6.7.3. Home Business

A. Defined. Any commercial activity conducted within a dwelling unit by the residents thereof as an accessory use to the residential use of the dwelling unit, provided that no sale of merchandise, whether retail or wholesale, takes place on the premises, except as expressly permitted by the provisions of Sec. 6.7.3.B.1.e. The term home business shall include, but is not limited to:

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 1 square foot 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:
 - i. 1 parking stall for each 200 square feet, or fraction thereof, of floor area used for the home business.
 - ii. If more than 1 parking stall is required for the home business, the total number of parking stalls required shall be reduced by 1 stall;
 - j. In any dwelling which has an accessory apartment, there shall be no more than 1 home business which shall be located in the principal dwelling unit; and
 - k. The City Council may grant a special permit for a home business involving any or all of the following:
 - i. A number of nonresident employees greater than that permitted under Sec. 6.7.5.B;
 - ii. The utilization for the purpose of the home business of more than 30 percent of the ground floor area of the dwelling unit;
 - iii. The presence of more than 3 customers, pupils, or patients for business or instruction at any one time, subject to the provision of a number of parking spaces sufficient to accommodate the associated activity;
 - iv. The use of a detached accessory building, exterior structure, or land outside the residence for the primary purpose of, or accessory to the home business; provided, however, that no home business shall be permitted in any detached accessory building which is used as an accessory apartment pursuant to the provisions of Sec. 6.7.1.C. or Sec. 6.7.1.D.; and
 - v. The waiver of the off-street parking requirement.
 2. In Multi-Residence Districts. The City Council may grant a special permit for a home business in accordance with standards listed in Sec. 6.7.3

(Ord. No. 191, 01/17/77; Ord. No. S-260, 08/03/87; Ord. No. T-264, 03/01/93)