



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#202-18**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)  
Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** May 25, 2018

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

**FROM:** Barney S. Heath, Director of Planning and Development  
James Freas, Deputy Director of Planning and Development  
Rachel Nadkarni, Long Range Planner

**RE:** **#202-18 Zoning amendment to Mixed Used 4 district**  
COUNCILOR GENTILE MARKIEWICZ, COTE AND NORTON requesting amendments to Chapter 30, Newton Zoning Ordinance, so that the Mixed Used 4 (MU4) zone is either eliminated; or the dimensional controls are reduced; or a moratorium of two years be placed on any new MU4 development; or any combination of these three action.

**MEETING DATE:** May 29, 2018

**CC:** Ouida Young, City Solicitor  
Planning Board

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At the baseline, the MU4 zone is a “floating zone” that can only be applied to a parcel of land by a legislative act of the City Council.

This proposal includes three options, each with a different outcome:

- Eliminate the MU4 zone
- Modify the MU4 zone
- Place a moratorium on new MU4 locations

Typically, moratoriums are applied to issues that do not otherwise have a discretionary process, i.e. by right development, and not to development for which a case-by-case discretionary decision can be made. The Council has the flexibility at the moment to not approve any new MU4 Zones and, where the Council chooses to apply the district, most projects will still require a special permit, granting even further discretion to the Council. Removing the zone or installing a moratorium would eliminate the option to allow an MU4 Zone to be created.

The Planning Department recommends that the Zoning and Planning Committee first focus its discussion on the issue to be addressed. Some important questions to consider:

1. What is the specific issue of concern?
2. What additional data is necessary to guide decision making?
3. What outcome is sought by a modification or a moratorium?
4. What are the impacts of each option on residents, businesses, and the City overall?