



Summary Report

Cracking the Code: Understanding Zoning for Homeowners

The third event in the Zoning Redesign series took place on November 29th, 2017 and focused on Newton's Zoning Ordinance for single- and two-family homes. With over 90 people in attendance, this event had the highest turnout yet in the series, perhaps because the majority of Newton is single- and two-family residential. The event followed the standard format used in the series where City staff presented on Zoning 101 and then spoke to the content relevant to zoning for homeowners. Staff then facilitated a few clarifying questions before breaking into smaller discussion groups where attendees delved into more detail on the presentation materials and provided feedback. At the end of the event each table shared one important or new idea that was generated by their discussion. Ahead of the event, the project team released an informational sheet which provided the basic structure of the presentation. This is appended to the end of this summary report.

Zoning proposals on four ways to make zoning for homeowners

The presentation on Zoning for Homeowners began with a summary of the objectives that are aimed for in Zoning Redesign with regard to single- and two-family zoning. Through this re-write process, the future zoning ordinance should be easy to use and administer by homeowners, elected officials, staff, and other real estate stakeholders. By providing clear guidance on what a homeowner can do through zoning will help people understand how zoning affects them and their property. An objective is to provide homeowners with reasonable ability to modify a property to meet their changing needs. Finally, zoning should ensure that changes to individual properties respect the context of the neighborhood.

The reality of meeting all of these objectives requires that Newton's stakeholders grapple with the need for zoning to strike the right balance between flexibility and predictability. How to strike this balance was one of the main areas of feedback that attendees at the event provided. Not surprisingly, people liked having both: flexibility for homeowners to make changes to their property and predictability for neighbors to understand what their neighborhood may look like in the future. When considering their own property, people want to make reasonable changes without unnecessarily struggling with a complicated and costly process. They also want to preserve the financial investment they have made in their home, often the largest investment a person or family will make in their lifetime.

Table discussions discussed how to determine what type of changes should be deemed appropriate. Both the presentation and group discussions focused on how tools in zoning that can help homeowners determine if changes fit in with the context of the neighborhood or street.

Community Feedback: Lot Types and Context Based Zoning



Staff presented the idea of using neighborhood-specific contexts that are more individualized to the varying areas of Newton. This concept resonated with many of the attendees who like the idea of a zoning code that reflects this variation more precisely. The biggest question that arose from table discussions is where and how the context of an area is measured; in other words, what is the baseline for defining the context?

Attendees were largely surprised at the high proportion of lots in Newton – 87% - 95% - that are currently non-conforming to the Zoning Ordinance. With regard to context, one table wondered, if 87% doesn't conform with current zoning, how will the context be determined? Attendees recognized they most likely live in a non-conforming home or lot and therefore want to know, how will the new zoning take into account these properties. Several tables supported having minimum lot sizes be more flexible.

Not surprisingly, many people are concerned about teardowns of older homes in neighborhoods and how new, larger homes change the look and feel of a street. If a house is torn down, at least one table suggested, new zoning rules should apply to the new building. A similar idea was that lot sizes should become conforming if a house is torn down. Concern about tear downs also led to the question of whether newer building stock would be used as part of the context for an area or if older building stock would be used. Several tables recommended that contextual measurements could be made as an average of the homes' dimensions found a particular street. The ability to use the Pattern Book as part of this exercise is one that will prove useful as the project moves forward.

In general, people want to find ways for the new zoning ordinance to protect modest homes and protect older homes. In some cases, as one table pointed out, doing a rehab to an old home is too expensive, so tear downs shouldn't be banned altogether. Accessory apartments were brought up, again, as a way to encourage existing housing stock to remain while allowing for marginally more units.

Community Feedback: Proposed Dimensional Controls Policy

Proposed Dimensional Controls Policy

Goal: Support more easily interpreted and enforced rules that result in contextually appropriate development.

1. Have min and max setbacks.
2. New rules for measuring height – better account for slopes.
3. Replace FAR with some combination of:
 1. Building width & depth rules
 2. Building lot coverage rules
 3. Stepback plane rules



While FAR is probably a new and somewhat complicated zoning tool for most people at the event, table discussions provided thoughtful feedback on proposed dimensional controls. Overall, people thought dimensional regulations for the volume of the home should dictate that any allowed growth be proportionate to the lot, neighborhood, and account for topography. Because of Newton's topography, people understood the need for more precise way to measure height especially on hilly lots. Many expressed concern about lots that are regraded and the effects this may have on run-off issues and erosion. For setbacks, people liked the idea of ensuring that setbacks relate to the size of the lot. Residents want to see their access to sunlight protected and are interested in height and dimensional controls that take shadowing effects on abutting properties into consideration.

Community Feedback: Proposed Garage Policy

Proposed Garage Policy

Goal: Support strong connection between homes and street and promote welcoming streetscape.

1. Set a minimum front setback for garages behind the front building facade.
2. Set max garage width based on percentage of building width.
3. Vary these rules based on context district.



Attendees largely understood the need to limit garage dimensions and their orientation in order to support strong connection between homes and the street. Several tables supported the proposal to have garages set back from the front of a home. Some people wondered about locating garages on the sides of properties instead of facing the street. The need to respect and meet the homeowners need for flexibility does need to be taken into consideration, however. One table pointed out the garage ordinance may want to consider predictions about future personal car ownership and changing transportation options such as ride share and autonomous vehicles.

Community Feedback: Proposed Fence Policy



Proposed Fence Policy

Goal: Ensure consistency of fence ordinance with zoning. Make fence and retaining walls better and improve enforceability of the rules

- 1. Move fence ordinance into Zoning.**
- 2. Apply fence rules to vegetation/bushes that effectively serve as fences.**
- 3. Apply retaining wall rules to all retaining walls, not just those in the setbacks.**

The image shows a blue background with white text on the left and a photograph on the right. The photograph depicts a wooden fence with a lattice top section, a stone retaining wall, and a lawn area.

No objections were raised in the table discussions to moving the fence ordinance into the Zoning Ordinance. People generally understand the need to regulate fences because of visibility and safety of vehicular movement on the street, especially for corner lots. Furthermore, some people expressed that, in general, large fences on a front yard are not desirable.

Groups agreed that there need to be more restrictive rules for retaining walls. Because of how retaining walls change the topography of a lot, people expressed concern for both the need to upkeep retaining walls, manage stormwater flow, and meanwhile find a way to deal with sloped lots.

Community Feedback: General

Some more general comments emerged during the discussion portion of the event. Enforcement was a topic of discussion for single- and two-family homeowners. It was pointed out how challenging it is for neighbors to report zoning violations and people want inspection and enforcement activities to be carried out by the City. The Special Permit process was also brought up and people expressed concern that it seems arbitrary, costly, and complicated for the average single- and two-family homes. At least two tables suggested that a zoning board or planning board be more involved in this process instead of City Council.

As in previous events, people expressed affinity for Newton's villages. People appreciate that Newton has many villages instead of one downtown and that each village has its own context and character. One table discussed how to preserve village centers and add new uses like promoting co-working spaces, while preserving existing office uses. One group pointed out the goal of sustainability and how to use zoning to encourage density, limit house size, and increase the walkability of Newton's neighborhoods. The need for housing that meets the needs of an aging population was also brought up. It will be important for zoning and building code to allow Newton homeowners to easily retrofit single- and two-family homes with ramps, elevators, attached garages, and overall flexibility for aging-in-place. Zoning that encourages smaller homes, cluster housing and ways to protect moderately-priced, existing homes are priorities that emerged from this event. At the next event in the series, Housing for Whom: Zoning, Affordability, and Fair Housing on December 14th, 2017 these particular aspects of the Zoning Redesign conversation will continue. The informational sheet for the upcoming event is also appended to this document. As a final note, staff received many positive comments about the Zoning Redesign process, the event series, the website, and materials published for each event.

Cracking the Code: Understanding Zoning for Homeowners

November 29th, 2017 6:30 - 8:00 p.m.
Newton Free Library, 330 Homer Street



www.courbanize.com/newtonzoning

Have you ever done an addition to your home? Added a deck, shed, or a garage?

If you're a homeowner in Newton, the City of Newton's Zoning Ordinance regulates your house and any associated structures on your lot. Join us on November 29th to explore zoning for single and two-family properties throughout the city and how those regulations could change in a new ordinance.

Zoning regulates where structures are allowed to be located on your lot, the structure's maximum height, and how much of your lot must be devoted to open space. These same rules apply to your neighbors as well.

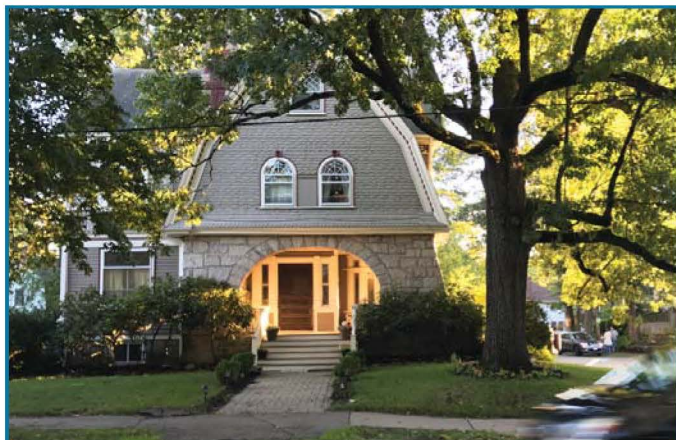
FLEXIBILITY VS. PREDICTABILITY: The degree to which zoning rules grant property owners **flexibility** in using or changing their property generally contradicts with the degree to which the ordinance offers **predictability for neighbors** (what may be done with a property) and **predictability for the property owner** (how the rules will apply to their property). In practice, zoning requirements fall on a spectrum between absolute flexibility and absolute predictability. Discussion will include how Zoning rules could vary depending on the regulatory issue or neighborhood context.

MASSING: City staff will present how the zoning ordinance currently treats setback, height, and massing, using the floor area ratio (FAR) calculation. We will explore alternative ways to address these issues by utilizing prescriptive dimensional controls or design review related processes. We expect discussions to include issues of neighborhood context and fairness.



GARAGES: In some neighborhood contexts, garages can transform the sense of a neighborhood street into a street that feels like an alley. Many communities have begun to regulate the connection between the dimensions of the garage, house, lot, and street. We will discuss what neighborhood contexts, if any, in Newton should require garages to be set back from the front façade of the building and be limited in how much of the home they can cover. Newton residents have raised concerns in recent years about garages that stick out in front of a house or dominate the appearance of a home when viewed from the street.

FENCES: Fences are not currently regulated by the Zoning Ordinance. Instead, the City Ordinance regulates fences. Bringing the fence ordinance into the Zoning Ordinance could more coherently regulate the relationship of fences to other structures on residential lots. Shrubs, hedges and similar types of vertical plantings may need to be included within the fence ordinance where they serve a similar function and can have similar impacts on corner visibility and related issues. Regulation of retaining walls will also be discussed.



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: 617-796-1089. For TRS, dial 711.

Housing for Whom? Zoning, Affordability, and Fair Housing

December 14th, 2017 6:30 - 8:00 p.m.
Newton Free Library, 330 Homer Street

www.courbanize.com/newtonzoning



Newton's Zoning Ordinance is the major determinant of the locations, types and amount of housing that is permitted in the city. The 2016 Newton Leads 2040 Housing Strategy clearly shows the increasing exclusivity of the city as the wealthiest residents of the Boston region are drawn to the desirability of Newton and low and moderate income households have few, if any, options.

MULTI-FAMILY ZONING CLOSE TO TRANSIT AND JOBS

Environmentally sustainable development strategies have identified that the more cities can locate housing options close to public transit and jobs, the more we can reduce the negative impacts of car-oriented transportation and long commute times. Newton's Comprehensive Plan recommends new housing development in certain village centers with transit options and in major employment centers like Needham Street.

Over the last several years businesses of all sizes in Newton have faced challenges in accessing sufficient workforce in part due to lack of housing options near jobs. Meanwhile, the millennial and baby boomer generations continue to demand more multi-family residential in mixed-use, village center type locations. Newton must decide how it will respond to these needs and reflect that decision in its zoning. Encouraging this type of housing development in appropriate locations could include lower unit to



lot area ratios and clear guidance on the City's expectations for this type of development.

THE "MISSING MIDDLE" HOUSING CHOICES

Historically, neighborhoods across greater Boston featured a range of building types such as triple deckers, fourplexes, courtyard apartments, townhouses, cluster housing, and live/work buildings. With the advent of zoning, these types of buildings required special permits, which generally discourages smaller multi-unit projects because they don't allow a developer to absorb processing costs (time, attorneys, redesigns, etc.). What if Newton were to allow some "missing middle" buildings in multi-family zoning districts with a more expedited review process?

AFFORDABLE HOUSING THROUGH INCLUSIONARY ZONING

An inclusionary zoning ordinance requires that every residential development over a certain

size contributes deed-restricted affordable units. Newton was one of the early adopters of inclusionary zoning and has had such an ordinance since 1977. There is currently a proposal to update that ordinance and increase the percentage of affordable units a development must provide, depending on size, from 15 to 20%, perhaps even 25% in certain circumstances, as well as proposing to include middle-income units.

FAIR HOUSING

Newton's Fair Housing Policy states that each person shall have equal access to and equal opportunity in housing throughout the City, regardless of race, color, religion, national origin, disability, age, sexual orientation, gender identity or expression, marital status, familial status (families with children under 18), public assistance (including rental vouchers), genetic information, or military status. To what extent can the City's Zoning Ordinance promote this important goal and support fair housing throughout all of Newton?