



Setti D. Warren  
Mayor

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

**#376-14**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

**James Freas**  
Acting Director

---

## **PUBLIC HEARING MEMORANDUM**

**DATE:** September 11, 2015

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

**FROM:** James Freas, Acting Director of Planning and Development

**RE:** #376-14 - PLANNING & DEVELOPMENT DEPARTMENT  
requesting that Chapter 30 Zoning be deleted in its entirety and replaced with the Zoning Reform Phase 1 Zoning Ordinance.

**MEETING DATE:** September 16, 2015

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

---

The City of Newton's Zoning Ordinance is a critically important set of regulations as it is the primary determinant of what residents, business owners, and developers can do with the land they own in the City and it therefore sets the bounds for the future development of the City, affecting economic development, quality of life, and neighborhood character. The Zoning Reform Group was created in the winter of 2010/2011 to consider the existing ordinance and recommend a process for revisions that would bring it into greater consistency with Newton's *Comprehensive Plan* and address identified problems in the ordinance impacting its administration and application. Those recommendations, provided in a report released in December 2011, set in motion the Newton Comprehensive Zoning Reform project, representing the first such reform process in 25 years. The Public Hearing on September 16<sup>th</sup>, 2015 is to consider a draft Zoning Ordinance reflecting the conclusion of Phase 1 of this process.

As defined in the Zoning Reform Group report, Phase 1 focused on reorganizing and clarifying the existing zoning ordinance, setting the stage for future substantive regulatory changes in Phase 2. The primary scope of changes involved the introduction of a greater array of illustrations and tables as well as greater organization and coherency. A number of inconsistencies in the ordinance were

addressed and some basic language supporting zoning administration introduced. Overall, the submitted draft ordinance is a significant improvement to the appearance and use ability of Newton's Zoning Ordinance.

Over the last several months, Planning Department, Clerk's Office, and Law Department staff have been conducting a thorough review of the ordinance, carefully comparing the new format ordinance against the old to ensure that there are no errors or other inadvertent changes that could be interpreted as substantive changes to the ordinance. The Clerk's Office prepared a spreadsheet detailing every identified difference between the new and old versions and each of these were reviewed by Planning and Law. Changes or clarifications were provided as necessary. As a result, all three Departments strongly believe that the resulting Phase 1 Zoning Ordinance is a true, non-substantive reformat of Newton's existing Zoning Ordinance (exempting those changes specifically voted on by the Zoning and Planning Committee).

The current draft ordinance in "redline" and "clean" versions may be found online at <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

Staff is recommending that the adoption of this ordinance be effective November 1, 2015. This date allows time to have new ordinance documents printed and to otherwise logistically prepare for the changeover to the Phase 1 Ordinance.

One recent significant change in the Phase 1 Zoning Ordinance is the inclusion of a new definition of Two-Family, Detached. This definition had been discussed by the Zoning and Planning Committee under docket items #222-13 and #278-14. The Committee approved the definition below to advance to Public Hearing. The definition is found in Section 1.5.1B of the Phase 1 Zoning Ordinance.

**B. Two-Family, Detached.** A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire height of one or both units, or is divided horizontally so that one dwelling unit is above another.