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James Freas  
Acting Director

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## STAFF MEMORANDUM

**DATE:** September 18, 2015

**TO:** Scott Lennon, President  
Members of the Board of Aldermen

**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 21, 2015

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

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The Zoning and Planning Committee of the Board of Aldermen met on Wednesday, September 16, 2015 to consider a draft Zoning Ordinance reflecting the conclusion of Phase 1 of this process. At the meeting, the Planning Department, at the request of the Law Department, presented a minor modification to the draft Zoning Ordinance, which further clarified and improved the legibility of the *Floor Area Ratio* and *Floor Area, Gross* definitions (**ATTACHMENTS A and B**). The changes as presented reorganized the clauses of the two definitions to reduce ambiguity and clarify the intent of the terms.

In addition, a couple minor errors were brought to the attention of the Planning Department at the meeting concerning the definition references presented in Article 8 of the draft Zoning Ordinance for *Common Wall Connector* and *Common Roof Connector*. As a result of the new *Two-Family, Detached* definition, introduced under Docket #222-13 and #278-14, these definition references should have been deleted. The Planning Department and City Clerk have determined these to be scrivener's errors, and can remove them administratively prior to publishing the final ordinance.

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

The Zoning and Planning Committee discussed these changes, and recommended approval of the draft Zoning Ordinance as amended.

**Attachments**

**ATTACHMENT A:** Modified Floor Area Ratio and Floor Area, Gross Definitions – Redline

**ATTACHMENT B:** Modified Floor Area Ratio and Floor Area, Gross Definitions - Clean

# ATTACHMENT A

## 1.5.5. Floor Area

### A. Floor Area Ratio.

- 1. ~~For residential structures in residential districts, The~~ gross floor area of all buildings on the lot divided by total lot area.
- 2. ~~For all other districts, gross floor area of all buildings on the lot divided by total lot area. Any portion of a basement not used for storage, parking or building mechanicals shall be included in determining the floor area ratio.~~
- 3. FAR tables can be found in Sec. 3.1.9. and Sec. 3.2.11.

### B. Floor Area, Gross.

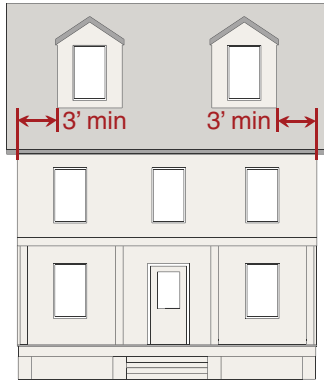
- 1. **Residential Districts.** ~~For residential structures and buildings accessory to residential structures in residential districts, t~~he sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5., except as excluded defined below.
- 2. ~~Floor area measurements shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5-~~

- a. Gross floor area shall include:
  - i. First and second stories;
  - ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
    - d) It lies below the area of a horizontal plane that is 5 feet above it and which touches the side walls and/or the underside of the roof rafters;
    - e) Is at least 7 feet in any horizontal dimension, as measured within the area having a wall height of 5 feet or more;

- f) Has a minimum ceiling height of 7 feet on at least 50 percent of its required floor area; and
- g) Has a floor area of not less than 70 square feet as measured within the area having a wall height of 5 feet or more;
- iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by 10;
- iv. Enclosed porches;
- v. Attached garages;
- vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7 feet or greater;
- vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in paragraph ~~ib~~. below;
- viii. A portion of mass below the first story, to be calculated using the formula in paragraph D below; and
- b. Gross floor area shall not include:
  - i. Unenclosed porches;
  - ii. Carports; and
  - iii. One detached accessory building equal to or less than 120 square feet in size.

- 3. **All other Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior ~~The floor area within the perimeter of the outside~~ walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:
  - a. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals.

- c. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.



- d. No dormer may project above the main ridgeline of the single- or two-family dwelling or the accessory structure.



(Rev. Ords. 1973; Ord. No. S-260, 08/03/87; Ord. No. S-288, 12/07/87; Ord. No. V-111, 04/23/97; Ord. No. V-113, 04/23/97; Ord. No. V-247, 06/07/99; Ord. No. V-253, 07/12/99; Ord. No. Z-16, 12/17/07; Ord. No. Z-20, 04/07/08; Ord. No. Z-34, 11/03/08; Ord. No. Z-90, 06/06/11)

### 1.5.5. Floor Area

#### A. Floor Area Ratio.

1. The gross floor area of all buildings on the lot divided by the total lot area.
2. FAR tables can be found in Sec. 3.1.9. and Sec. 3.2.11.

#### B. Floor Area, Gross.

1. **Residential Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for garage space, hallways, stairs, closets, thickness of walls, columns, atria, open wells and other vertical open spaces, or other features as defined in this Sec. 1.5.5., as defined below:

- a. Gross floor area shall include:
  - i. First and second stories;
  - ii. Any floor area above the second story, whether finished or unfinished, that meets all of the following criteria:
    - a) It lies below the area of a horizontal plane that is 5 feet above it and which touches the side walls and/or the underside of the roof rafters;
    - b) Is at least 7 feet in any horizontal dimension, as measured within the area having a wall height of 5 feet or more;
    - c) Has a minimum ceiling height of 7 feet on at least 50 percent of its required floor area; and
    - d) Has a floor area of not less than 70 square feet as measured within the area having a wall height of 5 feet or more;
  - iii. Atria, open wells, and other vertical open spaces, where floor area shall be calculated by multiplying the floor level area of such space by a factor equal to the average height in feet divided by 10;
  - iv. Enclosed porches;

- v. Attached garages;
- vi. Detached garages and any space above the first story of a detached garage that has a ceiling height of 7 feet or greater;
- vii. Other detached accessory buildings, such as sheds or cabanas, except as exempted in paragraph b. below;
- viii. A portion of mass below the first story, to be calculated using the formula in paragraph D below; and

- $X =$  Sum of the width of those sections of exposed walls below the first story having an exterior height  $\geq 4$  feet as measured from existing or proposed grade, whichever is lower, to the top of the subfloor of the first story.
- $Y =$  Perimeter of exterior walls below first story.

(Ord. No. S-260, 08/03/87; Ord. No. V-112, 04/23/97; Ord. No. V-122, 07/14/97; Ord. No. Z-35, 11/03/08; Ord. No. Z-77, 02/22/11)

b. Gross floor area shall not include:

- i. Unenclosed porches;
- ii. Carports; and
- iii. 1 detached accessory building equal to or less than 120 square feet in size.

2. **All Other Districts.** The sum of the floor area of all principal and accessory buildings whether or not habitable shall be taken from the exterior face of the exterior walls of each building without deduction for hallways, stairs, closets, thickness of walls, columns or other features, except as excluded below:

- a. Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals.

C. **Floor Area, Ground.** The gross floor area enclosed by the perimeter of the lower-most story of a building above the average grade plane.

D. **Mass Below First Story.** For the purposes of calculating gross floor area, any cellar, crawl space, basement, or other enclosed area lying directly below a first story in a residential structure.

1. **Standards.** The lesser of 50 percent of the floor area of mass below first story OR:

$X/Y =$  floor area of mass below first story

Where: