

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

February ??, 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 30 **Zoning** as follows:

1. Amend Zoning **Section 30-1 Definitions** by deleting the definition of Home Business and inserting in its place the following language:

Home business: Any occupation, profession or activity conducted for gain within a dwelling, a building accessory to the dwelling, or elsewhere on the residential premises that:

- (a) is incidental and secondary to the use of the dwelling for human habitation; and
- (b) does not change the primary residential character of the premises.

2. Amend Zoning **Section 30-8. Use Regulations for Single Residence Districts** by deleting subsection (c) and inserting in its place the following subsection:

(c) *Home Businesses.* In single residence districts, one or more home businesses shall be permitted subject to the following provisions, with the exception of uses regulated by Section 30-5 (including agriculture, horticulture, floriculture, viticulture, and a family child care home and large family child care home) that are not subject to regulation by Section 30-8(c):

- (1) Registration of home businesses with the Commissioner of Inspectional Services (CIS) shall be required on a form prescribed by him where such businesses:
 - (i) will have persons not resident on the premises, such as associates, employees, clients, patients, students or customers, on the premises more than one day per week; or
 - (ii) will require a special permit pursuant to item (7) below.

- (2) The home businesses shall be conducted partially or wholly by persons residing in the dwelling unit.
- (3) No merchandise shall be stored or be physically available at any home business for sale, lease, or other transfer or for shipment except for items produced entirely at or by the home business or for use incidental to it.
- (4) There shall be no exterior display or storage of inventory or equipment and no exterior indication of any home business except for signs as provided at Section 30-20 entitled "Signs and Other Advertising Devices."
- (5) No home business shall result in noise, vibration, glare, fumes, odors, smoke, dust or other particulate matter, heat, humidity or electrical interference in excess of that otherwise common in the neighborhood at the times produced, nor shall any home business disrupt the peace, tranquility or safety of the neighborhood provided, however, that nothing herein shall be deemed to reduce in scope or effect any other ordinance relating to the above.
- (6) No home business located in an accessory apartment authorized under the provisions of section 30-8(d)(2) or 30-8(d)(4) shall employ or cause to otherwise be present any persons not resident therein.
- (7) A home business, or all home businesses combined that are conducted in a dwelling unit, if involving any of the following, may be allowed only by special permit granted by the board of aldermen pursuant to section 30-24(d):
 - (i) presence of more than four persons not resident in the dwelling unit such as associates, owners, employees, contractors, clients, students, patients, customers or others associated with the business on the premises at any time;
 - (ii) presence of more than two associates, owners, or employees or contractors not resident therein working on the premises at any time;
 - (iii) generation of more than eighteen (18) daily vehicle trips, where a vehicle trip is defined as a one-way journey that begins or ends at the premises. No special permit will be required, however, where such number of daily vehicle trips will be exceeded no more than four (4) times in any calendar year, provided forty-eight hours advance notice for each such time is filed with the Commissioner of Inspectional Services on a special form to be provided, along with a copy of this ordinance, at the time of registration under section (c) (1) above.
 - (iv) demand for or utilization of more than two (2) parking stalls, whether on or off-street. No special permit will be required, however, where demand for or utilization of more than two parking stalls, whether on or off-street

will be exceeded no more than four (4) times in any calendar year, provided forty-eight hours advance notice for each such time is filed with the Commissioner of Inspectional Services on a special form to be provided, along with a copy of this ordinance, at the time of registration under section (c)(1) above.

- (v) utilization of an area that exceeds thirty percent (30%) of the ground floor footprint of the dwelling unit or, in the case of a two-family or multi-family dwelling, more than thirty percent (30%) of the gross floor area of an individual dwelling unit;
- (vi) occupation of space in an accessory building or, except for parking, outdoor space;
- (vii) the care or keeping of more than three animals belonging to persons not resident on the premises.

3. Amend Zoning **Section 30-8(b) *Special Permits in Single Residence Districts*** by:

Deleting paragraph (12) and inserting in its place the following language:

“(12) Home businesses subject to the provisions of section 30-8(c)(7);”

4. Amend Zoning **Section 30-9(b), *Special Permits in all Multi-Residence Districts*** by

Deleting paragraph (6) and inserting in its place the following language:

“(6) Home businesses subject to the provisions of section 30-8(c)(7).”

5. Amend Zoning **Section 30-19(d) *Number of Parking Stalls*** by adding subparagraph (22) at the end thereof to read as follows:

“(22) One stall for a dwelling unit in which one or more home businesses have one or more adult not resident on the premises, such as associates, owners, employees, contractors, clients, patients, students or customers on the premises more than one day per week unless a larger number is required by the board of aldermen in acting on a special permit under Section 30-8(c)(7). An existing driveway may be considered to provide that stall notwithstanding any requirement of Section 30-19(h)(5) a) requiring that access must not involve the moving of another vehicle.”

6. Amend Zoning **Section 30-20(e) *Regulation of signs in residence districts*** as follows:

- A. Delete subparagraph d) of Section 30-20(c)(2) and insert in its place the following language:

“d) Signs displaying the name and address of the occupants of a dwelling or its permitted accessory use or occupation, which shall not exceed one (1) square foot and which for a permitted accessory use or occupation shall not be illuminated;”

B. Delete subsection (1) of Section 30-20(e) and insert in its place the following language:

“(1) For each dwelling unit within a one- or two-family dwelling there may be one (1) sign displaying the name and address of the dwelling’s occupants together with any permitted accessory use or occupation, not to exceed one (1) square foot.”