



Ruthanne Fuller  
Mayor

Barney Heath  
Director  
Planning & Development

Rachel Powers  
CD and HOME  
Program Manager  
Planning & Development

#### Members

Peter Doeringer, Chair  
Kelley Brown, Member  
Sudha Maheshwari, Member  
Jennifer Molinsky, Member  
Sonia Parisca, Vice Chair  
Chris Steele, Member  
Barney Heath, *ex officio*  
Kevin McCormick, Alternate  
James Robertson, Alternate

1000 Commonwealth Ave.  
Newton, MA 02459  
T 617/796-1120  
F 617/796-1142  
[www.newtonma.gov](http://www.newtonma.gov)

# CITY OF NEWTON

## Planning and Development Board

### AGENDA

DATE: **Monday, August 5, 2019**  
TIME: **7:00 p.m.**  
PLACE: **Newton City Hall, Room 204**

1. **Minutes:** Approve Minutes from July 15, 2019
2. **Discussion/Vote:** Short-term Rentals
3. **Northland Discussion:** Zoning Change Discussion/Possible Vote  
*(presentations from Project Proponents Representation, Schlesinger & Buchbinder and Newton Chief Planner, Jennifer Caira)*
4. *Officer Elections for September 10<sup>th</sup> Planning Board Meeting*
5. **Upcoming Meetings:**
  - Tuesday, August 6, 2019 at 7:00PM, in Council Chambers, Joint LUC/ P & D Meeting *(Northland)*
  - Monday August 26, 2019 at 7:00PM, in Room 205, ZAP Discussion *(Climate Action Plan and Environmental zoning amendments)*
  - Monday, September 9, 2019 at 7:00PM, in Council Chambers, Joint ZAP/ P & D Hearing *(Washington Street Vision Plan & Riverside)*
  - *Tuesday, September 10, 2019 at 7:00pm-, Regular Planning Board Monthly Meeting*

*The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.*

# PLANNING & DEVELOPMENT BOARD MEETING MINUTES

July 15, 2019



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## Full Members Present:

Peter Doeringer, Chair  
Sonia Parisca, Vice Chair  
Kelley Brown, Member  
Chris Steele, Member  
Sudha Maheshwari, Member  
Jennifer Molinsky, Member  
Kevin McCormick, Alternate

## Staff Present:

Rachel Powers, CD & HOME Program Manager

1. **Minutes from the Planning and Development Board Meeting held on June 3, 2019**
2. **CPA Discussion: P & D Board Deliberation re: Newton CPC Priorities**
3. **ZAP Discussion: Washington Street Vision Plan & Zoning**
4. **ZAP Discussion: Riverside Rezoning**
5. **ZAP Discussion: Short-Term Rentals**

## 1. Action Item: Approval of Minutes of June 3, 2019 meeting

Chair Doeringer opened the meeting at 7:00 p.m. The motion was made by Mr. McCormick, seconded by Ms. Maheshwari and passed unanimously 7-0-0, to approve the minutes of June 3, 2019, as amended by Chair Doeringer.

## 2. CPA Discussion: P & D Board Deliberation re: Newton CPC Priorities

Chair Doeringer welcomed Newton CPC Program Manager, Alice Ingerson, and CPC Liaison to the Planning and Development Board, Jennifer Molinsky, to solicit the Board's thoughts on CPC priorities. Ms. Ingerson indicated that there were 5 other appointed members that comprise the Newton CPC. The City is in the process of amending the existing CPC ordinance to take into account composition of the overall group and gaps in expertise when making committee nominations. Ms. Ingerson noted that it is difficult to replace Newton Housing Authority designees.

Ms. Molinsky also spoke to the CPC Plan, outlining the various CPC categories. The CPC prefers to leverage additional funds, rather than be the sole funder of any given project. Vice Chair Parisca inquired into potential partners. Ms. Ingerson and Ms. Molinsky explained that partners could include those utilizing resources such as state LIHTC, CDBG and HOME.

Mr. Brown asked how long money could be held; Ms. Ingerson acknowledged that funds could be held indefinitely. She noted two large projects previously approved by the CPC that are currently competing in the state funding round: both NHA's Haywood House and 2Life Communities' Golda Meir Expansion projects.

Ms. Ingerson explained that the Committee does not try to completely empty the fund out at any point in time, a portion of reserves are kept on-hand. However,

there are no timeliness limits or expenditure deadlines like there are with CDBG or HOME funds.

It was further outlined that applicants can include the City and non-profits alike, however, only a public entity like the City, can be applicants of park projects. Often, more control can be exercised over non-city projects, such as requiring the demonstration of raised funds and other conditions as part of CPC grant agreements. These projects require final reports, which are often timelier when coming from entities outside of the City. Ms. Ingerson also mentioned that many City programs throughout the Commonwealth manage CPC similarly to the CDBG and HOME programs.

Mr. Brown asked if the City was slow on delivering projects. Ms. Ingerson responded that many projects were stuck at one point or another. Capacity is a huge consideration. On occasion there could be political implications preventing movement. Issues pertaining to procurement and past projects were also detailed. It is a delicate balancing act. Ms. Ingerson pointed out that she keeps an ongoing database of active and completed projects on the CPC website.

The Board inquired into the hiring process to fill position once Ms. Ingerson retires. They wondered if there would be overlap, to which Ms. Ingerson explained there would be some during ramp up. The Board thanked Ms. Ingerson for her time and service in managing the Newton CPA Program.

Chair Doeringer complimented the way Ms. Ingerson set up priorities and structured the CPC report. It's solid and precise, while still providing some flexibility. He also had questions about the leveraging of funds and organizational capacity. Are there incentives for smaller neighborhoods? Can a special tax assessment, such as a betterment assessment, be utilized as a way of generating leveraged funds? Ms. Ingerson noted a prior golf course project where funds were raised and leveraged in a similar manner; the project was a conservation project, but the model could serve as a good example. Additionally, one recently completed project used CDBG as part of their leveraged funds.

Mr. Brown made a point relative to City obligation in ensuring accessibility and proper maintenance of City structures and whether the CPC should assist in these cases. Ms. Ingerson responded that projects should be bonafide projects and not maintenance activities. Mr. Brown further expressed that rules should be shifted, and more funds directly allocated toward affordable housing. The CPC should be last resort for all other uses, including historic preservation and open space.

Ms. Molinsky was confused about the rehabilitation of public and recreational facilities. Ms. Ingerson noted the City's Capital Improvement Plan (CIP) and its ranking system. Most critical items go to the top of the list and the CPC process is generally too lengthy a process for such items. The CIP can be a difficult tool to truly evaluate upcoming projects. Ms. Ingerson noted that the Town of Needham has a 40-year CPC spending plan that is rigidly upheld. It would be difficult to even coordinate or collaborate on a shared project and does not welcome a very participatory process.

Mr. Brown inquired as to the appropriate forum for approaching a change in guidelines. Ms. Ingerson indicated that public hearings are held to address changes and are typically conducted every 3-4 years. About a year ago, a CPA appropriateness table was incorporated into the guidelines. They're not changed often. A survey was distributed in 2011, as part of the Newton CPA's 10<sup>th</sup> anniversary. The current survey will be up until December and distributed as part of upcoming tax bills.

Chair Doeringer asked what the Board could do to assist the needs assessment process and whether a P & D Board committee could be helpful to address changes in the ordinance. Ms. Ingerson indicated that Board members could encourage people to sign up for email updates and to complete the CPC survey. Ultimately, the CPC is the "people's purse" and Newton provides an open, receptive process. The Board could write a letter supporting ordinance changes and comment on handling maintenance and preservation at a policy level. The Board might even comment on how the City manages capital

spending. At least the CIP is now interdepartmental and includes all departmental priorities versus the series of individual documents previously completed in the past.

Mr. McCormick also spoke in favor of allocating funds for more affordable housing. More affordable housing advocacy is important, and coordination would be extremely helpful.

Mr. Brown wondered if there was enough federal funding for upcoming projects or not enough projects for the available funding. Ms. Powers indicated that timing and type of funds available must be considered and that there wasn't straight forward answer. There is a current pipeline of projects, but the type of project (new construction vs. rehabilitation) and timing of the commitment and award of leveraged resources determine the fundability of projects. Haywood House has been previously approved for CDBG funding but is still competing for state resources.

Vice Chair Parisca asked about the Webster Woods project; the status is unknown at this time, but funds have been reserved. Buying a conservation restriction is an option but is still under negotiation.

Chair Doeringer closed discussion for the time being and encouraged the Board send questions to Ms. Ingerson and Ms. Powers.

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***\*\* P & D Board shifted to the ZAP meeting at the Council Chambers around 7:45pm \*\****

**Minor notes are outlined below, but a full report of the 7/15/19 ZAP meeting can be found at:**  
<http://www.newtonma.gov/gov/aldermen/committees/zoning/2019.asp>

### **3. ZAP Discussion: Washington Street Vision Plan**

Concluding Council discussion around the Washington Street Vision Plan at ZAP stemmed around the analysis of the Vision Plan's catchment area and the determination of the area's natural breaking points. Sentiments were expressed that impacts are described generally and needed to be studied; inquiry was made whether there were plans to explore craft street? Dir. Heath indicated that this was currently being reviewed. Councilor Leary noted the Sunrise Development underway.

Additionally, action was urged on "driverless cars" and carbon reform to reduce greenhouse emissions relative to rules and ordinances. Recommendations were also made to encourage passive house standards, walkability and structured parking.

It was suggested that this is a great opportunity to redesign village centers. Several Councilors noted that the Vision Plan has evolved into a more readable document. Additional efforts were recommended to more fully convey what City is trying to achieve and how to move towards a more sustainable community.

ZAP Committee Chair Councilor Albright invited the Board to submit comments to the Clerk's office Comments by July 22, 2019 for consideration during the planned ZAP discussion on July 29, 2019.

### **4. ZAP Discussion: Riverside Zoning**

The committee continued conversation relative to the request to rezone Riverside. Since the site in question is one of the most unusual zones in the City, one of the Councilors expressed that they would like to have a better idea of the type of mixed-use development being facilitated.

Discussion also shifted to reports and studies that can aid in the Council's review of the proposal. While nothing in the existing ordinance mandates particular studies, the City is empowered to ask for any study deemed necessary to review project proposals. One of the Councilors stated that the process was atypical surrounding the Riverside docketing and as such, the full Council should be offering guidance earlier in the process. Additional studies may be requested when matter goes to full city council for a

vote if requests for particular studies are taken out during the LUC and ZAP review proceedings. It was urged that both the zone change request and project proposal be reviewed simultaneously.

ZAP Chair Councilor Albright indicated that there is no intention on telling any committee what to do, but rather address what's not specifically detailed in the ordinance. The committees need to move forward together. It was noted that by several councilors that it is important to give projects flexibility and that LUC is in the best position to determine best studies and peer reviews needed.

Council President Marc Laredo expressed his desire for coordination between the Chairs of both the LUC and ZAP, indicating that zoning has set fairly broad standards in order to delve into details throughout the special permitting review process. The Council must strike an appropriate balance to move the project forward.

## **5. ZAP Discussion: Short Term Rentals**

While the matter was previously voted on, the issue of Short-Term Rentals was brought back to committee. Council Baker distributed several memos outlining several recommendations made to the ordinance in conjunction with the Planning and Law Departments and noted that part of challenge was that context was not entirely clear earlier on. He's urging colleagues to consider whether changes in the ordinance are appropriate and whether they are global. This is one of the most important matters that the Council will take up as there is increasing concern whether Air BnB rentals are taking affordable housing units out of stock. Is there a way to preserve opportunities in a way that doesn't burden neighbors and that fits within the existing fabric of the City Ordinance? What is the appropriate framework with which to manage these options?

The classic "bed & breakfast", which contains up to 3 bedrooms, isn't required to be registered with the state. Councilor Baker distributed the Lynnfield Case as a potential example in one of his memos. Clarification was requested from the Law Department relative to the difference between a "bed and breakfast" versus a "house". State laws maintain that the primary difference is the serving of food at a "bed and breakfast". The "bed and breakfast" designated is not defined in the current ordinance but is noted in the most current memo. All "short-term rentals" must be registered with the state, but "bed & breakfast" owner-occupied homes, with less than 3 bedrooms and which serve food are exempt. The matter of taxing short-term rentals and bed & breakfasts of 4 bedrooms and more would need to be researched further.

The topic of parking was also discussed in committee; no assigned parking is fine during the summer months but presents difficulty in the Winter. Some provisions were noted that would be difficult to enforce. Several members also wondered what the impacts would be to the housing stock?

Conversation transitioned to the committee's review of the recommended amendments and the timing of the adoption of the proposed ordinance. It was suggested that the effective date be moved up to October 15. Units would be illegal until then and then would be required to facilitate registration and notification to abutters. The registration is currently set to open October 1, 2019, with the proposed ordinance effective January 1, 2020. Timing is critical in order for ISD to get up and running with a new process and consideration needs to be paid as the Council moves into the holiday season.

Chair Doeringer recommended a slight language change shifting references to a "12-month period" rather than "1 year". The Law Department and ZAP were agreeable to the change.

## **6. Action Item: Adjournment**

Upon a motion by Chair Doeringer and seconded by Mr. Steele, and unanimously passed 6-0-0, the meeting was adjourned at 9:56 p.m.



Ruthanne Fuller  
Mayor

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

Telephone  
(617) 796-1120  
Telefax  
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TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** July 12, 2019  
**TO:** Newton Planning Board  
**FROM:** Barney Heath, Director, Department of Planning and Development  
James Freas, Deputy Director of Planning

**RE:** **#128-19 Zoning Amendment for short-term rentals**

DIRECTOR OF PLANNING proposing to amend Chapter 30, City of Newton Zoning Ordinances, in order to create a short-term rental ordinance that defines the short-term rental and bed & breakfast uses, identifies what zoning districts they would be allowed in and under what criteria, conditions, limitations and permitting process

**#136-19 Short-term rental ordinance with fees**

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

**MEETING:** August 5, 2019  
**CC:** John Lojek, Commissioner of Inspectional Services  
Alissa O. Giuliani, City Solicitor  
Marie Lawlor and Jonah Temple, Law Department  
Jonathan Yeo, Chief Operating Officer

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The rise of short-term rentals through online platforms has, in a relatively short time period, significantly changed the travel/hotel industry and, at the same time, introduced lodging-type uses into formerly primarily residential neighborhoods. As with many so-called "disruptive" internet-based technologies, there are both positive and negative outcomes. Short-term rentals offer a means to generate additional income, particularly valuable to households that might otherwise struggle to stay in their home and create a platform for new entrepreneurial activity. At the same time, short-term rentals risk taking housing units out of the long-term housing marketplace, a significant issue given the region's already severe undersupply of housing and can be significantly disruptive to residential neighborhoods. The challenge is finding the appropriate balance between these factors for Newton. The proposed ordinance amendments rely on two basic ideas: the City's treatment of other accessory uses in residential districts and the idea of a tiered set of uses based on the scale of the lodging activity.

Amendments to the City of Newton general ordinances and Zoning Ordinance to regulate short-term rentals (STRs) in Newton were first introduced to the Zoning and Planning Committee in April, 2019 in response to the passage of a State law allowing collection of lodging taxes from STRs and ongoing concerns relative to the use in certain neighborhoods in the City. Over the course of the Spring the Committee discussed the proposed ordinances at four meetings, conducted a public hearing on June 10<sup>th</sup>, and voted out a version of the ordinances on June 24<sup>th</sup>. The STR ordinances were recommitted back to the Committee by the City Council on June 27<sup>th</sup>. The Zoning and Planning Committee took up the items again on July 15<sup>th</sup> and voted out the attached ordinances.

### ***Short-Term Rentals as an Accessory Use***

The most common type of STR in Newton presents as an accessory use to the primary residential household use of a property and the proposed zoning reflects that approach. The basic notion is to allow people to use a portion of their home as a STR. In this sense, STRs are similar to accessory apartments and home businesses. One of the key guiding principles in regulating each of these accessory uses has been the idea that the accessory use is “invisible from the street” in both appearance as well as in the sense of its impact on the neighborhood. The question for STRs then becomes, how do we ensure this lodging type accessory use is “invisible to the street.”

There is little outward appearance to STR accessory uses so the regulations are primarily addressing operational impacts. In the proposed ordinances, these impacts are addressed in two ways: the general ordinance regulation of nuisance factors with enforcement provisions, and the Zoning Ordinance provisions limiting the scale of the potential operation. There is an assumption that fewer guests will help to limit the sense of impact on a neighborhood.

### ***Tiered Lodging Uses Regulations***

A key component of the proposed regulations of STRs is a tiered system that presents different rules and a higher degree of review as the scale of the lodging-type use increases. As proposed, the accessory STR is a by-right use, operating within a set of limits. Exceeding those limits, in terms of bedrooms and number of occupants moves an applicant to the next tier, into a Bed & Breakfast use requiring a special permit. The final tier, already existing in Newton’s zoning and not a subject of these proposed zoning amendments, is the hotel use, which is the most significant scale of lodging use and only allowed in commercial districts.

	<b># Rooms max</b>	<b>Occupants max</b>	<b>Districts</b>
<b>Tier 1: Accessory STR</b>	3	9, single party	Residential
<b>Tier 2: B&amp;B</b>	5	NA	Residential by SP
<b>Tier 3: Hotel</b>	NA	NA	Commercial by SP

### ***Critical Policy Choices***

As noted above, the challenge of STR regulations is in striking the balance between supporting entrepreneurial economic activity and protecting neighborhoods/housing markets from disruption. The challenge is greater given the newness of this issue and the lack of experience and good models from other similar communities on which to rely. The section below identifies some of the issues that have been considered beyond what was voted on at ZAP.

Room Limit & Occupancy Max

The committee considered not having a room limit or occupancy max at all.

Number of Days per Year

The committee considered limiting the number of days the accessory short-term rental use could be done by-right, with a special permit to allow more days.

Primary Residence

The committee discussed allowing the short-term rental use as a primary use for a dwelling unit, such that no one lived on site. Consideration was also given to the idea of allowing this use only within some close proximity of the short-term rental operator's primary residence or only in a duplex or similar where the operators lives in the same building.

Host Present Requirement

The Committee considered whether to require that the STR operator be on site when guests are in residence.

**Attachments**

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Attachment A – City of Newton General Ordinance Amendment for Short-Term Rentals

Attachment B – City of Newton Zoning Ordinance Amendments for Short-Term Rentals

Attachment C - City of Newton Zoning Ordinance Amendments for Bed & Breakfasts



**[CHAPTER 20]**  
**Article IX**  
**SHORT TERM RENTALS**

**Sec. 20-160. Definitions.**

The meaning of the terms used in this article shall be as follows:

- (a) *Commissioner*: The commissioner of inspectional services.
- (b) *Operator*: A person ~~or persons offering a dwelling unit or bedroom for operating a short-term rental in the City, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable. including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.~~
- (c) *Occupancy*: The use or possession or the right to the use or possession of a room in a Short Term Rental normally used for sleeping and living purposes for a period of not more than ~~30~~ consecutive calendar days to one person or party, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.
- (d) *Occupant or Guest*: A person who uses, possesses or has a right to use or possess a room in a Short Term Rental for rent under a lease, concession, permit, right of access, license or agreement.
- (e) *Short Term Rental*: The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

Any terms not expressly defined in this article shall have the meaning prescribed by Massachusetts General Laws Chapter 64G, Section 1.

**Sec. 20-161. Requirements for Short Term Rentals**

- (a) Compliance. No Residential Unit shall be offered as a Short Term Rental except in compliance with the provisions of this ~~article~~section of the Newton Ordinances.
- (b) Registration. Operators of any Short Term Rental located in the City of Newton must register with the City in accordance with Sec. 20-162 of this ~~article~~ordinance.
- (c) No Outstanding Code Enforcement or Building Permits. Operators are prohibited from renting any Short Term Rental if the property is subject to an outstanding building, electrical, plumbing, mechanical, fire, health, housing, trash, noise or zoning code enforcement, including notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices, unpaid fines or if there are any outstanding building permits for the property.

- (d) Three or More Violations in a ~~One Year~~~~Six Month~~ Period. Should a property receive three or more violations notices within a one year~~six month~~ period under this article~~section~~, or of any municipal ordinance, state law, or building code, any residential unit within the property shall be ineligible to be used as a Short Term Rental for a period of six months from the third or subsequent violation.
- (e) Annual Certification. All Operators must file with the Inspectional Services Department a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes. Such certification shall be filed annually on the first business day of January.
- (f) Annual Notice to Abutters. ~~The Operator must, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, the Operator's state registration number, and a reference to this article. This notice must thereafter be provided annually on the first business day of January. Failure to provide such notice shall constitute a violation of this ordinance. In addition to the abutter notice required upon registration set forth in Sec. 20-161 of this ordinance, all Operators must provide an annual notice of a registered Short Term Rental to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall be provided annually on the first business day of January and shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.~~

### **Sec. 20-162. Registration Requirements.**

Operators must register with the Inspectional Services Department prior to the occupancy of any Short Term Rental that commences after ~~September~~ January 1, 2020~~19~~ by submitting the following:

- (a) State Certificate. A copy of the State certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.
- (b) Local Operator Affidavit. A completed sworn Local Operator Affidavit, in a form established by the Inspectional Services Department, that at minimum contains the following information:
- 1) Contact information of Operator and Local Contact~~agent/point of contact~~;
  - 2) Proof of Residence~~Location of all Short Term Rentals in City owned by operator~~;
  - 3) Description of operation and number of rooms/units that will be rented;
  - 4) Confirmation that there is~~are~~ no outstanding code enforcement or outstanding building permits;
  - 5) Signature of Operator certifying that the Short Term Rental conforms to this article~~ordinance and no outstanding code violations~~.
- (c) Smoke and Carbon Monoxide Certificate of Compliance. All Short Term Rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Sec. 10-11 of these Ordinances and Massachusetts General Laws Chapter 148, Section 26E. Operators must schedule an inspection with the Fire

Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior to the first occupancy commencing after ~~January~~September 1, 20~~20~~19. Operators shall be responsible for the smoke detector inspection/permit fee to be paid directly to the Fire Department as set forth in Sec. 17-10 of these Ordinances.

- (d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with Sec. 20-16~~4~~5 of this ordinance.
- (e) Registration Filing Fee. At the time of registration, Operators must pay a filing fee of \$100, an amount established by the City Council. All applicable inspection fees shall be paid directly to the inspecting department at the time of inspection.
- (f) Local Contact Information. When registering, an Operator must provide his or her name and contact information, and, in the event that the Operator is not present during the Short Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to short term rental occupants and public safety agencies. This phone number shall be included in the registration of the Short Term Rental unit at the time of registration. Failure of the local contact to respond within the stated period shall constitute a violation of this ordinance.
- (g) Proof of Residence. When registering an ~~Accessory~~ Short Term Rental, an Operator must provide evidence that he or she resides in the dwelling unit for a minimum of 9 out of 12 months~~275 days~~ during each calendar year, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license or state-issued identification.
- (h) Permission of Owner. An Operator must certify at the time of registration that he or she is the owner of the Short Term Rental or has permission from the owner to operate the Short Term Rental.
- ~~(i) Notice to Abutters. The Operator shall, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.~~

### **Sec. 20-163. Inspections.**

- (a) The Inspectional Services Department, Health and Human Services Department, and Fire Department may conduct inspections of any Short Term Rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes, including but limited to the provisions of this article. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

**~~Sec. 20-164. Compliance with City Ordinances and State and Local Codes.~~**

- ~~(a) All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.~~
- ~~(b) Short Terms Rentals shall not produce noise, vibration, glare, fumes, odors, traffic or parking congestion beyond that which normally occurs in the immediate residential area, nor shall any Short Term Rental result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood.~~

**Sec. 20-1645. Responsibilities of Operators.**

- (a) General Responsibility. The Operator shall be responsible for the proper supervision, operation, and maintenance of the Short Term Rental in accordance with the requirements of this article and all other pertinent laws, regulations, and codes. The Operator shall also be responsible for the behavior and activity of guests that results in a violation of this ordinance. The appointment of an agent shall in no way relieve the Operator from responsibility for full compliance with the law.
- ~~(b) No Nuisance.~~ Short Terms Rentals shall not result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area.
- ~~(c) Compliance with City Ordinances and State and Local Laws.~~ All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- ~~(b)(d)~~ Commercial Events Prohibited. A Short Term Rental property shall not be used for a commercial event during its occupancy as a Short Term Rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
- ~~(e)(e)~~ Agreements with Occupants. Operators may not enter into any rental agreements that are inconsistent with the terms of this article.
- ~~(d)(f)~~ Minors. No Short Term Rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.
- ~~(e)(g)~~ Occupant Registries. The Operator of every Short Term Rental must maintain, in permanent form, a registry log of occupants. It must include the names and home addresses of occupants, occupant's license plate numbers if traveling by car, dates of stay, and the

room assigned to each occupant. The registry log must be available for inspection by any City official upon request.

~~(g)~~(h) Fire Prevention Notice. Operators shall post in a visible place inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

~~(g)~~(i) House Rules. Operators shall institute house rules ~~as necessary~~ to prevent the Short Term Rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.

1) House rules ~~should~~must make occupants aware of the City's ordinances and the Operator's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:

- i. Noise control, including use of audio equipment that may disturb the peace
- ii. Adherence to laws regarding disorderly behavior
- iii. Proper garbage disposal
- iv. Location of parking stalls on the property
- v. Neighborhood parking regulations and restrictions
- vi. Occupancy limits according to the City's Zoning Ordinance
- vii. Any other provisions as may be required by City Officials.

2) Operators shall ensure all occupants are aware of the house rules by distributing them prior to the date of occupancy and posting them in a visible place.

~~(h)~~(j) Egress and Access. Operators shall be responsible for ensuring that adequate egress is provided in accordance with the Massachusetts State Building Code, 780 CMR.

~~(i)~~(k) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

~~(j)~~(l) Burden of Proof and Cooperation. The burden of proof is placed on the Operator to demonstrate that they are operating within the limits of this article. Operators must cooperate with any enforcement or investigation proceedings under this article.

~~(k)~~(m) False Information. Submission of false information shall constitute a violation of this ordinance. be cause for the Commissioner to suspend or terminate an Operator's right to operate an accommodation.

## **Sec. 20-16~~56~~. Enforcement, Violations and Penalties.**

(a) Enforcement. The Inspectional Services Department and the Newton Police Department or their designees shall be responsible for enforcement of this ordinance, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

- (b) Notice of violation. The Commissioner or designee shall issue a written notice of any violation of this article to the Operator. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. ~~If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in Sec. 20-166(c) of this ordinance.~~
- (c) Penalties. Any Operator who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a Short Term Rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Commissioner shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(c).
- (d) Violations of building, health, or fire code. Any action by the Commissioner to suspend, terminate or issue fines under this section shall not bar any other separate action by any other City Department for health, fire safety, building code or any other violations.
- (e) Failure to Register. Any person who offers or operates a Short Term Rental without first registering with the City shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

**Sec. 20-1667. Effective Date.**

The provisions of this Article IX ~~is Ordinance~~ shall take effect on ~~September~~ January 1, 2020~~19~~. ~~Beginning on October 1, 2019, or on an earlier date as may be determined by the Commissioner of Inspectional Services, the City may receive applications for registration and conduct inspections for Operators who apply before the effective date.~~

**Sec. 20-1678. Severability.**

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

**Sec. 20-1689. Reserved.**

- k. The City Council may grant a special permit for a home business involving any or all of the following:
  - i. A number of nonresident employees greater than that permitted under Sec. 6.7.5.B;
  - ii. The utilization for the purpose of the home business of more than 30 percent of the ground floor area of the dwelling unit;
  - iii. The presence of more than 3 customers, pupils, or patients for business or instruction at any one time, subject to the provision of a number of parking spaces sufficient to accommodate the associated activity;
  - iv. The use of a detached accessory building, exterior structure, or land outside the residence for the primary purpose of, or accessory to the home business; provided, however, that no home business shall be permitted in any detached accessory building which is used as an accessory apartment pursuant to the provisions of Sec. Sec. 6.7.1.C. or Sec. 6.7.1.D.; and
  - v. The waiver of the off-street parking requirement.
- 2. In Multi-Residence Districts. The City Council may grant a special permit for a home business in accordance with standards listed in Sec. 6.7.3

(Ord. No. 191, 01/17/77; Ord. No. S-260, 08/03/87; Ord. No. T-264, 03/01/93; Ord. No. B-2, 02-20-18)

### 6.7.4. Scientific Research and Development Activities

- A. **Defined.** Activities necessary in connection with scientific research or scientific development or related production, accessory to activities permitted as a matter of right, so long as it is found that the proposed accessory use does not substantially derogate from the public good.
- B. **Standards.** Notwithstanding anything in this Sec. 6.7.4, no recombinant DNA research shall be permitted as an accessory use.

(Ord. No. R-238, 03/15/82)

### 6.7.5. Short-Term Rental

- A. **Defined.** The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.
- B. **Standards.**
  1. A resident seeking to operate a Short-Term Rental must register with the City in accordance with Sec. 20-162 of the Revised Ordinances of the City of Newton.
  2. The short-term rental accessory use is permitted in any residential use, excluding associations of persons living together in a common dwelling, congregate living, elderly housing, lodging house, dorms, and similar.
  3. There may be no signage associated with a Short-Term Rental.
  4. The burden of proof is placed on the resident registered with the City as the operator of the Short-Term Rental to demonstrate that they are operating within the limits of this section.
  5. The resident of the dwelling unit must occupy the dwelling unit for a minimum of 9 out of 12 months during each calendar year.
  6. The maximum number of bedrooms on the site that can be rented to overnight or short-term guests is 3 and the maximum number of guests is 9.
  7. Temporary During Leasing. Short-Term Rentals in multi-unit buildings with a minimum of 10 units in a business or mixed-use district may occupy residential units with short-term rentals for up to six months while units marketed as for rent are vacant by special permit. Units designated as affordable may not be used as short-term rentals. Temporary Short-Term Rentals must register with the City as per Sec. B.1 above.
  8. The effective date for this section 6.7.5 is October 15, 2019.

### 6.7.6. Watchman or Caretaker

- A. **Defined.** [reserved]



### 3.4.2. Accessory Uses Allowed

**A. By Right in All Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:

1. Housing of resident domestic employees;
2. Renting of rooms for not more than 3 lodgers;
3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
5. Home businesses subject to Sec. 6.7.3; and
6. Accessory apartments, subject to Sec. 6.7.1.
7. Short-term rentals, subject to Sec. 6.7.5.

**B. By Special Permit in All Residence Districts.**

*The text of section 3.4.2.B.1 is in effect until December 31, 2019. After that date refer to section 3.4.4.*

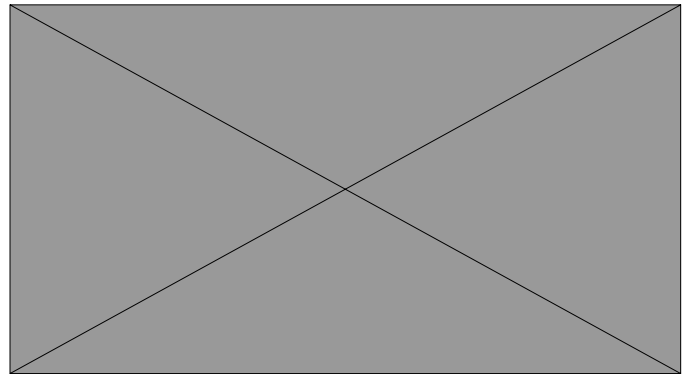
1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99; Ord. No. A-78, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-99, 01/17/17; Ord. Nol. A-105, 03/06/17)

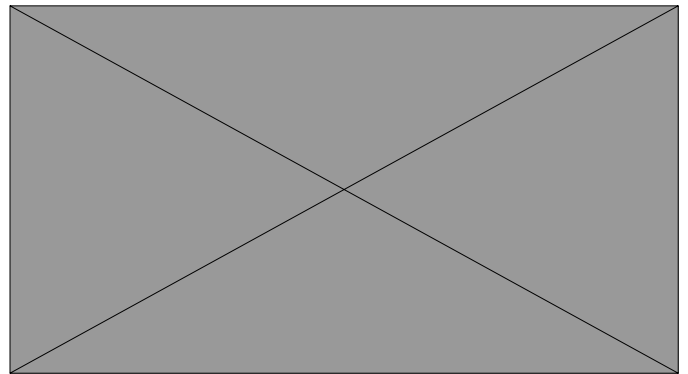
### 3.4.3. Accessory Buildings

**A.** Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:

1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

*The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.*



of the institutional use and for those exceeding 10 acres of land, the vegetative buffer shall be a minimum of 100 feet, and for those exceeding 20 acres of land, the vegetative buffer shall be a minimum of 150 feet.

(Rev. Ords. 1973 §24-1; Ord. No. S-260, 08/03/87; Ord. No. S-287, 12/07/87)

### 6.3.15. Theatre, Hall

A. **Defined.** [reserved]

## Sec. 6.4. Commercial Uses

### 6.4.1. Animal Service

A. **Defined.** Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding.

(Ord. No. A-4, 10/01/12)

### 6.4.2. ATM, Standalone

A. **Defined.** A standalone automated teller machine (ATM) not located on the same lot as a bank, trust company or other banking institution.

### 6.4.3. Bakery, Retail

A. **Defined.** A bakery selling products at retail and only on premise.

### 6.4.4. Bank

A. **Defined.** Bank, trust company or other banking institution.

B. **Standards.**

1. Drive-in facilities are prohibited in the Business 1 through 4, Mixed Use 1 and 2, and Limited Manufacturing districts.

(Ord. No. S-260, 08/03/87; Ord. No. T-12, 03/20/89; Ord. No. T-75, 03/05/90)

### 6.4.5. Bed & Breakfast

A. **Defined.** A single unit residential building providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Rooms may be independently let to unrelated or unaffiliated guests.

B. **Required Standards.**

1. A bed & breakfast use must be owner occupied.
2. The maximum number of bedrooms on the site that can be rented to overnight or short-term guests is 5.
3. A common gathering space, such as a parlor, dining room, or living room, must be maintained for guest use.
4. Cooking facilities are not permitted in guest rooms.

### 6.4.6. Bowling Alley

A. **Defined.** [reserved]

### 6.4.7. Business Incubator

A. **Defined.** [reserved]

### 6.4.8. Business Services

A. **Defined.** [reserved]

### 6.4.9. Car-Sharing Service, Car Rental, Bike Rental, Electric Car-Charging Station

A. **Defined.** [reserved]

### 6.4.10. Car Wash

A. **Defined.** An establishment for washing automobiles where 3 or more vehicles may be washed simultaneously.

(Rev. Ords. 1973 §24-1)

### 6.4.11. Country Club Facilities

A. **Defined.** Dining rooms, conference or meeting facilities and clubhouses associated with a country club or golf course.

### 6.4.12. Drive-In Business

A. **Defined.** A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle. Includes drive-in food establishments.

(Ord. No. 312, 02/05/79)

### 6.4.13. Dry Cleaning or Laundry, Retail

A. **Defined.** [reserved]

## Sec. 3.4. Allowed Uses

### 3.4.1. Residential Districts Allowed Uses

Residential Districts	SR1	SR2	SR3	MR1	MR2	MR3	MR4	Definition/ Listed Standards
	<b>Residential Uses</b>							
Single-family, detached	P	P	P	P	P	P	P	<a href="#">Sec. 6.2.1</a>
Two-family, detached	--	--	--	P	P	P	P	<a href="#">Sec. 6.2.2</a>
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.3</a>
Multi-family dwelling	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.2.4</a>
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.6</a>
Lodging house	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.2.7</a>
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.8</a>
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.9</a>
Dormitory (20+ persons)	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.9</a>
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.12</a>
Residential care facility	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.2.13</a>
<b>Civic/Institutional Uses</b>								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.2</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Hospital	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.8</a>
Nonprofit institution	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.3.9</a>
Public use	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.10</a>
Religious institution	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.7.4</a>
<b>Commercial Uses</b>								
<a href="#">Bed &amp; Breakfast</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">SP</a>	<a href="#">--</a>	<a href="#">--</a>	<a href="#">Sec. 6.4.5</a>
Funeral home	--	--	--	--	SP	SP	--	<a href="#">Sec. 6.4.15</a>
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.4.27</a>
<b>Industrial Uses</b>								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	<a href="#">Sec. 6.9</a>
<b>Open Space Uses</b>								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.5</a>

P = Allowed by Right    L = Allowed Subject to Listed Standards    SP = Special Permit by City Council Required    -- Not Allowed

(Ord. No. B-1, 02-20-18)

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	<a href="#">Sec. 6.4.4</a>
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	<a href="#">Sec. 6.4.4</a>
<b>Bed &amp; Breakfast</b>	<b>SP</b>	<b>SP</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<a href="#">Sec. 6.4.5</a>
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.5</a>
Business incubator	P	P	P	P	--	P	P	P	--	P	p	<a href="#">Sec. 6.4.6</a>
Business services	--	--	--	--	--	SP	P	--	--	--	--	<a href="#">Sec. 6.4.7</a>
Car-sharing service, car rental, bike rental, electric car-charging station	P	P	P	P	P	P	P	P	P	--	P	<a href="#">Sec. 6.4.8</a>
Car wash	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.4.9</a>
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.11</a>
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	<a href="#">Sec. 6.4.12</a>
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.13</a>
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.14</a>
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	<a href="#">Sec. 6.4.15</a>
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	<a href="#">Sec. 6.4.16</a>
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	<a href="#">Sec. 6.4.16</a>
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	<a href="#">Sec. 6.4.17</a>
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Kennel	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.4.19</a>
Office	P	P	P	P	P	P	P	L	L/SP	P	P	<a href="#">Sec. 6.4.20</a>
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	<a href="#">Sec. 6.4.21</a>
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	<a href="#">Sec. 6.4.22</a>
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	<a href="#">Sec. 6.4.23</a>
Parking facility, accessory, single level	P	P	P	P	--	P	P	--	P	P	P/SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	P	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	<a href="#">Sec. 6.4.25</a>
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.4.25</a>

P = Allowed by Right    L = Allowed Subject to Listed Standards    SP = Special Permit by City Council Required    -- Not Allowed



Ruthanne Fuller  
Mayor

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

**#425-18 & #426-18**

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: August 5, 2019

TO: Planning and Development Board

FROM: Barney Heath, Director of Planning and Development  
James Freas, Deputy Director of Planning and Development  
Jennifer Caira, Chief Planner

SUBJECT: **Petition #425-18** for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

CC: City Council

The purpose of this memorandum is to provide the Planning and Development Board and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Planning and Development Board.

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## EXECUTIVE SUMMARY

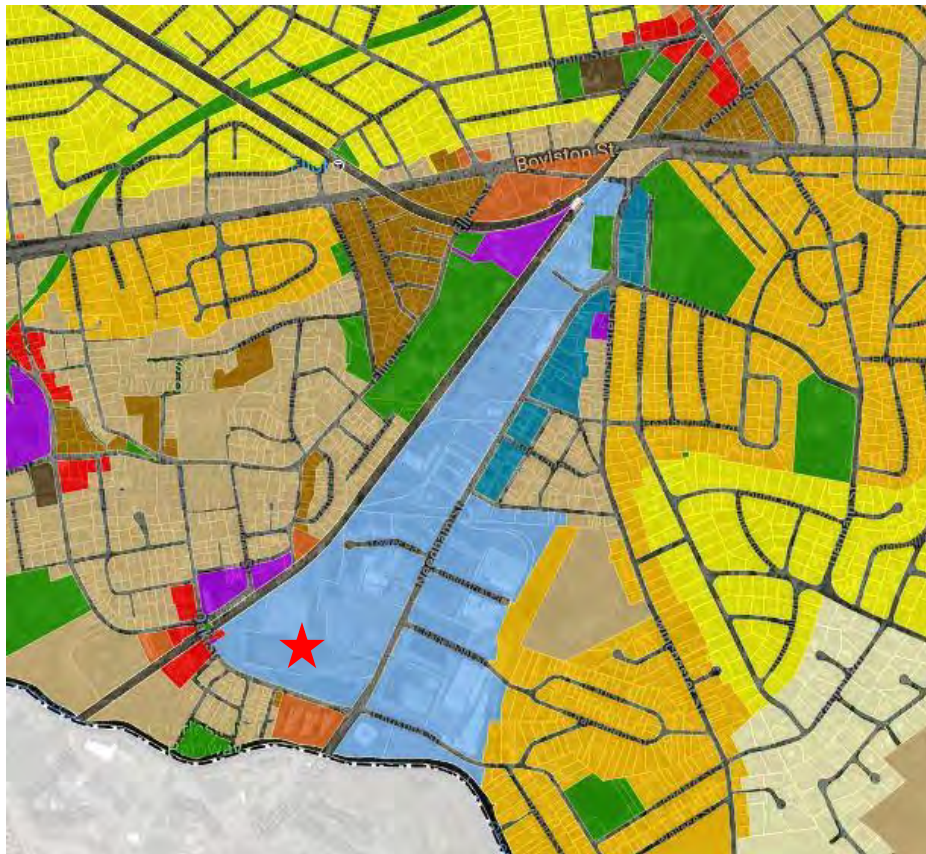
The subject property is located at the northwest corner of the intersection of Needham and Oak streets in a Mixed Use 1 (MU1) zoning district. The site consists of three parcels that, taken together, measure approximately 22.6 acres: 156 Oak Street (referred to herein as Parcel 1), 55 Tower Road (Parcel 2), 275-281 Needham Street (Parcel 3).

The property is bounded by Needham Street to the east, Oak Street to the south and the Upper Falls Greenway to the west; the northern tip of the property has frontage on Tower Road. It is currently improved with various commercial and industrial buildings as well as accessory parking. The existing building at 156 Oak Street was constructed circa 1900 and is proposed for preservation and incorporation into the proposed development. The remaining buildings on the project site, including a 1979 strip mall, would be razed.

The Petitioners are proposing to construct a multi-building mixed use development incorporating 800 residential units, 180,000 square feet of office space, 115,000 square feet of retail, personal service, and restaurant space, and public open spaces. The petitioner proposes approximately 1.4 million square feet of gross floor area in 17 proposed structures with heights ranging from two to eight stories. The proposal also includes 1,450 on-site parking stalls and 200 valet spaces within garages and surface parking, as well as accommodations for 1,100 bicycles. In anticipation of the proposed mixed use redevelopment project, the petitioner is seeking to rezone all three parcels to Business 4 (BU4).

### I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

The Northland Site consists of three parcels located at the northwest corner of Needham and Oak streets. All three parcels are currently zoned Mixed Use 1 (MU1), as are the other parcels in the immediate area along the Needham Street corridor, with exceptions being a Business 2 (BU2) zoned parcel district at the southwest corner of Needham and Oak streets and a Mixed Use 2 (MU2) district on the east side of Needham Street several hundred feet to the north. The neighborhoods to the east and west of the Needham Street corridor exhibit a diverse mix of zoning designations, including Single Residence 2 and 3 (SR2 and SR3), Multi Residence 1 and 2 (MR1 and MR2), Business 1 and 2 (BU1 and BU2), Manufacturing (MAN), as well as Public Use (PUB). Specifically, districts immediately adjacent to the Northland Site include the BU2 parcel referenced above, as well as MU1 and BU1 districts, to the south (across Oak Street), MAN, MU1 and MU2 to the west, and a SR3 district to the east.



The current land uses on the Northland Site and other parcels in the area reflect this diverse zoning. Of the three Northland parcels, 55 Tower Road is industrial, while the other two are currently considered commercial properties, a mix that generally characterizes the uses along the Needham Street corridor. The area to the south, across Oak Street, includes single- and multi-residential uses, as well as some commercial and open spaces. The neighborhood to the west also includes single- and multi-residential and commercial uses, as well as some industrial, and non-profit uses. Across Needham Street are commercial and industrial uses; further to the east the uses are predominantly single- and multi-residential with some interspersed vacant and open space parcels with Winchester Swamp located to the north of Charlemont Street. The Needham Street corridor is primarily comprised of retail, restaurant and service uses with a few office buildings, the Avalon residential development, and a few industrial uses towards the southern end.

## II. REZONING REQUEST (Petition # 425-18)

The petitioner has requested that the site be rezoned from its current MU1 designation to BU4. The Planning Department recognizes that, given its size and location, the site lends itself to redevelopment as a mixed use development and generally agrees that the current MU1 zoning, although it allows for limited residential and commercial uses, might be considered dated and



inappropriate for the site.

A. Mixed Use 1 vs. Business 4 Zoning Comparison

Zoning Dimensional Requirements:

	MU1	BU4
Lot size	40,000 sf min	10,000 sf min
Density	10,000 sf of lot area per residential unit	1,200 sf of lot area per residential unit
Height	4 stories/ 48 feet max	8 stories/ 96 feet max
Floor Area Ratio	2.00 max	3.00 max
Front Setback	Equal to Building Height	10 feet max
Side Setback	Abutting res: ½ bldg. height or 20' Other: 7.5'	Abutting res: ½ bldg. height or 15' Other: ½ bldg. height or equal to abutting side setback
Rear Setback	Abutting res: ½ bldg. height or 20' Other: 7.5'	Abutting res: ½ bldg. height or 15' Other: 0'

The zoning dimensional requirements of the Mixed Use 1 zone are designed to accommodate buildings with a large footprint on a large parcel. The Business 4 zone allows more floor area, significantly more height, and smaller setbacks (particularly at the front setback). The most significant difference between the two zones is the density of housing allowed. At one unit for every 10,000 square feet of lot area the MU1 zone would only permit four residential units at the minimum lot size of 40,000 square feet and the Northland site at over 22 acres could only include approximately 100 residential units. By comparison, the BU4 zone allows one unit for every 1,200 square feet of lot area, or 822 units. By comparison, the Avalon development on Needham Street has a density of one unit per 1,155 square feet of lot area. This is similar to other recent multifamily developments such as Washington Place and Austin Street which have even more units per square feet than the BU4 zone would allow.

The above table and analysis assumes the maximum build-out allowed by Special Permit. Without seeking a special permit a building could be built by-right in either zone to a maximum of three stories with a 1.50 floor area ratio. In either zone a Site Plan Approval by the City Council would be required for the construction of 10,000 square feet and a Special Permit would be required for the construction of 20,000 square feet.

In addition to the dimensional control differences between the two zones, the uses allowed in each zone vary. Uses such as residential, office and large scale retail are permitted in both

zones, however there are many uses that are only permitted in either the MU1 or BU4 zone.

A comparison of those uses is below:

	MU1	BU4
Elderly housing with services		X
Club, clubhouse		X
Hospital		X
Library, museum or similar		X
Convalescent or rest home		X
Theatre, hall		X
Animal service	X	
Business services	X	
Drive-in business		X
Fuel establishment	X	
Funeral home		X
Hotel		X
Job printing		X
Open air business		X
Personal Service		X
Radio or TV studio		X
Radio or TV transmission station	X	
Retail, under 5,000 sf		X
Vehicle repair, sales and service	X	
Veterinary hospital	X	
Assembly or fabrication of materials	X	
Manufacturing	X	
Telecomm and data storage	X	
Wholesale business or storage	X	
Adult business	X	



The MU1 zone is tailored more towards industrial uses and those uses that would require a large footprint. Housing is permitted but at such a low density the only apartment building built in the MU1 zone was done by Comprehensive Permit (Avalon) where zoning regulations can be waived. By comparison, the BU4 zone allows for a wider range of uses and for uses that are oriented towards the public and contribute to a vibrant pedestrian environment.

B. Needham Street Area Vision Plan

The Planning Department's review of the proposed rezoning and development along Needham Street is informed by the "Needham Street Vision Plan" the product of an extensive community based planning effort the Department undertook in collaboration with local residents. The Vision for Land Use in the Needham Street Area Vision Plan (Vision Plan) states the "Needham Street area will be a vibrant destination with a distinct identity. The area will have a diversity of homes, businesses, and gathering places for community life". There was consensus during the visioning process that the current zoning along Needham Street, particularly the MU1 zone, did not allow for the type of place the community desired. A strong theme from the visioning process was that a true mix of uses was desired and despite the name, the Mixed Use 1 zone does not permit this. The MU1 zone is oriented towards office and industrial uses and prohibits small scale retail, most community uses, and discourages residential uses, while the Vision Plan proposes a mix of uses along Needham Street linking the villages of Upper Falls and Newton Highlands. The Vision Plan also includes goals for creating a diverse housing stock, increasing support for small local businesses, and creating a range of community gathering spaces.

Relevant action items from the Vision Plan include:

- Amend zoning along Needham Street to encourage mixed uses, including housing, community uses, smaller commercial uses, and compatible manufacturing/production uses (e.g. breweries, artisans, R&D lab space, etc.)
- Encourage a range of housing unit types and sizes to accommodate all ages and incomes
- Reduce minimum lot area per unit in the zoning ordinance to encourage the production of a range of housing types
- Allow small-scale retail by-right
- Amend zoning to allow broader range of civic and cultural uses as well as private entertainment and recreational uses

The goals of the Vision Plan are largely inconsistent with the current Mixed Use 1 zone. While further amendments to the zoning through Zoning Redesign are necessary to meet all of the action items proposed by the Vision Plan, a rezoning to BU4 accomplishes many of the goals and helps implement the vision for Needham Street by allowing for increased and more diverse housing, small-scale retail, personal services, and community oriented uses in buildings that

are oriented towards the street.

C. Zoning Redesign Recommendations for Needham Street

The area along Needham Street is one of the few areas in the Zoning Redesign process where the recommended zoning districts were not based on the existing context. In this case, zoning was identified based on the recommendation of the Needham Street Area Vision Plan. The proposed zoning used a combination of the three Village Districts to vary the density, height, and types of buildings along the corridor.

The zoning recommendation primarily calls for the application of the Village 2 district along most of the corridor representing buildings of up to 4 stories and a mix of business and residential uses. The Village 3 district is proposed for centralixed locations at the wider end of the Needham Street area, with up to 10 stories allowed (there is also a Village 3 designation proposed on the Charles River reflecting the existing building on that site, which is more than 5 stories tall). The Village 2 district surrounds the applications of the Village 3 district thus stepping down the height to the surrounding areas. The Village 1 District, with a 3 story max, was used to step down height between the Village 2 and a close by residential neighborhood as well as to create a potential viewshed from an adjacent higher land area out to the corridor.



III. REZONING RECOMMENDATION

The current Mixed Use 1 zoning along Needham Street does not truly support a mix of uses and has resulted in a corridor defined by large parcels with big box retail in buildings that are set back from and oriented away from the street. This creates an unpleasant pedestrian experience and further exacerbates traffic conditions along Needham Street. By rezoning the site the proposed project is able to provide not only a mix of uses within the site but housing units that will diversify the housing stock in the area and contribute towards balancing the overall mix of uses along Needham Street. Additional density and height, reduced front setbacks, and the addition of small scale retail, service and community uses all contribute to creating a “vibrant destination with distinct identity” as contemplated by the Needham Street Area Vision Plan. The need for housing, and particularly multi-family and affordable housing options, is also identified as an important piece of the City’s Economic Development Strategy and is critical to supporting the efforts of the N<sup>2</sup> Innovation District. Allowing a mix of uses can also improve transportation over the alternative as some residents will live and work on site and many residents and office tenants will not need to leave the site for basic amenities and entertainment. Additionally, the different uses proposed onsite have different peak traffic periods, so new trips as a result of the project are more spread out rather than concentrated during a smaller peak period, such as with office uses.

The rezoning request is consistent with the Needham Street Area Vision Plan and the preliminary draft of Zoning Redesign. For all of these reasons, the Planning Department recommends approval of the rezoning from MU1 to BU4.

STEPHEN J. BUCHBINDER  
ALAN J. SCHLESINGER  
LEONARD M. DAVIDSON  
A. MIRIAM JAFFE  
SHERMAN H. STARR, JR.  
JUDITH L. MELIDEO-PREBLE  
BARBARA D. DALLIS  
PAUL N. BELL  
KATHERINE BRAUCHER ADAMS  
FRANKLIN J. SCHWARZER  
RACHAEL C. CARVER  
ADAM M. SCHECTER

1200 WALNUT STREET  
NEWTON, MASSACHUSETTS 02461-1267  
TELEPHONE (617) 965-3500  
www.sab-law.com

aschlesinger@sab-law.com

July 31, 2019

Peter Doeringer, Chairman  
Planning and Development Board  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

*Delivery of Heather Zaring  
Department of Planning and Development*

Re: Northland Needham Street Development

Dear Chairman Doeringer;

Enclosed are 9 copies of a narrative as to the re-zoning request for the Northland parcels on Needham Street. These are intended to supplement the presentation of the Planning Department at your August 5 meeting.

Very truly yours,

  
Alan J. Schlesinger

cc: Jennifer Caira  
Nadia Khan

## SUMMARY OF ZONING CHANGE REQUEST

### Existing Zoning MU-1

**Exhibit A** is the existing zoning map of Needham Street. The Westerly side of the street and the Southeasterly end are zoned MU-1. The Northeasterly end is zoned MU-2. **Exhibit B** shows Section 4.4.1, the Allowed Uses in the Business, Mixed Use & Manufacturing Districts.

Commercial uses allowed by right in the MU-1 District include inter alia:

- Health Club, above or below ground floor
- Car sharing service
- Office

Industrial uses allowed by right in the MU-1 District include:

- Assembly or fabrication of materials manufactured off premises
- Laboratory and research facility, no recombinant DNA
- Manufacturing

Other uses which include retail sales over 5,000 s.f., banks, services, ground floor health club, restaurant, vehicle sales and repairs, wholesale business or storage facility are permitted by special permit.

Residential use is effectively prohibited by the dimensional requirements of 10,000 s.f. per unit.

Uses which the Zoning Ordinance **prohibits** on Needham Street, i.e. not permitted either by right or by special permit include without limitation:

- Assisted living, nursing home
- Elderly housing with services
- Government offices or services
- Hospital
- Library, Museum or similar institution
- Theatre, hall
- Personal service
- Radio or television broadcasting studio

- Retail sales under 5,000 s.f.

We ask the Planning Board first to recognize that the current zoning on Needham Street is reflective of neither the actual circumstances on the street nor of any desired circumstances. We ask the Planning Board to consider that not only the vision of Northland but also the combined visions of the Comprehensive Plan and the Needham Street Area Vision of 2018 are prohibited by the existing uses allowed in the MU-1 District.

**Exhibit C** Section 4.2.2 shows the dimensional provisions for the MU Districts.

The MU-1 District allows as-of-right 3 story buildings with a 36-foot height limit, and by special permit commercial buildings of 4 stories and 48 feet height. A floor area ratio of 1.5 is allowed for 2 and 3 story buildings, and a floor area ratio of 2.0 is allowed for 4 story buildings by special permit.

In contrast to the Zoning Ordinance which is directive or permissive, **Exhibit D** shows the context plan of Needham Street - the actual uses from the City GIS map. What we see is that the majority of the street is "commercial" use, which is primarily retail use allowed by special permits or non-conforming from 1988. 233 Needham Street stands out as the only office building and in effect as one of the very few conforming uses on the street.

**Exhibit E** includes an inventory of all the properties on Needham Street.

**In Summary,** the Property is in the MU-1 District in which the primary intended uses by right are manufacturing and office with buildings of up to 3 stories and a floor area ratio of 1.5. The property is therefore zoned for +/- 1,500,000 s.f. office. Other uses, primarily retail uses, are allowed by special permit, as is a height of 4 stories.

Since the MU-1 zoning was adopted in 1987 at the same time as retail and housing have increased by retail special permits and 40B housing, office uses have been decreasing along Needham Street. The Nexus project was formerly 120,000 s.f. of TripAdvisor (previously Polaroid) space, the 190,000 Northland building at 156 Oak Street (formerly Clark's) has been vacant, 27 Christina Street has been converted from 60,000 s.f. office to institutional use as the Barry Price Center and 320 Needham Street is 43,000 s.f. office which has been converted to institutional use as day care and for profit school. After thirty years of failed zoning the MU-1 District does not reflect either the current reality of the street or any potential future reality. We cannot think of a

justification for a zoning district on Needham Street to prohibit small retail or housing. In fact the MU-1 District is working at cross purposes to desirable outcomes on Needham Street.

### **Proposed Zoning - BU-4**

Northland is petitioning the for a change of zone to BU-4. The BU-4 District is in most ways substantially similar to the other Business Districts with the significant exception that the BU-4 District allows heights up to 8 stories by special permit. Northland believes that the 22-acre parcel on the West side of Needham Street is the single most likely parcel in the City to have space and setbacks sufficient for an 8-story building, and that the height will be a significant factor in creating the desired sense of place at the site.

#### **At this time Northland is not proposing either:**

- Any revisions or amendments to the Zoning Ordinance. We think the existing Newton Zoning Ordinance for the BU-4 district is appropriate, and Newton has an existing zone which contemplates the Northland Newton Development
- A Planned Multi-Use Business Development (PMBD). That overlay district is only available in an underlying BU-4 District located on a "major arterial" street, meaning Route 9. Again, at this time Northland is not asking for any amendment to the Zoning Ordinance other than a map change.

The uses permitted in the BU-4 District are shown on **Exhibit B**. Residential and a broad spectrum of commercial uses are allowed as of right or by special permit, and the "mixed use" concept is much more readily discernible in the Business districts than the mis-named Mixed Use district.

**Exhibit F** shows Section 4.1.2 Dimensional Standards for the Business Districts. 3 story buildings are allowed as of right with up to 8 stories in the BU-4 District. Residential density is allowed at 1200 s.f. per unit (Northland is proposing 1233 s.f. per unit), and a floor area ratio of 1.5 is allowed by right and 3.0 by special permit (Northland is proposing a floor area ratio of 1.43).



EXHIBIT A

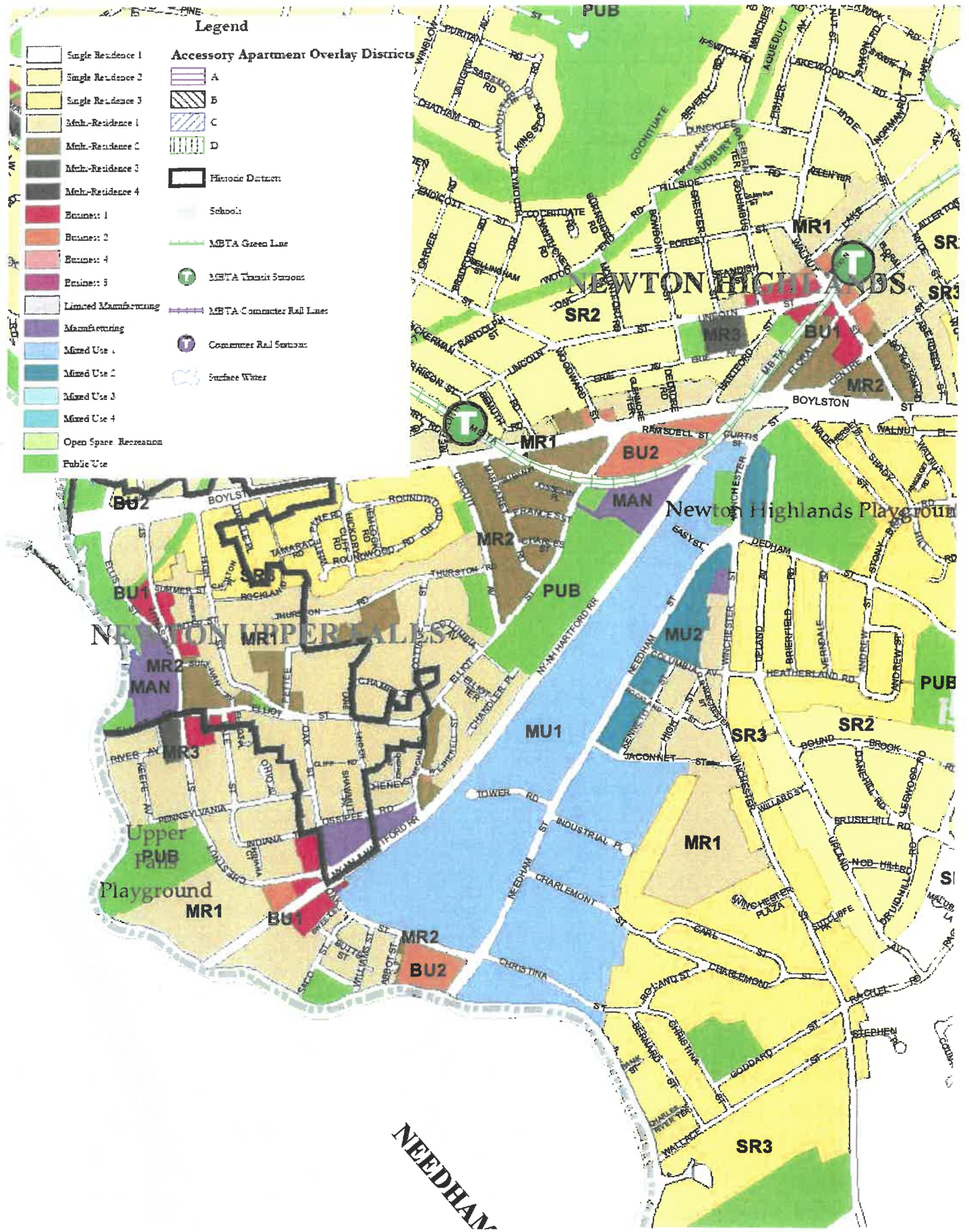




EXHIBIT B

Sec. 4.4. Allowed Uses

4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.1
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	Sec. 6.2.2
Residential use, above ground floor	L/SP	L/SP	L/SP	L/SP	--	SP	L/SP	P	P	--	--	Sec. 6.2.4
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	Sec. 6.2.4
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	Sec. 6.2.10
Live/work space	P	P	P	P	P	P	P	P	P	--	--	Sec. 6.2.11
Lodging House, above ground floor	SP	SP	SP	SP	--	SP	SP	SP	SP	--	--	Sec. 7
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	Sec. 6.3.2
Community use space	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.4
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	Sec. 6.3.5
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	Sec. 6.3.6
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	Sec. 6.3.7
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	Sec. 6.3.8
Public use	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.3.15
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	Sec. 6.4.1
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	Sec. 6.4.2

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

(Ord. No. B-1, 02/20/18; Ord. No. B-27, 04/01/19)

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	<a href="#">Sec. 6.4.4</a>
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	<a href="#">Sec. 6.4.4</a>
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.5</a>
Business incubator	P	P	P	P	--	P	P	P	--	P	p	<a href="#">Sec. 6.4.6</a>
Business services	--	--	--	--	--	SP	P	--	--	--	--	<a href="#">Sec. 6.4.7</a>
Car-sharing service, car rental, bike rental, electric car-charging station	P	P	P	P	P	P	P	P	P	--	P	<a href="#">Sec. 6.4.8</a>
Car wash	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.4.9</a>
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.11</a>
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	<a href="#">Sec. 6.4.12</a>
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.13</a>
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.14</a>
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	<a href="#">Sec. 6.4.15</a>
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	<a href="#">Sec. 6.4.16</a>
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	<a href="#">Sec. 6.4.16</a>
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	<a href="#">Sec. 6.4.17</a>
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	<a href="#">Sec. 6.4.18</a>
Kennel	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.4.19</a>
Office	P	P	P	P	P	P	P	L	L/SP	P	P	<a href="#">Sec. 6.4.20</a>
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	<a href="#">Sec. 6.4.21</a>
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	<a href="#">Sec. 6.4.22</a>
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	<a href="#">Sec. 6.4.23</a>
Parking facility, accessory, single level	P	P	P	P	--	P	P	--	P	P	P/SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	P	SP	SP	<a href="#">Sec. 6.4.24</a>
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	SP	SP	SP	<a href="#">Sec. 6.4.24</a>
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	<a href="#">Sec. 6.4.25</a>
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.4.25</a>
Place of amusement, indoor or outdoor	--	SP	--	--	--	--	--	SP	SP	--	SP	<a href="#">Sec. 6.4.26</a>

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

<b>Business, Mixed Use &amp; Manufacturing Districts</b>	<b>BU1</b>	<b>BU2</b>	<b>BU3</b>	<b>BU4</b>	<b>BU5</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>MU4</b>	<b>M</b>	<b>LM</b>	<b>Definition/ Listed Standard</b>
Radio or television broadcasting studio	SP	SP	SP	SP	SP	--	SP	--	--	L	--	<a href="#">Sec. 6.4.27</a>
Radio, or television transmission station	--	--	--	--	SP	SP	--	--	--	SP	--	<a href="#">Sec. 6.4.27</a>
Research and development	--	--	--	--	--	--	--	P	--	--	--	<a href="#">Sec. 6.4.28</a>
Restaurant	L/ SP	L/ SP	L/ SP	L/ SP	--	SP	P/ SP	P/ SP	P/ SP	--	L/ SP	<a href="#">Sec. 6.4.29</a>
Retail sales, under 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	<a href="#">Sec. 6.4.30</a>
Retail sales, over 5,000 square feet	P	P	P	P	--	SP	P	SP	SP	--	P	<a href="#">Sec. 6.4.30</a>
Service establishment, up to 5,000 sq. feet	P	P	P	P	--	SP	P	--	P	--	--	<a href="#">Sec. 6.4.31</a>
Service establishment, over 5,000 sq. feet	P	P	P	P	--	SP	P	--	SP	--	--	<a href="#">Sec. 6.4.31</a>
Stable, public	--	--	--	--	--	--	--	--	--	--	SP	<a href="#">Sec. 6.4.32</a>
Taxidermist	--	--	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.4.33</a>
Vehicle repair shop, minor	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.34</a>
Vehicle repair shop, major	--	SP	--	--	--	SP	SP	--	--	SP	SP	<a href="#">Sec. 6.4.34</a>
Vehicles sales and service facility, indoor	--	SP	--	--	--	SP	SP	--	--	SP	--	<a href="#">Sec. 6.4.35</a>
Vehicles sales and service facility, outdoor	--	SP	--	--	--	SP	--	--	--	SP	--	<a href="#">Sec. 6.4.35</a>
Veterinary hospital	--	SP	--	--	--	SP	SP	--	SP	P	P	<a href="#">Sec. 6.4.36</a>
<b>Industrial Uses</b>												
Assembly or fabrication of materials manufactured off premise	--	--	--	--	--	P	SP	--	--	P	--	<a href="#">Sec. 6.5.1</a>
Bakery, wholesale	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.2</a>
Boat building, storage and repair	--	--	--	--	--	--	--	--	--	L	P	<a href="#">Sec. 6.5.3</a>
Bottling works (except for alcoholic beverages)	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.4</a>
Building materials sales yard and storage building	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.5</a>
Contractor's yard	--	--	--	--	--	--	--	--	--	P	--	<a href="#">Sec. 6.5.6</a>
Feed and seed store	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.7</a>
Food processing, wholesale	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.8</a>
Laboratory and research facility	SP	SP	SP	SP	SP	P	P	SP	P	P	P	<a href="#">Sec. 6.5.9</a>
Laundry, cleaning & dyeing establishment	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.10</a>
Manufacturing	--	--	--	--	--	L	--	--	--	P	P	<a href="#">Sec. 6.5.11</a>
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.11</a>
Paint store	--	--	--	--	--	--	--	--	--	SP	P	<a href="#">Sec. 6.5.12</a>
Printing, publishing and reproduction establishment	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.13</a>
Sign painting shop	--	--	--	--	--	--	--	--	--	P	P	<a href="#">Sec. 6.5.14</a>

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<b>Business, Mixed Use &amp; Manufacturing Districts</b>	<b>BU1</b>	<b>BU2</b>	<b>BU3</b>	<b>BU4</b>	<b>BU5</b>	<b>MU1</b>	<b>MU2</b>	<b>MU3</b>	<b>MU4</b>	<b>M</b>	<b>LM</b>	<b>Definition/ Listed Standard</b>
Telecommunications and data storage facility	--	--	--	--	--	SP	--	--	--	--	SP	<a href="#">Sec. 6.5.15</a>
Trash or yard waste, collection, storage, transfer-haul or composting	--	--	--	--	--	--	--	--	--	--	--	<a href="#">Sec. 6.5.16</a>
Vehicle storage	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.5.17</a>
Wholesale business or storage facility	--	L	--	--	--	SP	--	--	--	L	L	<a href="#">Sec. 6.5.18</a>
Wholesale distribution plant	--	--	--	--	--	--	--	--	--	--	P	<a href="#">Sec. 6.5.19</a>
Wireless communication equipment	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	P/L SP	<a href="#">Sec. 6.9</a>
Manufacturing, uses not allowed by right	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.5.11</a>
<b>Open Space Uses</b>												
Agriculture, on a parcel of 5 or more acres	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture, on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
<b>Restricted Uses</b>												
Adult business	--	--	--	--	--	SP	--	--	--	--	SP	<a href="#">Sec. 6.10.1</a>
Keno	SP	SP	SP	SP	--	SP	SP	SP				<a href="#">Sec. 6.10.2</a>
Registered marijuana dispensary	--	SP	--	SP	SP	SP	--	--	--	--	--	<a href="#">Sec. 6.10.3</a>
Craft Marijuana Cooperative	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.10.3</a>
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.10.3</a>
Marijuana Cultivator	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.10.3</a>
Marijuana Product Manufacturing	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.10.3</a>
Marijuana Research Facility	--	--	--	--	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.10.3</a>
Marijuana Retailer	--	SP	--	SP	SP	SP	--	--	--	--	--	<a href="#">Sec. 6.10.3</a>
Marijuana Transporter	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.10.3</a>
Microbusiness	--	--	--	--	--	--	--	--	--	SP	--	<a href="#">Sec. 6.10.3</a>
P = Allowed by Right    L = Allowed Subject to Listed Standards    SP = Special Permit by City Council Required    -- Not Allowed												

See [Sec. 7.8.4](#), Substandard Commercial Lots.

(Ord. No A-72, 04/04/16; Ord. No A-73, 04/04/16; Ord. No. A-99, 01/17/17; Ord. No. A-113, 06-19-17; Ord. No. B-5, 03-19-18; Ord. No. B-16, 12-03-18)

EXHIBIT C

Sec. 4.2. Mixed Use Districts

4.2.1. District Intent

- A. **Mixed Use 1 and 2 District.** [Reserved]
- B. **Mixed Use 3/Transit-Oriented Development.** The purpose of the Mixed-Use 3/Transit-Oriented district is to allow the development of a mixed-use center on a parcel of no less than 9 acres near the terminus of a mass transit rail line, an interstate highway, a scenic road, and the Charles River, commonly referred to as the Riverside MBTA station, pursuant to the City's Comprehensive Plan, particularly the mixed-use centers and economic development elements. This district shall encourage comprehensive design within the site and with its surroundings, integrate complementary uses, provide enhancements to public infrastructure, provide beneficial open spaces, protect neighborhoods from impacts of development, allow sufficient density to make development economically feasible, foster use of alternative modes of transportation, and create a vibrant destination where people can live, work and play.

C. **Mixed Use 4 District.** The purposes of the Mixed Use 4 district are to:

1. Allow the development of buildings and uses appropriate to Newton's village commercial centers and aligned with the vision of the City's Comprehensive Plan.
2. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
3. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
4. Expand the diversity of housing options available in the City.
5. Promote the health and well-being of residents by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place and community.

(Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-6, 10/01/12)

4.2.2. Dimensional Standards

A. **Applicability.**

1. The density and dimensional controls in Sec. 4.2.2 and Sec. 4.2.3 apply to all buildings, structures and uses in each of the listed districts.
2. Where more than one dwelling unit is provided on a lot in certain Mixed Use districts, the following residential density control shall apply:

Mixed Use District	MU1	MU2	MU3/TOD	MU4
Lot Area Per Unit (min)	10,000 sf	10,000 sf	1,200 sf	1,000 sf

3. Where a density or dimensional control is not set forth in the following tables for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council.

B. **Approval Process.**

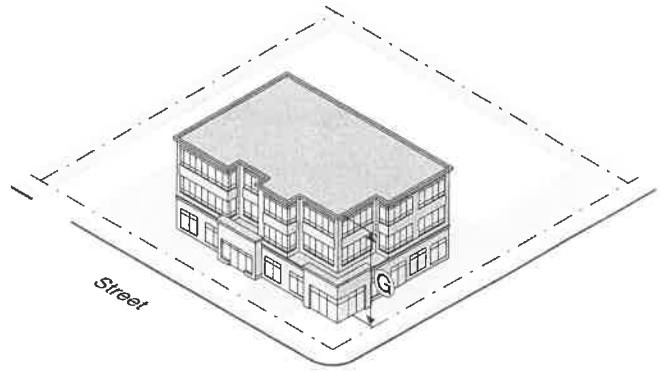
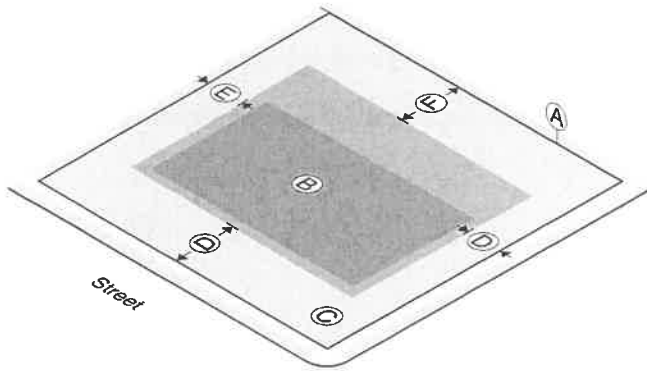
1. **Special Permit Required.** A special permit is required for any development in a mixed use district of 20,000 square feet or more.
2. **Site Plan Review Required.** A site plan is required for any development in a mixed use district that ranges from 10,000 to 19,999 square feet of new gross floor area. After August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure is not subject to site plan approval. All buildings, structures and additions shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	MU1	MU2	MU3/TOD	MU4
2 stories	P	P	NA	P
3 stories	P	SP	NA	--
3 stories, mixed use residential	NA	NA	NA	P
4 stories	SP	SP	NA	SP
5 stories, mixed use residential	NA	NA	NA	SP

P = Allowed by Right  
 SP = Special Permit by City Council Required  
 NA=Not Applicable, -- Not Allowed

(Ord. No S-260, 08/03/87; Ord. No. A-73, 04/04/16; Ord. No. A-99, 01/17/17)

### 4.2.3. All Building Types in Mixed Use



#### Districts

Mixed Use Districts	MU1	MU2	MU3	MU4
<b>Lot Dimensions</b>				
Ⓐ Lot Area (min)				
2 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
3 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
4 stories	40,000 sf	10,000 sf	9 ac	10,000 sf
5 stories	--	--	9 ac	10,000 sf
Ⓑ Lot Coverage (max)	--	--	--	--
Ⓒ Beneficial Open Space	--	--	n/a by right; 15% by special permit	See <a href="#">Sec. 4.2.5</a>
<b>Building Setbacks</b>				
Ⓓ Front (min)				
1 story	15'	15'	See <a href="#">Sec. 4.2.4</a>	See <a href="#">Sec. 4.2.5</a>
2 or more stories	total ht of bldg	total ht of bldg		
Parking Setback	20'	15'		
Ⓔ Side (min)				
Abutting residential or Public Use district	Greater of ½ bldg ht or 20'	Greater of ½ bldg ht or 20'	See <a href="#">Sec. 4.2.4</a>	See <a href="#">Sec. 4.2.5</a>
Not abutting residential or Public Use district	7.5'	7.5'		
Parking setback	5'	5'		
Ⓕ Rear (min)				
Abutting residential or Public Use district	Greater of ½ bldg ht or 20'	Greater of ½ bldg ht or 20'	See <a href="#">Sec. 4.2.4</a>	See <a href="#">Sec. 4.2.5</a>
Not abutting residential or Public Use district	7.5'	0'		
Parking setback	5'	5'		
<b>Building and Structure Height</b>				
Ⓖ Height (max)				
2 stories	36'	24'	36' by right;	24'
3 stories	36'	36'	135' by	36'
4 stories	48'	48'	special permit	48'
5 stories	--	--		60'
Ⓖ Stories (max) see also <a href="#">Sec. 4.2.2</a>	3	4	4	8
<b>Floor Area Ratio</b>				
Floor Area Ratio (max)				
2 stories	1.50	1.00	up to 36' = 1.0	1.00
3 stories	1.50	1.50	up to 135' =	1.50
4 stories	2.00	2.00	2.4	2.00
5 stories	--	--		2.50

\* Average setback is described in [Sec. 1.5.3](#)

-- Not Allowed

# Context Plan

EXHIBIT D

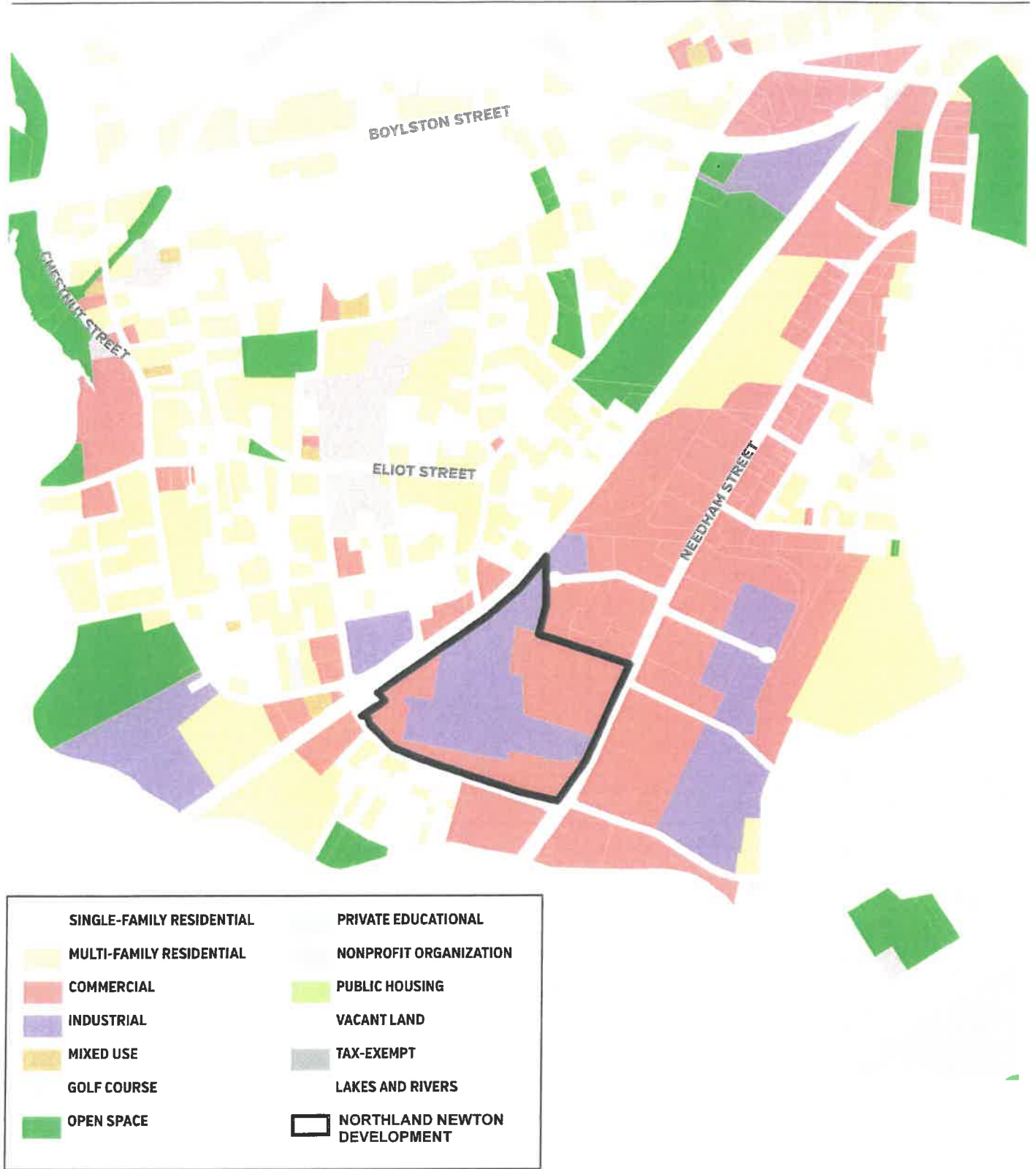


EXHIBIT E

NEEDHAM STREET PROPERTIES

ADDRESS	OWNER	ZONING	CURRENT USE	NON-CONF OR SP
9 NEEDHAM ST	KAITZ SAMUEL & LOUIS L &	MU-1	NATIONAL LUMBER	NON-CONFORMING
14 NEEDHAM ST	14 NEEDHAM ST LLC	MU-2	SMALL RET STORE (W.O.W.)	NON-CONFORMING
19-31 NEEDHAM ST	KSKIM UBC EQUITY PARTNERS LLC	MU-1	GENERAL OFFICE BUILDING	NON-CONFORMING
32 NEEDHAM ST	HENTOFF DAVID TR	MU-2	SMALL RET STORE (NORTHEAST FITNESS EQUIPMENT)	SPECIAL PERMIT
40 NEEDHAM ST	ILJADES SAVVAS TR	MU-2	RESTAURANT-FAST FOOD (FARM GRILL)	NON-CONFORMING
50 NEEDHAM ST	MITCHELL JAMES H. & JOHN D TRS	MU-2	SMALL RET STORE (LEATHER WORLD)	SPECIAL PERMIT
60 NEEDHAM ST	SULLIVAN THOMAS J. & HELEN V TRS	MU-2	SMALL RET STORE (BIG PICTURE FRAMING AND C21)	NON-CONFORMING
66 NEEDHAM ST	66 NEEDHAM STREET LP	MU-2	SMALL RET STORE (LANDRY'S BICYCLES)	NON-CONFORMING
70 NEEDHAM ST	BECK ISAAC F	MU-2	SMALL RET STORE (CHINA FAIR)	NON-CONFORMING
71 NEEDHAM ST	NEEDHAM STREET VILLAGE SHOPS	MU-1	SMALL RET STORE (PARNTERS URGENT CARE, SCOTT TRADE, RELAX THE BACK, BGOOD)	NONCONFORMING/SP
72 NEEDHAM ST	BECK ISAAC F	MU-2	SMALL RET STORE (PAPER ANNEX)	NON-CONFORMING
74 NEEDHAM ST	PASSARINI JOHN R TR	MU-2	SMALL RET STORE (MISS HEFFERNAN'S CLEANERS)	NON-CONFORMING
75-79 NEEDHAM ST	COMMUNITY SERVICE STATIONS INC	MU-1	GAS/REPAIR STATION (MOBIL STATION)	NON-CONFORMING
82-84 NEEDHAM ST	INDIAN RIDGE INV LLC	MU-2	DEPT STORE OR RETAIL CONDO (MOBILE BOOKFAIR)	NON-CONFORMING
88 NEEDHAM ST	SUMMERFIELD MARTIN A	MU-2	SMALL RET STORE (AT & T STORE)	NON-CONFORMING
100 NEEDHAM ST	TERRAZZINO SAMUEL TR	MU-2	SMALL RET STORE (ALEX & CO AND LEARN TO DANCE)	NON-CONFORMING
109 NEEDHAM ST	AVALON UPPER FALLS LLC	MU-1	APARTMENTS (AVALON)	NON-CONFORMING
111 NEEDHAM ST	MCDONALDS REAL ESTATE CO	MU-1	RESTAURANT-FAST FOOD (MCDONALD'S)	40B
112 NEEDHAM ST	112 NEEDHAM STREET LLC	MU-2	GENERAL OFFICE BLDG (GARDNER MATTRESS)	NON-CONFORMING
118 NEEDHAM ST	WALCOTT CORP	MU-2	SMALL RET STORE (VACANT/FORMERLY JTC PRINTING)	NON-CONFORMING
130 NEEDHAM ST	DRUCKER C GERARD & WILLIAM B TRS	MU-2	SMALL RET STORE (VACANT/FORMERLY NEWBURY COMICS)	NON-CONFORMING
138 NEEDHAM ST	138 NEEDHAM ST LLC	MU-2	RESTAURANT-FAST FOOD (DUNKIN DONUTS)	NON-CONFORMING
141-153 NEEDHAM ST	WELLFORD CORP	MU-1	NEXUS RETAIL	SPECIAL PERMIT
148 NEEDHAM ST	RECCO JOHN JR TR	MU-2	SMALL RET STORE (UPPER FALLS DISCOUNT LIQUORS)	NON-CONFORMING
160-166 NEEDHAM ST	RECCO JOHN JR TR	MU-2	SMALL RET STORE (MISS HEFFERNAN, NAIL SALON, FLOWER SHOP, SHOE REPAIR)	NON-CONFORMING
170 NEEDHAM ST	NEEDHAM CHESTNUT RLTY LLC	MU-1	SMALL RET STORE (VITAMIN SHOPPE)	SPECIAL PERMIT
180 NEEDHAM ST	CP NEEDHAM ST LLC	MU-1	RESTAURANT (ANTHONY'S)	SPECIAL PERMIT
188-192 NEEDHAM ST	188 NEEDHAM ST LTD PTNSRSH	MU-1	RET STORE (MODELL'S, PAPA GINO'S)	SPECIAL PERMIT
191 NEEDHAM ST	SIGNORE LLC	MU-1	CAR REPAIR FACILITY (JIFFY LUBE)	NON-CONFORMING
201 NEEDHAM ST	201 NEEDHAM STREET OWNER LLC	MU-1	DEPT STORE OR RETAIL CONDO (MICHAEL'S)	SPECIAL PERMIT
210 NEEDHAM ST	210 NEEDHAM ST LTD PTNSRSH	MU-1	SMALL RET STORE (HOME GOODS)	SPECIAL PERMIT
225 NEEDHAM ST	NORTHLAND 215 NEEDHAM LLC	MU-1	SMALL RET STORE (FIVE GUYS, PETSMART)	NON-CONFORMING
230 NEEDHAM ST	FOX AND HOUNDS RLTY TRUST LLC	MU01	SMALL RET STORE (MESSAGE ENVY, MATTRESS FIRM)	SPECIAL PERMIT
233 NEEDHAM ST	NEEDHAM ST EQUITY PARTNERS LLC	MU-1	GENERAL OFFICE BUILDING	SPECIAL PERMIT
244 NEEDHAM ST	FOX AND HOUNDS PROPERTIES LLC	MU-1	SMALL RET STORE (MODERN ROTISSERIE, SOUP FACTORY)	NON-CONFORMING
260 NEEDHAM ST	NORTHLAND 260 NEEDHAM LLC	MU-1	RETAIL (TJ MAXX)	SPECIAL PERMIT
275-281 NEEDHAM ST	NEEDHAM STREET ASSOCIATES	MU-1	SHOPPING CENTER-MALL (MARSHALL'S PLAZA)	SPECIAL PERMIT
300 NEEDHAM ST	300 NEEDHAM STREET LLC	MU-1	STORAGE-WAREHOUSE-DISTRIB (COMCAST, EMS, EZ STORAGE)	NON-CONFORMING
320-322 NEEDHAM ST	320 NEEDHAM DE LLC	MU-1	GENERAL OFFICE BUILDING/DAY CARE	SPECIAL PERMIT
				ALLOWED



EXHIBIT F

Sec. 4.1. Business Districts

4.1.1. District Intent

[Reserved]

4.1.2. Dimensional Standards

A. Applicability.

1. The density and dimensional controls in Sec. 4.1.2 and Sec. 4.1.3 apply to all buildings, structures and uses in each of the listed districts.
2. Where more than one dwelling unit is provided on a lot in certain Business districts, the following residential density control shall apply:

Business District	BU1	BU2	BU3	BU4
Lot Area Per Unit (min)	1,200 sf	1,200 sf	1,200 sf	1,200 sf

3. Where a density or dimensional control is not set forth in the following tables for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use is allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council.
4. Where a lot does not meet these standards it is nonconforming (see Sec. Sec. 7.8).

B. Approval Process.

1. **Special Permit Required.** A special permit is required for any development in the business districts of 20,000 square feet or more of new gross floor area.
2. **Site Plan Review Required.** A site plan is required for any development in the business districts that ranges from 10,000 to 19,999 square feet of new gross floor area. After August 3, 1987, the first addition of less than 2,000 square feet to an existing building or structure is not subject to site plan approval. All buildings, structures and additions shall be located on a lot in single and separate ownership, which lot shall not be available for use in common or in connection with a contiguous or adjacent lot.

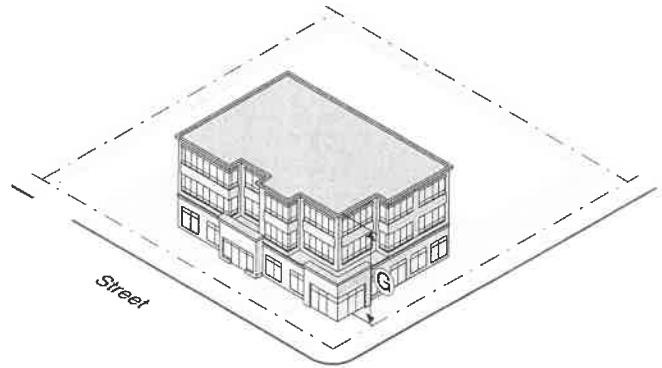
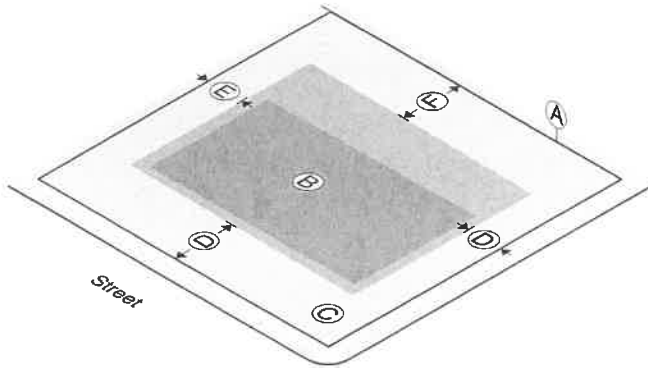
3. **Stories.** A special permit is required based on stories according to the following table:

Stories	BU1	BU2	BU3	BU4	BU5
2 stories	P	P	P	P	P
3 stories	SP	SP	P	P	P
4 stories or more	--	SP	SP	SP	SP

P = Allowed by Right  
 SP = Special Permit by City Council Required  
 -- Not Allowed

(Rev. Ords. 1973 § 24-9; Ord. No. 295, 10/03/78; Ord. No. S-260, 08/03/87)

4.1.3. All Building Types in Business Districts



Business Districts	BU1	BU2	BU3	BU4	BU 5
<b>Lot Dimensions</b>					
Ⓐ Lot Area (min)					
2 stories or less	10,000 sf	10,000 sf	10,000 sf	10,000 sf	0 sf
3 stories	10,000 sf	10,000 sf	10,000 sf	10,000 sf	0 sf
4 stories	--	10,000 sf	10,000 sf	10,000 sf	0 sf
5 stories	--	--	--	25,000 sf	--
6 stories	--	--	--	30,000 sf	--
7 stories	--	--	--	35,000 sf	--
8 stories	--	--	--	40,000 sf	--
Ⓑ Lot Coverage (max)	--	--	--	--	0.25
Ⓒ Beneficial Open Space	--	--	--	--	--
<b>Setbacks</b>					
Ⓓ Front (min)					
2 or 3 stories	Average*	Average*	Average*	Average*	15'
4 or more stories	--	Lesser of ½ bldg ht or Average*	Lesser of ½ bldg ht or Average*	Lesser of ½ bldg ht or Average*	15'
Ⓔ Side (min)	½ bldg ht or equal to abutting side yard setback; abutting residential district: greater of ½ bldg ht or 15'				10'; 20' abutting residential district
Ⓕ Rear (min)	Abutting residential or Public Use district		Greater of ½ bldg ht or 15'		20'
	Not abutting residential or Public Use district		0'		15'; 20' abutting residential district
<b>Height</b>					
Ⓖ Height (max)					
2 stories	24'	24'	36'	36'	36'
3 stories	36'	36'	36'	36'	36'
4 stories	--	48'	48'	48'	48'
5 stories	--	--	--	60'	--
6 stories	--	--	--	72'	--
7 stories	--	--	--	84'	--
8 stories	--	--	--	96'	--
Ⓗ Stories (max) see also Sec. 4.1.2.B.3.	3	4	4	8	4
<b>Floor Area Ratio</b>					
Floor Area Ratio (max)					
2 stories	1.00	1.00	--	--	--
3 stories	1.50	1.50	1.50	1.50	1.00
4 stories	--	2.00	2.00	2.00	1.50
5 stories	--	--	--	2.25	--
6 stories	--	--	--	2.50	--
7 stories	--	--	--	2.75	--
8 stories	--	--	--	3.00	--

\* Average setback is described in Sec. 1.5.3 In a Business 1, 2, 3 and 4 district, a vacant lot or a lot where a building is set back more than 10 feet is counted as though occupied by a building set back 10 feet.

-- Not Allowed