

Article 1. Introduction

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Sec. 1.1. Title

This Ordinance is known as the 'City of Newton Zoning Ordinance' and may also be cited and referred to as 'Newton Zoning Ordinance' and/or NZO.

Sec. 1.2. Purpose

The provisions of this Chapter are ordained by the City for the purpose of promoting the health, safety, convenience, and welfare of its inhabitants by:

- A. Implementing the Comprehensive Plan of the City of Newton as well as other officially adopted plans and policies.
- B. Coordinating development and redevelopment according to neighborhood, village, and other area plans developed collaboratively with community members.
- C. Equitably balancing the interests of property owners with the interests of the community as a whole.
- D. Protecting and promoting the social, environmental, and economic benefits provided by a walkable development pattern.
- E. Preserving and enhancing the existing character of Newton's traditional walkable villages and neighborhoods, to continue to promote sense of community, respect the existing built form, and honor the historic development pattern inherent to the city.
- F. Permitting redevelopment and infill construction that contributes to and preserves the character of Newton.
- G. Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics.
- H. Promoting the adaptation and preservation of existing buildings.
- I. Providing a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Newton residents at all income levels, paying particular attention to providing housing that is affordable to individuals and families with low and moderate incomes and housing that is accessible for those with disabilities.
- J. Promoting a welcoming community where people of diverse demographics, origins, and income levels will be able to find a home and opportunity for success.
- K. Addressing the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- L. Promoting arts and culture for community and economic benefit including improving the public realm, enhancing community life, and growing a vibrant creative sector.
- M. Encouraging the use of public transportation, bicycling, and walking.
- N. Decreasing vehicular air and water pollutant emissions, conserving energy resources and reducing ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city.
- O. Reducing the demand for parking facilities and increasing the capacity and efficiency of existing transportation infrastructure.
- P. Assisting in the provision of transportation, water, sewage, schools, parks, open spaces and other public facilities and ensuring these are adequate to serve existing and proposed development.
- Q. Increasing the commercial tax base in support of the fiscal health of the City.
- R. Protecting and promoting a diverse mix of businesses and employment opportunities.
- S. Providing opportunities for businesses to remain in Newton as they develop and grow.
- T. Promoting environmentally sustainable building and site design practices.
- U. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.
- V. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.

Sec. 1.3. Legal Status Provisions

1.3.1. Authority

This Ordinance is adopted under the authority granted by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and enacted in accordance with the provisions of the Massachusetts General Laws (M.G.L.) Chapter 40A, as amended.

1.3.2. Applicability

- A. Unless otherwise specified, this Ordinance is applicable to all real property within the City of Newton.
 - 1. Real property used or occupied by the Commonwealth of Massachusetts in conducting its essential government functions is exempt from the provisions of this Ordinance.
 - 2. This Chapter does not apply in particular respects to any buildings, structures or lands used or to be used by a public service corporation if, upon petition of the corporation, the Commonwealth of Massachusetts Department of Public Utilities shall, after notice given pursuant to M.G.L. Chapter 40A, Section 11, and public hearing in the City, determine the exemptions required and find that the present or proposed use of the buildings, structures or lands is reasonably necessary for the convenience or welfare of the public.
 - 3. Nothing contained in this Ordinance shall be construed to restrict the use of land or structures for activities protected by M.G.L. Chapter 40A, Section 3.
- B. All divisions, departments, commissions, boards, and authorities of the City of Newton shall comply with the procedural requirements of this Ordinance.

1.3.3. Conflicting Provisions

- A. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- B. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements,

covenants, or agreements, the provisions of this Ordinance apply.

- C. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance imposes a greater restriction than required by Federal or State law, the provisions of this Ordinance apply unless otherwise prohibited by law.

1.3.4. Fines & Penalties

- A. Any person who violates the provisions of this Ordinance shall be punished with a fine of not more than \$300.00 for each offense, where each day that a violation is not corrected or abated shall constitute a separate offense.
- B. In addition to procedure for enforcement described above and in Article 11, the Commissioner of ISD may enforce the ordinance by a non-criminal disposition per M.G.L. Chapter 40 Section 21 D and the Revised Ordinances of the City of Newton, Chapter 17, Article III.

1.3.5. Text & Graphics

- A. Words, phrases, and terms used in this Ordinance are defined in Article 12.
- B. The graphics, illustrations, photographs and flowcharts used to visually explain certain provisions of this Chapter are for illustrative purposes only. Where there is a conflict between a graphic, illustration, photograph or flowchart and the text of this Chapter, the text of this Chapter controls.

1.3.6. Validity

Nothing in this Chapter shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures, or land, and for each class or kind of use in each district.

1.3.7. Severability & Invalidity

If it is determined by any court of competent jurisdiction that any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is unconstitutional or otherwise held invalid, the validity of the remaining provisions of this

Ordinance and their application to any other person, partnership, corporation, or circumstance shall not be affected.

Sec. 1.4. Zoning Districts & Map

1.4.1. Establishment

The City is hereby divided into districts, to be known respectively as follows:

Residence Districts (Article 3)
Residence 1
Residence 2
Residence 3
Neighborhood General
Village Districts (Article 4)
Village 1
Village 2
Village 3
Public Use and Recreation Districts (Article 5)
Public Use District
Recreation District
Single Purpose Districts (Article 6)
Office District
Fabrication District
Regional Retail District
Non-Contextual Multi-Unit Residential District
Campus/Institutional District
Overlay and Master Plan Districts (Article 7)

Historic Districts (which are not part of zoning) may apply to property in addition to the regulations in this Chapter 30. See Revised Ordinances, Chapter 22, Article III.

1.4.2. Official Zoning Map

- A. Zoning district boundaries are shown on the map “Official Zoning Map of the City of Newton”. This map and all explanatory matter on the map are hereby made a part of this Chapter.
- B. The location and boundaries of zoning districts established by this Chapter are also shown and maintained as part of the City’s Geographic Information System (GIS).
- C. The zoning districts in the GIS constitute the City of Newton’s Official Zoning Map and are part of this Chapter. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Chapter.

- D. Upon amendment by the City Council per Sec. 11.8, the Director of Planning and Development is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.
- E. The City Clerk maintains printed copies of the Official Zoning Map and records of superseded official maps. All changes to the Official Zoning Map shall be identified by updating the original computer digital data of each change, together with the date of the change.
- F. All revisions to printed copies will be numbered, dated and signed by the Director of Planning and Development and retained in the City Clerk's records.

1.4.3. District Boundary Interpretation

- A. Zoning district boundary lines are intended to follow lot lines or are otherwise as indicated on the Official Zoning Map.
- B. Where the Official Zoning Map indicates a district boundary line that approximately coincides with a lot line, the lot line is the official boundary line between districts.
- C. Where the Official Zoning Map indicates a district boundary line that divides a lot or undivided parcel of land, the boundary between districts is determined using the scale of that map and the provisions for each zoning district apply to the portion of the lot within the respective districts.
- D. Any land not specifically included in any zoning district on the Official Zoning Map is classified as the Public Use district unless rezoned according to the Map Amendment procedures of Article 11: Administration.
- E. Whenever any uncertainty exists as to the exact location of a boundary line, the location shall be determined by the Commissioner of ISD in consultation with the Director of Planning and Development. Any person affected by the decision may appeal to the Zoning Board of Appeals in the manner provided in Sec 11.6.

1.4.4. Adoption & Effect

- A. **Adoption Date.** This Ordinance was adopted by the Newton City Council on Month XX, 20xx.
- B. **In Effect.** This Ordinance takes effect upon its passage and supersedes the City of Newton Zoning Ordinance adopted on November 1, 2015, as amended.
- C. **Published Notice.** Per M.G.L. Chapter 40 Section 32, notice of the adoption of this Ordinance, or any amendment to this Ordinance, shall be published at least two times in a newspaper of general circulation without delay upon its adoption by the City Council and signing into law by the Mayor. Failure to publish this notice does not affect the validity of this Ordinance or its amendments.
- D. **Previous Approvals.**
 - 1. Any discretionary or administrative permit issued prior to the adoption of this Ordinance remains valid, subject to all conditions of the approval.
 - 2. Any discretionary or administrative permit, excluding subdivision plan approval, issued prior to the first notice of the public hearing for any amendment to this Ordinance, remains valid, subject to all conditions of the approval.