

Article 5 Public Use and Recreation Districts

5.1. Public Use & Recreation Districts

5.1.1. Public Use District

This section is applicable to all real property within the Public Use and Recreation Districts as shown on the Newton Zoning Map.

A. Context Description.

The Public Use District is composed of public spaces such as parks, plazas, and conservation areas, and buildings dedicated to public uses such as education, recreation, and local government. All of the properties in this district are publicly owned. Buildings are frequently distinctive in their placement and design and contribute significantly to community identity.

B. Purpose.

1. To accommodate and permit buildings and grounds that serve a public purpose for the community such as municipal buildings, schools, libraries, and public safety facilities.
2. To facilitate the preservation and creation of civic spaces including parks, recreational fields and facilities, and protected natural areas.
3. To permit the development or modification of public buildings and spaces through the Section 5-58 process as described in the City of Newton Ordinances.

C. Development Review.

1. Development on parcels owned by the City of Newton is reviewed through the process described in the City of Newton Ordinances, Section 5-58.
2. Development on state-owned parcels, where the proposed use and buildings are intended for public uses as allowed in Sec. 5.4 and in Article 9.

D. Development Standards.

1. Principal and accessory structures in the Public Use District are not subject to any dimensional standards.
2. Development is exempt from Article 8. Development Standards.

E. Allowed Uses

Uses permitted in buildings in the Public Use District are described in Sec. 5.4.

5.1.2. Recreation District

A. Context Description.

The Recreation District represents large, privately held recreational facilities such as golf courses or tennis clubs as well as other, similar substantial and largely undeveloped parcels such as cemeteries. These parcels typically represent significant open space resources for the community at large as well as serving as a recreational resource for members of the community. Buildings in this district tend to stand-alone and not relate to the surrounding neighborhood or village context.

B. Purpose.

1. To preserve the open space resources of these large parcels.
2. To permit reasonable associated development or modification of existing buildings as relate to the primary purpose of the property.

C. Development Review.

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials as required in Article 11.

1. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
2. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.
3. Upon completion of the required development review or verification that no additional development review is necessary, the Commissioner of ISD shall issue a Zoning Consistency Determination indicating compliance with the provisions and procedures of this Ordinance.
4. The Special Permit Granting Authority is determined by the scale of the proposed development in accordance with the table below, or by the uses on the lot (See Article 9).

	Scale at which the Planning Board as Special Permit Granting Authority	Scale at which the City Council is the Permit Granting Authority
Square footage of Non-residential space on the Lot	Up to 10,000 sf of floor area	More than 10,000 sf of floor area
Varying the dimensional standards of a building type (i.e. SP for additional story, additional footprint)	Up to 10,000 sf of additional floor area	More than 10,000 sf of additional floor area
Increase in Lot Coverage	Up to 10,000 sf of additional lot coverage	More than 10,000 sf of additional lot coverage

D. Lot Standards.

The following table contains lot standards for the Recreation District:

Lot Characteristics	
Frontage:	Min. 100 ft, Max. -
Lot Depth:	N/A
Lot Coverage:	50% Max; +10% by SP (See Sec. 2.3.2)

E. Setback Standards.

The following table contains setback standards for the Recreation District:

Setbacks	Min	Max
Front:	25 ft	-
Side:	20 ft	-
Rear:	30 ft	-
Frontage Buildout	-	-

F. Building Types.

1. The following principal building types are permitted in the Recreation District:
 - a. Recreation Activity Center (See Sec. 5.2.3)
 - b. Civic Building (See Sec. 5.2.4)
2. In the Recreation District more than one principal building may be located on a lot by Special Permit, in accordance with Sec. 11.4.
 - a. If multiple buildings are located on a lot, all lot and setback standards must be met.

G. Development Standards.

1. No impervious surface may be located within 10 feet of any lot line, except for driveways and sidewalks.
2. Properties must comply with the Light Trespass standards of Newton City Ordinance, Chapter 20, Article 3.

H. Allowed Uses

Uses permitted in buildings in the Recreation District are described in Sec. 5.4.

5.2. Building Types.

5.2.1. Introduction to Building Types.

This Ordinance uses building types as a tool to regulate development within each zoning district.

- A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.
- B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.
- C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district and is authorized by M.G.L. Chapter 40A, Section 4. d.
- D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

5.2.2. Special Permit to Vary the Dimensional Standards of a Building Type.

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

- A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:
 - 1. The criteria for all Special Permits specified in Sec. 11.4.3.
 - 2. Design strategies achieve compatibility with the scale of neighboring properties.
 - 3. Design strategies break up the massing and modulate the roof line.

5.2.3. Recreation Activity Center.

A. Description.

A building providing for indoor recreational activities including sport courts, swimming pools, club houses, and similar spaces for events.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf SP: 50,000 sf	2.5 stories SP: 3.5 stories	Max 20 ft
SP = Special Permit with mandatory design review (See Sec. 5.2.2)					

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. A Recreation Activity Center Building Type may be occupied by the following use categories:
 - a. Civic and Institutional Use Categories
 - b. Recreation Uses
 - c. Assembly/Entertainment Uses
2. Additional use categories permitted in the district may be allowed by Special Permit in accordance with Article 9 and Article 11.

5.2.4. Civic Building.

A. Description.

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Min 12 ft Max 18 ft

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. **Civic Building Conversion.**
 - a. An existing Civic building type may be converted to any of the permitted uses allowed in the district by special permit with design review in accordance with the procedures described in Article 11.
 - b. The maximum number of residential units allowed in a building is subject to the following residential unit factors: Base RU Factor = 1000, 100% Affordable/Sustainable Design Standard = 750
 - c. **Review Criteria.** In its discretion to approve or deny a special permit authorizing the conversion of a civic building, the Special Permit Granting Authority must find that the application meets the following criteria:
 - i. The criteria for all Special Permits specified in Sec. 11.4.3.
 - ii. Preservation of the existing building’s design integrity, with special attention to important historic features or components of the building.
 - iii. Design and landscaping are compatible with the neighborhood and adjacent properties.
 - iv. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
 - v. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

5.3. Building Components and Accessory Structures.

5.3.1. Introduction and General Standards.

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

5.3.2. Architectural Components.

Any architectural components may be utilized in any design if fully compliant with the setbacks.

5.3.3. Roof Components.

A. Dormer.

1. **Description.** A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. **Dimensions.**
 - a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
 - i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
 - b. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. **Standards.**
 - a. Dormers may be used with any roof type, except the flat roof.
 - b. No dormer may extend above the roof ridge line.

A. Cross Gable.

1. **Description.** A cross gable is a sloped roof that projects perpendicularly from the main roof of a building to increase the habitable space of a half story or add architectural distinction to a low gabled roof.
2. **Dimensions.**
 - a. A Cross Gable may not exceed 50% of the eave length of the roof to which it connects.
3. **Standards.**
 - a. A cross gable may only be used with a gable or low gable roof type.

B. Roof Deck.

1. **Description.** A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. **Dimensions.**

- a. The area or a roof deck may be up to the lesser of 400 sf or 20% of the footprint of the building.
 - b. The width of a roof deck may not exceed 50% of the building width, except on a flat roof it may extend up to the full width of the roof.
 - c. A roof deck must be set at least 5 ft back from all building edges, and 10 ft from the front elevation. This standard is waived if the parapet wall is utilized as the guardrail, provided it is of sufficient height.
3. Standards.
- a. The guardrail must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
 - b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height required by building code.

5.3.4. Accessory Structures.

A. General Standards.

- 1. Definitions.
 - a. **Accessory Structure.** A non-enclosed structure accessory to the principal building on the lot, such as a swing set, play structure, or pergola.
 - b. **Accessory Building.** An accessory building is a fully enclosed structure accessory to the principal building on the lot. (See Sec. 5.3.5)
 - c. **Bounding Box.** The smallest rectangle that can enclose the accessory structure.
- 2. Accessory Structure Placement.
 - a. Unless otherwise specified, an accessory structure within a bounding box of 150 sf may encroach any side or rear setback, provided that at least 3 feet is maintained from any lot line. Any accessory structure, exceeding a bounding box of 150 sf, must meet the setbacks for a principal building.
 - b. Unless otherwise specified, accessory structures may be no nearer to any front lot line than the front elevation of the principal building.

B. Accessory Garden Structures.

- 1. Raised Planting Beds.
 - a. Raised planting beds may be forward of the front elevation and may encroach the front setback, provided that at least 2 feet is maintained from any front lot line.
- 2. Pergola.
 - a. A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area, or providing growing area for climbing plants.
 - b. A maximum of 1 pergola within a bounding box of 300 sf may be located forward of the front elevation but must not be within the front setback.
 - i. A pergola within a bounding box of 300 sf may encroach on the side and rear setbacks, provided that at least 5 feet is maintained from any lot line.

C. Accessory Art Structures.

1. Any artwork within any setback may not exceed 12 ft in height.
2. Any artwork fitting within a bounding box of 100 sf may be forward of the front elevation and may encroach the front setback, provided that at least 5 feet is maintained from any front lot line.
3. Determination of whether an item qualifies as an artwork is to be made by the Director of the Mayor’s Office of Arts and Culture or their designee.

D. Accessory Athletic Structures.

Any permanent sport court or swimming pool must meet the setbacks for a principal building.

5.3.5. Accessory Buildings.

A. General Standards.

1. **Definition.** An accessory building is a fully enclosed structure accessory to the principal building on the lot.
2. **Dimensional Standards.** Unless noted below, all accessory buildings shall conform to the following dimensions:

Building Footprint	Number of Stories	Story Heights
Max	Max	Ground Story
700 sf	1.5 stories	Max 18 ft

- a. No accessory building may exceed 22 ft in height from average grade to the roof peak.
3. **Accessory Building Placement.**
 - a. 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 front elevation of the principal building.
 - b. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.
 - c. Accessory buildings must be separated from the principal building by at least 6 feet, measured from any surface of one to any surface of the other.

B. Accessory Garden Buildings.

1. **Animal house.** (e.g. dog house, horse barn)
 - a. Accessory buildings used for the keeping of animals must meet the setbacks for a principal building.
2. **Greenhouse.**
 - a. Permanent greenhouses exceeding 300 sf must meet the setbacks for a principal building.

C. Caretaker Cottage.

1. **Definition.** An accessory building containing a permanent residence affiliated with the operation of a recreational property.
2. **Building Dimensional Standards.**

Building Footprint	Number of Stories	Story Heights
Max	Max	Ground Story

1200	1.5 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory design review (See Sec. 5.2.2)		

3. **Additional Standards.**

- a. A maximum of one caretaker cottage is allowed per lot.
- b. A caretaker cottage must meet the setbacks for a principal building, except that where a caretaker cottage is within 100 ft of a residential district, the front and side setbacks of the abutting residential district may be applied.
- c. All roof types are permitted.
- d. Ground story fenestration on the front façade: 20% Minimum, 70% Maximum
- e. Maximum of 1 dwelling unit
- f. Outdoor Amenity Space: 1/dwelling unit

5.4. Allowed Uses.

5.4.1. General Standards for Allowed Uses in the Public Use and Recreation Districts.

A. Permitted Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Uses are permitted as specified in 5.3.2.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by Special Permit require additional development review in accordance with Article 11.

B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses are permitted as specified in 5.3.2.
3. Accessory Uses not expressly authorized are prohibited.

5.4.2. Use Table.

Use Category • Specific Use	Public Use	Recreation	Definitions & Use Specific Standards
Civic & Institutional Use Categories			
Community Center Uses	P	P	
Minor Utility Uses	SP	SP	
Major Utility Uses	N	N	
Museum Uses	P	P	
Private, Non-profit Club or Lodge Uses	N	P	
Public Service Uses	P	P	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	
Commercial Services Use Categories			
Day Care Service Uses (as noted below)	--	--	
• Child Day Care Center	P	N	
Recreation Uses	N	P	
Eating and Drinking Use Categories			
Restaurant/Café Uses	P	P	
Lodging Use Categories			
Bed & Breakfast Uses	N	P	
Motor Vehicle-Oriented Use Categories			
Motor Vehicle Parking Uses (as noted below)	--	--	
• Off-Site Accessory Parking	N	SP	
• Public Parking	L	N	
Office Use Categories			

Co-Working Uses	P	N	
General Office Uses	P	N	
Open Space Use Categories			
Farming Uses	P	P	
• Community Gardening	P	P	
Private Cemetery Uses	P	P	
Resource Extraction Uses	N	SP	
Retail Sales Use Categories			
Farmer/Vendor Market Uses	P	N	
Accessory Uses	Public Use	Recreation	Definitions & Use Specific Standards
Uses typically found as accessory to permitted principal uses	P	P	
Caretaker Housing Uses	N	P	
Car Share & Bike Share Uses	P	P	
P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit			

5.5. Parking Requirements in the Recreation District.

5.5.1. General Standards.

A. Required Accessory Parking Spaces.

Vehicular parking must be provided as specified in Sec. 5.5.3, except as follows:

1. There are no parking requirements for accessory uses.
2. Parking may be shared between uses on the same lot in accordance with Article 8.

B. Vehicular Parking Space Types.

Accessory motor vehicle parking may be provided as off-street surface parking spaces or structured parking spaces.

C. Parking Design.

The design of all parking is subject to Article 8 of this Ordinance.

D. Driveway Access.

1. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas.
2. No parking stall may be located within any required setback area, with the exception that up to 2 parking stalls may be located in a side setback area. No parking stall may be located between the building front elevation and the street.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.

4. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners.
5. Unless otherwise specified, only one curb cut is permitted per front lot line.

E. Off-site Parking on a Contiguous Lot.

Required vehicular parking, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

1. The following additional standards apply:
 - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
 - b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the Special Permit Granting Authority or Commissioner of Inspectional Services, as appropriate, and executed and filed with the Registry of Deeds.

5.5.2. Parking Relief.

- A. Relief from the number of required accessory parking spaces in Sec. 5.5.3. requires a special permit from the Planning Board.
- B. **Review Criteria.** In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 5.5.3, the Special Permit Granting Authority must find that the application meets the following criteria:
 1. Mobility management programs and services provided by the applicant to reduce the demand for parking.
 2. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

5.5.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Public Use and Recreation Districts:

Use Category	Bicycle Parking		Motor Vehicle	
	Short (min)	Long (min)	Min	Max
Civic & Institutional Use Categories				
Community Center Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Minor Utility Uses	-	-	-	-
Major Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Private, Non-profit Club or Lodge Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	12.0 / 1,000 sf

Commercial Services Use Categories				
Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	4.0 / 1,000 sf
Recreation Uses	1.0 / 1,000 sf	1.0 / 5,000 sf	2.5 / 1,000 sf	5.0 / 1,000 sf
Eating and Drinking Use Categories				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	12.0 / 1,000 sf
Lodging Use Categories				
Bed & Breakfast Uses	-	-	1.0 / bedroom	3 + 1.0 / bedroom
Motor Vehicle-Oriented Use Categories				
Motor Vehicle Parking Uses	-	-	-	-
Office Use Categories				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	5.0 / 1,000 sf
Open Space Use Categories				
Farming Uses	-	-	-	-
Private Cemetery Uses	-	-	-	-
Resource Extraction Uses	-	-	-	-
Retail Sales Use Categories				
Farmer/Vendor Market Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	5.0 / 1,000 sf