

Article 3 - Residence District, Change Log

The table below represents the revisions and updates made to Article 3 - Residence Districts from the draft shared in the March 9, 2020 ZAP memo, titled **Version 2 - 02/28/20**. The original draft of Article 3 - Residence Districts was released in October 2018.

Section	Previous Recommendation	Proposed Recommendation	Goal, Problem Addressed, or Reasoning
3.1.1.D	Table specified the Special Permit Granting Authority depending on the scale/threshold of proposed development	Make this a [Reserved] section to be discussed as part of the larger discussion on Article 11 - Administration	To simplify and streamline the permitting review process remains an overall goal. However, attempting to tackle development review and overhauling the zoning code at the same time does not allow for the necessary focus each item needs individually.
3.1.2.C - 3.1.2.D	Lot and Setback Standards were split into two different bullets. "Contextual Front Setback (sec. 3.4.1.A)" states as a rule.	Combine 3.1.2.C (Lot Standards) and 3.1.2.D (Setback Standards) into one bullet titled "Dimensional Standards". Remove "Contextual Front Setback" and instead make the minimum-maximum range of front setback the rule.	"Dimensional Standards" is the language used in the current Zoning Ordinance. Being consistent with language, when possible, will simplify the transition to the new code. Similarly, Contextual Front Setback is an option found in the current Zoning Ordinance. Making it a rule in the draft is not necessary because each district sets a minimum and a maximum front setback (range), that is contextual. This recommendations simplifies the code.
3.1.2.E.1.c	Allow for the alternative lot/building configuration development of Courtyard Cluster in R1	Remove the alternative lot/building configuration development of Courtyard Cluster in R1	As it relates to the overall goals, and comments received at ZAP meetings, the Planning Department recommends that Courtyard Cluster development be focused in areas close to public transit and village centers
3.1.3.C - 3.1.3.D	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"

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3.1.3.E.2.b.i	Special Permit criteria language for allowing House Type D in R2 stated, "methods to address energy efficiency are sufficiently employed."	Special Permit criteria language for allowing House Type D in R2 changed to, "the site and building as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy."	New language is clearer and pulls from recent updates to the Criterion 5 language. Added criteria focused on sustainability acknowledges that the House D, as a large footprint/single-story building, is not the most efficient building form.
3.1.3.E.1.c	See 3.1.2.E.1.c "Courtyard Cluster"	See 3.1.2.E.1.c "Courtyard Cluster"	See 3.1.2.E.1.c "Courtyard Cluster"
3.1.4.C - 3.1.4.D	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"
3.1.4.E.1.c	See 3.1.2.E.1.c "Courtyard Cluster"	See 3.1.2.E.1.c "Courtyard Cluster"	See 3.1.2.E.1.c "Courtyard Cluster"
3.1.5.C - 3.1.5.D	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"
3.1.5.C	Minimum Lot Frontage = 40ft, Side Setback = 7.5ft, Rear Setback = 15ft	Minimum Lot Frontage = 50ft, Side Setback = 10ft, Rear Setback = 20ft	R4 was created following the build-out analysis and the standards used utilized the Oct. 2018 R3 standards. The revised standards better reflect the intent and purpose of R4, which is to allow for development forms and patterns that further act as a transition between the larger lot/less dense residential neighborhoods (R1) to the smaller lots/more dense residential neighborhoods (N).
3.1.5.E.4	N/A	Add Multi-Building Assemblage (Sec. 3.5.4) as an allowed alternative lot configuration in R4	Increasing diverse housing opportunities, especially near public transportation/village centers

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3.1.6.C	Front Setback = 5ft (min.), Side Setback = 10ft, Rear Setback = 20ft	Front Setback = 0ft (min.), Side Setback = 7.5ft, Rear Setback = 15ft	The recommended changes to setback requirements within the N district more closely align with the goal of providing more housing opportunities closest to village centers and public transit in a form is appropriate for these transition areas between residential neighborhoods and village centers.
3.1.6.C - 3.1.6.D	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"	See 3.1.2.C-3.1.2.D "Dimensional Standards" and "Contextual Front Setback"
3.2.2	Allow for a Special Permit to vary the dimensional standards of any Building Type	Remove the ability to ask for a Special Permit to vary the dimensional standards of any Building Type. Instead, use Building Components as a more predictable, yet still flexible, manner to go beyond the allowed Building Type dimensional standards	The data used to create the Building Type dimensional standards comes from analyzing Newton's existing building stock and architecture/building design best practice for residential development. The standards created help achieve City Council's objectives of promoting contextual development and smaller development sizes to achieve a more sustainable built pattern. In addition, the Planning Department recommends that Building Components are a simpler, more streamlined, mechanism to allow for development then the Special Permit process.

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3.2.3.B	(a) Set minimum and maximum building width and depth standards. (b) Allow for an increase to the maximum footprint by Special Permit of 600 sf	(a) Remove minimum and maximum building width and depth standards. (b) Remove allowance for an increase to the maximum footprint by Special Permit of 600 sf	(a&b) Simplify and streamline the permitting review process. The building widths and depths proposed are not based on existing conditions in Newton, or building best practices. Other standards in place, like lot coverage, setbacks, and frontage buildout achieve the desired result of having building relate to the street. (b) Building Components are proposed to offer the controlled flexibility necessary for existing homes to reasonable evolve as homeowners needs change, and for new homes to have more articulation and feel less "boxy".
3.2.3.C	Remove fenestration on the front elevation requirements	Put back fenestration on the front elevation requirements	Though building code does require certain amounts of fenestration along the building, zoning should have additional standards to contribute to Newton's goal of development that creates the desired look and feel of its residential neighborhoods. Fenestrations greatly contribute to this. The allowable range is large enough for appropriate flexibility.

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3.2.3.E.2	Allow a maximum of 1 Residential Unit within this House Type.	Allow a maximum of 2 Residential Unit within this House Type.	Increasing diverse housing opportunities, while also ensuring that new development appropriately relates to the existing neighborhood. The allowed building form remains the same, which is based on the existing building in Newton. This is recommended as an option, not a requirement. New development, or renovations, of this building type can have 1 residential unit.
3.2.3.E.3 (old)	Require outdoor amenity space 1/dwelling unit	Remove requirement of outdoor amenity space 1/dwelling unit	This regulation requirement of outdoor amenity space is appropriate for larger development types that allow for more units. For this House Type it is an example of overregulation.
3.2.3.E.E (new)	New item	Cap the amount of allowed Building Components that can increase Building Footprint beyond the allowable maximum to 25%	The cap of 25% allows enough flexibility for existing homes, and new construction, with large enough lots to add habitable space, but not so much that the resulting development does not contextually fit within its neighborhood. The Planning Department recommends 25% because this allows a development to become as large as most existing building in Newton of the same Building Type (i.e. contextual).
3.2.4.B	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"
3.2.4.C	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"

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			See 3.2.3.E.2. It is common for existing House B residential buildings to have been converted into 2+ residential units, Newton Highland has many examples of this. There fore to promote the preservation of Newton's existing building stock and increase diverse housing opportunity, Staff recommend this Building Type be included in Multi-Unit Conversion.
3.2.4.E.2	See 3.2.3.E.2 "housing choice"	See 3.2.3.E.2 "housing choice", and allow option for this Building Type to utilize Multi-Unit-Conversion	
3.2.4.E.3 (old)	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"
3.2.4.E.3 (new)	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"
3.2.5.B	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"
3.2.5.C	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"
3.2.5.E.2	See 3.2.3.E.2 "housing choice"	See 3.2.3.E.2 "housing choice"	See 3.2.3.E.2 "housing choice"
3.2.5.E.3 (old)	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"
3.2.3.E.3 (new)	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"
3.2.6.B	See 3.2.3.B "Building Dimensional Standards", and maximum footprint = 3,500 sf	See 3.2.3.B "Building Dimensional Standards, and maximum footprint = 2,300 sf (smaller footprint)	See 3.2.3.B. The original proposal of 3,500 was not based on existing single-story "ranch" style houses. 2,300 sf reflects the median footprint size of this house type in Newton. This will ensure that future development of this Building Type will be contextual since the standard is bases on existing conditions. The smaller footprint also promotes the City Council's goals on environmental sustainability by promoting smaller building sizes.

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3.2.6.C	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"
3.2.6.E.2	See 3.2.4.E.2 "housing choice"	See 3.2.4.E.2 "housing choice"	See 3.2.4.E.2 "housing choice"
3.2.6.E.3 (old)	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"
3.2.6.E.3 (new)	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"
3.2.7	Two-Unit Residence	Duplex	Building Type more accurately refers to form.
3.2.7.B	See 3.2.3.B "Building Dimensional Standards", and maximum footprint = 2,000 sf	See 3.2.3.B "Building Dimensional Standards", and maximum footprint = 1,800 sf (smaller footprint)	See 3.2.3.B. And the new maximum footprint more closely aligns with existing two-unit (Duplex) developments in Newton, and New England generally. It also, will promote smaller development, which will help to lower costs and help achieve certain goals around sustainability. Also, this differentiates between a Duplex and a Townhouse Section. A Townhouse Section is two-units (or more) side-by-side.
3.2.7.C	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"
3.2.7.E.2	State that a Two-Unit Residence must have 2 residential units	State that a Two-Unit Residence (now Duplex) must have 2 residential units, stacked one over the other	The requirement that a Duplex have the units stacked one over the other more closely aligns with the existing/historical built form of Duplex development in Newton, and New England generally.
3.2.7.E.3 (old)	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"
3.2.7.E.3 (new)	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"	See 3.2.3.E.3 (new) "Building Component Allowance"
3.2.8	3-Unit Building	Triple Decker	Building Type more accurately refers to form.
3.2.8.B	See 3.2.3.B	See 3.2.3.B	See 3.2.3.B

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3.2.8.C	See 3.2.3.B, and maximum footprint proposed to be 1,600 sf	See 3.2.3.B, and maximum footprint proposed to be 1,800 sf	See 3.2.3.B. The slightly larger building footprint for the Triple Decker is recommended because it allows for the required two means of egress and staircases, while still allowing for the unit size to accommodate a 3 bedroom/2 bathroom apartment/condo. This footprint is derived from standard New England triple decker buildings since it is not a robust building form in Newton.
3.2.8.E.2	New item	Add language that states this building type must have 3 residential units and the units must be stacked one over the other.	Make clear that this building type must have 3 residential units. This addition is necessary after changing this from the originally proposed Apartment House building type from the Oct. 2018 draft.
3.2.8.E.3 (old)	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"	See 3.2.3.E.3 (old) "Outdoor Amenity Space"
3.2.8.E.3 (new)	New item	Cap the amount of allowed Building Components that can increase Building Footprint beyond the allowable maximum to 10%	The cap of 10% allows enough flexibility for existing homes, and new construction, with large enough lots to add habitable space, but not so much that the resulting development overshadows existing development within the neighborhood. The Planning Department recommends 10% because this allows for controlled flexibility. Larger building types, with more units, have a lower percentage allowance because we want to encourage denser, smaller development, where these building types are allowed.
3.2.9.B	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"	See 3.2.3.B "Building Dimensional Standards"

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3.2.9.C	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"	See 3.2.3.C "Fenestration"
			Clarifying language to ensure Townhouse Sections are only allowed in a series. This also corresponds to the change in definition for Duplex. A duplex is a single structure with two-units stacked on over the other. Two-units, side-by-side, is a series of Townhouse sections.
3.2.9.E.3	N/A	Add language that Townhouse Sections must have at least 2 sections within a series of townhouses	
3.2.9.E.4	1 Townhouse Section must be oriented to the street	2 Townhouse Sections must be oriented to the street	Requiring at least 2 Townhouse Sections to orient to the street means that new development will better relate to the street and ensure the buildings do not face away from the public realm. This is meant to address one of the issues frequently seen under the current ordinance with Single-Family Attached.
3.2.9.E.5	See 3.2.8.E.3 (new) "Building Component Allowance"	See 3.2.8.E.3 (new) "Building Component Allowance"	See 3.2.8.E.3 (new) "Building Component Allowance"
3.2.10	4-8 Unit Building	Small Apartment House	Building Type more accurately refers to form.

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3.2.10.B	See 3.2.3.B, and maximum proposed footprint of 2,500 sf	See 3.2.3.B, and maximum proposed footprint of 3,600 sf	See 3.2.3.B. The original proposal of 2,500 sf was not based on data of existing development in Newton. Since there are not many existing buildings that match this Building Type, the Planning Department recommends a footprint of 3,600 because it would allow for a form that is essentially two attached triple-decker buildings (mirrored). As discussed with the Triple Decker footprint, this would allow for the required egress and staircases and six sizeable units, or potentially eight slightly smaller units.
3.2.10.C	See 3.2.3.C	See 3.2.3.C	See 3.2.3.C
3.2.10.E.2	Remove Residential Unit Factor (RU) calculation because it no longer applies to the revised building type.	Add language that states this building type must have between 4-8 residential units	Make clear that this building type must have 4-8 residential units. This addition is necessary after changing this from the originally proposed Small Apartment Building in the Oct. 2018 draft.
3.2.10.E.4	See 3.2.8.E.3 (new)	See 3.2.8.E.3 (new)	See 3.2.8.E.3 (new)
3.2.11.B	See 3.2.3.B	See 3.2.3.B	See 3.2.3.B
3.2.11.C	See 3.2.3.C	See 3.2.3.C	See 3.2.3.C

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3.2.11.E.3	Shop House upper stories must be residential use	Shop House upper stories must be residential use or office use	The Planning Department recommends this Building Type allow for office use on the upper floors because it is in line with these existing Building Types that exist in and near village centers. Given that this Building Type is only allowed in the N district, it makes sense to allow office uses that would be compatible with, and support these transition zones between residential neighborhoods and village centers. The offices uses allowed are much more limited then those in village centers.
3.2.11.E.6	See 3.2.8.E.3 (new)	See 3.2.8.E.3 (new)	See 3.2.8.E.3 (new)
3.2.12.C	See 3.2.3.C, and propose ground story fenestration to be 50% minimum	See 3.2.3.C, and propose ground story fenestration to be 30%	See 3.2.3.C. The Planning Department recommends a less restrictive number to allow for the appropriate amount of flexibility in potential ground floor uses, which can include a mixture of retail/office, and accessible residential units that may be burdened by the greater fenestration requirement.
3.2.13	N/A	Remove the Small Shop building type	Though this is a building form the currently exists in Newton, it is not a building form that help achieve the City's goals. A one-story retail space is not an efficient building form. Per the goals of increasing housing opportunity, and strengthening the local economy it would be a better outcome for these existing building forms to add on a second story above with residential or office.

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3.2.14	N/A	Remove the Civic Building building type	Since a Civic Building may be only occupied by Dover protected uses do not need a set building type because they have State Rules that supersede the local zoning ordinance.
3.3.1	New item	Add a table that clearly defines what building components are permitted, not permitted, and permitted by Special Permit for each building type	This table adds clarity and makes it more user friendly. In addition, not all building components are appropriate for all building types, which was not specified in the previous draft.
3.3.2	Original heading, "Architectural Components on the Front Elevation"	Proposed heading, "Architectural Components"	Previous title implies that these building component regulations only apply along the front elevation of the building. The new title more generally applies to building components anywhere on the building. This is important especially for denser areas Newton, where regulating these components in side yards (for example) is necessary as well.
3.3.2.C	Front Porch	Porch	Clearer language
3.3.2.C.3.a	Stairs may encroach...	Stairs or ramp may encroach...	Explicitly allow for greater levels of accessibility to better serve Newton residents
3.3.2.D	Projecting Front Entry	Projecting Entry	Clearer language
3.3.2.C.D.a	Uncovered stairs...	Uncovered stairs or ramp may encroach...	Explicitly allow for greater levels of accessibility to better serve Newton residents
3.3.2.E	Turret building component	Propose to remove the Turret building component and incorporate into the Bay building component	Minimize any language that implies style.

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3.3.2.F	New item	Add a Side Wing building component	Allow for controlled flexibility, and an easier path, for existing buildings to evolve and change as homeowner needs change. Encourage articulated development where the building mass is broken up so it does not feel overly large or "boxy".
3.3.2.G	New item	Add a Rear Addition building component	See 3.3.2.F "building components"
3.3.3.A.3.a	N/A	Add minimum slope to reflect the revised, more simplified, definition of Roof Type to 0 stories, 0.5 stories, and 1 story.	Previous text (Article 2) defined Roof Types by styles that implied design. The new recommended definition is a simplified diagram that draws from the current zoning definition of half-stories.
3.3.3.B.3.a	See 3.3.3.A.3.a "accessibility"	See 3.3.3.A.3.a "accessibility"	See 3.3.3.A.3.a "accessibility"
3.4.1.A	Contextual Front Setback set as the rule for new construction	Remove Contextual Front Setback regulation	Current Code only has a minimum front setback. The proposed code has a minimum and maximum, which sets a contextual range based on the existing conditions in Newton. This range is a simpler, and more flexible, regulation then requiring new development to exactly match the neighboring structures.
3.4.2	See May 19, 2020 ZAP memo on Garage Design Standards	See latest draft, Sec. 3.4.2 - Garage Design Standards	All of Sec. 3.4.2 was updated and presented to ZAP on May 19, 2020. The changes reflected in this latest draft focus on formatting, clarification, and other minor issues to fully achieve the goals set out by the City Council for garages.

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3.5.2.A	Only building types that allow Multi-Unit Conversion are House A and Civic Building	Allow Multi-Unit Conversion in House (A, B, C, D) and Civic Building	Throughout Newton there are many examples of building types, beyond just House A, that have already been converted into multiple units. Allowing these additional building types to develop as Multi-Unit Conversion encourages the maintained used of existing housing (i.e. reduce tear downs) and allows for the increasing of diverse housing opportunities throughout Newton.
3.5.2.B	New item	Explicitly state that the only alterations to the exterior of a building utilizing Multi-Unit Conversion are limited to building components and those necessary to comply with health, building, and fire codes	Limit the ability to manipulate the Multi-Unit Conversion regulation and ensure the existing building is maintained to the greatest extent possible.
3.5.2.D	All Multi-Unit Conversion development requires a special permit	Propose a threshold for some Multi-Unit Conversion projects (6-units or less) to be by right, while requiring larger project (7-units or more) to be by special permit	Simplify and streamline the permitting review process. The zoning should allow and facilitate what Newton wants (increasing diverse housing opportunities, encouraging development that respects and responds to the neighborhood)
3.5.3.B.1	New item	Add Courtyard Cluster standards for R4	Increase diverse housing opportunity in a way that is scaled to fit within the neighborhoods these development occur in. As a new district, the previous draft did not set standards for R4.
3.5.3.B.2	See 3.5.3.B.1 "Courtyard Cluster in R4"	See 3.5.3.B.1 "Courtyard Cluster in R4"	See 3.5.3.B.1 "Courtyard Cluster in R4"
3.6.2	New item	Add section to Use Table for R4	As a new district, the previous draft did not set uses for R4.

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3.7.1.A.5	Allow for on-street parking to count towards minimum parking requirements for all uses within the Residential Districts	Allow for on-street parking to count towards minimum parking requirements only for non-residential uses within the Residence Districts	Allowing on-street parking to count for residential uses does not make sense with the current winter overnight parking rules.
3.7.1.E	See May 19, 2020 ZAP memo on Garage Design Standards	See latest draft, Sec. 3.7.1.E - Driveway Access	All of Sec. 3.7.1.E was updated and presented to ZAP on May 19, 2020. The changes reflected in this latest draft focus on formatting, clarification, and other minor issues to fully achieve the goals set out by the City Council for driveways.