

## Zoning Redesign FAQ

### Zoning Redesign ‘Frequently Asked Questions’

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#### What is zoning?

Communities across the United States have local regulations about what you can build where. These regulations are found in a community’s zoning ordinance. The zoning ordinance regulates what uses (housing, commercial, industrial) are allowed, in what geographic area they are permitted, and what size the buildings can be. The central elements of Newton’s zoning ordinance include:

- The **zoning map** [<https://www.newtonma.gov/home/showpublisheddocument?id=27803>] divides the city into various districts, each of which represents a different set of allowed land uses and size of buildings.
- The **zoning ordinance** [<https://www.newtonma.gov/home/showpublisheddocument?id=29823>] is the actual book of rules and regulations for how private property lots are divided, how buildings are constructed on those lots, and how those buildings are used. These rules and regulations include:
  - The **dimensional requirements**, which control the dimensions of private property lots and the buildings constructed on them, including width and depth of properties, height and overall scale or mass of buildings, as well as how far buildings are from the street and neighboring property lines.
  - The **development and use standards** define and set standards (such as minimum parking requirements) for both allowed uses (by-right) as well as those which require a structured application process where approval must be granted (i.e. Special Permit, Section 6 finding, variance).

#### What is the history of zoning in Newton?

Newton adopted its first zoning ordinance almost 100 years ago, in 1922, and the last major amendment was in 1987. Zoning has played an important role in shaping how the city has grown and changed. The earliest adopted zoning ordinance simply regulated building use and height and was designed to essentially hold commercial (including apartment buildings) and industrial development in its existing locations (at that time), leaving the remainder of the city for residential uses. In the initial 1922 zoning the districts allowed a range from the most restrictive two-family zoning to multifamily zoning. Over the subsequent decade amendments to the zoning resulted in most of the city being designated for single family homes only. In 1940 minimum lot sizes were introduced and in 1953 the minimum lot sizes were increased in the residential districts, however lots created prior to 1953 (regardless of the age of the home on the lot) were exempt from the increased lot sizes and other changes resulting in two sets of rules in today’s zoning ordinance<sup>1</sup>. Today’s zoning is much more complex and nuanced than the earliest versions and provides regulations for more aspects of development in the city. For a deep dive into the history of development in Newton, see the Pattern Book, pages 20-25 [<https://www.newtonma.gov/home/showpublisheddocument?id=50442>].

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<sup>1</sup> “How Zoning Restrictions Make Segregation Worse,” by Richard Florida on Bloomberg CityLab: <https://www.bloomberg.com/news/articles/2016-01-04/how-zoning-restrictions-make-segregation-worse>

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### *What is Zoning Redesign?*

Zoning Redesign is a multi-year effort to create a new zoning ordinance that is more flexible, predictable, and context based to ensure development and redevelopment within Newton is in keeping with the city's celebrated villages, while guiding future development appropriately and sustainably.

Today's effort to comprehensively review and revise the city's zoning began with Newton's 2007 Comprehensive Plan [<https://www.newtonma.gov/home/showpublisheddocument?id=41594>], which serves as the City's guide to all future action concerning land use and development regulations. The Comprehensive Plan states, "Newton's Zoning Ordinance is found by many...who use it to be complicated, difficult to use and would benefit from enhanced clarity and revision...For these reasons, these are important steps for the implementation of the intentions of this [Comprehensive] Plan: (5) undertake a comprehensive effort to revise the City's Zoning Ordinances..." (pg. 66).

With this directive, in 2011 the then Board of Alderman President Scott Lennon and Mayor Warren formed the Zoning Reform Group as a collaborative effort of the administration, Board of Alderman (now City Council). The Zoning Reform Group's 2011 report [<https://www.newtonma.gov/home/showpublisheddocument?id=47581>] identified 11 themes to focus on in creating a new ordinance. The themes centered around making the ordinance and the process more user friendly, creating housing opportunities, supporting commercial areas and village centers, protecting neighborhood scale, addressing parking regulations, and improving sustainability.

The first phase of the zoning redesign effort was to reformat and clarify the existing ordinance into something easier to use and understand. This current version of the ordinance was adopted in 2015. The Pattern Book [<https://www.newtonma.gov/home/showdocument?id=50442>], which was released in 2017 is a comprehensive survey of all the lots and buildings in Newton. A first draft of a new zoning ordinance was released in 2018 [<https://www.newtonma.gov/Home/ShowDocument?id=31073>] and was largely based on the existing conditions found in the Pattern book. Since the release of the first draft Planning Department staff have been working with the City Council Zoning and Planning Committee (ZAP) to analyze the proposals and respond to feedback.

### *What is the Pattern Book?*

Newton's Pattern Book documents in detail the patterns of development that have shaped the city over time [<https://www.newtonma.gov/home/showpublisheddocument?id=50442>]. The Pattern Book catalogues the primary elements and physical characteristics of the city's built environment, such as lot sizes, and building heights, footprints, and setbacks, and serves as one of the foundational documents the city used to create the new zoning ordinance draft.

### *What is the review and approval process for Zoning Redesign?*

The City Council is responsible for approving any changes to zoning and bringing its proposals to public hearing before taking a vote. They do so with a recommendation from the Planning and Development Board. The Planning Department provides technical analysis and policy recommendations for zoning based upon the goals set by the City (through discussions with the City Council Zoning and Planning Committee and published plans and policies). Recommendations from the Planning Department undergo thorough review and discussion with the public and the City Council and go through multiple iterations before a vote is considered.

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The October 2018 draft zoning ordinance produced by the Planning Department represents only a first draft. This draft took into consideration extensive data analysis and community discussions, but the majority of the draft has yet to be reviewed and discussed in depth and changes are likely. The Zoning and Planning Committee has also stated (in the 12.14.20 ZAP meeting <https://www.newtonma.gov/Home/ShowDocument?id=50827>) that a vote on the ordinance cannot and will not happen in 2021 as much more work is necessary first. Much of the discussion and analysis thus far has focused on the regulations in the residential areas of the City. Elements of the draft such as zoning regulations for village districts and commercial areas; institutional zoning; development standards such as parking, transportation demand management, stormwater retention, and lighting; incentives for affordable housing; the Special Permit process and granting authority; nonconformities; zoning district mapping; and many other subjects will be the topic of future community events and discussions with the Zoning and Planning Committee. Similarly, many of the items discussed thus far in the residential districts still require further analysis and discussion prior to proposing additional revisions. There will be opportunities to provide feedback and shape the ordinance, so if you have questions or concerns regarding specific elements, please stay tuned for future engagement events [<https://www.newtonma.gov/government/planning/zoning-redesign/community-engagement>].

### ***How will feedback, comments, and questions from the community be incorporated into the new Zoning Ordinance?***

The Zoning Redesign initiative has and will continue to involve the ideas and goals of the Newton community in every step and aspect of the process. We have a wide range of ways for community members to engage, including public presentations, workshops, and open houses, as well as interactive online engagement and feedback opportunities through this website. (Due to the corona virus pandemic, all engagement is currently conducted virtually.) In addition, community members may attend meetings of the Zoning and Planning Committee [<https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/zoning-planning-committee>], which is currently holding meetings on the new Zoning Ordinance, as well as reach out to City Councilors directly.

Community members can provide both general thoughts and comments on the process as well as specific ideas for targeted reforms. After each workshop/open house and throughout the online engagement opportunities, the planning team will work hard to review and share all public feedback and incorporate the perspectives and opinions of all who engage in the process into the decision making around the new Zoning Ordinance. Ideas that represent the unique experience, priorities, preferences, and knowledge of Newton will be joined with best practices in planning, design, and zoning policy to ensure that the new ordinance is uniquely Newton's.

### ***How will the new Zoning Ordinance affect my property?***

Any revisions made to the zoning ordinance will only affect your property if you decide to make changes to your property after a new zoning ordinance is adopted by the City Council. Anything that exists legally prior to the adoption of a new ordinance can remain in perpetuity, even if it is not in compliance with the new ordinance. Any new uses or construction of additions, new buildings, etc. on the property would need to comply with the new ordinance. The zoning ordinance should be one of the first documents you review before you change how you currently use a building, consider an addition or physical change of any type, or construct a completely new structure on your property.

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### *How do building types affect my house?*

The draft ordinance uses building types, which, as drafted, set a maximum building footprint and number of stories, to control the size of new homes. See the draft User's Guide to building types within Newton's Residence Districts here [<https://www.newtonma.gov/home/showpublisheddocument?id=47718>]. The Planning Department analyzed existing homes throughout the City to determine which proposed building type would most closely align with Newton's existing homes (i.e. House Type A, House Type B, Duplex, etc.). These building type determinations were used for analytical purposes only. Property owners looking to modify their existing home, or build a new one, that is different from the building type their current home most closely resembles can do so by right if the project complies with one of the building types allowed in that district (and with all other zoning and building code regulations). Finally, this building type analysis should not be used to determine if a house is nonconforming.

### *What are building types and how do they differ from floor area ratio (FAR)?*

Building types are a tool common in form-based codes and are used in lieu of a floor area ratio (FAR), which is how the current ordinance regulates building size. FAR is the total square footage of all the floors of a building, divided by the total square footage of the lot it is on. Because FAR is directly tied to the size of the lot, building sizes can vary dramatically when there are irregularly sized and shaped lots within a neighborhood, which is a common occurrence in Newton. The rules around what is counted towards the total floor area can also lead to less desirable designs to maximize the size of a building.

Building types control the size of buildings, independent of the size of the lot. The building types proposed in the draft ordinance set a maximum footprint and number of stories (along with maximum heights for each story) and allow for certain components to be added, such as small additions, porches, dormers, etc. Building types provide predictability about the scale and footprint of a building and how it will fit into the neighborhood context, particularly in a city like Newton where lots are not uniform in size and shape. The building types proposed in the draft ordinance are still being reviewed and refined to determine the appropriate forms and dimensions to ensure the right balance between flexibility and predictability. Read more about building types here: <https://opticosdesign.com/blog/building-types-in-zoning-part-1-why/>

### *How do zoning changes affect property taxes?*

The City of Newton's Assessors Department determines a property's value based upon the current use and characteristics, not what could be built under zoning. If a property contains a small home, but a much larger home would be allowed, the property taxes are still assessed based on the existing, small home. Similarly, property taxes collected from golf courses located in residential zoning districts would not change if the zoning were changed to match the actual use more closely.