



Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: February 19, 2021

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

RE: **#88-20 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.

MEETING: February 22, 2021

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Neil Cronin, Chief of Current Planning
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

A Comprehensive Approach to Zoning

At recent ZAP meetings, the Committee began discussions on how best to proceed with the Zoning Redesign effort in 2021 and beyond. Staff presented a [draft work plan](#), created in collaboration with the Chair and Vice-Chair, that focused the efforts around like geographic areas (village centers/transit nodes, corridors, etc.). This approach follows the previous understood guidance that properly addressing Newton's challenges and facilitating its desired visions requires looking at the Zoning Ordinance comprehensively.

The need for a comprehensive approach to zoning is not new. The [Newton Comprehensive Plan](#) (2007) states, "Newton's Zoning Ordinance is found by many City officials, citizens and others who use it to be complicated, difficult to use and would benefit from enhanced clarity and revision in light of many of the objectives and ideas set out in this [Comprehensive] Plan." To address this, the Comprehensive Plan set the clear next step for implementation as, "a comprehensive effort to revise the City's Zoning Ordinances which would benefit from further clarification, updating, and reflection of City policies..."

In response to the Comprehensive Plan objective, the City Council (then Board of Alderman) and Mayor created the Zoning Reform Group (ZRG) in 2010-2011 to develop "a plan to reform Newton's zoning code." The Comprehensive Plan and the ZRG report have guided the [Zoning Redesign work to date](#), in particular the three phased approach outlined in the ZRG Report:

- Phase I – Reorganization and reformatting of the Zoning Ordinance (Completed in 2015)
- Phase II – Comprehensive rewrite of the Zoning Ordinance and revised Zoning Map (In-process)
- Phase III – A one-year review of the revised Zoning Ordinance (TBD)

This resulted in the first draft of a new Zoning Ordinance released in October 2018, which is currently under review. A summary of events and efforts, at ZAP and public meetings, that led from the ZRG report to the eventual draft Zoning Ordinance can be found in the annotated bibliographies created for the January 13 and January 27 ZAP meetings.

Although there has never been unanimous support in Committee on how to proceed, comprehensively or standalone items, staff hope that these documents highlight these discussions have previously occurred at ZAP and at public meetings that have informed and guided the creation of a draft context-based zoning ordinance that draws upon form-based zoning and traditional zoning mechanisms. Furthermore, the recently adopted Garage Ordinance serves as an example of how difficult taking up a standalone item is as an effort to address all the issues associated with it (ex. could not address driveways and curb cuts, definition of two-family, impact on accessory apartments, etc.). Similarly, the [FAR Working Group](#) (2010) concluded that “a number of elements of massing cannot be regulated by FAR limits, or indeed, by other dimensional controls, but that nonetheless influence neighborhood character. These included qualities of design, compatibility with neighboring structures, topography, and landscaping.”

Looking Ahead

Staff look forward to the continued discussion in Committee on how to best move forward with Zoning Redesign. It should be noted that continuing with a comprehensive approach does not prevent standalone items from being taken up. The first phase of the drafted 2021 work plan involves a detailed review of current concerns, goals, and objectives. In this review, items may arise that can be handled separately because of their relative simplicity (like updating a Use definition) or because of their high priority (like coming into compliance with the recent Housing Choice legislation).