



Newton Zoning Redesign

What's the Process? How
Stuff Gets Built in Newton

04.12.18

Welcome!

6:35

Zoning 101

6:45

What's the Process?

7:20

Q&A

7:30

Table-top Sessions





Zoning 101

Zoning Is...

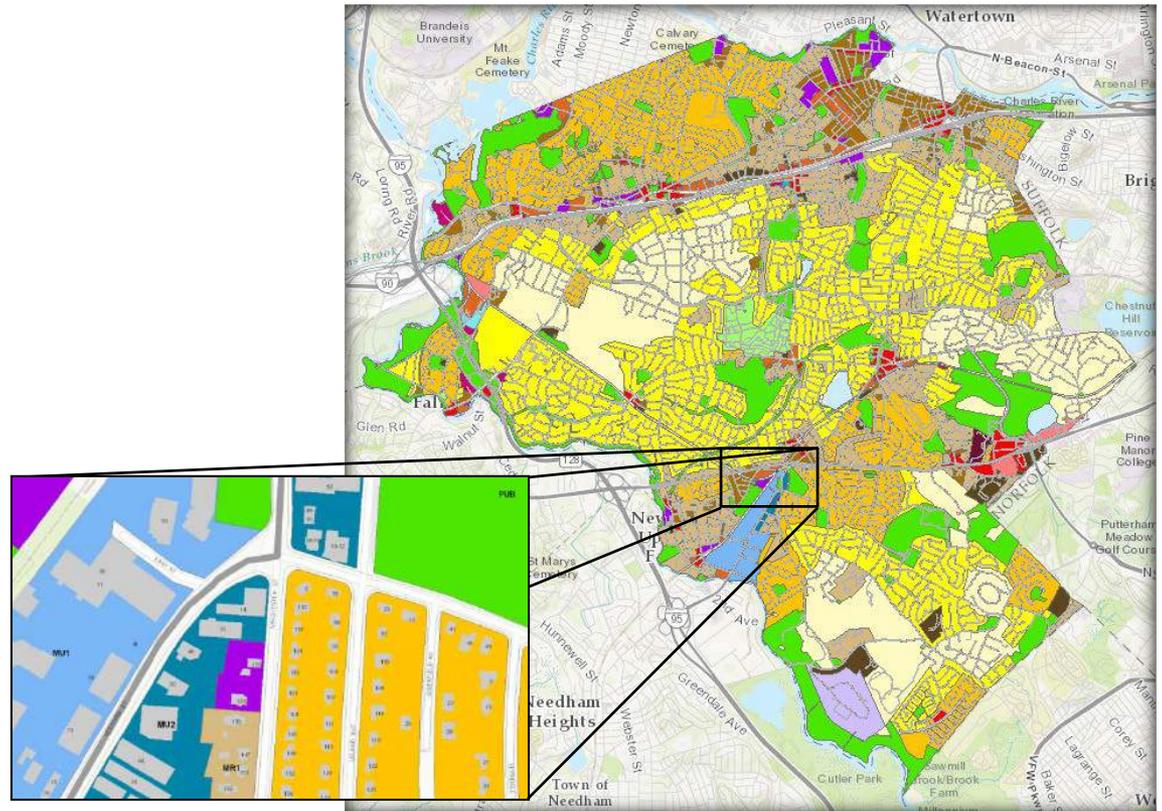
Zoning shapes our city. It ensures that buildings and uses of land promote positive outcomes for the community and are consistent with the neighborhood context.

Zoning is the regulation of our built environment: types of buildings, their locations, and their uses.



Central Elements of Zoning

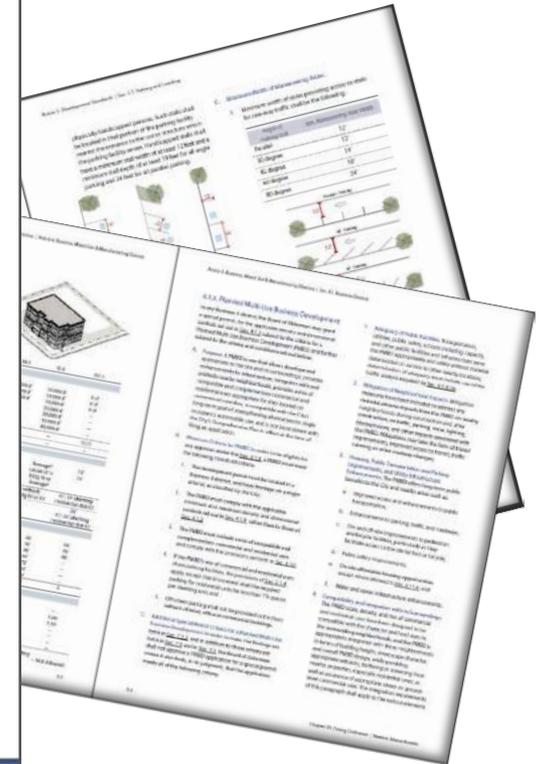
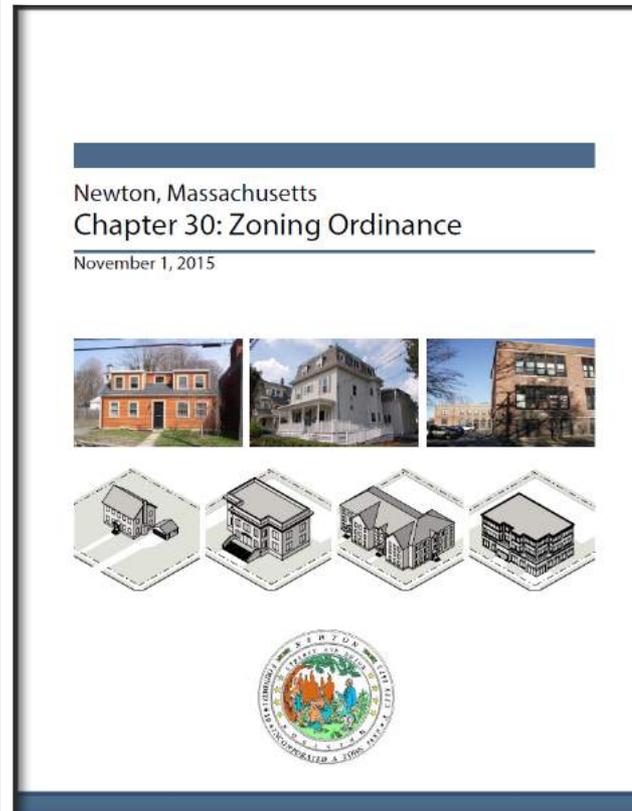
- The Zoning Map
- The Zoning Ordinance
- Dimensional Requirements
- Development and Use Standards
- Decision Making Processes



The Zoning Map divides the city into districts, each of which represents a different set of land uses and scales of building types.

Central Elements of Zoning

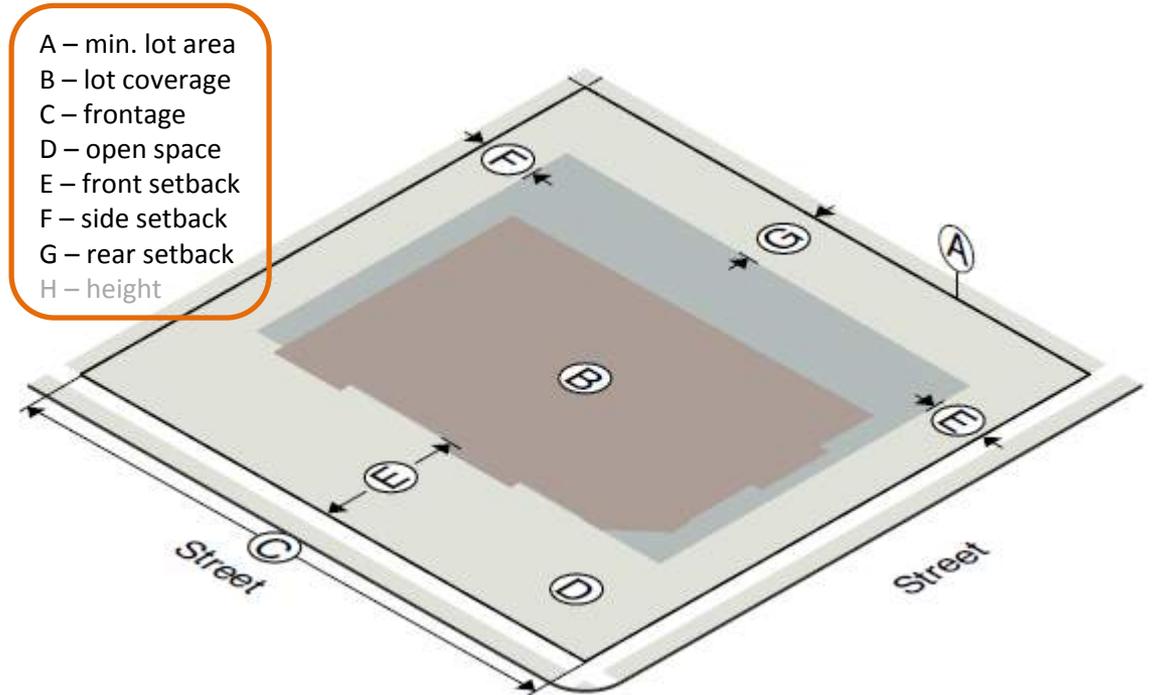
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The Zoning Ordinance is the book of rules and regulations for how private property lots are divided, how buildings are constructed on those lots, and how those buildings are used.

Central Elements of Zoning

- The Zoning Map
- The Zoning Ordinance
- Dimensional Requirements
- Development and Use Standards
- Decision Making Processes



Dimensional Requirements 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 from neighboring property lines.

Central Elements of Zoning

- The Zoning Map
- The Zoning Ordinance
- **Dimensional Requirements**
- Development and Use Standards
- Decision Making Processes

A – min. lot area
B – lot coverage
C – frontage
D – open space
E – front setback
F – side setback
G – rear setback
H – height



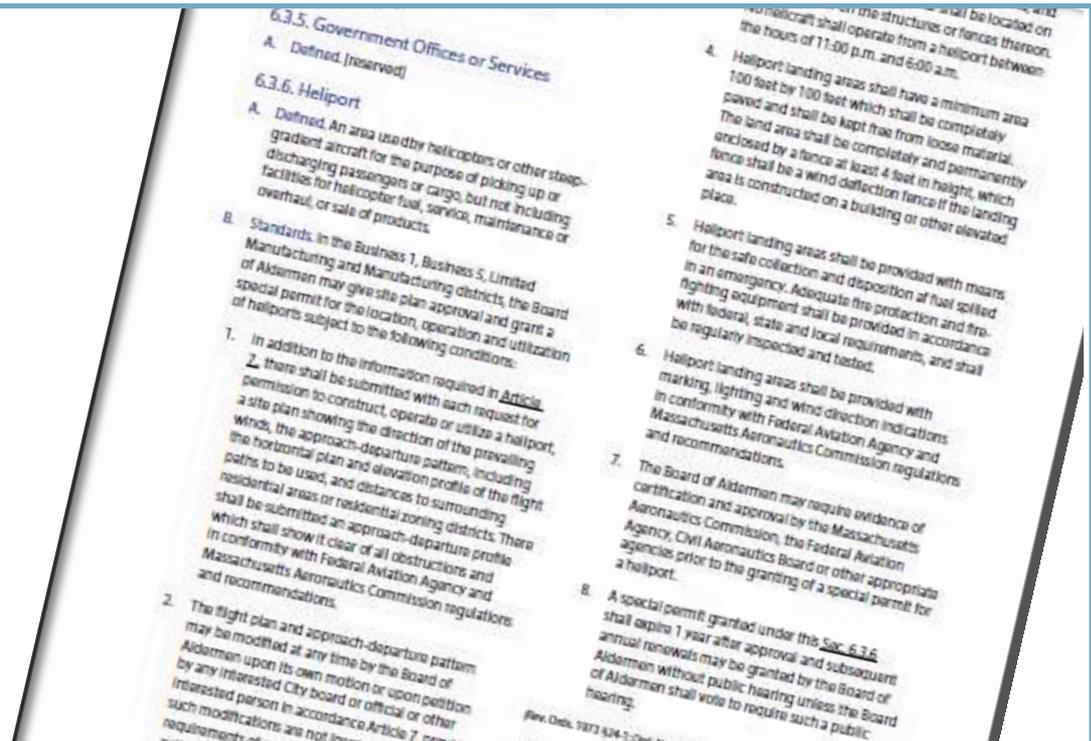
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Central Elements of Zoning

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For each use

- Define it. State Intent.
- Set standards - Specific application materials, specific site layout standards, specific operations standards



Central Elements of Zoning

- The Zoning Map
- The Zoning Ordinance
- Dimensional Requirements
- Development and Use Standards
- **Decision Making Processes**

Who approves? What standards for approval are applied?

City Council

e.g. Special Permit

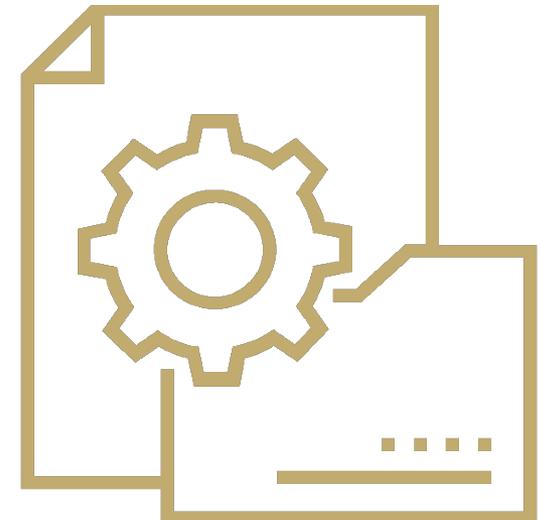
Zoning Amendments

Zoning Board of Appeals

e.g. Variance

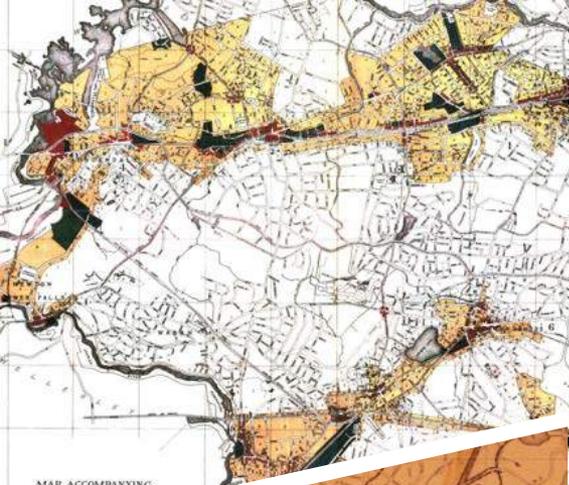
Inspectional Services Department

e.g. Building Permit



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from Noun Project

Decision Making Processes for applying the zoning rules are outlined in the ordinance as well.

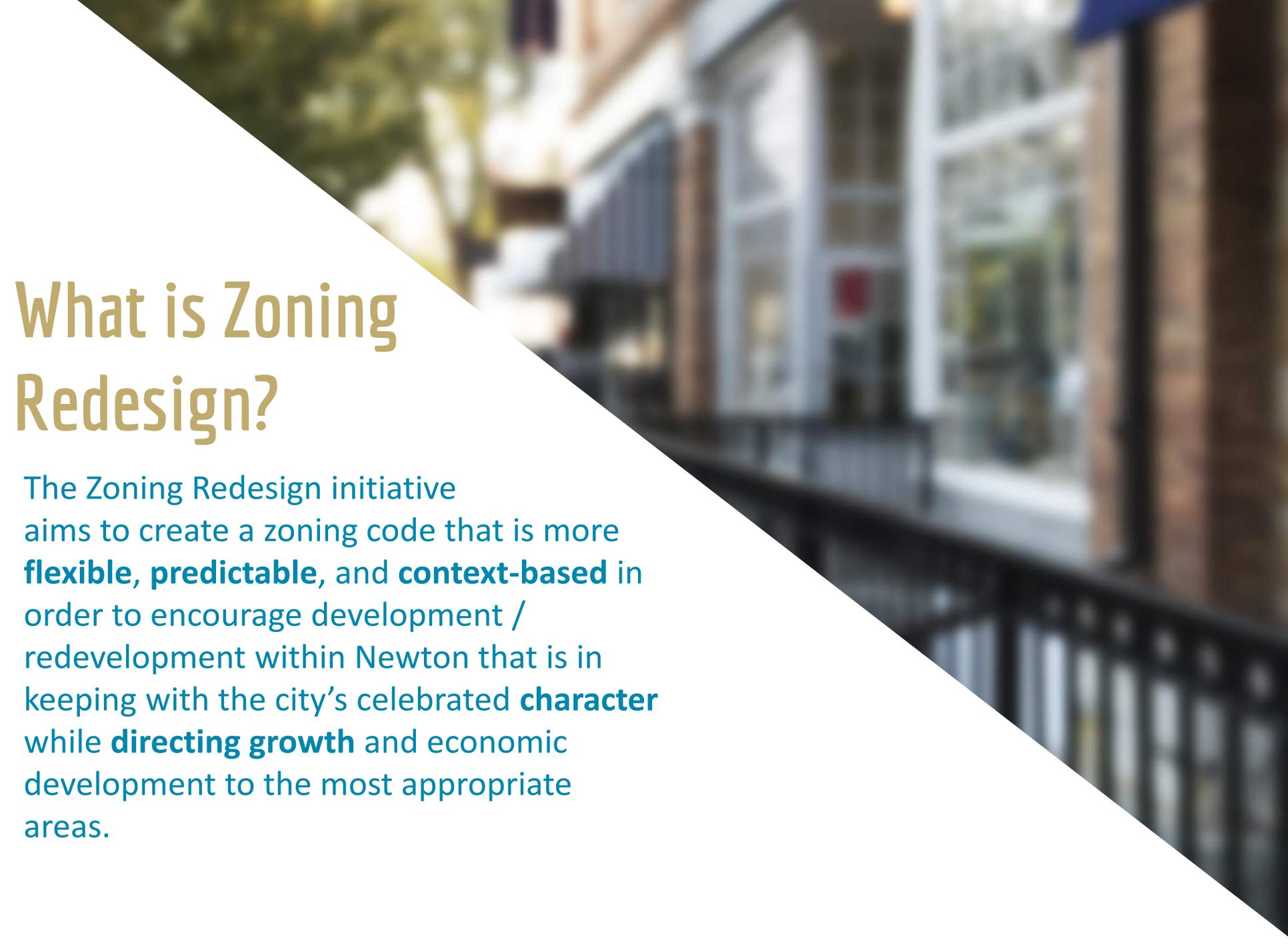


30-Second History of Zoning in Newton



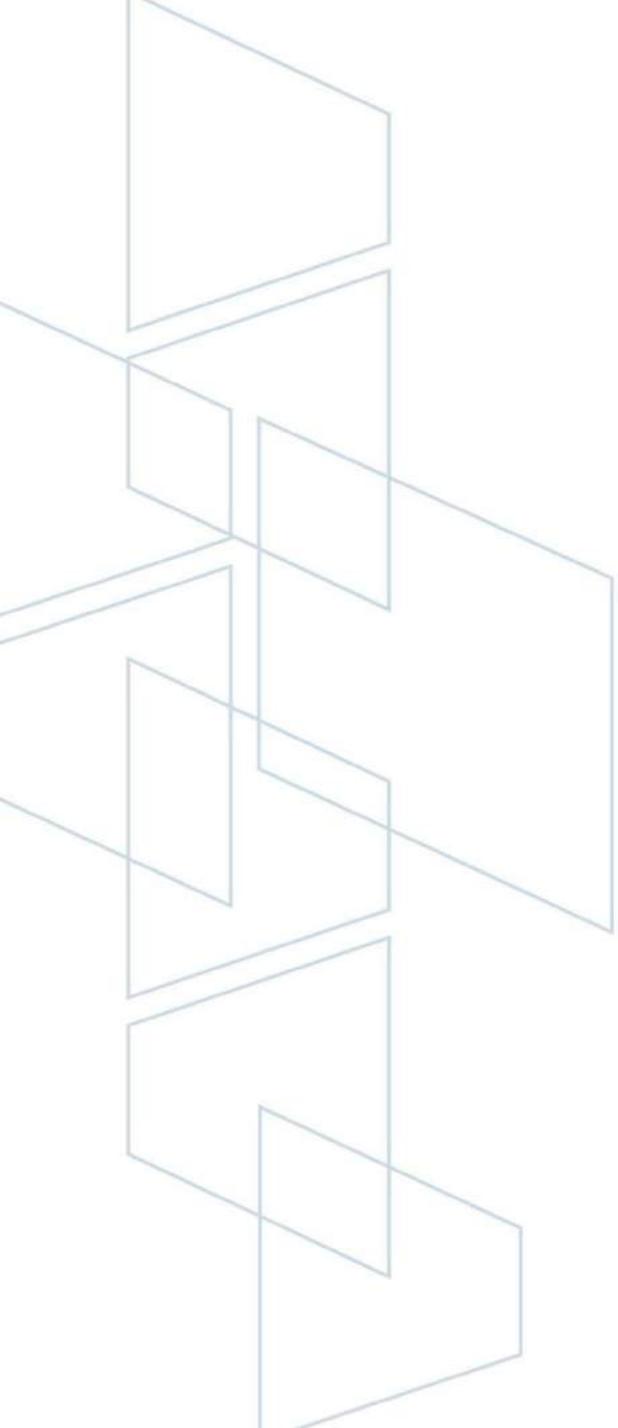
- 1922 – First zoning code in Newton
- 1941 – Introduce lot sizes & setbacks
- 1953 – Increase required lot sizes
- 1987 – Major reorganization, and update to commercial zones
- 2011 – Zoning Reform Group
- 2015 – Phase One completed
- 2017 – Phase Two – TODAY!

Current efforts



What is Zoning Redesign?

The Zoning Redesign initiative aims to create a zoning code that is more **flexible, predictable, and context-based** in order to encourage development / redevelopment within Newton that is in keeping with the city's celebrated **character** while **directing growth** and economic development to the most appropriate areas.



The Pattern Book

The Pattern Book represents several months of effort collecting first-hand data and analysis. Final version forthcoming spring 2018.

Complete draft online at:

www.courbanize.com/newtonzoning

Zoning Redesign Timeline





**Zoning is our
opportunity to
shape the future
of Newton**



What's the Process? How Stuff gets Built in Newton

What's the Process? How Stuff gets Built in Newton

April 12th, 2018 6:30 - 8:00 p.m. at Newton Free Library, 330 Homer Street
www.courbanize.com/newtonzoning

Zoning identifies the process by which a new building, addition, or change of use is reviewed and a decision made.

Residents and businesses want land use and development review processes that clearly identify the City's expectations, that lay out the steps to be followed and guide an applicant towards the desired outcome in the shortest amount of time possible. Property owners often say a quick no can be better than a long yes.

In many respects, the community at large wants the same thing. Neighbors want to understand what can or cannot be done on the property near them; in addition, neighbors want a meaningful opportunity to share their ideas and concerns.



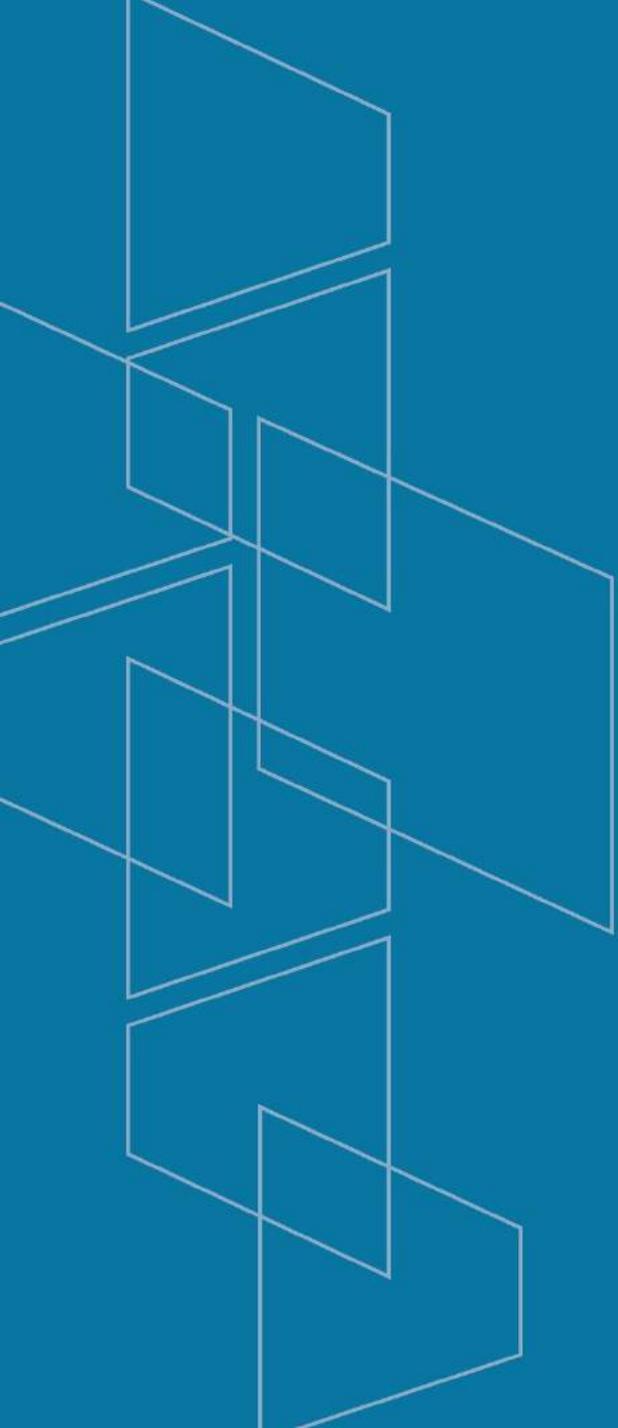
Creating review processes that can address these interests is a challenge and requires that we think through a range of approaches more tailored to the different types of decisions the City must make.

Zoning Redesign offers an opportunity to provide clear regulations and procedures that result in predictable, efficient, and coordinated review processes.

Join us on April 12th as we discuss ways to tailor the process such as:

- Creating a **hierarchy of review and decision-making bodies** tailored to the nature of the request
- Incorporating **design review**
- Creating a **master plan process** for educational campuses
- Establishing a **clear process** and criteria for Special Permit amendments and consistency rulings

Wheelchair accessible location. For ADA accommodations, contact Jini Fairley at least two business days in advance; jfairley@newtonma.gov or 617-796-1253. For City's TTY/TDD: 617-796-1089. For TRS, dial 711.



Zoning 201

Zoning Is...

Zoning shapes our city. It ensures that buildings and uses of land promote positive outcomes for the community and are consistent with the neighborhood context.

Zoning is the regulation of our built environment: types of buildings, their locations, and their uses.

Zoning is also the process by which development is approved.



Central Elements of Zoning

- The Zoning Map
- The Zoning Ordinance
- Dimensional Requirements
- Development and Use Standards
- **Decision Making Processes**

Who approves? What standards for approval are applied?

City Council

e.g. Special Permit

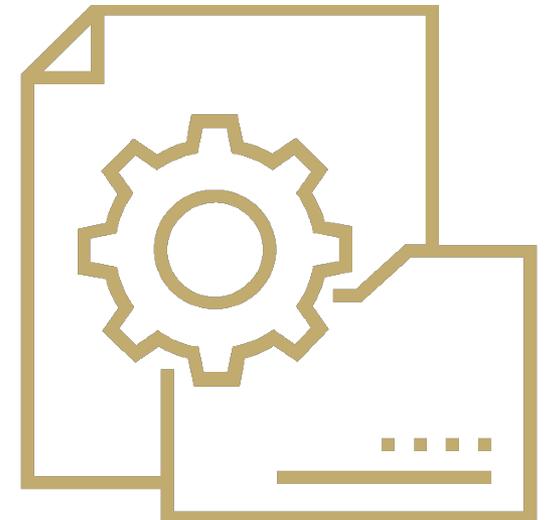
Zoning Amendments

Zoning Board of Appeals

e.g. Variance

Inspectional Services Department

e.g. Building Permit



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Decision Making Processes for applying the zoning rules are outlined in the ordinance as well.

Decision Making Process

By-Right

- Building Permit issued by Inspectional Services
- Fully complies with Zoning Ordinance
- Varies by zone

Administrative Site Plan Review

- Planning Recommendation to Inspectional Services prior to building permit issuance by Inspectional Services
- Religious and non-profit educational institutions
- Dover protected uses
- 60 day review
- Optional public meeting

Decision Making Process

Comp Permit

- Zoning Board of Appeals
- Governed by MGL 40B
- Requires affordable housing

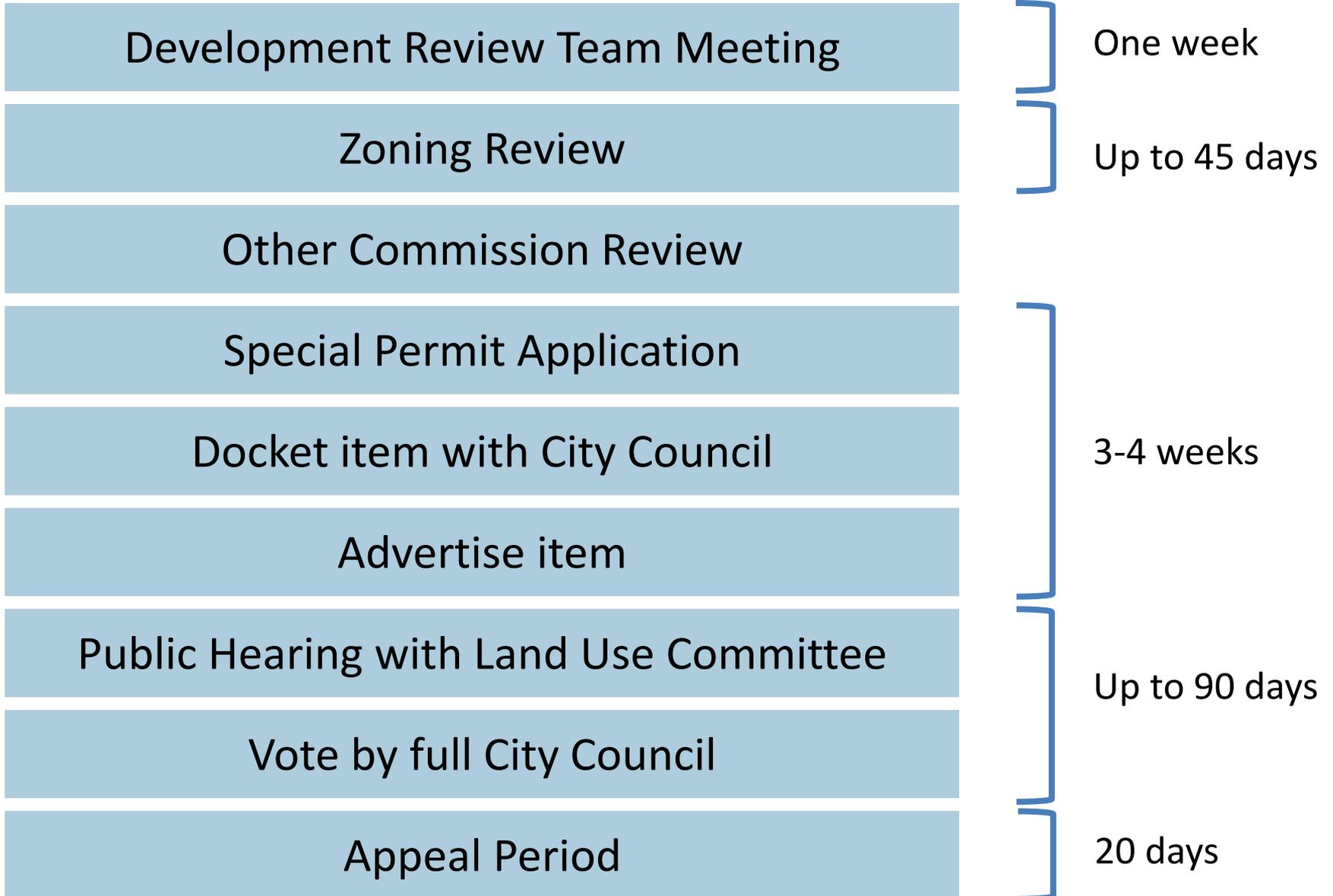
Special Permit

- City Council
- Governed by MGL 40A
- Uses and building sizes that are allowed but require conditioning
- Relief from parking, sign, floor area requirements
- Extension of non-conforming rights

Variance

- Zoning Board of Appeals
- Deviates from dimensional requirements of Zoning Ordinance
- Requires finding of unique, physical hardship on site
- Difficult to grant

Special Permit Process



Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Multi-department team meets weekly to review potential projects that require Special Permits. Opportunity to shape the project at an early stage and to guide applicants through the process.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Chief Zoning
Official has 45
days to review the
plans, application,
and property
history to confirm
the correct relief
to be requested.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Many projects also go to the Urban Design Commission, Historic Commission, or Conservation Commission. This process can happen concurrently with other steps, but should finish prior to public hearing.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Special Permit application goes to Planning and City Clerk and includes a certified site plan by a surveyor and detailed plans. Larger projects require additional studies for traffic, parking, fiscal impacts, etc.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

City Clerk docket item with City Council. Abutters within 300 feet are mailed notice and an ad is placed in the paper both 2 weeks and 1 week in advance of hearing and a sign is placed on site 2 weeks in advance.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Land Use Committee consists of one Councilor from each ward. Public hearing must be opened within 65 days of application. The Committee meets 3 times per month.

Special Permit Process

Development Review Team Meeting

Zoning Review

Other Commission Review

Special Permit Application

Docket item with City Council

Advertise item

Public Hearing with Land Use Committee

Vote by full City Council

Requires vote of full City Council. Must receive approval from at least 16 of 24 Councilors. City Council meets twice a month and must take action within 90 days of closing public hearing.

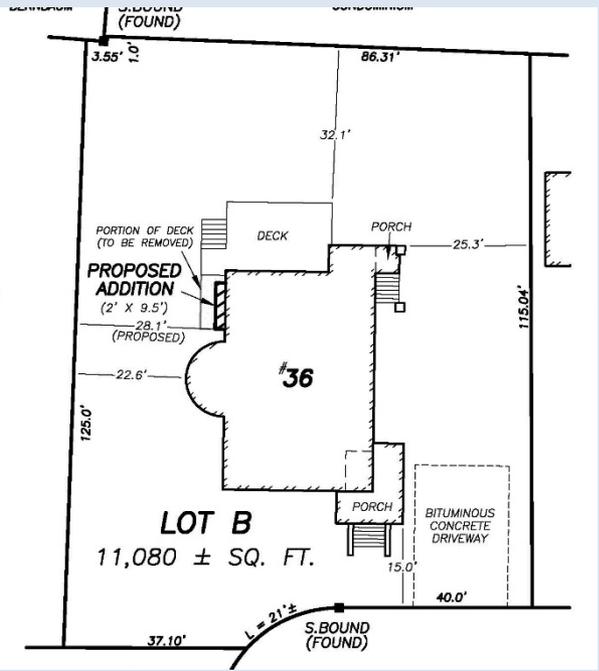
Zoning can...

...relate the type of review and criteria considered to the type of request.

...create a clear, predictable process for both applicants and neighbors.



Current process is one size fits all - Same process to add a mudroom as to build a large mixed-use building.



What Do Other Municipalities Do?

Special Permit Granting Authorities:

- Waltham – Zoning Board of Appeals (ZBA) and City Council
- Watertown – Planning Board and ZBA
- Cambridge – Planning Board and ZBA
- Somerville – Planning Board and ZBA. Design Review Committee occasionally plays advisory role.
- Woburn – City Council
- Brookline – ZBA with recommendation from Planning Board
- Needham – Planning Board and ZBA
- Natick – City Council, Planning Board, ZBA, and Zoning Administrator

What's the Process?

**Tailor Process to
Type of Request**

Level of review and
decision maker is
based on size and
type of project

Tailor the Process to Type of Request

Types of Requests

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graph TD; A[Types of Requests] --> B[By-Right]; A --> C[Discretionary];
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By-Right

- Fully compliant with zoning
- Issued a building permit

Discretionary

- Requesting relief from zoning, or
- Use permitted but may need to be conditioned

Tailor the Process to Type of Request

By-Right Requests



By-Right

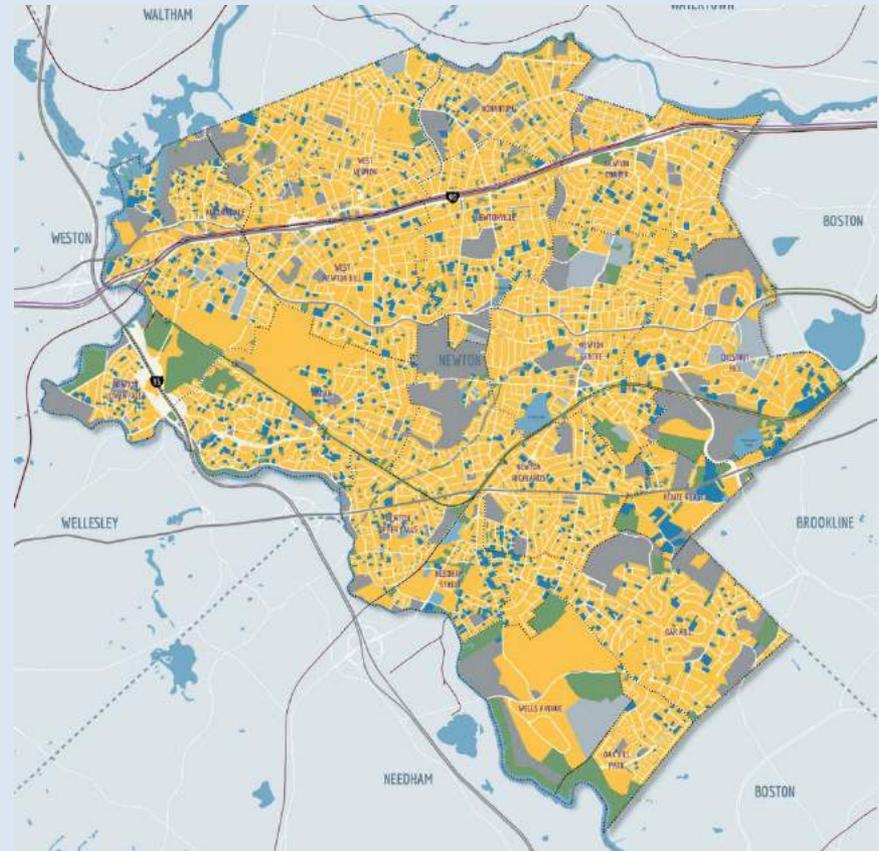
- Small residential and commercial projects
- Fully compliant with zoning

Site Plan Review

- Large houses, for-profit schools, commercial ground floor uses, comprehensive sign packages
- Fully compliant with zoning
- Additional staff or commission review and recommendations

Reduce nonconformities

- 87% of City is nonconforming – one-third of Special Permits are to extend nonconforming rights
- Context based code will reduce nonconformities and ability to further extend
- More predictability for neighborhoods



Allow small projects by-right with standards

- Two - four unit residential buildings in multi-family zones
- Small commercial uses in business districts
- Include design principles and clear requirements regarding size of buildings, articulation, location of parking
- Based on existing context
- Fully comply with zoning



Incorporate Site Plan Review

- Add an additional layer of review for by-right projects that fully comply with zoning, but could benefit from review of site plan, scale, circulation, parking etc.
- Recommendation to ISD from Planning, in conjunction with other departments and/or commissions
- Similar to how religious and non-profit educational institutions are current treated

Incorporate Site Plan Review/ Design Review



Large House Review

- Review by Urban Design Commission
- Thresholds determined by neighborhood context



Site Access/ Ground Floor Review

- For-profit schools
- First floor uses in commercial zones



Comprehensive Sign Programs

- Review by Urban Design Commission

Proposed Policy: Tailor Process to Type of Request

Goal: Create, clear, predictable review process for projects of all sizes and scales

1. Allow small projects by-right with incorporation of form-based code requirements.
2. Incorporate Site Plan Review in by-right permits for large houses, for-profit schools, commercial ground floor uses, and comprehensive sign packages.



Tailor the Process to Type of Request

Discretionary Requests



Planning Board

- Mid-size residential and commercial projects

City Council

- Large projects
- Rezoning

Utilize Planning Board

- Designate Planning Board as Special Permit Granting Authority for mid-range projects
- Context dependent - zoning will dictate maximum size and density of buildings
- Public hearing, notification to Ward Councilors
- Free up City Council for larger matters



Utilize Planning Board or Zoning Board

- Residential projects up to 12-20 units
- Commercial projects up to 20,000 square feet
- Focus on site plan, context, design, transportation



City Council Review

- City Council to continue to decide on larger projects, rezonings
- Removing smaller projects from City Council docket allows Councilors to focus on more complex projects and those of citywide importance

Formalize Design Review for Large Projects

- Require recommendation from Urban Design Commission
- Formalize process to happen early when project is still conceptual



Provide Guidance for Community Meetings

- Encourage the applicant to meet with the community prior to filing an application
- Provide guidance in Zoning Ordinance for timing and notification of community meetings



Proposed Policy: Tailor Process to Type of Request

Goal: Create, clear, predictable review process for projects of all sizes and scales

1. Planning Board to act as Special Permit Granting Authority for mid-range projects.
2. Continue City Council as decision maker on larger projects but formalize design review.
3. Provide guidance for community meetings



What's the Process?

**Tailor Process to
Type of Request**

Level of review and
decision maker
based on size and
type of project

**Adopt
Institutional
Master Plans**

Require long range
master plans for
large educational
institutions

Institutional Master Plans

Require Planning Board approval of master plans for large educational institutions



Institutional Master Plans

Streamline process and provide clear expectations for surrounding neighborhoods

- Current process requires 60-day Administrative Site Plan Review for every change on campuses
- Instead require long-range master plan approval by Planning Board and issue by-right permits for any work consistent with the master plan
- Comprehensive review – holistic instead of one off reviews without context of larger plans
- Eliminate repetitive staff reviews

Proposed Policy: Adopt Institutional Master Plans

Goal: Streamline process and provide holistic review of future development while providing long-term predictability for neighborhoods.

1. Require Planning Board approval for long-range master plans for large educational institutions.
2. Issue building permits for future projects consistent with the approved master plan.



What's the Process?

Tailor Process to Type of Request

Level of review and decision maker based on size and type of project

Adopt Institutional Master Plans

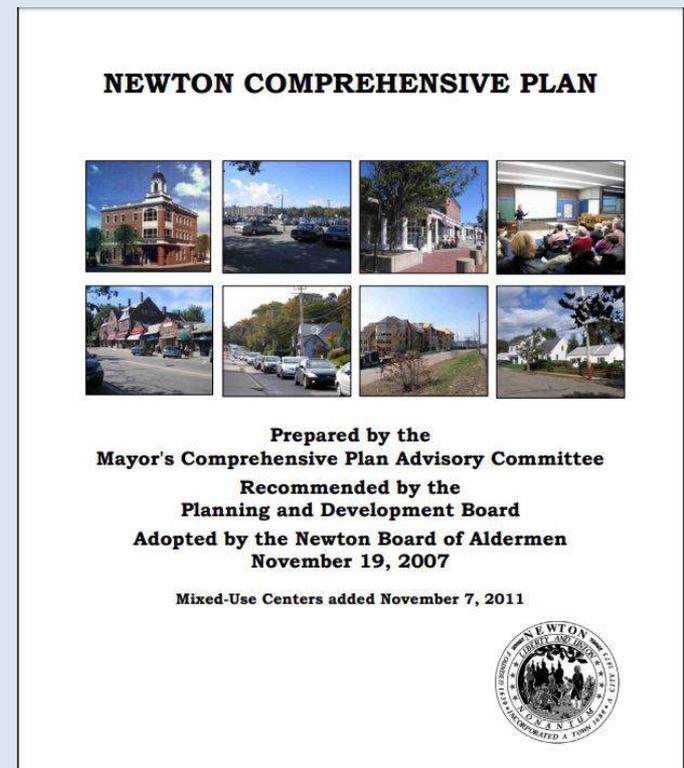
Require long-range master plans for large institutions

Update criteria for approvals and modifications

Link criteria for approval to adopted policies and provide guidance for consistencies and amendments

Tailor Criteria for Approvals to Nature of Request

- Current language is broad and not specifically tied to adopted policies and plans
- Treat “conditional uses” differently than requests for relief from zoning



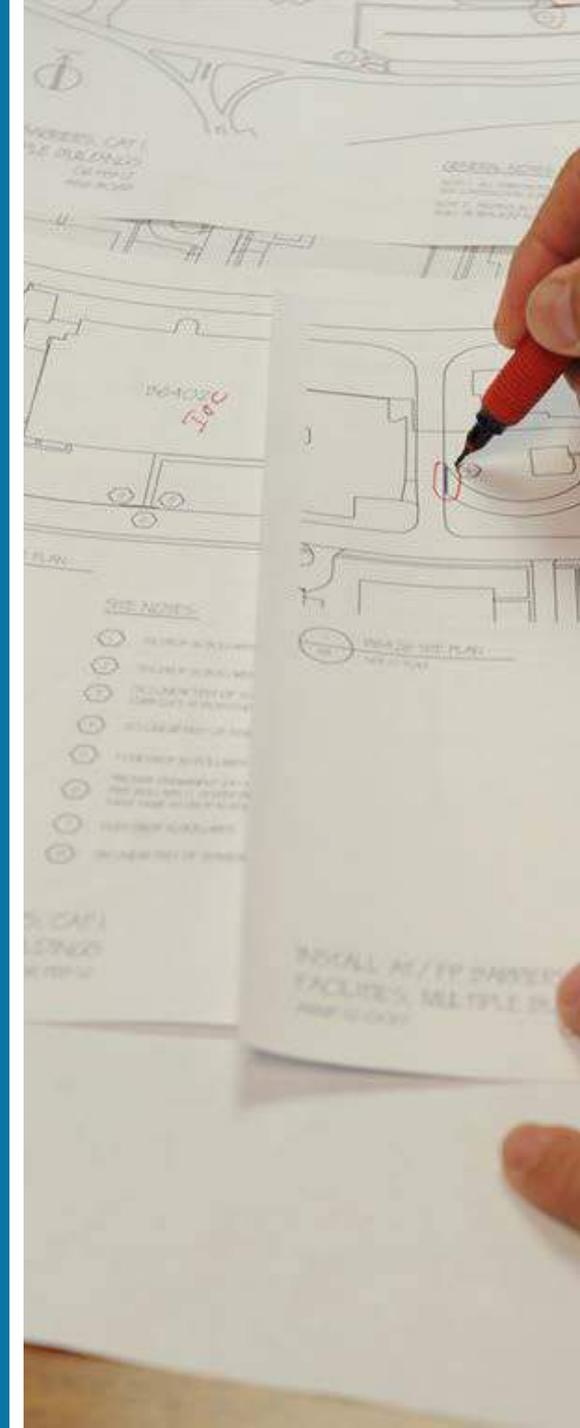
Create Clear Process and Criteria for Consistency Rulings and Amendments

- Set thresholds for consistency rulings (up to X% change in height, setbacks, lot coverage, etc.) and formalize process
 - Record consistency ruling
 - Planning recommendation to ISD
 - Allow flexibility for commercial changes of use
- Create criteria specifically for Special Permit Amendments
 - Review changes to the project, rather than project as a whole

Proposed Policy: Update Criteria for Approvals

Goal: Create clear process and criteria for Special Permit approvals, consistency rulings, and amendments.

1. Tailor criteria for approval to nature of request
2. Create thresholds for consistency rulings
3. Formalize process for consistency rulings
4. Include new criteria for Special Permit Amendments



What do you think

