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Barney S. Heath
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MEMORANDUM

DATE: July 2, 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
Cat Kemmett, Planning Associate

RE: **#240-21 Requesting an amendment to Chapter 30**
DIRECTOR OF PLANNING AND DEVELOPMENT requesting ordinance amendments to the Newton Zoning Ordinance, Chapter 30 in order to clarify definitions, edit missing or incorrectly transcribed provisions and revise inconsistencies in the ordinance.

MEETING: July 8, 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

Overview

In the past, the Planning and Development Department has conducted regular “clean ups” of the zoning ordinance in order to correct internal inconsistencies, improve clarity, and fix typos or errors, in particular those that have been a result of the 2015 recodification of the zoning ordinance. In this vein, the Department proposes making several amendments to the Zoning Ordinance based on feedback from residents, staff, building professionals, and others.

This memo provides an overview of the revisions proposed. For each item, staff have provided a brief explanation of the issue followed by the expected impact of proposed changes, as well as side-by-side comparison of the existing text and suggested revisions (Attachment A).

Organization

The items are classified into three sections. Section 1 (Housing Type Definitions) includes changes to housing type definitions, including a reconfiguring of the definition of Two-Family, Detached buildings to allow for more flexible design for that building type. Section 2 (Garage Ordinance) includes changes to improve the Garage Ordinance based on feedback from ISD and Current Planning now that the ordinance has been in effect for several months. Both of these sections contain minor policy changes that will benefit from discussion and analysis in committee.

Section 3 (Other Changes) includes a number of smaller proposed ordinance changes that include scribes' errors, corrections, language codifying existing practice, and simple clarifying edits. Items in this section include errors in transcription from the 2015 recodification.

Looking Ahead

Staff plan to focus the upcoming ZAP presentation on the items in Sections 1 and 2 given the changes proposed have minor policy implications. As noted above, Section 3 does not include substantive changes.

Staff recommends the ZAP Committee set a public hearing for this item for August 16th.

Attachment A

Draft ordinance revisions

Section 1: Housing Type Definitions

1. Single-Family, Detached Definition (Sec. 1.5.1.A, Pg. 1-4)

- **Issue** - Based on current language, a Single-Family, Detached home that has an accessory apartment might be considered a Two-Family, Detached building.
- **Impact of Change** - This amendment will clarify that the presence of an accessory apartment does not mean that a building goes from a Single-Family home to a Two-Family- the type of home will remain the same regardless.

Existing Language	Proposed Edits
A. Single-Family, Detached. A building or structure that contains only one dwelling unit.	A. Single-Family, Detached. A building or structure that contains only one dwelling unit. <u>Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section.</u>

2. Two-Family, Detached Definition (Sec. 1.5.1.B, Pg. 1-4)

- **Issue** – The Inspectional Services Department has interpreted Sec. 1.5.1.B so that a garage is not considered part of a dwelling unit, because it is not habitable space. Living space (which does not include garages) must be touching living space in the adjacent unit for the full height of the separation. This means that having two attached garages touching is not allowed, nor is it allowed to have one garage touching living space of the adjacent unit. This means that homeowners and builders are limited in design, and several desirable configurations are not permitted. It is staff’s understanding that in the past ZAP wanted to restrict the configuration of two-units only connected by the garages, with no living space above.

Additionally, there must be a clear distinction between Two-Family, Detached homes and Single-Family, Attached homes. This amendment, in conjunction with the amendment to the definition for Single-Family, Attached, would do that by clarifying that accessory apartments are not counted in the dwelling unit total for the purposes of these definitions and by clarifying that Single-Family, Attached homes contain a minimum of three units.

- **Impact of Change** - The proposed edit minimizes any substantive change, while also allowing for greater flexibility in the two-unit configuration where garages may touch. In addition, the recent Garage Ordinance that limits garages as an overall percentage of the façade, limits overall size, and the recommendation part of these clean-up items to require habitable space above the garages if they share a wall, mitigates any visual undesirability previously discussed in ZAP. In addition to allowing for greater flexibility, having the garages in one location often eliminates the need for two curb cuts and duplicative paving.

Existing Language	Proposed Edits*
Two-Family, Detached. A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but	Two-Family, Detached. A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but

separated by a shared wall extending the entire maximum height of one or both units, and/or is divided horizontally so that one dwelling unit is above another.

separated by a shared wall extending the entire maximum height of one or both units, including garages, and/or is divided horizontally so that one dwelling unit is above another. Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section.

* Note- Proposed edits would require an additional standard in Sec. 3.4.4.F – see below:

Existing Language	Proposed Edits
<p>F. Additional Standards for residential buildings with two-units</p> <ol style="list-style-type: none"> 1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached. 1. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage, and each Garage shall provide for no more than 2 automobiles. 	<p><u>F. Additional Standards for Two-Family, Detached residential buildings</u> Additional Standards for residential buildings with two-units</p> <ol style="list-style-type: none"> 1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached. <ol style="list-style-type: none"> 1. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage, and each Garage shall provide for no more than 2 automobiles; <u>and-</u> 2. <u>There must be Habitable Space above each Garage if the Garages share a Garage Wall.</u>

3. Single Family, Attached Definition (Sec. 1.5.1.C, Pg. 1-4)

- **Issue** - If the definition in 1.5.1.B is changed, 1.5.1.C should be amended to clarify the condition when there are two buildings with two dwelling units each.
- **Impact of change** - This revision should make it clear that Single Family, Attached may include more than two dwelling units, all of which are attached, or a grouping of three or more units in multiple buildings on a single lot.

Existing Language	Proposed Edits
<p><u>Single-Family, Attached.</u> A building or structure that either:</p> <ol style="list-style-type: none"> 1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate 	<p><u>Single-Family, Attached.</u> A building or structure that either:</p> <ol style="list-style-type: none"> 1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate

<p>primary and secondary access at ground level; or</p> <p>2. Contains 2 dwelling units and is not a two-family detached dwelling.</p>	<p>primary and secondary access at ground level; or</p> <p><u>A grouping of principal buildings containing more than two units in total. 2. Contains 2 dwelling units and is not a two-family detached dwelling.</u></p>
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4. Multi-Family Definition (Sec. 1.5.1.D, Pg. 1-4)

- **Issue** - If the definition in 1.5.1.C is changed, 1.5.1.d should be amended to clarify what constitutes a multi-family residence
- **Impact of change** - This change is a simple clarification that will ensure different configurations that might have 3 or more dwelling units (for example, a Two-Family, Detached building with an accessory unit or a Single Family, Attached building) does not fall under the category of a Multi-Family building.

Existing Language	Proposed Edits
<p><u>Multi-Family.</u> A building or structure containing 3 or more dwelling units.</p>	<p><u>Multi-Family.</u> A building or structure containing 3 or more dwelling units <u>with a common building entrance into a common area.</u></p>

Section 2: Garage Ordinance

5. Definition of Garage (Sec. 3.4.4.B.1)

- **Issue** – The current text uses the word “structure” where it should be “building.”
 - *Structure: Any construction, erection, assemblage or other combination of materials at a fixed location upon the land, such as, but not limited to, a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, platform, retaining wall or systems of walls whose above-grade height exceeds 4 feet, tennis court or swimming pool. (Sec. 8.3, Page 8-8)*
 - *Building: A structure, including alterations, enlargements, and extensions, built, erected, or framed of any combination of materials having a roof, whether portable or fixed, designed or intended for the shelter of persons, animals, or the storage of property. (Sec. 8.3, Page 8-3)*
- **Impact of change** - Different rules and regulations apply to structures than to buildings, and the intention here is that garages are buildings. For example, under the current definition carports would be subject to the Garage Ordinance, which is not intended. This revision will ensure that standard garages are subject to the Garage Ordinance, but carports will not.

Existing Language	Proposed Edits
<p>Garage. An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile or is used or intended to be used primarily for the storage or parking of 1 or more automobiles. A detached Garage is an Accessory Building (See Sec. 3.4.3).</p>	<p>Garage. An attached or detached buildingstructure, or portion of a buildingstructure, that is able to be accessed by an automobile or is used or intended to be used primarily for the storage or parking of 1 or more automobiles. A detached Garage is an Accessory Building (See Sec. 3.4.3).</p>

6. Standards for one unit and two-unit residential buildings (Sec. 3.4.4.E-F)

- **Issue** - The Garage Ordinance uses some language that is not defined in the current zoning ordinance. The zoning ordinance does not use the framework of “one unit” and “two unit” buildings. It instead uses “single-family” and “two-family,” etc.
- **Impact of change**- The intent with Zoning Redesign is to move away from referencing “family” when defining building types, and Sec.3.4.4. E-F was based on language from the Zoning Redesign process. However, because of this mismatch with the current ordinance language, there could be unintended consequences with a two-unit building that adds an accessory apartment. Unless the language is updated, that building would technically have three units and therefore would not need to comply with the Garage Ordinance, which does not regulate multi-family housing residences. By updating the language here to align with the current ordinance, that issue would be resolved.

Existing Language	Proposed Edits
<p>E. Standards for residential buildings with one unit</p> <ol style="list-style-type: none"> 1. There may be no more than 700 square feet in total Garage area on a lot providing for no more than 3 automobiles. A lot may contain no more than one attached Garage and one detached Garage. 	<p>E. Standards for residential buildings with one unit <u>Standards for Single-Family, Detached residential buildings</u></p> <ol style="list-style-type: none"> 1. There may be no more than 700 square feet in total Garage area on a lot providing for no more than 3 automobiles. A lot may contain no more than one attached Garage and one detached Garage.
<p>F. Additional Standards for residential buildings with two-units</p> <ol style="list-style-type: none"> 1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached. 2. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage, and each Garage shall provide for no more than 2 automobiles. 	<p>F. Additional Standards for residential buildings with two-units <u>Additional Standards for Two-Family, Detached residential buildings</u></p> <ol style="list-style-type: none"> 1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached. 2. For each residential unit, there shall be no more than 500 square feet in total

Garage area, no more than one Garage, and each Garage shall provide for no more than 2 automobiles.

7. Exemption for Side Facing garages 10+ feet back (add new section after Sec. 3.4.4.G.1)

- **Issue** - Sec. 3.4.4.G.1 exempts Front Facing Garages set back over 10 feet from the maximum door widths because at that distance, they are not as visually impactful. This should be true for Side Facing Garages as well.
- **Impact** - This amendment will create parity for regulation of door widths for Front- and Side-Facing Garages that are not very visible from the street, provided they are not on a corner lot and are set back from the Front Elevation. If this exemption is passed, Side Facing Garages that are set back from the Front Elevation will not have restrictions on door widths and as is true of all Side Facing Garages that do not project forward of the Front Elevation, would not need to provide fenestration.

Existing Language

Proposed Edits

N/A

A detached or attached Side Facing Garage that is located 10 feet or more behind the Front Elevation and is not on a corner lot, is exempt from the standards for Side Facing Garages (Sec. 3.4.4.D).

8. Special Permit allowance for garages (Sec. 3.4.4.H.1)

- **Issue** - Sec. 3.4.4.E.1 allows for 2 garages, but only 1 attached and 1 detached. Prior to the Garage Ordinance, only one garage (attached or detached) was allowed by-right but a Special Permit could be granted for more than one garage. The garage ordinance allows for one attached and one detached garage by-right and more than two garages by Special Permit but there is no longer an option for two attached or two detached garages.
- **Impact of change** - This amendment will bring the Garage Ordinance into alignment with what was allowed by special permit previously. This will allow for flexibility in garage placement for homes with unique conditions, like those on through lots, to have two attached garages by special permit, which is not currently allowed. This proposed revision also clarifies that Single-Family, Detached residential buildings are eligible for this special permit.

Existing Language

Proposed Edits

H. By Special Permit

H. By Special Permit

1. For residential buildings with one unit: a Garage with provision for more than 3 automobiles, or a Garage of more than 700 square feet in area, or more than 2 Garages.

1. For Single-Family, Detached residential buildings ~~with one unit~~: a Garage with provision for more than 3 automobiles, or a second attached or detached Garage, or a Garage of more than 700 square feet in area, or more than 2 Garages.

Section 3: Other Changes

9. Special permits for accessory buildings (Sec. 3.4.3.A.4)

- **Issue** - In the 2015 version of the zoning ordinance, it was clear that accessory buildings with footprints greater than 700 square feet are allowed by special permit. This is still the case, but the language in the current ordinance does not clearly state that this special permit option exists.
- **Impact** - This amendment will correct an error in transcription from the recodification of the code in 2015, which mistakenly left out this language. Changing the text to reflect the language prior to 2015 will bring the ordinance into alignment with long established precedent and policy.

Existing Language	Proposed Edits
<p>Except as provided in Sec. 6.7, accessory buildings shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. 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 distance prescribed for the principal building. 2. No portion of any accessory building shall be less than 5 feet from any point on any principal building on the subject lot. 3. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories. 4. The ground floor area of an accessory building shall not exceed 700 square feet. 	<p>Except as provided in Sec. 6.7, accessory buildings shall conform to the following requirements:</p> <ol style="list-style-type: none"> 1. 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 distance prescribed for the principal building. 2. No portion of any accessory building shall be less than 5 feet from any point on any principal building on the subject lot. 3. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories. 4. The ground floor area of an accessory building shall not exceed 700 square feet <u>except by special permit</u>.

10. Decks- lot coverage (Sec. 1.5.2.D, Pg. 1-5)

- **Issue** - It is not clear in the ordinance that decks and other uncovered structures do not count against lot coverage.
- **Impact of change** - This is a clarification in the code intended to make the ordinance more user friendly by stating clearly what kinds of structures are or are not included in lot coverage calculations.

Existing Language	Proposed Edits
<p>Lot Coverage. The percentage of the lot area which is covered by buildings, including</p>	<p>Lot Coverage. The percentage of the lot area which is covered by buildings, including</p>

accessory buildings, except in the following cases:

1. The area covered by roof overhangs of up to 2 feet shall not be included in the calculation of lot coverage; and
2. The lot coverage requirements contained in Sec. 3.1 shall not apply to the erection or construction of a private garage in connection with or accessory to a building which was in existence on December 27, 1922, and designed or used as a single- or two-family residence.

accessory buildings, and structures with roofs, except in the following cases:

1. The area covered by roof overhangs of up to 2 feet shall not be included in the calculation of lot coverage; and
2. The lot coverage requirements contained in Sec. 3.1 shall not apply to the erection or construction of a private garage in connection with or accessory to a building which was in existence on December 27, 1922, and designed or used as a single- or two-family residence..

11. Decks- open space (Sec. 8.3, Pg. 8-6)

- **Issue** - Several petitioners for building projects have posed questions about whether decks do or do not count as usable open space.
- **Impact of change** - This is a clarification in the code intended to make the ordinance more user friendly by clarifying specifically that decks are counted as usable open space.

Existing Language

Open Space, Usable: All the lot area not covered by buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. The area devoted to lawns, landscaping, exterior tennis courts, patios, in-ground swimming pools and nonstructural recreational amenities shall be included as usable open space. The area covered by roof overhangs of up to 2 feet shall be included in the calculation of open space.

Proposed Edits

Open Space, Usable: All the lot area not covered by buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. The area devoted to lawns, landscaping, exterior tennis courts, patios, decks, in-ground swimming pools and nonstructural recreational amenities shall be included as usable open space. The area covered by roof overhangs of up to 2 feet shall be included in the calculation of open space.

12. Setback- averaging (Sec. 1.5.3, Pg. 1-6)

- **Issue** - Averaging is exclusive to the principal structure on the lot- it cannot be used for accessory structures such as detached garages.
- **Impact** - This is a clarification in the code intended to make the ordinance more user friendly by stating clearly when averaging can be used.

Existing Language

1.5.3. Setback

A. Defined. A line equidistant from the lot line which establishes the nearest point to the lot

Proposed Edits

1.5.3. Setback

A. Defined. A line equidistant from the lot line which establishes the nearest point to the lot

line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

B. No building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. Averaging applies only to the front setback. In no case shall any part of a building in a residence district extend nearer the street line than 10 feet.

line at which the nearest point of a principal building structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

B. No building need be set back more than the average of the setbacks of the buildings on the nearest lot on either side, a vacant lot or a lot occupied by a building set back more than the required distance for its district to be counted as though occupied by a building set back such required distance. Averaging applies only to the front setback. In no case shall any part of a building in a residence district extend nearer the street line than 10 feet.

13. Height -basement definition (Sec. 1.5.4.D.1, Pg. 1-8)

- **Issue** - 1.5.4.D.1 does not clearly state the type of building the rules in that section apply to.
- **Impact of change** - This is a clarification in the code intended to make the ordinance more user friendly by stating the types of buildings this section applies to.

Existing Language	Proposed Edits
<p><u>D. Basement</u></p> <p>1. Any story in a building in which 2/3 or more of the distance between the floor and the ceiling next above it is below the average grade plane adjacent to the building.</p>	<p><u>D. Basement</u></p> <p>1. Any story in a building <u>used for any purpose other than a single-or two-family residential use</u>, in which 2/3 or more of the distance between the floor and the ceiling next above it is below the average grade plane adjacent to the building.</p>

14. Accessory uses language clarification - Internal (Sec. 6.7.1.D.2, Pg. 6-19)

- **Issue** -The calculations for creating internal accessory apartments are ambiguous. It should be clear that the total habitable space includes both the principal unit and the accessory apartment and that uninhabitable space like an attached garage can't be counted, or that in a Two-Family, Attached building, the whole structure is not used in the calculation, only the principal dwelling unit.
- **Impact of change** - This is a clarification in the code intended to make the ordinance more user friendly by clarifying how ISD and Current Planning calculate Habitable Space for the purpose of creating accessory apartments.

Existing Language	Proposed Edits
<p>D. Rules for Internal Accessory Apartments</p> <ol style="list-style-type: none"> 1. An internal accessory apartment is allowed by right as a use accessory to a Single-Family, Detached building and a Two-Family, Detached building. 2. An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total Habitable Space in the principal dwelling as defined in Sec. 8.3, whichever is less. The City Council may grant a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40 % of the total Habitable Space, whichever is less. 	<p>D. Rules for Internal Accessory Apartments</p> <ol style="list-style-type: none"> 1. An internal accessory apartment is allowed by right as a use accessory to a Single-Family, Detached building and a Two-Family, Detached building. 2. An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total Habitable Space in the principal dwelling as defined in Sec. 8.3, whichever is less. The City Council may grant a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40 % of the total Habitable Space, whichever is less. <ol style="list-style-type: none"> a. <u>The total Habitable Space is the sum of the Habitable Space of the accessory unit and the principal unit with which it is associated.</u>

15. Accessory uses language clarification – Detached (Sec. 6.7.1.E.2, Pg. 6-20)

- **Issue** - The calculations for creating detached accessory apartments are ambiguous. It should be clear that uninhabitable space like an attached garage can't be counted, or that in a Two-Family, Attached building, the whole structure is not used in the calculation, only the principal dwelling unit
- **Impact** - This is a clarification in the code intended to make the ordinance more user friendly by clarifying how ISD and Current Planning calculate Habitable Space for the purpose of creating accessory apartments.

Existing Language	Proposed Edits
<p>E. Rules for Detached Accessory Apartments</p> <ol style="list-style-type: none"> 1. Except as provided below, a Detached Accessory Apartment may be allowed by special permit from the City Council as a use accessory to a Single Family, Detached building or a Two-Family, Detached building. 2. A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the total Habitable Space of the 	<p>E. Rules for Detached Accessory Apartments</p> <ol style="list-style-type: none"> 1. Except as provided below, a Detached Accessory Apartment may be allowed by special permit from the City Council as a use accessory to a Single Family, Detached building or a Two-Family, Detached building. 2. A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet or 40% of the total Habitable Space of the

<p>principal dwelling, whichever is less. The City Council may grant a special permit for a larger Detached Accessory Apartment up to 1,500 square feet.</p>	<p>principal dwelling, whichever is less. The City Council may grant a special permit for a larger Detached Accessory Apartment up to 1,500 square feet.</p> <p>a) <u>The total Habitable Space is the sum of the Habitable Space of the accessory unit and the principal unit with which it is associated.</u></p>
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16. Minimum distance between principal dwelling for Detached Accessory Apartments (Sec. 6.7.1.E.4, Pg. 6-20)

- **Issue** - The required distance between an accessory building and the principal dwelling unit is now 5 feet, rather than 6, due to changes made in the Accessory Building section.
- **Impact** - This update will align the rules for Detached Accessory Apartments, which are a type of Accessory Building. Any pre-existing buildings will not be impacted by this change.

Existing Language	Proposed Edits
<p>The Detached Accessory Apartment must be at least 6 feet from the principal dwelling unit on the site.</p>	<p>The Detached Accessory Apartment must <u>meet the separation requirements from the principal dwelling unit on the subject lot in compliance with Sec. 3.4.3.A.2.</u> be at least 6 feet from the principal dwelling unit on the site.</p>

17. Table of Contents (Sec. 5.13)

- **Issue** - Section 5.13 is missing from table of contents.
- **Proposed edits** - Add 5.13 to table of contents

18. Incorrect references in 5.13

- **Issue** - There are several references in Section 5.13 to Section 5.12 that should refer to Section 5.13.4
- **Proposed edits:** Strike references to Section 5.12 and replace with reference to Section 5.13 in the following sections: Sec. 5.13.2.a, Sec. 5.13.2.c, Sec. 5.13.2.d, Sec. 5.13.3.b, Sec. Sec. 5.13.4. a, Sec. 5.13.4.b, Sec. 5.13.5.a, Sec. 5.13.6.a,5, Sec. 5.13.6.b, Sec. 5.13.6.c, Sec. 5.13.7.

19. Include language that allows the discretion of the Commissioner of ISD for similar and/customarily accessory uses (Sec. 2.3.1; Sec. 3.4.1; Sec. 4.4.1)

- **Issue** - In the pre-2015 zoning ordinance, at the end of each section of allowable uses there was language allowing the ISD commissioner discretion to allow similar accessory uses not explicitly defined in zoning. Similar language to this can be found in the current ordinance in Sec. 6.1.A, but not in the use tables.
- **Impact of change** - This will clarify in the use tables an established practice to make the ordinance more user-friendly.
- **Proposed edits** – Add this language at the end of the tables in Sec. 2.3.1; Sec. 3.4.1; Sec. 4.4.1: “The Commissioner of Inspectional Services is responsible for determining all uses. If a proposed use is not listed, but is similar or accessory to a listed use, the Commissioner of Inspectional Services may consider the proposed use part of the listed use.”

20. 3D computer-generated model for special permits (Sec. 7.3.1.B, Pg. 7-3)

- **Issue** - It is common practice for applicants to send in 3D rendered perspective drawings, but not actual computer models. clarify that 3D rendered drawings are sufficient.
- **Impact of change** - This change will codify practice that is already common and accepted.

Existing Language	Proposed Edits
<p>B. Contents of the Application. Each application for a special permit shall be accompanied by a site plan submission prepared in accordance with the provisions of Sec. 7.4.4.</p> <p>1. The applicant shall also submit a 3D computer-generated model, including such details as necessary to show the relationship of the project to its surroundings. The level of detail included in the model shall be at the discretion of the Director of Planning and Development. The architect of record shall certify that the model is an accurate representation of the proposed design. For any commercial or multi-family development with a gross floor area of 20,000 square feet or more, a model shall be provided as follows:</p> <p>a. For a proposed development containing a gross floor area of 20,000 to 50,000 square feet, the model shall show the proposed development, all abutting properties and abutters to such abutting properties; for a proposed development containing a gross floor area 50,001 to 100,000 square feet, the model shall show the proposed development and all properties within 500 feet from the lot line of the proposed development or all abutting</p>	<p>B. Contents of the Application. Each application for a special permit shall be accompanied by a site plan submission prepared in accordance with the provisions of Sec. 7.4.4.</p> <p>1. The applicant shall also submit a 3D computer-generated model, <u>or rendered perspective drawings</u> including such details as necessary to show the relationship of the project to its surroundings. The level of detail included in the model <u>or drawings</u> shall be at the discretion of the Director of Planning and Development. The architect of record shall certify that the model <u>or drawings are</u> an accurate representation of the proposed design. For any commercial or multi-family development with a gross floor area of 20,000 square feet or more, a model <u>or drawing</u> shall be provided as follows:</p> <p>a. For a proposed development containing a gross floor area of 20,000 to 50,000 square feet, the model <u>or drawings</u> shall show the proposed development, all abutting properties and abutters to such abutting properties; for a proposed development containing a gross floor area 50,001 to 100,000 square feet, the model <u>or drawings</u> shall show the proposed</p>

properties and abutters to such abutting properties, whichever is greater; or

b. For a proposed development containing a gross floor area in excess of 100,000 square feet, the model shall show the proposed development and all properties within 1,000 feet of the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater. The model shall be provided to the City in a file format acceptable to the Director of Planning and Development, in consultation with the Clerk of the City Council, the City Solicitor, and the Chief Information Officer.

development and all properties within 500 feet from the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater; or

b. For a proposed development containing a gross floor area in excess of 100,000 square feet, the model or drawings shall show the proposed development and all properties within 1,000 feet of the lot line of the proposed development or all abutting properties and abutters to such abutting properties, whichever is greater. The model or drawings shall be provided to the City in a file format acceptable to the Director of Planning and Development, in consultation with the Clerk of the City Council, ~~the City Solicitor, and the Chief Information Officer.~~

21. Remove Sec. 6.10.4. - Recreational Marijuana Establishments (Sec. 6.10.4, Pg. 6-39)

- **Issue** - 6.10.4 was a recreational marijuana moratorium that has since been removed.
- **Proposed edits** - Remove all of Sec. 6.10.4 from ordinance text