

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

, 2021

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

1. **INSERT** in the Article 5 portion of the Table of Contents the following language:
“Sec. 5.13. Sustainable Development Design5-38”
2. **DELETE**, in Sec. 1.5.1.A the words “or structure” in the first sentence of the section, and **INSERT** a new second sentence as follows:
“Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section.”
3. **DELETE**, Sec. 1.5.1.C.2 in its entirety and **INSERT** in place thereof the following language:
“2. A grouping of principal buildings containing more than two units in total.”
4. **DELETE** Sec. 1.5.1.D in its entirety and **INSERT** in place thereof the following language:
“D. Multi-Family. A building containing 3 or more dwelling units primarily accessed through a common building entrance.”
5. **INSERT**, in Sec. 1.5.2.D after the words “accessory buildings,” and before the words “except in the following” the following new language:
“and structures with roofs,”

6. **DELETE**, in the first sentence of Sec. 1.5.3.A the word “structure” and **INSERT** in place thereof the following language: “principal building”.

7. **INSERT**, in Sec. 1.5.4.D.1 after the words “Any story in a building” and before the words “in which 2/3 or more” the following language:

“used for any purpose other than a single- or two-family residential use,”

8. **INSERT** immediately below each of the use tables contained in Section 2.3.1, Section 3.4.1, and 4.4.1 the following language:

“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.”

9. **DELETE**, in Sec. 3.4.4.B.1 the word “structure” where it twice appears, and **INSERT** in place thereof the word “building”.

10. **DELETE**, the caption of Sec. 3.4.E. and **INSERT** in place thereof the following Caption:

“E. Standards for Single-Family, Detached residential buildings”

11. **INSERT** in Sec. 3.4.4.G. a new sub-section 2 as follows:

“2. A detached or attached Side Facing Garage that is set back from the Front Elevation, and is not on a corner lot, is exempt from the standards for Side Facing Garages (Sec. 3.4.4.D)”

AND

RENUMBER the sub-section currently numbered 2 to 3.

12. **DELETE** Sec. 3.4.4.H.1 in its entirety and **INSERT** in place thereof the following language:

“1. For Single-Family, Detached residential buildings: a Garage with provision for more than 3 automobiles, or a second attached or detached Garage, or more than 700 square feet in total Garage area on a lot, or more than 2 Garages.”

13. INSERT in the table of contents appearing at the beginning of and specific to Article 5 the following listing:

“Sec. 5.13. Sustainable Development Design	5-38
5.13.1. Intent and Purpose	5-38
5.13.2. Definitions	5-38
5.13.3. Application of the Sustainable Development Requirements	5-38
5.13.4. Sustainable Development Requirements	5-39
5.13.5. Authorized Green Building Rating Programs Requirements	5-39
5.13.6. Sustainable Development Review Procedures.....	5-39
5.13.7. Exceptions.....	5-41”

14. DELETE, in Sec. 5.13.2.A, the reference to “Section 5.12” and INSERT in its place the following reference: “Section 5.13”.

15. DELETE, in Sec. 5.13.2.C, the reference to “Section 5.12” and INSERT in its place the following reference: “Section 5.13”.

16. DELETE, in Sec. 5.13.2.D, the reference to Section 5.12.3 and INSERT in its place the following reference: “Section 5.13.4’.

17. DELETE, in Sec. 5.13.3.B, the references to “Section 5.12” where they twice appear, and INSERT in their place the following reference: “Section 5.13”.

18. DELETE, in Sec. 5.13.4.A , the reference to “Section 5.12.5” and INSERT in its place the following reference: “Section 5.13.5”.

19. DELETE, in Sec. 5.13.4.B, the referenced to “Section 5.12.4.B” and INSERT in its place the following reference: “Section 5.13.4.B”.

20. DELETE, in Sec. 5.13.5, the reference to “Section 5.12”, and INSERT in its place the following reference: “Section 5.13”.
21. DELETE, in Sec. 5.13.6.A.5, the reference to “Section 5.12” and INSERT in its place the following reference: “Section 5.13”.
22. DELETE, in Sec. 5.13.7, the reference to “Section 5.12”, and INSERT in its place the following reference: “Section 5.13”.
23. INSERT, in Sec. 6.7.1.D.2 and in Sec. 6.7.1.E.2, the following new sub- paragraph “a.” as follows:
 - “a. The total Habitable Space is the sum of the Habitable Space of the accessory unit And the principal unit with which it is associated.”
24. DELETE Sec. 6.7.1.E.4 in its entirety and insert in its place the following language:

“4. The detached accessory apartment must meet the separation requirements from the principal dwelling unit on the subject lot in compliance with Sec. 3.4.3.A.2.”
25. DELETE Sec. 7.3.1.B.1 in its entirety, and insert in its place the following language:

“1. The applicant shall also submit a 3D computer-generated model or rendered perspective drawings including such details as necessary to show the relationship of the project to its surroundings. The level of detail included in the model or drawings shall be at the discretion of the Director of Planning and Development. The architect of record shall certify that the model or drawings are 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 or drawings shall be provided as follows:

 - a. For a proposed development containing a gross floor area of 20,000 to 50,000 square feet, the model or drawings 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 or drawings shall show the proposed 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.”

Approved as to legal form and character:

ALISSA O. GIULIANI

City Solicitor

Under Suspension of Rules
Readings Waived and Approved
24 Years 0 Nays

EXECUTIVE DEPARTMENT
Approved:

(SGD) NADIA KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____