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MEMORANDUM

DATE: February 10, 2023

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

RE: **#38-22 Discussion and review relative to the draft Zoning Ordinance regarding village centers**
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)

MEETING: February 13, 2023

CC: City Council
Planning Board
Jonathan Yeo, Chief Operating Officer

Village Center Zoning

The Planning Department spent the end of 2022 presenting the version 1.0 drafts of the Village Center Overlay District (VCOD) [zoning text](#) and [maps](#) and discussing with the Zoning and Planning Committee (ZAP) as well as the community through a series of input sessions and an online input form. At the January 23, 2023 ZAP meeting Planning staff presented a brief summary of the main topics raised during these sessions along with the list of items that are currently under exploration by staff and Utile in preparation for version 2.0 of the zoning text and maps. The list of items currently being worked on is below.

In the upcoming February 13 ZAP meeting Planning and Utile will focus on presenting updated visuals of what future development might look like under the proposed Village Center 3 (VC3) districts.. Recent 3D drawings and other visuals prepared by outside parties have not accurately represented the proposed zoning and have largely ignored the required design standards. The perspectives prepared by Utile will help illustrate the design standards that will shape future development. Planning and Utile will also present a comparison of the zoning requirements in the Mixed Use 4 (MU4) district and the VC3 district.

At the following ZAP meeting on February 27 Planning and Utile will present a framework for the main changes that Planning and Utile will be proposing for version 2.0 of the zoning text. The ZAP Committee members will then have an opportunity to discuss each proposal prior to Planning releasing version 2.0 of the text and maps.

Timeline for items under exploration

- Updated visuals – February 13
- Comparison to existing zoning – MU4 vs. VC3 comparison February 13
- Revisions to VC1 – Framework 2.0 February 27
- Revisions to prioritize historic preservation – Framework 2.0 February 27
- Churches – Framework 2.0 February 27
- Updated parking requirements – Framework 2.0 February 27
- Affordable housing incentives – Framework 2.0 February 27
- Updated mixed-use incentives – Framework 2.0 February 27
- Initial compliance analysis for MBTA Communities Multi-Family Zoning - March

Visual representation of zoning and design standards

During our conversations around the version 1.0 draft we heard many requests for more visuals and in particular there were concerns about how various streets in village centers would feel when built out with the maximum heights allowed in the VC3 district. Utile has been working on accurate renderings of the existing conditions along with a phase in of development along a portion of Lincoln Street in Newton Highlands, Walnut Street in Newtonville, and Washington Street in Newton Corner. These three locations are proposed to have VC3 along both sides of the street and represent a variety of existing conditions and street widths. These renderings will also highlight how the design standards built into the proposed zoning will apply.

There have also been questions about how design standards work and the difference between design standards and design guidelines. Design standards are enforceable requirements built into the zoning and apply to all developments unless otherwise noted or exempted. An initial draft of design guidelines was also included in the version 1.0 draft zoning text. Design guidelines are not enforceable zoning requirements, unlike design standards, and are meant to be additional guidance for developers and decision makers during site plan review and special permit review. The success of the proposed zoning does not depend upon the design guidelines. The zoning is full of design standards based on best practices that ensure quality design in new developments.

Attached is the version 1.0 draft text that was released last November with the design standards highlighted in yellow. Some of these design standards are typical zoning requirements (such as maximum building heights) but many of them go beyond what is included in the existing zoning. These standards (such as maximum building footprints, maximum façade lengths, public open space requirements, ground floor transparency, minimum sidewalk widths, location of parking, screening requirements, etc.) will ensure that even by-right development meets the high standards that have been applied to previous special permit developments.

Comparison to existing zoning

The majority of recent developments (and development proposals) in the village centers have requested a rezoning to the Mixed Use 4 (MU4) district. This district was not proactively mapped when it was adopted so any developer seeking to use this zoning district must also request a rezoning along with their special permit. The VC3 district was modeled off of the MU4 district but made a few key changes and incorporated additional design standards. One major change is the 15,000 square foot building footprint maximum. Buildings like 28 Austin Street and Trio would still require a special permit due to the lot size but would be required to break up the buildings into buildings with smaller footprints. Planning and Utile will present a more detailed comparison of these two districts on February 13.

Next Steps

Planning staff and Utile will present a set of proposals for revisions to the Village Center Overlay District at the February 27 ZAP meeting. This will provide a framework for discussion of policy decisions in advance of the release of version 2.0 of the zoning text and maps.

Attachment A: VCOD Draft Version 1.0 with highlighted design standards

Introduction

The City Council Zoning and Planning Committee (ZAP) kicked-off the project to revise Newton’s Zoning Ordinance for village center commercial centers in early 2021. The first draft zoning ordinance below, “version 1.0,” represents a multi-year collaborative effort with the City Council, City staff, urban design & economic development consultants, and the Newton Community.

Why is this necessary? While Newton has a strong foundation of diverse and dynamic village centers, the current zoning one-size-fits-all format does not recognize this. This draft set of zoning rules, along with the version 1.0 zoning maps, build upon the successes and uniqueness of each village center, while also guiding development that addresses our current and future needs. In other words, the zoning is the technical tool that supports the community vision like helping small businesses thrive, responding to climate change, developing more diverse & affordable housing, and creating more communal & active spaces.

How to read this Document

Like the draft maps, the draft zoning ordinance is intentionally meant to be reviewed and updated. This is also a working document, with some items not fully resolved. Footnotes are used for sections that need more work, where questions remain, or when additional explanation is needed.

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Village Center Overlay District (VCOD)

1. Applicability.
 - 1.1. General
 - A. The provisions of Article # shall apply to all real property within a defined Overlay District as shown on the Newton Zoning Map. It is intended that the provisions of these Overlay Districts will modify the form, location, and use of buildings by applying special dimensional, use, and other standards in a variety of areas in the City tailored to those specific areas and relevant policy objectives. Overlay District provisions may be voluntary or required based on the following criteria:¹
 1. Where a site has not been previously reviewed and developed under an Overlay District, development may occur in accordance with the underlying zoning district or the Overlay District. Submittal for an Overlay District development application shall be voluntary.
 2. Where development activity for a given site was reviewed and approved as part of any Overlay District, but a building permit has not been issued by the City of Newton, future review for development applications on the site may either be under the Overlay District or those of the underlying zoning district.
 3. Where development activity for a given site was reviewed and approved as part of any Overlay District, and a building permit has been issued by the City of Newton, any future development applications shall be reviewed in accordance with the procedures and standards of the Overlay District.
 - B. Conflicts. If the applicant chooses development under an Overlay District, and where conflicts exist between the Overlay District and the rest of the City of Newton Zoning Ordinance, the Overlay District regulations shall apply.
 2. Village Center Overlay District (VCOD)
 - 2.1. District Intent.
 - A. Allow the development of buildings and uses appropriate to Newton’s village centers and aligned with the vision of the City’s Comprehensive Plan and other policy documents.
 - B. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
 - C. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
 - D. Expand the diversity of housing options available in the City.

¹ The VCOD is designed to be an “opt in” overlay district.

Village Center Overlay District (VCOD)

- E. Promote the health and well-being of the community by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place.
- F. Facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.

2.2. District Purpose.

The Village Center Overlay District (VCOD) has been divided into three distinct tiers of districts:

- A. Village Center 1 (VC1). The VC1 District facilitates small- to medium-scale multi-family buildings given its proximity to amenities, mixture of uses, and transit options found in Newton's village centers. This district acts as a transition between the mixed-use cores of village centers and the surrounding residential neighborhoods.
- B. Village Center 2 (VC2). The VC2 District facilitates mixed-use and residential development of moderate scale. This district serves as the core of some village centers and as a transition district for other village centers. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood as well as the larger Newton Community.
- C. Village Center 3 (VC3). The VC3 District facilitates mixed-use development of moderate- and large-scale. This district serves as the core commercial zone of certain village centers, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood, the larger Newton Community, and regional visitors.

2.3. Definitions

In addition to the definitions found in Article 8 Definition, the following definitions apply. Where conflicts exist between the Overlay District definitions and definitions within the rest of the City of Newton Zoning Ordinance, the Overlay District definitions shall apply.

- A. Awning. A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.
- B. Balcony. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
- C. Basement. See Section 1.5.4.D.
- D. Bay. A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners to create distinctive living space or terminate in an important axis.
- E. Build-To-Zone. Area between the minimum and maximum front setbacks.

Village Center Overlay District (VCOD)

- F. Building Footprint Area. Area of the largest floor of the building as measured to the exterior faces of the walls, including decks over surface parking areas that extend more than 8' from the building face.
- G. Canopy. A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.
- H. Development. The subdivision or land platting of a development site; the construction or modification of any principal building type, accessory building type, or other structure; the excavation, fill, or grading of land. and the establishment, change, or expansion of any use of any structure or land.
- I. Facade Build Out Ratio. The ratio of the width of the entire Front Elevation to the Lot Width.
- J. Frontage Area. The area of a lot between the building facade(s) and any front lot line(s), extending fully to each side lot line(s).
- K. Frontage Type. A distinct combination of facade and frontage area design features.
- L. Front Elevation. The exterior wall of a building oriented in whole or in part toward the public right of way.
- M. Furnishing Zone. The portion of the sidewalk between the curb and the walkway that is used for street trees, landscaping, transit stops, street lights, and site furnishing.
- N. Lot Line. See Section 1.5.2.A.
- O. Lot Line, Front. The lot line abutting a street or right of way.
- P. Lot Line, Side. Any lot line other than a front or rear lot line.
- Q. Lot Line, Rear. Any lot line which is parallel to or within forty-five (45 degrees) of being parallel to a front lot line, unless that lot line is a side lot line of an abutting lot.
- R. Lot Width. The length of the front lot line of a lot.
- S. Open Space, Usable. See definition in Article 8.
- T. Party Wall. A wall separating two attached buildings.
- U. Principal Entrance. The addressed entrance to a building or commercial space.
- V. Screening. See Section 5.1.9.
- W. Step-Back. A recess of an upper story facade a set distance behind the facade of the story below.
- X. Story. See Section 1.5.4.
- Y. Story, Ground. The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
- Z. Story, Half. See VCOD Section 2.6.B.3
- AA. Substantial Renovation. Any modification, interior renovation, or both of an existing principal building that exceeds fifty percent (50%) of the assessed value of the building, as identified on the most recent tax list maintained by the Assessor's Office of the City of Newton, within any twelve (12) month period.
- BB. Transit Area. All lots within one-quarter (1/4) mile of a transit station within the VCOD as shown on the Newton Zoning Map.

CC. Transit Station. Any existing or planned station of the MBTA's light rail and heavy rail rapid transit lines within the City of Newton as Shown on the Newton Zoning Map.

2.4. Development Review

A. Applicability.

1. The density and dimensional controls in Sec. # apply to all buildings, structures and uses in each of the listed VCOD classes.
2. Where buildings, structures, or uses do not meet these standards they are nonconforming (See Sec. #).²

B. Approval Process.³

Development on any lot, by-right or by Special Permit, requires the submission of development review materials as required in Article 7, except as modified herein. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development.

1. Special Permit Required. A Special Permit is required for any Development in the Village Center 1, 2, and 3 districts on a lot larger than thirty-thousand (30,000) square feet. The City Council is the decision-making authority for all development that requires a Special Permit.
2. Site Plan Review Required. Site Plan Review is required for any development in the Village Center 1, 2, and 3 districts on a lot larger than twenty-thousand (20,000) square feet but less than thirty-thousand (30,000) square feet. The Planning Board is the decision-making authority for all development that requires Site Plan Review.

2.5. Dimensional Standards⁴

² The Law Department is currently reviewing how the overlay district will handle non-conformities.

³ A Special Permit is only allowed where explicitly stated.

⁴ The VCOD primary dimensional controls are building footprint, maximum height/number of stories, roof form, and setbacks. Controls in other parts of the code (FAR, Lot Area Per Unit, Minimum Lot Size, etc.) do not apply.

A. Lot Standards

VCOD	VC1	VC2	VC3
Building Massing			
Lot Size (By-Right / Special Permit)			
–	Less than 30,000 sf / Greater than or equal to 30,000 sf		
Usable Open Space (lots greater than 30,000 sf)			
–	30%	5%	5%
Site Plan Review			
Lot Size	Greater than or equal to 20,000 sf but less than 30,000 sf		
Building Setbacks			
Front (min. / max.)			
–	10' / 20' or Average	0' / 15' or Average	0' / 10'
Side (min.)			
Abutting a Party Wall in a non-R District	0'		
Abutting a building without a Party Wall in non-R District	10'	5'	5'
Abutting an R District	15'		
Rear (min.)			
Abutting a non-R District	10'	5'	5'
Abutting an R District	15'		
Building Separation for Multiple Buildings on a Lot (min.)			
–	15'	25'	25'
Facade			
Facade Build Out Ratio (min.)			
Facing a public right-of-way	75%, or Lot Width within side setbacks minus 15', whichever is less		
Parking Placement			
Parking Setbacks (min.)			
Facing a public right of way	12'		
Not facing a public right of way	4'		

B. Building Standards

VCOD	VC1	VC2	VC3
Building Massing			
Building Footprint, max. (By-Right / Special Permit)			
—	4,000 sf / 6,000 sf	10,000 sf / 12,500 sf	15,000 sf / 17,500 sf
Building Height in Stories, max. (By-Right / Special Permit)			
Commercial / Mixed Use ⁵	— / 2.5	3.5 / —*	4.5 / —*
Residential	2.5 / —*	3.5 / —*	2.5 / —*
Development within 50' of lot line abutting R district	No Change	No Change	Same as VC2
Pitched Roof, Building Height in Feet (By-Right / Special Permit)			
Commercial / Mixed Use	— / 48'	62' / —*	75' / —*
Residential	45' / —	60' / —*	48' / —*
Development within 50' of lot line abutting R district	No Change	No Change	Same as VC2
Flat Roof, Building Height in Feet (By-Right / Special Permit)			
Commercial / Mixed Use	— / 42'	56' / —*	69' / —*
Residential	39' / —	54' / —*	42' / —*
Development within 50' of lot line abutting R district	No Change	No Change	Same as VC2
Ground Story Height in Feet (min./max.)			
Commercial / Mixed Use	15' / 18'		
Residential	12' / 15'	12' / 18'	12' / 18'
Half-Story Height in Feet (max.)			
Flat Roof	12'		
Pitched Roof	18'		
Half-Story Step-Back in Feet (min.)			
Flat Roof	7' along all Lot Lines, see Sec. 2.6.B.4.		
Pitched Roof	N/A, see figure #		

⁵ Additional analysis needed if limited commercial ground floor uses may be allowed by Special Permit in the VC1 or if it should only allow multi-family residential

VCOD	VC1	VC2	VC3
Facade			
Fenestration (min.)			
Ground Story Active Use	N/A	70%	70%
Articulation			
Length of continuous facade (max.)	100'		

*Staff is exploring a Special Permit allowance of an additional one (1) story with specific criteria tied to an increase in affordable housing.

2.6. Development and Design Standards

A. Lot Design Standards

This section provides an explanation of the dimensional standards for lots within the VCOD tiers, defines how to measure certain standards, and provides other requirements and reference information as necessary.

1. Building Placement

- a. The Front Elevation must be built to any Front Lot Line(s) within the Build-To-Zone, at or between the minimum and maximum front setbacks, as specified in the Lot Standards for each VCOD tier.
 - i. The maximum front setback may be increased if providing Usable Open Space between the Front Lot Line(s) and the Front Elevation in the VC2 and VC3 districts.
- b. The Front Elevation must be built out to a percentage of the Lot Width as specified by the Facade Build Out Ratio in the Lot Standards for each VCOD tier.
 - i. The Facade Build Out Ratio may be met cumulatively by multiple buildings on a lot.
 - ii. Usable Open Space with Ground Story Active Uses is considered part of the building for the purpose of measuring the Front Elevation.⁶
- c. When development occurs on any lot abutting a sidewalk that is less than twelve (12) feet in total width, inclusive of the Furnishing Zone, buildings must be set back an additional distance such that a paved area meeting City sidewalk standards of at least twelve (12) feet in width is provided, inclusive of the Furnishing Zone. The minimum and maximum front setbacks are increased accordingly.

2. Number of Buildings

⁶ This incentivizes public space along the street and varied building design.

- a. Multiple buildings are permitted on each lot.
3. Building Separation
 - a. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in Building Standards for each VCOD tier.
4. Parking Placement
 - a. Unless otherwise specified, all parking spaces must be located at or behind any required parking setback as specified in the Lot Standards for each VCOD tier.
- B. Building Design Standards

This section provides an explanation of the dimensional standards for buildings within the VCOD tiers, defines how to measure certain standards, and provides other requirements and reference information as necessary.

 1. Building Height
 - a. Buildings must comply with the maximum building height specified for each building type. Building height is measured as defined in Section 1.5.4. Height.
 - b. The City Council may grant a Special Permit to allow an increase as specified for each VCOD tier to the maximum Building Height by finding that the following criteria are met:
 - i. [reserved]⁷
 2. Story Height
 - a. The Ground Story of a building must comply with the minimum and maximum story height requirements specified for each VCOD tier and is measured independently for each story of a building.
 - b. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, at all points.
 - c. The height of a half story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.
 3. Number of Stories
 - a. Buildings must comply with the maximum number of stories as specified in the Building Standards for each VCOD tier.
 - b. The Ground Story is always counted as one (1) story, except that a single Ground Story over eighteen (18) feet in height is counted as two (2) stories.
 - c. Space located directly under a pitched roof is counted as a half (0.5) story, provided the following standards are all met:
 - i. At least two opposite roof planes are pitched toward each other.

⁷ Staff is exploring a Special Permit allowance of an additional one-story with specific criteria tied to an increase in affordable housing

- ii. A pitched roof may be composed of roof planes with different slopes.
 - iii. The slope of any pitch must be no greater than 14:12 (49 degrees); otherwise, this story is counted as a full story.
 - iv. The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half-story; otherwise, this story is counted as a full story.
 - v. Dormers must comply with requirements in Sec. 1.5.4.G.
4. Half-Story Step-Back
- a. A required distance that certain upper stories of a building must be recessed from the plane of the facade of the stories below.
 - i. Required Step-Backs must be provided for all stories as specified in the Building Standards for each VCOD tier.
 - ii. Buildings on any lot with a Lot Width of Less than seventy (70) feet are exempt for the upper story Step-Back requirement along the Side Lot Line.
 - iii. Buildings on any lot with an average lot depth less than seventy (70) feet are exempt from the upper story Step-Back requirement along the Rear Lot Line.
5. Building Footprint
- a. Buildings must comply with the maximum Building Footprint as specified in the Building Standards for each VCOD tier. Building Footprint is measured as defined in Definitions.
 - b. Building Footprint includes all enclosed spaces whether for habitation or storage. Any parking area that is covered by a roof is included in the Building Footprint.
 - c. Bays, Awnings, Balconies, and Canopies do not count towards the Building Footprint.
 - d. The City Council may grant a Special Permit to allow an increase as specified for each VCOD tier to the maximum Building Footprint by finding that the following criteria are met:
 - i. [reserved]⁸
6. Ground Story Active Uses
- a. Any Mixed-Use building within the VCOD tiers must also provide ground story Active Use(s) for one hundred percent (100%) of the total width of the building along the Front Elevation.
 - b. Active Uses include:
 - i. Retail
 - ii. Restaurant / bar / specialty food service

⁸ It may be appropriate to tie the Special Permit increase in building footprint to additional affordable housing requirements as well.

- iii. Brewery / distillery / winery with an accessory retail component⁹
- iv. Place of amusement
- v. Personal service¹⁰
- vi. Day care center
- vii. Public art / gallery / arts studio¹¹
- viii. Live/work space
- ix. Community use space
- x. Semi-active accessory uses, such as lobbies and common areas associated with office, hotel, or residential uses

c. Only uses listed above are considered Active Uses.

7. Adaptive Reuse

The reuse and revitalization of existing buildings, particularly large homes, within the VCOD tiers will benefit the general health and welfare of the Newton community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation.

a. [reserved]¹²

8. Architectural Features

a. The structural and architectural elements which extend outward from a building facade, including Awnings, Canopies, Bays, and Balconies. Architectural features may project into the setback and/or public right of way as shown below. These architectural features are defined and may project into the setback and/or public right of way as shown below defined as:

- i. Bay. A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners to create distinctive living space or terminate in an important axis.

Dimensions	
Width of Each Bay (max.)	Greater of 20% of wall length or 12 ft
Depth (max.)	3 ft
Fenestration (min.)	60%
Front Setback Encroachment at Ground Story (max.)	3 ft

⁹ Including this would require the creation of a new use.

¹⁰ Services associated with personal grooming, personal instruction, and the maintenance of fitness, health, and well-being.

¹¹ Including this would require the creation of a new use.

¹² Relaxing or waiving certain requirements for development projects that maintain existing buildings will encourage their reuse. Staff are researching possible regulations.

Front Setback Encroachment at Upper Story (max.)	100%
Clearance above Grade at Upper Story (min.)	Top of the Ground Story

- ii. Balcony. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.

Dimensions	
Width of Each Balcony (min. / max.)	5 ft / Greater of 20% of wall length or 12 ft
Depth (min. / max.)	3 ft / 8 ft
Clearance above Grade (min.)	Top of the Ground Story
Front Setback Encroachment (max.)	100%
Extension into the public right of way (max.)	3 ft

- iii. Awning. A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.

Dimensions	
Width of Each Awning	-
Depth (min.)	3 ft
Clearance above Grade (min.)	8 ft
Front Setback Encroachment (max.)	100%
Extension into the public right of way (max.)	10 ft

- iv. Canopy. A wall-mounted structure that provides shade and weather protection over a storefront or building entrance.

Dimensions	
Width of Each Canopy (min.)	-
Depth (min.)	3 ft
Clearance above Ground Story (min.)	8 ft
Front Setback Encroachment (max.)	100%
Extension into the public right of way (max.)	3 ft

9. Facade Articulation

- a. The facade of any building greater than one hundred (100) feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide and designed as two (2) or more distinct facades of differing architectural treatment so that the building appears to be multiple buildings. Modifications to the facade of existing buildings are exempt.

10. Fenestration

- a. Fenestration must be provided as specified in the Building Standards for each VCOD tier and is calculated as a percentage of the area of the Front Elevation.
- b. For buildings with ground story Active Use spaces, ground story fenestration is measured between two (2) feet and ten (10) feet above the finished floor of the ground story.
- c. For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

11. Building Entrances

- a. For parcels with Street frontage, buildings must have their main entrance from a public right of way on that Street. For parcels without Street frontage, buildings should have their main entrance on the side wall oriented toward the parking lot provided for the building.
- b. Multi-story buildings with ground story Active Use spaces must have one (1) principal entrance for each Active Use space in addition to any principal entrance(s) necessary for any upper stories.
- c. Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning or Canopy, to signal building entry and provide adequate protection from the elements.

12. Roof Features

- a. Non-habitable architectural features including, but not limited to, mechanical & stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are permitted on roofs.

13. Mechanical Equipment¹³

- a. Roof-mounted mechanical equipment must be screened and setback at least ten (10) feet from any building wall. See Section 5.1.9. Screening.

¹³ Further refinement will occur through coordination with Inspectional Services.

- b. Wall-mounted mechanical and/or electrical equipment such as louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters, etc. must not be mounted on a Front Elevation.

C. Site Standards

This section provides an explanation of the dimensional standards for site improvement within the VCOD tiers, defines how to measure certain standards, and provides other requirements and reference information as necessary.

1. Open Space and Public Realm

- a. Development on lots greater than 30,000 sf must provide Usable Open Space accessible to the public as specified for each VCOD tier.
- b. Buildings must provide shared Usable Open Space as exterior spaces (patio, roof deck, roof terrace, yard, forecourt, plaza).

2. Parking and Driveway

- a. All parking spaces and structures must be located at or behind any required parking setback as specified for each VCOD tier.

3. Parking Lot Access

- a. Access to parking lots and structures parallel to the Front Elevation is prohibited when access along another lot line is available.
- b. Shared use of parking lots, by multiple uses and/or developments on multiple parcels, is encouraged.¹⁴

4. Curb Cuts and Driveways

- a. Curb cuts are prohibited parallel to the Front Elevation when access along another lot line is available.
- b. The maximum width of a curb cut and driveway for access to parking lots and structures is as follows:
 - i. One-lane: 10 ft
 - ii. Two-lane: 20 ft
- c. Each lot is limited to one curb cut per street frontage.
- d. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e., scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the pedestrian sidewalk.
 - i. Curb cuts for driveways should be at least 20 feet from an unsignalized intersection and at least forty 40 feet from a signalized intersection.¹⁵

5. Surface Parking Lot Design

¹⁴ Additional regulations are required for shared parking.

¹⁵ Staff is coordinating with DPW to ensure the appropriate metrics.

- a. Parking lots must be separated from the public right of way by a building or landscaped strip with a depth equal to the parking setback as specified in the Lot Standards for each VCOD Tier. The landscaped strip must adhere to the following design standards (Fig. #¹⁶):
 - i. The landscape strip must run the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways.
 - ii. The landscape strip must be planted with shrubs, perennials, native grasses, and other planting types that provide screening from the public right-of-way.
 - iii. Deciduous shade trees must be planted for every 20 feet of landscape strip length, spaced linearly and parallel to the public right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - iv. An optional low fence or pedestrian wall 24" to 42" in height may be installed behind the landscape strip and setback up to 24" from the adjacent parking lot to accommodate for car overhang.
 - v. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- b. Parking lots abutting properties in any Residential Districts along any side or rear lot line must be screened. See Section 5.1.9. Screening.
- c. Parking lot landscape strips, parking lot islands, landscape buffers, and other landscaped areas must utilize Low-Impact-Development (LID) practices consistent with state law to treat and discharge stormwater.
- d. At least ten percent (10%) of paved parking lot areas, inclusive of driveways, must be landscaped. Landscape strips along public rights-of-way and landscape buffers abutting Residential Districts are excluded from the calculation of the parking lot area.

6. Loading

- a. Access to loading docks and areas parallel to the Front Elevation is prohibited.
- b. Outdoor loading facilities, including all docks and areas used for the storage and staging of goods or materials, that are visible from a public street, public space, or abutting properties in any Residential Districts must be screened from view. See Section 5.1.9. Screening.

7. Service Areas

¹⁶ Figure to be added.

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.
- b. Outdoor service areas are not permitted along any Front Elevation.
- c. Outdoor service areas that are visible from a public street, public space, or abutting properties in any Residential Districts must be fully screened from view. See Section 5.1.9. Screening.

2.7. Design Guidelines

The Director of Planning and Development shall adopt, and periodically amend as deemed necessary, design guidelines. These guidelines provide direction, not requirements, for the design of new development within the VCOD tiers resulting in a cohesive pattern over time. The intent is to define expectations for new development while allowing for flexibility and fostering high quality design.

2.8. Allowed Uses

Uses permitted in buildings with the VCOD tiers are described below.

A. Permitted Uses

- 1. The use of real property is subject to the provisions of Article # Use Regulations.
- 2. Uses are permitted as specified in Sec. #.
- 3. Use categories not expressly authorized are prohibited.
- 4. Uses permitted by Special Permit require additional development review in accordance with Article #.

B. Permitted Accessory Uses

- 1. The use of real property is subject to the provisions of Article # Use Regulations.
- 2. Accessory Uses are permitted as specified in Sec. #.
- 3. Accessory Uses not expressly authorized are prohibited.
- 4. Accessory Uses permitted by Special Permit require additional development review in accordance with Article #.

C. Use Table¹⁷

Use Category	VC1	VC2	VC3
Residential Uses (multi-family)	P	P	P
Mixed-Use	— ¹⁸	P	P
Commercial Uses	— ¹⁹	P	P

¹⁷ This simplified use table will be replaced by a comprehensive use table in the next draft. Not all commercial and civic/institutional uses will be allowed by-right.

¹⁸ Additional analysis needed if limited mixed-use/commercial may be allowed by Special Permit in VC1

¹⁹ Ibid.

Civic/Institutional Uses	P	P	P
Industrial uses	-	-	-
P = Permitted, -- = Not Allowed, L = Allowed with Limitations, SP = Special Permit			

2.9. Parking Requirements

A. Applicability

All development within the VCOD tiers is subject to the provisions below. Where conflicts exist between the Overlay District and the rest of the City of Newton Zoning Ordinance, the Overlay District regulations shall apply. The following provisions of Section 5.1. Parking and Loading do not apply within the VCOD tiers:

1. Section 5.1.2. Applicability
2. Section 5.1.3. General Regulations
3. Section 5.1.4. Number of Parking Stalls
4. Section 5.1.5. Administration
5. Section 5.1.6. Location of Required Accessory Parking Facilities

B. Required Accessory Parking Spaces

Bicycle and vehicular parking must be provided as specified in Sec. #, except as follows:

1. Ground story non-residential uses are exempt from the requirements of Sec. #.
2. The first 5,000 square feet of gross leasable floor area for Upper Story non-residential uses are exempt from any minimum requirements in Sec. #.
3. Parking may be shared between uses on the same lot, contiguous lots and between buildings within 500 linear feet as measured along the street in accordance with the following:
 - a. Accessory parking spaces may be shared between uses on the same lot or adjacent lots as long as the buildings for which the parking will be shared are within 500 feet of each other.
 - b. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.
 - c. Centralized parking facilities must provide signage identifying the permitted users.
 - d. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
 - e. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the review board or Commissioner of ISD and executed and filed with the Registry of Deeds.

C. Vehicular Parking Types

Motor vehicle parking may be provided as off-street surface parking spaces, structured parking spaces, and on-street parking spaces.

D. Unbundled Market Rate Parking

1. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
2. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

E. Parking Relief

1. Relief from the number of required accessory parking spaces in Sec. #. requires a Special Permit from the Planning Board.
2. Review Criteria. In its discretion to approve or deny a Special Permit authorizing relief from the parking standards of Sec. #, the Special Permit Granting Authority must find that the application meets the following criteria:
 - a. The supply and demand of on-street parking in the neighborhood, as determined through a parking study.
 - b. Mobility management programs and services provided by the applicant to reduce the demand for parking.
 - c. That parking provided in excess of any maximum permitted does not result in the increase in impervious lot area.

F. Required Number of Accessory Parking Stalls²⁰

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the VCOD tiers:

Use Category	Bicycle Parking	Motor Vehicle Parking (min.) ²¹
Residential Uses (multi-family)	Required	1 per unit
Commercial Uses	Required	Ground floor - exempt, 5,000 sf of Upper Floor - exempt, 1 per 700 sf
Civic/Institutional Uses	Required	1 per 1000 sf

²⁰ This simplified parking table will be replaced by a comprehensive parking table in the next draft. Not all uses within a given category will have the same parking requirements.

²¹ Staff are exploring reduced parking requirements tied to access to the Green Line and Commuter Rail.