



Ruthanne Fuller  
Mayor

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

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

Barney S. Heath  
Director

**MEMORANDUM**

**DATE:** January 10, 2020

**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 of Planning & Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **Chair's note:** requesting a presentation from the Planning Department on the history of Zoning Redesign

**MEETING:** January 13, 2020

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

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 NEWTON CITY CLERK  
 2020 JAN 10 AM 11:40  
 DAVID A. OLSON, CLERK  
 NEWTON, MA 02459

In spring 2019 the Planning Department decided to take a pause on Zoning Redesign. With the new Council-term beginning the Planning Department is ready to relaunch Zoning Redesign with the goal of improving the current Draft through a timely, well-defined, process and with the aim of having the City Council adopt the complete Ordinance by December 2021.

**Introduction**

The Planning Department released the first draft Zoning Ordinance on October 19, 2018. By consulting with the Zoning and Planning Committee, listening to the community, reviewing the Comprehensive Plan, and analyzing best practices in the field, the Planning Department arrived at the overarching concept of a *Context Based Zoning Ordinance*. This phrase was understood to mean that the rules and regulations of the new Zoning Ordinance derive from the existing Newton context – the existing patterns of development evidenced throughout the City. This guiding concept emerged from the ideas:

- A. As is highly apparent and strongly emphasized in Newton’s Comprehensive Plan, Newton is a community that greatly appreciates and loves the form and physical character of its existing neighborhoods and villages. As the Comprehensive Plan says, “Newton ... has a powerful commitment to its existing pattern, and our vision and goals for future land use reflect that. Our intention is to guide change so that it reinforces what we have, building on our assets.”
- B. The existing City, and the patterns of development it represents, are far more environmentally sustainable and accommodating of incremental growth than the City would be if it had been developed under the existing Zoning Ordinance. The built environment of the City is 85% to 95% non-conforming with the Zoning Ordinance and nearly 75% of the City was built before the 1953 Zoning Ordinance. The pattern of walkable village centers, with taller buildings and more activity at their centers gradually transitioning to neighborhoods, is widely recognized today as the best way to develop in order to address issues of environmental sustainability and climate change, as well as housing choice and equity. Therefore, the City will accomplish many of the goals identified in the Comprehensive Plan simply by returning to and building from the historic pattern of development, pre-1953, that produced the City citizens know and love today.

### **Project Background**

Nearly 10 years ago, in 2011, the Newton City Council recognized the need for a substantial update to Newton’s Zoning Ordinance and created the Zoning Reform Group to investigate the potential of writing a new ordinance. The last major review of the Ordinance had occurred in 1987 and fundamentally, much of it still reflected the Ordinance established in 1941 and 1953. Much had changed over this time, most significantly, the emergence of the Boston region as a major global center of innovation, resulting in strong economic growth, job creation, and a corresponding rapid increase in housing costs as demand outpaced supply. At the same time, changing market preferences have led to increasing demand for walkable, mixed-use environments. Finally, the reality of climate change has further reinforced the desirability of locations that offer this kind of setting.

With Newton’s favorable location in the Boston region, these trends were readily apparent as market demand to live in Newton increased dramatically, especially in proximity to the village centers, which offered that desirable, environmentally-friendly, and walkable mixed-use environment. The resulting

dramatic increase in housing prices made Newton one of the more exclusive communities in the region and a community with diminishing opportunities for lower and middle-income people. The challenge identified by the Zoning Reform Group became how could the Zoning Ordinance not only function as a tool to advance the City's goals, but also used to retain its fundamental character in the face of the considerable development pressure created by this environment. The design of the existing Zoning Ordinance, originating in the 1940s and 1950s, addresses very different issues than those Newton faces today.

The Zoning Reform Group recommended a comprehensive revision of Newton's Zoning Ordinance, incorporating many of the latest zoning tools and best practices, summarized in a list of 11 themes:

1. Better organize the Ordinance for ease of use
2. Simplify and streamline the permitting and review processes
3. Recognize that each village center and commercial corridor is unique
4. Encourage mixed-use residential redevelopment in village centers
5. Create "soft transitions" between village centers and residential neighborhoods
6. Allow moderate, flexible growth on commercial corridors
7. Rationalize and streamline parking regulations
8. Protect neighborhood character and scale
9. Create more diverse housing opportunities
10. Institute a better process for managing change of religious and educational institutions
11. Improve natural resource conservation and sustainability

The first phase of this process (theme 1), completed and adopted in November 2015, intended only to reorganize and clarify the existing rules. The second phase (themes 2-11), the substantive rewrite of the ordinance, began in September 2016 and has always referred back to the Zoning Reform Group principles and themes for guidance.

The first step to creating a *context-based* Zoning Ordinance for Newton was the Pattern Book. In order to create rules based on the existing built environment, the City needed a detailed study of all existing buildings. Beyond its role in setting the foundation for the new Zoning Ordinance, the Pattern Book is

the first truly comprehensive analysis of the City's built form and is therefore a resource for Newton citizens and others interested in the built environment and the historic development of the City.

In September 2017 the Planning Department began a monthly public meeting series with meetings devoted to issues that relate to the Zoning Ordinance and potential tools to incorporate in zoning to address them. Topics ranged from housing and economic development to environmental sustainability and promoting the arts. Feedback from these meetings, and from the Zoning and Planning Committee was invaluable as staff prepared to draft the Ordinance.

Writing of the first draft Zoning Ordinance began in the summer of 2018. Staff drafted the ordinance using the aforementioned Pattern Book and adopted City policy and plans as guidance. In addition, the Planning Department hired an experienced zoning consultant, Joel Russell, JD, to assist with drafting and to review the entire document. An internal working group composed of the Planning Department, Inspectional Services Department, and the Law Department reviewed the draft Ordinance. In addition, a two-part architects' event was used to test the Ordinance against real world building projects and site conditions.

Following the release of the draft Zoning Ordinance the Planning Department introduced the document through public meetings conducted in each of the City's eight wards, numerous individual meetings with residents and property owners, and conversations with City Councilors and other city officials between November 2018 and March 2019. The Planning Department received a good amount of feedback and ideas. In addition, through the build-out analysis staff learned a great deal more about the potential implications of the rules proposed and presented revisions through a series of working sessions with the Zoning and Planning Committee, especially for Article 3 – Residence Districts.

### **Looking Ahead**

To achieve our goal of adopting Newton's new *Context-Based* Zoning Ordinance by December 2021 the Planning Department recommends looking back on what has been created to-date and developing a process forward that breaks up this large and complex project into manageable sections that can be presented, reviewed, and edited Article-by-Article, with some sections potentially being adopted individually. Each Article is unique and will require a timeline specific to it. The Planning Department proposes starting with Article 3 – Residence Districts because Staff has completed additional analysis

identifying several issues and potential solutions. In addition, Article 3 encompasses several issues previously raised by the Committee (single family attached building types, tear downs, and garages) and a number of the themes from the Zoning Reform report.

To assist the Committee in revisiting Zoning Redesign in the coming weeks and months, the Planning Department has compiled two sets of documents. The Annotated Bibliography, Zoning Redesign 2011 – Present (Attachment A) provides a history of Zoning Redesign dating back to the Zoning Reform Group with links to the various reports, memos, and presentations. Key Planning Documents (Attachment B), provides a links to relevant planning studies, reports, and drafts that Zoning Redesign, as well as other zoning efforts this term will build upon.

**Attachments**

Attachment A Annotated Bibliography, Zoning Redesign 2011 – Present

Attachment B Key Planning Documents