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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** November 23, 2022

**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  
Nevena Pilipovic-Wengler, Community Engagement Planner

**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:** November 28, 2022

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

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### Village center zoning – what is this

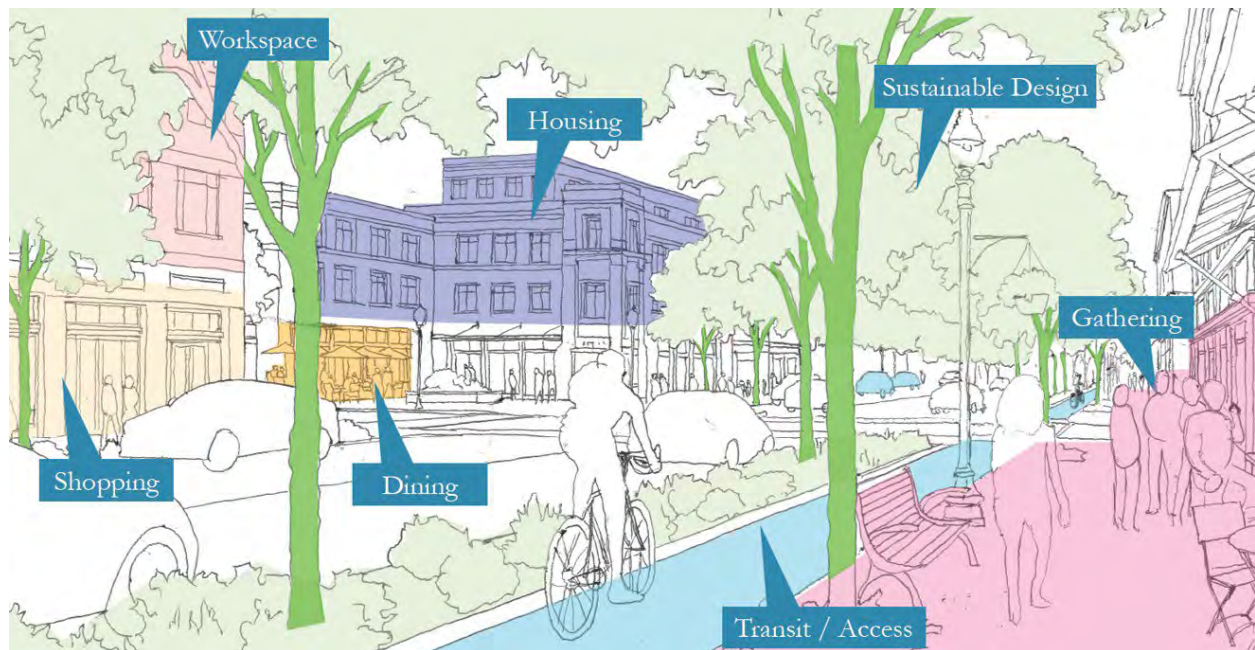
Under the direction and guidance of the Newton City Council Zoning and Planning Committee (ZAP), the Newton Department of Planning and Development is excited to share the initial draft “version 1.0” of the Village Center Overlay District (VCOD) Zoning Ordinance. This first draft builds upon nearly two years of research, analysis, City Council deliberation, and community engagement. Together with the [draft village center zoning maps](#), the VCOD zoning is tailored to complement each village center, while also guiding development that addresses Newton’s current and future needs. In particular, the draft zoning:

- Allows for a modest increase in building height to ensure diverse housing options and economic vitality
- Incentivizes smaller development on smaller lots
- Encourages diverse rooflines and buildings of varied heights
- Limits the overall bulk of buildings through maximum building footprints and maximum facade lengths
- Tiers the review process making it simpler for smaller projects, while ensuring additional review for larger sites

## Why are we doing this

Newton has a strong foundation of diverse, well-situated village centers. However, the current village center zoning is inadequate in terms of achieving desirable outcomes and functions as a one-size-fits-all approach. For example, Waban and Newton Corner have the same zoning districts applied to their commercial centers. In this way, the current zoning functions antithetically to the points above, [the City's stated policy objectives](#), and the community visions and ideas for village centers ([phase I](#) and [Phase II](#)).

Better than any words, the image below reflects the intended outcomes of the draft zoning and why it is being proposed.



A zoomed in view along the street of a hypothetical village center that could be developed over time under the proposed zoning. Ample sidewalks, bike lanes, plazas, and landscaping create a high-quality experience for pedestrians, cyclists, and drivers. This is a successful village center given the high mix of uses, a built-in customer base from residences and offices on upper floors, and a safe and accessible transit network to move within and around it.

## Background – how we got here

As mentioned, the draft VCOD Zoning Ordinance and maps were built upon a two year effort under ZAP's guidance. This included parallel tracts of work with the City Council and the Newton community, each enriching and informing the other.

[Phase I](#) began with the questions, “what do you envision for your village center(s)? What goals should guide updates to the zoning?” Through multiple pathways of engagement we heard from nearly 2,000 Newton community members. The community input, along with [data analysis and qualitative research](#), led to a series of priorities that the draft zoning facilitates.

[Phase II kicked off](#) by translating the community priorities into tangible design scenarios that can be tailored for each village center. City staff and the consultant team tested these scenarios under current and possible draft zoning regulations to determine if the allowed development aligned or not with Phase

I priorities. This was accomplished through economic feasibility analysis and urban design case studies presented in a series of ZAP workshops that culminated in a concrete zoning framework (see [6/1](#), [6/13](#), and [6/27](#) ZAP Reports). Following these workshops, City staff again went to the community to [explain the zoning framework](#) and [solicit input](#) on whether or not the framework achieves the priorities. Even with the more technical content, over 1,000 community members participated.

### **Zoning Format**

The proposed zoning for village centers is formatted as an overlay district, the Village Center Overlay District (VCOD), with three sub-districts (VC1, VC2, and VC3). An overlay district is a separate set of zoning rules that can be used to supplant the existing base zoning. Overlay districts are typically used when there are unique needs of a geographic area or areas. They can either impose greater restrictions, such as protecting a flood plain, or they may provide greater flexibility for an area that has unique economic potential, such as a village center. An overlay district will supersede the underlying zoning requirements where they are different. The VCOD is designed to be an “opt in” overlay district. This means that a property owner could choose to permit a project under either the base zoning or the overlay district. A property owner could not pick and choose however and must fully comply with either the base zoning or the overlay district. If a development is permitted under the overlay district, then development on that lot must remain in compliance with the overlay district going forward.

As the VCOD is designed to facilitate additional housing and mixed-use development that has proven challenging under the existing zoning, it is anticipated that new development of that sort would pursue permitting under the overlay district. Where there may be an advantage to utilizing the base zoning is for uses that would become non-conforming (such as manufacturing or single and two-family homes) under the overlay district. These properties may prefer to utilize the existing zoning for small changes to the property such as additions.

### **Zoning Summary**

The Village Center Overlay District contains three sub-districts, VC1, VC2, VC3. These three districts can be used in different ways to meet the unique needs of each village center.

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.

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.

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.

### Village Center Overlay District By-Right Zoning Summary

The following table represents a summary of several of the key by-right zoning standards relating to buildings and lots in the VCOD. The full table of zoning standards can be found in Attachment A. In addition to the by-right standards listed below, the proposed overlay district includes the ability to increase the building footprint by Special Permit (an additional 2,500 sf in the VC2 and VC3 districts and an additional 2,000 sf in the VC1 district).

<b>Village Center Overlay Districts</b>	<b>VC1</b>	<b>VC2</b>	<b>VC3</b>
<b>Allowed Uses</b>	Residential	Residential, Commercial, Mixed Use	Residential, Commercial, Mixed Use
<b>Max. Building Height (stories)</b>	2.5	3.5	Mixed Use - 4.5 Residential - 2.5
<b>Max. Building Footprint</b>	4,000 sf	10,000 sf	15,000 sf
<b>Min./Max. Front Setback</b>	10' / 20' or avg.	0' / 15' or avg.	0' / 10'
<b>Min. Side Setbacks abutting a non-R district</b>	10'	5'	5'
<b>Min. Side Setbacks abutting an R district</b>	15'	15'	15'
<b>Min. Rear Setback abutting a non-R district</b>	10'	5'	5'
<b>Min. Rear Setback abutting an R district</b>	15'	15'	15'
<b>Usable Open Space (for lots greater than 30,000 sf)</b>	30%	5%	5%

#### Changes to VC1

The above table as well as the text in Attachment A represent a reduction in the building footprint in VC1 from 5,000 sf to 4,000 sf, as previously discussed within the zoning framework. This is because VC1 acts as a transition between the commercial areas of the village center and the residential neighborhoods and provides an opportunity for additional housing near the amenities of the village center. Further analysis showed that a 4,000 sf footprint would still allow flexibility for housing in small multi-unit buildings and townhomes. With a 4,000 sf footprint, maximum height of 2.5 stories, and a use predominantly limited to residential, the VC1 district is meant to allow for additional units in existing large homes or in buildings similar in scale to those on the edges of the village centers. The open space requirement was also increased to 30% for lots with more than 30,000 sq. ft. in VC1 to ensure larger sites are still compatible with the residential nature of these areas, while also disincentivizing the merging of multiple lots.

### Proximity to residential districts

In general the zoning maps aimed to transition from VC3 in the core of village centers to VC2 and then VC1. Not all village centers lend themselves to this sort of neat transition however given existing conditions. Therefore, the draft zoning text includes a requirement that any building in the VC3 district must reduce the height of the building to 3.5 stories within 50 feet of an abutting residential district. Setbacks are also increased in all VCOD districts when abutting a residential district and screening requirements are included in the design standards for service and parking areas next to residential districts.

### Flexible floor to floor heights

The maximum height in all VCOD districts is controlled both by the maximum number of stories and an overall maximum height measured from the adjacent grade to the peak of the roof. A building may not exceed either one. The maximum height in the VC2 and VC3 districts is based upon allowing a higher first floor height to encourage inviting ground floor commercial spaces and an upper story height that will accommodate commercial uses. This flexibility helps allow for and encourage additional commercial development, particularly active ground floor uses. While most residential and mixed-use buildings will not build the maximum floor to floor heights due to the additional cost, the flexibility in the code creates the opportunity for varied building heights. Varying building heights was a strong desire that came out of the community engagement and ZAP workshops.

### **Design Standards**

An integral part to the Village Center Overlay District is the inclusion of design standards. The existing zoning ordinance is structured to require a special permit, and often a rezoning, for all new mixed-use and multi-family development. In order to facilitate by-right development in the VCOD, design standards have been included to ensure the design helps facilitate the desired pedestrian-oriented vitality of village centers. Design standards are part of the zoning ordinance and are required. Additional design guidelines are also included which are meant to further guide developers as well as serve as an additional resource for projects requiring site plan review or a special permit.

Proposed design standards for buildings and lots include:

- Open space - lots greater than 30,000 square feet must provide a minimum of 5% usable open space in the VC2 and VC3 districts and 30% in the VC1 district. The usable open space must be an exterior space.
- Half story - maximum heights in all districts are set at a half story in order to reduce the appearance of height and to encourage interesting roof lines. The half story requirement may be met by either setting the top floor back by 7 feet on all sides (with some exemptions for narrow or shallow lots) or by using a pitched roof. The pitched roof standard is set high enough to allow for usable space underneath to encourage this style of roof.
- Ground story fenestration - at least 70% of the ground story facing the front lot line in the VC2 and VC3 districts must be transparent.
- Facade articulation - the maximum continuous length of facade in all districts is 100 ft. After that there must be some sort of recess or other change in plane in the facade.
- Architectural features - features such as bay windows, balconies, awnings and canopies are incentivized by excluding them from the definition of building footprint and by allowing them to project to a degree into the setback or public right-of-way as appropriate.
- Building entrances - principal entrances for lobbies and active uses are required.

- Building placement - at least 75% of the front facade of buildings in all districts must be located in the area between the minimum and maximum front setback (with exceptions for very narrow lots).
- Building footprints, number of buildings, and building separation - Utilizing a maximum building footprint encourages smaller infill development and ensures that even on large lots the bulk of the building will be limited. Instead of one very large building, multiple buildings can be built on a lot, as long as they maintain a 25 foot separation between buildings.
- Parking placement - a minimum parking setback ensures that parking is not placed at the front of the lot and instead is located within or behind buildings.
- Ground story active uses - mixed-use buildings are required to provide active uses for the entire width of the building along the front elevation. Active uses are listed in the draft zoning in Attachment A and include retail, restaurant, brewery/distillery/winery, personal service, live/work, and lobby and common areas, amongst others.
- Limits on the number of curb cuts, location of driveways, and width of driveways - these requirements ensure new development is pedestrian oriented.
- Loading and trash collection areas - these must be located along the rear or side of the site and must be screened from adjacent residential districts.

### **Review Process**

All development on lots over 30,000 sq. ft. will require a special permit from the City Council. Larger sites present additional site planning complexities and potential for impacts that should be reviewed as part of the special permit process. Additionally, sites over 30,000 sq. ft. are required to provide public open space, which requires additional attention to design.

All development on lots between 20,000 sq. ft. and 30,000 sq. ft. require site plan review by the Planning Board. Site Plan Review for uses that are otherwise by-right do not allow for a project to be denied, but the design and site plan can be reviewed and reasonable conditions can be applied.

In all cases, the proposed review process creates a more streamlined process for smaller development on smaller lots and at the same time disincentivizes the merging of multiple lots.

### **Village Center Zoning and MBTA Communities**

The village center zoning has been created to prioritize what is best for the future of village centers. Many of the goals of the village center zoning and the [MBTA Communities multifamily zoning](#) requirements overlap. The MBTA Communities multifamily zoning requirements are intended to make it easier to build housing near transit. The MBTA Communities guidelines require housing at a minimum density be permitted within a half mile of transit stations and that communities show that the zoning allows for a minimum number of units based on the level of transit and total housing units. The state just released the compliance model for the multifamily zoning on November 22nd and is expected to release a model ordinance shortly. The village center zoning is designed in the spirit of the MBTA Communities multifamily zoning requirements and will take Newton further towards compliance. Staff will continue to analyze the final guidelines and compliance model to better understand how the village center zoning compares to the requirements.

### **Looking Ahead**

The attached draft zoning represents version 1.0 and represents a work in progress. Planning staff will be listening to feedback and questions over the next several months and expect to make revisions to

both the zoning and the maps and release version 2.0 around February 2023. There are also several areas where staff are working on potential additions and revisions such as the following:

- Limit height increases to projects with additional affordable housing - early versions of the zoning standards included the ability to add an additional story by special permit. Upon further reflection and coordination with the Housing Partnership and Affordable Housing Trust, staff is looking to limit the ability to increase the height to projects that go beyond the inclusionary zoning affordability requirements.
- Limit VC1 to just residential - VC1 was originally intended to allow some limited commercial uses by special permit, however based on some early feedback staff are considering limiting VC1 to residential uses only.
- Incentivizing/requiring mixed use - one of the complexities of the MBTA Communities requirements is that the guidelines do not allow for the requirement of mixed use and there must be an ability to build only multifamily in order to comply. VC3 has been designed to strongly incentivize mixed-use along the core of village centers by allowing 4.5 stories for mixed use and 2.5 stories for residential. In some village centers VC2 is mapped along the main commercial core of the village center, such as Watertown Street in Nonantum. Staff is exploring including a similar incentive structure or just requiring mixed-use along specified streets.
- Further reduce parking requirements - staff is exploring further reducing residential parking requirements based on proximity to transit and/or for affordable housing.
- Incentivizing preservation of existing buildings - staff are exploring ways the zoning can further incentivize the preservation and reuse of existing buildings. In particular this could help preserve some of the larger homes in VC1 while allowing them to be adapted into additional units.
- Sustainability requirements - staff are closely following updates to the state building code and will be working with the law department to determine what sustainability requirements can be included in the zoning.

### **Next Steps**

With the release of version 1.0 of the village center zoning text and maps staff will spend the next several months further researching the concepts listed above and listening to feedback from the council and community. Planning staff have been closely reviewing the maps with councilors from each ward and have planned a series of seven information sessions focused on the maps and the zoning. The maps, schedule and registration links for the info sessions can be found here: <https://newtonma.gov/vcmaps>. The maps are also hanging up on the first floor of City Hall and staff will also be collecting feedback through an online input form (available at the previous link) for anyone who is unable to attend an info session.

### **Attachments**

Attachment A                      Version 1.0 - Village Center Overlay District (VCOD) Zoning Ordinance