

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO. Z-51

August 10, 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Zoning Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended as follows:

1. Delete in their entirety Footnotes 5 and 6 in section 30-15 Table 1 *Density & Dimensional Controls in Residence Districts and for Residential Use*; renumber subsequent footnotes.
2. Add, in section 30-15, the following new subsection 30-15(u):
 - (u) The floor area ratio (FAR) contained in section 30-15 Table 1 shall apply to all one and two family structures, whether new or existing, with the following exceptions:
 1. For renovation of or addition to existing one and two family structures, a cumulative increase in FAR of up to .05 above the amount shown in Table 1 shall be allowed, whether such structures are conforming or lawfully nonconforming as to FAR, provided that the certificate of occupancy for the original construction of the existing structure was granted at least ten (10) years prior to the date of application for additional FAR pursuant to this paragraph or, where no such certificate is available, provided that there is other evidence of lawful occupancy of the existing structure for at least ten (10) years prior to the date of application. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage, open space, or setback requirements and may not be used in conjunction with section 30-21(c). The provisions of this paragraph shall expire on July 30, 2010.
 2. For renovation of or addition to existing one- and two-family structures on pre-1953 lots meeting all of the criteria of section 30-15(u)(1), an additional increase in FAR of up to .02 above the amount shown in Table 1 and the amount available in section 30-15(u)(1) shall be allowed, provided that any renovations or additions proposed using additional FAR granted under this paragraph or section 30-15(u)(1) shall comply with

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post-1953 setback requirements, or, if the footprint of the existing structure presently extends beyond the post-1953 setback requirements, shall extend no closer to the lot line than the present structure. The provisions of this paragraph shall expire on July 30, 2010.

3. For construction of new one- and two-family structures, an additional FAR of .05 above the amount shown in Table 1 shall be allowed for initial construction on pre-1953 lots when post-1953 lot setback and lot coverage requirements and pre-1953 open space requirements are met. This provision may not be used concurrently with section 30-15(u)1 or 2, nor shall it apply to additions to any structure. The provisions of this paragraph shall expire on July 30, 2010.
4. An increased FAR may be allowed by special permit if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.

3. In subsection 30-21(c), delete the word "and" before clause (4) of the first paragraph of this subsection and add the following clause:

, and (5) the *de minimis* relief provided in this section shall not apply to buildings in which the nonconformity is due solely to FAR requirements set out in section 30-15 Table 1, nor shall it be used to increase the FAR beyond that shown in Table 1.

Approved as to legal form and character:



DANIEL M. FUNK

City Solicitor

Under Suspension of Rules

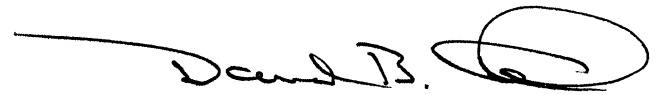
Readings Waived and Adopted

16 yeas 6 nays (Aldermen Brandel, Gentile, Harney Lappin, Sangiolo, and Schnipper)
absent (Aldermen Merrill and Vance)



(SGD) DAVID A. OLSON

City Clerk



(SGD) DAVID B. COHEN

Mayor

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