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Dear Honorable Board of Aldermen,

It is my pleasure to recommend to you the Final Report from the Zoning Reform Group. Zoning reform is profoundly important for the future of Newton to enable needed economic development, revitalize our village centers, and ensure a high quality of life in Newton's neighborhoods for generations to come.

From its creation nearly a year ago, the Zoning Reform Group has worked hard to develop a visionary and practical plan for zoning reform in Newton. Like many of you, I have been impressed with the thoughtfulness and energy with which this document has been prepared. The results exemplify a successful collaboration between the Executive Office and the Board of Aldermen.

I support the approach that the Zoning Reform Group has laid out, including the use of technical experts to complement our professional staff in order to move ahead with the work in a timely way. As proposed, the Planning Department will actively manage and work with our zoning experts, coordinate public forums and create a new Zoning Ordinance that supports the Newton we want.

I hope you will carefully review this document in preparation for the budget discussions this spring to familiarize yourselves with the significance of this project. Once funding is approved, City staff will engage a broad and diverse range of citizens in a conversation about zoning, planning, and development and every perspective will be heard. I hope you will join with me in ensuring this essential project is a success and in thanking those who contributed their time and expertise to this outstanding effort, including Jason Rosenberg, Terry Morris, Jen Molinsky, Peter Kilborn, Marc Hershman, Steve Vona, and a very special thanks to the Committee Chair, Alderman Deb Crossley for her outstanding leadership and commitment to this effort.

Sincerely,

Setti D. Warren
Mayor

Cc: John Lojek, Commissioner of Inspectional Services; Candace Havens, Director of Planning and Development; Maureen Lemieux, Director of Finance; Bob Rooney, Chief Operating Officer

Zoning Reform

Final Report

December 30, 2011



**Prepared for the
City of Newton
by the
Zoning Reform Group**



**Alderman Deb Crossley, Chair
Marc Hershman, Peter Kilborn, Jennifer Molinsky,
Terry Morris, Jason Rosenberg, and Steve Vona,**

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Executive Summary

The Board of Aldermen created the Zoning Reform Group (ZRG) in the winter of 2010-11 in response to broad sentiment that Newton’s Zoning Ordinance is difficult to understand and administer and sometimes does not result in the best outcomes for the community. Mayor Warren and Board of Aldermen President Scott Lennon selected its members from a pool of applicants representing diverse perspectives and experiences with Newton’s Zoning Ordinance. The ZRG’s charge was to develop “a plan to reform Newton’s zoning code” including, but not limited to “determining long and short-term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform, and identifying potential resources to assist in the process.”

Zoning reform is of critical importance to the future of Newton. The Zoning Ordinance guides new construction, redevelopment, and land use patterns by creating regulations, standards, and review processes that shape the City over the long term. The last comprehensive review and revision of Newton's Zoning Ordinance took place in 1987. Much has changed in Newton and the Greater Boston metropolitan area since then. An updated Ordinance could help the City better respond to changing market pressures, guide new development, renew Newton’s village centers, and protect the City’s unique residential neighborhoods.

The ZRG recommends a comprehensive revision of Newton’s Zoning Ordinance to begin in less than a year and to be completed within three and a half years, requiring an investment over three years of at least \$250,000 for consultant services, as well as additional staff support. The Group further recommends that such an effort consist of three phases. The first would reorganize the existing regulations to make the Ordinance more user-friendly, well-illustrated, and clear; some policy decisions may be necessary to resolve conflicting or confusing sections. The second phase would involve a comprehensive rewrite of the Ordinance to incorporate policy changes that will channel growth to mixed-use areas, protect residential neighborhoods, and better reflect the goals of the City’s *Comprehensive Plan*. Finally, Phase Three would be a review phase, occurring one year after comprehensive changes are adopted and before any adjustments are made to the new Ordinance.

I. Newton's Zoning History and the Zoning Reform Group

At the turn of the 20th Century, many burgeoning industrial cities including Boston, New York, and Philadelphia were struggling to protect their historic character and public health in the face of growing populations, taller buildings, and noxious industrial activities. In 1920 Massachusetts enacted the Zoning Enabling Act, giving the right to regulate land use to cities and towns. Newton first adopted zoning in 1922. Initially zoning divided the City into five districts broadly separating single-family residential areas from business and manufacturing areas.

Over the past 90 years, Newton's Zoning Ordinance has grown from 16 pages to approximately 125 pages, becoming more complex and specific. Much of this increased complexity reflects changes in Newton's built environment over those years. In 1922, Newton was still largely agricultural and thinly settled between its railroad villages; today Newton is a largely developed City of approximately 85,000 people. New uses, increasing density and traffic, and a variety of public concerns led to more and more zoning regulations meant to allow property owners the "quiet enjoyment" of their land and protect them from nuisance or injury. Many of these regulations were driven by specific complaints and not by a comprehensive vision for how zoning should work.

Newton completed a new *Comprehensive Plan* in 2007 and embraced its status as a "Green Community" in 2010. In continuing to adapt to the changing land use needs and challenges of a new century, Newton's zoning ordinance must adapt as well so that the two documents are congruent and the messages to the development community and citizens are consistent. A comprehensive revision of the Zoning Ordinance can support the use of more energy-efficient building technology and the creation of smart-growth, mixed-use developments as outlined in the *Comprehensive Plan*. By making the Ordinance easier to use, residents and business owners will be able to spend less time and money on professional support in navigating the development process and City staff will be freed from deciphering an outdated set of rules to work on long-range planning and development projects, which will further improve the City's quality of life.

Reflecting this realization, in the winter of 2010-11, Mayor Setti Warren and the Board of Aldermen formed the Zoning Reform Group (ZRG) and charged it with the task of recommending long-term and short-term objectives, identifying funding options, researching best practices of communities that have undergone zoning reform, and identifying potential resources to assist in the process of Zoning Reform. The membership of the Zoning Reform Group includes experienced local land use attorneys, an architect, a planner, a retired judge, and a developer: Marc Hershman, Peter Kilborn, Jennifer Molinsky, Terry Morris, Jason Rosenberg, Steve and Vona. Alderman Deborah Crossley serves as chair, with staff support from Jennifer Molinsky, Chief Planner for Long-Range Planning and Seth Zeren, Chief Zoning Code Official.

The ZRG met regularly over the spring and summer to consider the objectives of the *Comprehensive Plan*, the limitations of the existing Zoning Ordinance, the principles and goals for which zoning reform should strive, and the process and mechanism by which that reform can be achieved. The meetings have been open to the public and well attended by community members and aldermen. Three subcommittees were formed to focus on 1) commercial zoning; 2) residential zoning; and 3) open space, institutional, and public use zoning. The ZRG held a public workshop on July 27, 2011 and a second public workshop on November 3, 2011 to receive comments on the draft final recommendations. The ZRG concluded its deliberations with this Final Report, delivered to the Mayor and Board of Aldermen on December 16, 2011.

II. Principles for Newton's Zoning Ordinance

In its deliberations, the Zoning Reform Group identified the following essential principles for a reformed Zoning Ordinance. This report uses “principles” to describe what the Ordinance itself should be like and how it should function. These principles should be carried through all zoning changes, during a reform effort and thereafter as the Board may amend the Zoning Ordinance over time.

The Zoning Ordinance should:

- Be easy to use, administer, and enforce
- Be well-organized, indexed, and cross-referenced
- Use clear, precise, and contemporary language
- Be internally consistent
- Produce predictable, desired results
- Balance flexibility and predictability
- Support the vision expressed in the *Comprehensive Plan*

III. Themes for Zoning Reform

The Zoning Reform Group used themes as a way to organize and express how the Zoning Ordinance can be improved to produce the City's desired outcomes. The ZRG identified the following eleven major themes for zoning reform through its research, deliberation, and dialogue with citizens and City staff. Each of these themes represents a significant policy goal identified in the *Comprehensive Plan* that the ZRG believes the current Zoning Ordinance does not adequately support. Therefore, the changes necessary to achieve these goals will require significant changes to the Zoning Ordinance. The ZRG feels that by addressing each of these issues, the Zoning Ordinance and resulting development outcomes will more closely match the aspirations of the *Comprehensive Plan* and improve the quality of life in Newton. A reform effort may also need to look beyond the Zoning Ordinance itself and consider changes to historic preservation, conservation, fence, and other regulations in other chapters of the City Ordinances to achieve the themes below.

1. Better organize the Ordinance for ease of use

Newton's Zoning Ordinance is difficult both for professionals and lay citizens to interpret and use.

Zoning reform should include modernizing the language of the Ordinance to accommodate 21st century uses and land use patterns, remove ambiguities and inherent contradictions. Reorganizing its sections and incorporating cross references and an index will facilitate research and retrieval of all relevant information on any given issue. Wherever possible, tables and illustrations can be used to make concepts or regulations clearer and easier to reference. All terminology can be defined in the “Definitions” section and then used consistently. Footnotes should be used for clarifications or cross references and not contain hidden regulations or exceptions. Similarly, definitions should not contain regulations and vice-versa. Use of the internet can make the Zoning Ordinance easier to access with digital formatting to communicate complex issues through graphics and links to related definitions, concepts, and tools. Lastly, the reform process must address rules for the format of future amendments to ensure that new changes are integrated into the Ordinance without creating unnecessary complexity or confusion.

2. Simplify and streamline the permitting and review processes

Many desirable developments that accord with the *Comprehensive Plan* require special permit approvals before the Board of Aldermen, which is the special permit granting authority in Newton. Special permits can involve significant staff time and, depending on the project, may require lengthy reviews. Because the Board is also an elected legislative body, some complain that members' political roles conflict with their quasi-judicial special permit granting authority.

Zoning reform must address how to lower the administrative burden of permitting, streamline the process, and devolve some aspects of discretionary review to an administrative function and/or other boards or commissions. A simpler ordinance (theme 1) would help reduce the time required for staff zoning reviews and interpretations, and the need for special permits in some cases. To that end, the ZRG recommends: (1) evaluating what land uses or building plans, currently allowed only by special permit, might be allowed by-right (requiring only a building permit), and (2) expanding the use of *de minimus* rules for existing nonconformities to allow some changes to properties that do not conform with zoning regulations without the need for a special permit. The process for obtaining a special permit should be clarified and the criteria for granting a special permit expanded. In addition, some minor special permits could be delegated to another group, such as the Zoning Board of Appeals or the Planning and Development Board or to administrative review, while reserving those major projects that have the potential to profoundly reshape Newton to the discretion of the full Board of Aldermen.

3. Recognize that each village center and commercial corridor is unique

Newton has long been a "city of villages," with important commercial corridors: Needham Street, Boylston Street (Route 9), and Washington Street. Despite their diversity, Newton's Zoning Ordinance currently treats most village commercial centers and commercial corridors with similar zoning districts and zoning requirements.

This zoning reform effort recognizes that each village center and commercial corridor is a unique place and explores options for more focused and individualized zoning. There is not a "one size-fits-all" solution to regulating development in Newton's commercial areas. The ZRG recommends the consideration of several methods for supporting this diversity, including creating new base zones, village overlay zones, and/or design guidelines.

4. Encourage mixed-use residential redevelopment in village centers

Vibrant village centers are the heart of Newton's quality of life. Over the decades, however, Newton's village commercial centers have lost density and key services as larger structures have been replaced with single-story retail buildings or parking lots and as offices have replaced upper-story residences. A renewal of the historic building fabric of multi-story, mixed-use buildings can accommodate the City's need for moderate growth and the population's need for diverse housing (theme 9) while remaining appropriate to the surrounding neighborhoods.

Zoning reform must address how best to allow appropriate mixed-use density to encourage this renewal. The ZRG considered whether commercial uses with shorter hours and less pedestrian activity, such as banks,

should be limited to enliven the pedestrian environment throughout the day. Parking requirements could be revised to encourage shared parking and a diversity of transportation choices (theme 7). More creative use of zoning mechanisms can further the emphasis on appropriate building form¹ in village centers and employ incentives to encourage preferred designs or uses. Where appropriate, the Zoning Map and Ordinance should be revised to incorporate specific base zones or overlay zones (themes 3 and 5). Revised sign standards and/or village-specific design guidelines can complement form-based standards² (which focus on the building's shape, bulk, and design). The allowed uses in commercial areas should be clarified, modernized, and presented in a clear table.

5. Create “soft transitions” between village centers and residential neighborhoods

Village centers have blended most successfully with surrounding neighborhoods where the commercial core has transitioned gradually to the residential neighborhoods that surround it. Such “soft transitions” may involve a transition zone between village and residential zones where commercial buildings give way to two-family or multi-family dwellings and to offices with a residential character.

A zoning reform effort should consider where and how it would be appropriate to encourage these soft transitions. Some possibilities considered by the ZRG include the creation of new zoning districts and/or overlay districts that would encourage moderate density mixed-use development and multi-family dwelling or design guidelines and/or dimensional controls that promote a measured transition between villages and residential neighborhoods.

6. Allow moderate, flexible growth on commercial corridors

Newton's commercial corridors, Needham Street, Washington Street, and Boylston Street (Route 9), have significant potential for new development or redevelopment, which would help provide jobs and tax revenue to support the economic health of Newton as a whole. The *Comprehensive Plan* recommends moderate growth along these commercial corridors, concentrated near existing commercial centers and/or transit nodes.

Creative zoning can provide for target increases in density to make new developments financially viable and create opportunities for business and job creation. Zoning regulations should also be flexible so that uses and structures may change through time without requiring a special permit for each new structure, alteration, or tenant (theme 2). Rezoning and development of these areas should involve a collaborative process for planning large-scale mixed-use development, as suggested recently by the Mayor's Mixed-Use Task Force in their newly adopted amendment to the *Comprehensive Plan* regarding mixed-use developments.

¹ The form of a building is its size, shape, and location on the lot. 'Appropriate' forms would be those which fit within the context of the surrounding area and/or create the context for which we strive. This will be different for each unique area.

² Form-based standards emphasize how a building looks over how it is used. More specificity around building height, shape, location, and design is complemented by a predictable, by-right permitting process.

7. Rationalize and streamline parking regulations

Newton's parking regulations are commonly cited as a significant hurdle to commercial development, particularly for new small businesses. Waiving required parking stalls triggers special permit review, which adds time and expense to the approval process. Parking requirements are important to ensure that adequate parking is provided to service our commercial centers. Yet, many of Newton's village centers are walkable from surrounding neighborhoods and accessible by transit, so parking demand is less than for shopping centers only accessible by car.

Therefore, a zoning reform process should consider how to revise required parking ratios, particularly for commercial and residential uses in village centers, and how to facilitate the use of shared parking arrangements. A reform process should also consider allowing a payment in lieu of providing parking³ as a way of streamlining required parking waivers and raising revenue for municipal parking facilities. These zoning changes would need to be linked to non-zoning improvements in physical parking infrastructure including way-finding signage, demand-priced metering, and municipal parking garages or lots in high demand areas.

8. Protect neighborhood character and scale

Newton is a City of many unique residential neighborhoods. In recent years, demand for large houses in the greater Boston area has led to a rapid rise in the number of new homes that are out of scale with their neighborhood context. In response, residential FAR rules have been created and revised to limit the scale of new construction and to encourage the preservation of existing smaller homes while allowing for modest additions.

The zoning reform process should consider how to preserve the historic character and scale of Newton's residential neighborhoods while allowing homeowners to make improvements without undue restrictions. In achieving this, a zoning reform process could examine not only FAR, but also Newton's old lot/new lot distinction, setbacks, allowed height/stories, frontage, lot size, and/or residential district mapping to ensure that each street or neighborhood is zoned appropriately to its desired character and scale. In Historic Districts, defining appropriate design guidelines specifically crafted to neighborhoods or historic styles could also be useful in keeping the design of new development in character with existing neighborhoods.

9. Create more diverse housing opportunities

If Newton is to thrive and its social diversity is to be maintained, the City must have a diverse housing stock. Currently, large single-family homes predominate and the number of smaller homes is steadily decreasing through tear-downs and upgrades. This leaves few options for young singles and married couples beginning their careers seeking housing in Newton, and for empty-nesters who wish to downsize and stay in the community.

³ Payment in lieu of providing parking, or "parking-in-lieu" fees, allow a property owner to pay a set fee to waive a required parking space, often through an administrative process. These fees are then used to provide public parking facilities or other transportation-related amenities to offset the new demand.

Newton's zoning regulations should be systematically audited to identify barriers to and incentives for the creation of more affordable housing (priced at the lower end of market rate). Such housing can be "naturally affordable" due to smaller unit sizes and higher density on the land. Residential zoning should not impose unnecessary constraints upon the development of multifamily housing and the adaptive reuse of existing large homes or nonconforming structures, especially near transit nodes and in village centers and in their "soft transitions" (theme 5). Instead, zoning reform should consider how to provide incentives for creative approaches that serve our housing needs, including accessory apartments, small multifamily dwellings, single-room occupancy units, two-family and three-family dwellings, and townhouses. Reform could also result in a streamlined review process for small projects that meet affordable housing goals. The ZRG recommends that further improvements to inclusionary housing and accessory apartment rules should be considered as well.

10. Institute a better process for managing change of religious and educational institutions

Newton is home to a number of institutions of primary, secondary, and higher education along with numerous religious and nonprofit institutions. MGL C.40A, Section 3 and the "Dover Amendment" place limits on the regulation of such uses through zoning.

The zoning reform process should seek to identify a better and more collaborative mechanism to manage institutional growth and change over time. The ZRG considered several possibilities, including processes for reviewing and updating institutional master plans in collaboration with the community and the City's Planning Department and for reviewing specific project proposals in light of those plans.

11. Improve natural resource conservation and sustainability

Newton is known as the "Garden City" and has a long tradition of public open space and natural resource conservation. Newton was recently recognized as a Massachusetts "Green Community" and seeks to become a more resource-efficient and sustainable city in the years to come. Zoning reform should encourage the preservation of open space, including golf courses, public parks, the Charles River waterfront, pedestrian paths, and open space on residential lots.

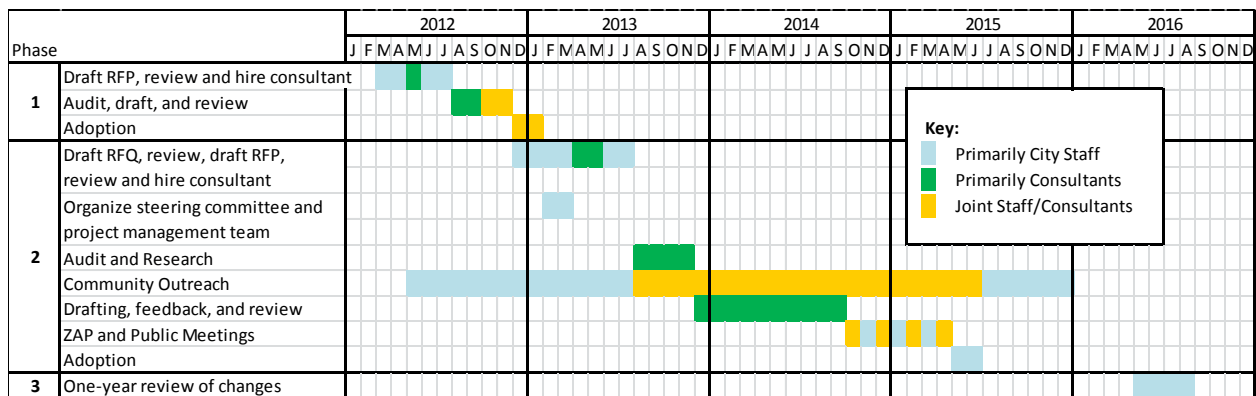
The zoning reform process should explore ways to encourage the construction of energy-efficient and durable buildings, and support the use of new technologies (such as photovoltaic panels). Similarly, zoning reform should examine how regulations could be revised to facilitate energy retrofitting.

IV. Recommendations for Zoning Reform Process

The Zoning Reform Group has considered many different approaches to the process of zoning reform. Major questions have included whether and how to use consultants, the role of staff, how to organize policy and organizational changes, how and when to engage citizens and stakeholders, funding options, and timeline. The ZRG also considered the experiences of other municipalities with zoning reform and the advice of independent planning consultants. From these deliberations, the ZRG reached consensus on the preferred approach, outlined below.⁴

The proposed model of zoning reform consists of three phases which, when integrated together, will lead to a comprehensive revision of Newton’s Zoning Ordinance, as shown below.

- **Phase 1** is a reorganization and reformatting of the Zoning Ordinance to make it easier to use, resolve confusing or contradictory passages, and incorporate illustrations and tables
- **Phase 2** is a comprehensive rewrite of the Zoning Ordinance and revision to the Zoning Map, addressing the themes in Section 3 to better implement the *Comprehensive Plan*
- **Phase 3** is a one-year review of the revised Zoning Ordinance to consider how well it has worked and make coordinated adjustments leading to an ongoing process of regularly scheduled zoning maintenance



Throughout these three phases, close collaboration among the Planning Department, the President of the Board of Aldermen, the Chair of the Zoning and Planning Committee, and the Chair of the Planning and Development Board will be needed to ensure that the legislative agenda supports a comprehensive zoning reform approach. The consultant’s work will not occur in a void but rather will be guided at every step by local knowledge. Early in the process the City should assemble a staff steering committee, which includes members from the Planning, Inspectional Services, Law Departments and the Clerk’s Office to guide and review the consultant’s work. At the same time, a citizens’ committee should be formed with talented residents and stakeholders to advise the Planning Department on the draft ordinance proposals in progress and to advocate for zoning reform in public forums.

⁴ See the ZRG website, <http://newtonma.gov/Planning/zoning-reform-group.htm>, for more information about the alternatives approaches to reform that the ZRG considered.

1. RE-ORGANIZATION

Phase 1 involves reorganizing the existing ordinance: clarifying areas of confusion, such as by adding graphics, tables, and an index and resolving errors and conflicting or confusing language. The ZRG recommends that this process be undertaken with the assistance of a consultant, selected after a competitive request for proposal (RFP) process, to provide specialized technical skills, time, and expertise. Based on the ZRG's research, this phase will take approximately one year (including drafting an RFP, selection of a consultant, drafting and feedback on revision, and discussion prior to adoption).

Consultant services for this phase are estimated to cost approximately \$40,000-50,000. Dedicated staff time will be required to manage the project during Phase 1, to coordinate with other staff and the Board, organize community meetings, and provide feedback on consultant work. In the process of addressing organizational changes, contradictions or confusing language may be uncovered that may require minor policy decisions to clarify. The consultant would work with City staff to develop policy recommendations for consideration by the Zoning and Planning Committee. Reorganization would likely include a new digital format, which would expand the accessibility of the Ordinance over the web.

A staff Project Manager will be identified as the key contact for coordinating with the consultant, and a staff Project Team with representatives from the Planning, Inspectional Services, and Law Departments and the Clerk's Office will review interim updates and respond to consultant questions. Simultaneous with the drafting and development of the Phase 1 amendment, the Planning Department, the ZRG, and interested citizens would engage in coordinated community outreach to build interest and support for zoning reform. This public outreach will include zoning education and developing public broad interest in the policy decisions to take place in Phase 2.

2. COMPREHENSIVE REWRITE

Phase 2 involves a comprehensive rewrite of Newton's Zoning Ordinance and amendments to the Zoning Map in order to facilitate the goals articulated in the Themes section, above. The ZRG recommends investing in the services of a zoning consultant or consultant team to provide specialized expertise, an outside perspective, and dedicated personnel. The consultant(s) would work with City staff, members of the Board of Aldermen, and the community to develop policy tools for addressing the eleven themes discussed above.

Careful project management at every step of the process will ensure that the City is paying for services that lead to appropriate improvements on our current Zoning Ordinance, not a one-size-fits-all revision produced in isolation. In addition to providing a technical audit of Newton's existing Zoning Ordinance and how it could better achieve the goals in the themes above, the consultants will work with City staff to engage the community in a process that builds off the *Comprehensive Plan* to identify what people really want in their neighborhoods. The consultant will then research and draft alternative zoning approaches for achieving these desired outcomes, create illustrations, graphics, and tables, and work with City staff, the Board of Aldermen, and the community to review and vet the policy options. Particular skill sets, such as running community design workshops (charettes), graphic illustration, and public opinion research, would complement the expertise of the City's staff, while a consultant's professional team would bring more dedicated capacity to speed the analysis, drafting, and review process.

Based on the ZRG's research, this process will likely take approximately 2½ years including a two-stage RFQ/RFP consultant selection process, research and public outreach, drafting of revision and feedback, and

discussion and public hearings prior to adoption. Consultant services for this phase are estimated to be \$200,000 to 250,000.

Dedicated staff time is needed to manage the project during Phase 2, which includes, but is not limited to coordinating with the consultant, other staff, and the Board, organizing community meetings, and providing feedback on consultant work. A staff Project Manager will be identified as the key contact for coordinating with the consultant, and a staff Project Team with representatives from the Planning, Inspectional Services, and Law Departments and the Clerk's Office will review interim updates and respond to consultant questions. A citizens' advisory group would provide essential input into the process of zoning reform and community engagement and aid staff by carefully reviewing the proposed regulations as they are drafted.

3. ONE-YEAR REVIEW

After completing and adopting a new Zoning Ordinance, the ZRG recommends a one-year period of intensive review, considering both quantitative data and anecdotal experience with the new Ordinance. The Zoning and Planning Committee might use this time to work on long-term planning issues for Newton or issues that were set aside during Phase 2. At the end of this year, the Zoning and Planning Committee would review how the Ordinance is working and suggest any adjustments that are necessary in a coordinated fashion to preserve the clarity and consistency of the Ordinance.

The ZRG recommends that after this one-year review, the Zoning and Planning Committee take a similar, "scheduled maintenance" approach to future ordinance revisions. Under a scheduled maintenance approach, zoning changes would be actively considered throughout the year and organized into comprehensive packages of amendments to be voted on annually or biannually.

V. WRITING AN RFQ/RFP FOR CONSULTING SERVICES

The Zoning Reform Group recommends that the City hire one or more planning consulting firms to assist in Phases 1 and 2 of the zoning reform process. The ZRG has studied the range of planning consultant services and considered Requests for Proposals used by other municipalities to hire consultants. In particular, the ZRG has noted the potential for consultant teams to provide a range of specialized services that can best complement the City's resources with new capabilities (for example, graphic design or scientific polling and surveying). There are two main ways to advertise for consultant services: the Request for Proposals (RFP) and the Request for Qualifications (RFQ). An RFP presents a detailed scope of work and requires a more lengthy detailed response from a consultant. An RFQ, in contrast, asks for statements of interest, experience, qualifications, and design approach from the widest range of firms and involves shorter responses.

The ZRG recommends, as a first step, drafting an RFP in the spring of 2012 to hire a consulting firm to guide the Phase 1 reorganization. A request for proposals is appropriate for this phase as the City has defined a narrow and specific scope of services.

Phase 2 is a more complicated process where the City should actively seek out creative or innovative approaches to achieving the goals rather than narrowly specifying the services required. The ZRG recommends a two-step process for selecting consultant services for Phase 2. The first step should be issuing an RFQ. As Phase 2 is a more open-ended zoning reform project, an RFQ will allow consultants freedom to suggest the best and most

creative approaches to addressing the City's zoning reform needs. The best ideas from the responses to the RFQs would be used to craft a more detailed RFP to select the final consultant.

The Director of the Planning and Development Department should direct the writing and review of RFPs/RFQs for consultants in consultation with the Board of Aldermen and the Purchasing Department.

VI. RESOURCES

The ZRG's recommended zoning reform approach would require a budget of approximately \$100,000 a year over three years for consultant services, plus additional dedicated staff support.

- Consultant Services for Phase 1: \$40,000 - 50,000 starting July 1, 2012 (estimated 6 months)
- Consultant Services for Phase 2: \$200,000 - \$250,000 starting July 1, 2013 (over 2½ years)
- Additional staff support for three years beginning July 1, 2012

The Zoning Reform group recommends that the City provide the required funds for the Phase 1 Reorganization in the Fiscal Year 2012 budget to allow work to commence as soon as possible. The ZRG timeline recommends beginning Phase 2 at the end of 2012 with the drafting of an RFQ and the retention of (a) consultant(s) by the end of Fiscal Year 2012, with work beginning in the summer of 2013.

Zoning reform will result in substantial net benefits for the City, including more efficient use of staff time, increased permit fees from rejuvenating commercial areas, an expanded commercial tax base, and reduced costs of professional services for citizens seeking zoning interpretations or reviews.

Recent budget cuts at the state and federal levels have reduced the availability of planning-related grant funding, even as the demand from local governments continues to rise. Recognizing the immediate importance of zoning reform and the uncertainty and difficulty inherent in applying for outside grant funding, the ZRG recommends that the City budget appropriate funds rather than seeking state or federal grants.

VII. CONCLUSIONS

Zoning reform is essential to our ability to achieve the Newton we want and should be undertaken immediately. Zoning reform will require an investment of capital and personnel, but the return on investment will be great. A reorganized, easier-to-interpret ordinance that better addresses the needs of modern homeowners and businesses will save significant Planning and ISD staff time, reduce the delays created by complex interpretations and reviews, lower the cost to citizens who hire attorneys to manage special permits, and encourage the economic development that Newton needs, while discouraging the development that Newton does not want. Change is certain. Through zoning reform Newton can guide it in a positive direction.