

Newton, Massachusetts, Build Factor Formula, Zoning Ordinance, Chapter 30, Art. 2

(n) Underground structures including, but not limited to, basements or parking facilities, may be located within the applicable setback distance, provided that any portion of the underground structure which is visible above ground must conform to the applicable setback distance.

(o) For lots which on August 3, 1987 were undeveloped and which prior to said date were in single and separate ownership and were not available for use in common or in connection with a contiguous or adjacent lot and which have a lot area less than 10,000 square feet, the as-of-right building height shall be one story or twelve (12) feet. By special permit, the building height may be two stories or twenty-four (24) feet. As of right floor area ratio shall be .50 and by special permit the maximum floor area ratio may be .75. Allowed uses shall be restricted to those uses not limited by the provisions of sections 30-11(b), 30-11(f), 30-12(b), and 30-13(d). For the purpose of this provision, lots must have been shown as separate parcels on plans filed in the assessor's office and assessed as such prior to August 3, 1987 or they must have been shown or described in the most recent plans or deeds duly recorded with the Middlesex South District Registry of Deeds prior to August 3, 1987.

(p) In order to limit the degree to which a lot may have an irregular shape, the following build factor formula shall be used:

Lot perimeter squared ÷ Actual Lot area = Build Actual lot area Minimum required Factor lot area

Lots on plans recorded in the Middlesex (South) Registry of Deeds or endorsed by the planning board acting as a board of survey after September 16, 1996 shall be subject to a maximum build factor of 20 in Single Residence 3 and all Multi Residence Zoning Districts; a maximum build factor of 25 in Single Residence 2 and a maximum build factor of 30 in Single Residence 1 Zoning Districts. This formula shall apply whether lots are created as a subdivision or as an Approval Not Required (ANR) plan under M.G.L. c.41 § 81P. The board of aldermen may grant a special permit for the creation of a lot with a build factor in excess of the maximum set out herein.

(q) Any residential structure that is replacing a previously existing three-story residential structure shall be allowed three stories, but only insofar as the absolute height does not exceed that of the previously existing structure. (Ord. No. T-75, 3-5-90; Ord No. T-173, 9-16-91; Ord. No. T-174, 9-16-91; Ord. No. U-28, 9-7-94; Ord. No. V-21, 6-5-95; Ord. No. V-91, 9-17-96; Ord. No. V-102, 1-6-97; Ord. No. V-111, 4-23-97; Ord. No. V-112, 4-23-97; Ord. No. V-113, 4-23-97; Ord. No. V-122, 7-14-97; Ord. No. V-165, 4-6-98; Ord. No. V-234, 4-5-99; Ord. No. V-273, 12-6-99; Ord. No. V-241, 5-17-99; Ord. No. V-307, 6-19-00; Ord. No. W-49, 7-9-01)