

**CITY OF NEWTON
LAW DEPARTMENT
MEMORANDUM**

TO: Deborah J. Crossley, Chair of the Zoning and Planning Committee
Zoning and Planning Committee

FROM: Andrew S. Lee, Assistant City Solicitor

SUBJECT: Dkt. No. 30-20(2) – Delayed Implementation of Amendment to Chapter 30 of
Newton’s Zoning Ordinance, Section 3.4.4 Garage

CC: Barney Heath, Director of Planning and Development

The law department has been asked to review the necessary procedural requirements to defer the effective date of the amendment to Section 3.4.4 of Chapter 30 of Newton’s Zoning Ordinance (the “Garage Ordinance”). The City Council amended the Garage Ordinance by Order dated June 20, 2016, Dkt. No. 22-13(2). Pursuant to M.G.L. c. 40A, §5, and Newton City Charter Sec. 2-9(a), the effective date of the amendment to the Garage Ordinance was twenty (20) days after the date of adoption (July 10, 2016). The City Council has voted to defer the implementation of the amendment to the Garage Ordinance several times.¹ The most recent City Council Order deferring implementation is dated June 22, 2020, Dkt. No. 30-20, and set the effective date of the amendment to the Garage Ordinance as January 31, 2022.

Under M.G.L. c. 40A, any change to the zoning ordinance requires a public hearing and a two-thirds (2/3) vote of the full City Council. The deferrals of the implementation of the amendment to the Garage Ordinance did not meet these procedural requirements. Notwithstanding the foregoing, the amendment to the Garage Ordinance has not been enforced or treated as effective in any manner. The City Council must hold a public hearing as set forth under Chapter 40A and vote by two-thirds (2/3) to defer the implementation of the amendment of the Garage Ordinance to a future date. Such actions will cure prior procedural deficiencies.

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NEWTON, MA, 02459

¹ See City Council Orders Dkt. Nos.: 222-13(4); 222-13(6); 222-13(8); 143-18; 572-18; 327-19; and 30-20.