



# Zoning & Planning Committee Agenda

## City of Newton In City Council

Monday, October 24, 2016

7:45 PM  
Room 205

### Items Scheduled for Discussion:

#### Referred to Zoning & Planning and Finance Committees

- #270-16** **Request to Amend Demolition Delay Ordinance**  
COUNCILORS HESS-MAHAN, LEARY, SCHWARTZ, AUCHINCLOSS, SANGIOLO, AND BAKER requesting amendments to Chapter 22, Division 2. Demolition Delay, of the Revised Ordinances to increase sanctions for failure to comply with the conditions of a demolition permit and/or demolition of a structure without an appropriate permit. [07/21/16 @11:40 AM]
- #122-16** **Discussion with ISD re procedures to protect abutters during demo projects**  
COUNCILORS NORTON AND AUCHINCLOSS requesting discussion with the Inspectional Services Department relative to the City's procedures to protect abutters during demolition projects and whether Newton is requiring developers to take sufficient steps. [03/25/16 @ 12:07 PM]
- #222-13(5)** **Zoning amendment to Garage Ordinance**  
COUNCILOR HESS-MAHAN proposing to amend Chapter 30, Section 3.4.4. of Revised Ordinances as amended by Ordinance A-78, as follows: (1) allow front facing garages that are no closer to the front lot line than the longest front facing wall, or a front porch at least 6 feet wide, to be the greater of up to 12 feet wide or 50% of the total length of the building parallel to the street; (2) allow front-facing garages that are closer to the front setback than the rest of the building and at least 24 feet from the front lot line to be up to 40% of the total length of the building parallel to the street; (3) delete Sec. 3.4.4.F "Exemptions"; and (4) add a provision grandfathering permits requested or construction begun on or after the date of the notice of public hearing on Ordinance A-78 [08/01/16 @ 4:58 PM]

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

**#222-13(3) Review of Garage Ordinance**

COUNCILOR LENNON, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE requesting a review of Ordinance A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, for the purpose of amending, clarifying, and/or interpreting the Ordinance. [08/01/16 @ 4:53 PM]

***Public hearing assigned for November 14, 2016:***

**#343-16 Zoning amendment relative to accessory apartments**

HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM]

**Items Not Scheduled for Discussion at this meeting:**

**Referred to Finance and Appropriate Committees**

- #359-16**      **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]

**Referred to Zoning & Planning, Programs & Services and Finance Committees**

- #256-16**      **Request to extend notification area of notice for special permit petitions**  
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @ 2:09 PM]
- #291-16**      **Zoning Amendment relative to nonconforming single- and two-family dwellings**  
COUNCILOR SANGIOLO proposing to amend Chapter 30, Section 7.8.2.A.1.a. regarding nonconforming buildings, structures and uses, to also require that if an existing nonconforming single- or two-family structure is demolished, and the lot on which that structure existed does not meet current lot area or lot frontage requirements, then a special permit or variance would be required for any alteration, reconstruction, extensions or structural changes from the original structure. [08/22/16 @ 2:08 PM]
- #169-15**      **Zoning amendment to require new lot standards after demolition**  
ALD. SANGIOLO requesting a zoning amendment which would require any residential structures in Single Residence or Multi Residence zoning districts built after the demolition of an existing structure conform to new lot standards. [07/02/15 @ 3:20 PM]
- #447-14**      **Proposing an ordinance to require building plans with demolition applications**  
ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03 PM]
- #34-16**      **Zoning amendment for large house review process**  
COUNCILORS SANGIOLO, KALIS AND DANBERG proposing an amendment to Chapter 30 for a large house review ordinance requiring design review and approval of by-

right single and multi-residence residential structures exceeding certain dimensional limits. [01/19/16 @ 2:35 PM]

**#238-14 Request for development of Housing Production Plan**

ALD. SANGIOLO requesting the Executive Department and Planning Department work with the Board of Aldermen to develop a Housing Production Plan in accordance with 760 CMR 56.03(4) and guidelines adopted by the Department of Housing and Community Development as soon as possible. [06/09/14 @ 11:55 AM]

**#238-16 Zoning amendment for exempt lots definition**

COUNCILOR HESS-MAHAN proposing to amend Chapter 30: Zoning Ordinance, Section 7.8.4.C by amending the definition of “exempt lots” to include lots changed in size or shape as a result of an adverse possession claim. [06/30/16 @ 4:12 PM]

**#264-13 Zoning amendment to develop residential districts for small lots**

ALD. YATES requesting that the Zoning Reform Group or its successor consider amending City of Newton Zoning Ordinances **Chapter 30** to develop additional residential districts reflecting the small lots in older sections of the City and map changes to bring the zones of more residential sections of the City into conformity with the existing land uses. [08/15/13 @ 12:28 PM]

**#265-14 Request to increase several time periods for demolition delays**

ALD. BLAZAR, YATES AND DANBERG requesting:

1. to amend Section 22-50 to increase the time period for determinations of historical significance to 30 days, and to increase the time period for hearings, rulings and written notice on appeals from historical significance determinations to 60 days;
2. to amend Section 22-50 to increase the time period to hold a public hearing as to whether or not a historically significant building or structure is preferably preserved to 60 days;
3. to amend Section 22-50 to increase the demolition delay period for buildings and structures on or eligible for listing in the National Register of Historic Places to 30 months;
4. and to amend Section 22-50 to increase the demolition delay period for all other preferably preserved buildings or structures to 24 months. [7/07/14 @ 12:35 PM]

**#220-16 Discussion relative to regulating Airbnb-type companies**

COUNCILORS FULLER, HESS-MAHAN, LAPPIN, COTE AND NORTON requesting a discussion with the Planning, Inspectional Services and Fire Departments regarding appropriate regulations, permits, licensing and/or taxes for residential owners who host short-term guests through house-sharing companies such as Airbnb. [06/06/16 @ 2:19 PM]



- #54-16      Zoning ordinance amendment relative to Health Club use**  
ACTING DIRECTOR OF PLANNING proposing amendments to the Newton Zoning Ordinance to allow the “Health Club” use in Business 1, Business 2 and Business 4 districts; and to clarify the definition of “Personal Service” as it relates to health and fitness uses. [02/09/16 @ 4:24 PM]  
**ITEM SPLIT INTO PART A AND PART B:**  
**PART A – To allow Health Club use in BU1, BU2 and BU4;**  
**PART B – To clarify the definition of Personal Services as it relates to health and fitness issues.**  
**Approved Part A 6-0**  
**Held Part B 6-0**
- #35-16      Creation of policy to require posting of materials of boards/commissions**  
COUNCILOR SANGIOLO requesting a discussion with the Planning Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and posting of same to the City’s website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member. [01/19/16 @ 2:35 PM]
- #80-13      Updates on the zoning reform project**  
THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]
- #108-15      Zoning amendment for accessory apartments supportive of seniors**  
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton’s seniors. [04/24/15 @ 2:38 PM]
- #64-13      Permitting for conversion of historic barns/carriage houses to accessory apts**  
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.
- #61-10      Discussion relative to bringing existing accessory apartment into compliance**  
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.
- #164-09(2)      Request for amendments to dimensional requirements for accessory apartments**  
ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make

recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.

- #170-15**      **Discussion of HUD settlement relative to creating 9-12 affordable units**  
ALD. HESS-MAHAN, JOHNSON, CROSSLEY AND ALBRIGHT requesting a discussion relative to the HUD Settlement with Supporters of Engine 6, the Fair Housing Center of Greater Boston and the Disability Law Center in conjunction with the Law and Planning Departments, to explain the settlement and possible implications for the Zoning Board of Appeals and the Board of Aldermen in terms of the City's obligation to identify sites and facilitate the creation of, and issue permits for, affordable housing for 9-12 chronically homeless persons in Newton. [07/06/15 @ 4:18 PM]
- #109-15**      **Zoning amendment for inclusionary housing provisions from 15% to 20%**  
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 20% with the additional 5% set aside for middle income households. [04/24/15 @ 2:38 PM]
- #22-15**      **Zoning amendment to allow rental voucher program re: inclusionary zoning**  
ALD. YATES requesting that utilization of the Massachusetts Rental Voucher Program be added as an allowable means of complying with the inclusionary zoning provision in Phase II of Zoning Reform. [01/05/15 @ 9:53 PM]
- #110-15**      **Discussion of the Smart Growth Zoning Overlay District Act in Newton**  
HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton. [04/24/15 @ 2:38 PM]
- #323-14**      **Zoning amendment to require front-facing front doors in residential zones**  
ALD. YATES, NORTON, COTE AND SANGIOLO proposing to amend **Chapter 30** to require that the front doors of single-family homes, two-family homes and other residential structures face the street on which their lots are located. [08/25/14 @ 11:42 AM]
- #142-09(7)**      **Resolution to reconvene Floor Area Ratio working group**  
ALD. HESS-MAHAN AND JOHNSON proposing a Resolution to request that the Director of Planning and Development and the Commissioner of Inspectional Services reconvene a Floor Area Ratio working group to review and analyze the definition of "*Floor area, gross*" for residential structures as it is used in the definition and calculation of "*Floor area ratio*" in **Section 30-1** with respect to actual usage, and, if necessary, make recommendations for amendments thereto and in the dimensional regulations contained in **Section 30-15(u)** and *Table A* of **Section 30-15(u)**, the purpose of which is to regulate the size, density and intensity of use in

the construction or renovation of, or additions to a residential structure, to more accurately reflect and be compatible with neighborhood character, and to ensure that a proposed residential structure is consistent with and not in derogation of the size, scale and design of other existing structures in the neighborhood, and is not inconsistent with the City's Comprehensive Plan.

### **Referred to Zoning & Planning, Land Use and Finance Committees**

- #104-15** **Qualification of affordable units on Comm Ave, Pearl and Eddy Streets**  
ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department with the following information: How many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify to be included on the State's Subsidized Housing Inventory List. If a property is not currently on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]
- #107-15** **Discussion of middle income housing supportive of City employees**  
HIS HONOR THE MAYOR requesting discussion of approaches to create middle income housing as a means of allowing City of Newton employees the opportunity to live in the community in which they work. [04/24/15 @ 2:38 PM]
- #81-13** **Request for naturally affordable compact housing opportunities**  
DIRECTOR OF PLANNING & DEVELOPMENT on behalf of the Newton Housing Partnership requesting consideration of naturally affordable compact housing opportunities in MR1 zones. [02/22/13 @ 1:13 PM]
- #86-15** **Discussion and review of CDBG fund expenditures and citywide goals**  
ALD. CROSSLEY, ALBRIGHT, HESS-MAHAN, & JOHNSON requesting a review and discussion of Community Development Block Grant expenditures and past years' accounting to assess progress in meeting citywide program goals as adopted in the consolidated plan, including creating and sustaining affordable housing, as well as facilities improvements in approved neighborhood districts. [03/30/15 @ 6:02 PM]
- #427-13** **Discussion of CDBG, HOME and ESG funds and fair housing**  
ALD. HESS-MAHAN requesting discussion and periodic updates of steps the City of Newton is taking to ensure that its implementation of the Consolidated Plan, Annual Action Plan and Citizen Participation Plan and use of CDBG, HOME and ESG funds comply with federal and state fair housing and anti-discrimination laws and regulations, and its duty to affirmatively further fair housing. [12/06/13 @ 9:51 AM]
- #308-12** **Discussion of policies relative to CDBG fund expenditures**  
ALD. HESS-MAHAN & ALBRIGHT requesting a discussion with the Mayor's office and the Planning & Development Department of policies, procedures, and criteria relating to determinations concerning expenditures of Community Development Block Grant (CDBG) funds. [10/09/12 @ 3:59 PM]

**Referred to Zoning & Planning and Finance Committees**

- #315-14** **Ordinance amendment for procurement requirements for non-profits**  
ALD. HESS-MAHAN, ALBRIGHT, CROSSLEY AND DANBERG proposing an amendment to Chapter 2 of the City of Newton Ordinances setting forth requirements for procurement of materials and services by non-governmental recipients of federal, state or local funds administered by the City, such as CDBG and CPA funds. In order to encourage non-profit and other private organizations to participate in affordable housing, cultural and other public-private collaborations, such procurement requirements should accommodate the needs of non-governmental recipients for flexibility given the multiple public and private sources of funds necessary for any project by not placing undue or unreasonable burdens on them.  
[08/04/14 @ 5:08 PM] Finance voted NAN
- #446-14** **Discussion with Commission on Disability regarding the City's ADA compliance**  
ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03 PM]
- #140-14** **Zoning amendment for lodging house ordinance**  
ALD. CROSSLEY AND HESS-MAHAN requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.  
[04/04/14 @ 6:29 PM]
- #429-13** **Zoning amendment for Congregate Living Facility parking requirements**  
ALD. HESS-MAHAN requesting repeal and/or amendment of Zoning Ordinances **Section 30-1**, Definitions, 30-8(b)(2), Special Permits in Single Family Residential Districts, and 30-10(d)(4), Number of Parking Stalls, concerning "Congregate Living Facility", as required by federal and state anti-discrimination and fair housing laws and regulations. [12/06/13 @ 9:51 AM]
- #129-13** **Zoning amendment for special permits for attached dwellings**  
ALD. HESS-MAHAN proposing to amend and/or clarify definition and provisions for granting a special permit for "attached dwellings" in the City of Newton Zoning Ordinances, **Chapter 30-1, 30-8(b)(13) and 30-9(b)(5)**. [05/25/13 @ 5:14 PM]
- #65-13** **Zoning amendment to require special permit for major topographic changes**  
ALD. YATES, FISCHMAN, KALIS requesting that **Chapter 30** be amended to require a special permit for major topographic changes.]
- #139-14** **Zoning amendment to clarify rules for retaining walls**  
ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls.

- #391-09**      **Zoning amendment to allow payments-in-lieu of parking spaces: special permits**  
ALD. DANBERG, MANSFIELD, VANCE AND HESS-MAHAN requesting an amendment to **§30-19** to allow payments-in-lieu of providing required off-street parking spaces when parking spaces are waived as part of a special permit application.  
[09/09/09 @ 3:53 PM]
- #152-10**      **Zoning amendment to clarify parking requirements for colleges and universities**  
ALD. BAKER, FULLER, SCHNIPPER, SHAPIRO, FISCHMAN, YATES AND DANBERG recommending discussion of possible amendments to **Section 30-19** of the City of Newton Ordinances to clarify parking requirements applicable to colleges and universities.
- #153-11**      **Zoning amendment for Retail Overlay Districts around village centers**  
ALD. DANBERG, ALBRIGHT, HESS-MAHAN, JOHNSON requesting that **Chapter 30** be amended by adding a new **Sec. 30-14** creating certain Retail Overlay Districts around selected village centers in order to encourage vibrant pedestrian-oriented streetscapes which would allow certain uses at street level, including but not limited to financial institutions, professional offices, and salons, by special permit only and require minimum transparency standards for street-level windows for all commercial uses within the proposed overlay districts.
- #168-15**      **Discussion of Metropolitan Area Planning Council's Wells Avenue Market Study**  
THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study.  
[07/06/15 @ 5:34 PM]
- #95-15**      **Discussion to consider mix of uses at Wells Avenue Office Park**  
ALD. CROSSLEY, JOHNSON, LEARY, HESS-MAHAN, DANBERG, ALBRIGHT AND BLAZAR requesting a discussion with the Planning Department to consider the mix of uses in the Wells Avenue Office Park, with and without a second egress to the site, pursuant to the recent MAPC study recommending a strategic introduction of retail and restaurant uses to attract and sustain healthy commercial uses, and some number of residential units sufficient to support an economically viable and vibrant mixed use environment. [04/13/15 @ 2:46 PM]
- Referred to Zoning & Planning, Land Use and Finance Committees**
- #273-12**      **Request to restructure and increase of fees for various permits**  
ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09/10/12 @ 1:17 PM]  
Finance and Land Use voted NAN

**Referred to Finance and Appropriate Committees**

**#257-12**

**Review of fees in Chapter 17 and Chapter 20**

RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates. Finance voted NAN

**#195-15(3)**

**Request to acquire land at 300 Hammond Pond Parkway**

ALD. ALBRIGHT, BAKER, BLAZAR, BROUSAL-GLASER, CICCONE, COTE, CROSSLEY, DANBERG, FULLER, GENTILE, HESS-MAHAN, JOHNSON, KALIS, LAPPIN, LEARY, LAREDO, LENNON, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ, AND YATES

requesting that, in order to preserve the conservation and recreation values of the land, and to protect existing adjacent public open spaces, the Board of Aldermen vote to acquire for the City of Newton either the undeveloped portion of the land at 300 Hammond Pond Parkway or a conservation restriction on such land.

[10/23/15 @ 2:55 PM]

**#404-13**

**Request for rezoning in Newton Centre**

NATASHA STALLER et al. requesting a revision to the zoning District boundary Lines so as to transfer from Multi-Residence 1 District to a Single Residence 3 District the following properties:

Assessors' parcels SBL nos. 61-037-0004 through 61-037-0013; 61-042-0007 through 61-042-0023; 65-019-0001; 65-019-0007 through 65-019-0012; 65-019-0014 through 65-019-0022; 65-019-0009A; 65-019-0017B and 65-019-0022A. Also requesting transfer from a Single Residence 2 District to a Single Residence 3 District SBL no. 65-019-0015A.

**Respectfully Submitted,**

**Ted Hess-Mahan, Chair**

(a) There is hereby established an historic district to be known as the Newtonville Historic District, bounded and described as shown on the map entitled “Proposed Newtonville Local Historic District,” prepared by Newton Geographic Information System (GIS), with a date of 12-Aug-2002. (Ord. No. X-29, 9-3-02)

**Editor’s Note** – The referenced map is on file in the office of the City Clerk. A copy of the map appears in the Appendix at the end of this chapter.

**Sec. 22-44. Auburndale Historic District; established, boundaries.**

(a) There is hereby established an historic district to be known as the Auburndale Historic District, bounded and described as shown on the map entitled “Auburndale Proposed Local Historic District,” prepared by Newton Geographic Information System (GIS), with a date of January 05, 2005. (Ord. No. X-135, 03-21-05)

**Editor’s Note** – The referenced map is on file in the office of the City Clerk. A copy of the map appears in the Appendix at the end of this chapter.

**Secs. Reserved 22-45—22-49. Reserved.**

DIVISION 2. DEMOLITION DELAY

**Sec. 22-50. Demolition of historically significant buildings or structures.**

(a) *Intent and Purposes.* This section is adopted in furtherance of the policy set forth in the Newton Comprehensive Plan to assure the preservation and enhancement of the City of Newton's historical and cultural heritage by preserving, rehabilitating or restoring whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the City.

(b) *Definitions.* For the purposes of this section, the following words and phrases have the following meanings:

*Commission:* The Newton Historical Commission, or if the regulated building or structure is in a local historic district established pursuant to G.L. c. 40C, the local historic district commission.

*Commission staff:* The person(s) regularly providing staff services for the commission whom the commission has designated commission staff for the purposes of this ordinance.

*Commissioner:* The commissioner of inspectional services.

*Application:* An application to the commissioner for a demolition permit as defined by this ordinance.

*Demolition permit:* Any permit issued by the commissioner which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a demolition permit, alteration permit, building permit, etc.

*Total demolition:* The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

(3) *Items considered to be de minimis and requiring no commission or commission staff review:*

- a) Open porches and entryways consisting of only a set of stairs, an entrance platform and a roof which are utilitarian in design or do not contribute to the architectural significance or character of the building.



- b) Demolition or construction of new additions which remove, alter, or envelop 50% or less of a single exterior wall.
- c) Removal or alteration of less than 50% of the roof structure
- d) Normal maintenance of a building's exterior, including, but not limited to repair or replacement of roof surfaces, repair or replacement of gutters, and repair or replacement of existing doors and windows, including casings and frames, repair or replacement of existing exterior cladding (clapboards, shingles, masonry, etc.).

*Historically significant building or structure:* Any building or structure which is in whole or in part fifty or more years old and which

- (1) is in any federal or state historic district, or if in any local historic district, is not open to view from a public street, public park or public body of water; or
- (2) is listed on or is within an area listed on the National Register of Historic Places or eligible for such listing, or listed on or is within an area listed on the State Register of Historic Places, or eligible for such listing; or
- (3) has been determined by the commission or its designee to be a historically significant building after a finding that it is:
  - a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the City of Newton, the Commonwealth of Massachusetts or the United States of America; or
  - b) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or
  - c) located within one hundred fifty (150) feet of the boundary line of any federal or local historic district and contextually similar to the buildings or structures located in the adjacent federal or local historic district.

*Preferably preserved:* An historically significant building or structure which the commission has determined should be preserved, rather than totally or partially demolished, in accordance with the standards set forth in subsection (c)(5) below.

(c) *Procedure.*

- (1) No demolition permit for a building or structure which is in whole or in part fifty or more years old shall be issued by the commissioner except in conformity with the provisions of this section, as well as any other applicable law, statute, ordinance or regulation.
- (2) If any applicant and the owner of the building or structure, if different from the applicant seeks to demolish, in whole or in part, a building or structure which is in whole or in part fifty or more years old, the owner of the building or structure shall file a demolition review application with the commission for a determination as to whether the building or structure is historically significant and shall provide the commission with the following information:
  - a) a site plan or a copy of that portion of the tax assessor's map which shows the building or structure to be demolished and the property on which it is located;



- b) photographs of all existing façade elevations of the building or structure to be totally or partially demolished;
  - c) a description of the proposed plans for demolition and the reason(s) therefore.
- (3) Within fifteen (15) days after the commission's receipt of a demolition review application, the commission shall make a determination as to whether the building is or is not historically significant and shall notify, in writing, the commissioner and the applicant of this determination. The commission may delegate the determination that a building or structure is historically significant to commission staff or to a designated commission member. In the event that the commission delegates the determination to the commission staff or to a designated commission member, the commission shall adopt criteria to be followed by the staff or the member in making this determination.

A determination that a building or structure is or is not historically significant made by the commission staff or a designated commission member may be appealed to the full commission by filing a notice of appeal with the commission not later than fifteen (15) days after the written notice that the building or structure is or is not historically significant has been filed with the commissioner. Filing the appeal of the determination shall not stay the effect of such determination. Following a hearing before the commission, which may, but is not required to be conducted in conjunction with the hearing on whether the building or structure is preferably preserved, the commission shall affirm or reverse the determination and file notice of such determination with the commissioner. If the appeal of the determination is made independent of the preferably preserved hearing, the commission shall follow the same procedure for such hearing as that set forth in subsection (c)(5) below. If the commission fails to conduct a hearing on the appeal of said determination or fails to rule on the appeal within forty-five (45) days from the filing of the appeal, the determination that a building or structure is or is not historically significant shall remain unchanged, and the commissioner shall not issue a demolition permit until the procedural requirements of subsection (c)(5) below have been satisfied.

- (4) No demolition permit shall be issued by the commissioner for a building or structure determined to be historically significant until the procedural requirements of subsection (c)(5) of this ordinance have been satisfied. The commissioner may grant the demolition permit if the commissioner:
- a) does not receive written notice within forty-five (45) days after the commission's receipt of a demolition permit application that the building or structure is historically significant; or
  - b) receives written notice from the commission that the building either is not historically significant, or is historically significant, but clearly would not be deemed preferably preserved by the commission.
- (5) When a building or structure is determined to be historically significant, the commission shall hold a public hearing to determine whether the building or structure, or the portion of the building or structure to be demolished, is preferably preserved. The applicant shall provide the commission with the following information for this determination:
- a) in the case of partial demolition involving alteration(s) or addition(s) to a building or structure, (i) proposed plans and elevation drawings for the affected portion of the building or structure; and (ii) a plot plan of the property, if the same is required to obtain a permit under the State Building Code for the proposed alteration(s) or addition(s); and
  - b) if the site of the building or structure to be demolished is to be redeveloped, plans showing the use or development of the site after demolition together with a statement identifying all zoning variances and/or special permits which may be required in order to implement the proposed use or development.

The date the commission receives all the above information shall be stamped on the information received and shall be considered the submission date. Following public notice as set forth in subsection (c)(8) of this ordinance, the commission shall hold a public hearing within forty-five (45) days of the submission date to determine whether the building or structure should be preferably preserved, based on the criteria set forth in this paragraph. If the commission finds that the demolition proposed in the application would result in the demolition of a historically significant building or structure whose loss would be detrimental to the historical or architectural heritage or resources of the City of Newton, then the commission shall find that the building or structure should be preferably preserved.

- (6) Upon a determination that the building or structure which is the subject of an application for a demolition permit is preferably preserved, the commission shall give written notice of the determination to the commissioner. A copy of the commission's determination shall also be sent to the applicant for the demolition permit and to the owner of the building or structure if different from the applicant.
- a) For a building or structure listed in the National Register of Historic Places or determined eligible for listing in the National Register of Historic Places by the Massachusetts Historical Commission no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure until eighteen (18) months after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such eighteen (18) month period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
  - ii) has agreed to accept a demolition permit on specified conditions approved by the commission.
  - iii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.
  - iv) The applicant shall have two (2) years from the date of the expiration of the eighteen (18) month period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.
  - v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
    - (a) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,
    - (b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.
  - vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.



- b) For all other buildings and structures not covered under section (6)a) above, no demolition permit shall be issued for a total demolition or a partial demolition of a building or structure found preferably preserved until one (1) year after the date of such determination by the commission, unless the commission informs the commissioner prior to the expiration of such one (1) year period that the commission is satisfied that the applicant for the demolition permit and the owner of the building or structure, if different from the applicant, has:
- i) made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or,
  - ii) agreed to accept a demolition permit on specified conditions approved by the commission.
  - iii) If the specified conditions involve approved plans and elevations, then no demolition permit shall be issued by the commissioner unless the applicant provides, as part of his application for a demolition permit, a complete set of plans and elevation drawings which have been signed and stamped by the commission or commission staff.
  - iv) The applicant shall have two (2) years from the date of the expiration of the one (1) year period in which to apply for and obtain a demolition permit. No demolition permit shall be issued for such building or structure after the expiration of this two (2) year period, unless the procedural requirements of subsection (c)(5) hereof have been satisfied.
  - v) In order to encourage applications that preserve, restore, reuse, or rehabilitate historic buildings and structures, no application for a total demolition of a building or structure which has been unfavorably and finally acted upon by the commission shall be acted favorably upon within four months after the date of final unfavorable action unless the said commission finds
    - (a) by a vote of two-thirds (2/3) of those members present, substantial and material changes in said resubmitted application; or,
    - (b) by a majority vote of those members present, that the resubmitted application proposes to preserve the building or structure.
  - vi) Due notice shall be given to parties in interest of the time and place of the proceedings when the resubmitted application will be considered.
- (7) In the event a transfer of ownership of a preferably preserved property occurs during the applicable demolition delay period, the full applicable demolition delay period will restart from the date of the transfer of ownership.
- (8) In the event a transfer of ownership of a preferably preserved property occurs after the applicable demolition delay period expires but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures set forth in section 22-50 (c) (5).
- 9) Upon a determination by the commission that a building or structure is not preferably preserved or upon the commission's failure to make any determination within forty-five (45) days of the submission date, the commissioner may grant a demolition permit for the building or structure.
- (10) Public notice of commission hearings shall provide the date, place and time of the hearing and the addresses of the properties to be considered at the hearing. Public notice shall include, at a minimum, posting with the



city clerk and notification to the director of planning and development, to the applicant, to the owners of all abutting property and to other property owners deemed by the commission to be materially affected.

- (11) If the applicant is someone other than the owner or his designated agent a demolition review application cannot be filed until the commission receives written authorization from the owner that the applicant may apply for changes to their property.

(d) *Emergency Demolition.* If a building or structure poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such building or structure may request issuance of an emergency demolition permit from the commissioner. As soon as practicable after the receipt of such request, the commissioner shall arrange to have the property inspected by a board consisting of himself or his designee; the city engineer or his designee; the fire chief or his designee; the chairman of the commission or his designee; and one (1) disinterested person chosen by the commissioner. After inspection of the building or structure and consultation with the other members of the board, the commissioner shall determine whether the condition of the building or structure represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to the immediate demolition of the building or structure which would protect public health and safety. If the commissioner finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the building or structure, then the commissioner may issue an emergency demolition permit to the owner of the building or structure. Whenever the commissioner issues an emergency demolition permit under the provisions of this section of the ordinance, he shall prepare a written report describing the demolition of the building or structure and the basis of his decision to issue an emergency permit with the commission. Nothing in this section shall be inconsistent with the procedures for the demolition and/or securing of buildings and structures established by M.G.L. c. 143, sections 6-10.

In the event that a board of survey is convened under the provisions of M.G.L. c. 143, section 8 with regard to any historically significant building or structure, the commissioner shall request the chairman of the commission or his designee to accompany the board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the commission.

(e) *Non-Compliance.* Anyone who demolishes a historically significant building or structure without first obtaining and complying fully with the provisions of a demolition permit issued in accordance with this section shall be subject to a fine of not more than three hundred dollars (\$300.00) for each day of violation of this ordinance.

In addition, unless a demolition permit issued in accordance with this section was obtained and unless such permit was fully complied with, including full compliance with plans and elevation drawings signed and stamped by the commission, the commissioner may elect to (1) issue a stop work order halting all work on the building or structure until the commission notifies the commissioner in writing that the applicant has appeared before the commission to address such non compliance, and the commission has accepted the applicant's plans to remediate such noncompliance; (2) refuse to issue any certificates of occupancy, temporary or final, until any noncompliance has been remediated; and/or (3) refuse to issue a permit required by the State Building Code pertaining to any property on which an historically significant building or structure has been demolished for a period of two (2) years from the date of demolition, provided that this provision shall not prevent the commissioner from issuing any permit required to insure the safety of persons and property."

The commission may, upon application to and determination by the commission that reuse of the property in accordance with building plans prepared by the owner and submitted to the commission and all relevant agencies will substantially benefit the neighborhood and provide compensation for the loss of the historic elements of the property either through reconstruction of the lost historic elements or significant enhancement of the remaining historic elements of the site or the surrounding neighborhood, waive the fine, in whole or in part, and/or the ban on issuance of a building permit in order to allow the issuance of a building permit for construction or reconstruction of



a building or structure approved by the commission. An owner receiving a waiver of the fine and/or ban on issuance of a building permit under this provision shall execute a binding agreement enforceable against all heirs, assigns and successors in interest with the commission to insure that any reuse of the site undertaken during the two-year ban shall be implemented in accordance with the plans, terms, and conditions approved by the commission. Any reuse of the site undertaken during the two-year ban which fails to comply with the terms of the commission's approval granted under this provision shall also permit reinstatement of the fine for non-compliance with this ordinance.

(f) *Securing Historically Significant Buildings and Structures.* If, following an application for a demolition permit, a building or structure has been determined to be historically significant, and the building or structure is subsequently destroyed by fire or other cause before any determination is made by the commission as to whether the building or structure is preferably preserved, a rebuttable presumption shall arise that the owner voluntarily demolished the building or structure without obtaining a demolition permit in accordance with the provisions of this ordinance. In such cases, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the historically significant building or structure was located (except as necessary to secure public safety or health) for a period of two (2) years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the commissioner that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

(g) *Securing Preferably Preserved Buildings and Structures.* If during the period of demolition delay for a building or structure determined to be preferably preserved, such building or structure is destroyed through fire or other cause, the commissioner shall not issue any permit required under the State Building Code pertaining to the property on which the preferably preserved building or structure was located (except as necessary to secure public safety or health) until the end of the period of demolition delay, unless the owner can provide evidence to the commission that he took reasonable steps to secure the building or structure against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence.

(h) *Buildings and Structures located in Local Historic Districts.* The provisions of this ordinance shall not apply to any building or structure located in a local historic district established pursuant to M.G.L. c. 40C and subject to regulation by the local historic district commission under the provisions of Sec. 22-40 of the Revised Ordinances.

(i) *Severability.* In case any section, paragraph, or part of this section is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, or part of this ordinance shall continue in full force and effect.

(j) *Enforcement.* The commission is authorized to institute any and all actions and proceedings, in law or in equity, in any court of competent jurisdiction, as it deems necessary and appropriate to obtain compliance with the requirements of this section.

(k) *Applicability.*

- (1) Notwithstanding the foregoing, this section shall not apply and a demolition permit shall be issued for the reconstruction substantially similar in exterior design of a building structure or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided such reconstruction is begun within six (6) months thereafter and is carried forward with due diligence. This exception shall be limited to reconstruction of only that portion of the building or structure damaged by such catastrophic event.
- (2) This subsection shall not apply to buildings or structures which have been designated as landmarks pursuant to Sec. 22-60 of the revised ordinances.

(Ord. No. S-230, 12-1-86; Ord. No. S-315, 6-20-88; Ord. No. T-252, 12-7-92; Ord. No. U-19, 6-20-94; Ord. No. V-98, 12-16-96; Ord. No. V-99, 12-16-96; Ord. No. X-205, 5-1-06; Ord. No. Z-22, 04-22-08; Ord. No. Z-76, 02-07-11; Ord. No. A-74, 04-04-16)

### **Sec. 22-51. Demolition by Neglect.**

#### (a) Purpose and Intent

It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of landmarked buildings and structures, or the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior of the building or structure.

#### (b) Definition

“Demolition by neglect” shall mean neglect in maintaining, repairing, or securing a landmark that results in (i) loss of the character of a documented exterior architectural feature of the building or structure that contributes to its status as a landmark; (ii) deterioration of an exterior feature of the building or structure; or (iii) the loss of the structural integrity of the building or structure.

#### (c) Owner’s Obligations

The owner of a landmark shall preserve such landmark against decay and deterioration through prompt correction of any of the following defects:

- (1) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
- (2) Structural components of ceilings, roofs, floors, ceiling, roof and floor supports or other horizontal structural components which sag, split or buckle due to defective material or deterioration;
- (3) Deteriorated or ineffective waterproofing or weatherproofing of exterior walls, roofs, foundations, or floors, including broken or missing windows or doors, siding, trim, shingles or cladding, or windows left open when weather conditions do not warrant it;
- (4) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering;
- (5) Any fault or defect in the building which renders it structurally unsafe, whether interior or exterior;
- (6) Deterioration of exterior chimney or chimney support system;
- (7) Deterioration of external plaster, stucco, masonry or mortar;
- (8) Deterioration of rainwater drainage systems whether interior or exterior;
- (9) Deterioration of any documented exterior architectural feature which in the judgment of the commission produces a detrimental effect upon the character of the building;
- (10) Failure to adequately heat the premises to avoid freezing of heating and/or plumbing fixtures, or failure to properly drain heating and/or plumbing systems before the advent of freezing temperatures;



### 3.4.4. Garages

#### A. Defined

1. An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building.

2. A Front Facing Garage is a garage on which the primary garage door or doors through which automobiles enter the garage faces the street. On corner lots, a Front Facing Garage faces the same street as the primary frontage or entrance to the house.

A garage wall is any wall enclosing a garage including that wall containing the garage entrance.

B. For each dwelling unit there shall be no more than 1 garage and a garage shall provide for no more than 3 automobiles, except by special permit.

C. Where more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages.

#### D. Garage Dimensions and Setback

1. The length of a garage wall front facing garage facing a street may be up to 40 50 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.

2. A garage wall front facing garage may be no closer to the front lot line than the longest street-facing wall of the dwelling unit measured at ground level except as follows:

a. Where there is a front porch at least 6 feet deep the front facing garage may be no closer to the front lot line than the front of that porch.

b. Where the length of a front facing garage is no more than 40% of the total building length, the front facing

garage may be no closer to the front lot line than the building setback line or 24 feet, whichever is greater.

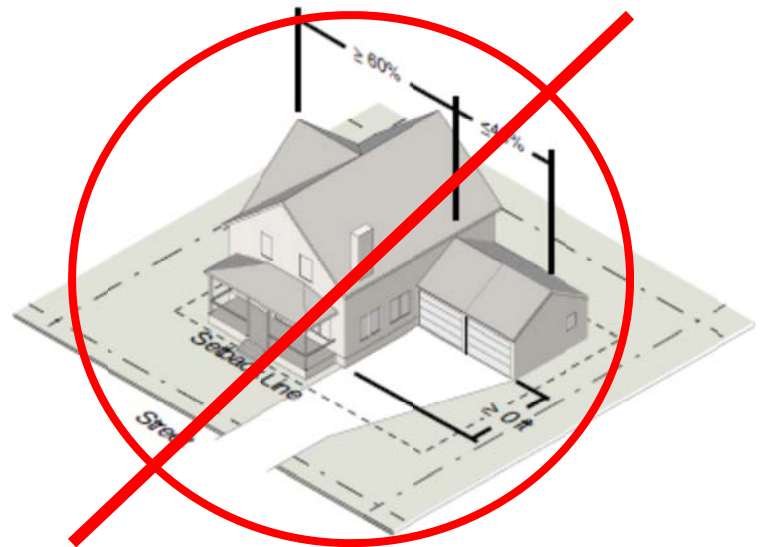
3. The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.

#### E. ~~Garage Dimensions~~

~~1. The length of a garage wall front facing garage facing a street may be up to 40-50 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.~~

~~2. On corner lots, only one street-facing garage wall must meet the standard above.~~

~~3. The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.~~



#### F. Exemptions

1. The Commissioner of ISD, in consultation with the Director of Planning and Development and/or the Urban Design Commission, may grant an exemption, subject to such conditions as he the Commissioner may require, to the garage length and setback requirements (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements, where, based on one or more of the following factors;

~~strict adherence to these requirements would be impossible:~~

~~a. Irregular lot shape;~~

~~b. Topography of the lot;~~

~~c. Configuration of existing structures on the lot;~~

~~d. Protection of the historic integrity of a building, as determined by, and with the approval of, the Historical Commission or a Local Historic District Commission.~~

~~and~~

~~e. Preservation of mature trees or similar natural features.~~

~~2. Any exemption request shall be reviewed relative to the intent of minimizing the amount of building frontage devoted to garage walls and ensuring a clear connection between the front entrance and living space of a dwelling and the street, meeting the requirements of this section to the greatest extent possible. All exemption requests shall present design features including, but not limited to windows, architectural details, screening, and landscaping and these shall be generally consistent with the remainder of the house.~~

~~32.~~ A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.

~~43.~~ The applicant shall provide written notice of an exemption request and shall provide a copy of the request application to neighboring properties within 300 feet fronting on the same street.

~~54.~~ Where the house is more than 70 feet from the street, the garage length and setback requirements (section 3.4.4.D) ~~and garage wall length facing the street (section 3.4.4.E.1) requirements~~ shall not apply.

5. Garages permitted between March 14, 2016 and July 11, 2016 are not subject to the requirements found in Sec. 3.4.4.D.1 and 2. For the purposes of this

section, permitted projects shall include those that received a building permit, a special permit, a Certificate of Appropriateness from a Local Historic District Commission, or a Demolition Delay waiver from the Historical Commission.



### 3.4.4. Garages

#### A. Defined

1. An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building.
2. A Front Facing Garage is a garage on which the primary garage door or doors through which automobiles enter the garage faces the street. On corner lots, a Front Facing Garage faces the same street as the primary frontage or entrance to the house.

B. For each dwelling unit there shall be no more than 1 garage and a garage shall provide for no more than 3 automobiles, except by special permit.

C. Where more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages.

#### D. Garage Dimensions and Setback

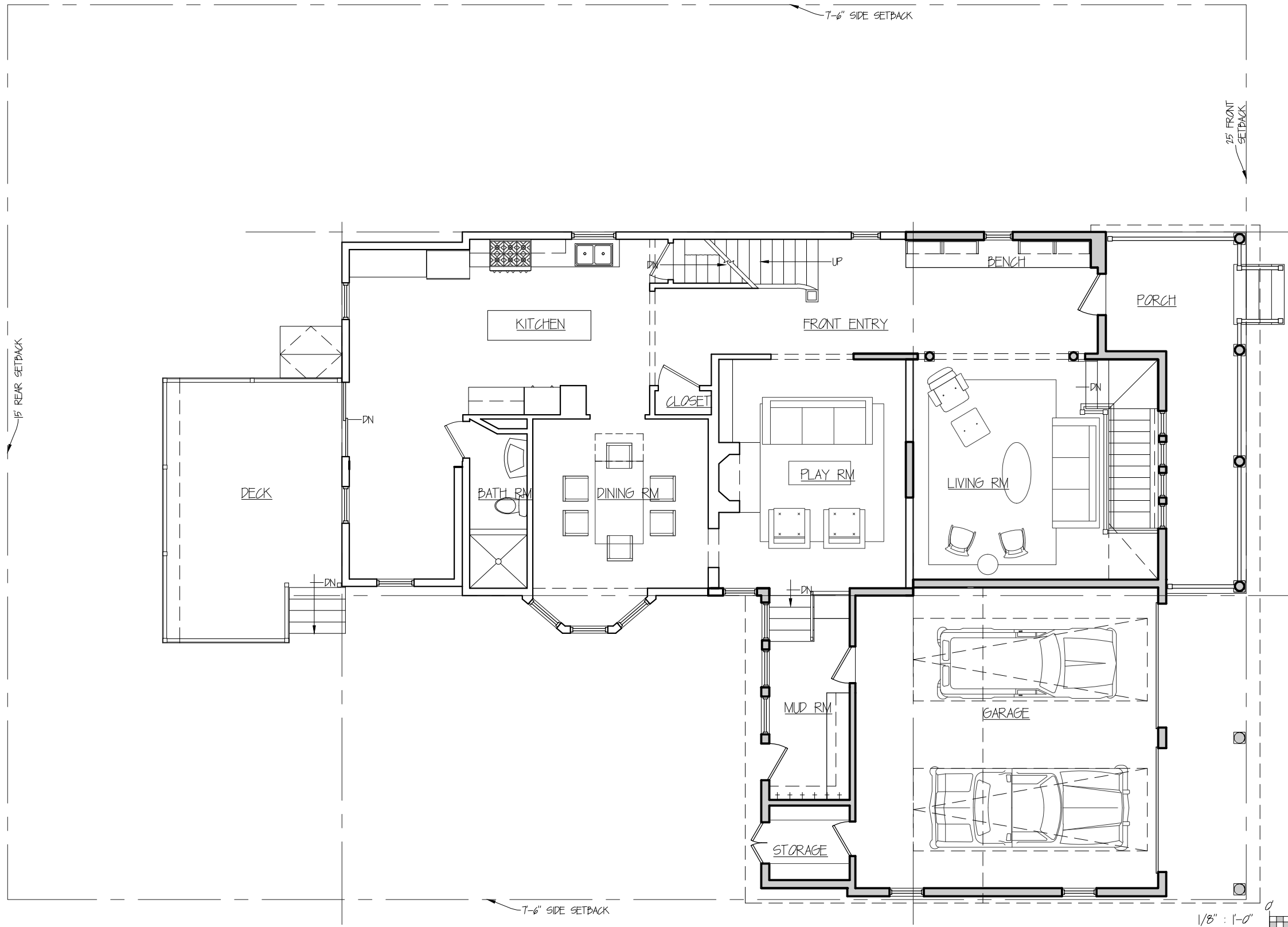
1. The length of a front facing garage facing a street may be up to 50 percent of the total length of the building parallel to the street, inclusive of the garage, or 12 feet, whichever is greater. This requirement does not apply to detached garages.
2. A front facing garage may be no closer to the front lot line than the longest street-facing wall of the dwelling unit measured at ground level except as follows:
  - a. Where there is a front porch at least 6 feet deep the front facing garage may be no closer to the front lot line than the front of that porch.
  - b. Where the length of a front facing garage is no more than 40% of the total building length, the front facing garage may be no closer to the front lot line than the building setback line or 24 feet, whichever is greater.

3. The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.

#### F. Exemptions

1. The Commissioner of ISD, in consultation with the Director of Planning and Development, may grant an exemption, subject to such conditions as the Commissioner may require, to the garage length and setback requirements (section 3.4.4.D) based on protection of the historic integrity of a building, as determined by, and with the approval of, the Historical Commission or a Local Historic District Commission.
2. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.
3. The applicant shall provide written notice of an exemption request and shall provide a copy of the request application to neighboring properties within 300 feet fronting on the same street.
4. Where the house is more than 70 feet from the street, the garage length and setback requirements (section 3.4.4.D) shall not apply.
5. Garages permitted between March 14, 2016 and July 11, 2016 are not subject to the requirements found in Sec. 3.4.4.D.1 and 2. For the purposes of this section, permitted projects shall include those that received a building permit, a special permit, a Certificate of Appropriateness from a Local Historic District Commission, or a Demolition Delay waiver from the Historical Commission.

#222-13(5)



7/15/2016

23 Evergreen Av - Arch2.dwg

CHESLOCK RESIDENCE  
 23 EVERGREEN AVE, NEWTON, MA

Peter Sachs Architect N.C.A.R.B. - A.I.A.  
 20 Hunter St.  
 Newton, MA 02465

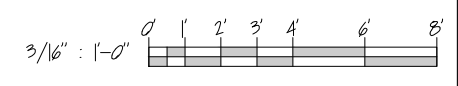
Tel.: 617-527-5777 or Cell 617-312-5045  
 E-Mail: [petersachs@gmail.com](mailto:petersachs@gmail.com)  
[www.petersachsarchitect.com](http://www.petersachsarchitect.com)

SITE PLAN  
 SCALE 1/8" = 1'-0"  
 Date & Revision  
 06/23/16

C-1



FRONT ELEVATION  
3/16" : 1'-0"



CHESLOCK RESIDENCE  
23 EVERGREEN AVE, NEWTON, MA

FRONT ELEVATION  
SCALE 3/16" : 1'-0"

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Date & Revision  
06/23/16

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7/15/2016

23 Evergreen Av - | - Arch2.dwg





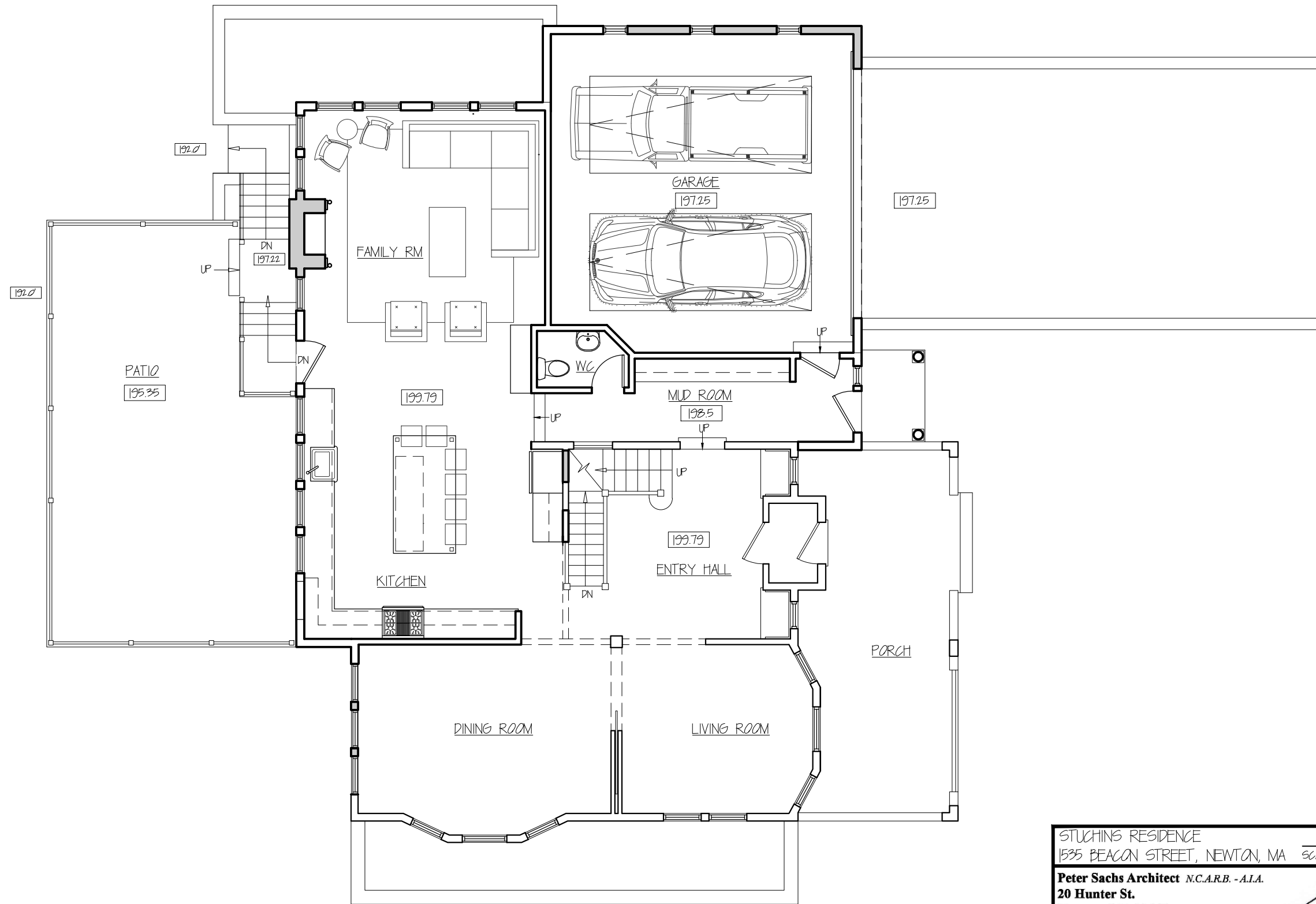
**PETER SACHS ARCHITECT** 23 Evergreen Av.

6/15/16

23 Evergreen Av - 3D-IMAGE.dwg

CHESLOCK RESIDENCE		3D VIEW
23 EVERGREEN AVE, NEWTON, MA		SCALE
<b>Peter Sachs Architect</b> N.C.A.R.B. - A.I.A.		Date & Revision
20 Hunter St.		06/15/16
Newton, MA 02465		
Tel.: 617-527-5777 or Cell 617-312-5045		A-0
E-Mail: <a href="mailto:petersachs@gmail.com">petersachs@gmail.com</a>		
<a href="http://www.petersachsarchitect.com">www.petersachsarchitect.com</a>		





6/14/2016

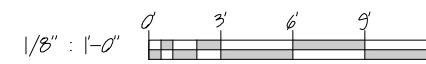
1535 Beacon St. - Arch.dwg

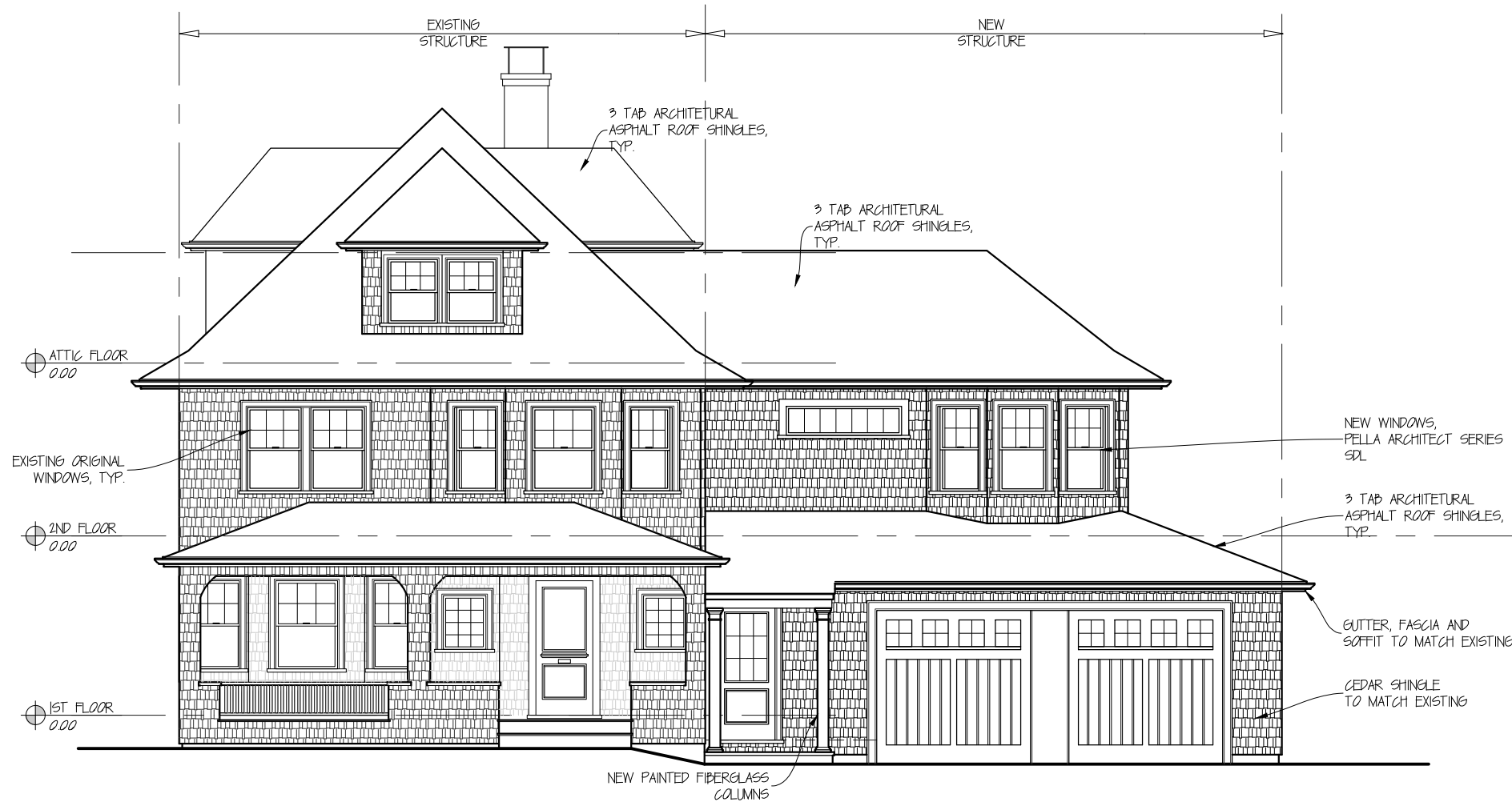
STUCHINS RESIDENCE FIRST FLOOR PLAN  
 1535 BEACON STREET, NEWTON, MA SCALE 1/8" = 1'-0"

Peter Sachs Architect N.C.A.R.B. - A.I.A. Date & Revision  
 20 Hunter St. 06/14/16  
 Newton, MA 02465

Tel.: 617-527-5777 or Cell 617-312-5045  
 E-Mail: [petersachs@gmail.com](mailto:petersachs@gmail.com)  
 www.petersachsarchitect.com

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6/14/2016

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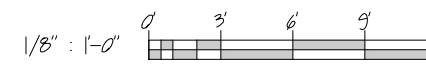
STUCHINS RESIDENCE FRONT ELEVATION  
 1535 BEACON STREET, NEWTON, MA SCALE 1/8" = 1'-0"

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Date & Revision  
 06/14/16

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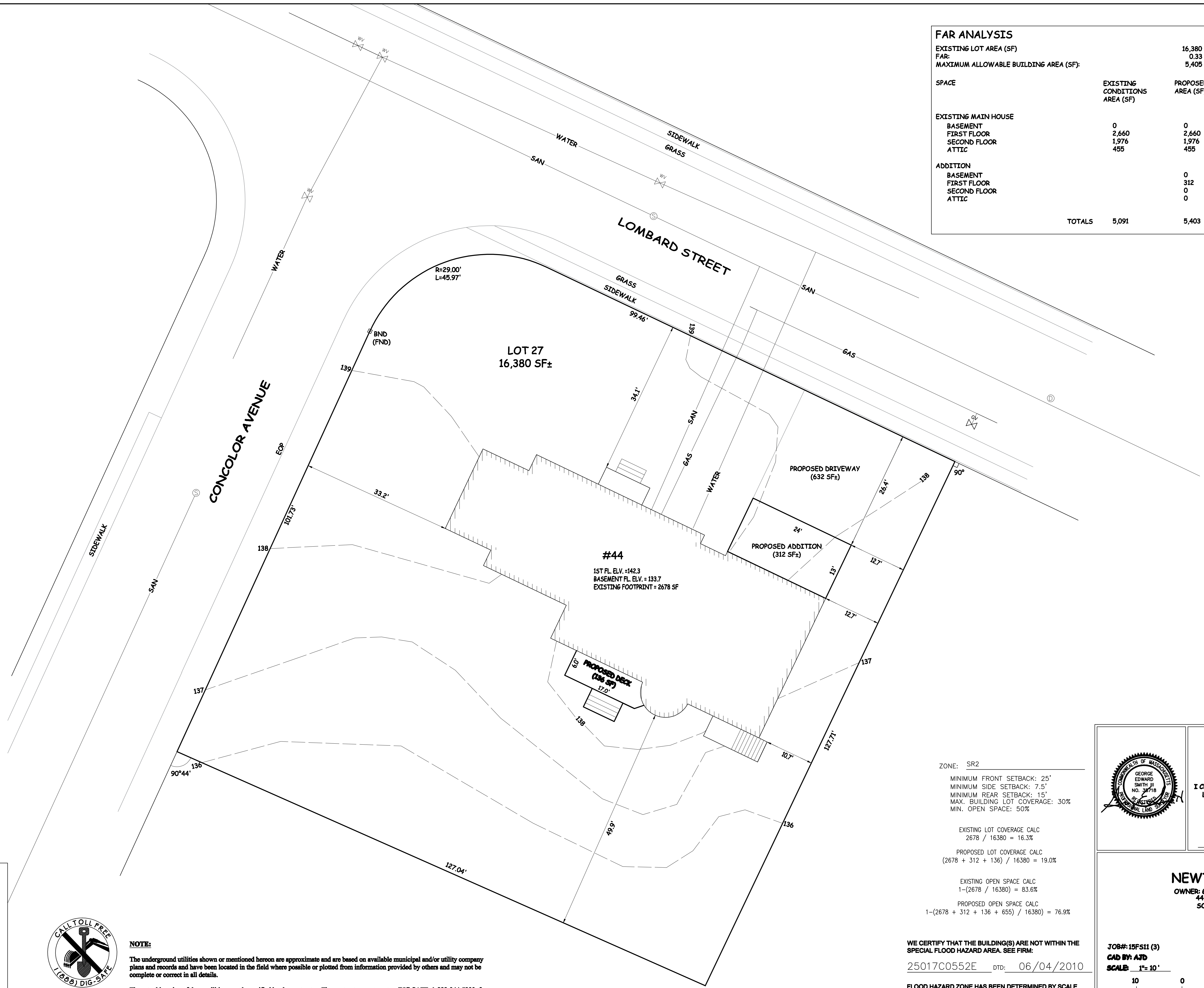


**FAR ANALYSIS**

EXISTING LOT AREA (SF)	16,380	
FAR	0.33	
MAXIMUM ALLOWABLE BUILDING AREA (SF)	5,405	
<b>SPACE</b>	<b>EXISTING CONDITIONS AREA (SF)</b>	<b>PROPOSED AREA (SF)</b>
EXISTING MAIN HOUSE		
BASEMENT	0	0
FIRST FLOOR	2,660	2,660
SECOND FLOOR	1,976	1,976
ATTIC	455	455
ADDITION		
BASEMENT	0	0
FIRST FLOOR	312	312
SECOND FLOOR	0	0
ATTIC	0	0
<b>TOTALS</b>	<b>5,091</b>	<b>5,403</b>

KEY

	SEWER MANHOLE
	UTILITY POLE
	WATER VALVE
	GAS VALVE
	EXISTING CONTOUR



ZONE: SR2  
 MINIMUM FRONT SETBACK: 25'  
 MINIMUM SIDE SETBACK: 7.5'  
 MINIMUM REAR SETBACK: 15'  
 MAX. BUILDING LOT COVERAGE: 30%  
 MIN. OPEN SPACE: 50%

EXISTING LOT COVERAGE CALC  
 2678 / 16380 = 16.3%

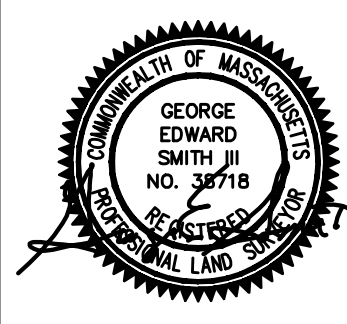
PROPOSED LOT COVERAGE CALC  
 (2678 + 312 + 136) / 16380 = 19.0%

EXISTING OPEN SPACE CALC  
 1-(2678 / 16380) = 83.6%

PROPOSED OPEN SPACE CALC  
 1-(2678 + 312 + 136 + 655) / 16380 = 76.9%

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:  
 25017C0552E DTD: 06/04/2010

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION OF THE BUILDING AND DIMENSIONS AS SHOWN.

*George Edward Smith, Jr.* DATE: July 20, 2016

**PLAN OF LAND IN  
 NEWTON, MASSACHUSETTS**

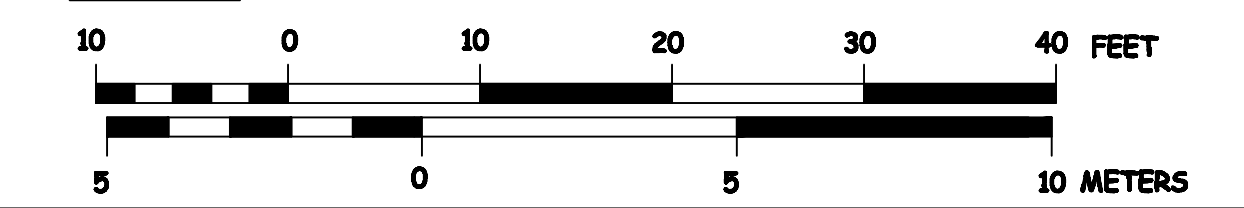
OWNER: GREGG LIEBERMAN & ANITA LIEBERMAN  
 44 LOMBARD STREET NEWTON, MA  
 SOUTHERN MIDDLESEX COUNTY

REFERENCES:

DB. 65153 PG. 520  
 PB. 324 PG. 31

DATUM: NAVD 1988

JOB#: 15FS11 (3)  
 CAD BY: AJD  
 SCALE: 1"=10'



**New England  
 Land Survey Inc.**  
 710 MAIN STREET  
 NORTH OXFORD, MA 01537  
 508-987-0025

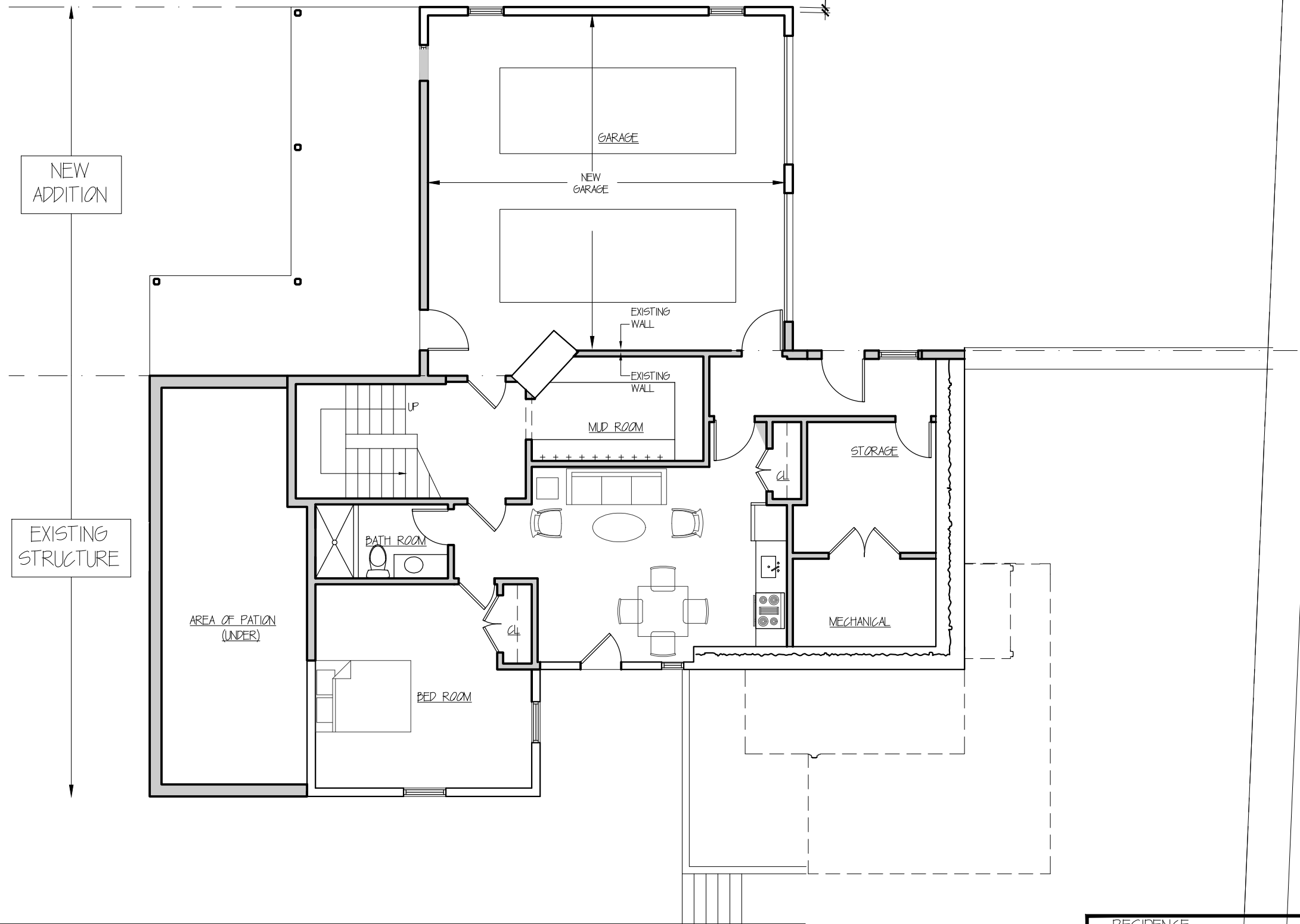


PROTECT YOURSELF, GIVE  
 TWO WORKING DAYS  
 NOTICE.

**NOTE:**  
 The underground utilities shown or mentioned hereon are approximate and are based on available municipal and/or utility company plans and records and have been located in the field where possible or plotted from information provided by others and may not be complete or correct in all details.

The actual location of these utilities must be verified by the contractor. The contractor must contact DIG SAFE, 1-888-344-7233, for location and marking of all existing utilities prior to any excavation.

www.digsafe.com



1/15/2016

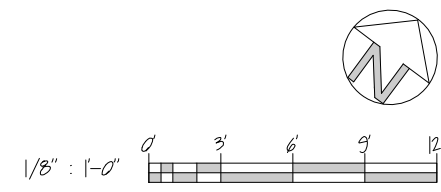
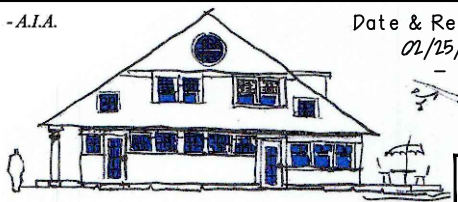
45 Perkins - 1 - Archt%\$.dwg

- RESIDENCE  
 45 PERKINS STR NEWTON, MA  
 FIRST FLOOR PLAN  
 SCALE 1/8" = 1'-0"

**Peter Sachs Architect** N.C.A.R.B. - A.I.A.  
 20 Hunter St.  
 Newton, MA 02465

Date & Revision  
 02/25/16

Tel.: 617-527-5777 or Cell 617-312-5045  
 E-Mail: [petersachs@gmail.com](mailto:petersachs@gmail.com)  
[www.petersachsarchitect.com](http://www.petersachsarchitect.com)



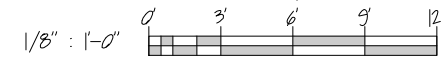




1 FRONT ELEVATION  
1/8" = 1'-0"



2 RIGHT ELEVATION  
1/8" = 1'-0"



- RESIDENCE  
45 PERKINS STR NEWTON, MA

FRONT AND RIGHT ELEVATIONS  
SCALE 1/8" = 1'-0"

Peter Sachs Architect N.C.A.R.B. - A.I.A.  
20 Hunter St.  
Newton, MA 02465

Date & Revision  
02/25/16

Tel.: 617-527-5777 or Cell 617-312-5045  
E-Mail: [petersachs@gmail.com](mailto:petersachs@gmail.com)  
[www.petersachsarchitect.com](http://www.petersachsarchitect.com)

A-5

2/15/2016

45 Perkins - 1 - Arch.dwg

# NEW TWO-FAMILY RESIDENCE

261 MELROSE ST.  
NEWTON, MA

**FINESPACES ARCHITECTURE, LLC**

175 MAPLE STREET SHERBORN, MA 01770  
ph 508.653.5223 fax 508.650.4849

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CONSULTANT:

**SIEGEL ASSOCIATES CONSULTING STRUCTURAL ENGINEERS**  
634 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
ph 617.244.1612 fax 617.244.1732

DATE:

25 MAY 2016 PERMIT

SCALE:

AS NOTED

DRAWN BY:

KGL

CHECKED BY:

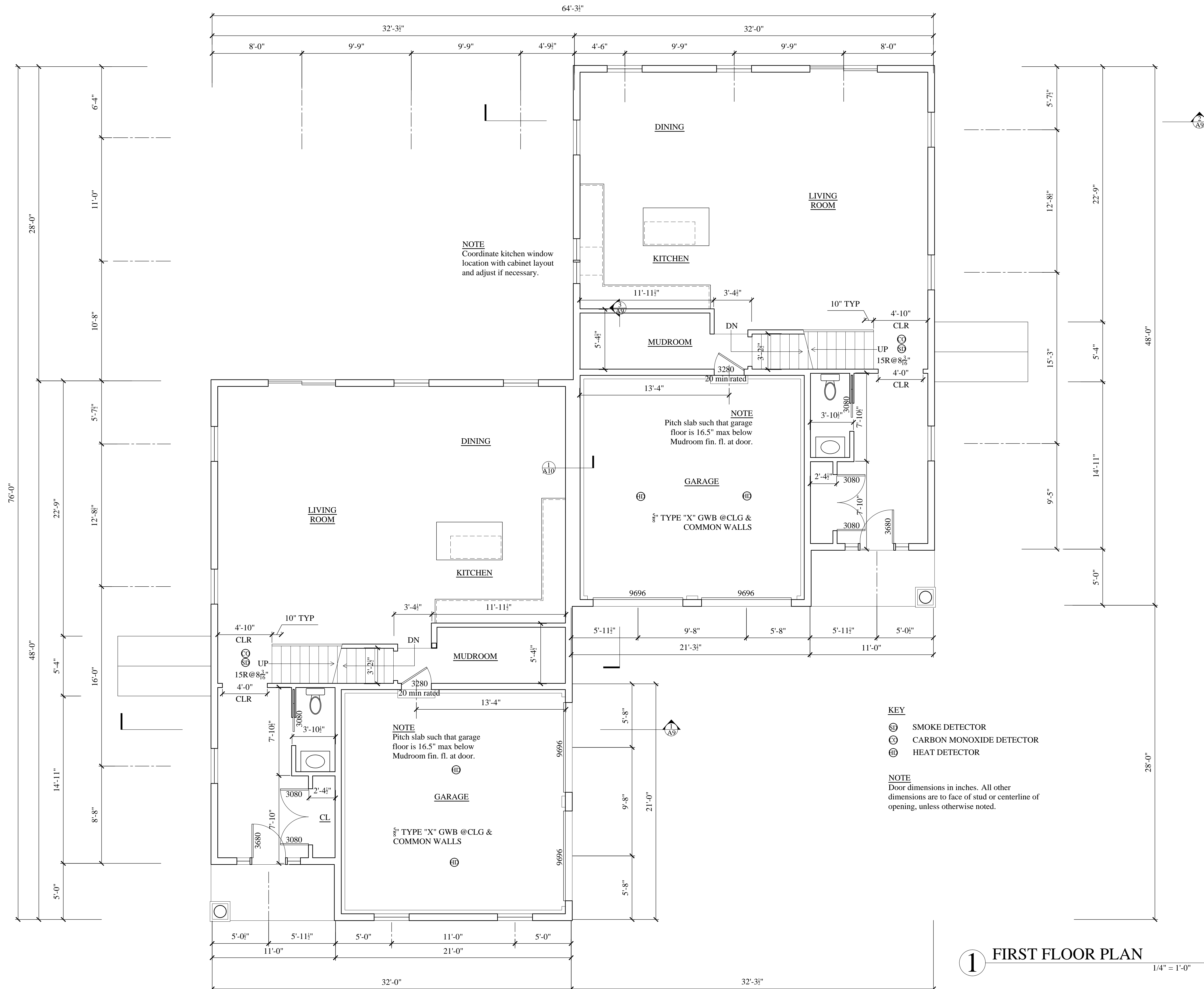
KGL

SHEET TITLE:

FIRST FLOOR PLAN

SHEET NUMBER:

A2



**KEY**

- Ⓢ SMOKE DETECTOR
- ⓐ CARBON MONOXIDE DETECTOR
- Ⓜ HEAT DETECTOR

**NOTE**

Door dimensions in inches. All other dimensions are to face of stud or centerline of opening, unless otherwise noted.

**1 FIRST FLOOR PLAN**

1/4" = 1'-0"

# NEW TWO-FAMILY RESIDENCE

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NEWTON, MA

**FINESPACES ARCHITECTURE, LLC**  
175 MAPLE STREET SHERBORN, MA 01770  
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634 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
ph 617.244.1612 fax 617.244.1732

DATE:  
25 MAY 2016 PERMIT

SCALE:  
AS NOTED

DRAWN BY:  
KGL

CHECKED BY:  
KGL

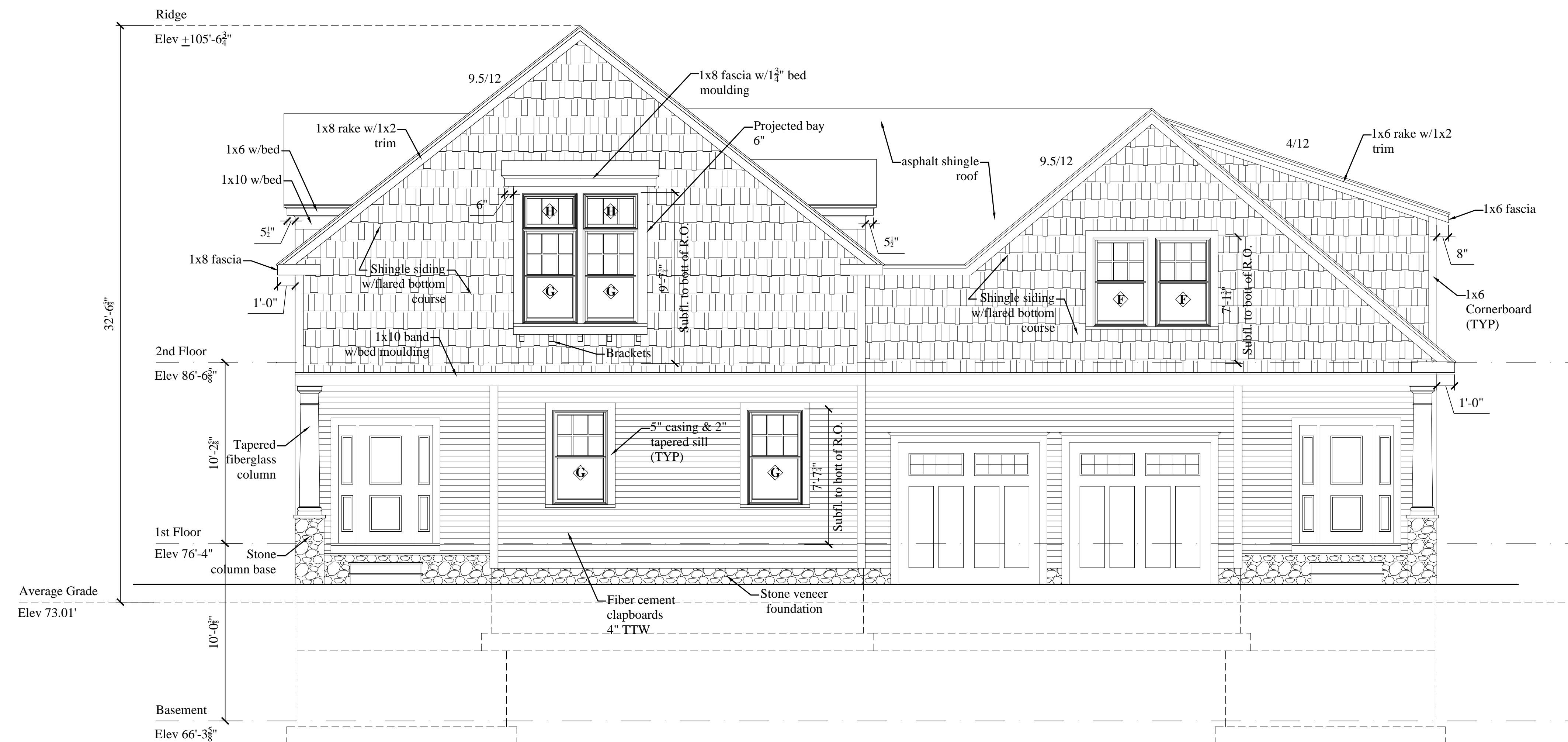
SHEET TITLE:  
FRONT ELEVATION WINDOW SCHEDULE

SHEET NUMBER:  
A5

## WINDOW SCHEDULE

JeldWen SiteLine EX Clad Windows

WINDOW	TYPE	Frame w	Frame h	R.O. w	R.O. h	NOTES
Ⓐ ECD3364-2	Double Hung	33 <sup>3</sup> / <sub>8</sub> "	64"	69"	64 <sup>3</sup> / <sub>4</sub> "	mulled
Ⓑ ECD3348	Double Hung	33 <sup>3</sup> / <sub>8</sub> "	48"	34 <sup>1</sup> / <sub>8</sub> "	48 <sup>3</sup> / <sub>4</sub> "	
Ⓒ ECD3360	Double Hung	33 <sup>3</sup> / <sub>8</sub> "	60"	34 <sup>1</sup> / <sub>8</sub> "	60 <sup>3</sup> / <sub>4</sub> "	
Ⓓ ECD3364	Double Hung	33 <sup>3</sup> / <sub>8</sub> "	64"	34 <sup>1</sup> / <sub>8</sub> "	64 <sup>3</sup> / <sub>4</sub> "	
Ⓔ ECD3756	Double Hung	37 <sup>3</sup> / <sub>8</sub> "	56"	38 <sup>1</sup> / <sub>8</sub> "	56 <sup>3</sup> / <sub>4</sub> "	
Ⓕ ECD3760	Double Hung	37 <sup>3</sup> / <sub>8</sub> "	60"	38 <sup>1</sup> / <sub>8</sub> "	60 <sup>3</sup> / <sub>4</sub> "	
Ⓖ ECD3764	Double Hung	37 <sup>3</sup> / <sub>8</sub> "	64"	38 <sup>1</sup> / <sub>8</sub> "	64 <sup>3</sup> / <sub>4</sub> "	
Ⓗ SCDT3724	DH transom	37 <sup>3</sup> / <sub>8</sub> "	24"	38 <sup>1</sup> / <sub>8</sub> "	24 <sup>3</sup> / <sub>4</sub> "	
Ⓘ ECC2448-2	Casement	48"	48"	48 <sup>3</sup> / <sub>4</sub> "	48 <sup>3</sup> / <sub>4</sub> "	
Ⓙ SCHD60611F	Inswing Fr Dr	72"	82 <sup>1</sup> / <sub>2</sub> "	72 <sup>3</sup> / <sub>4</sub> "	83"	



**1 FRONT ELEVATION**  
1/4" = 1'-0"

# NEW TWO-FAMILY RESIDENCE

261 MELROSE ST.  
NEWTON, MA

**FINESPACES  
ARCHITECTURE, LLC**

175 MAPLE STREET SHERBORN, MA 01770  
ph 508.653.5223 fax 508.650.4849

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CONSULTANT:

**SIEGEL ASSOCIATES  
CONSULTING STRUCTURAL  
ENGINEERS**  
634 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
ph 617.244.1612 fax 617.244.1732

DATE:

25 MAY 2016 PERMIT

SCALE:

AS NOTED

DRAWN BY:

KGL

CHECKED BY:

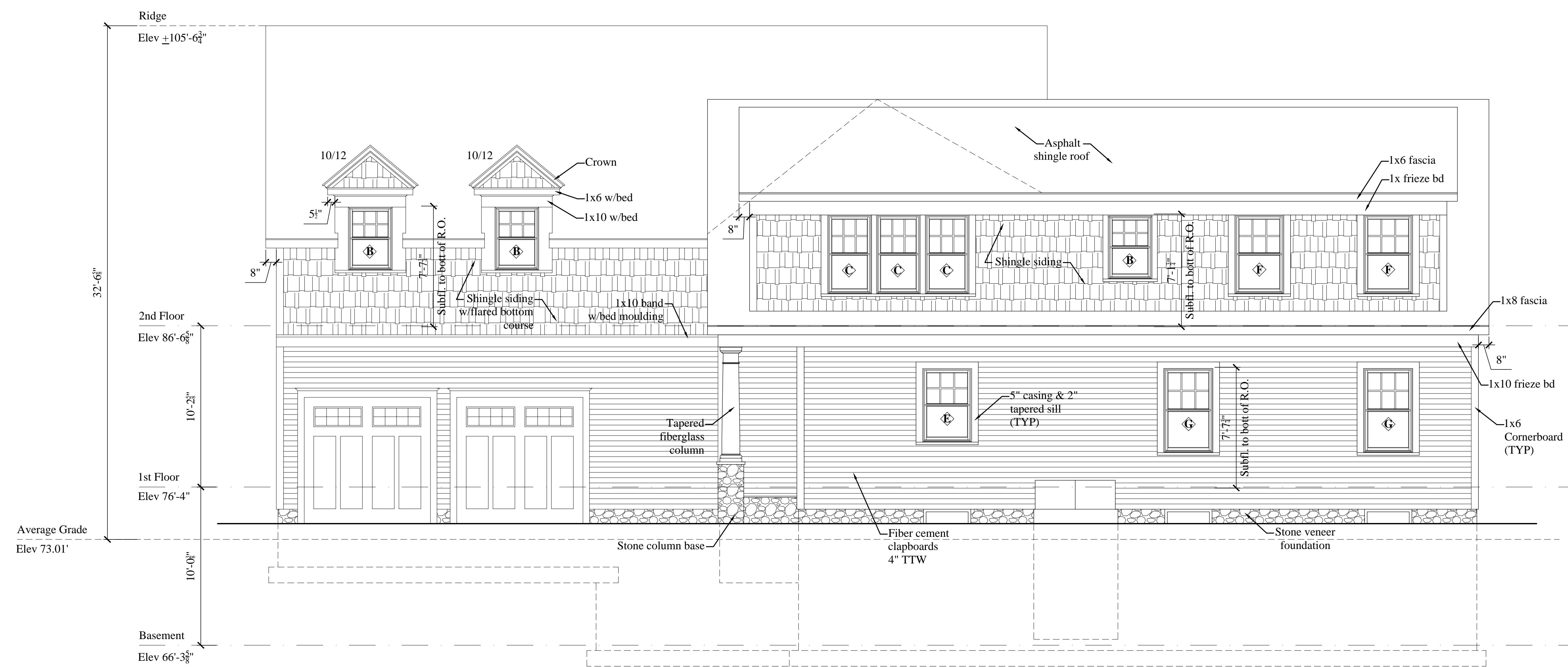
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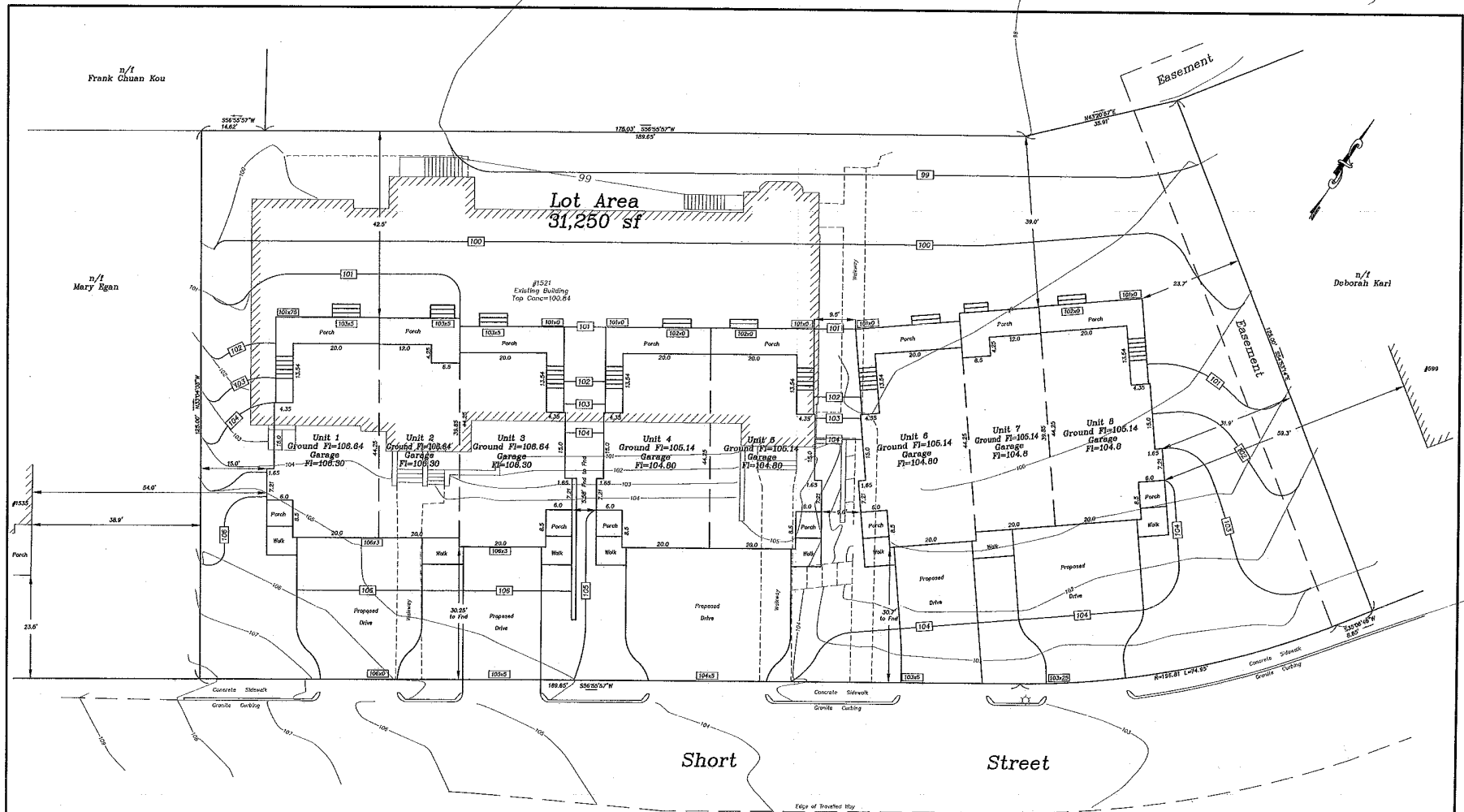
RIGHT SIDE  
ELEVATION

SHEET NUMBER:

A7



**1** RIGHT SIDE ELEVATION  
1/4" = 1'-0"



Zoning	Required	Existing	Proposed
SR-2 Old			
Min. Lot Area	10,000 sf	31,250 sf	31,250 sf
Setbacks			
Front	25.0'	51.8'	30.25'
Side	7.5'	11.4'	15.25'
Rear	15.0'	10.4'	42.5'
	2'	2'	2'
Lot Coverage	30%	22.81%	25.68%
Open Space	50%	71.64%	57.24%
Max Height	36'	39.3'	38.4'

REVISIONS	
DATE	DESCRIPTION



**1521 Beacon Street**  
 Newton, Massachusetts  
**Proposed Layout Plan - Option A**

Scale: 1"=10'      August 23, 2016  
**VERNE T. PORTER Jr., PLS**  
 Land Surveyors - Civil Engineers  
 354 Elliot Street Newton, Massachusetts 02464

Project: 13082-pe3b  
 Checked By: V. Porter Jr.  
 Drawn By: R. Jordine Jr.

Sheet 2 of 4



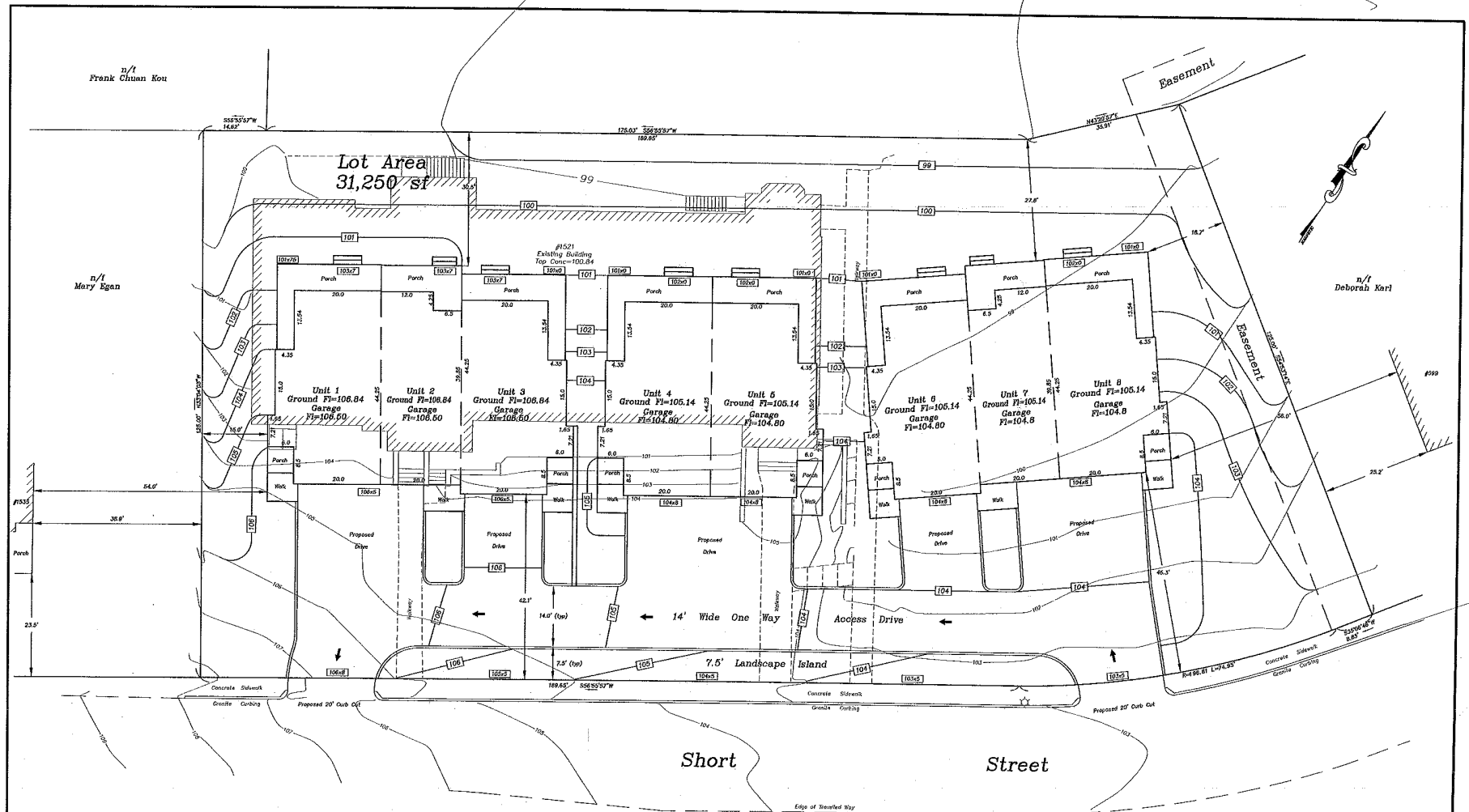
**SHORT STREET FACADES - OPTION 1**  
**REVISED 08-26-16**

Drawing  
**SK-3**

---

PROJECT: 1621 BEACON ST. - TOWNHOUSES  
TITLE: VIEW OF SHORT ST. FACADES - OPTION 1  
SCALE: PROJECT NO.: 14064.00  
DATE: 08/26/16 BULLETIN NO.:

**PCA**  
PRELLWITZ / CHILINSKI ASSOCIATES, INC.  
221 Hampshire Street, Cambridge MA, 02139  
T 617-547-8120 F 617-661-4886



Zoning	Required	Existing	Proposed
Site-2 Ord			
Min. Lot Area	10,000 sf	31,250 sf	31,250 sf
Setbacks			
Front	25.0'	11.4'	15.0'
Side	15.0'	10.4'	22.8'
Rear	39'	35.3'	35.8'
Lot Coverage	30%	22.91%	28.87%
Open Space	50%	71.64%	80.72%
Bed Height	39'	35.3'	35.8'

REVISIONS	
DATE	DESCRIPTION



**1521 Beacon Street**  
**Newton, Massachusetts**  
**Proposed Layout Plan - Option B**  
 Scale: 1"=10' August 23, 2016  
**VERNE T. PORTER Jr., PLS**  
 Land Surveyors - Civil Engineers  
 354 Elliot Street Newton, Massachusetts 02464

Project: 13082-p04  
 Checked By: V. Porter Jr.  
 Drawn By: R. Jardine Jr.

0 10 20 30 40  
 Feet

Sheet 3 of 4





**SHORT STREET FACADES - OPTION 2**  
**REVISED 08-26-16**

PROJECT: 1621 BEACON ST. - TOWNHOUSES  
TITLE: VIEW OF SHORT ST. FACADES - OPTION 2  
SCALE: PROJECT NO.: 14064.00  
DATE: 08/26/16 BULLETIN NO.:

PC/A  
PRELLWITZ / CHILINSKI ASSOCIATES, INC.  
221 Hampshire Street, Cambridge MA, 02139  
T 617-547-8120 F 617-661-4886





FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



LEFT ELEVATION  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION  
SCALE: 1/4" = 1'-0"

GROSS FLOOR AREA	
FIRST FLOOR	1460 SF
SECOND FLOOR	1935 SF
ATTIC	0 SF
TOTAL	3395 SF
GARAGE	660 SF
TOTAL AREA	4055 SF

CONTRACTOR  
PRIORE CUSTOM HOMES & RENOVATIONS, INC.  
RON PRIORE, JR. 617-697-1719  
www.priorerehomes.com

OWNER

PROJECT TYPE  
NEW STRUCTURE  
RESIDENTIAL

PROJECT LOCATION  
56 NORTH STREET  
NEWTON, MA

ISSUED FOR  
APPRAISAL

Design by Sami LLC  
Professional Architectural  
Construction  
New Home Construction  
Additions

18 Oak Hill Road  
Needham Heights, MA 02459

017-460-1041 Office  
508-660-3409 Fax  
sami@sami-llc.com  
www.sami-llc.com

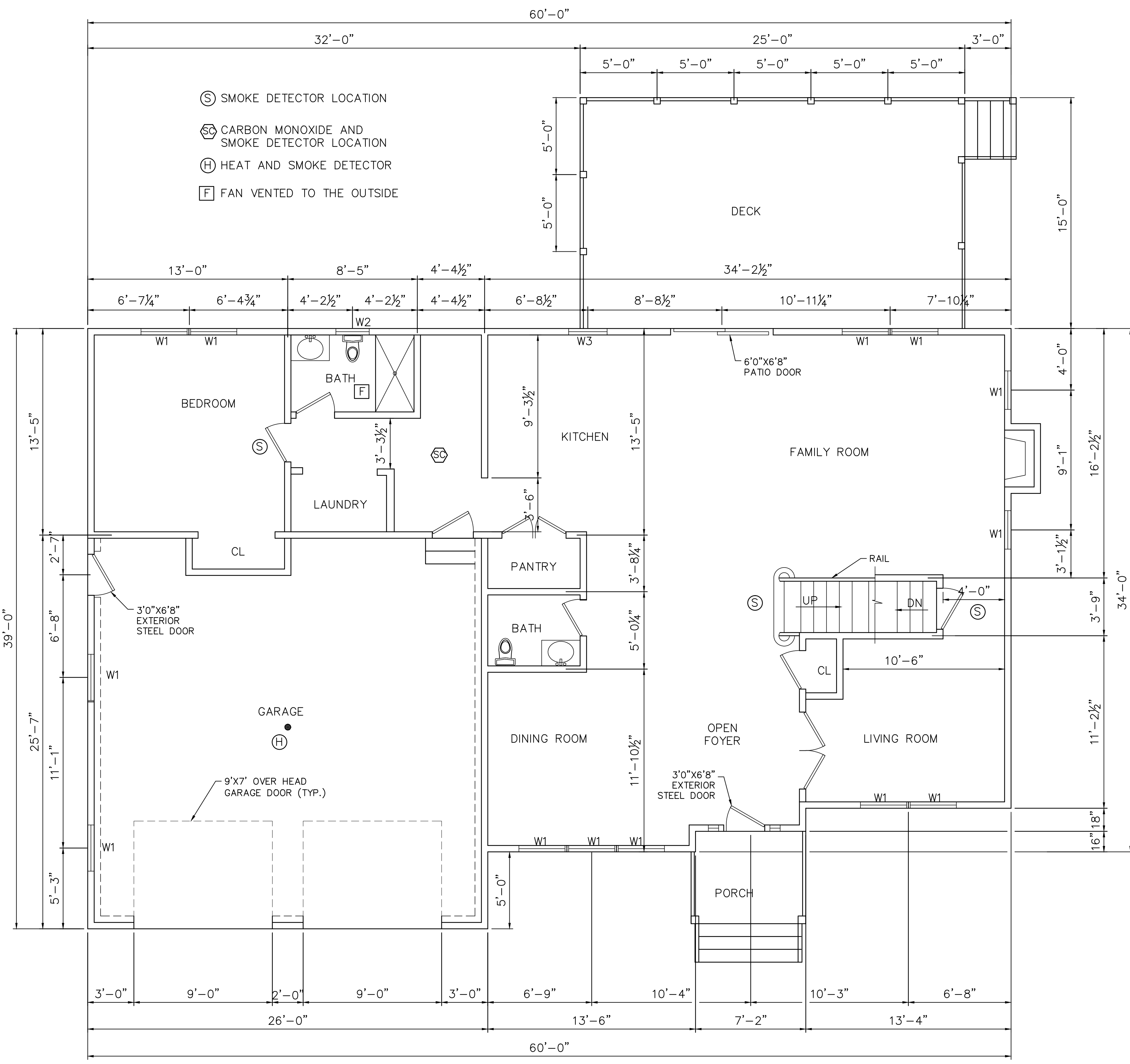
Sami E. Kassiss, P. E.  
617-460-1041 Office  
508-660-3409 Fax  
sami@sami-llc.com  
www.sami-llc.com

**Design by Sami LLC**  
Sami E. Kassis, P.E.  
617-460-1041 Office  
508-660-3439 Fax  
www.designsami.com

**Sam E. Kassis, P.E.**  
617-460-1041 Office  
508-660-3439 Fax  
www.designsami.com

18 041 River Road  
Wolpole, MA 02081

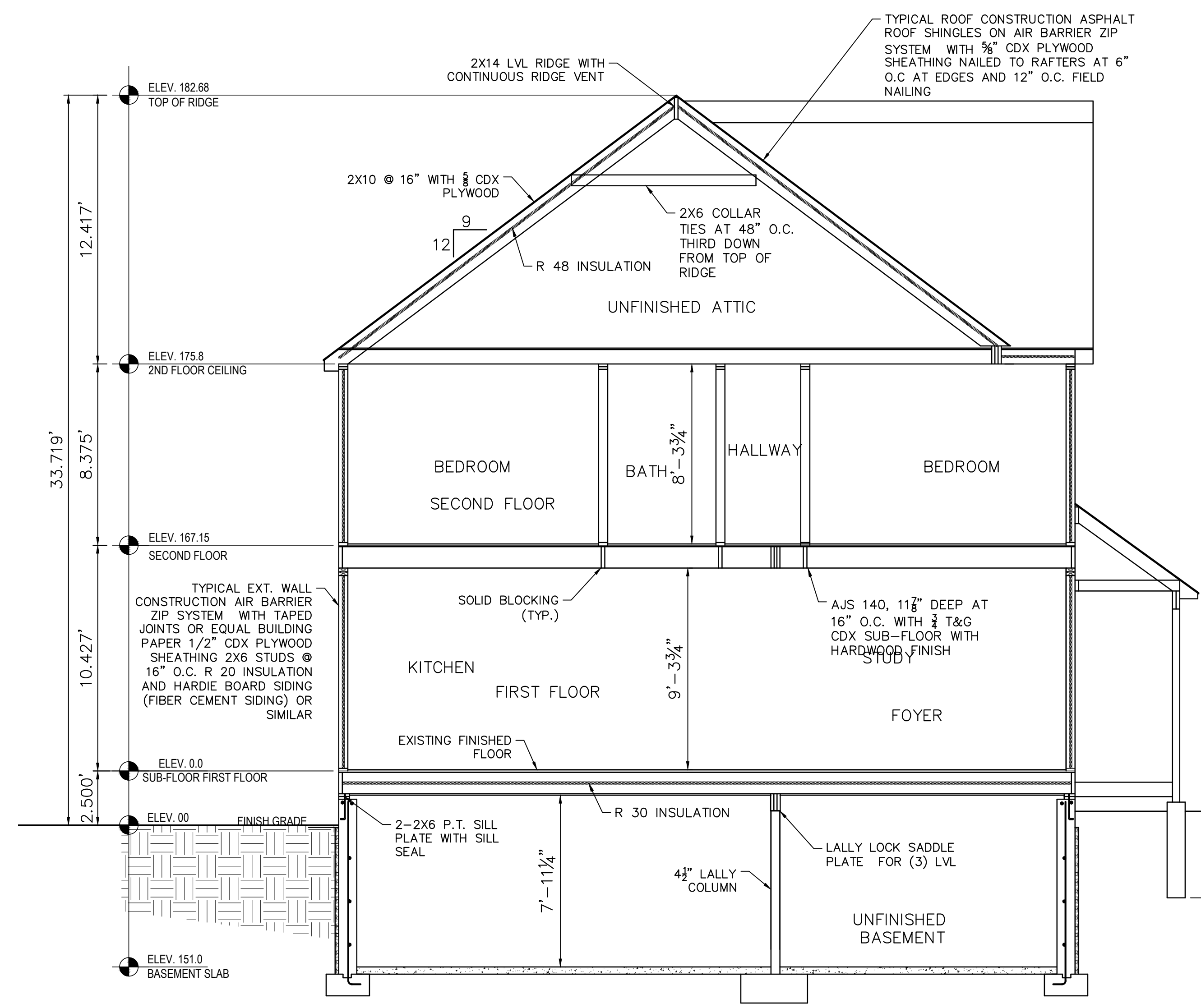
COMMONWEALTH OF MASSACHUSETTS  
SAMI E. KASSIS  
STRUCTURAL  
No. 35594  
REGISTERED PROFESSIONAL ENGINEER



**FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

LOCATION	ANDERSON	ROUGH OPENING
W1 **	TW3046	3'-2 1/8" X 4'-8 7/8"
W2	TW30310	3'-2 1/8" X 4'-0 1/8"
W3	CN235	3'-4 3/4" X 3'-4 1/8"

\*\* BEDROOMS WINDOW  
 USE ANDERSON WINDOW TW3046 MEETS THE FOLLOWING DIMENSIONS: CLEAR OPENABLE AREA OF 5.7 SQ. FT., CLEAR OPENABLE WIDTH OF 20" AND CLEAR OPENABLE HEIGHT OF 24".  
 ALL INTERIOR DOORS SHALL BE 2'6"X6'8"







Lakewood,  
CO

Zoning  
Ordinance –  
Adopted  
February 10,  
2014

6-3

**ARTICLE 6: RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS**

**17.6.2: Building Design Standards**

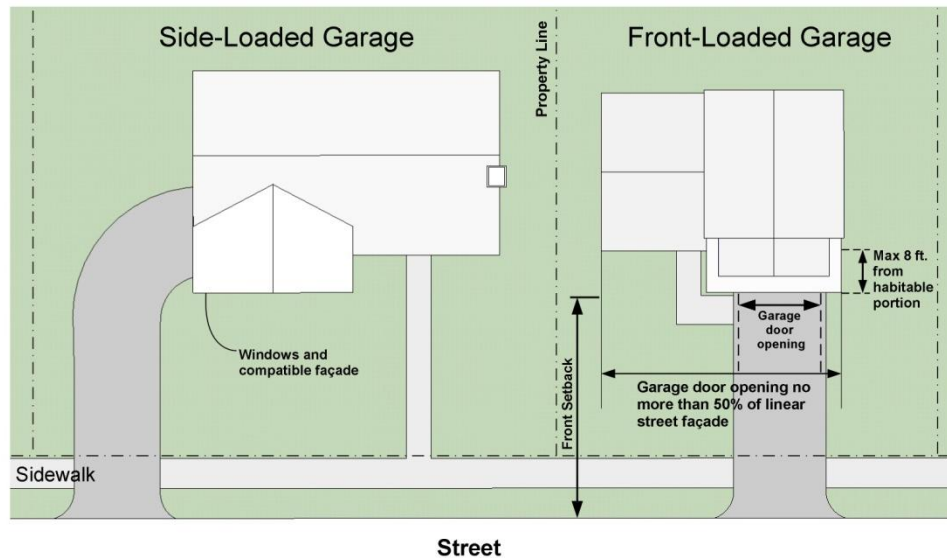
**17.6.2.1: Architecture**

**17.6.2.1.G: Garages: ☒**

These additional design standards are for garages and only apply to the primary front setback. ☒

1. The garage door opening shall not comprise more than 50 percent of a linear street façade of a residential building. ☒
2. Attached front-loaded garages for single-family dwelling or duplex structures shall not project more than 8 feet in front of the habitable portion of the structure and must meet the required front setback. ☒
3. Detached garages for single-family dwelling, duplex, attached dwelling or multifamily structures shall be setback behind the front edge of the primary residential building. ☒
4. The street facing façade of attached front-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include windows along at least 50% of the width of the door in a style that is compatible with the architecture of the residence.
5. ☒The street-facing façade of attached side-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include at least one window and a similar architectural treatment as the remainder of the residential building (See Figure 17.6.1).

**Figure 17.6.1: Attached Garages - Front and Side Loaded**



[http://www.lakewood.org/Planning/Development\\_Regulations/Zoning\\_Ordinance.aspx](http://www.lakewood.org/Planning/Development_Regulations/Zoning_Ordinance.aspx)

Seattle, WA

23 Land Use Code

Municipal Code

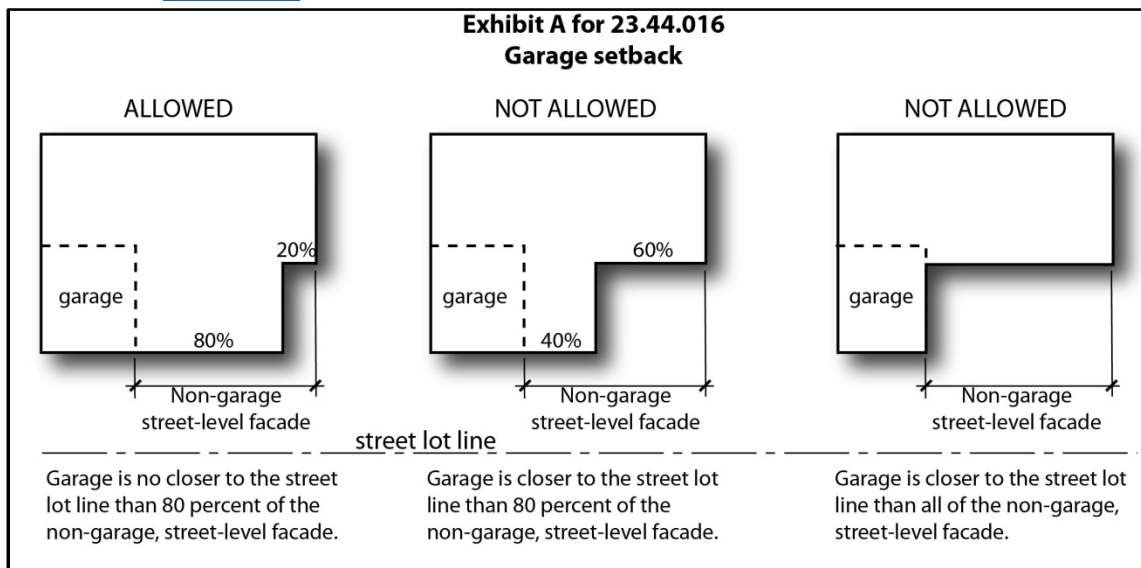
**23.44 Residential – Single-Family**

**23.44.016 - Parking and garages**

**23.44.016.F. Appearance of garage entrances**

1. **Garage setback.** No portion of a garage, whether attached to a principal structure or within a detached accessory structure, may be closer to the street lot line than 80 percent of the remaining non-garage street-level facade (see Exhibit A for [23.44.016](#) of the principal structure to which the garage is accessory. If the entire street-level facade of either a principal or accessory structure is garage, no portion of the garage may be closer to the street lot line than 80 percent of the facade of the story above the street-level facade.

Exhibit A for [23.44.016](#) ☐Garage setback



2. **Garage entrance width.** The total combined horizontal width of all garage entrances located on the front facade may be up to 50 percent of the horizontal width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing facade.
3. Exemptions
  - a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12 are not subject to the standards of this subsection 23.44.016.F.
  - b. **Garages that are set back more than 35 feet from the front lot line are not subject to the standards** of this subsection 23.44.016.F.
  - c. **The Director may waive or modify the standards of this subsection 23.44.016.F based on one or more of the**

		<p>following factors:</p> <ol style="list-style-type: none"> <li>1) Irregular lot shape;</li> <li>2) Topography of the lot;</li> <li>3) Configuration of proposed or existing structures on the lot;</li> <li>4) Location of exceptional trees as defined in <a href="#">Section 25.11.020</a>; and</li> <li>5) The proposed structure or addition has design features including but not limited to modulation, screening, and landscaping.</li> </ol> <p><a href="https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_DIV2AUUSDEST_CH23.44RESIMI_SUBCHAPTER_IPRUSPEOU_23.44.016PAGA">https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_DIV2AUUSDEST_CH23.44RESIMI_SUBCHAPTER_IPRUSPEOU_23.44.016PAGA</a></p>
<p><b>Cleveland, OH</b></p> <p>Residential Design Guidelines - Summary</p>	<p>2</p>	<p><b>RESIDENTIAL DESIGN GUIDELINES - SUMMARY</b>  <b>City of Cleveland Department of Community Development</b></p> <p>The following table is a Summary of critical City of Cleveland Residential Design Guideline requirements to be met by all new construction.</p> <p><b>Garage Doors</b></p> <ul style="list-style-type: none"> <li>• If an alley exists behind the lot, curb cuts and Front Yard driveways are not permissible.</li> <li>• If no alley exists, detached or attached garages behind the house are encouraged. If possible, access to garage should be from a rear drive connected to a side street or alley.</li> <li>• On lots less than 36’ wide, maximum allowable garage door width visible from the street shall be 8’.</li> <li>• On lots 36’ or wider, garages shall be placed behind the rear wall of the house.</li> <li>• Street-facing garage doors “should be set back a minimum of 18’ from the front façade of the residence” or designed to not dominate the street façade.</li> </ul> <p>Requirements are referenced to the following documents. Refer to these documents for full explanations of all requirements:</p> <ul style="list-style-type: none"> <li>• Connecting Cleveland 2020 Citywide Plan (CC2020): <a href="http://planning.city.cleveland.oh.us/cwp/contents.html">http://planning.city.cleveland.oh.us/cwp/contents.html</a> Sec. 29</li> <li>• City of Cleveland Residential Design Guidelines (RDG) Sec..36</li> <li>• Sustainable Cleveland 2019 (SC2019): <a href="http://www.gcbl.org/files/resources/sc2019resourceactionguide8sep10.pdf">http://www.gcbl.org/files/resources/sc2019resourceactionguide8sep10.pdf</a> Sec. 53</li> </ul> <p><a href="http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf">http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf</a></p>
<p><b>Franklin, TN</b></p> <p>Zoning Ordinance Page 5-25</p>	<p>5-26 5-29</p>	<p><b>CHAPTER 5: Development standards Section</b>  <b>5.3: Building and Site Design Standards Subsection</b>  <b>5.3.5: Residential Development</b>  <b>5.3.5.2 Detached Residential Structures</b></p> <p><b>(d) Garage Standards</b></p>

Last  
Amended  
8/26/14

Attached and detached garages and carports shall incorporate exterior materials, design features, and roof forms compatible with the building they serve, and shall comply with the following standards:

i. Garage Dimensions

- A. Individual street facing garage doors located on the front, side, or corner façade shall be a maximum of nine (9) feet in width. Garages that are not street facing may have garage doors up to 18 feet in width, but in no case may a 2-car garage door be less than 16 feet in width.
- B. The inside dimensions of garages constructed after the effective date of this ordinance shall be at least 10 feet wide by 20 feet deep per vehicle.

ii. Street-Facing Garages

- A. Any street-facing garage shall include a minimum of at least three architectural features. Examples of such features include, but are not limited to, the following:
1. Carriage house garage doors as depicted in Figure 5-20 (counts as two architectural features);
  2. Garage detached from principal dwelling and behind the rear facade (counts as two architectural features);
  3. Garage doors painted to match the main or accent color of the structure;
  4. Ornamental light fixtures flanking the doors;
  5. Arbor or trellis flanking garage doors;
  6. Columns flanking doors;
  7. Portico treatment;
  8. Windows (equal to quantity of vehicle spaces within garage);
  9. Dormers;
  10. Overhangs over garage doors;
  11. Eaves with exposed rafters and/or with a minimum six-inch projection from the façade plane;
  12. Roof line changes;
  13. Decorative gable vent covers;
  14. or Dentil or other molding.
- B. Garages on corner lots visible from the street right-of-way shall have individual doors measuring a maximum of 9 feet in width and shall include architectural details and windows that mimic the features of the living portion of the building they serve.
- C. Street-facing garage and carport façades shall not exceed 50 percent of the total area of the front façade elevation of the dwelling, as measured from the ground level to the eave of the roof. In the case of car ports, the



perimeter of the carport facade shall define the area measured, and shall not exceed 50 percent of the front facade elevation.

- D. When more than one garage door is utilized on the same facade a minimum separation of at least two (2) feet shall be provided between each garage door.

iii. Garage Location

Street-facing garages shall be a minimum of ten (10) feet behind the front facade of the dwelling they serve and a minimum of twenty-two (22) feet from the sidewalk.

iv. Side-Loaded Garages

- A. Side-loaded garages shall be located a minimum of three feet behind the front facade of the dwelling they serve.
- B. Side-loaded garages shall not be located between the primary entrance to the dwelling and the street providing access to the lot.
- C. Side-loaded garages shall be oriented so that the vehicular entry into garage structure is perpendicular to the street providing access to the lot.

v. Garages Serving Narrow Lots

Garages serving detached dwellings located on lots with a width of 50 feet or less shall:

- A. Be located to the rear of the dwelling;
- B. Be served by either an alley or a street-loaded driveway running beside the primary dwelling to the rear of the dwelling;
- C. Be set back either:
1. Five feet from the edge of the alley pavement with a 10- foot by 20-foot paved parking pad adjacent to the garage;
  2. A minimum of 20 feet from the edge of the alley pavement so as to create an outdoor parking pad between the garage and the alley; or
  3. Five feet from the edge of the alley pavement with no parking between the garage and the alley.

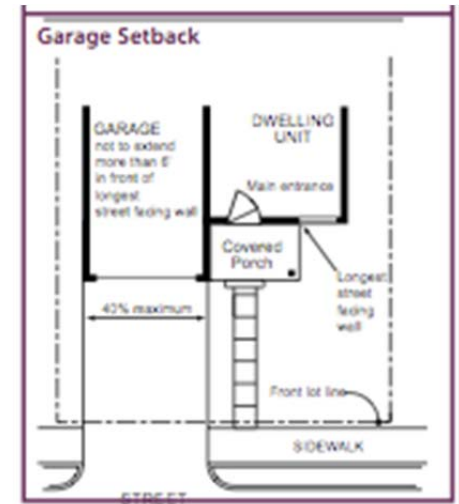
vi. Garage Access

Regardless of the location or orientation of a garage, the paving area associated with the garage shall be sufficient to

		<p>allow a vehicle to maneuver into or out of the garage.</p> <p><a href="http://www.franklin-gov.com/home/showdocument?id=22062">http://www.franklin-gov.com/home/showdocument?id=22062</a></p>
<p><b>Huntersville, NC</b></p> <p>Residential Permit Quick Reference Guide</p>		<p>1. Garage Requirements:</p> <p>A. On lots greater than 60' in width, front loading garages shall be recessed at least 10' behind the primary plane of the front façade of the structure. (See garage examples beginning on p.3).</p> <p><b>Exceptions:</b></p> <p><b>Single-family detached dwellings with 1,400 sq. ft. or less of heated space:</b> single bay front loading garage may be built flush with primary plane of front façade of the structure; double bay front loading front garages shall be recessed 10' behind the primary plane of the front façade of the structure. Lots in subdivisions approved prior to the effective date of the Huntersville Zoning Ordinance (November 19, 1996). Questions should be directed to the Huntersville Planning Department 704-875-7000.</p> <p>B. Detached garages must be located in the rear yard only.</p> <p>C. Garages for more than 2 cars must be:</p> <ol style="list-style-type: none"> <li>1. Detached located in the rear yard; or,</li> <li>2. Attached side or rear loading</li> </ol> <p><a href="http://www.huntersville.org/Portals/0/Planning/Residential%20Permit%20Reference%20Guide.pdf">http://www.huntersville.org/Portals/0/Planning/Residential%20Permit%20Reference%20Guide.pdf</a></p>
<p><b>Portland, OR</b></p> <p>Bureau of Development Services</p> <p>Zoning Code Information Guide</p> <p>Base Zone Design Standards</p>	<p>2</p>	<p><b>Garage width</b></p> <p>The length of the garage wall facing the street may be up to 50 percent the length of the street-facing building façade. Where the street-facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.</p> <ol style="list-style-type: none"> <li>1. As an exception, a garage wall facing the street may be up to 12 feet long if there is living area or a covered balcony above the garage.</li> <li>2. Dwellings on lots that were created by a land division submitted after July 1, 2002 and do not meet the minimum width standard of the zone, may not use the exception stated in #1 above.</li> <li>3. On corner lots, only one street-facing garage wall must meet the standards of this paragraph.</li> </ol> <p><b>Garage setback</b></p> <p>A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.</p> <div data-bbox="1507 852 1942 1481" data-label="Diagram"> </div>

1. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
2. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if the street-facing garage wall is 40 percent or less of the length of the building facade, and there is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet and have a solid roof not more than 12 feet above the floor of the porch.

<http://www.portlandoregon.gov/bds/article/125938>



**Madison, WI**

Rev. 12/15/12

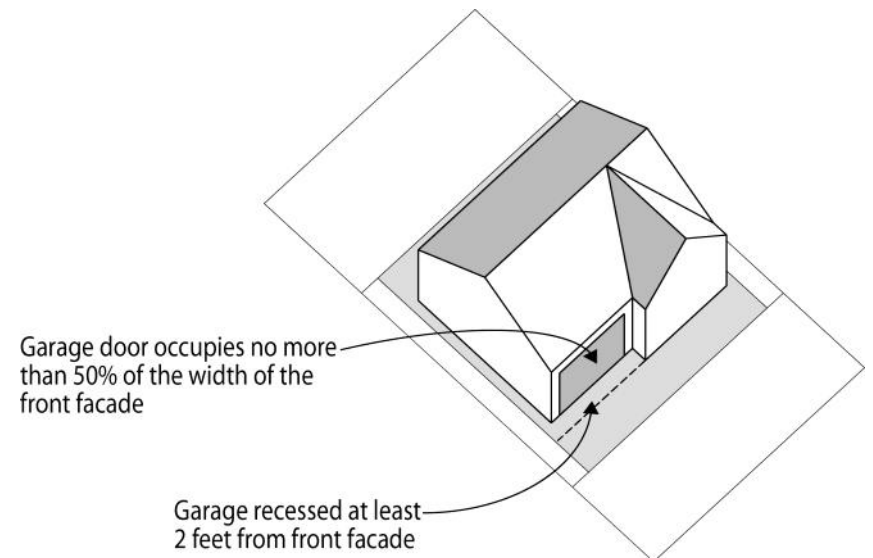
28-9

Chapter 28: ZONING CODE ORDINANCE  
28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.  
(3) Attached Garage Setback.

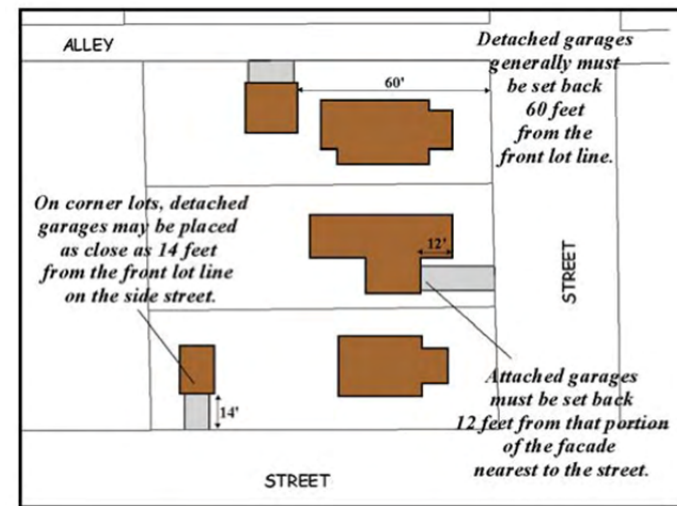
In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade.

That portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the facade.

The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.

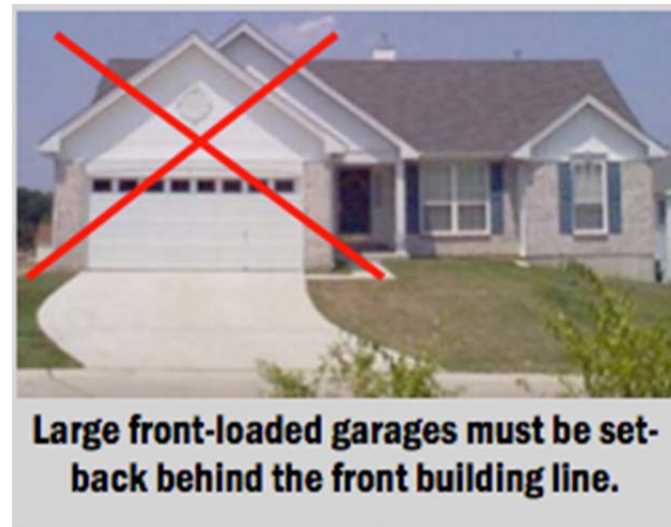


		<p><a href="https://www.municode.com/library/wi/madison/codes/code_of_ordinances?nodeId=Chapter%2028%20-%20Zoning%20Code">https://www.municode.com/library/wi/madison/codes/code_of_ordinances?nodeId=Chapter%2028%20-%20Zoning%20Code</a></p>
<p><b>Manhatan, KS</b></p> <p>USERS GUIDE to the Traditional Neighborhood Overlay District</p>	<p>1, 6</p>	<p><b>What is the Traditional Neighborhood Overlay District?</b></p> <p>The Traditional Neighborhood Overlay District (TNO) was developed to address infill housing and neighborhood stability issues in the older neighborhoods of the community. Overlay districts are zoning districts that are applied on top of an underlying zoning district (e.g. R-1, R-2, R-M) in order to address issues that are specific to a particular area of the community. The TNO is tailored to address the unique development patterns and building characteristics found in the traditional neighborhoods of Manhattan.</p> <p>The TNO District is intended to conserve the traditional character of the older neighborhoods through the control of development intensity (i.e. the number of bedrooms, the size of secondary dwelling units, and maximum lot coverage) as well as through Compatibility Standards, which require new residential construction to incorporate basic design elements characteristic of homes in the traditional neighborhoods. There are two types of Compatibility Standards:</p> <ol style="list-style-type: none"> <li>(1) Site Design Standards: All new residential construction is required to comply with the Site Design Standards, including new residential buildings, additions or modifications to existing residential buildings, and site improvements to existing properties (such as new or expanded driveways or parking areas).</li> <li>(2) Building Design Standards: Only new residential buildings are required to comply with the Building Design Standards.</li> </ol> <p><b>Attached Garages</b></p> <p>Attached garages with doors facing the street shall be set back a minimum of 12 feet behind the façade of the residential building.</p> <p>As in all zoning districts, detached garages are required to be set back a minimum of 60 feet from the front lot line. On corner lots, however, detached garages may be placed as close as 14 feet from the front lot line on the side street.</p> <p><a href="http://cityofmhk.com/DocumentCenter/View/1029">http://cityofmhk.com/DocumentCenter/View/1029</a></p>
<p><b>Maryland</b></p>	<p>13.9</p>	<p><b>Section 25-13 Building Design Standards</b></p>





<p><b>Heights, MO</b></p> <p>Zoning Code</p>	<p>13.11</p>	<p><b>Section 25-13.7 Design Standards For Single-Family Dwellings</b></p> <p><b>A. <i>Specific Intent.</i></b> The intent of the design standards for single-family dwellings in this subsection is to:</p> <ol style="list-style-type: none"> <li>1. Ensure that housing design is based on consistent, compatible, and aesthetic architecture.</li> <li>2. Encourage a strong relationship between dwellings and streets.</li> <li>3. Improve streetscapes.</li> <li>4. Minimize garage domination.</li> </ol> <p><b>H. <i>Garages.</i></b></p> <ol style="list-style-type: none"> <li>1. Front-loaded garages shall be limited as follows:             <ol style="list-style-type: none"> <li>a. Garage door widths exceeding fifty (50%) percent of the front façade width are prohibited.</li> <li>b. Garage door widths within twenty-five (25%) to fifty (50%) percent of the front façade width shall be at least sixteen (16) feet behind the front building line.</li> <li>c. Garage door widths less than twenty-five (25%) percent of the front façade width may be even with or behind the front building line.</li> </ol> </li> <li>2. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards contained in this section.</li> <li>3. All overhead doors on any structure shall be limited to eight (8) feet high.</li> </ol> <p><a href="http://www.marylandheights.com/Modules/ShowDocument.aspx?documentid=1261">http://www.marylandheights.com/Modules/ShowDocument.aspx?documentid=1261</a></p>
<p><b>Santa Monica, CA</b></p> <p>North of Montana Development Guide</p>	<p>11</p>	<p><b>NORTH OF MONTANA DEVELOPMENT GUIDE</b></p> <p><b>4. FAQs: Garages</b></p> <p>If the garage is a part of the front portion of the house, the doors facing the street must be at least 5 feet behind the required setback (see Fig. 11a). Further, the garage door may not exceed 16 feet in width. (9.04.08.02.080 (e)(2))</p> <p>If the garage is on the front half of the parcel and faces the street, the doors must be setback at least 5 feet from the building facade. The ARB may modify this requirement where there are special circumstances. (9.04.08.02.080 (e)(2))</p> <p>If a one-story garage attached to the house does not exceed 14 feet in height (including parapets and railings), is no</p>



more than 25 feet long, and its doors are perpendicular to the street, and there is no alley, it may project up to 6 feet into the front yard, but it cannot come closer than 20 feet to the property line (see Fig. 11b). (9.04.08.02.080 (e)(2), 9.04.08.02.075 (f))

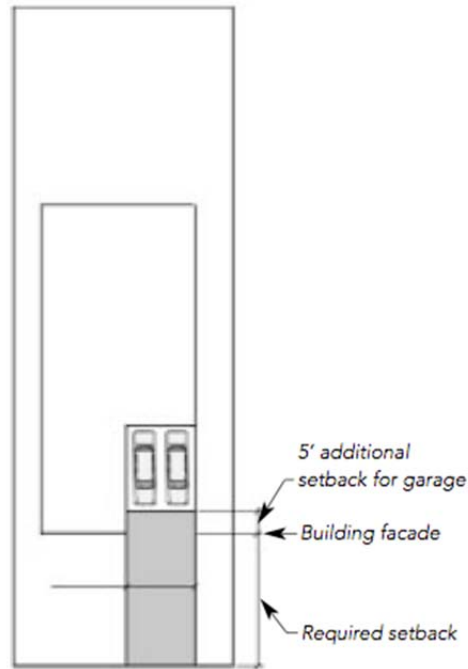


Figure 11a. Garage facing street.

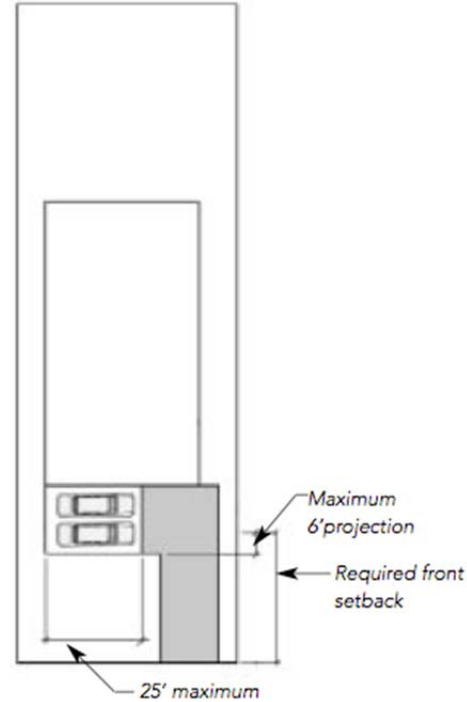


Figure 11b. Garage perpendicular to street.

<http://www.smgov.net/uploadedFiles/Departments/PCD/Permits/North-of-Montana-Development-Guide.pdf>  
<http://pen2.ci.santa-monica.ca.us/city/municode/codemaster/index.html>

Knoxville, TN

Code of Ordinances, Appendix B – Zoning Regulations

**ARTICLE IV. - SPECIFIC DISTRICT REGULATIONS**

**Section 2. - Basic Districts**

**2.1 - Residential Districts**

**2.1.4. - EN-1 and EN-2 established neighborhood districts.**

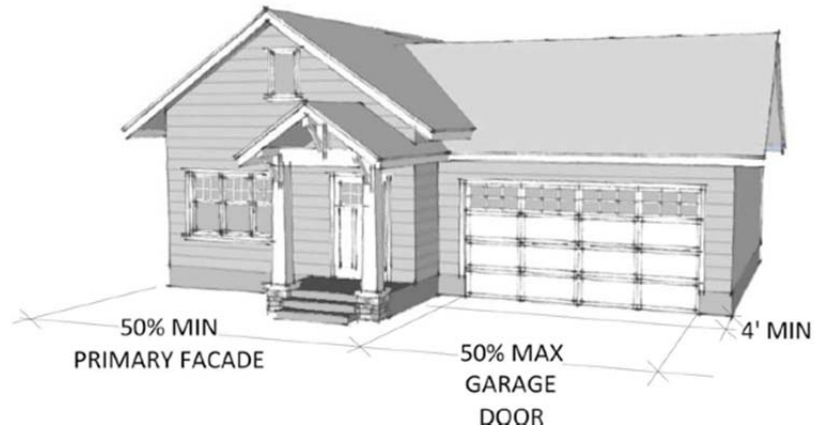
*F. Design requirements for new primary structures.*

*3. Door openings on attached garages.*

- a. Front facing garage door opening(s) may comprise no more than forty (40) percent of the front elevation.

Detached garages may not be located in front of a primary structure and are not a part of this calculation.

		<p>b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four (4) feet.</p> <p><a href="https://www.municode.com/library/tn/knoxville/codes/code_of_ordinances?nodeId=APXBZORE_ARTIVSPDIRE_S2BADI">https://www.municode.com/library/tn/knoxville/codes/code_of_ordinances?nodeId=APXBZORE_ARTIVSPDIRE_S2BADI</a></p>
<p>South Salt Lake City, UT</p> <p>Zoning Code Update</p>	<p>15-17</p>	<p><b>17.21 - Residential Design Standards (Amended 04/22/2014)</b>  <b>17.21.060 Building Form Standards By Land Use District</b></p> <p>G. <b>Garages.</b> All structures intended for residential occupancy using the Detached House Building Form shall include a garage. The following garage standards shall apply:</p> <ol style="list-style-type: none"> <li>1. Street facing garage façades shall not visually or architecturally dominate the front façade elevation of the primary building. Compliance is determined by:             <ol style="list-style-type: none"> <li>a. The living space is the dominant element of the front façade; and</li> <li>b. The roof accent gabling is visually dominant over the living space instead of the garage;</li> <li>c. Front facing garages must contain at least two of the following:                 <ol style="list-style-type: none"> <li>1. Single carriage house garage doors with windows;</li> <li>2. Garage doors that include windows and are painted to match the main or accent color of the dwelling;</li> <li>3. Ornamental light fixtures flanking the doors;</li> <li>4. Arbor or trellis;</li> <li>5. Columns flanking doors and/or an eyebrow overhand;</li> <li>6. Portico;</li> <li>7. Dormers;</li> <li>8. Twelve-inch overhangs over garage doors;</li> <li>9. Eaves with exposed rafters with a minimum six inch (6") projection from the front plane;</li> <li>10. A vertical element such as a tower, placed over the primary pedestrian entrance; or</li> <li>11. Roof line changes.</li> </ol> </li> </ol> </li> <li>d. In addition to the two required elements described in the section above, front-facing garages protruding up to four (4) feet from the front plane shall have garage doors with windows.</li> <li>e. Front facing garages protruding more than four feet (4') from the front façade shall include a porch or covered landing that extends a minimum of six feet (6') from the plane of the living space. In no case shall a street facing garage protrude more than eight feet (8') from the plane of the living space.</li> <li>f. In no case shall front facing garage doors comprise more than fifty percent (50%) of the primary façade.             <ol style="list-style-type: none"> <li>1. Front facing garage doors that comprise from forty percent (40%) to fifty percent (50%) of the primary façade shall be recessed from the primary façade by at least four feet (4')</li> </ol> </li> </ol>



2.



3.

more than thirty percent





2. [Redacted] Buildings use

the garage. This requirement shall not apply to Detached House Buildings on flag lots.

[http://www.southsaltlakecity.com/uploads/departments/ComDevelopment/Residential\\_Design\\_Standards\\_A.pdf](http://www.southsaltlakecity.com/uploads/departments/ComDevelopment/Residential_Design_Standards_A.pdf)

**Raymore, MO**  
Unified Development Code

4

**Section 415.050 Original Town Overlay District**  
F. District Specific Design Requirements  
3. Garage Orientation  
a. A. Garage doors facing the street shall be set back at least 8 feet from the primary façade.  
b. Garage doors shall not comprise more than 50% of the front façade.  
c. Rear-loading, side-loading and detached garages shall not be subject to standards of this sub-section.

<http://www.raymore.com/DocumentCenter/View/1263>

**Santa Cruz, CA**  
Santa Cruz County Code

**Chapter 3.10 Planning and Zoning Regulations**  
**Part IV. COMBINING ZONE DISTRICTS**  
**ARTICLE IV-A. "PP" Pleasure Point Community Design Combining District**  
**13.10.446 Residential Development Standards in the Pleasure Point Community Design "PP" Combining District**  
(B) Standards and Incentives Regarding Residential Structure Facades, Front Yards and Parking.  
2. Reduce Prominence of Garage Doors: Combined garage door-width shall occupy no more than 50% of the

	<p>building facade width facing a street and shall be limited to a maximum of two car-widths wide (i.e., no more than 18-feet wide) for all new or expanded residential garages. Three or more car-width garages are not allowed if located on the building facade facing a street. Single one car-width garage doors (i.e., no more than 9-feet wide) are allowed regardless of building facade width.</p> <ol style="list-style-type: none"> <li>3. Reduce Amount of Front Yard Area Devoted to Parking. On-site three-car tandem parking shall be allowed by right, with car one behind the other, three in a row, either within a garage or in the front yard setback, as illustrated in Figure 13.10.446-5.</li> <li>4. Garages Shall Not Protrude Beyond the Rest of the Facade: To reduce the visual impact of garages as viewed from the street, for new houses or garage additions, garages shall be flush with, or preferably behind, the rest of the house/building facade, as illustrated in Figures 6 and 7 of Section 13.10.446.</li> </ol> <p><a href="http://www.codepublishing.com/ca/santacruzcounty/">http://www.codepublishing.com/ca/santacruzcounty/</a></p>
<p><b>Tacoma, WA</b></p> <p>Tacoma Municipal Code</p>	<p><b>13.06 Zoning</b></p> <p><b>13.06.145 Small-lot single-family residential development.</b></p> <p>E. Design Standards – Level 1</p> <ol style="list-style-type: none"> <li>2. Garages:             <ol style="list-style-type: none"> <li>a. The garage shall be located in the rear with rear access if suitable access is available, such as abutting right-of-way that is or can be practicably developed.</li> <li>b. Where vehicular access is not available from an alley or side street, garages or carports shall be setback at least 5 feet behind the front façade of the house or the front of a covered porch (where the porch is at least 48 square feet and contains no dimension less than 6 feet). In addition, vehicular doors and carports (measurement based on width of canopy) shall not occupy more than 50% of the width of the front façade.</li> </ol> </li> </ol> <p><b>13.06.501 Building design standards.</b></p> <p><b>N. Single, Two, and Three-Family Dwelling Standards.</b> The following requirements apply to all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.</p> <ol style="list-style-type: none"> <li>3. Garage design standards.             <ol style="list-style-type: none"> <li>a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.</li> <li>b. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.</li> </ol> </li> </ol>

- c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.
- d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.

**O. Townhouse Standards.**

2. Garage Orientation & Vehicular Access:

- a. Garages shall not face any street
- b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.
- c. Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.

<http://cms.cityoftacoma.org/cityclerk/Files/MunicipalCode/Title13-LandUseRegulatoryCode.PDF>