



# Zoning & Planning Committee Agenda

## City of Newton In City Council

Monday, September 26, 2016

7:45 PM

Council Chamber

### Items Scheduled for Discussion:

#### *Public Hearing to be held on the following item:*

**#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 to be held on the following item:*

**#222-13(4) Zoning amendment to defer effective date of Garage Ordinance**

COUNCILOR LENNON, LIPOF, ALBRIGHT, CROSSLEY, LAPPIN, LAREDO, GENTILE AND CICCONE proposing an amendment to Ordinance No. A-78, which amends Chapter 30, Section 3.4.4 of the Revised Ordinances, to implement a deferred effective date for the Ordinance of February 1, 2017. [08/01/16 @ 4:53 PM]

#### *Public Hearing to be held on the following item:*

**#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.

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

- #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]
- 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]
- #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 SANGIOLLO 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**

### 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.
- ~~3. 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 garage setback may be in line with that porch.

b. Where the length of a front facing garage is no more than 40% of the total building length, the garage setback may be at the building setback line.

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~~

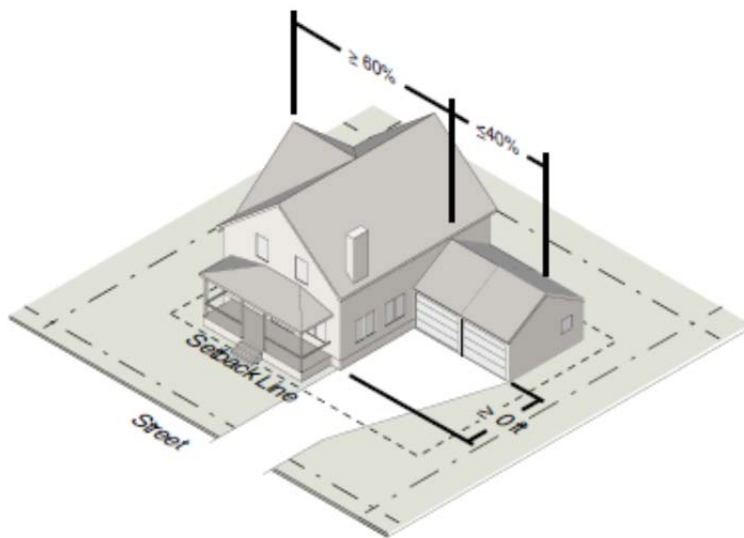
~~B.—The length of a garage wall front facing garage facing a street may be up to 40 50 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.~~

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

~~D.—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 may require, to the garage setback (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:~~

~~3. Irregular lot shape;~~

~~4. Topography of the lot;~~

~~5. Configuration of existing structures on the lot;~~

~~6. Protection of the historic integrity of a building; and~~

~~7. 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.~~

~~3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.~~

~~4. 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.~~

~~5. Where the house is more than 70 feet from the street, the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements shall not apply.~~

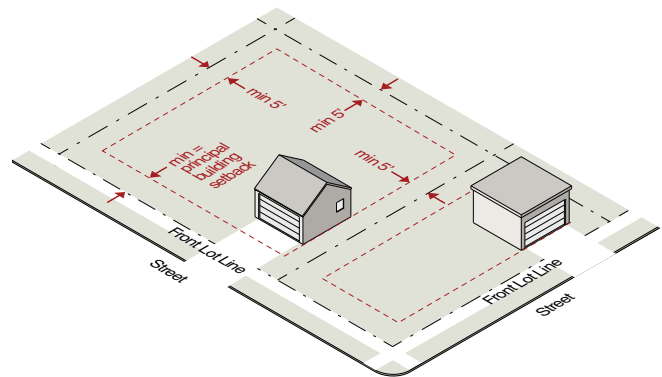
**3.4.2. Accessory Uses Allowed**

- A. By Right in All Single Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings, including but not limited to:
1. Housing of resident domestic employees;
  2. Renting of rooms for not more than 3 lodgers;
  3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
  4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
  5. Home businesses subject to Sec. 6.7.3; and
  6. Internal accessory apartments in single residence districts, subject to Sec. 6.7.1.
- B. By Right in All Multi-Residence Districts.** Such accessory purposes as are proper and usual with detached two-family dwellings.
- C. By Special Permit in All Residence Districts.**
1. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
  2. Home businesses subject to the provisions of Sec. 6.7.3; and
  3. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

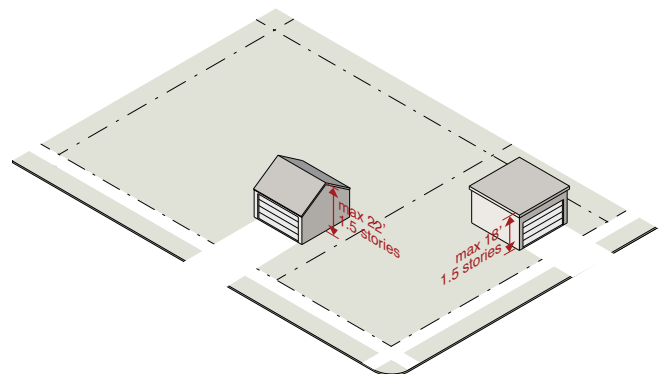
(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99)

**3.4.3. Accessory Buildings**

- A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.
- B. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.

(Ord. No. V-273, 12/06/99; Ord. No. Z-91, 06/06/11)

### 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 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 Setback

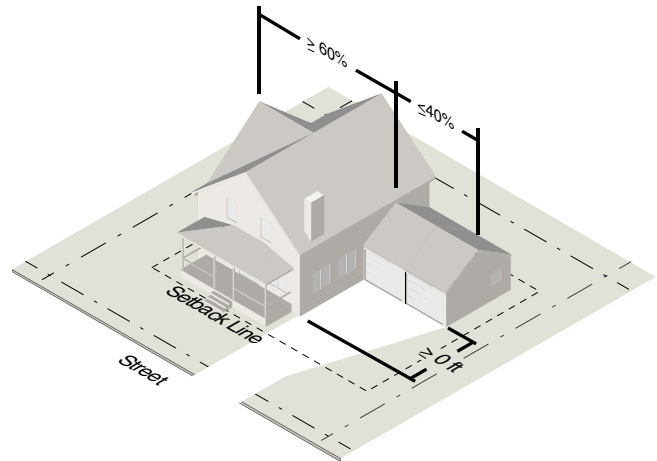
A garage wall may be no closer to the front lot line than the longest street-facing wall of the dwelling unit measured at ground level.

#### E. Garage Dimensions

1. The length of a garage wall facing a street may be up to 40 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 may require, to the garage setback (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; 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.
  3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.
  4. 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.

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

### 3.4.5. Accessory Apartments

See Sec. 6.7.1.

### 3.4.6. Temporary Uses Allowed

[reserved]

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. A-78.

June 20, 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

1. **Delete** Section 3.4.2.C.1 in its entirety and renumber Sections 3.4.2.C.2, 3, and 4 to 3.4.2.C.1, 2, and 3 accordingly.
2. **Delete** Section 3.4.3.A.4 in its entirety.
3. **Insert**, following Section 3.4.3, a new Section 3.4.4 Garages as follows:

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



#### E. Garage Dimensions.

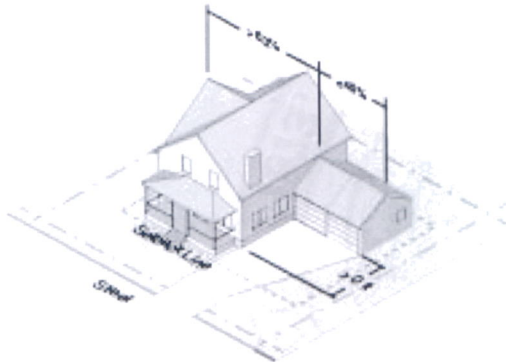
1. The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.
2. On corner lots, only one street-facing garage wall 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 may require, to the garage setback (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; 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.

3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.
4. 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.
5. Where the house is more than 70 feet from the street, the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements shall not apply.

4. **Insert** the following illustration to accompany the text of Section 3.4.4.



Approved as to legal form and character:

DONNALYN LYNCH KAHN

City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

22 yeas 1 nay (Councilor Lennon) 1 absent (Councilor Lipof)

EXECUTIVE DEPARTMENT

Approved:



(SGD) DAVID A. OLSON  
City Clerk



(SGD) SETH D. WARREN  
Mayor