



Setti D. Warren  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

#222-13(2)  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** March 25, 2016

**TO:** Councilor Ted Hess-Mahan, Chairman  
Members of the Zoning and Planning Committee

**FROM:** James Freas, Acting Director of Planning and Development

**RE:** #222-13(2) – THE ZONING AND PLANNING COMMITTEE  
proposing to amend Chapter 30, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts.

**MEETING DATE:** March 28, 2016

**CC:** City Council  
Planning and Development Board  
Donnalyn Kahn, City Solicitor

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Newton's public realm, its streets, parks, and other public spaces, is a defining element of the City's quality of life. Fundamentally, these spaces represent Newton's character, its sense of place, but equally important is how the design of these spaces promotes public safety and a sense of community. Garages presenting as a significant or dominant component of new single and two-family homes in Newton's existing neighborhoods negatively impacts public realm design, affecting all of these attributes. The Planning Department is proposing amendments to Newton's Zoning Ordinance to regulate the placement and scale of garages in Newton relative to their impact on neighborhood streets in terms of neighborhood character, safety, and community.

The proposed regulations include two key components, a new garage-specific front yard setback requiring that garages be no closer to the front lot line than the building and a maximum frontage for garages as a percentage of the building frontage.

### Policy Analysis

Regulating the placement and scale of garages on single and two-family developments is an important issue for reasons of public safety and community as well as for the preservation of Newton's unique sense of place. While application of such garage regulations uniformly citywide inherently raises some challenges, the

proposal represents a good interim measure before the more detailed and place-based approach of Zoning Reform, Phase 2.

Where residents have a clear connection to the street in front of their home, there is an increased sense of ownership of that space and belongingness to that neighborhood, which in turn translates into surveillance and maintenance of the public and semi-private spaces in front of the house. That connection is stronger and more natural where there is a clear pedestrian connection between a home and the street and a visible inter-relationship between the private space of the home and the public space of the street. To express this idea more clearly, one should be able to easily find and get to the front door and the predominant frontage of the home should have windows that allow residents to see out onto their street.

Where garages are set in front of the home and dominate the façade, they interfere with this relationship and diminish sense of community and safety. A prominent garage promotes a drive-in relationship with the neighborhood, rather than a personal connection.



Figure 1: 2-family home with entrances facing the street



Figure 2: 2-family home with dominant garages

Newton's 2007 Comprehensive Plan highly values the strong sense of place in the City of Newton. Protecting and enhancing Newton's sense of place, the physical and social character of the City and the many different places within it, is one of the themes in the plan and an idea well supported in planning and economic development literature. While a combination of many different factors contributes to Newton's high value in the real estate marketplace, one of those contributors is certainly in the quality of the community's design. Design-based regulations can encourage new developments to add to the inviting and friendly atmosphere of the City's residential neighborhoods.

There are at least two inherent challenges in considering the garage regulations proposed here. First, in applying this rule citywide, it is recognized that there are a number of narrow lots in the City, particularly in certain older neighborhoods, where it may be more difficult, more costly, or impossible to meet the proposed regulations, re-orient garages to the side or rear, or place them in a detached structure in the back of the property. Given the interests at stake, the Planning Department believes those interests in promoting the public realm benefits described above outweigh an interest in providing garages on these narrow lots, particularly in light of the opportunity to reconsider or make changes in the upcoming Phase 2 revisions.

The City of Portland OR has successfully implemented regulations of garages where this was also the primary challenge. During the proposed regulation discussion, an advocacy group prepared a catalogue of small lot house plans that fit the criteria. Their catalogue was published in 1997; now, with a much more robust online

market, one can search the websites of numerous house plan vendors' for "narrow lot" and "side entry garage." The Planning Department is confident that creative site planning can allow for garages in almost all newly constructed homes, even when the lot is narrow.

Second, in any policy discussion relative to housing in Newton, it is important to look at how new regulations would potentially impact construction costs and home values in Newton. Income diversity is an important part of the character of Newton, and understanding that income diversity is rapidly disappearing from the City; the Planning Department considers impacts on home values an important aspect of the discussion in all proposed zoning changes. The proposed regulations are anticipated to have minimal impact on housing prices, given their application to new construction, where the current median sale price is approximately \$1.6 million.

The proposed regulation is in line with the "modern zoning tools" anticipated as part of Phase 2 as well as a greater attention to such issues of community character and design. Phase 2 will include a detailed inventory and analysis of the types of buildings that make up the City's villages, neighborhoods, and corridors and from that information, there will be an opportunity to upgrade these garage regulations to account for the differences across the City's varied neighborhoods.

#### Proposed Regulations

A red-line version of the ordinance is provided in the attachment. The proposed amendment does the following:

1. Consolidates garage related rules into a single new section in the residential districts chapter – Section 3.4.4 Garages.
2. Defines attached and detached garages and clarifies that a detached garage must still meet the requirements of accessory buildings in Section 3.4.3.
3. Defines a garage wall, which for the purpose of this section is a key definition for establishing the location and extent of building facade a garage may occupy.
4. Maintains the prior regulations on the size and number of garages allowed on a lot, along with the special permit to exceed those limits. A conversation with the Committee may be warranted to better define the public purpose served by these requirements above and beyond the existing regulations of size and scale in the Zoning Ordinance that also serve to regulate these aspects of garages.
5. Where two garages are built side-by-side, requires that there be living area above connected by a shared wall.
6. Requires that a garage be placed at or behind the front wall of the house. As a result, the front of the living area of the house, with the primary entrance and windows, is the dominant feature, as viewed from the street.
7. Requires that a garage wall can occupy up to 50% of the total building frontage, while allowing for a minimum garage width of 12 feet. This rule is not applied to detached garages or to the side street frontage of a house on a corner lot. These rules also address preventing garages from being the dominant feature of a house, while allowing for the fact that, on a corner lot, from a practical perspective, a garage wall may reasonably constitute more than 50% of the building frontage on one of the two streets. Detached garages are excluded as naturally, the garage wall of such an accessory building is generally 100% of the building they occupy. Under the above described rule, a detached garage must also be in line or behind the front façade, but from a practical perspective, detached garages in Newton are almost always behind the house and therefore less of an issue.

The proposed ordinance does not address the following issues:

1. The currently proposed language does not include an outright prohibition on side-by-side garages in a two-family building. In the end, staff believes with the limitations imposed by the regulations described above, the issue is sufficiently addressed.

2. The Committee discussed limits on driveway widths. Section 5.1.7.C requires driveway entrances to be a minimum of 12' wide and a maximum of 20' wide. If further limitations are necessary, this section should be amended.

Attachments:

Attachment A: Proposed Ordinance Text

Attachment B: Urban Design Commission comments memo

Proposed Ordinance Text

**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. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single family dwelling;~~

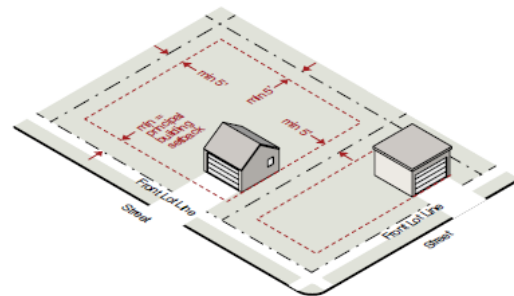
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not

injurious to a neighborhood as a place for single-family residences.

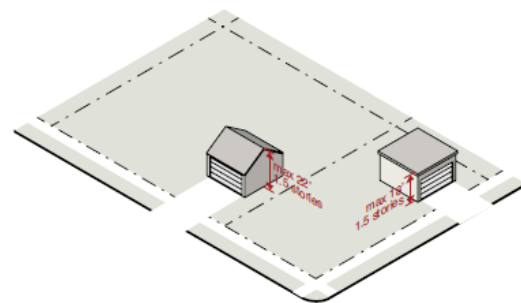
**3.4.3. Accessory Buildings**

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 1 1/2 stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

~~4. If the accessory building is a garage, unless a special permit is granted, for each dwelling unit there shall be:~~

## ATTACHMENT A

~~a. No more than 1 garage, whether or not it is located in an accessory building;~~

~~b. A garage shall provide for not more than 3 automobiles; and~~

~~c. The ground floor area of a garage 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.

### 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 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 a garage shall not exceed 700 square feet, except by special permit.

### 3.4.45. Accessory Apartments

See Sec. 6.7.1.

### 3.4.56. Temporary Uses Allowed

[reserved]



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City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
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James Freas  
Acting Director

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## MEMORANDUM

**DATE:** March 7, 2016

**TO:** Councilor Ted Hess-Mahan, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Urban Design Commission

**RE:** #227-13(2) – THE ZONING AND PLANNING COMMITTEE  
proposing to amend Chapter 30, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts.

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At its February 16<sup>th</sup> meeting, the Urban Design Commission (UDC) reviewed the memo and proposed language on front facing garages prepared by Acting Director of Planning James Freas on November 6, 2015 and has made recommendations for both a simple zoning update and a more nuanced update.

**Simple:**

Understanding that the intent of this measure is to implement a relatively simple and quick change to the zoning that will clearly require the garage to be subordinate to the house, the UDC highly recommends implementing two limits on garages:

- Limiting the percentage of frontage that can be devoted to a garage to 50% of the total façade visible from the street
- Limiting the placement of garages so that a garage door must be even with or behind the front wall of the house.

The UDC believes that these two measures will ensure that the garage is subordinate to the house in the vast majority of newly construction residences. The UDC recommends revising the language used to specify that the garage must be no more than “50% of the total façade visible from the street” since the current language leaves a little room for interpretation of what the length of the house wall is. The UDC also recommends specifying that the garage door must be even with or behind the front wall of the house which clarifies where

to measure “even.” This text change will also ensure that side-facing garages are also even or behind the front façade of the house.

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#### **Nuanced:**

While the UDC is confident that this simple version outlined above will resolve much of the concern about garages dominating the streetscape in new construction, the UDC also recommends that a more nuanced version of the proposal be considered during Zoning Reform Phase II that would allow wider garages as they are set back from the front of the house.

The UDC recommends creating a simple formula to determine how far back a garage door must be in order to gain additional width:

e.g. A garage may be an additional 1 ft. wider than 30% of the façade visible from the street for every 1 ft. behind the front façade of the house that the garage door is placed.

The basis for this idea is that there is a point behind which it no longer matters how wide the garage is because the front of the house will be clearly in front of the garage. That point will then become a starting point for the proportion.

Does a garage need to be placed 10 ft. behind the front wall for the garage width not to matter? 25 ft.? 50 ft.? Does the garage need to have double the setback of the front façade of the house for the width to no longer matter?

The UDC discussed the idea of a proportion at length during its February meeting, but there was no consensus among the members about what is the appropriate proportion to set. The UDC recommends that the values in a proportion be explored through testing on typical Newton lot sizes and that the Zone of the house may need to be considered.

One of the topics that the UDC discussed was that if a proportion is being used, the starting point may be reduced to less than 50% (e.g. 30% or 33%), to underscore that a garage is a subordinate volume to the house itself and to encourage builders to make use of the proportion and place garages behind the front line of the house.

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#### **Connected Units:**

In both the simple and nuanced recommendations, the UDC would also recommend removing 3.4.4.E from the proposed text. This section requires 10 ft. of living space between each garage for connected units. The UDC finds that this requirement, when considered on top of the other garage placement requirements being proposed, could lead to less functional site and building designs. Placing the garages between connected units results in fewer curb cuts and less pavement on the site. Connected garages also establish a sound barrier between the two units. Furthermore, the UDC also finds that the 10 ft. of living space seems like an arbitrary amount, since it is narrower than a typical room but wider than a typical hallway.

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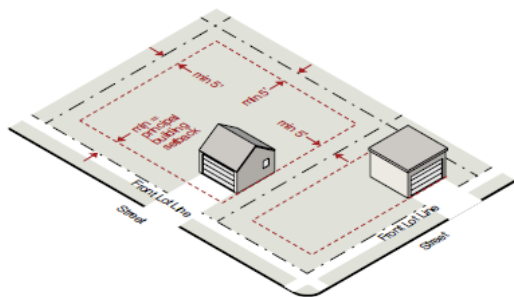
Understanding that Zoning Reform Phase II is coming soon, the UDC recommends moving forward with a simple set of requirements at this point in time and pursuing the proportion idea during those discussions. The following pages include a tracked-changes version of the proposed language with the UDC's recommendations for a simple update incorporated in Green.

## Proposed Ordinance Text

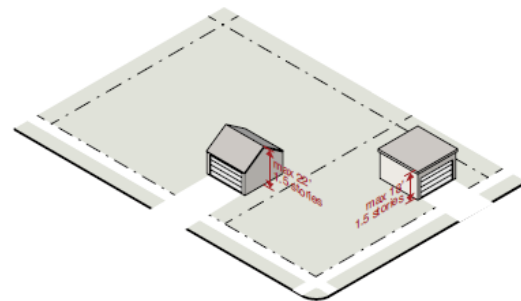
### 3.4.3. Accessory Buildings

A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:

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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 1 1/2 stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

~~4. If the accessory building is a garage, unless a special permit is granted, for each dwelling unit there shall be:~~

~~a. No more than 1 garage, whether or not it is located in an accessory building;~~

~~b. A garage shall provide for not more than 3 automobiles; and~~

~~c. The ground floor area of a garage 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.

### 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 per section 3.4.3.

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.

C. Garage setback. A garage entrance wall that faces a street may be no closer to the front lot line than the

longest street-facing wall of the dwelling unit measured at ground level.

#### D. Garage Dimensions.

1. The length of the garage wall facing the street may be up to 50 percent of the total length of the building parallel to the street. This section applies to all street frontages. ~~length of the street facing building façade.~~

2. The ground floor area of a garage shall not exceed 700 square feet.

~~E. Where the street facing side of a building includes multiple garages, the garage walls shall be separated by a minimum of 10 feet of living area.~~

~~For the purposes of this section a building is inclusive of all attached dwellings.~~