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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** May 20, 2016

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

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

**RE:** #278-14(2) – COUNCILOR HESS-MAHAN requesting an amendment to clarify the intent of Chapter 30 Section 1.5.1.B definition of Two-Family Detached Dwelling.

**MEETING DATE:** May 23, 2016

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

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In conjunction with the adoption of the “Phase 1 Zoning Ordinance” in November, the City Council also adopted a new definition of “Two-Family Detached Dwelling” meant to both simplify and clarify the definition of the term with the hope of improving some aspects of how these types of buildings are developed. As a handful of new buildings have been or are under construction under the new definition, the following minor changes are proposed to further clarify the intent of the definition.

Two-Family, Detached. A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, or is divided horizontally so that one dwelling unit is above another.

The intent of the proposed amendment is to clarify that the two side by side units in a vertically divided two family should connect at a shared wall at the highest point of each unit. In other words, the two units should not be connected by a set of single story garages where each unit otherwise is two stories in height.

The proposed amendment also includes illustrations of vertically and horizontally divided two-family structures to further clarify intent and guide interpretation. Illustrations alone are not legally binding.

other authorizations or by easements, covenants or agreements, the provisions of this Chapter shall prevail.

(Ord. No. S-260, 08/03/87)

### 1.1.4 Validity

Nothing in this Chapter shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures, or land, and for each class or kind of use in each district.

Ord. No. S-260, 08/03/87

### 1.1.2. Effect of Invalidity

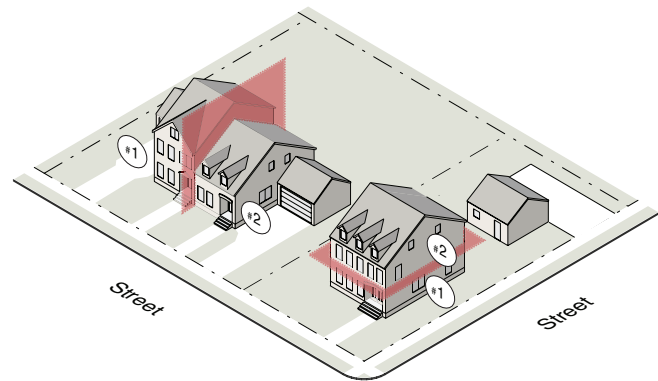
If it is determined by a court of competent jurisdiction that any provision of this Chapter is invalid as applying to any particular land, building or structure by reason of such land, building or structure having been placed in an excessively restrictive district, such land, building or structure shall thereby be zoned in the next least restrictive district created by this Chapter.

(Rev. Ords. 1973 §24-33)

## Sec. 1.1. Rules of Measurement

### 1.1.1. Building Types

- A. **Single-Family, Detached.** A building or structure that contains only one dwelling unit.
- B. **Two-Family, Detached.** A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, or is divided horizontally so that one dwelling unit is above another.



- C. **Single-Family, Attached.** A building or structure that either:
  1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
  2. Contains 2 dwelling units and is not a two-family detached dwelling.
- D. **Multi-Family.** A building or structure containing 3 or more dwelling units.
- E. **Dwelling Unit.** One or more rooms forming a habitable unit for 1 family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.

(Ord. No. X-38, 12/02/02)

