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Barney Heath
Director

MEMORANDUM

DATE: June 10, 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: June 13, 2016

CC: City Council
Planning and Development Board
Barney Heath, Director of Planning and Development
Donnalyn Kahn, City Solicitor

The following memo and attached draft ordinance pages describe the most current iteration of the proposed amendments to garage regulations in Newton's Zoning Ordinance. A more extensive discussion of the background and policy basis for these proposed zoning amendments can be found in the Public Hearing Memorandum prepared for the March 28th Public Hearing.

The attached amended ordinance reflects comments received:

- Further modifications to the proposed exemption process.
- The proposed section does not apply to properties where the home is set back further than 70 feet. Staff believes in these cases, the connection between the living area of the home and the public realm of the street is already tenuous and therefore there is no reason to apply this section to those homes. The examples provided by Councilors of properties with side-facing garages forward of the principle dwelling on the site were all setback more than 70 feet.

An accompanying illustration and the sample ordinance page will be provided at the Zoning and Planning Committee meeting.

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;~~

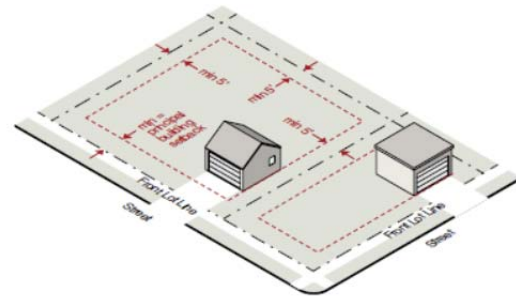
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not

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

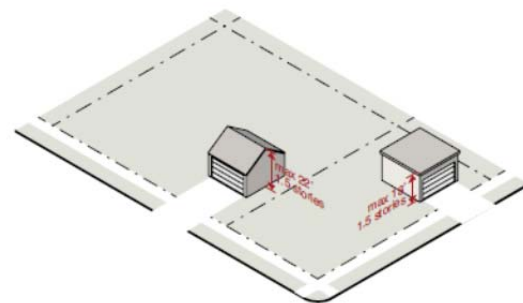
3.4.3. Accessory Buildings

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 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, may grant an exemption to the garage setback and garage wall length facing the street requirements, where, based on one or more of the following factors, strict adherence to these requirements would be impossible:

i. Irregular lot shape;

ii. Topography of the lot;

iii. Configuration of existing structures on the lot;

iv. Protection of the historic integrity of a building; and

v. 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.

ATTACHMENT A

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 and garage wall length facing the street requirements shall not apply.