

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING & PLANNING COMMITTEE AGENDA

MONDAY, NOVEMBER 9, 2015

**7:30 PM**  
**Room 205**

**ITEMS SCHEDULED FOR DISCUSSION:**

*The Zoning & Planning and Finance Committees will meet jointly on the following two items:*

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

- #296-15 HIS HONOR THE MAYOR requesting authorization of the addition of 1 FTE position in the Inspectional Services Department and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Budget Reserve to the Full-time Salaries line item in the Inspectional Services Department budget to fund the addition of a full-time Building Inspector. [10/19/15 @ 11:54 AM]

**REFERRED TO ZONING & PLANNING, LAND USE AND FINANCE COMMITTEES**

- #104-15 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 @ 12:00PM]

*A Public Hearing will be held on the following item at 7:45pm*

- #293-15 11 JOHN STREET LLC petition to rezone land known as Section 65, Block 8, Lot 70 at 11 JOHN STREET from MULTI RESIDENCE 1/BUSINESS 1 to BUSINESS 1. [10/09/15 @ 1:00PM]
- #227-15 SEANA GAHERIN et al. petition to rezone land known as Section 51, Block 041, Lot 0011 from MULTI RESIDENCE 1 to BUSINESS 1. [09/03/15 @ 1:15 PM]
- #23-15(2) ACTING DIRECTOR OF PLANNING & DEVELOPMENT requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies as follows:

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

1. Change from SR2/SR3 to SR2:  
120 Olde Field Road SBL 81-051-0050E  
71 Brandeis Road SBL 81-051-0062
2. Change from SR2/SR3 to SR3:  
127 Olde Field Road SBL 81-051-0050C  
84 Brandeis Road SBL 81-051-0050D  
76 Brandeis Road SBL 81-051-0063  
61 Brandeis Road SBL 81-051-0061
3. Change from SR3 to SR1:  
121 Rachel Road SBL 83-027-0043

#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. [08/03/15 @ 10:15AM]

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

#196-15 TAMMY ARCURI et al. petition to rezone land known as Section 41, Block 6, Lots 11, 12, and Lot 13 1B located at 132 CHARLES STREET, AUBURNDALE, from MULTI RESIDENCE 2 to MANUFACTURING .

#195-15(3) 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]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#288-15 HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]

**REFERRED TO PROG. & SERVICES AND ZONING & PLANNING COMMITTEES**

#127-15 ALD. SANGIOLO requesting discussion with Health Department, Inspectional Services Department and the Economic Development Commission regarding the policy of food truck operations in the City of Newton. [05/11/15 @ 10:22AM]

- #109-15 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 @ 2:38PM]
- #108-15 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 @ 2:38PM]
- #338-14 ALD. HESS-MAHAN, KALIS, SANGIOLO AND DANBERG proposing a Large House Review ordinance requiring design review and approval of by-right single and multi-residence residential structures exceeding certain dimensional limits to be determined, to expire by December 31, 2015. [09/05/14 @ 9:39AM]
- #195-15 ALDERMAN BAKER, FULLER, LAREDO, DANBERG, AND BLAZAR requesting discussion of possible City acquisition of land, or rights therein, located west of Hammond Pond Parkway, which land was formerly owned as public open space by the Metropolitan District Commission until conveyed into private ownership in 1954, and which abuts existing Newton conservation land. [08/31/15 @ 4:50 PM]
- #110-15 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 @ 2:38PM]
- #168-15 THE NEWTON-NEEDHAM CHAMBER OF COMMERCE requesting a discussion of the Metropolitan Area Planning Council's 2015 Wells Avenue Market Study. [07/06/15 @ 5:34PM]
- #169-15 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 @ 3:20PM]
- #170-15 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 @ 4:18PM]
- #80-13 THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project. [02/25/13 @ 12:31 PM]

- #107-15 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 @ 2:38PM]
- #95-15 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 @ 2:46PM]
- #86-15 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]
- #448-14 ALD. SANGIOLO requesting a discussion with the Newton Historical Commission regarding their process and policy of reviewing demolition applications. [11/13/14 @ 2:03pm]
- #447-14 ALD. SANGIOLO proposing an ordinance requiring the submission of building plans with applications for full or partial demolitions. [11/13/14 @ 2:03pm]
- #446-14 ALD. SANGIOLO requesting a discussion with the Commission on Disability regarding the status of City compliance with ADA regulations. [11/13/14 @ 2:03pm]
- #445-14 ALD. SANGIOLO requesting an update with members of the Newton Fair Housing Committee on the status of housing opportunities in the City of Newton. [11/13/14 @ 2:03pm]
- #265-14 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.

#266-14 ALD. BLAZAR, YATES AND DANBERG requesting:

1. to amend Section 22-50 to require that in the event there is a transfer of legal or beneficial ownership of a preferably preserved property during the demolition delay period, the full demolition delay period will restart from the date of the transfer of ownership;
2. and further requesting to amend Section 22-50 to require that in the event a transfer of legal or beneficial ownership of a preferably preserved property occurs after the expiration of a demolition delay period but prior to the issuance of a demolition permit, no demolition permit shall issue until the new owner complies with the procedures of Section 22-50(c)(5). [07/07/14 @ 12:35PM]

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#315-14 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 @ 5:08PM]

#238-14 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 @ 11:55AM]

#212-14 BOARD OF ALDERMEN requesting a discussion with the Executive and Inspectional Services Departments and the Commission on Disability regarding the creation of full-time positions to address the city's need re 1) ADA requirements and 2) zoning enforcement, including State building code, Newton's zoning ordinance, and special permits. [05/23/14 @ 11:03AM]

140-14 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 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]

#428-13 ALD. HESS-MAHAN requesting periodic updates on complaints of discrimination filed against the City of Newton under Section 504 of the 1973 Rehabilitation Act, the Fair Housing Act, and Title II of the Americans with Disabilities Act, based on the City’s denial of housing and exclusion from participation by people with disabilities in the Newton HOME and CDBG programs filed with the U.S. Department of Housing and Urban Development. [12/06/13 @ 9:51 AM]

#427-13 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]

#266-13 ALD. YATES requesting that the Law Department provide the Zoning & Planning and Land Use Committees and other interested members of the Board with legal advice on what parties have standing to challenge zoning ordinances and the relevant court cases involving uniformity. [08/05/13 @ 12:28PM]

#129-13 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]

#308-12 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]

#282-12 ALD. JOHNSON, CROSSLEY, DANBERG, SANGIOLO requesting quarterly reports, starting the last month of the quarter beginning December 2012, Re-implementation of *Ramping Up: Planning for a More Accessible Newton*.

**REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES**

#273-12 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.

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #257-12 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.
- #11-12 ALD. HESS-MAHAN & LINSKY requesting discussion on the implementation and enforcement of the provisions of Section 30-5(c)(1) of the Newton Ordinances which requires that “[w]henver the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties.” [1/11/12 1:01PM]
- #61-10 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. [02/23/10 @ 2:48 PM]
- #391-09 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.

**ZONING REFORM – PHASE 2**

- #22-15 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 @ 9:53PM]
- #21-15 ALD. YATES requesting that priority be given to completing the Intent and Purposes of the Zoning Ordinance in Phase II of Zoning Reform.
- #323-14 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 @ 11:42AM]
- #139-14 ALD. ALBRIGHT requesting to amend **Chapter 30**, City of Newton Zoning Ordinances, to clarify rules relative to retaining walls. [04/09/14 @ 8:32 AM]

*Public Hearing to be assigned:*

- #404-13 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. [11/01/13 @ 12:57 PM]  
**A MOTION TO AMEND THE PREVIOUSLY APPROVED POSTPONEMENT OF DOCKET ITEM #404-13 TO APRIL 7, 2014 TO SUBSTITUTE RECOMMITTAL OF THE ITEM TO THE ZONING & PLANNING COMMITTEE WAS APPROVED BY VOICE VOTE ON MARCH 17, 2014.**
- #267-13 LAND USE COMMITTEE proposing to amend Section 30-21(c) to permit de minimis relief for alterations, enlargements, reconstruction of or extensions to lawfully nonconforming structures in which the nonconformity is due to Floor Area Ratio (FAR) requirements set out in section 30-15(u) Table A, subject to administrative review by the Planning Department.
- #264-13 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. [08/05/13 @ 12:28PM]
- #81-13 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]
- #65-13 ALD. YATES, FISCHMAN, KALIS requesting that Chapter 30 be amended to require a special permit for major topographic changes. [02/12/13 @ 12:30 PM]
- #64-13 NEWTON 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.  
[02/05/13 @ 11:35 AM]
- #153-11 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.  
[05/10/11 @3:19 PM]

#152-10 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. [06/01/10 @ 4:19 PM]

#164-09(2) 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. [01/07/10 @ 12:00 PM]

#142-09(7) 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.  
[07/03/14 @ 9:10AM]

Respectfully Submitted,

Marcia T. Johnson, Chairman



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#296-15

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(617) 796-1100

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DAVID A. O'BRIEN  
NEWTON, MA 02459

2015 OCT 19 AM 11:54

RECEIVED  
CITY OF NEWTON

October 19, 2015

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer \$50,000 from Budget Reserve 0110498-5794 to Inspectional Services Full Time Salaries 0122002-51001, and an additional FTE for a Building Inspector in Inspectional Services. As you know, we are seeing an unprecedented increase in applications for building permits, and this has created a need for additional personnel.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)



DEDICATED TO COMMUNITY EXCELLENCE

Date October 9, 2015

TO THE HONORABLE BOARD OF ALDERMEN CITY OF NEWTON

The undersigned, an owner of real estate, hereby petitions the Board of Aldermen to modify the district boundary lines as established by Chapter 30, Zoning Ordinance, Revised Ordinances of Newton, 2001, and any ordinances in amendment thereof and in addition thereto, as follows:

Change Real Estate now in MR1 and BU1 District

To BU1 District

Located as follows:

Street and Ward 11 John Street

Section(s) 65

Block(s) 8

Lot(s) 70

Approximate square footage 9,015 SF

RECEIVED  
Newton City Clerk  
2015 OCT -9 PM 1:00  
David A. Olson, Clerk  
Newton, MA 02459

(Please print)

Name of Petitioner 11 John Street LLC

Address 11 John Street

Signature of Petitioner  AS ATTORNEY FOR PETITIONER

Telephone number c/o Attorney (below)

Attorney/Representative Laurance Lee of Rosenberg, Freedman & Lee LLP

Address of Representative 246 Walnut St., Suite 201, Newton, MA 02460

Telephone number 617-964-7000

The Board cannot consider the petition without a detailed plan of land, fifteen (15) copies of which should be filed with the petition, plus one (1) copy reduced to no larger than 8 1/2" x 11" or 11" x 17".

The fee of \$350 must accompany petition at time of filing.



Lakewood,  
CO

Zoning  
Ordinance –  
Adopted  
February 10,  
2014

6-3

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

**17.6.2: Building Design Standards**

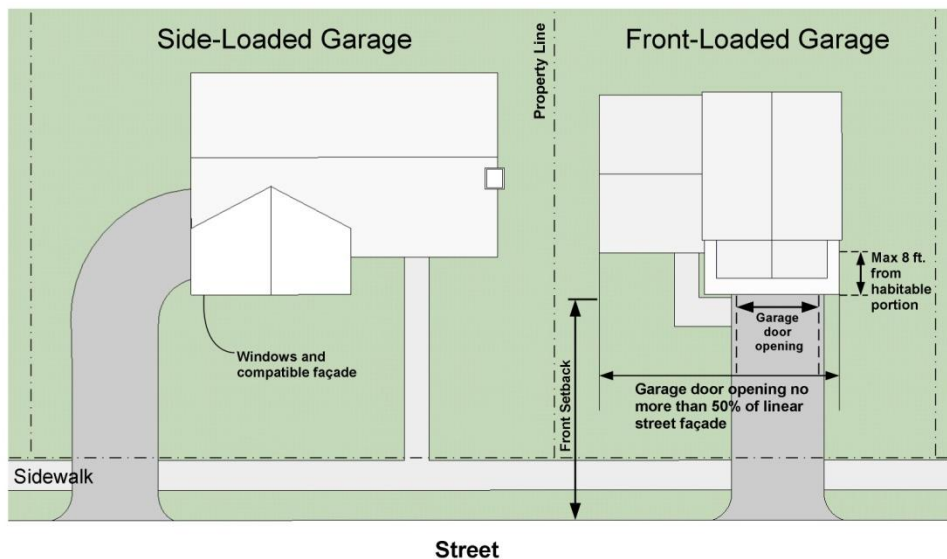
**17.6.2.1: Architecture**

**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

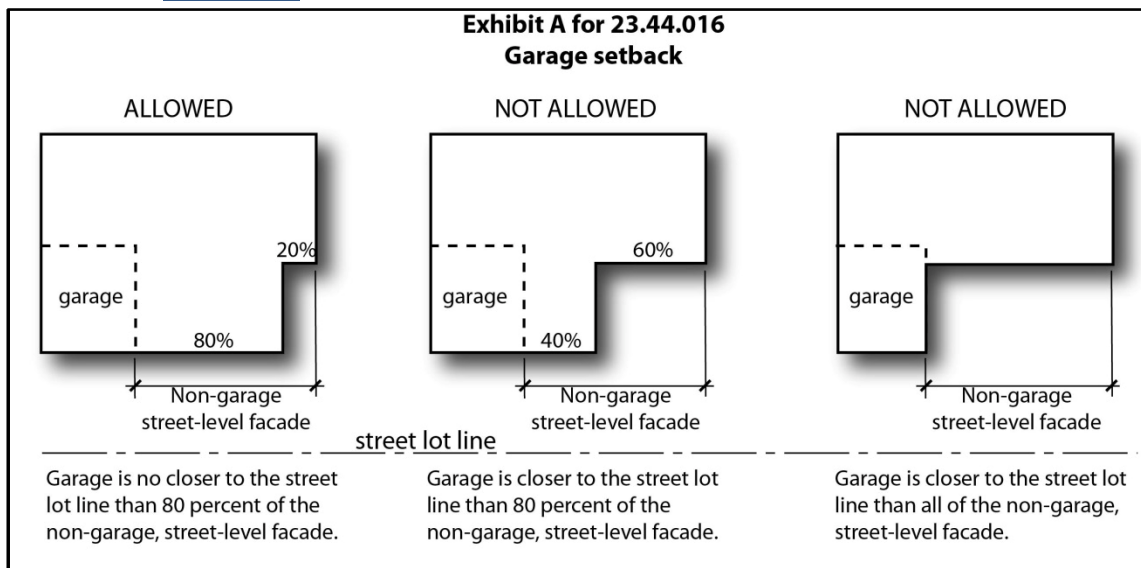
**23.44 Residential – Single-Family**

**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.

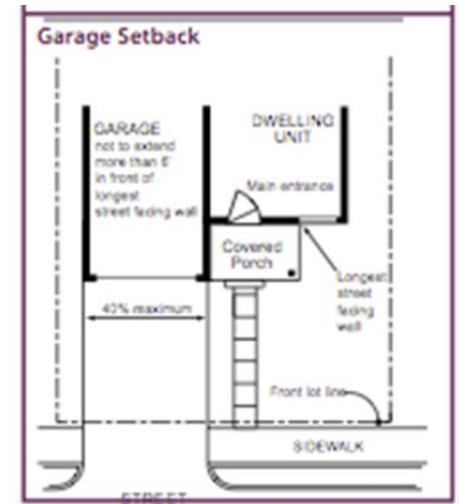
vi. Garage Access

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#1above.</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

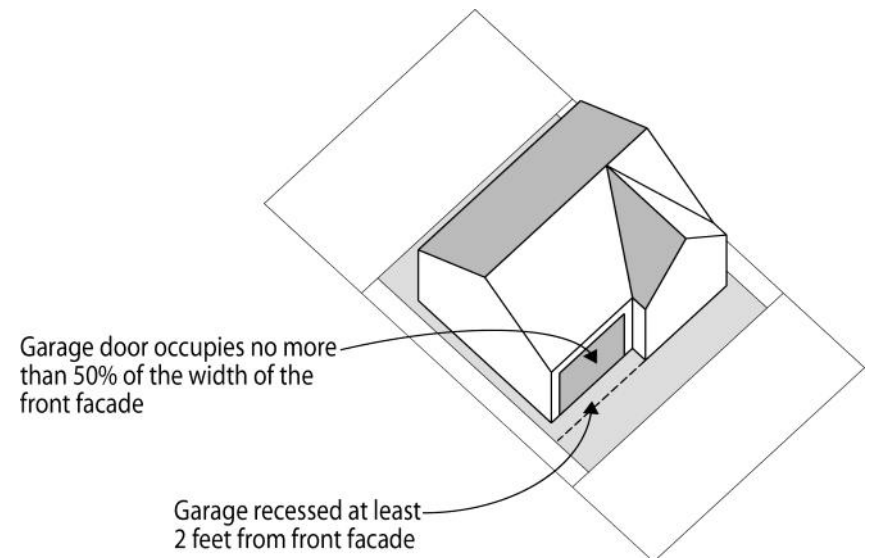
Chapter 28: ZONING CODE ORDINANCE  
28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.

(3) Attached Garage Setback.

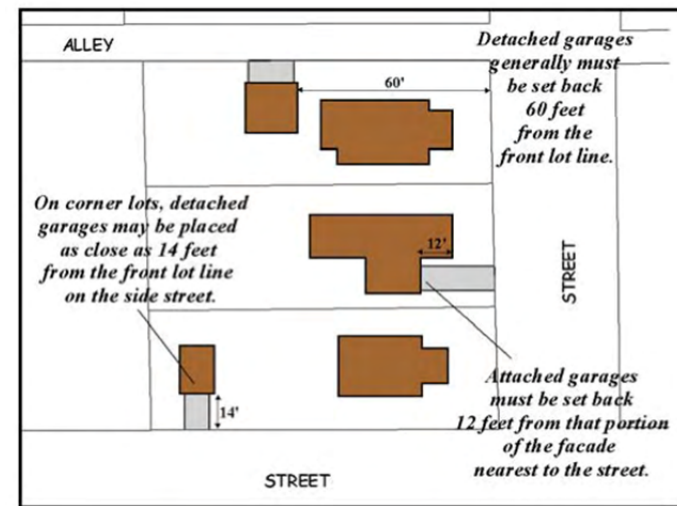
In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that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

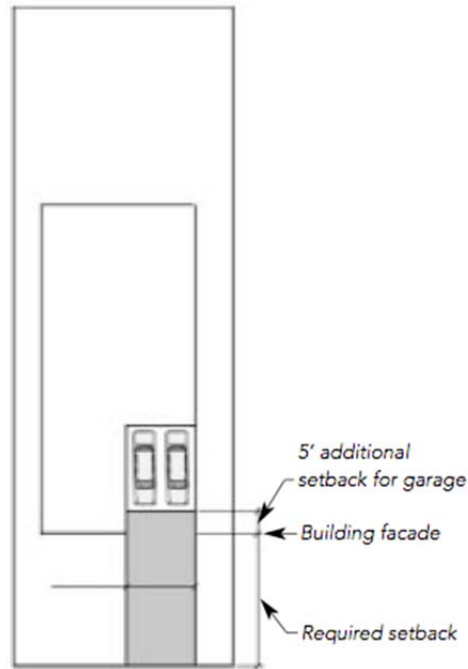


Figure 11a. Garage facing street.

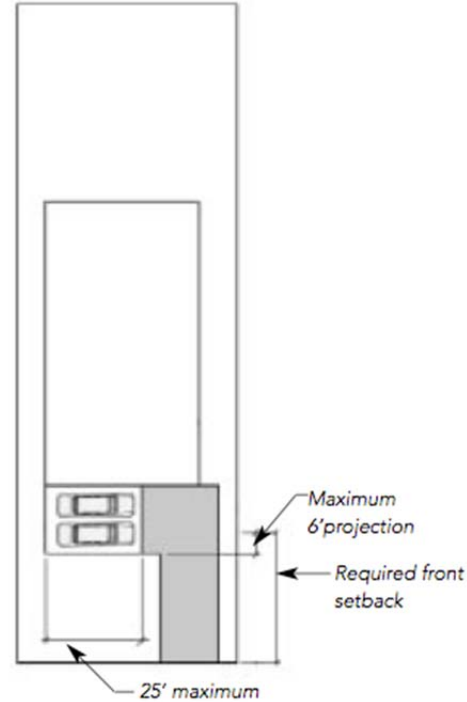


Figure 11b. Garage perpendicular to street.

<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**

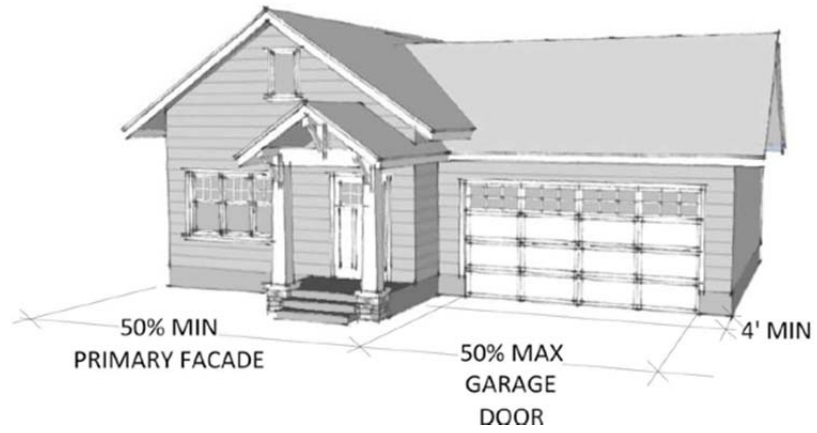
**2.1.4. - EN-1 and EN-2 established neighborhood districts.**

*F. Design requirements for new primary structures.*

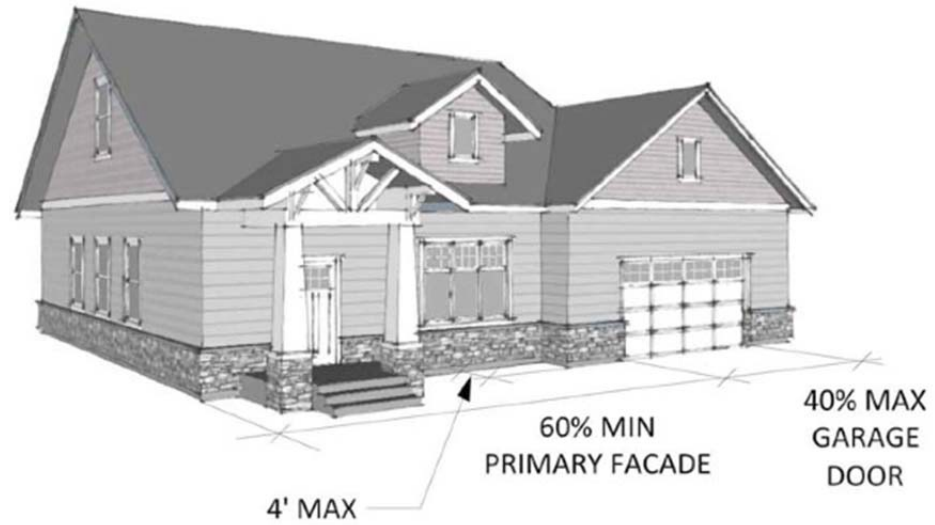
*3. Door openings on attached garages.*

- 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>



Setti D. Warren  
Mayor

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

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TDD/TTY  
(617) 796-1089  
www.newtonma.gov

James Freas  
Acting Director

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## MEMORANDUM

**DATE:** November 6, 2015

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

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

**RE:** #227-15 – SEANA GAHERIN et al. petition to rezone land known as Section 51, Block 041, Lot 0011 from MULTI RESIDENCE 1 to BUSINESS 1.

**MEETING DATE:** November 9, 2015

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

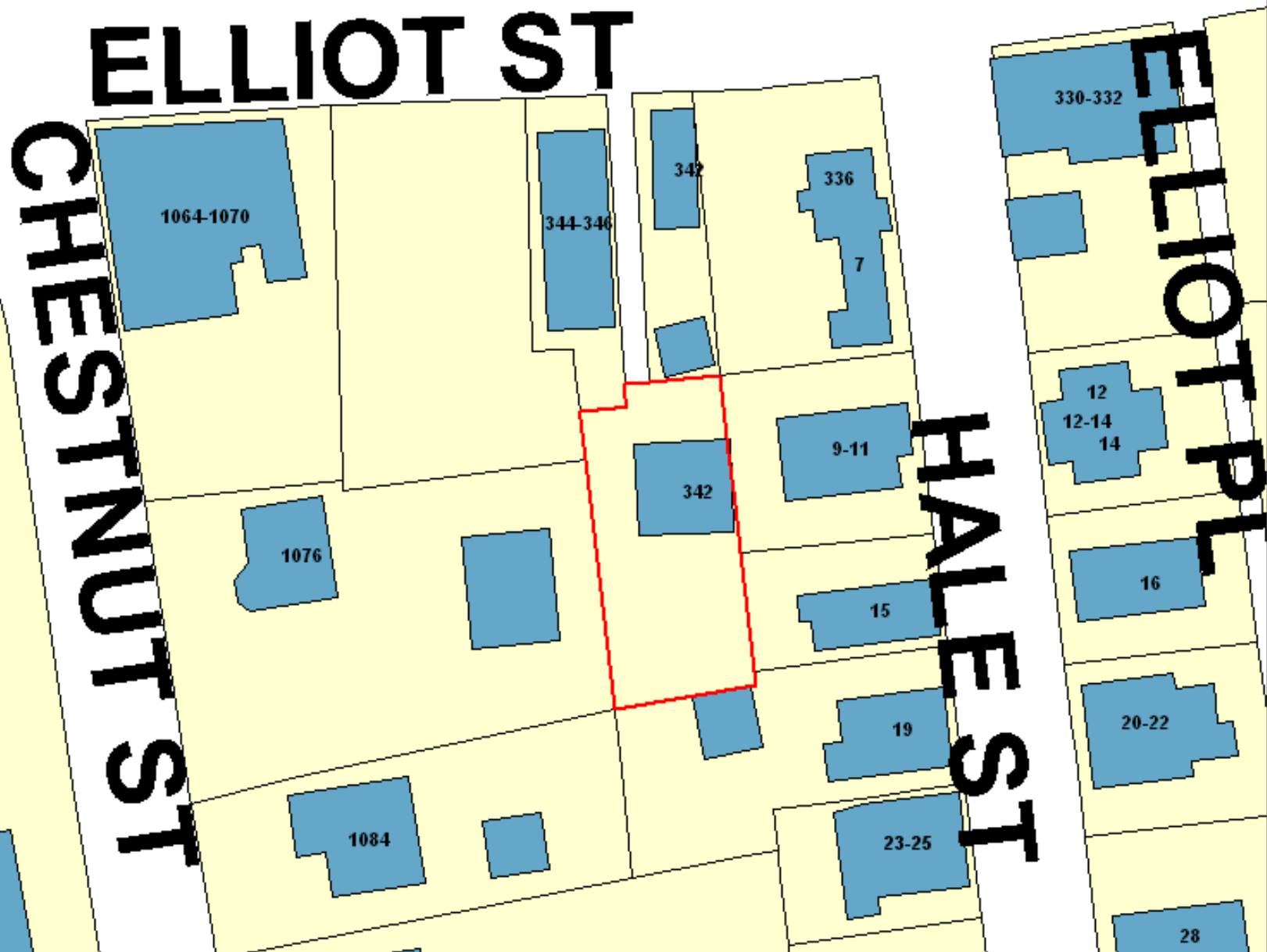
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Petitioners Seana Gaherin et al. request that the property located at 342 Elliot Street be rezoned from the Multi-Residence 1 (MR-1) district to the Business 1 (BU-1) district. The property was jointly acquired by the petitioners whose properties are located in the adjacent BU-1. Rezoning the property will simplify regulation for the City and property owners as the areas under single ownership will be subject to the same set of rules. Shifting the border between these two zoning districts to zone this property BU-1 does not raise any concerns from a zoning perspective and the Planning Department recommends approval of the rezoning request.

### Fencing/Screening

In the public hearing a question was raised regarding fencing or screening of the subject property. For the portion of the property that will be associated with the adjacent restaurant fronting Elliot Street, the property owner has indicated an intention to add 6 additional parking spaces. Section 5.1.9 of the Newton Zoning Ordinance requires that the design of parking lots with five or more parking spaces meet minimum criteria for screening or fencing. Depending on the proposed design, installation of this parking lot may require a special permit.

At this time there is no indication of any potential change in use for the remainder of the subject property. However, any development activity on that site would be subject to the requirements of the Zoning Ordinance, including parking lot screening and a minimum 15 foot building setback from the rear and side lot lines.



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user is responsible for determining the data's suitability for its intended purpose.

City departments will not approve applications based solely on GIS data. City staff correct errors as they are identified.

**Legend**

- + Likely Septic System Locations
- Certified Visual Pools
- Scenic Roads
- Flood Plains
- Wetlands with 100 foot buffer zone
- Wetland Filings or Conservation Restrictions
- Riparian Protection Areas
- Rare Species Habitat
- Open Space

Property Location:

Property ID:

Land Use:  Lot Size:

1 inch = Approximately 60 Feet

MAP DATE: November 06, 2015





Setti D. Warren  
Mayor

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

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**James Freas**  
Acting Director

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## MEMORANDUM

**DATE:** November 6, 2015

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

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

**RE:** #23-15 - ACTING DIRECTOR OF PLANNING & DEVELOPMENT  
requesting amendments to the official zoning map in order to correct discrepancies between Board of Aldermen actions and the boundaries of zoning districts as shown on the map and to better align zoning district boundaries with property lines and other features to reduce the number of split lots and other map anomalies.

**MEETING DATE:** November 9, 2015

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

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In June City staff began a process of cleaning up the Official Zoning Map. The proposed rezonings presented herein represent the last of that clean-up effort and are intended to further reduce the number of parcels split between two zoning districts.

In previous rezoning requests as part of this project staff has used a general rule of rezoning each split lot to the zoning district that represented the majority of the lot. At the public hearing it was noted that this rule was not followed with the proposed zoning of 84 Brandeis Rd. Staff discussed and determined that the value of establishing a consistent zoning district for that entire block outweighed adherence to this rule and therefore maintains the recommendation of rezoning this property to Single Residence 3.

Recommendation

Staff recommends approval of the submitted rezonings so that the final Official Zoning map update may be completed.

Attachment: Proposed Rezoning Maps and Effected Properties



# Rezoning

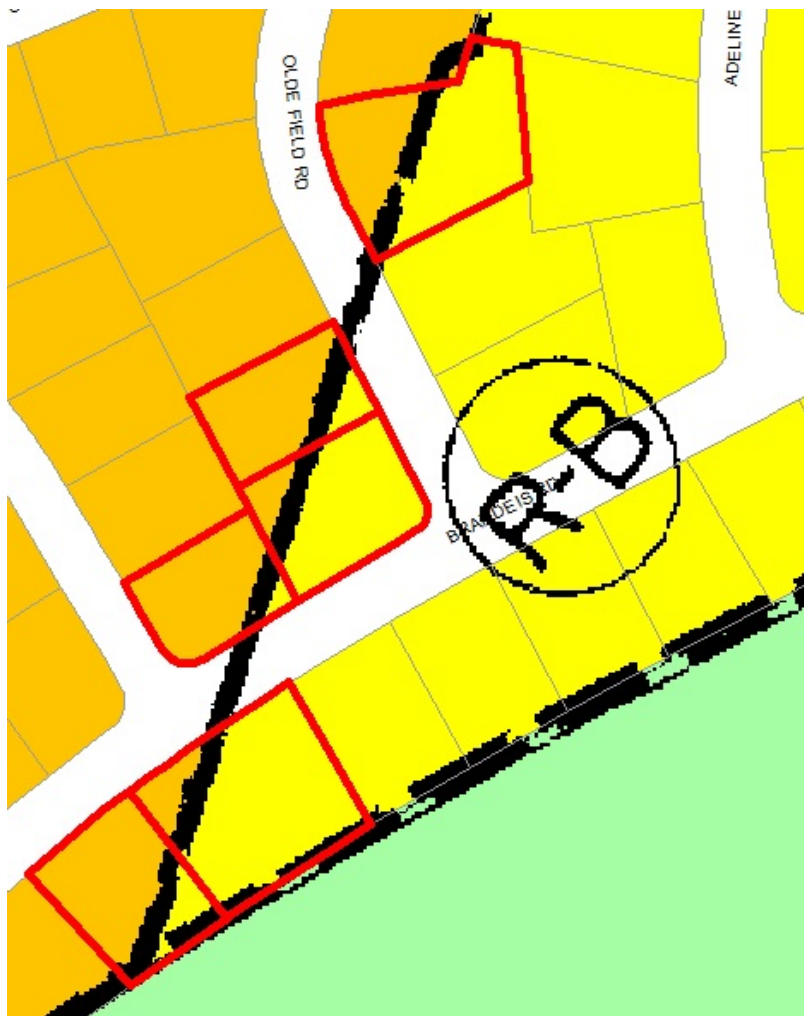
Affected properties are highlighted in red

## Legend for maps

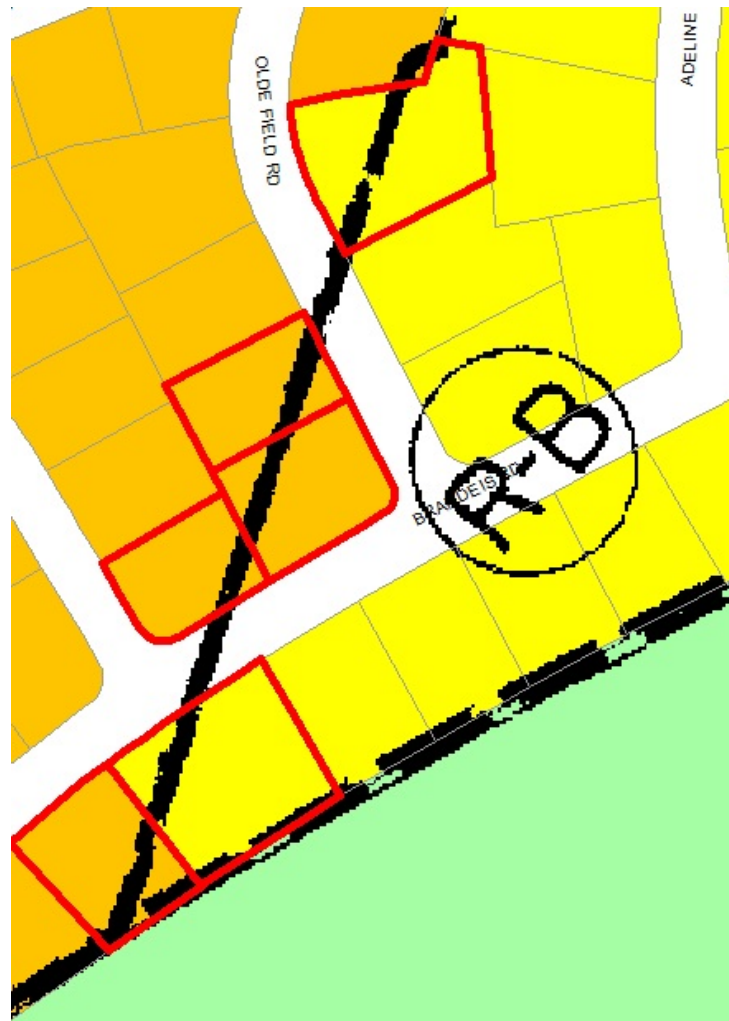
	Single Residence 1
	Single Residence 2
	Single Residence 3

### Brandeis-Olde Field Rd area – realign diagonal boundary to property lines

Before



After

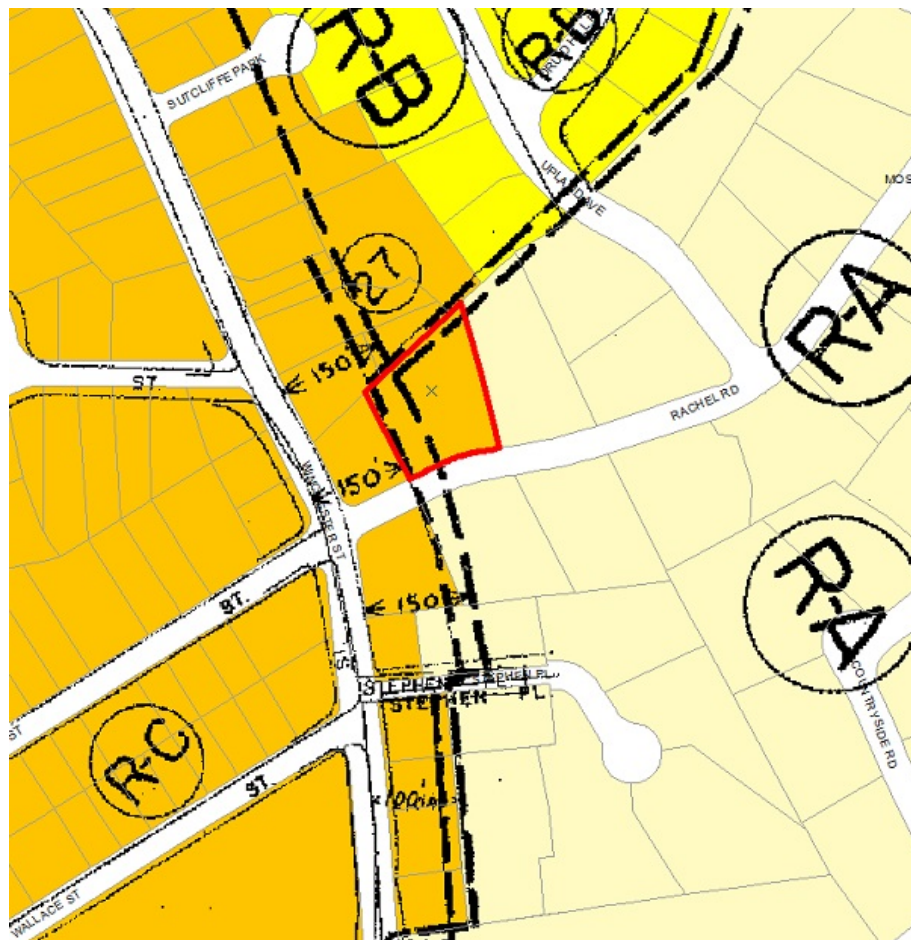


### List of properties affected

SBL	Address
81051 0050E	120 Olde Field Rd
81051 0050C	127 Olde Field Rd
81051 0050D	84 Brandeis Rd
81051 0063	76 Brandeis Rd
81051 0062	71 Brandeis Rd
81051 0061	61 Brandeis Rd

# 121 Rachel Rd

Before



After





Setti D. Warren  
Mayor

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James Freas  
Acting Director

---

## MEMORANDUM

**DATE:** November 6, 2015

**TO:** Alderman Marcia T. Johnson, Chairman  
Members of the Zoning and Planning Committee

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

**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.

**MEETING DATE:** November 9, 2015

**CC:** Board of Aldermen  
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 come in three parts, a new garage-specific front yard setback, a maximum frontage for garages as a percentage of the building frontage, and an outright prohibition on side-by-side garages in two-family and attached residences.

### 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

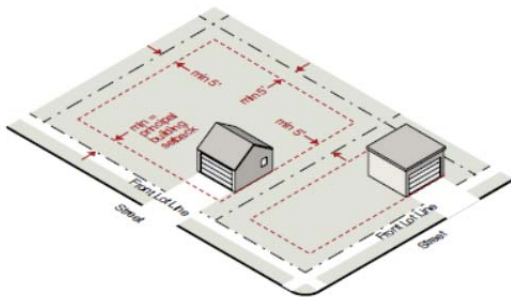
types of buildings that make up the City's villages, neighborhoods, and corridors and from that information, there will be an opportunity to upgrade these garage regulations to account for the differences across the City's varied neighborhoods.

Proposed Ordinance Text

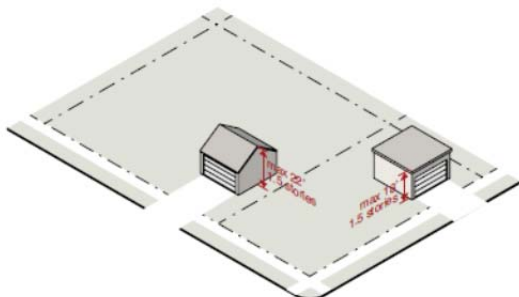
### 3.4.3. Accessory Buildings

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:~~

~~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~~

~~e. 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.
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 wall that faces a street may be no closer to the front lot line than the longest street-facing wall of the dwelling unit.

D. Garage Dimensions.

1. The length of the garage wall facing the street may be up to 50 percent of the 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 or multiple points of entry into a garage shared by more than one dwelling unit, 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.

### 3.4.45. Accessory Apartments

See Sec. 6.7.1.

### 3.4.56. Temporary Uses Allowed

[reserved]

#### Next Steps

The Planning Department recommends that the proposed amendment be advanced to a public hearing in January. Over the next two months, we will work with the Law Department to refine the proposed language and will discuss the amendment with Inspectional Services Department staff.