#88-20

Ruthanne Fuller
Mayor

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

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

Barney S. Heath
Director

MEMORANDUM

DATE: May 29, 2020

TO: Councilor Deborah Crossley, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning

RE: **#88-20 Discussion and review relative to the draft Zoning Ordinance**
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.
Other docket items to be taken up within the context of Zoning Redesign include #30-20, #38-20, and #148-20

MEETING: June 1, 2020

CC: City Council
Planning Board
John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Jonathan Yeo, Chief Operating Officer

At the May 19, 2020 ZAP meeting, the Planning Department held the fourth *workshop* on Article 3 – Residence Districts. The discussion focused on the revised zoning text for Garage Design Standards (sec. 3.4.2) and Driveway Access (3.7.1.E). The Committee voted to defer the currently deferred Garage Ordinance until January 2022 so that the issue may be properly taken up as part of the larger Zoning Redesign efforts. City Council is scheduled to vote on this deferment at the upcoming June 8 City Council meeting. Due to time constraints, the second part of the presentation, Building Components (sec. 3.3), was not discussed.

Moving forward, staff plan to focus the upcoming ZAP discussion in three parts. Part I will focus on the schedule proposed to fully review Article 3 to reach a Committee straw vote at the beginning of October. Part II will focus on Building Components and Part III will focus on responses to Councilor questions received regarding Garage Design Standards and Driveway Access presented at the May 19 meeting.

Part I – Schedule for Article 3

This past March the ZAP Committee began reviewing Article 3 as part of the Article-by-Article review process with the goal of holding a vote on the complete proposed Zoning Ordinance by the end of the Council Term in 2021. To mark progress, the Committee is encouraged to hold straw votes at the completion of each Article review before moving on. Holding straw votes memorializes the consensus achieved while also providing the flexibility to update elements of the draft ordinance that may need to change due to future conversations.

The Planning Department proposes the draft ZAP Calendar (table below) for the Committee to complete its review of Article 3 and hold a straw vote by the beginning of October. Underlying this calendar is the various other forms of engagement and outreach being undertaken by the Planning Department that includes office hours, professional focus groups, an updated website, meetings with (City Commissions, area councils, local community groups, etc.), and internal City Department coordination.

The dates listed in the table below are all open on the City calendar for Committee meetings. The Committee availability is to be discussed to finalize any date.

Date	Meeting Type	Meeting Topic	Notes
1-Jun	ZAP	Schedule and Workshop 5 – Building Components	
15-Jun	ZAP	Workshop 6 – Uses, Parking, Alternate Lot Configurations	
29-Jun	ZAP	Workshop 7 – Revised standards to districts, components, building types	Includes conversation with relevant design/building professionals
13-Jul	ZAP	Workshop 8 – Residence districts map	Introduce updated draft map that aligns with the Zoning Redesign goals (will not be voted on within straw vote on Article 3)
27-Jul	ZAP	Workshop 9 – Hear from Design and Building Professionals	Complete Article 3 workshops
10-Aug	ZAP	Editing/Review session	Revised Article 3 text will be shared in advance of meeting. Set “public hearing” for straw vote.
20-Aug	Committee of the Whole	Present updated and revised Article 3	
24-Aug	ZAP	Editing/Review session	
14-Sep	ZAP	Article 3 “public hearing”	Hold “public hearing”
1-Oct	ZAP	Article 3 straw vote	Hold straw vote. Irregular date (9/28 is Yom Kippur)

Part II – Building Components (Sec. 3.3)

Goals

Building Components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building (See Fig. 1). In addition, Building Component regulations will enhance predictability of growth for homeowners and neighbors. Finally, these components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

Building Components should be viewed as a by-right bonus. These components, and their standards, have some similarities to the current ordinance De Minimus Relief (Attachment B), though in a more refined and comprehensive manner. The Building Component standards will ensure such bonuses do not negatively impact the surrounding neighborhood or public realm. However, the draft language on Building Components and Building Types shared with the City Council previously does not fully achieve these goals (Attachment A).

Issues with Latest Draft Language and High-Level Proposed Changes

- Problem A - Building Components count towards Building Type footprint (Sec. 2.5.1.B)
    - Outcome – There is no incentive to utilize Building Components in new construction or renovations.
- Solution A – Building Components do not count towards Building Type footprint, but are still regulated by setbacks and lot coverage
    - Outcome - This will promote design individuality and increased habitable space. Components should be regulated by specific standards for each type as well as the district lot coverage and setback requirements. Doing so ensures proportional Building Components relative to the surrounding neighborhood.
- Problem B – Language to directly implies style
    - Outcome - This regulation of style came up as a primary concern at the Architect Focus Group held on April 24, 2020. Architects felt the language inhibits creativity and is too prescriptive.
- Solution B – Building Components should be named generically
    - Outcome – As a form-based code tool, Building Components should only imply an appropriate volume or massing that designers are free to work within. Building Types accomplishes this through generic naming (House Type A, B, etc.). and this should apply to Building Components to the greatest extend possible. For example, a Turret (Sec. 3.3.2.J) could change to a *Corner Feature*. Additionally, Staff is looking at replacing individual Roof Types (sec. 2.6.3.D) with one set of standards, disconnected from formal roof styles (i.e. gable, hipped, etc.), and will be presented at the upcoming ZAP Meeting.
- Problem C –Building Type footprint increase allowed by Special Permit
    - Outcome – Taken with Building Components, which are allowed by-right, these two mechanisms attempt to allow for the same thing, controlled flexibility. The new ordinance should strive for simplicity, with one regulation solving one issue. Taken

together, Building Components and an increase in footprint by Special permit mat allow for development to increase in size far too greatly.

- Solution C - Remove Building Type footprint increases by Special Permit and add new Building Components that allow for similar controlled flexibility, by-right
    - Outcome – Doing so will directly address one of the goals found in the Zoning Reform Group Report, *simplify and streamline the permitting and review process*. Building components, by-right, are a cleaner and simpler mechanism to achieve the flexibility that Special Permits are now used for. This will also ensure that the additional volume created will be proportional to the surrounding neighborhood and configured to not negatively impact the public realm.

Part II – Looking Ahead

Because staff is proposing new Building Components, allowing increased square footage by-right, it is imperative that the standards used for each component is calibrated correctly. Staff is working with local architects to analyze their recent projects where they utilized what can be categorized as Building Components to get a baseline of standard dimensions. Additionally, staff will look to the existing De Minimus Relief rule for further guidance. Staff will also look at standard house typologies found in Newton (Victorian, contemporary, colonial, split-level, etc.) to find typical patterns of Building Components utilized. Lastly, staff will review how the revised Building Components sections works with Building Type footprints, lot coverage, and setbacks. All these standards together will determine a developments overall volume, so changing one standard may warrant updating another. At upcoming meetings, staff will present these revised standards along with the logic behind them and case studies possible implementation.

Part III – Responses to Councilor Questions (5/19 ZAP Meeting)

Following the May 19 ZAP Meeting staff received additional questions and comments from Councilmembers. Staff plan to address these at the June 1 meeting. Questions mainly focused around explaining how standards were decided on, cost implications for pervious driveways systems vs. traditional, more clearly defining certain terms, and what happens to existing properties that do not conform to this new proposal.

Further Reading

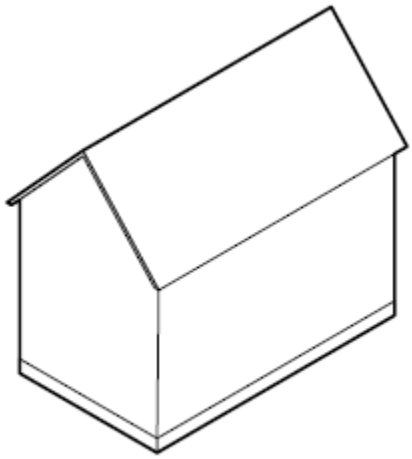
The ZAP Committee should reread Sections 2.1 – 2.7 and Section 3.3, previously shared with the City Council in March 2020. These sections, in addition to the attachments will help guide an informed discussion on Building Components and the new in-process framework for Building Components.

Attachments

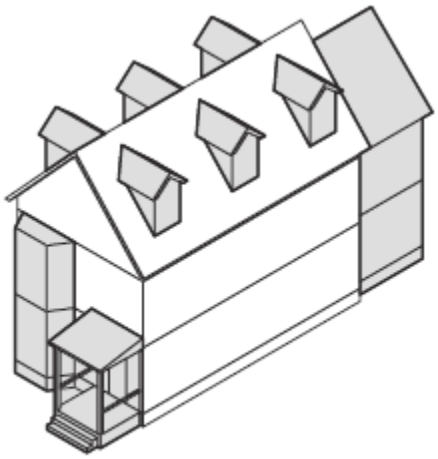
Attachment A Section 3.2 – Building Types & Section 3.3 – Building Components (proposed ordinance)

Attachment B Sec. 7.8.2.B – De Minimus Relief (current ordinance)

Figure 1: Building Components in Relation to Main Massing of a Building Type



Main Massing of a Building



Additional Building Components

3.2. Building Types.

3.2.1. Introduction to Building Types.

This Ordinance uses building types as a tool to regulate development within each zoning district.

A. Building types are a way of organizing standards for the size, shape, and scale of principal buildings. Standards should be read in conjunction with Article 2, which includes rules of measurement.

B. Building type standards apply to all principal buildings, whether new construction, renovation or addition to an existing structure, and redevelopment.

C. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district.

D. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

3.2.2. Special Permit to Vary the Dimensional Standards of a Building Type.

A Special Permit may be granted to vary the dimensions of a building type within the standards specified and in accordance with Sec. 11.4.

A. Special Permits to vary the dimensions of a building type require review by the Urban Design Commission.

B. Review Criteria. In its discretion to approve or deny a special permit authorizing a variation in the dimensional standards of a building type, the Special Permit Granting Authority must find that the application meets the following criteria:

1. The criteria for all Special Permits specified in Sec. 11.4.3.
2. Design strategies achieve compatibility with the scale of neighboring properties.
3. Design strategies break up the massing and modulate the roof line.

3.2.3. House A

A. Description.

A one-unit house with a large footprint and up to 2.5 stories. House A building types are common in several Newton neighborhoods like Chestnut Hill, Waban, and West Newton Hill. House A types may have been built in several eras of Newton's development history from the era when Newton was a destination for country estates to the modern development period of the 1980s to the present.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
25 ft	100 ft	100 ft	2,4002,500 sf SP: 3,000 sf	2.5 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory design review (See Sec. 3.2.2)

C. Fenestration on the Front Elevation.

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration: 10% Minimum, 70% Maximum~~

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit; option for Multi-unit conversion according to~~(see~~ Sec. 3.5~~6~~.2.~~)~~
3. Outdoor Amenity Space: 1/dwelling unit

3.2.4. House B

A. Description.

A one-unit house with a medium footprint and up to 2.5 stories by-right. House B building types can be found throughout Newton. The House B type includes typical midscale Victorian homes close to village centers, and midscale Colonial homes frequently built in the era of suburban infill between Newton's historic village centers.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
15 ft	65 ft	90 ft	1,400~~1,600~~ sf SP: 2,000~~2,200~~ sf	~~R1, R2:~~ 2.5 stories SP~~R3, N~~: 3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)					

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration: 10% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All Roof Types are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit
3. Outdoor Amenity Space: 1/dwelling unit

3.2.5. House C

A. Description.

A one-unit house with a small footprint and up to 1.5 stories. House C building types are located across Newton and are most typified by the bungalow or cape house style. House C building types are most likely to have been built between the 1920s when the bungalow style gained popularity through the post-war construction boom of the 1950s.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
12 ft	65 ft	80 ft	1,200~~1,500~~ sf SP: 1,800 sf	1.5 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit
3. Outdoor Amenity Space: 1/dwelling unit

3.2.6. House D

A. Description.

A one-unit house with a large footprint and no more than 1 story. House D building types are best known as Ranch houses – and are characterized by 1-floor living with or without a basement. The House D building type is most common in southern Newton and is typical of mid-20th century development.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
30 ft	120 ft	100 ft	3,500 sf SP: 4,000 sf	1 story	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All Roof Types with an equivalent of 0 stories are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 1 Residential Unit.
3. Outdoor Amenity Space: 1/dwelling unit.

3.2.7. Two-Unit Residence

A. Description.

The two-unit residence building type is common in Newton's traditional mill village areas like the Upper Falls and Nonantum, as well as in early commuter neighborhoods near transit like West Newton, Newtonville and Auburndale. Two-unit residence types can be organized with one unit above and one below, two units side-by-side, or a combination as in the case of a "Philadelphia-style" duplex.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	2,000 sf SP: 2,200 sf	3 stories	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration 10% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All roof types are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Must have 2 Residential Units.
3. Outdoor Amenity Space: 1/dwelling unit

3.2.8. ~~Apartment House~~3-Unit Building

A. Description.

A small multi-unit residential building with a footprint similar to a one-unit house. A~~n apartment house~~ 3-Unit Building contains 3 units, no more, no less,~~more than 2 units,~~ but the scale of the structure is similar to 1- and 2-unit building types nearby, just with a few smaller than average units. Apartment houses were commonly built during the industrial revolution, and include the triple-decker, a building type unique to New England communities.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	65 ft	80 ft	1,600~~2,500~~ sf SP: 1,800	2.5~~3~~ stories SP: 3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)					

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration: 10% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All Roof Types are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.

~~2. Residential Unit Factor:~~

~~a. Base = 1250~~

~~b. 100% Affordable OR Sustainable Design Standard = 900~~

~~3.~~2. Outdoor Amenity Space: 1/dwelling unit

3.2.9. Townhouse Section

A. Description.

A series of connected one- to two-unit houses, called townhouse sections, with separate entrances. The townhouse section building type first are seen in Newton in the late -18th century, but most townhouses in Newton date from the late 20th and early 21st century. Traditional townhouses come up to the street with alley access from the rear. Assemblages of 3 or 4 townhouse sections are found in neighborhoods across Newton. Large townhouse complexes are more typically found in southern Newton.

B. Building Dimensional Standards.

The following standards apply to each townhouse section.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	28 ft	-	1,500 sf SP: 1,800 sf	3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)					

~~C. Fenestration on the Front Elevation.~~

~~The following standards apply to each townhouse section:~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration: 10% Minimum, 70% Maximum~~

~~D.~~C. Roof Types.

All Roof Types are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.
2. Maximum of 2 Residential Units are permitted per townhouse section.
3. Outdoor Amenity Space: 1/Dwelling Unit
4. In no case may an attached series of townhouses contain more than 8 townhouse sections.
5. At least 1 townhouse unit in a series must be oriented toward the primary front lot line.

3.2.10. ~~Small Apartment Building~~4-8 Unit Building

A. Description.

A small multi-unit residential building. Whether built as a stand-alone building or as part of a complex, small apartment buildings typically are no taller than the peak of the roof of houses and apartment houses in the surrounding neighborhood and about the footprint of two mid-large attached house building types.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
20 ft	75~~80~~ ft	90~~80~~ ft	2,500~~4,200~~ sf	3 stories	Max 12 ft SP: 14 ft
SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)					

~~C. Fenestration on the Front Elevation.~~

~~1. Ground Story Fenestration: 20% Minimum, 70% Maximum~~

~~2. Upper Story Fenestration: 10% Minimum, 70% Maximum~~

~~3. Max Blank Wall = 20 ft x 20 ft~~

~~D.~~C. Roof Types.

All Roof Types are permitted.

~~E.~~D. Additional Standards.

1. Only residential use categories are permitted; option for use conversion of an existing building according to Sec. 3.6.1.B.

~~2. Residential Units Factor:~~

~~a. Base = 1,250~~

~~b. 100% Affordable or Sustainable Design Standard = 900~~

~~3.~~2. Outdoor Amenity Space: 1/dwelling unit, may be shared.

3.2.11. Shop House

A. Description.

A small mixed-use building, typically a house with a ground floor shopfront containing a commercial use. Shop houses typically start as house or townhouse section building types with a shopfront added to the front elevation. Shop houses are commonly found at the edges of Newton's traditional village centers and can contain a variety of uses.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
20 ft	40 ft	80 ft	2,000 sf SP: 2,500 sf	2.5 stories	Max 20 ft	Max 12 ft SP: 14 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 40% Minimum
2. ~~Upper Story Fenestration: 10% Minimum, 70% Maximum~~
3. ~~Max Blank Wall = 20 ft x 20 ft~~

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. Ground floor Standards:
   a. A minimum of 30% of the ground floor must be utilized for non-residential uses.
   b. Ground floor non-residential uses must be located along the front elevation.
2. Upper stories must be a residential use.
3. Residential Units Factor:
   a. Base = 1,250
   b. 100% Affordable or Sustainable Design Standard = 900
4. Outdoor Amenity Space: 1/dwelling unit, may be shared.

3.2.12. Small Multi-Use Building

A. Description.

A small mixed-use building that has ground floor commercial activity along the frontage and either residential or commercial uses on the upper floors. Small multi-use building types are found in many village centers in Newton.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights	
Min	Max	Max	Max	Max	Ground Story	Upper Stories
40 ft	100 ft	150 ft	12,000 sf	3 stories	Min 14 ft Max 24 ft	Min 10 ft Max 14 ft SP: +/- 2 ft

SP = Special Permit with mandatory Design Review (See Sec. 3.2.2)

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 50% Minimum
2. ~~Upper Story Fenestration: 20% Minimum, 70% Maximum~~
3. ~~2.~~ Max Blank Wall = 20 ft x 20 ft
4. ~~3.~~ Principal Non-residential Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. Ground Story Non-residential Use Dimensional Standards:
   a. A minimum of 50% of the ground story must be utilized for non-residential uses.
   b. Ground story non-residential uses must be located along the front elevation.
   c. Ground story non-residential use space must be a minimum depth of 50 ft or 60% of the building depth whichever is less.
   d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 3.2.2.
2. Residential Units Factor:
   a. Base = 1,250
   b. 100% Affordable/Sustainable Design Standard = 900
3. Outdoor Amenity Space: 1/dwelling unit, may be shared.

3.2.13. Small Shop

A. Description.

A single-story commercial building, typically for a retail or service use. Small shop building types generally contain one, but may contain a few, smaller commercial establishments with an active frontage.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	Ground Story
18 ft	100 ft	100 ft	7,000 sf	1.5 stories	Min 12 ft Max 24 ft

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 60% Minimum
2. Max Blank Wall = 20 ft x 20 ft
3. Principal Entrance Spacing: min. 1 entrance in each 40 ft of front elevation

D. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories are permitted.

E. Additional Standards.

1. Loading and Garage Bays. Loading and Garage doors are considered blank walls.
2. No residential uses.

3.2.14. Civic Building

A. Description.

A landmark community building with a limited range of community-oriented uses, such as a building constructed for a religious or educational institution, or as a community center.

B. Building Dimensional Standards.

Building Width		Building Depth	Building Footprint	Number of Stories	Story Heights
Min	Max	Max	Max	Max	All Stories
14 ft	300 ft	200 ft	30,000 sf	4.5 stories	Max 14 ft

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards

1. A Civic Building Type may only be occupied by Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3 or Public Service Uses.
2. A Civic Building Type may be converted to commercial or residential uses by Special Permit as described in Sec. 3.6.2 and Sec. 3.6.1.B.

3.3. Building Components.

3.3.1. Introduction and General Standards.

Building components are accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building facades and are permitted as indicated for each building type.

3.3.2. Architectural Components on the Front Elevation.

Any architectural components may be utilized in any design if fully compliant with the setbacks.

~~A. Architectural components utilizing the standards below, in total, may not exceed 40% of the width of the front elevation.~~

~~B.~~F. Bay.

1. Description. A bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall.
2. Dimensions.

	Min	Max
Width (each bay)	-	Greater of 20% of wall length or 12 ft
Depth	-	3 ft
Fenestration	60%	-
Permitted Front Setback Encroachment	-	3 ft

3. Additional Standards.
   a. Bays may not cover more than 40% of the width of the front elevation on any story.
   b. In the Neighborhood General district, bays may project over the sidewalk of a public way under the following circumstances:
      i. Bay must have a minimum of 20 ft clearance above the sidewalk.
      ii. Permits for new bays over the public-way require written permission from the Commissioner of Public Works, verifying that the bay does not interfere with public infrastructure and maintenance needs.

~~C.~~G. Balcony.

1. Description. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
2. Dimensions.

	Min	Max
Width (each balcony)	5 ft	Greater of 20% of wall length or 12 ft
Depth	3 ft	8 ft
Clearance	10 ft	-
Permitted Front Setback Encroachment	-	3 ft

3. Additional Standards.
   a. Balconies may be recessed, projecting, or a combination of the two.
   b. The guard rail of any balcony oriented toward a front lot line must permit views of the public realm through the posts and rails with a maximum height of 48" for an opaque enclosure at the bottom of the guardrail.
   c. In the Neighborhood General district, balconies may project over the sidewalk of a public way under the following circumstances:
      i. Balcony must have a minimum of 20 ft clearance above the sidewalk.
      ii. Balcony may extend up to 3 ft over a sidewalk.
      iii. Permits for new balconies over the public-way require written permission from the Commissioner of Public Works, verifying that the balcony does not interfere with public infrastructure and maintenance needs.

~~D.~~H. Front Porch.

1. Description. An unenclosed platform connected to a principal building that provides outdoor amenity space forward of the front elevation.
2. Dimensions.

	Min	Max
Width	8 ft	Same as front elevation width
Depth	6 ft	-
Permitted Front Setback Encroachment	-	6 ft

3. Standards.
   a. Stairs may encroach upon the front setback by a maximum of 4 ~~ft~~ feet beyond the front porch but must be ~~no less than~~at least 2 feet from the front property line.
   b. The guard rail of any front porch oriented toward a front lot line must permit views of the public realm through the posts and rails with a maximum height of 48" for an opaque enclosure at the bottom of the guardrail.
   c. A front porch may be screened or open.
   d. Front porches may include multiple levels for buildings of 2 or more stories, provided the footprint is the same as at the ground floor or reduced on upper stories.

~~E.~~I. Projecting Front Entry.

1. Description. An enclosed or unenclosed entry to a principal building.
2. Dimensions.

	Min	Max
Width	4 ft	8 ft or 20% of the front elevation whichever greater
Ceiling Height	-	12 ft
Permitted Front Setback Encroachment	-	4 ft

3. Standards.

a. Uncovered stairs, at the minimal width required by building code, may encroach upon the front setback, but must be at least 2 feet from the front property line. ~~.~~

~~F.~~J. Turret.

1. Description. A small, decorative, tower-like extension from the wall or corner of a building, meant to provide distinctive living space or to terminate an important axis.
2. Dimensions.

	Min	Max
Width	6 ft	10 ft
Depth	6 ft	10 ft
Height	-	Stories equal to the principal building type
Fenestration	30%	-
Permitted Setback Encroachments		
Front	-	2 ft
Side	-	2 ft
Rear	-	-

3. Standards.
   a. A building may include a maximum of one turret.
   b. The highest point of the roof of a turret may be higher than the highest point of the roof of the primary building by up to 10%.
   c. Turrets may wrap around corners.

3.3.3. Roof Components.

A. Dormer.

1. Description. A dormer is a windowed roof form that projects vertically from a sloped roof to provide light into and increase the habitable space of a half-story.
2. Dimensions.
   a. A dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall next below.
      i. A dormer on the rear wall of a House C may extend up to 75% of the length of the building wall below.
   b. The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.
3. Standards.
   a. Dormers may be used with any roof type, except the flat roof.
   b. No dormer may extend above the roof ridge line.

B. Cross Gable.

1. Description. A cross gable is a sloped roof that projects perpendicularly from the main roof of a building to increase the habitable space of a half story or add architectural distinction to a low gabled roof.

2. Dimensions.
    a. A Cross Gable may not exceed 50% of the eave length of the roof to which it connects.
3. Standards.
    a. A cross gable may only be used with a gable or low gable roof type.

C. Roof Deck.

1. Description. A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.
2. Dimensions.
    a. The area of ~~fr~~ a roof deck may be up to the lesser of 400 ~~sf~~ square feet or 20% of the footprint of the building.
    b. The width of a roof deck may not exceed 50% of the building width, except on a flat roof it may extend up to the full width of the roof.
    c. A roof deck must be set at least 5 ~~ft~~ feet back from all building edges, and 10 ~~ft~~ feet from the front elevation. This standard is waived if the parapet wall is utilized as the roof deck guardrail, provided it is of sufficient height.
3. Standards.
    a. The guardrail must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
    b. The guardrail may be higher than the highest point of the roof of the primary building, up to the minimum height for a guard rail required by building code.

3.3.4. Accessory Structures.

A. General Standards.

1. Definitions.
    a. Accessory Structure. A non-enclosed structure accessory to the principal building on the lot, such as a swing set~~,~~ or play structure~~, or pergola~~.
    b. Accessory Building. An accessory building is a fully enclosed structure accessory to the principal building on the lot. (See Sec. 3.3.5)
    c. Bounding Box. The smallest rectangle that can enclose the accessory structure.
2. Accessory Structure Placement.
    a. Unless otherwise specified, an accessory structure may encroach any side or rear setback, provided that at least 3 feet is maintained from any lot line.
    b. Unless otherwise specified, accessory structures may be no nearer to any front lot line than the front elevation of the principal building.
    c. Unless otherwise specified, any accessory structure, exceeding a bounding box of 150 ~~sf~~square feet, must meet the setbacks for a principal building.

B. Accessory Garden Structures.

1. Raised Planting Beds.

a. Raised planting beds may be forward of the front elevation and may encroach the front setback, provided that at least 32 feet is maintained from any front lot line.

2. Pergola.

a. A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area, or providing growing area for climbing plants.

b. A maximum of 1 pergola within a bounding box of 300 ~~sf~~ square feet may be located forward of the front elevation but must not be within the front setback.

i. A pergola within a bounding box of 300 ~~sf~~ square feet may encroach on the side and rear setbacks, provided that at least 5 feet is maintained from any lot line.

C. Accessory Art Structures.

1. Any artwork within any setback may not exceed 12 ~~ft~~ feet in height.

2. Any artwork fitting within a bounding box of 100 ~~sf~~ square feet may be forward of the front elevation and may encroach the front setback, provided that at least 5 feet is maintained from any front lot line.

3. Determination of whether an item qualifies as an artwork is to be made by the Director of the Mayor's Office of Arts and Culture or their designee.

D. Accessory Athletic Structures.

1. Any permanent sport court or swimming pool must meet the setback requirements~~s~~ for a principal building.

3.3.5. Accessory Buildings.

A. General Standards.

1. Definition. An accessory building is a fully enclosed structure accessory to the principal building on the lot.

2. Accessory buildings shall conform to the following dimensions:

Building Footprint	Number of Stories	Ground Story Height
Max	Max	Max
700 sf	1.5 stories	18 ft

a. No accessory building may exceed 22 ~~ft~~ feet in height from average grade to the peak of the roof.

3. Accessory Building Placement.

a. Unless noted for a specific accessory building type below, 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 front elevation of the principal building, unless otherwise specified for the lot type.

~~b. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.~~

~~c.~~b. Accessory buildings must be separated from the principal building by at least 6 feet, measured from any surface of one to any surface of the other.

B. Accessory Garden Buildings.

1. Animal house. (e.g. dog house, horse barn)

   a. Accessory buildings used for the keeping of animals must meet the setbacks for a principal building.

2. Greenhouse.

   a. Permanent greenhouses exceeding 300 ~~sf~~ square feet must meet the setbacks for a principal building.

c. Has on it a single- or two-family dwelling that was constructed in compliance with a building permit and received a certificate of occupancy on or before December 22, 2011.

(Rev. Ords. 1973; Ord. No. 284, 06/19/78; Ord. No. 303, 11/20/78; Ord. No. S-275, 02/05/87; Ord. No. T-115, 11/19/90; Ord. No. W-49, 07/09/01; Ord. No. A-24, 06/03/13)

7.8.2. Nonconforming Buildings, Structures, or Uses

A. Special Permit Not Required.

1. A special permit is not required from the City Council for nonconforming buildings or structures in the following cases:

a. Alteration, reconstruction, extension or structural change to a single- or two-family residential structure which does not increase the nonconforming nature of the structure, and no such increase shall be deemed to have occurred solely because the lot area or the lot frontage, or both, are nonconforming, and no such increase shall be deemed to have occurred solely because the lot area per unit is nonconforming unless the number of units increases;

b. Alteration, reconstruction, structural change, but not an extension or enlargement of a nonconforming building or structure for a use permitted as of right, in a Business, Mixed Use, Manufacturing or Limited Manufacturing district;

c. Additional outdoor sidewalk seats permitted under Revised Ordinances Chapter 12, Section 12-70 shall not be considered an increase in the nonconformity nor constitute an extension of use of a lawful nonconforming restaurant in any district; and

d. Alteration, reconstruction, extension or structural change to a nonconforming non-residential building or structure, which does not increase the nonconforming dimensional nature of said building or structure, for conversion of the building or structure to a use permitted as of right in any residential district.

e. A special permit is not required from the City Council for change in use to a use permitted as of right, in a Business, Mixed Use, Manufacturing or Limited Manufacturing district.

B. De Minimis Relief.

1. Regardless of whether there are increases in the nonconforming nature of a structure, the City Council deems that the following changes to lawfully nonconforming structures are *de minimis* and that these changes are not substantially more detrimental to the neighborhood pursuant to M.G.L. Chapter 40A, Section 6. The following alterations, enlargements, reconstruction of or extensions to a lawful nonconforming building or structure used for residential purposes may be allowed in accordance with the procedures set forth below; provided that:

a. Relief is limited to that portion or portions of the building or structure which is presently dimensionally nonconforming;

b. The resulting changes on the nonconforming side will be no closer than 5 feet to the side or rear property line;

c. The resulting distance to the nearest residence at the side where the proposed construction will take place is equal to or greater than the sum of the required setbacks of the 2 adjacent lots;

d. The resulting construction will meet all building and fire safety codes; and

e. The *de minimis* relief provided in this paragraph shall not apply to buildings in which the nonconformity is due solely to FAR requirements, nor shall it be used to increase the FAR beyond that shown in Sec. 3.1.

2. *In accordance with Sec. 7.8.2.B.1, the following de minimus* alterations are allowed:

a. Dormers that do not extend above the height of the existing roof peak and do not add more than 400 square feet of floor area;

b. Decks or deck additions or porches less than 200 square feet in size;

c. First floor additions in the side and rear setbacks which do not total more than 200 square feet in size;

d. Second floor additions which do not total more than 400 square feet in size;

e. Enclosing an existing porch of any size;

f. Bay windows in the side and rear setbacks which are cantilevered and do not have foundations;

g. Bay windows which protrude no more than 3 feet into the front setback and are no less than 5 feet from the alteration to the lot line;

h. Alterations to the front of the structure if within the existing footprint; and

i. Alterations and additions to the front of a structure of not more than 75 square feet in size, so long as the alteration, addition, reconstruction or extension does not encroach any farther into the front setback.

C. Special Permit Required.

1. A special permit from the City Council shall be required for any alteration, reconstruction, extension or structural change of such building or structure to provide for its use in a substantially different manner or greater extent than the existing use, except as provided above in paragraph A. above.

2. A nonconforming building or structure may be structurally or substantially altered or reconstructed or may be altered or enlarged to permit the extension of a nonconforming use, and a nonconforming use may be extended in an existing building or structure or enlargement thereof, or may be introduced into a new building as a part of a nonconforming establishment existing on December 27, 1922, and a nonconforming use may be changed to another nonconforming use; provided that a special permit is obtained. In granting such a permit, the City Council shall make a finding that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and shall impose such conditions as may be necessary to protect the neighborhood from injury. As used in this Paragraph, the word "establishment" shall include buildings, structures and lands.

D. Standards.

1. Nonconforming Buildings or Structures. Whenever nonconforming buildings or structures do not require a special permit, all otherwise applicable regulatory provisions of this Chapter, as amended, specifically including but not limited to Sec. 5.1 shall apply.

2. Minimum Dimensions. Whenever the operation of this Sec. 7.8.2 would reduce the area available for building a dwelling house upon any lot in a residence district to less than 20 feet in its shortest dimension, or less than 800 square feet in total area, the requirements of this Sec. 7.8.2 shall be modified so far as necessary to provide such minimum dimension and total area by reducing the minimum distance of such dwelling house from rear lot and street lines, first from rear lot lines, but to not less than 7½ feet, and second, if necessary, from street lines, but to not less than 15 feet.

3. Replacing 3-Story Residential Structures. Any residential structure that is replacing a previously existing 3-story residential structure shall be allowed 3 stories, but only insofar as the absolute height does not exceed that of the previously existing structure.

(Rev. Ords. 1973; Ord. No. 284, 06/19/78; Ord. No. S-260, 08/03/87; Ord. No. T-115, 11/19/90; Ord. No. T-313, 12/6/93; Ord. No. T-314,12/6/93; Ord. No. V-113, 04/23/97; Ord. No. W-51, 07/09/01; Ord. No. X-39, 12/02/02; Ord. No. Z-51, 08/10/09; Ord. No. Z-77, 02/22/11; Ord. No. A-13, 03/18/13; Ord. No. A-99, 01/17/17)