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MEMORANDUM

DATE: November 20, 2020

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

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Nevena Pilipović-Wengler, Community Engagement Manager
Cat Kemmett, Planning Associate

RE: **#448-20 Discussion and review relative to the draft Zoning Ordinance**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

MEETING: November 23, 2020

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

Recap of Previous ZAP Meetings

Over the past year, the Garage Ordinance rules and regulations have been discussed at numerous ZAP meetings (April 27, May 19, October 1) within the context of the larger Zoning Redesign initiative. However, on the recommendation of the ZAP Committee, the City Council voted to take up the Garage Ordinance as a standalone amendment within the current Zoning Ordinance, and it has now been docketed separately as item #448-20. Since this recommendation, the ZAP Committee has heard from the building professional community (October 26) and from staff on how and what should be prioritized within this amendment (November 5). Committee members are encouraged to review the [November 5 ZAP Report](#) for detailed descriptions on areas of consensus and areas that required additional analysis.

Introduction to Upcoming ZAP Meeting

Staff have revised the Garage Ordinance based on feedback from ZAP, building professionals, community members, and other city departments. The upcoming ZAP meeting on November 23rd will include a presentation on the revised ordinance text (Attachment A). The Law Department will also present on how non-conformities are handled under State Law (M.G.L. Ch. 40A Section 6) and within our current Zoning Ordinance more generally. Following this, Planning staff will present case studies illustrating the impacts on existing properties made legally non-conforming by the proposed Garage Ordinance and what options are available to these homeowners if they want to renovate. Building off of the goals and mechanisms discussed at previous ZAP meetings, the draft Garage Ordinance establishes rules for residential projects to provide garages for all lot sizes and configurations, increasing predictability and flexibility for developing garages as part of new construction or additions. Highlighted below are some of the key mechanisms and standards proposed in the Garage Ordinance draft.

Width

Garage Width

The most important goal of the Garage Ordinance is to limit the prominence of the garage. Setting standards to effectively regulate garage width, relative to the total width of the structure, is the most impactful way to ensure this. Under the proposal, the width of a Front Facing Garage is limited to either:

- A. 45% if providing Single Garage Doors (Sec. 3.4.4.C.2.a)
- B. 40% if providing a Double Garage Door (Sec. 3.4.4.C.2.b)

The total garage length is measured as the sum of the length of all garage doors on a Front Facing Garage, measuring each door from jamb to jamb (Sec. 3.4.4.B.4).

This method of measurement, recommended by the building professionals and approved by the the Inspectional Services Department, is simple and focuses on garage doors, which have the most impact from the street. Excluding elements such as mudrooms or storage areas from the maximum width calculation provides flexibility for garage design. However, it also means that garages will represent a smaller percentage of the total Front Elevation than if the full width of the garage was measured from wall to wall, which is why the maximum width was reduced from 50% of the Front Elevation in a previous version.

Given this shift in measurement method, staff looked at existing conditions to determine the percentage of lots that could accommodate a two-car Front Facing garage within each zoning district. Based on the lot frontage of existing lots and district setback standards, a two-car Front Facing Garage could reasonably be accommodated as follows:

Zoning District	Existing Conditions Existing Lot Frontage (width)	Standards* Side Setbacks (total)	Two 9 ft Garage Doors @ 45% One 16 ft Garage Door @ 40% Minimum Lot Frontage Required
SR1 1839 Lots	25% conforming - 148 ft	Old Lot - 25 ft	Old Lot - 65 ft New Lot - 80 ft ≈80% of lots
	50% conforming - 110 ft	New Lot - 40 ft	
	75% conforming - 88 ft		
SR2 8404 Lots	25% conforming - 105 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 70 ft ≈75% of lots
	50% conforming - 86 ft	New Lot - 30 ft	
	75% conforming - 70 ft		
SR3 6803 Lots	25% conforming - 86 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈70% of Lots
	50% conforming - 72 ft	New Lot - 20 ft	
	75% conforming - 60 ft		
MR1 4144 Lots	25% conforming - 85 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈60% of lots
	50% conforming - 65 ft	New Lot - 20 ft	
	75% conforming - 50 ft		
MR2 1390 Lots	25% conforming - 75 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 60 ft ≈50% of lots
	50% conforming - 60 ft	New Lot - 20 ft	
	75% conforming - 45 ft		
MR3 107 Lots	25% conforming - 84 ft	Old Lot - 15 ft	Old Lot - 55 ft New Lot - 55 ft ≈55% of lots
	50% conforming - 65 ft	New Lot - 15 ft	
	75% conforming - 40 ft		

* The majority of existing lots in Newton are Old Lots

Lot sizes in the city generally range from large lots in SR districts to smaller lots in the MR districts. Given this, and the understanding that two-car Front Facing garages are features that align more closely with the built fabric that exists today in the SR districts than in the MR districts, staff believe it is appropriate that the percentage of existing lots that can accommodate a two-car Front Facing garage decreases from about 80% of lots in SR1 to roughly 55% of lots in MR3. The required building width necessary for a two-car Front Facing garage that features either two 9 foot wide bays or a single 16 foot wide bay is 40 feet, which the vast majority of lots in any residential zoning district can accommodate.

Door Width

To ensure garage doors are limited to a reasonable size, the ordinance proposes limiting the overall width of each garage door. Doors used for a single automobile to access a Garage may be up to 9 feet wide each (Sec. 3.4.4.B.4.a). In order to allow for flexibility, the draft also allows for a Double Garage Door up to 16 feet wide (Sec. 3.4.4.B.4.b) used for two automobiles to access a Garage. These numbers were chosen to align with established construction standards and based on feedback from the Building

Professional working groups. A garage is still limited to a maximum of 700 square feet or three cars, except by Special Permit.

Front Elevation

Because the maximum Front Facing Garage width relies on the measurement of the total front facade, the draft includes a definition and method of measurement for Front Elevation (Sec. 3.4.4.B.6). The Front Elevation is the exterior wall of a building oriented in whole or in part toward the Primary Front Lot Line. Parts of the Front Elevation set back more than 10 feet from the front of the house are excluded from this measurement as they are less visible from the street and will be less effective at mitigating the visual impact of a garage.

Placement

Front Facing Garages

The question of whether to require Front Facing Garages to be set back from the main facade of the house, and if so, how much, has been a topic of discussion at a number of previous ZAP meetings. Though there seems to be a general agreement that the placement is important, there has been no clear consensus on how that placement should be regulated.

Based on suggestions that some amount of differentiation in articulation of the facade is generally preferred, this draft proposes that Front Facing Garages be set back no less than 2 feet behind the Front Elevation of the house (Sec. 3.4.4.C.1). This is a fairly modest setback that the building professionals have put forward as a sufficient amount to create differentiation between the home and the garage.

Garage placement regulation is further complicated by the potential effect of mitigating elements such as porches and canopies to offset the impact of a garage that either aligns or projects forward of the Front Elevation. After analysis and consultation with the Inspectional Services Department and other city departments, staff determined that creating effective and comprehensive standards that could be implemented under the current ordinance that could account for garages to align with specific architectural features under specific circumstances would require a number of highly prescriptive and detailed rules, which are not practical at this time.

While the committee has seen desirable designs that include a projecting Front Facing garage, if the placement of a garage is to be regulated by-right staff's recommendation is to limit the regulation to a small setback. This will reduce the prominence of all Front Facing garages without trying to codify architectural style. If there is a strong desire to allow for projecting Front Facing garages, the Committee might consider the following options:

1. The Garage Ordinance could focus on regulating the width of garages and the garage doors and not regulate placement for Front Facing garages. Staff believes the overall width is the most important factor in reducing the prominence of garages.
2. Alternatively, if the Committee decides that a setback should be required in most cases, garages that align with or project forward of the Front Elevation could be allowed through the Special Permit

process. This option provides for flexibility and some level of control over projecting garages, however it puts the City Council in the position of having to review design.

Detached Front Facing Garages

The proposal has added more clarity on how detached Front Facing garages will be treated. The draft ordinance includes the detached garage in the Front Elevation calculation and regulates the width of the garage in the same way as attached garages, as long as the garage is not set back more than 10 feet from the front of the house. If the garage is set back more than 10 feet, the detached garage would be exempt from the maximum width, however the garage door size regulations would still apply (Sec. 3.4.4.C.2.C). Additionally, at the recommendation of the Commissioner of Inspectional Services, Section 3.4.3 has been amended to require a minimum six foot separation between all accessory buildings and other accessory buildings or principal buildings. This has been a long standing issue and it ensures that a detached garage which is exempt from the maximum width regulations will have reduced prominence due to the setback as well as the separation from the main structure.

Side Facing Garages

The proposal recommends that Side-Facing Garages may be located in front of the main house, but not within the front setback. (Sec. 3.4.4.D.1). A minimum of 10% fenestration is required on the Garage Wall elevation facing the Primary Front Lot Line only in the case of Side Facing Garages that project out in front of the house. This modest fenestration requirement will ensure there is some visual interest on the side of the garage that faces the street, and roughly aligns with the amount of fenestration that is typically provided for Side Facing Garages today.

Exemptions

As in previous drafts, this version proposes that garages of any orientation that are located more than 70 feet from the Primary Front Lot Line are exempt from the standards of the Garage Ordinance (Sec. 3.4.4.G.1). All other exemptions, including the exemption for slope, have been removed.

Special Permit

The proposed draft carries forward the ability to seek a Special Permit for a garage with more than three cars or 700 square feet, as is included in the current zoning ordinance. The current ordinance also requires a Special Permit to have more than one garage. The proposed draft allows for up to two garages, one attached and one detached, by-right. It is not uncommon that a house with an older, attached single car garage will seek to add an additional detached garage and this draft would allow that by-right, as long as the overall garage area did not exceed 700 square feet or provide space for more than three cars.

Looking Ahead

Following this meeting staff will reach out to the Building Professional Groups for final input. Staff hope to have a final draft of the ordinance ready for discussion at ZAP in mid-December so that the Committee feels confident to set a public hearing date for January.

Attachments

Attachment A Revised Garage Ordinance draft

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. At no point shall any accessory building be less than six feet from any point on any other accessory building or principal building.
 3. 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 1½ stories.
 4. The ground floor area of an accessory building shall not exceed 700 square feet.

3.4.4 Garage Design Standards

A. Applicability

Garage Design Standards apply in all Residence Districts

B. Definitions

1. **Garage.** An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile and is used or intended to be or used primarily for the storage or parking of one or more automobiles. A detached garage is an Accessory Building (See Sec. 3.4.3).
2. **Front Facing Garage.** A garage with a primary door or doors through which automobiles enter the garage facing the Primary Front Lot Line.
3. **Side Facing Garage.** A garage with a primary door or doors through which automobiles enter the garage facing the Primary Front Lot Line at an angle between 60 and 90 degrees.
4. **Garage Door.** The door to a garage that provides access for an automobile. Garage door length is measured as the exposed dimension between the door jambs from the exterior of the jamb.
 - a. Single Garage Doors are Garage Doors used for a single automobile to access a Garage. A Single Garage Door may be up to 9 feet wide.
 - b. Double Garage Doors are Garage Doors used for 2 or more automobiles to access a Garage. A Double Garage Door may be up to 16 feet wide.

Attachment A

5. **Garage Wall.** Any wall enclosing a garage including that wall containing the garage entrance.
6. **Front Elevation.** The exterior wall of a principal building oriented in whole or in part toward the Primary Front Lot Line. The Front Elevation does not include any exterior wall of a building more than 10 feet behind the frontmost exterior wall oriented in whole or in part toward the Primary Front Lot Line.
7. **Front Lot Line.** Any lot line abutting a street or right of way is a front lot line.
8. **Primary Front Lot Line.** Where there are multiple front lot lines, one is designated a Primary Front Lot Line.
 - a. At time of application for a building permit or other municipal approval for which the location of the Front Lot Line must be established, the property owner of such a lot may designate a Primary Front Lot Line.
9. **Fenestration.** The openings in a Front Elevation of a building, including windows and doors, but excluding entrances for parking, loading, and service facilities. Fenestration is measured from the exterior edge of any window or door trim.

C. Standards for Front Facing Garages

1. A Garage Wall of a Front Facing Garage may be no closer to the Primary Front Lot Line than 2 feet behind a minimum of 50% of the Front Elevation.
2. The sum of the length of all garage doors on a Front Facing Garage may be up to the following:
 - a. A Front Facing Garage that includes only Single Garage Doors may be up to 45% of the total width of the Front Elevation.
 - b. A Front Facing Garage that includes a Double Garage Door may be up to 40% of the total width of the Front Elevation.
 - c. A detached Front Facing Garage that is set back more than 10 feet from the frontmost wall of the Front Elevation is exempt from this requirement.

D. Standards for Side Facing Garages

1. A Side Facing Garage may be located in front of the building Front Elevation, but not within the front setback, if it meets the following:
 - a. A minimum of 10% Fenestrations on the Garage Wall elevation facing the Primary Front Lot Line as measured from the exterior.
2. On Corner Lots, a garage facing a Front Lot Line that is not the Primary Front Lot Line is considered a Side Facing Garage.

E. Standards for residential buildings with one unit

Attachment A

1. There may be no more than 700 square feet in total garage space on a lot providing for no more than 3 automobiles, between a maximum of one attached garage and one detached garage.

F. Additional Standards for residential buildings with two-units

1. Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached.
 - a. For each residential unit, there shall be no more than one garage and each garage shall provide for no more than 2 automobiles.

G. Exemptions

1. Garages that are located more than 70 feet from the Primary Front Lot Line are exempt from the standards of this section.

H. By Special Permit

1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 2 private garages per single-family dwelling.