

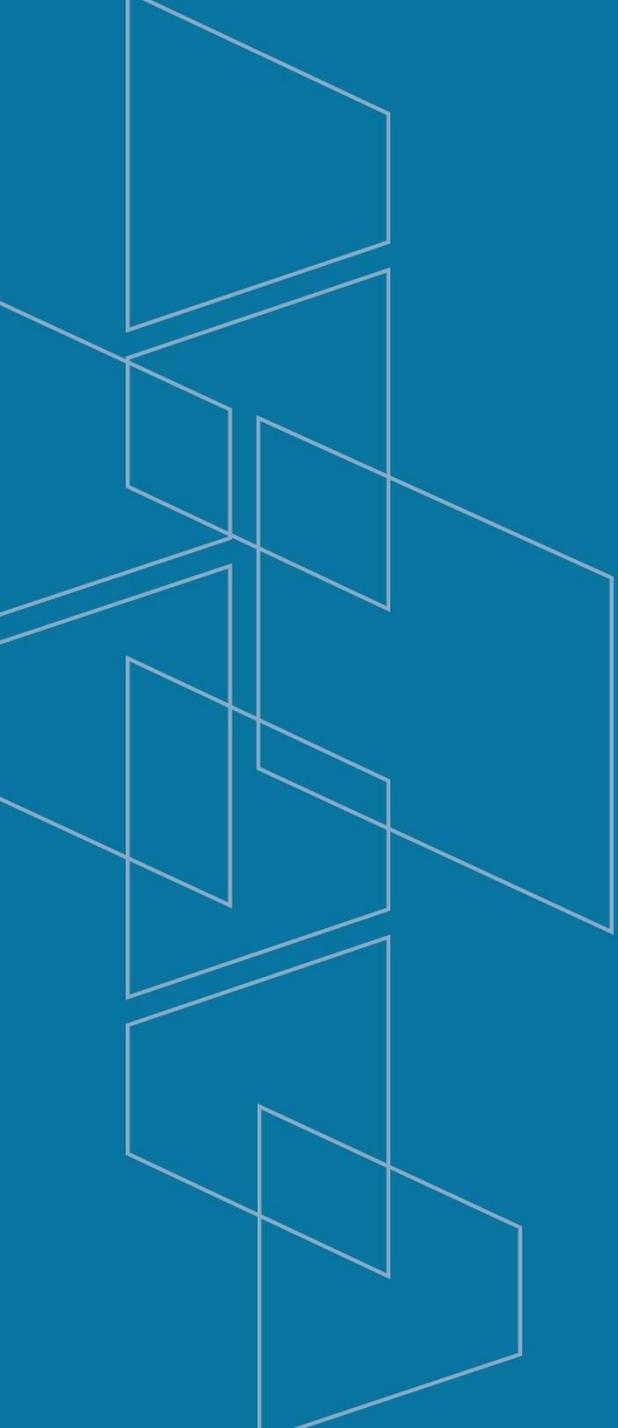


# Garage Ordinance

11.23.20 – ZAP Committee

# Agenda

- **Garage Ordinance draft**
- **Law Department presentation on non-conformities**
- **Garage Ordinance non-conformities case studies**
- **Looking ahead**



# Width

# Garage Width (Sec. 3.4.4.B.4)

- **Total length of all garage doors on a Front Facing Garage, measured jamb to jamb**



# Total Width (Sec. 3.4.4.C.2.a)

**Front Facing Garages are limited to:**

- **45% of elevation if providing Single Garage Doors**
- **40% of elevation if providing a Double Garage Door**

# Single Doors



# Double Doors



- 38% of total facade



- 50% of total facade

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

\*Most of Newton's residential lots are considered Old Lots

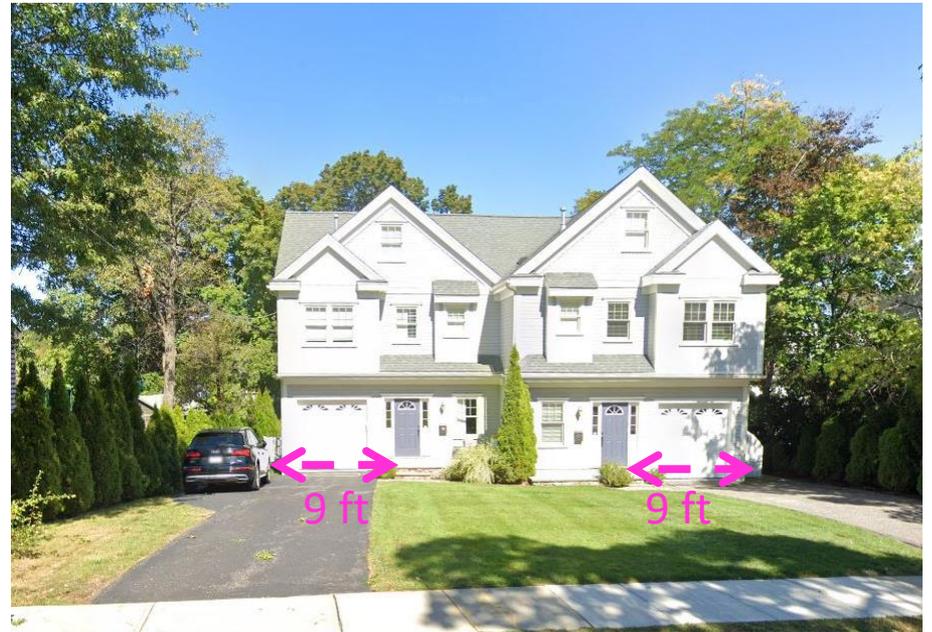


# Door Width: Front Facing Garages

# Door Width for Front Facing Garages (Sec. 3.4.4.B.4)

- **Doors used for a single automobile to access a Garage may be up to 9 feet wide each**
- **Double Garage Doors may be up to 16 feet wide**

# Door Width for Single Bays



# Door Width - Double Doors





# Front Elevation

# Front Elevation (Sec. 3.4.4.B.6)

- **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 are excluded from this measurement**

# Front Elevation



# Front Elevation





# Placement

# Front Facing Garages (Sec. 3.4.4.C.1)



- **Must be set back no less than 2 feet behind the Front Elevation of the house**

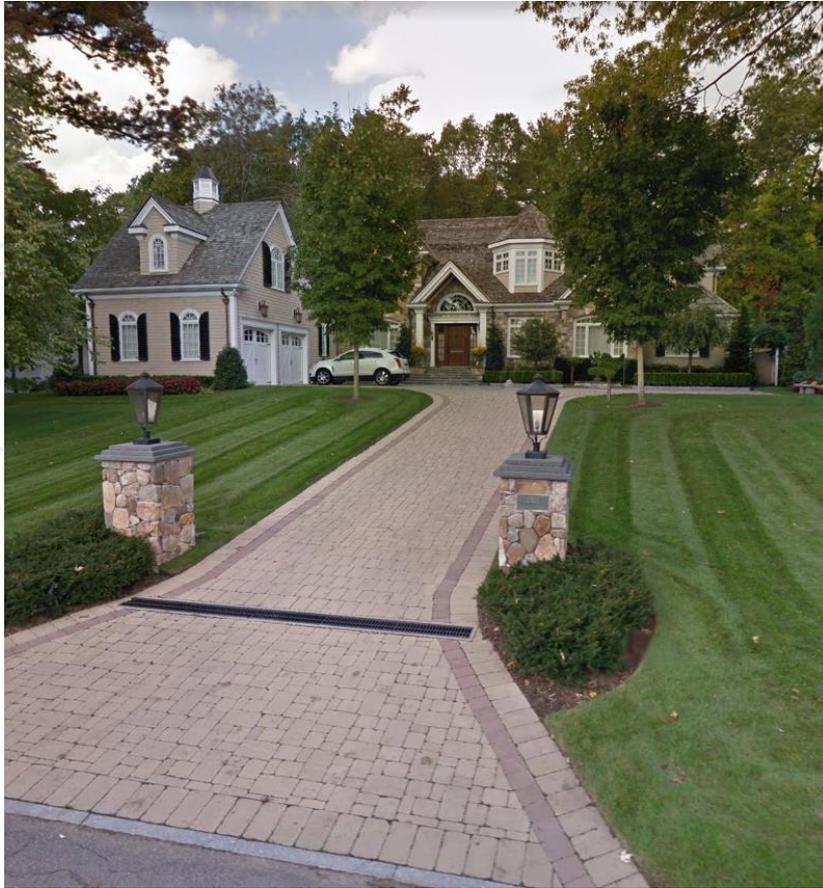
# Front Facing Garages Alternative Placement



# Front Facing Garage Alternative Options

- 1. Don't regulate Front Facing Garage placement in the ordinance**
- 2. Create a Special Permit allowing for more flexible placement options under certain conditions (architectural features, porch, etc)**

# Side Facing Garages (Sec. 3.4.4.D)



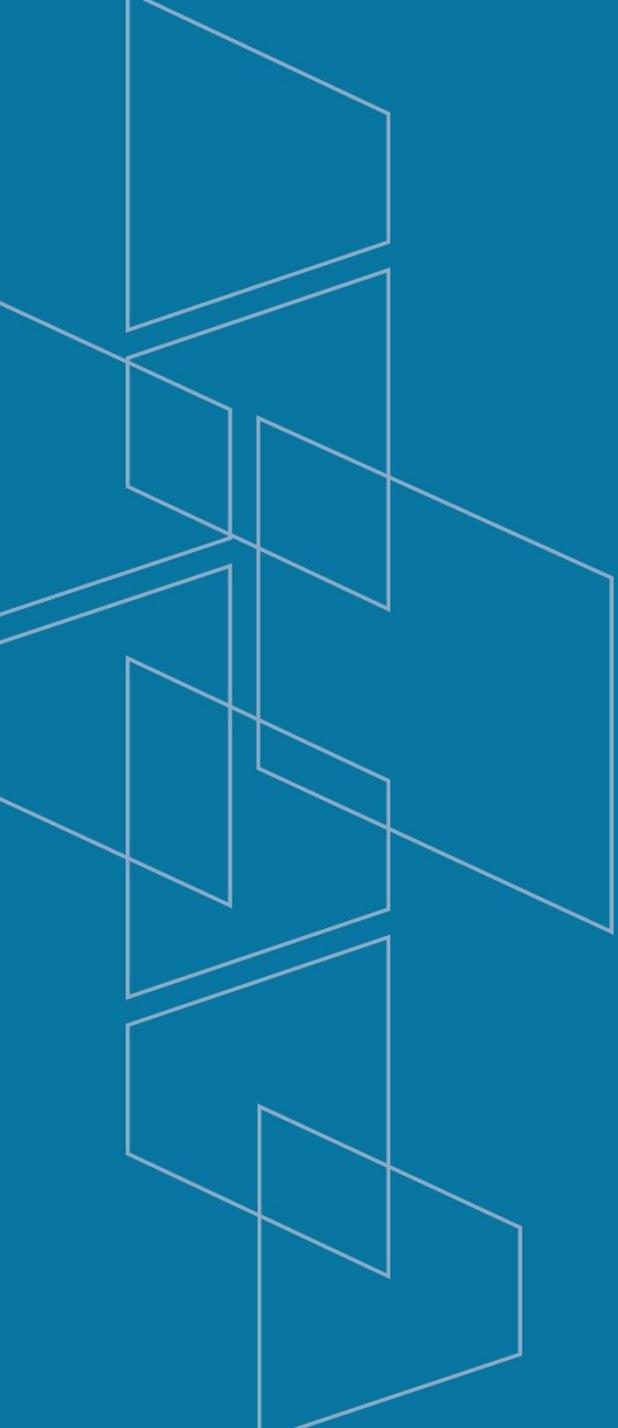
- **Allowed in front of the building Front Elevation:**
- **Not within the setback**
- **A minimum of 10% fenestrations along the Garage Wall facing the street (no max.)**

# Side Facing Garages (Sec. 3.4.4.D)

- Garage wall = 222 sf
- Fenestrations = 28 sf



13% Fenestration



# Special Permits

# Larger Garages

- **Garages with more than three cars or more than 700 square feet**





# Other changes

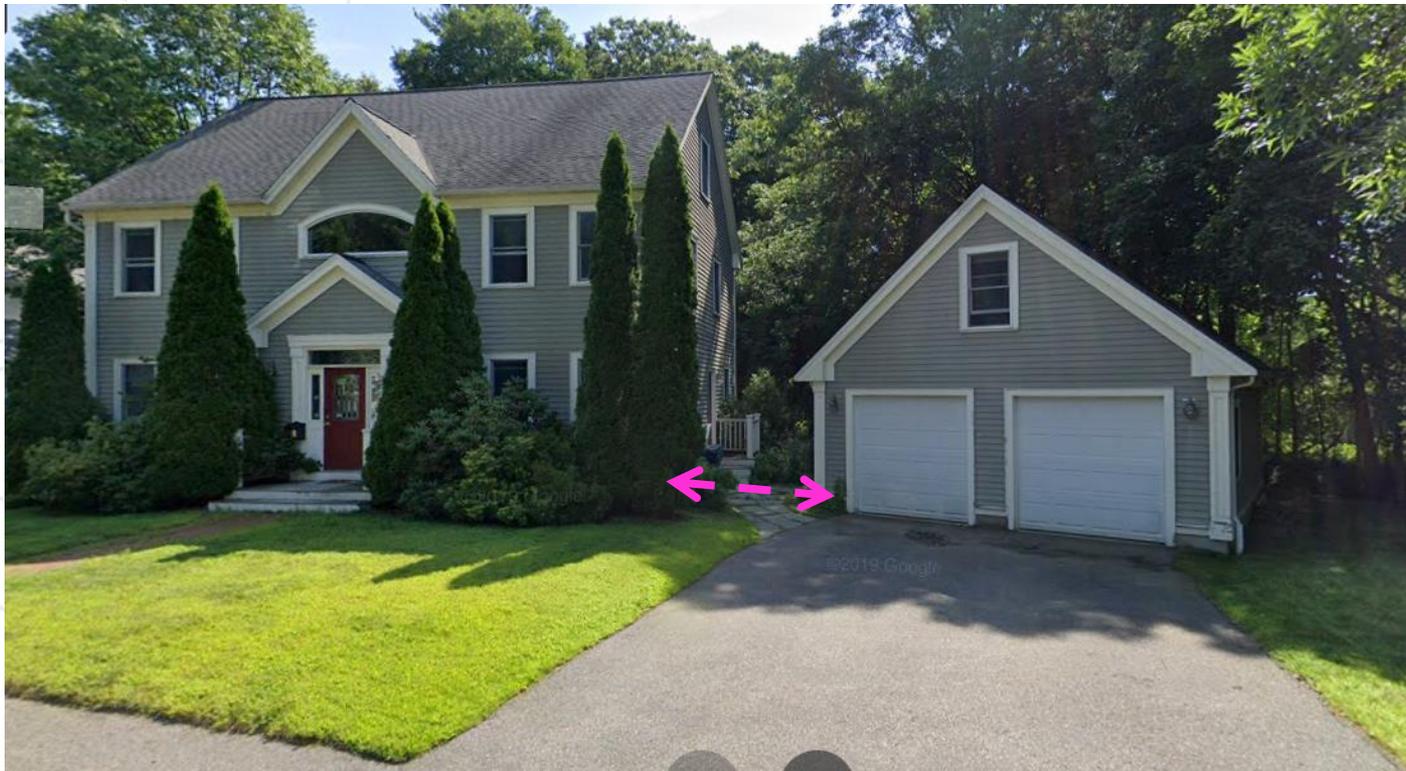
# Two Garages Allowed By-Right

- **Up to two garages, one attached and one detached, by-right**



# Accessory Buildings

- A minimum six-foot separation between all accessory buildings and other buildings



# NONCONFORMITIES

## Zoning Amendment - Garages

Zoning and Planning Committee

11/23/2020

# Definition - Nonconforming

- ▶ Uses and structures may be nonconforming
- ▶ The use or structure must have lawfully begun or lawfully existed prior to the zoning change
- ▶ “Lawfulness” means that the use or structure complied with zoning laws at the time the use first commenced or the structure was first constructed

# Protections for Nonconformities

- ▶ Massachusetts General Laws Chapter 40A, Sec. 6, provides a baseline level of protection for nonconformities
  - ▶ A lawful nonconforming use or structure does not need to comply with requirements of a zoning change
  - ▶ A lawful nonconforming use automatically acquires the protections
- ▶ Single and two family residential structures
  - ▶ Additional protections - State law allows as of right the alteration, reconstruction, extension or structural change of such a structure, so long as the extended or altered structure does not increase its nonconforming nature

# Proposed Alteration or Addition

- ▶ If there is a proposed alteration or addition to a nonconforming structure, the City would identify the nature of the nonconformity and make an initial determination as to whether the proposed alteration or addition would intensify the existing nonconformity or result in additional ones
  - ▶ If the answer is “no”, the applicant may proceed in compliance with the current Zoning Ordinance
  - ▶ If the answer is “yes”, the applicant must obtain a “Section 6 finding” or seek a variance

# Section 6 Finding

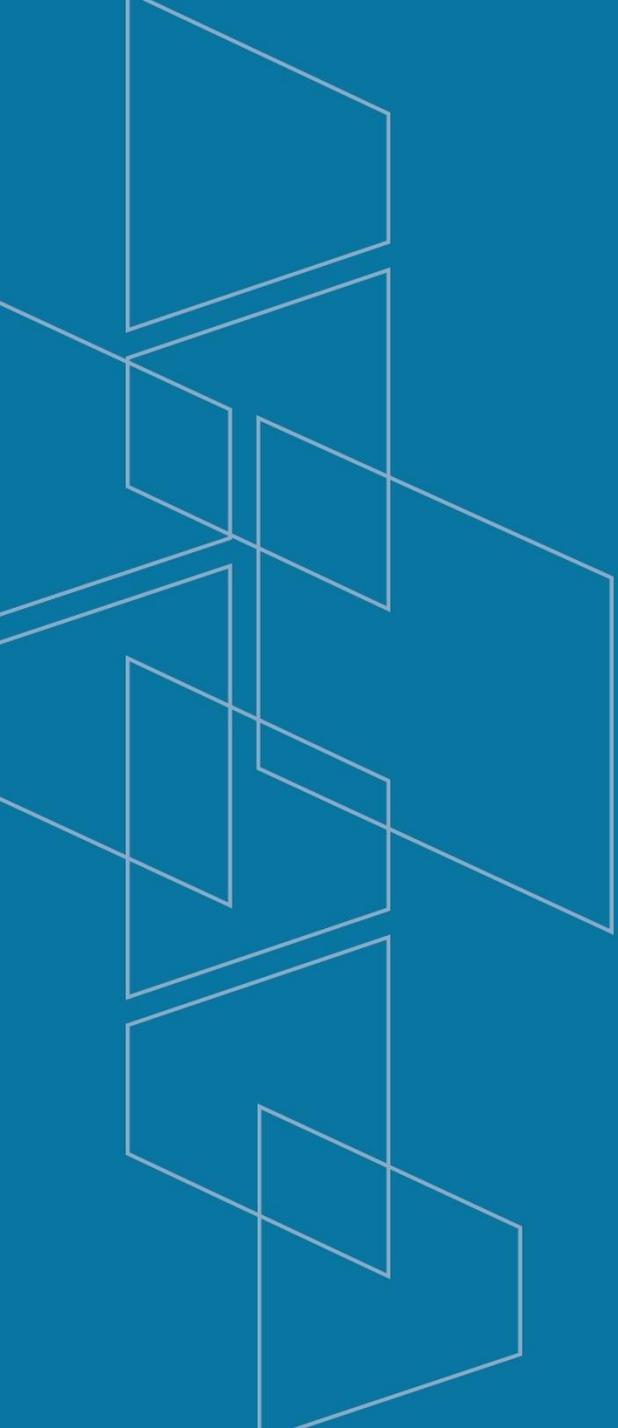
- ▶ A proposed extension or alteration of a nonconforming structure that would intensify the existing nonconformity may be permitted by the Permit Granting Authority of a municipality
- ▶ The PGA must find that the proposed change, extension or alteration is not substantially more detrimental to the neighborhood than is the existing nonconforming use or structure
- ▶ An alteration that would create a new nonconformity may not be permitted by a Section 6 finding

# Variance

- ▶ If a Section 6 Finding is not granted, the current Zoning applies to the proposed alteration and the applicant must seek a variance
- ▶ To create an additional or new nonconformity, an applicant must seek a variance

# Newton - Current Zoning Nonconformities - Section 7.8

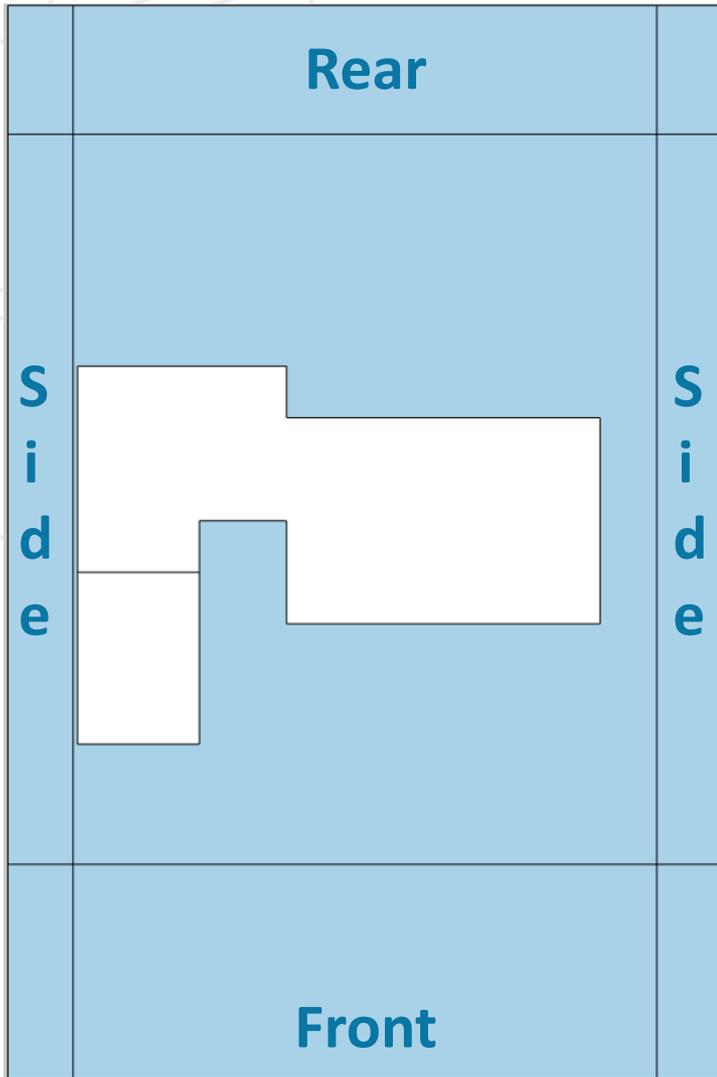
- ▶ The City's current zoning ordinance explicitly provides the floor protection to nonconforming uses and structures required by state law
- ▶ The current zoning ordinance also permits Section 6 findings and designates the Special Permit Granting Authority as the body to make such findings
  - ▶ A nonconforming 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...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.



# Garage Ordinance Non-Conformity Case Study

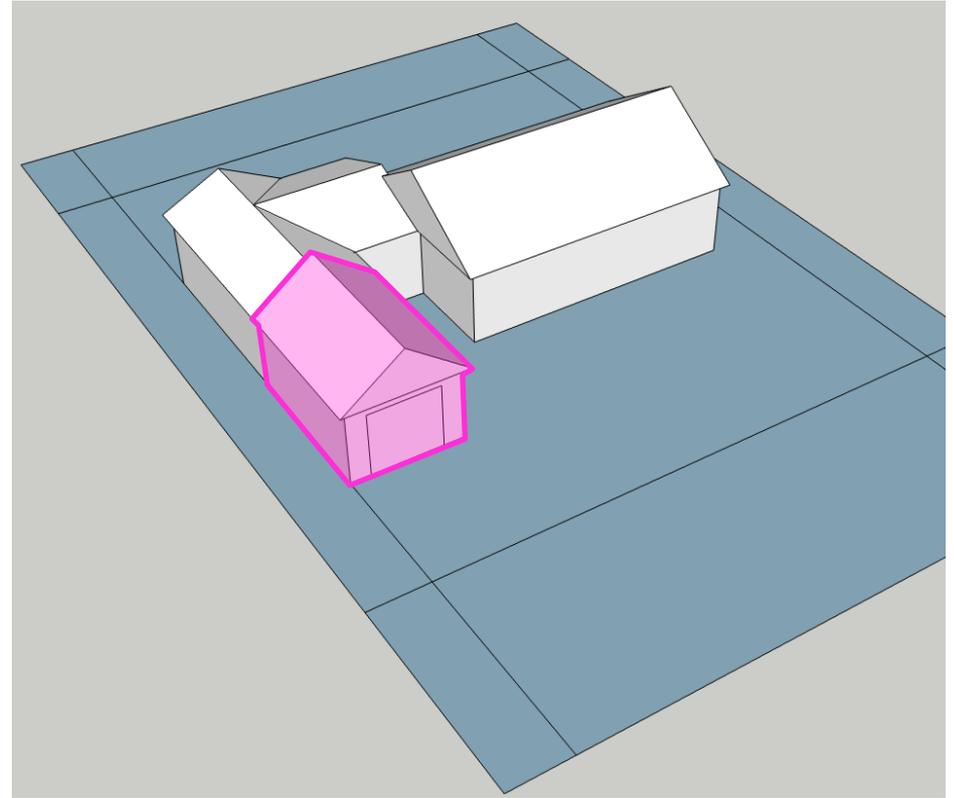
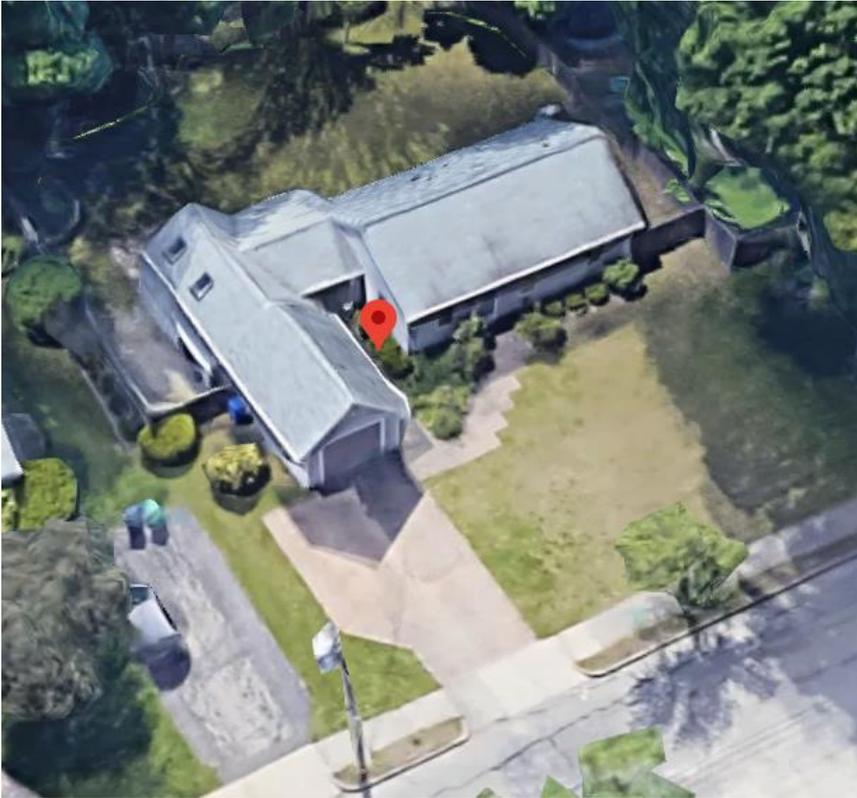


# Existing Conditions



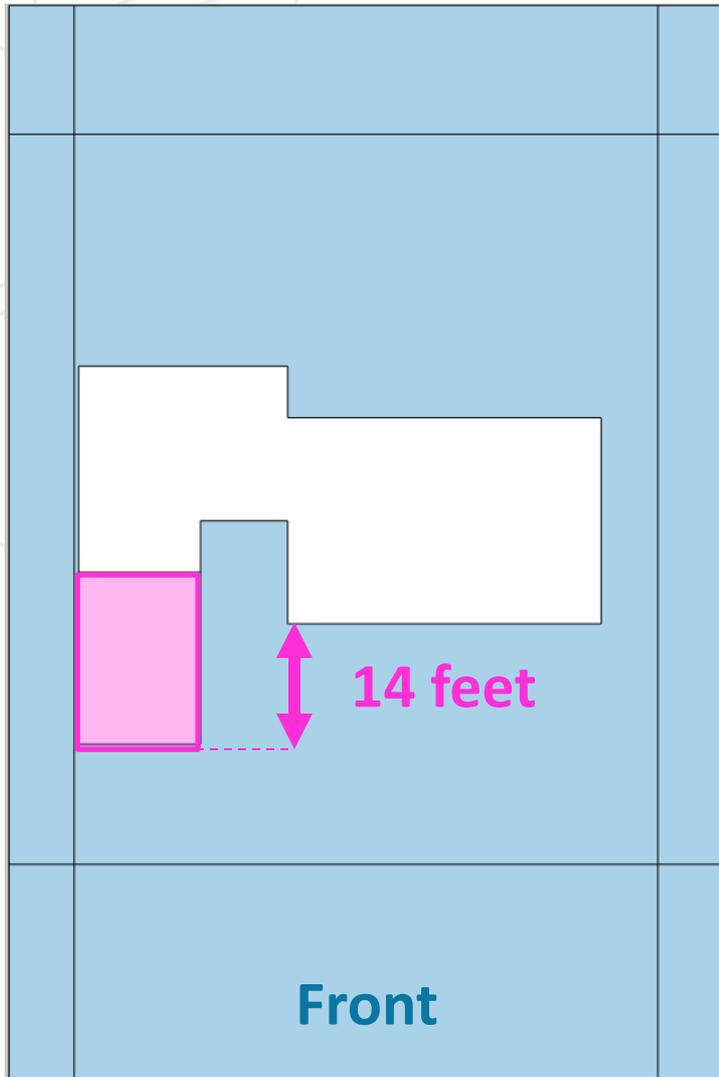
SR2 Zone	Required	Existing
Lot Size	10,000 sf	10,675 sf
Frontage	80 ft	82 ft
Setbacks		
• Front	25 ft	42 ft
• Side	7.5 ft	14 ft
• Side	7.5 ft	8 ft
• Rear	15 ft	39 ft
Height	36 ft	16 ft
Stories	2.5	1
FAR	0.38	0.15
Max Lot Coverage	30%	17%
Min. Open Space	50%	

# Existing Conditions

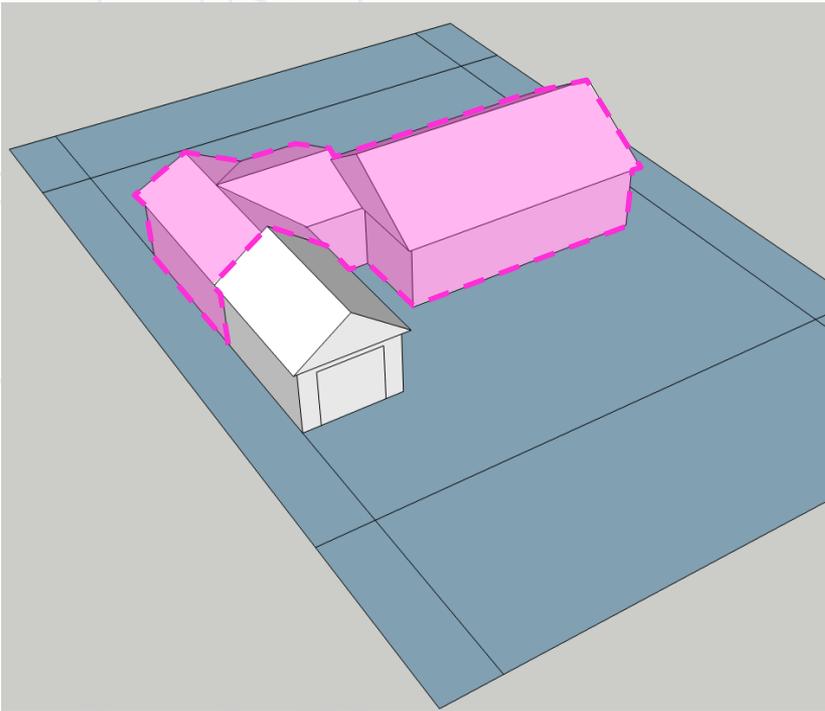


# Pre-Existing Non-Conformity

- ***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***  
- **Sec. 3.4.4.C.1**

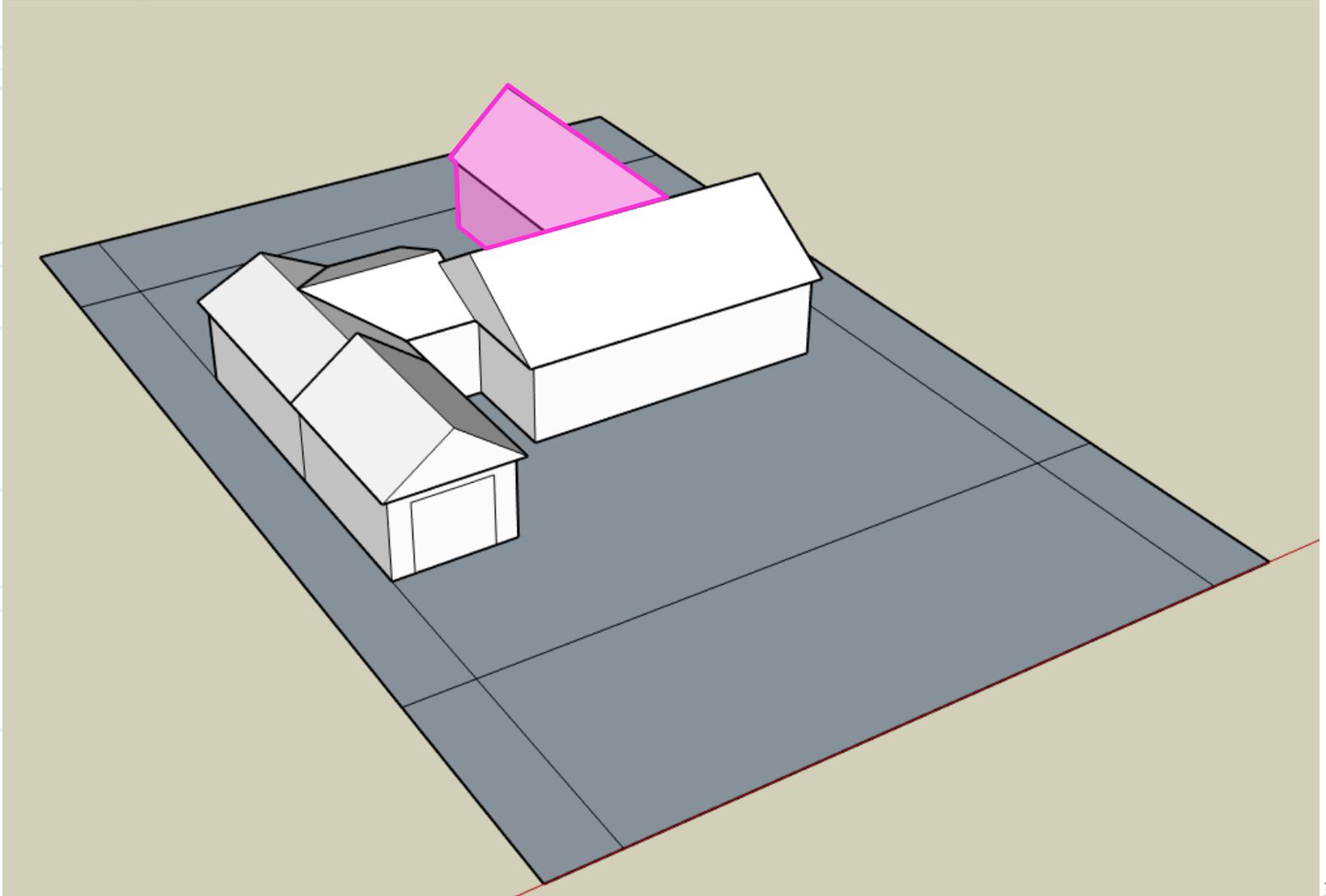


# By-Right Alterations/Additions

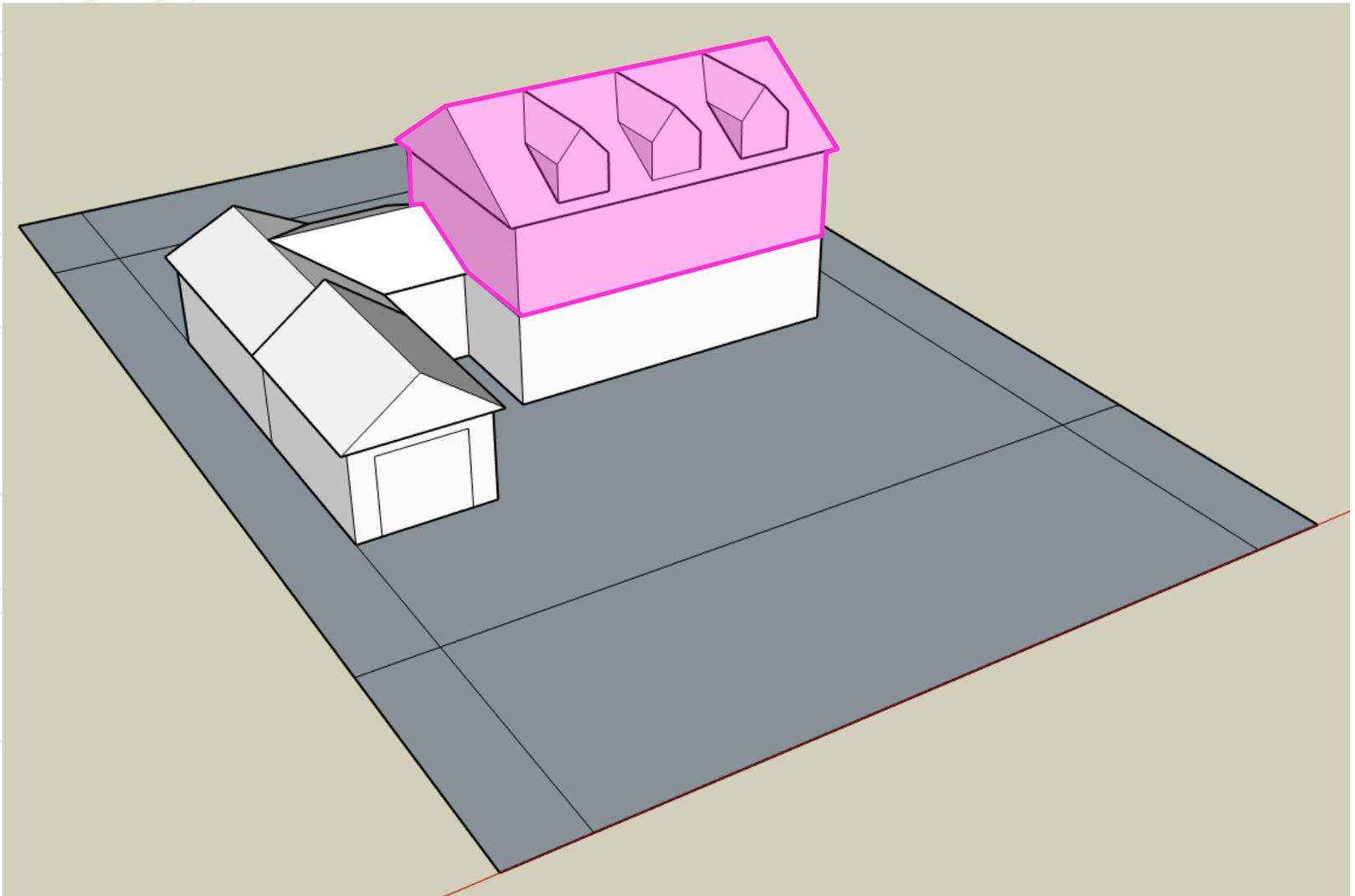


- So long as the proposed alteration or addition does not intensify the existing non-conformity or result in any additional ones
- Example-
  - Rear addition
  - Second story

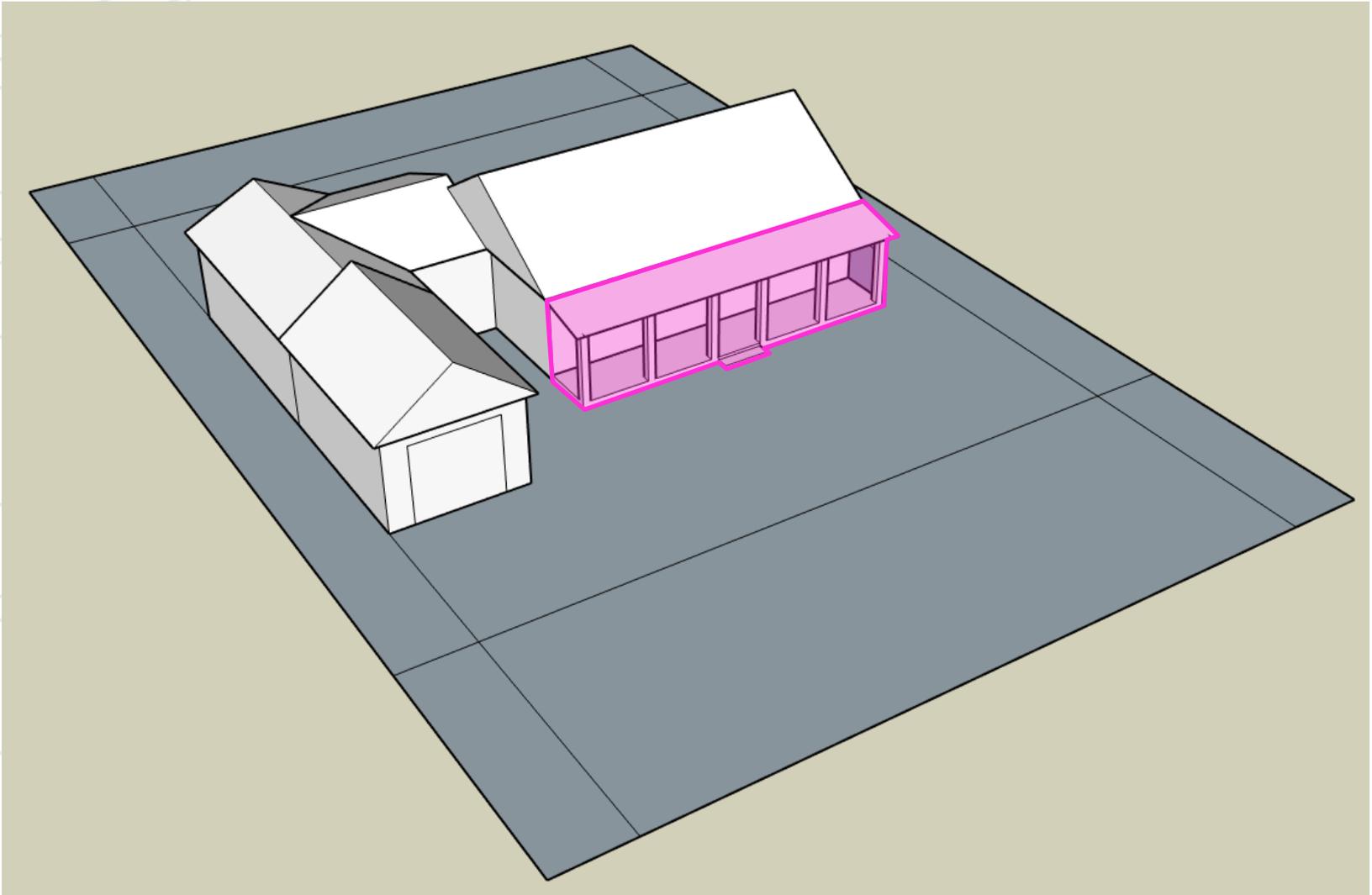
# Rear Addition



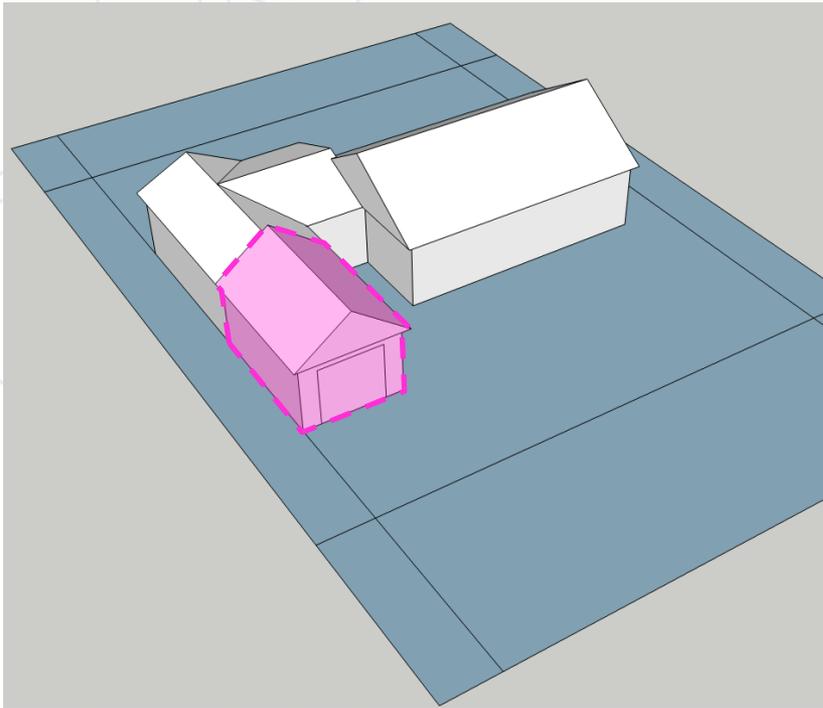
# Second Story



# Front Porch

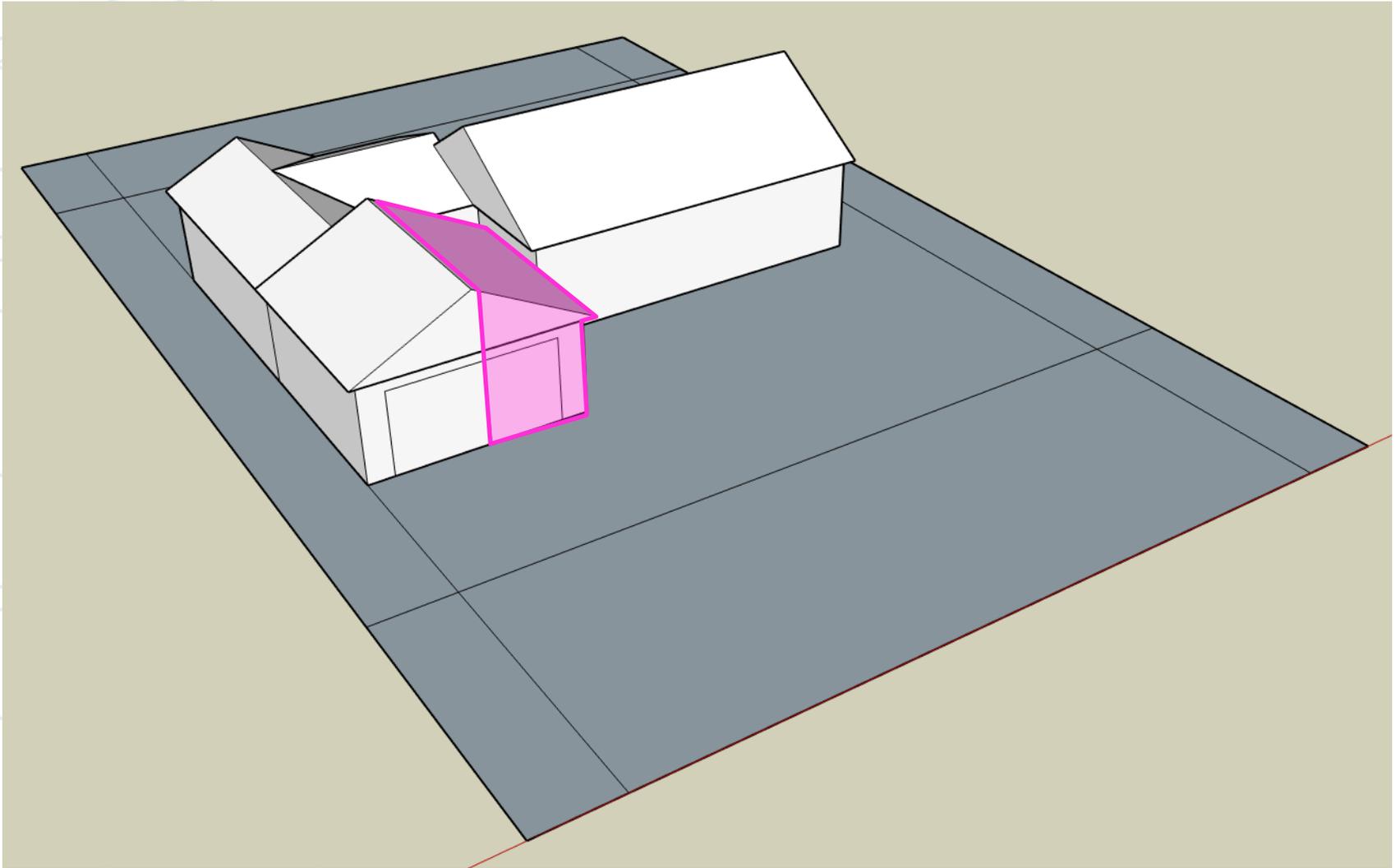


# Section 6 Alterations/Additions



- The proposed alteration or addition does intensify the existing non-conformity or result in any additional ones
- Example -
  - Expanding the existing garage

# Garage Expansion





# Looking Ahead



# Looking Ahead

- **December- Present Final Garage Ordinance text**
- **Public hearing in 2021**

# Thank You!

