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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** February 12, 2021

**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

**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.

**MEETING:** February 22, 2021

**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

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**Article 3 – Residence Districts, Reviewing in 2020**

Throughout the past year (2020), ZAP reviewed Article 3 – Residence Districts of the draft Zoning Ordinance. Highlights include reaffirming the goals and objectives, using detailed case studies to understand how the recommended mechanisms and standards function, and debating on how those recommended mechanisms and standards could be revised to facilitate the evolution of Newton’s residential neighborhoods more clearly and simply according to those goals and objectives.

ZAP agreed at the December 14, 2020 meeting to temporarily set down the proposed zoning for Newton’s residential neighborhoods (Article 3) to focus on Newton’s village centers/transit nodes in 2021. To do so requires capturing and documenting the work to date on Article 3, which is summarized in this memo, annotated draft zoning text (Attachment A), and draft zoning map ([link here](#)).

**Guiding Goals and Objectives for Article 3 – Residence Districts Updates**

As previously mentioned, comprehensive efforts on zoning reform (Zoning Redesign) began nearly a decade ago with the Zoning Reform Group (ZRG). From this beginning, the highest organizing principle for Zoning Redesign has been to align Newton’s Zoning Ordinance with the *Comprehensive Plan* (2007). Of course, Newton’s needs and challenges have evolved since 2007 and the plans and policy documents following the *Comprehensive Plan*, such as the Housing, Transportation and Economic Development

strategies and the Climate Action Plan, reflect that. This past April the ZAP Committee unanimously reaffirmed the goals and objectives informing the draft recommendations for Article 3. The recommended mechanisms and standards should always be evaluated on if, and how well, they achieve these goals and objectives:

- Housing: A zoning code more responsive to demand for housing that serves a range of incomes; Promote sustainable community development patterns
- Sustainability: Environmental stewardship, fiscal strength, and meeting community needs
- Context: Preserve and protect what we like in our neighborhoods; Encourage new development to fit in the context of our neighborhoods and villages

### **Reading the Annotated Draft Zoning Text (Attachment A) & Draft Zoning Map (Attachment B)**

Per ZAP's guidance, staff have compiled the overall comments, questions, concerns, and areas of agreement within Article 3. These appear as comments on the side of the annotated draft zoning text provided. The source documents used were the ZAP documents (memos, presentations, and reports), Councilor memos, Building Professional Group comments, and internal meetings with other City staff (Current Planning, Inspectional Services, and Law). To improve readability, a comment that applies to multiple sections was only indicated at the first occurrence. For example, ZAP has requested further analysis on many of the proposed district dimensional standards (lot frontage, setbacks, etc.). This comment appears once, not in every district section.

The draft zoning map includes the proposed R4 district, which was developed in 2019 following the build out analysis and public sentiment that the districts proposed in 2018 were overly broad. No other changes have been made to the draft zoning map since it was originally shared in October 2018. The R4 district was not publicly shared until an April 2020 ZAP meeting because Zoning Redesign was paused in 2019. The zoning district boundaries remain a draft and require additional substantive conversation and debate in committee and with the public. In addition to the static map, staff have also updated the interactive map, [link here](#), where you can compare the draft districts with the current districts.

### **General Comment About Multi-Family Housing**

The term Multi-Family Housing is defined by Massachusetts General Law as, "a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building." Newton's current zoning ordinance does allow for multi-family housing within all existing residence districts (SR and MR), but it requires a Special Permit in all cases. Although the proposed ordinance remains a draft, the latest iterations proposed to allow some multi-family development by-right in certain residence districts. To what extent, and to what scale, multi-family housing is allowed by-right and by Special Permit requires additional discussion.

### **Mechanisms and Standards to Achieve the Goals and Objectives**

The mechanisms and standards within Article 3 – Residence Districts all work together to facilitate the incremental evolution of Newton's neighborhoods consistent with the above goals. The following list highlights some of the key elements within the proposal with a particular focus on the where the current conversation stands. Please visit the [Zoning Redesign – Article 3 web page](#) for more in-depth information on the ZAP proceedings.

*District Dimensional Standards & Allowed Building Types (Sec. 3.1)*

The proposed five residence zoning districts (R1, R2, R3, R4 and N) are the foundation for regulation across Newton's neighborhoods. Taken all together, these districts can be viewed as a transect that moves from larger lots/fewer building types (R1, R2, and R3) to smaller lots/more building types (R4 and N). District dimensional standards (lot coverage, setbacks, lot frontage, etc.) regulate the placement of structures on a lot. Utilizing data collected from the Pattern Book, these standards were derived from Newton's existing building and lot layouts. Setting the standards in this way was intentionally designed to promote consistency in terms of the general scale of the neighborhood.

The data shared with ZAP at the [September 14, 2020](#) meeting revealed the clear disconnect between the existing ordinance dimensional standards and the existing conditions found throughout Newton's neighborhoods. This discrepancy is one of the many reasons why new development often feels out of scale and proportion with its surroundings.

Generally, ZAP, the Planning Board, and the building professionals would like to see further analysis on setting these dimensional standards. There was particular concern on how these new standards will impact existing properties. In addition, some councilors expressed concern over eliminating minimum lot size altogether. Lastly, ZAP agreed to remove the proposal to allow two-family homes by-right in the R1 and R2 districts. More analysis is needed on whether to allow this by Special Permit or not at all.

#### *Building Types (sec. 3.2)*

Building types are a tool common in form-based codes and are used in lieu of a floor area ratio (FAR), which is how the current ordinance regulates building size. FAR is the total square footage of all the floors of a building, divided by the total square footage of the lot it is on. Because FAR is directly tied to the size of the lot, building sizes can vary dramatically when there are irregularly sized and shaped lots within a neighborhood, which is a common occurrence in Newton. The rules around what is counted towards the total floor area can also lead to less desirable designs to maximize the size of a building.

Building types control the size of buildings, independent of the size of the lot. The building types proposed in the draft ordinance set a maximum footprint and number of stories (along with maximum heights for each story) and allow for certain components to be added, such as small additions, porches, dormers, etc. Building types provide predictability about the scale and footprint of a building and how it will fit into the neighborhood context, particularly in a city like Newton where lots are not uniform in size and shape. The building types proposed in the draft ordinance are still being reviewed and refined to determine the appropriate forms and dimensions to ensure the right balance between flexibility and predictability. Read more about building types here: <https://opticosdesign.com/blog/building-types-inzoning-part-1-why/>

Moving forward, additional analysis is needed on the use of building types vs. FAR. As the article points out, it may not be an all or nothing situation. Building types may be most appropriate in/around village centers and transition areas and corridors that link to surrounding residential neighborhoods. Further out, in more auto-dependent areas, another mechanism may be more appropriate. Lastly, ZAP requested further market analysis to ensure the feasibility and desirability of the building type standards. For example, will a developer build a stacked duplex. Though this building type exists throughout Newton and the region, it is rare to see one newly constructed.

#### *Building Components (sec. 3.3)*

Per discussions at ZAP, with city staff, and the architects/builders focus group, the Planning Department recommended updates to building components that allows existing homes to reasonably expand as homeowners needs change and for new development to expand beyond the maximum allowable

footprint in a simpler, more predictable, manner. Building Components incorporate the innovative thinking found in the Current Ordinance *De Minimus* regulation, data on Newton's existing residential massing, and urban design best practice.

However, the building professionals presented how the standards within the current iteration are often too prescriptive to allow for such flexibility. In addition, Councilors questioned whether it is appropriate to allow new construction to take advantage of the bonus building components provide. Both issues need to be explored further so that the proposal results in incentivizing the preservation and renovation existing homes.

#### *Alternative Lot/Building Configurations (sec. 3.5)*

The section on alternative lot and building configurations acknowledge that Newton's neighborhoods have a wide variety of lot shapes and sizes. Each mechanism allows for a different controlled approach to allowing development on these lots in-line with the City Council goals and objectives. Many of these mechanisms already exist in Newton's current ordinance (rear lots and multi-unit conversion). The proposed ordinance looks to simplify the process for property owners looking to take advantage of one of these mechanisms, while also eliminating the negative impacts often seen under the current ordinance regulations (ex. rear lot developments that are as large, or larger, than the property in front). In addition, new mechanisms (courtyard cluster and multi-building assemblage) look to facilitate desirable development patterns and offer new housing opportunities.

- Rear Lots

The Committee generally agreed that rear lot development should require a Special Permit and that new development should be limited in scale. Under the proposed ordinance, this means allowing only a House Type C (cottage/bungalow) building type on a rear lot. Committee members, and other councilors in attendance, explained that rear lot developments often occur because of a financial hardship to the property owner. In this way, a more predictable zoning code could make it easier for struggling residents to remain in their homes and provide more affordable housing options currently not available in the City. Lastly, ZAP requested additional analysis on the minimum lot size required to create a maximum sized rear lot development. This is difficult to do given the lot variation found throughout Newton, but staff will work to provide general data.

- Multi-unit conversion

Overall, ZAP agreed that multi-unit conversion provides an incentive to preserve Newton's existing housing stock and facilitate additional housing units simultaneously. However, there was not clear agreement on how the regulation should function. Remaining questions include should conversions be allowed by-right and at what scale in some parts of Newton; are more restrictions needed for limiting exterior alterations; does the ordinance need to differentiate between existing building and new ones. At ZAP's December meeting, the Committee agreed to eliminate the six-units by-right multi-unit conversion from the R1 and R2 districts.

It should be noted that the current ordinance allows multi-unit conversion by Special Permit in all SR districts and the MR1 district.

- Courtyard Cluster

Courtyard Cluster development is a building form that promotes community interaction through compact living clustered around a semi-private shared open space. The smaller than typical

residential unit size is meant to provide a non-subsidized form of housing that is generally less expensive. Courtyard Clusters can also provide greater flexibility for families as their needs change over time and alternatives for seniors looking to downsize and remain in Newton. Given the intent of this development type, ZAP agreed on limiting Courtyard Cluster developments to the R4 and N districts, which are proposed to be adjacent to amenities and resources found in village centers and public transit hubs. In addition, the Committee thought creating a standalone smaller Courtyard Cluster building type was a good idea, though additional review is needed.

- Multi-Building Assemblage

This development pattern was not thoroughly discussed at ZAP and requires additional analysis.

#### *Uses (sec. 3.6)*

Broadly, the uses allowed in the proposed zoning ordinance for the Residence Districts are the same as are currently allowed. The Committee generally agreed that Allowed Uses, specifically limited non-residential uses, can promote more vibrant and walkable neighborhoods. There appeared to be general consensus that Adaptive Reuse (sec. 3.6.1.B), allowing uses like corner stores and cafes, can particularly aid in this. However, the Committee requested that the Planning Department further evaluate which types of non-residential uses should be allowed by-right (–for example – a psychiatrist office) versus by Special Permit (–for example – a restaurant). Finally, there appeared to be general consensus that home businesses should not be limited to one per household within the proposed ordinance.

#### *Parking (sec. 3.7)*

The proposed ordinance seeks to align parking requirements more consistently with the City's environmental goals outlined in the Climate Action Plan. Minimum parking requirements often have the effect of facilitating a built environment that favors automobile use over any other mode of transportation, and often require parking at levels higher than the market demands, resulting in an excess of parking stalls and impervious surface and increased development costs. As Newton moves towards a future that better acknowledges the role that safe and accessible public transit, biking, and pedestrian infrastructure can play in how we move around the city, this plan anticipates a time when parking needs will be reduced through modest, incremental change.

In Committee, one member spoke in favor of implementing parking maximums and no Committee members spoke against this. The general sense of the Committee was that the more space set aside for cars will be filled with more cars. Regarding the elimination of parking minimums, the opinion of the Committee was split as four Committee members were skeptical that developers would provide adequate parking if minimums were not in place. Two Committee members said that eliminating parking minimums would allow residents and developers to make better choices regarding parking needs. This discussion will need to continue when we return to this section.

#### **Looking Ahead**

This work will be discussed at the upcoming ZAP meeting on February 22, 2020. Staff will work with ZAP to ensure all comments are properly compiled within the annotated draft and update as necessary following the meeting.

#### **Attachments**

Attachment A Article 3 – Residence Districts, annotated draft zoning text

## Article 3 Residence Districts

**Introduction to this annotated draft:** ZAP agreed at the December 14, 2020 meeting to temporarily set down the proposed zoning for Newton’s residential neighborhoods (Article 3) to focus on Newton’s village centers/transit nodes in 2021. To do so requires capturing and documenting the work to date on Article 3, which is summarized in the accompanying summary memo, annotated draft zoning text (below), and draft zoning map. These additional documents can be found on the Zoning Redesign web page (<https://www.newtonma.gov/government/planning/zoning-redesign/article-3-residence-districts>) Per ZAP’s guidance, staff have compiled the overall comments, questions, concerns, and areas of agreement within Article 3. These appear as comments on the side of the annotated draft zoning text provided. The source documents used were the ZAP documents (memos, presentations, and reports), Councilor memos, Building Professional Group comments, and internal meetings with other City staff (Current Planning, Inspectional Services, and Law). To improve readability, a comment that applies to multiple sections was only indicated at the first occurrence. For example, ZAP has requested further analysis on many of the proposed district dimensional standards (lot frontage, setbacks, etc.). This comment appears once, not in every district section.

### 3.1. Residence Districts

The provisions of Article 3 apply to all real property within the Residence Districts as shown on the [Newton Zoning Map](#).

#### 3.1.1. Development Review.

Development on any lot, by right or by discretionary permit, requires the submittal of development review materials to the specified development review body as required in Article 11.

- A. A pre-submittal discussion or meeting with the Planning Department and/or Inspectional Services Department is recommended for all development (See Sec. 11.2.2).
- B. Proposed development may or may not necessitate Site Plan Approval, a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 11.
- C. Upon completion of the required development review or verification that no additional development review is necessary, the issuance of a building permit by ISD indicates compliance with the provisions and procedures of this ordinance.
- D. The Special Permit Granting Authority is determined by the thresholds listed in the table below, or by the uses on the lot (See Article 9).

[Reserved]

**Commented [A1]:** The draft Zoning Map accompanying this text includes the R4 district and reflects what was presented at ZAP at the April 13, 2020 meeting. Further discussion in Committee and public workshops is needed to finalize the location of all zoning districts.

**Commented [A2]:** The table included in the October 2018 draft was removed. The Discussion will be had as part of Article 11 – Administration.

3.1.2. Residence 1 District (R1)

A. Context Description.

The Residence 1 District is composed of neighborhoods characterized typically by larger homes on larger parcels of land. These neighborhoods consist almost entirely of single-unit residences with significant areas of landscaping and trees. Where other uses exist or may be proposed, the City would like to preserve the existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or to a civic institution.

**Commented [A3]:** Some Councilors have stated that “suggestive” language like the context descriptions, or other areas that say things like “recommend” or “encourage” does not belong in a zoning code (legislative language). Should this type of language be in the zoning code or in a separate best practices guide to accompany the zoning? This applies to all districts.

B. Purpose.

1. To permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods throughout the City.
2. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
3. To create a mechanism for the preservation and continued use of existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or civic institution.
4. To promote, through building and lot design, community connections.

C. Dimensional Standards.

The following table contains lot standards for the Residence 1 District:

Lot Characteristics	
Frontage:	Min. 80 ft, Max. -
Lot Depth:	N/A
Lot Coverage:	25% Max; +10% by SP (See Sec. 2.3.2)

**Commented [A4]:** Generally, ZAP and the Building Professionals expressed the need for additional analysis to determine if the proposed dimensional standards facilitate the desired neighborhood scale. This is true for all districts.

The following table contains setback standards for the Residence 1 District:

Setbacks	Min	Max
Front:	25 ft	-
Side:	20 ft	-
Rear:	40 ft	-
Frontage Buildout	-	-

**Commented [A5]:** The definition of Lot Coverage (i.e. what is included vs. what is not) requires further analysis. This definition is found within Article 2. Both the Building Professionals and ZAP agreed that including all impervious surfaces is too restrictive.

**Commented [A6]:** Will this lot coverage % make it difficult to develop smaller lots in R1?

**Commented [A7]:** Further analysis is required for side and rear setbacks. ZAP and the Building Professionals expressed concern the increases in side and rear setbacks could present difficulties for smaller Old Lots currently zoned SR1 and SR2.

D. Building Types.

1. The following principal building types are permitted in the Residence 1 District:
  - a. House A (Sec. 3.2.3)
  - b. House B (Sec. 3.2.4)
  - c. House C (Sec. 3.2.5)
  - d. House D (Sec. 3.2.6)
  - e. Civic Building (Sec. 3.2.13)

E. Alternate Lot/Building Configurations.

1. The following alternate lot/building configurations are permitted by Special Permit in the Residence 1 District:
  - a. Rear Lots (Sec. 3.5.1)
  - f. Courtyard Clusters (Sec. 3.5.3)

**Commented [A8]:** ZAP agreed that Rear Lot development should require a Special Permit at the October 15, 2020 meeting, similar to the current ordinance.

**Commented [A9]:** ZAP agreed to remove Courtyard Clusters as an Alternative Lot/Building Configuration within the proposed R1, R2, and R3 at the October 15, 2020 meeting.

g-b. Multi-Unit Conversions (Sec. 3.5.2)

F. Allowed Uses.

Uses permitted in the Residence 1 District are described in Sec. 3.6 and subject to further regulations as described in each building type.

**Commented [A10]:** ZAP agreed at the December 14, 2020 meeting to remove by-right multi-unit conversions (up to 6-units) for non-village center suburban districts (R1 and R2) from the discussion at this time. Further discussion is needed on whether to allow multi-unit conversion by special permit, similar to the current ordinance.

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3.1.3. Residence 2 District (R2)

A. Context Description.

The Residence 2 District contains quintessentially suburban neighborhoods with ample lawns and mostly single-unit residences, developed primarily in the 20<sup>th</sup> Century in areas between Newton’s villages. Many of these neighborhoods are remote from the walkable village centers of the City and therefore do not have nearby gathering places, shops, or services.

B. Purpose.

1. To permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods throughout the City.
2. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
3. To create a mechanism for the preservation and continued use of existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or a civic institution.
4. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.
5. To promote, through building and lot design, community connections.

C. Dimensional Standards.

The following table contains lot standards for the Residence 2 District:

Lot Characteristics	
Frontage:	60 ft Min, 110 ft Max
Lot Depth:	-
Lot Coverage:	30% Max; +10% by SP (See Sec. 2.3.2)

Commented [A11]: Will this lot coverage % make it difficult to develop smaller lots in R2?

The following table contains setback standards for the Residence 2 District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See Sec. 3.4.1A) Absolute Min: 20 ft	40 ft
Side:	12.5 ft	-
Rear:	30 ft	-
Frontage Buildout	Minimum of 12 ft or 25% of the lot frontage, whichever is greater; non-conforming lots exceeding the max. frontage have a min. of 27.5 ft	-

Commented [A12]: Discussion at ZAP and with the Building Professionals focused on removing overly restrictive/prescriptive regulations. From this, staff recommended removing the contextual front setback requirement in favor of a minimum and maximum range per district. There was not consensus on this and it may be appropriate to keep the requirement for certain districts (R4, N) and not require in others (R1, R2, R3). Another option is to maintain the Contextual Front Setback as an option, not the requirement.

D. Building Types.

1. The following principal building types are permitted in the Residence 2 District:

- a. House B (Sec. 3.2.4)
- b. House C (Sec. 3.2.5)
- ~~b-c.~~ House D (Sec. 3.2.6)
- ~~e-d.~~ Civic Building (Sec. 3.2.13)

2. The following principal building types are permitted, subject to a Special Permit, in the Residence 2 District:

- a. ~~House D (3.2.6)~~

Commented [A13]: ZAP questioned why House D would not be allowed by-right in a zoning district where this Building Type makes up a significant portion of existing homes (roughly 10%). Undertaking an additional review of this Building Type, and its allowed size, could warrant this.

- ~~b. Review Criteria. In its discretion to approve or deny a special permit authorizing a new House D, the Special Permit Granting Authority must find that the application meets the following criteria:
 
  - ~~i. The criteria for all Special Permits specified in Sec. 11.4.3.~~
  - ~~ii. Design and landscaping is compatible with the neighborhood and adjacent properties.~~
  - ~~iii. The site and building as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy.~~~~

E. Alternate Lot/Building Configurations.

1. The following alternate lot/building configurations are permitted by Special Permit in the Residence 2 District:
  - a. Rear Lots (Sec. 3.5.1)
  - ~~b. Courtyard Clusters (Sec. 3.5.3)~~
  - ~~e-b. Multi-Unit Conversions (Sec. 3.5.2)~~

F. Allowed Uses.

Uses permitted in the Residence 2 District are described in Sec. 3.6 and subject to further regulations as described in each building type.

**Commented [A14]:** ZAP agreed at the December 14, 2020 meeting to remove by-right multi-unit conversions (up to 6-units) for non-village center suburban districts (R1 and R2) from the discussion at this time. Further discussion is needed on whether to allow multi-unit conversion by special permit, similar to the current ordinance.

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3.1.4. Residence 3 District (R3)

A. Context Description.

The Residence 3 District includes neighborhoods composed of single, two, and three-unit homes, frequently within walking distance to transit and activity centers. The intent of this district is to increase predictability for homeowners in how they may modify their homes and integrate appropriately scaled new homes into the fabric of the neighborhoods that make up this district.

B. Purpose.

1. To permit the development of detached residential buildings on individual lots in scale and context with these neighborhoods throughout the City.
2. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
3. To create a mechanism for the preservation and continued use of existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or a civic institution.
4. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.
5. To promote, through building and lot design, community connections.

C. Dimensional Standards.

The following table contains lot standards for the Residence 3 District:

Lot Characteristics	
Frontage:	50 ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	50% Max; +10% by SP (See Sec. 2.3.2)

The following table contains setback standards for the Residence 3 District:

Setbacks	Min	Max
Front:	<a href="#">Contextual Front Setback (See Sec. 3.4.1A)</a> Absolute Min: 10 ft	35 ft
Side:	10 ft	-
Rear:	20 ft	-
Frontage Buildout	Minimum of 12 ft or 25% of the lot frontage, whichever is greater; non-conforming lots exceeding the max. frontage have a min. of 25 ft	

D. Building Types.

1. The following principal building types are permitted in the Residence 3 District:
  - a. House B (Sec. 3.2.4)
  - b. House C (Sec. 3.2.5)
  - c. Duplex (Sec. 3.2.7)
  - d. Civic Building (Sec. 3.2.13)
2. [The following principal building types are permitted, subject to a Special Permit, in the Residence 3 District:](#)

- a. Triplex (Sec. 3.2.8)
- b. Review Criteria. In its discretion to approve or deny a special permit authorizing construction of a Triplex, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.

Commented [A15]: Should the triplex be allowed by-right in R3?

E. Alternate Lot/Building Configurations.

- 1. The following alternate lot/building configurations are permitted by Special Permit in the Residence 3 District:
  - a. Rear Lots (Sec. 3.5.1)
  - b. ~~Courtyard Clusters (Sec. 3.5.3)~~
- 2. Multi-Unit Conversions (Sec. 3.5.2) are permitted in the Residence 3 District. Depending on the scale of the project, a Special Permit may be required.

Commented [A16]: ZAP agreed at the December 14, 2020 meeting to remove by-right multi-unit conversions (up to 6-units) for non-village center suburban districts. Further analysis is necessary to determine if, and how many units could be allowed by-right within districts adjacent or near village centers (R3, R4, and N), for example where they are allowed by Special Permit today.

F. Allowed Uses.

Uses permitted in the Residence 3 District are described in Sec. 3.6 and subject to further regulations as described in each building type.

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3.1.5. Residence 4 District (R4)

A. Context Description.

The Residence 4 District includes neighborhoods composed mostly of multi-unit buildings, with single-unit residences as well, frequently within walking distance to transit and activity centers.

B. Purpose.

1. To allow for multiple forms of development that create greater housing choices and opportunities that provides a transition between Residence 1, 2, and 3 Districts and the Neighborhood General Districts and Village Districts.
2. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
3. To create a mechanism for the preservation and continued use of existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or a civic institution.
4. In limited circumstances, to retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.
5. To promote, through building and lot design, community connections.

C. Dimensional Standards.

The following table contains lot standards for the Residence 4 District:

Lot Characteristics	
Frontage:	50-40ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	60% Max; +10% by SP (See Sec. 2.3.2)

The following table contains setback standards for the Residence 4 District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See Sec. 3.4.1A) Absolute Min: 5 ft	35 ft
Side:	107-5 ft	-
Rear:	20+5 ft	-
Frontage Buildout	Minimum of 12 ft or 25% of the lot frontage, whichever is greater; non-conforming lots exceeding the max. frontage have a min. of 25 ft	

D. Building Types.

1. The following principal building types are permitted in the Residence 4 District:
  - a. House B (Sec. 3.2.4)
  - b. House C (Sec. 3.2.5)
  - c. Duplex (Sec. 3.2.7)
  - d. Triplex (Sec. 3.2.8)
  - e. Civic Building (Sec. 3.2.13)
2. The following principal building types are permitted, subject to a Special Permit, in the Residence 4 District:

**Commented [A17]:** R4 serves as a transition zone between village centers and neighborhoods, yet no commercial Building Type is currently allowed. Should the Shop House (Sec. 3.2.11) be allowed by-right or by Special Permit?

- a. Multiplex (Sec. 3.2.10)
- b. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new Multiplex, the Special Permit Granting Authority must find that the application meets the following criteria:
  - i. The criteria for all Special Permits specified in Sec. 11.4.3.
  - ii. Design and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
  - iii. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

E. Alternate Lot/Building Configurations.

- 1. The following alternate lot/building configurations are permitted by Special Permit in the Residence 4 District:
  - a. Rear Lots (Sec. 3.5.1)
  - b. Courtyard Clusters (Sec. 3.5.3)
- 2. Multi-Unit Conversions (Sec. 3.5.2) and Multi-Building Assemblages (Sec. 3.5.4) are permitted in the Residence 4 District. Depending on the scale of the project, a Special Permit may be required.

F. Allowed Uses.

Uses permitted in the Residence 4 District are described in Sec. 3.6 and subject to further regulations as described in each building type.

**Commented [A18]:** ZAP agreed that Courtyard Clusters development should require a Special Permit (R4 and N) at the October 15, 2020 meeting.

**Commented [A19]:** Multi-Building Assemblages were not thoroughly discussed at ZAP and require further analysis.

DRAFT

3.1.6. Neighborhood General District (N)

Commented [A20]: There was limited discussion of the N district. This district will be discussed as part of village centers/transit nodes, if ZAP decides to move forward with a geographic based review.

A. Context Description.

Within a short walk of the amenities, mixture of uses, and transit options found in Newton's village centers, the Neighborhood General District serves as a transition from the village centers to the adjoining neighborhoods. With easy access to the above amenities, these areas are appropriate for a wider range of housing types, including small multi-unit residential buildings and townhouses, as well as a range of small-scale neighborhood-serving commercial spaces.

B. Purpose.

1. To allow for multiple forms of development that create greater housing choices and opportunities that balance the scale of the adjacent residential neighborhoods and village centers.
2. To permit the development of detached residential buildings on individual lots.
3. To permit townhome-style buildings.
4. To permit contextual modifications of existing detached residential buildings in a predictable manner for homeowners and neighbors.
5. To retain or allow neighborhood serving commercial uses in order to enhance walkability and sustainability.
6. To create a mechanism for the preservation and continued use of existing building stock by allowing for existing buildings to be renovated or converted to multiple dwelling units or a civic institution.
7. To promote, through building and lot design, community connections.

C. Dimensional Standards.

The following table contains lot standards for the Neighborhood General District:

Lot Characteristics	
Frontage:	40 ft Min, 100 ft Max
Lot Depth:	-
Lot Coverage:	70% Max; +10% by SP (See Sec. 2.3.2)

The following table contains setback standards for the Neighborhood General District:

Setbacks	Min	Max
Front:	Contextual Front Setback (See Sec. 3.4.1A) Absolute Min: 0 ft	25 ft
Side:	7.5 ft	-
Rear:	15 ft	-
Frontage Buildout	Minimum of 12 ft or 40% of the lot frontage, whichever is greater; nonconforming lots exceeding the max. frontage have a min. of 40 ft	

D. Building Types.

1. The following principal building types are permitted in the Neighborhood General District:
  - a. House B (Sec. 3.2.4)

- b. House C (Sec. 3.2.5)
  - c. Duplex (Sec. 3.2.7)
  - d. Triplex (Sec. 3.2.8)
  - e. Townhouse Section (Sec. 3.2.9)
  - f. Multiplex (Sec. 3.2.10)
  - g. Shop House (Sec. 3.2.11)
  - h. Civic Building (Sec. 3.2.13)
2. The following principal building types are permitted, subject to a Special Permit, in the Neighborhood General District:
    - a. Small Multi-Use Building (Sec. 3.2.12)
- E. **Alternate Lot/Building Configurations.**
1. The following alternate lot/building configurations are permitted by Special Permit in the Neighborhood General District:
    - a. Rear Lots (Sec. 3.5.1)
    - b. Courtyard Clusters (Sec. 3.5.3)
  2. Multi-Unit Conversions (Sec. 3.5.2) and Multi-Building Assemblages (Sec. 3.5.4) are permitted in the Neighborhood General District. Depending on the scale of the project, a Special Permit may be required.
- F. **Review Criteria.** In its discretion to approve or deny a special permit authorizing a new small multi-use building or a multi-building assemblage, 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 and management strategies achieve compatibility with the neighborhood and adjacent residential properties.
  3. Transportation management and design strategies intend to reduce reliance on single-occupant automobiles.
  4. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
- G. **Allowed Uses.**
- Uses permitted in buildings in the Neighborhood General District are described in Sec. 3.6 and subject to further regulations as described in each building type.

### 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. 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.~~

#### 3.2.2. Building Assembly

- A. Building Types are comprised of the Main Massing of a building and various additional Building Components.
- B. The Main Massing is the primary and the most important portion defining a Building Type's form and scale. The Main Massing of each Building Type is regulated using building dimensional standards that differ for each type.
- C. Building Components are accessory features attached to the main massing of a Principal Building, or other Building Components to create assemblies of components. Building Components increase the habitable square footage or enhance the usefulness of a building. Each Building Component has dimensional standards that differ for each type.
- D. Building Components provide a means for achieving variety and individuality in design and are permitted as indicated for each Building Type.

**Commented [A21]:** Current Planning recommends deleting this section. Limiting the ability to ask for Special Permits and simplifying the code is a goal from the ZRG report and received general support at the June 29, 2020 ZAP meeting. There may be opportunities to introduce Special Permit allowances which are tied to other City Goals and Objectives (i.e. a larger development requires greater sustainability measures).

**Commented [A22]:** Confusing, requires clarification.

3.2.3. House A

A. Description.

A 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	2,400 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.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; option for Multi-unit conversion in permitted zoning districts according to Sec. 3.5.2.
3. The following Building Components may be used to increase the maximum Building Footprint by no more than 25 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - e.b. Rear Addition (Sec. 3.3.2.G)

**Commented [A23]:** Additional analysis is required to determine the appropriate dimensional standards for each building type as it relates to facilitating a desired neighborhood context, reduces teardowns resulting in non-contextual development, economic feasibility, etc. This applies to all building types.

**Commented [A24]:** Building widths and depths were removed from almost all building types because they were not based on existing conditions or a desired outcome. Additional analysis, and review of other zoning ordinances, may lead to further refinement instead of removal.

**Commented [A25]:** The ZAP Committee agreed, on the evidence presented by the building professional groups, to remove fenestration requirements to the smaller residential building types within Article 3.

**Commented [A26]:** ZAP expressed concern that allowing 2-units within new construction would incentivize the teardown of existing House Types A, B, and D.

**Commented [A27]:** There is a question to limit the increase in size through building components only to existing buildings, not new construction as a way to incentivize the preservation of existing buildings and reduce teardowns. This applies to all building types.

3.2.4. House B

A. Description.

A house with a medium footprint and up to 2.5 stories. 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 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.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; option for Multi-unit conversion according to sec. 3.5.2.
- 3. The following Building Components may be used to increase the maximum Building Footprint by no more than 25 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

3.2.5. House C

A. Description.

A 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 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. Roof Types.

All Roof Types with an equivalent of 0 or 0.5 stories 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 sec. 3.5.2.
- 3. The following Building Components may be used to increase the maximum Building Footprint by no more than 25 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - e-b. Rear Addition (Sec. 3.3.2.G)

3.2.6. House D

Commented [A28]: Should House D be allowed in all residence districts?

A. Description.

A 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-20<sup>th</sup> 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	2,3003-500 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; option for Multi-unit conversion according to sec. 3.5.2.
- 3. The following Building Components may be used to increase the maximum Building Footprint by no more than 25 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

3.2.7. Duplex Two-Unit Residence

A. Description.

The two-unit residence Duplex 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 Duplex building types are organized with one unit above and one below, two units side-by-side, or the second floor is split between the two units 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	1,800-2,000 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. Must have 2 Residential Units, one on the first floor and one on the second floor. Alternatively, may have 2 Residential Units with the first unit comprised of the first floor and a portion of the second floor, and the second unit comprised of the remainder of the second floor.
- 3. The following Building Components may be used to increase the maximum Building Footprint by no more than 25 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

Commented [A29]: Additional analysis is needed if we want to allow duplexes to have side-by-side units. In preliminary conversations, developers have expressed little interest in developing duplexes with stacked units.

3.2.8. Triplex ~~3-Unit~~ Building

A. Description.

A small multi-unit residential building containing 3 units, vertically stacked ~~no more, no less~~. The scale of a Triplex ~~3-Unit~~ Building is similar to 1- and 2-unit building types nearby, just with a few smaller than average units. Triplex building types ~~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	<u>1,800</u> <del>1,600</del> 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 3 residential units, stacked one over the other.
3. The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

Commented [A30]: Should this be a requirement for the Triplex building type?

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 -18<sup>th</sup> century, but most townhouses in Newton date from the late 20<sup>th</sup> and early 21<sup>st</sup> 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	3 stories	Max 12 ft SP: 14 ft

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

Commented [A31]: Does this align with missing middle guidelines? Some expressed that it should be reduced if we want to promote greater attainability.

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. 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 2 Residential Units are permitted per townhouse section.
- 3. In no case may an attached series of townhouses contain less than 2 townhouse sections or more than 8 townhouse sections.
- 4. At least 2 townhouse Sections in a series must be oriented toward the Primary Front Lot Line.
- 5. The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

Commented [A32]: We need to define oriented. Maybe use Front Elevation (a term in Article 2) and add to that definition?

3.2.10. ~~4-8 Unit Building~~ Multiplex

A. Description.

A Multiplex is 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 approximately 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 ft	80 ft	3,600-500 sq ft	3 stories	Max 12 ft SP: 14 ft

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

Commented [A33]: A double triplex, side-by-side, which allows for 6-units easily or 8 smaller than average units.

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 between 4 and 8 residential units.
- 3. Outdoor Amenity Space (Sec. 2.9): 1/dwelling unit, may be shared.
- 4. The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

Commented [A34]: Could a multiplex be designed as a series of townhouses? Is something additional needed to prevent this?

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. Often shop houses are grouped together as multi-building assemblages.

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	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

**Commented [A35]:** Need to clarify if this is a maximum area, 400 sf, or if a maximum width of 20 feet and a maximum height of 20 feet and if they apply independently or only if both dimensions are exceeded.

D. Roof Types.

All Roof Types are permitted.

E. Additional Standards.

1. Loading and Garage Bays. Loading and Garage doors are considered blank walls.
2. Ground floor Standards:
  - a. A minimum of 30% of the ground floor, that portion of the structure closest to the street, must be utilized for non-residential uses.
  - b. Ground floor non-residential uses must be located along the front elevation.
3. Upper stories must be a residential use or office use.
4. Residential Units Factor:
  - a. Base = ~~1,200~~+250
  - b. 100% Affordable or Sustainable Design Standard = 900
5. Outdoor Amenity Space: 1/dwelling unit, may be shared.
6. The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent:
  - c. Side Wing (Sec. 3.3.2.F)
  - e-d. Rear Addition (Sec. 3.3.2.G)

**Commented [A36]:** The Newton Housing Partnership (NHP) expressed the need to further explore the Residential Unit Factor if the desired goal is to create more attainably priced housing units. NHP recommended certain conditions may warrant a reduced number. This applies to all instances of the RU factor.

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

Commented [A37]: Should we consider allowing small multi-use buildings to be up to 4 stories especially if designs include more historic details like a pitched roof or more historically appropriate façade/details?

C. Fenestration on the Front Elevation.

1. Ground Story Fenestration: 30% Minimum
2. Upper Story Fenestration: 20% Minimum, 70% Maximum
3. Max Blank Wall = 20 ft x 20 ft
4. 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. Loading and Garage Bays. Loading and Garage doors are considered blank walls.
2. Ground Story Non-residential Use Dimensional Standards:
  - a. A minimum of 50% of the ground story, that portion of the structure closest to the street, must be utilized for non-residential uses.
  - a-b. Ground story non-residential uses must be located along the front elevation.
  - b-c. Ground story non-residential use space must be a minimum depth of 50 ft or 60% of the building depth whichever is less.
  - e-d. The ground story non-residential use dimensional standards may be varied by Special Permit in accordance with Sec. 3.2.2.
3. Residential Units Factor:
  - a. Base = 1,200 + 250
  - b. 100% Affordable/Sustainable Design Standard = 900
4. Outdoor Amenity Space: 1/dwelling unit, may be shared.
5. The following Building Components may be used to increase the maximum Building Footprint by no more than 10 percent:
  - a. Side Wing (Sec. 3.3.2.F)
  - b. Rear Addition (Sec. 3.3.2.G)

Commented [A38]: Staff need to work with consultant/local experts to confirm these numbers are appropriate for modern retail/office needs.

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.

**Commented [A39]:** Although this is a building form that exists in Newton, it is not one we want to encourage. Instead we want to promote modest retail development with residential or office space above (see Shop House building type).

3.2.14.3.2.13. 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.

**Commented [A40]:** More analysis is needed for this building type. Specifically, better understanding of how this building type could convert and how these regulations interact with the Dover Amendment.

**Commented [A41]:** This is not consistent with E.1 below. Needs clarification.

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.

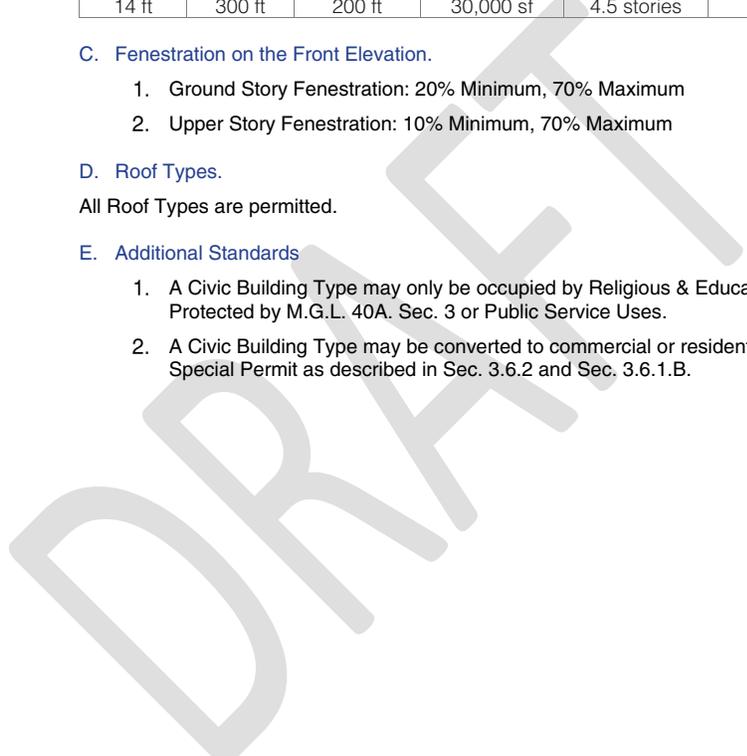
1. Ground Story Fenestration: 20% Minimum, 70% Maximum
2. Upper Story Fenestration: 10% Minimum, 70% Maximum

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. Building Components are permitted as specified in the table below. Building Components that are not identified in the table below are prohibited. Unless otherwise specified, Building Components may attach to other Building Components to create assemblies of components.

	<u>Bay</u>	<u>Balcony</u>	<u>Porch</u>	<u>Projected Entry</u>	<u>Corner Feature</u>	<u>Side Wing</u>	<u>Rear Addition</u>	<u>Dormer</u>	<u>Cross Gable</u>	<u>Roof Deck</u>
<u>House A</u>	P	P	P	P	P	P	P	P	P	P
<u>House B</u>	P	P	P	P	P	P	P	P	P	P
<u>House C</u>	P	P	P	P	P	P	P	P	P	P
<u>House D</u>	P	P	P	P	P	P	P	P	P	P
<u>Duplex</u>	P	P	P	P	P	P	P	P	P	P
<u>Triplex</u>	P	P	P	P	P	SP	SP	P	P	P
<u>Townhouse Section</u>	P	P	P	P	P	SP	SP	P	P	P
<u>Multiplex</u>	P	P	P	P	P	SP	SP	P	P	P
<u>Shop House</u>	P	P	P	P	P	SP	SP	P	P	P
<u>Small Multi-Use Building</u>	P	P	P	P	P	SP	SP	P	P	P

P - Permitted

SP- Special Permit

**Commented [A42]:** Does organizing the code around building components make sense in all residence districts, or only in those closer to village centers/transit nodes?

**Commented [A43]:** As a zoning mechanism, building components function in a similar way *De Minimus* within the existing ordinance.

**Commented [A44]:** There was general agreement at ZAP that building components, other than side or rear additions, should not count toward the maximum footprint.

**Commented [A45]:** Need additional clarification on which components count towards the building footprint vs. ones that do not, and if within the overall building footprint, then the standards do not apply. Should some or all components that increase the building footprint be limited to existing buildings to provide incentives to renovate rather than tear down?

3.3.2. Architectural Components on the Front Elevation.

Any architectural components must be fully compliant with the setbacks and lot coverage requirements unless otherwise specified within the standards of that individual architectural component.

A. 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. Two Bays can connect around corners to create distinctive living space or terminate in an important axis.
2. **Dimensions.**

	Min	Max
Width (each bay)	-	Greater of 20% of wall length or 12 ft
Depth	-	3 ft

**Commented [A46]:** Are there any components that are missing?

**Commented [A47]:** Similar to simplifying the Building Types, staff need to explore simplifying the smaller building components (A – E) to only maximums. The building professional group has brought the current minimum maximums as too restrictive and not responsive to the architectural diversity found in Newton.

**Commented [A48]:** Is there a need for distinction between a bay – which adds floor area, and a window box or bay window – which does not. In either case should we allow these and not count them toward the footprint?

Fenestration	60%	-
Permitted Setback Encroachment		
Front	-	3 ft
Side & Rear	-	0 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.

B. 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 Setback Encroachment		
Front	-	3 ft
Side & Rear	-	0 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.

Commented [A49]: Need more analysis on if this number is correct.

C. 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 Principal Building elevation width

Commented [A50]: The maximum should not be necessary according to building professionals. We also want to allow for wrap-around porches.

Depth	6 ft	-
Permitted Setback Encroachment		
Front	-	6 ft
Side & Rear	-	0 ft

3. Standards.

- a. ~~Stairs or ramp~~ may encroach upon the front setback by a maximum of 4 feet beyond the front porch but must be 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~~ 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.

**Commented [A51]:** In the building code, necessary egress stairs of a maximum size may project totally into a setback – why regulate further? Comment applies to other relevant components.

D. 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 Principal Building elevation whichever greater
Ceiling Height	-	12 ft
Permitted Setback Encroachment		
Front	-	4 ft
Side & Rear	-	0 ft

3. Standards.

- a. Uncovered stairs ~~or ramp~~, 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.

E. ~~Furret~~

- 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.

**Commented [A52]:** This component has been incorporated into the definition of Bay

	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%.

E. Turrets may wrap around corners. Side Wing

1. Description. A multi-story extension from one or more side walls of a building. A Side Wing constitutes a Building Component only if its addition to the Main Massing of a Principal Building would exceed the maximum Building Footprint for that Building Type. A Side Wing added to a Principal Building that does not exceed the maximum Building Footprint for that Building Type shall be part of the Main Massing of the building.

2. Dimensions.

	Min	Max
Setback from Front Elevation	8 ft	-
Width	=	50% of the Front Elevation width
Depth	=	100% of the Front Elevation width
Height	=	Stories equal to the principal building type
Permitted Setback Encroachments		
Front	=	0 ft
Side & Rear	=	0 ft

**Commented [A53]:** This originally aligned with the Garage setback requirement, which through working with ZAP and the Building Professionals was taken out.

**Commented [A54]:** Should this be limited to less than what is permitted on the principal building to promote more differentiation in massing?

3. Standards.

- a. Side wings must include similarly style roof as the Principal Building.
- b. Side wings may be centered or offset at the side wall of the Principal Building, provided they share at least 6 feet with the common wall.
- c. A Side wing may be used for vehicular parking, provided it complies with Garage Design Standards (see Sec. 3.4.2).

**Commented [A55]:** Is this overly prescriptive? Does this prevent 1-story side-wings on a 2-story building with a pitched roof?

F. Rear Addition

1. Description. A rear addition is an extension from the rear wall of a building. A Rear Addition constitutes a Building Component only if its addition to the Main Massing of a Principal Building would exceed the maximum Building Footprint for that Building Type. A rear addition added to a Principal Building that does not exceed the maximum Building Footprint for that Building Type shall be part of the Main Massing of the building.

2. Dimensions.

	Min	Max
Width	=	Max width of rear wall, less 2 ft
Footprint	=	50% of Principal Building Footprint
Height	=	Stories equal to the principal building type

Permitted Setback Encroachments		
Front	=	0 ft
Side & Rear	=	0 ft

3. Standards.

- a. A rear addition may extend only backward from the rear of a building
- b. Rear additions may be centered or offset at the rear wall of the Principal Building, provided they share at least 6 feet with the common wall.
- c. The slope of any pitched roof of a rear addition must be equal to or less than slope of the roof of the Principal Building
- d. A rear addition may be used for vehicular parking, provided it complies with Garage Design Standards (see Sec. 3.4.2).

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. A Dormer constitutes a Building Component only if its addition to the Main Massing of a Principal Building would exceed the maximum Number of Stories or Story Height for that Building Type. A dormer added to a Principal Building that does not exceed the maximum Number of Stories or Story Height for that Building Type shall be part of the Main Massing of the building.

Commented [A56]: Is a fenestration % needed or does the definition cover it?

2. Dimensions.

Width (max)	Window(s) width + 18 in
Side Wall Setback (min)	
Roof with eave	0 ft
Roof without eave	1 ft
Front and Rear Wall Setback	3 ft

- 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.

2.3 Standards.

- a. Dormers may be used with any roof with a minimum slope of 4:12 (18.43°) type, except the flat roof.
- b. No dormer may extend above the roof ridge line.
- c. 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. 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 half-story, 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 half-story roofs (Sec. 2.6.3.D), a gable or low-gable roof type.
  - b. The ridge and eave of the cross gable must be structurally integrated into the ridge and eave of the principal building roof.

Commented [A57]: Why is 50% the maximum?

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 a roof deck may be up to the lesser of 400 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 feet back from all building edges, and 10 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.

Commented [A58]: Some of this seems to prescriptive, but maybe there is a reason related to issues in the current code?

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.
  - 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 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 3 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 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 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 feet in height.
- 2. Any artwork fitting within a bounding box of 100 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 or temporary sport court or swimming pool must meet the setback requirements 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

**Commented [A59]:** Allow for a Special Permit to exceed 700 square feet, consistent with current practice.

**Commented [A60]:** Review maximum number of stories, particularly for smaller footprint accessory buildings in order to not disincentivize accessory apartments.

- a. No accessory building may exceed 22 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. No portion of an Accessory Building shall be less than 5 feet from any point on any principal building on the subject lot~~
    - ~~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.~~
- 4. Accessory Garden Buildings.
  - a. Animal house. (e.g. dog house, horse barn)
    - i. Accessory buildings used for the keeping of animals must meet the setbacks for a principal building.
  - b. Greenhouse.
    - i. Permanent greenhouses exceeding ~~700300~~ square feet on the ground floor must meet the setbacks for a principal building.

### 3.4. Design Standards

#### ~~3.4.1. Building Design Standards~~

##### ~~A. Contextual Front Setback~~

~~Notwithstanding the front setbacks identified for each zoning district, new construction must have a contextual front setback as follows:~~

- ~~1. If the subject lot is an interior lot, the minimum and maximum front setbacks are equal to the actual distances that principal structures are set back from the front lot line on the two abutting lots of the same block face. See Figure 3.1 (a):~~
- ~~2. If the subject lot is a corner lot, the minimum front setback is equal to the actual distance that the principal structure is set back from the front lot line on the abutting lot that is oriented toward the same thoroughfare.~~
- ~~3. The contextual front setback provision does not exempt any building from complying with the maximum front setback required for each zoning district.~~

#### 3.4.1. Garage Design Standards

##### A. Purpose.

- 1. To prevent garages from obscuring the main entrance from the street and ensure that there is a physical and visual connection between the living area of residential buildings and the street;
- 2. Ensure that the location and amount of living areas of residential buildings, as seen from the street, are more prominent than structured parking or garages;
- 3. Ensure that the main entrance for pedestrians, rather than motor vehicles, is the prominent entrance;
- 4. Provide for a more pleasant pedestrian environment by preventing garages from dominating the views of the neighborhood from the sidewalk; and

**Commented [A61]:** Discussion at ZAP and with the Building Professionals focused on removing overly restrictive/prescriptive regulations. From this, staff recommended removing the contextual front setback requirement in favor of a minimum and maximum range per district. There was not consensus on this and it may be appropriate to keep the requirement for certain districts (R4, N) and not require in others (R1, R2, R3). Another option is to maintain the Contextual Front Setback as an option, not the requirement.

**Commented [A62]:** This section has been updated to reflect the changes made to the garage ordinance as amended within the current ordinance.

- 5. Enhance public safety by preventing garages from blocking views of the street from inside the residence.

B. Applicability.

Garage Design Standards apply in all Residence Districts

C. Garage, defined.

~~An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an Accessory Building (See Sec. 3.3.5).~~

- 1. Garage. An attached or detached structure, or portion of a structure, that is able to be accessed by an automobile or is used or intended to be used primarily for the storage or parking of 1 or more automobiles. A detached Garage is an Accessory Building (See Sec. 3.3.5).
- 2. Front Facing Garage. A Garage with a Garage Door or Doors facing the Primary Front Lot Line at an angle between 0 and 59 degrees perpendicular to the Primary Front Lot Line. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line. ~~A garage, where the primary door or doors through which automobiles enter the garage faces the Primary Front Lot Line. On corner lots, a Front Facing Garage faces the Primary Front Lot Line.~~
- 3. Side Facing Garage. A Garage with a Garage Door or Doors facing the Primary Front Lot Line at an angle between 60 and 90 degrees. The angle shall be measured between the Garage Door or Doors and a line parallel to the Primary Front Lot Line at the midpoint of the Primary Front Lot Line. If there is a curve at the midpoint, the angle shall be measured between the Garage Door or Doors and a line tangent to the curve at the midpoint of the Primary Front Lot Line. ~~A garage, where the primary door or doors through which automobiles enter the garage faces the Primary Front Lot Line at an angle between 45 and 90 degrees.~~
- 4. Garage Door. The door to a Garage that provides access for an automobile. Garage door width is measured from the inside face of the door jambs.
  - a. ~~Single Garage Doors are Garage Doors used for a single automobile to access a Garage.~~
  - ~~Double Garage Doors are Garage Doors used for 2 automobiles to access a Garage side-by-side.~~
- 5. Garage Wall. Any wall enclosing a garage including that wall containing the garage entrance.

D. Standards for Front Facing Garages

- 1. The sum of the width of all Garage Doors on a Front Facing Garage may be up to the following:
  - a. 45% of the total width of the Front Elevation, when a Front Facing Garage includes only Single Garage Doors.
  - b. 40% of the total width of the Front Elevation, when a Front Facing Garage includes a Double Garage Door only, or both a Double Garage Door and a Single Garage Door.
- 2. A Single Garage Door may be up to 9 feet wide.
- 3. A Double Garage Door may be up to 16 feet wide.

E. Standards for Side Facing Garages

- 1. A Side Facing Garage may be located in front of the Front Elevation, but not within the front setback, if it meets the following:
  - a. A minimum of 10% Fenestration on the Garage Wall facing the Primary Front Lot Line as measured from the exterior.
- 2. A Single Garage Door may be up to 9 feet wide.
- 3. A Double Garage Door may be up to 16 feet wide.

F. Standards for residential buildings with one unit

- 1. There may be no more than 700 square feet in total Garage area on a lot providing for no more than 3 automobiles. A lot may contain no more than one attached Garage and one detached Garage.

G. Additional Standards for residential buildings with two-units or more

- 1. Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 3.7. Garages may be attached or detached.
  - a. For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage and each Garage shall provide for no more than 2 automobiles.
- 2. Detached Garages. Centralized and underground garages are encouraged.
  - a. The number of detached garages on a property may not exceed one half of the number of units on the property, rounded down.
  - b. A detached garage of more than 700 square feet and providing for more than 3 vehicles is allowed by right if it meets the setbacks for a principal building.
  - c. By Special Permit, a detached garage of more than 700 square feet may be located within the setback, provided a minimum of 5 feet from the property line is maintained.
  - d. Review Criteria. In its discretion to approve or deny a Special Permit authorizing a detached garage in the setback, the Special Permit Granting Authority must find the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Design and siting are compatible with the neighborhood and adjacent residential properties.
    - iii. Strategies such as screening, landscaping, and window placement reduce effects on neighboring properties.

**Commented [A63]:** Review to determine if standards need to vary more based upon the number of units or stalls.

H. Exemptions

- 1. A detached or attached Front Facing Garage that is set back more than 10 feet from the Front Elevation is exempt from the standards for Front Facing Garages (Sec. 3.4.1.D).
- 2. Garages located on Rear Lots are exempt from the standards for Front Facing Garages (Sec. 3.4.1.D) and standards for Side Facing Garages (Sec. 3.4.1.E).

**Commented [A64]:** Is this duplicative of above, given the updated language? Need to review.

I. By Special Permit

- 1. For residential buildings with one unit: a Garage with provision for more than 3 automobiles, or a Garage of more than 700 square feet in area, or more than 2 Garages.

2. For residential buildings: the Front Elevation may 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.

General Standards

The Garage Wall of a Front Facing Garage may be no closer to the Primary Front Lot Line than 8 feet behind the Front Elevation of the building, except as follow:

A Garage Wall may be in alignment with the Front Elevation if there is a Porch at the main entrance, but no closer to the Primary Front Lot Line than the Porch, so long as the Porch meets the following:

- The Porch must be a minimum of 48 square feet in area, with no dimension less than 6 feet;
- The Porch must have a solid roof; and
- The roof may be no more than 12 feet above the floor of the Porch.

Garage doors on a Front Facing Garage providing spaces for 2 or more motor vehicles must provide individual doors for each space at a maximum width of 9 feet.

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:

- Penetrations on the Garage Wall elevation facing the Primary Front Lot Line, 20% minimum, 50% maximum; and
- The garage roof type and roof components, if applicable, match or complement the primary building.

4. Where the building Front Elevation is less than 22 feet long, an attached garage is not allowed as part of that elevation.

The length of an attached garage facing the Primary Front Lot Line may be up to 50% of the width of the Front Elevation.

On corner lots, only one street or right of way facing garage wall must meet the standards of this subsection.

Additional Standards for one-unit residential Building Types:

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

5. The length of an attached garage facing the Primary Front Lot Line may be up to 50% of the width of the Front Elevation or 12 feet, whichever is greater:

a. On corner lots, only one street or right of way facing garage wall must meet the standards of this subsection.

Additional Standards for residential Building Types with two-units or more:

Parking spaces in garages are counted toward the minimum number of accessory parking spaces required by Sec. 3.7. Garages may be attached or detached.

Attached Garages:

For each residential unit, there shall be no more than one attached garage and an attached garage shall provide for no more than 2 motor vehicles.

- a. ~~The length of an attached garage, or attached garages, facing the Primary Front Lot Line may be up to 50% of the total Front Elevation or 24 feet, whichever is greater.~~
- ~~— Detached Garages. Centralized and underground garages are encouraged.~~
  - ~~— The number of detached garages on a property may not exceed one half of the number of units on the property, rounded down.~~
  - ~~— A detached garage of more than 700 square feet and providing for more than 3 vehicles is allowed by right if it meets the setbacks for a principal building.~~
  - ~~— By Special Permit, a detached garage of more than 700 square feet may be located within the setback, provided a minimum of 5 feet from the property line is maintained.~~
  - ~~— Review Criteria. In its discretion to approve or deny a Special Permit authorizing a detached garage in the setback, the Special Permit Granting Authority must find the application meets the following criteria:~~
    - ~~— The criteria for all Special Permits specified in Sec. 11.4.3.~~
    - ~~— Design and siting are compatible with the neighborhood and adjacent residential properties.~~
    - ~~— Strategies such as screening, landscaping, and window placement reduce effects on neighboring properties.~~
- ~~— Exemptions:~~
  - ~~— In R1 districts where the garagehouse is more than 70 feet from the Primary Front Lot Line are exempt from the standards of this section.~~
  - ~~— Garages on lots which slope up or down from the Primary Front Lot Line with an average slope of 20% or more are exempt from the standards of this subsection.~~

### 3.5. Alternate Lot/Building Configurations

#### 3.5.1. Rear Lots

A. Purpose. The intent of this section is to diversify housing choices in the city while respecting the residential character and scale of existing neighborhoods. Rear Lot development allows for particularly deep residential lots to create an additional residential unit that is subordinate to the principal building.

A-B. Defined. A lot that has no or substandard frontage on a street, which has access to a street by either:

1. A "flag pole" or "pan-handle" shaped portion of the lot that is narrower than the minimum lot width and has street frontage, or
2. An easement over an adjoining lot that has street frontage.

B-C. Standards.

1. A rear lot may only be created from an interior lot.
2. A rear lot must meet the lot frontage, lot depth, setback, and lot coverage standards of the existing interior lot and the proposed rear lot.
3. The front lot line of a rear lot is the rear lot line of the adjoining lot fronting the street. may be either:

**Commented [A65]:** ZAP agreed that Rear Lot development should require a Special Permit at the October 15, 2020 meeting, similar to the current ordinance.

**Commented [A66]:** We should analyze the minimum lot size requirements for each district and potentially recommend a different front setback given the relationship between the front building is most important, which is already limited by the rear setback of the front lot.

- a. ~~The rear lot line of the adjoining lot fronting the street; or~~
  - b. ~~A lot line parallel to the driveway and perpendicular to the street as designated by the property owner at the time of the special permit application.~~
    - a. Minimum lot frontage is measured along this line.
4. No newly-created rear lot may create a non-conformity on the front lot. If the front lot does not have an existing principal building or is proposed for development/ redevelopment at the same time as the creation of the rear lot, the following minimum depth for the front lot is required in each district:

a. Residence 1:	100 ft
b. Residence 2:	75 ft
c. Residence 3:	75 ft
e.d. Residence 4:	75 ft
e.e. Neighborhood General:	100 ft

~~5. A building type placed on a rear lot configured according to 3.6.1.B.3.a must be placed such that no more than 50% of the building width is behind the building on the lot fronting the street, as viewed in a direct line from the existing interior lot and the proposed rear lot.~~

~~6.5. Only a House C building type may be placed on a rear lot.~~

~~C.D. Review Criteria.~~ The creation of a rear lot requires a special permit from the [Planning Board designated Special Permit Granting Authority](#) in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing the creation of a rear lot, 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 and landscaping are compatible with the neighborhood and adjacent properties.
3. Landscaping and other screening strategies serve to clearly delineate the private yards of the proposed dwelling on the rear lot and that of buildings on abutting lots.
4. Access to the rear lot is sufficient to accommodate public safety needs.

### 3.5.2. Multi-Unit Conversion

A. Purpose. The intent of this section is to diversify housing choices in the city while respecting the residential character and scale of existing neighborhoods.

#### B. Building Types.

The following building types may be altered or renovated to increase the number of residential units up to the maximum permitted by Sec. 3.5.2.D herein:

1. House A (Sec. 3.2.3)
2. House B (Sec. 3.2.4)
3. House D (Sec. 3.2.6)
4. Civic Building (Sec. 3.2.13)

**Commented [A67]:** These dimensions require additional analysis. Are they overly restrictive and possibly preventing desirable conditions?

**Commented [A68]:** ZAP generally agreed that Rear Lot development should be limited to the House C (small, cottage-type).

**Commented [A69]:** ZAP agreed at the December 14, 2020 meeting to remove by-right multi-unit conversions (up to 6-units) for non-village center suburban districts (R1 and R2) from the discussion at this time. Further discussion is needed on whether to allow multi-unit conversion by special permit, similar to the current ordinance. Further analysis is necessary to determine if, and how many units could be allowed by-right within districts adjacent or near village centers (R3, R4, and N), for example where they are allowed by Special Permit today.

An existing House A or Civic building type may be altered or renovated to install or increase the permitted number of residential units by special permit in accordance with the procedures described in Article 11.

C. No exterior alterations of the structure are allowed, except:

- 1. Building Components (See Sec. 3.3); or
- 2. Those necessary to comply with applicable Health, Building, and Fire codes

**Commented [A70]:** The Building Professionals have expressed the need to explicitly state other exceptions to avoid undesired outcomes, like exterior staircases. These exceptions, if defined and limited, could result in an overall better design.

D. The Special Permit Granting Authority is determined by the scale of the project (See Secs. 3.1).

The building must have been built at least 10 years prior to the date of application.

**Commented [A71]:** Question for Legal: Do we need to set a date to differentiate between new construction and existing or is this not needed?

E.D. The maximum number of residential units allowed in a building is subject to the following residential unit factors:

- 1. Base RU Factor = 1200/1250
- 2. 100% Affordable/Sustainable Design Standard RU Factor = 900

F.E. Development Review. Depending on the scale, a Multi-Unit Conversion may be by-right or require a Special Permit.

- 1. By Right. A Multi-Unit Conversion is by-right if it includes no more than 6 dwelling units.
- 2. By Special Permit. Multi-Unit Conversions with more than the by right number of units require a special permit. The Special Permit Granting Authority is determined by the scale of the project in accordance with Sec. 3.1.1.D.
  - a. Review Criteria. In its discretion to approve or deny a special permit authorizing multi-unit conversion of an existing building, the Special Permit Granting Authority must find that the application meets the following criteria:
    - i. The criteria for all Special Permits specified in Sec. 11.4.3.
    - ii. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
    - iii. Design and landscaping are compatible with the neighborhood and adjacent properties.
    - iv. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
    - v. On and Off-street parking available provides an adequate supply of parking (Sec. 3.7 drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.

**Commented [A72]:** 6-Units was chosen because of its relationship to the Inclusionary Zoning Ordinance. Staff provided data showing that limited opportunities exist to create a 6-unit conversion in Newton, but more can be done.

3.5.3. Courtyard Cluster

A. Purpose. The intent of this section is to provide an alternative housing option that promotes community interaction through compact living clustered around a semi-private shared open space. Because of the smaller than typical residential building types, Courtyard Cluster development is meant to provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings. Courtyard Clusters can provide flexibility for families as their needs change over time and, in particular, provide options for seniors looking to downsize.

**Commented [A73]:** ZAP agreed to remove Courtyard Clusters as an Alternative Lot/Building Configuration within the proposed R1, R2, and R3 at the October 15, 2020 meeting. ZAP agreed that Courtyard Clusters development should require a Special Permit in the R4 and N districts.

**A-B. Defined.** A series of smaller than typical residential building types surrounding a shared courtyard green space. The Courtyard Cluster is scaled to fit within neighborhoods of residential building types and provide units that are smaller than average for the area in a setting where some features, like parking and outdoor amenity spaces, are located in common facilities.

**B-C. Standards.**

1. **Lot Standards.**

District	Lot Size	Lot Frontage	Lot Coverage
	Min	Min	Max
R1	1 ac	50 ft	30%
R2	1 ac	50 ft	40%
R3	.75 ac	50 ft	50%
R4	.75 ac	50 ft	50%
N	.75 ac	50 ft	60%

**Commented [A74]:** Are the district standards enough to provide an adequate buffer with neighboring properties? Or are additional standards, such as planting requirements, needed?

2. **Building Types and Additional Standards.** The following building types may be used in a courtyard cluster. Unless varied by the standards listed here, all other standards for each building type apply.

District	Building Types	Footprint Limits
		Max.
Residence 1	House C	1200 sf
	House D	1400 sf
Residence 2	House C	1200 sf
	House B	
Residence 3	House C	1200 sf
	House B	
	Two-Unit Residence	
Residence 4	House C	1200 sf
	House B	
	Duplex Two-Unit Residence	
Neighborhood General	House B	House B.; House C; and Duplex: 1200 sf Triplex: 1400 sf
	House C	
	Duplex Two-Unit Residence	
	Triplex 3-Unit Building	

**Commented [A75]:** Staff proposed creating a standalone Courtyard Cluster building type, which received positive feedback. This will require additional analysis.

3. **Buildings must front the courtyard or the public street.** No building may orient a rear wall to the courtyard or street.

3-4. **Buildings must be separated by a minimum distance of 15 feet.**

4-5. **Courtyard Requirements.**

- a. A minimum of 400 square feet per unit of courtyard is required with a minimum width and depth of 20 feet.
- b. At least 50% of the buildings must abut the courtyard.
- c. All buildings must be within 60 feet of the courtyard as measured from the front door to the edge of the courtyard.
- d. The courtyard must have buildings abutting at least two sides.

~~5.6~~ Courtyard clusters may not contain streets.

~~6.7~~ Driveways may not be located between any building and the court.

~~7.8~~ Parking.

- a. Parking may be located in or under a building, in a surface lot, or in detached garages, provided that parking is screened from view from adjoining properties and the street.
- b. Parking may be located between any two buildings and a rear or side lot line.

~~8.9~~ An existing House A, House B, House C, House D, ~~Duplex~~~~Two-Unit Residence~~, ~~3-Unit Building~~~~Triplex~~, or Shop House which may be non-conforming with respect to the standards of this section, shall be permitted to remain, but the extent of the non-conformity with the courtyard cluster requirements may not be increased.

~~C-D~~. **Review Criteria.** A Courtyard Cluster requires a Special Permit in accordance with the procedures described in Article 11. In its discretion to approve or deny a special permit authorizing a courtyard cluster, 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 and landscaping are compatible with the neighborhood and adjacent properties.
- 3. The landscaped areas and trees are preserved and/or enhanced, especially to serve as a buffer to neighboring lots.
- 4. ~~On and Off~~-street parking available provides an adequate supply of parking (~~drawing guidance from existing standards in the Newton Zoning Ordinance~~~~Sec. 3.7~~) while also minimizing the presence of large parking areas and extensive areas of pavement.

3.5.4. **Multi-Building Assemblage**

A. **Purpose.** The intent of this section is to allow multiple principle building types to be built on a single lot. Buildings in an assemblage present and function as individual structures with varied character in order to lend visual interest and vibrancy to the mixed-use areas in which they are built.

B. **Assemblage, defined.** An assemblage is a series of attached or ~~related detached~~ buildings, assembling multiple principal building types on one lot, ~~or a series of connected lots.~~

C. **Standards.**

Multi-building Assemblage is allowed in the Neighborhood General (N) district in accordance with the following standards:

- 1. All lot standards must be met.
- 2. Buildings may be attached within the setbacks.
- 3. Each building in the assemblage must meet the standards for a building type allowed in the Neighborhood General District.
- 4. Townhouse Sections must be in a series of at least ~~23~~ but no more 8 sections.
- 5. All building front elevations must front on private- or public-ways.

**Commented [A76]:** Multi-Building Assemblage was not thoroughly discussed in Committee and requires additional explanation and analysis.

**Commented [A77]:** Do we need to be more specific here? Something we want to allow is Shop Houses or Townhouses within the N district to attach together (on one lot or connected lots) so they feel like one continuous building.

- 6. If buildings are attached, the front elevation setbacks from the front lot line must vary after every 3 adjacent buildings by at least 4 feet.
- 7. All buildings must have individual entrances. Except as allowed below, no building may be accessed through an adjacent building.
  - a. Underground parking may be connected and shared.
  - b. Ground floor non-residential spaces may be combined between adjacent buildings.
  - c. Floor-to-floor connections on upper stories may be allowed between attached buildings in an assemblage by special permit in accordance with Sec. 3.2.2. In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this section 3.5.4.
- 8. No more than 2 adjacent buildings, with the exception of a series of townhouses, may have the same primary roof orientation and/or type.
- 9. Each assemblage with a mix of commercial and residential uses with a total of more than 60 dwelling units must contain a minimum of 1 public gathering space adjacent to a public-way, in accordance with Sec. 2.10.

D. **Development Review.** Depending on the scale, a Multi-Building Assemblage may be by right or require a special permit.

- 1. **By Right.** An assemblage is by-right if it includes no more than 68 dwelling units or 8,000 square feet of commercial space.
- 2. **By Special Permit.** Multi-building assemblages with more than the by right number of units or square footage of commercial space require a special permit. The Special Permit Granting Authority is determined by the scale of the project in accordance with Sec. 3.1.1.D.
  - a. **Review Criteria.** In addition to the criteria described in Article 11, the Special Permit Granting Authority shall consider the purpose of this Sec. 3.5.4.

### 3.6. Allowed Uses.

#### 3.6.1. General Standards for Allowed Uses in the Residence Districts.

##### A. Permitted Uses

- 1. The use of real property is subject to the provisions of Article 9 Use Regulations.
- 2. Uses are permitted as specified in Sec. 3.6.2.
- 3. Use categories not expressly authorized are prohibited.
- 4. Uses permitted by Special Permit require additional development review in accordance with Article 9 and Article 11.
- 5. Number of residential units allowed and the size of building permitted is subject to the Building Type rules in Sec. 3.2.

##### B. Adaptive Reuse of Existing Buildings

The use of any principal building constructed before the effective date of this Ordinance may be changed by Special Permit from the [determined Special Permit Granting Authority Planning Board](#) to include any use within the following principal use categories in accordance with the table in 3.6.2 and according to the requirements and processes of Article 9 and Article 11.

**Commented [A78]:** ZAP expressed interest in creating a pathway for the adaptive reuse of existing buildings to help preserve them where appropriate and create 'walkable' attractions within neighborhoods.

1. The following use categories are allowed:
  - a. Arts Exhibition
  - b. Art Sales & Services
  - c. Community Center
  - d. Museum
  - e. Shared Workspaces & Arts Education
  - f. Restaurant/Café
  - g. General Office
2. **Review Criteria.** In its discretion to approve or deny a special permit authorizing an adaptive reuse of an existing building, the Special Permit Granting Authority must find that the application meets the following criteria:
  - a. The criteria for all Special Permits specified in Sec. 11.4.3.
  - b. Design, landscaping, and property management strategies are compatible with the neighborhood and adjacent residential properties.
  - c. Location relative to the transportation system, ensuring that the proposed customer base, clients, and/or suppliers, can readily get to the proposed location while minimizing disruption to the neighborhood.
  - d. On and off-street parking available provides an adequate supply of parking (drawing guidance from existing standards in the Newton Zoning Ordinance) while also minimizing the presence of large parking areas and extensive areas of pavement.
  - e. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.

**Commented [A79]:** Should any of these uses be allowed by-right?

**C. Permitted Accessory Uses.**

1. The use of real property is subject to the provisions of Article 9 Use Regulations.
2. Accessory Uses permitted by Special Permit require additional development review in accordance with Article 9 and Article 11.

**3.6.2. Use Table.**

The following use categories and specific uses are permitted in the Residence Districts:

**Commented [A80]:** Overall the uses in the proposed use table aligns with the uses found in the current ordinance use. Specific uses were not thoroughly reviewed by ZAP.

Use Category Specific Use	R1	R2	R3	R4	N	Definitions & Use Specific Standards
Residential Use Categories						
Household Living Uses	P	P	P	<u>P</u>	P	
Group Living Uses (except as follows)	SP	SP	SP	<u>SP</u>	SP	
• Community / Group Residence	P	P	P	<u>P</u>	P	
• Dormitory, Student Residences	SP	SP	SP	<u>SP</u>	SP	
• Lodging House	N	N	SP	<u>SP</u>	SP	
• Nursing Home / Assisted Living Facility	SP	SP	SP	<u>SP</u>	SP	

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Arts & Creative Enterprise Use Categories						
Artisan Production Uses	N	N	N	<a href="#">SP</a>	P	
Arts Exhibition Uses	SP	N	N	<a href="#">N</a>	SP	
Arts, Sales & Service Uses	SP	SP	SP	<a href="#">SP</a>	P	
Shared Workspaces & Arts Education Uses	SP	N	N	<a href="#">SP</a>	SP	
Work/Live Creative Studio Uses	N	N	N	<a href="#">SP</a>	P	
Civic & Institutional Use Categories						
Community Center Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Minor Utility Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Major Utility Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Museum Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Private, Non-profit Club or Lodge Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Public Service Uses	P	P	P	<a href="#">P</a>	P	
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	L	<a href="#">L</a>	L	
Commercial Service Use Categories						
Animal Service Uses (as noted below)	-	-	-		-	
• Veterinarian	N	N	N	<a href="#">N</a>	SP	
Banking & Financial Service Uses	N	N	N	<a href="#">N</a>	SP	
Building & Home Repair Service Uses	N	N	N	<a href="#">N</a>	P	
Business Support Service Uses	N	N	N	<a href="#">N</a>	P	
Day Care Service Uses (as noted below)	--	--	--	<a href="#">--</a>	--	
• Adult Day Care Center	SP	SP	SP	<a href="#">SP</a>	SP	
• Child Day Care Center	P	P	P	<a href="#">P</a>	P	
Educational Institution Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Maintenance & Repair of Consumer Goods Uses	N	N	N	<a href="#">N</a>	SP	
Personal Service Uses (as noted below)	-	-	-	<a href="#">--</a>	-	
• Funeral Home	N	N	N	<a href="#">N</a>	P	
• Health Care Provider	N	N	N	<a href="#">N</a>	SP	
Eating and Drinking Use Categories						
Restaurant/Café Uses	SP	SP	SP	<a href="#">SP</a>	SP	
Lodging Use Categories						
Bed & Breakfast Uses	SP	SP	SP	<a href="#">SP</a>	SP	

Motor Vehicle-Oriented Use Categories						
Motor Vehicle Parking Uses (as noted below)	--	--	--		--	
• Off-Site Accessory Parking	N	N	N	<u>N</u>	SP	
Office Use Categories						
Co-Working Uses	N	N	N	<u>N</u>	P	
General Office Uses	SP	SP	SP	<u>SP</u>	P	
Open Space Use Categories						
Farming Uses	P	P	P	<u>P</u>	P	
• Community Gardening	P	P	P	<u>P</u>	P	
Private Cemetery Uses	P	P	P	<u>P</u>	P	
Resource Extraction Uses	SP	SP	SP	<u>SP</u>	SP	
Retail Sales Use Categories						
Consumer Goods Uses (Except as Follows)	N	N	N	<u>N</u>	P	
• Fresh Food Market or Grocery Store	N	N	N	<u>N</u>	P	
• Farmer/Vendor Market	N	N	N	<u>N</u>	P	
Accessory Uses	R1	R2	R3	<u>R4</u>	N	
Uses typically found as accessory to permitted principal uses.	P	P	P	<u>P</u>	P	
Uses typically found as accessory to household living.	P	P	P	<u>P</u>	P	
Accessory Apartment	--	--	--	<u>--</u>	--	
• Internal	P	P	P	<u>P</u>	P	
• Detached	SP	SP	SP	<u>SP</u>	SP	
A.T.M.	N	N	N	<u>N</u>	P	
Car Share & Bike Share	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>P</u>	
Commercial Vehicle Parking	P	P	P	<u>P</u>	P	
Home Business Uses	P	P	P	<u>P</u>	P	
• Day Care	P	P	P	<u>P</u>	P	
Short Term Rental	P	P	P	<u>P</u>	P	
P = Permitted, N = Not Allowed, L = Allowed with Limitations, SP = Special Permit						

**Commented [A81]:** Should this use be allowed in all districts?

**Commented [A82]:** The Planning Board suggested parking requirements should be eliminated or reduced near public transit and village centers. In addition, other tools (outside zoning) need to be used to further reduce car usage if that is a goal.

**Commented [A83]:** ZAP expressed concern of exempting 1- and 2- unit homes from providing parking as it would lead to developers not providing on-site parking and end up with additional cars parked on the street. It should be noted that exempting parking does not mean it cannot or will not be provided. In addition, cities like Buffalo, Edmonton, Emeryville, Hartford, Hudson (NY), and San Francisco have removed minimum parking requirements citywide. Many more, including Fremont, Hayward, Lancaster, Los Angeles, Mountain View, Oakland, Sacramento, San Diego, and Santa Monica have removed them in some neighborhoods. Further discussion and analysis is necessary.

3.7. Parking Requirements in the Residence Districts.

3.7.1. General Standards.

A. Required Accessory Parking Spaces.

Vehicular and bicycle parking must be provided as specified in Sec. 3.7.3, except as follows:

- 1- and 2-unit residential buildings are exempt from the requirements of Sec. 3.7.3.

- 2. Ground story non-residential uses with 5,000 square feet or less of gross leasable floor area are exempt from the requirements of Sec. 3.7.3.
- 3. There are no parking requirements for accessory uses.
- 4. Parking may be shared between uses on the same lot and buildings within 500 linear feet as measured along the street in accordance with Article 8.
- 5. One on-street parking space, where permitted, for every 20 feet of lot width may be counted toward any minimum parking requirement for all allowed use categories, except residential use categories.

**Commented [A84]:** ZAP expressed general support for this provision, though some disagreed.

B. Vehicular Parking Space Types.

Accessory motor vehicle parking spaces may be provided as off-street surface parking spaces, structured parking spaces, and on-street parking spaces.

C. Unbundled Market Rate Parking.

- 1. Off-street motor vehicle parking spaces must be rented, leased, or sold as a separate option rather than a requirement of the rental, lease, or purchase of a residential unit or non-residential floor space.
- 2. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

**Commented [A85]:** This section requires further clarification.

D. Parking Design.

The design of all parking is subject to Article 8 of this Ordinance.

E. Driveway Access.

- 1. Driveways must be paved with paving stones, grass pavers, pervious concrete, or porous asphalt unless graded to direct runoff onto onsite permeable areas or granted a waiver by the City Engineer to mitigate adverse site conditions.
  - a. Ribbon driveways are highly encouraged
- 2. Ribbon Driveways must have paved tracks that are at least 2 feet in width and 5 feet on center with an unpaved area that is at least 3 feet in width.
- 3. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas. Driveways may be located within the required side setback area provided the driveways are located at least 3 feet from the side lot line.
- 4. No parking stall may be located within any required setback area, with the exception that up to 2 parking stalls may be located in a side setback area. No parking stall may be located between the building Front Elevation and the street.
- 5. Residential buildings with eight units or less are limited to a one-way driveway.
- 6. One-way driveways may be no wider than 12+0 feet at the property line. Two-way driveways may be no wider than 20 feet at the property line. These maximum driveway widths must be maintained for a minimum distance (measured perpendicularly from the property line) based upon the following:

**Commented [A86]:** Generally there was support for controlling driveways, in some fashion, to further limit the impact of garages/cars on the public realm

**Commented [A87]:** Language to be coordinated with the updated Stormwater Ordinance currently being revised.

**Commented [A88]:** Building professionals feel that engineered systems combined with standard paving (i.e. asphalt) work better than pervious engineered systems for controlling runoff.

**Commented [A89]:** Does this negatively impact narrow lots?

**Commented [A90]:** Will not allowing parking within the rear setback impact the feasibility of certain developments (ex. Townhomes with parking in the rear or a triplex/multiplex? In areas closer to village centers we have a goal of moving parking out of view, allowing parking in the rear setback seems to achieve that and offers greater flexibility. Further review of prohibiting parking between the front elevation and the street is also needed as it may prevent parking in a driveway.

District	Distance Measured from the Lot Line
	Min
R1, R2	10 ft
R3, R4, N	5 ft

- 7. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists among all affected property owners.

- 8. Only one curb cut is permitted per Lot, except:
  - a. A maximum of two curb cuts are permitted on a Lot with a residential Building Type with two-units or more, when a minimum distance of 35 feet between each curb cut is maintained.
  - b. Corner Lots and Through Lots may have a maximum of one curb cut per Front Lot Line.
- 9. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
  - a. Curb cuts for residential driveways must be at least 20 feet from an unsignalized intersection and at least 40 feet from a signalized intersection unless otherwise approved by the City Engineer.
- 10. Curb cuts may be no wider than 12 feet if providing access to a one-way driveway and no wider than 22 feet if providing access to a two-way driveway.
- 11. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway. The appearance of the walkway (i.e. scoring pattern or paving material) must indicate that, although a vehicle may cross, the area traversed by a vehicle remains part of the sidewalk.

Commented [A91]: Should a second curb cut only be allowed by Special Permit?

F. Off-site Parking on a Contiguous Lot.

Required accessory vehicular parking spaces, excluding required parking for disabled persons, may be provided on a contiguous lot under the same ownership as the lot that the parking will serve with a Special Permit.

- 1. The following additional standards apply:
  - a. Pedestrian access to off-site vehicular parking must be via a paved sidewalk or walkway.
  - b. A lease, recorded covenant, or other comparable legal instrument guaranteeing long term use of the site must be provided to the Special Permit Granting Authority or Commissioner of Inspectional Services, as appropriate, and executed and filed with the Registry of Deeds.

3.7.2. Parking Relief

- A. Relief from the number of required accessory parking spaces in Sec. 3.7.3. requires a special permit from the determined Special Permit Granting Authority~~Planning Board~~.
- B. Review Criteria. In its discretion to approve or deny a special permit authorizing relief from the parking standards of Sec. 3.7.3, the Special Permit Granting Authority must find that the application meets the following criteria:
  - 1. The supply and demand of on-street parking in the neighborhood is adequate, as determined through a parking study.
  - 2. Mobility management programs and services have been provided by the applicant to reduce the demand for parking.
  - 3. There is availability and access to public transportation options.
  - 4. That parking provided in excess of any maximum permitted must be paved with paving stones, grass pavers, pervious concrete, or porous asphalt, does not result in the increase in impervious lot area.

3.7.3. Required Number of Accessory Parking Spaces.

The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the Residence Districts:

Use Category Specific Use	Bicycle Parking		Motor Vehicle	
	Short (min)	Long (min)	Min	Max
<b>Residential Use Categories</b>				
Household Living Uses	-	0.5 / DU	1.0 / DU	2.0 / DU
Group Living Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Arts &amp; Creative Enterprise Use Categories</b>				
Artisan Production Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2.0 / 1,000 sf
Arts Exhibition Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Arts, Sales & Service Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Shared Workspaces & Arts Education Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Work/Live Creative Studio Uses	0.5 / DU	0.1 / DU	1.0 / DU	2.0 / DU
<b>Civic &amp; Institutional Use Categories</b>				
Community Center Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Minor Utility Uses	n/a	n/a	n/a	n/a
Major Utility Uses	-	-	-	-
Museum Uses	1.0 / 10,000 sf	1.0 / 3,000 sf	2.0 / 1,000 sf	5.0 / 1,000 sf
Private, Non-profit Club or Lodge Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf
Public Service Uses	-	-	-	-
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	1.0 / 1,000 sf	1.0 / 2,500	2.0 / 1,000 sf	8.0 / 1,000 sf
<b>Commercial Services Use Categories</b>				
Animal Services Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	3.5 / 1,000 sf
Banking & Financial Services Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
Building & Home Repair Service Uses	-	1.0 / 2,500 sf	1.0 / 1,000 sf	2 / 1,000 sf
Business Support Service Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Day Care Service Uses	1.0 / 5,000 sf	1.0 / 1,000 sf	1.5 / 1,000 sf	3.0 / 1,000 sf
Educational Institution Uses	1.0 / 1,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Maintenance & Repair of Consumer Goods Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Personal Service Uses	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 1,000 sf	4.0 / 1,000 sf

**Commented [A92]:** Should parking minimums be removed altogether? There is a current docket item to that end. ZAP members were split on this.

**Commented [A93]:** The Planning Board supported reducing/eliminating parking minimums because adding parking to MF housing often makes projects infeasible, especially affordable development.

**Commented [A94]:** No ZAP member spoke against incorporating parking maximums.

Attachment A

[DRAFT: 02/12/2021](#)

Eating and Drinking Use Categories				
Restaurant/Café Uses	1.0 / 2,000 sf	1.0 / 2,000 sf	4.0 / 1,000 sf	8.0 / 1,000 sf
Lodging Use Categories				
Bed & Breakfast Uses	-	-	1.0 / bedroom	3 + 1.0 / bedroom
Motor Vehicle Oriented Uses				
Motor Vehicle Parking Uses	-	-	-	-
Office Use Categories				
Co-Working Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.5 / 1,000 sf	3.5 / 1,000 sf
General Office Uses	1.0 / 5,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	2.5 / 1,000 sf
Open Space Use Categories				
Farming Uses	-	-	-	-
Private Cemetery Uses	-	-	-	-
Resource Extraction Uses	-	-	-	-
Retail Sales Use Categories				
Consumer Goods Uses	1.0 / 2,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf

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