



Newton 1st Draft Zoning Ordinance Residence Districts

Zoning and Planning
Committee

11.26.18

Agenda

Overview

Residential Districts

Alternative Lot/Building Configurations

Allowed Uses





Overview

Overview

Residence Districts provide the rules for development in Newton's neighborhoods.

- 1. District Lot Standards – Setbacks, Lot Coverage, Frontage**
- 2. Building Design – Massing & Height**
- 3. Alternative Configurations**
- 4. Land Use**

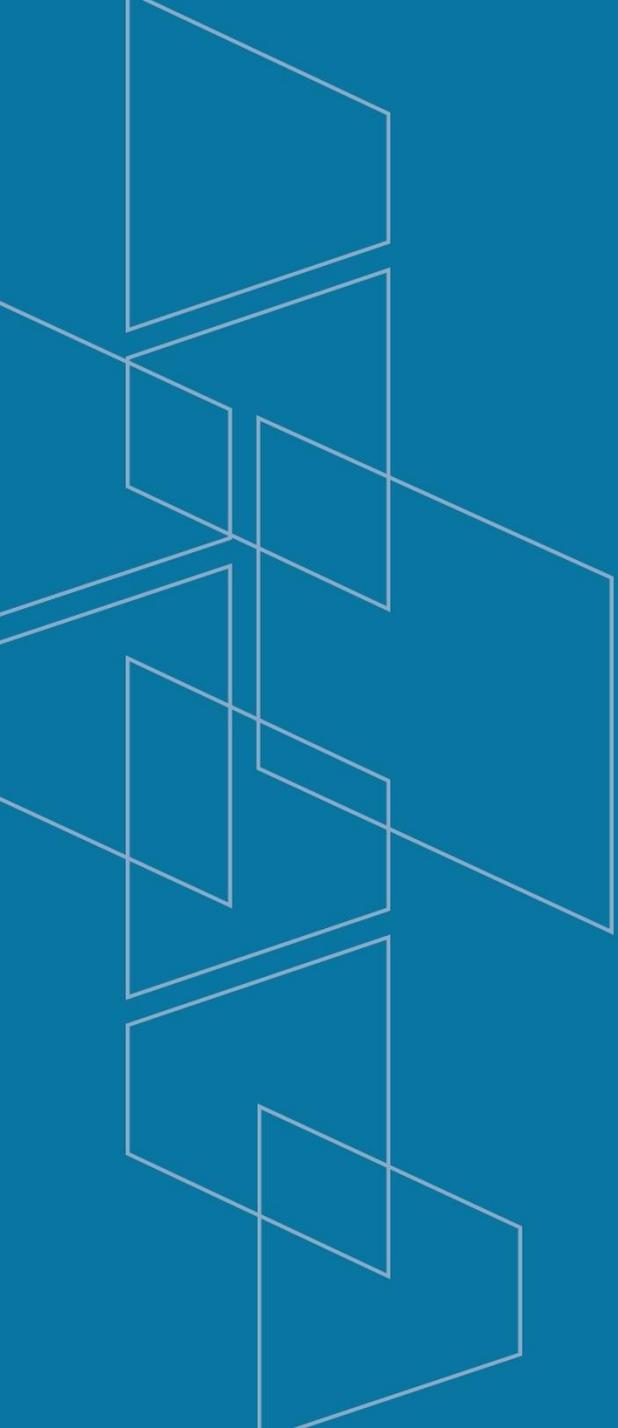
Overview

Residence Districts:

- **Starting point was to develop a set of data driven standards – utilized pattern book**
 - **Continued refinement**
 - **Time for policy questions to be resolved**
- **Challenge of balancing competing interests**

Balance

- **Property rights**
 - **Reasonable expansion / tear-downs**
- **Property values & tax revenue**
- **Neighborhood character and natural evolution in response to changing social, economic, and environmental conditions**



Residential Districts

Districts and Building Types

Residence 1
District

House A
(3.2.3)

House B
(3.2.4)

House C
(3.2.5)

House D
(3.2.6)

Civic Building
(3.2.14)

Districts and Building Types

Residence 2
District

House B
(3.2.4)

House C
(3.2.5)

House D
(3.2.6)

Civic Building
(3.2.14)

Districts and Building Types

Residence 3
District

Two-Unit
Residence
(3.2.7)

Apartment House
(3.2.8)

House B
(3.2.4)

House C
(3.2.5)

Small Apartment
Building
(3.2.10)

Civic Building
(3.2.14)

Districts and Building Types

Neighborhood
General
District

House B
(3.2.4)

House C
(3.2.5)

Two-Unit
Residence
(3.2.7)

Apartment House
(3.2.8)

Townhouse
Section
(3.2.9)

Small Apartment
Building
(3.2.10)

Shop House
(3.2.11)

Small Multi-use
Building
(3.2.12)

Small Shop
(3.2.13)

Civic Building
(3.2.14)

12 Acorn Dr

Setbacks and Components

an R2 District Example

12 Acorn Dr

SBL 44029 0010

District:

- current **SR3**
- 1st draft **R2**

Constructed 1960

2017 - Approved to further encroach in front setback



	Current Ordinance		First Draft Ordinance	
	Requirement	Approved Project	Requirement	Approved Project
Frontage	Min. 80 ft	61 ft - nonconforming	60-110 ft	61 ft
Lot Coverage*	Max. 30%	15.1%	Max. 35%	32.9%
Setbacks	(min)		(min or range)	
Front (Acorn Dr)	30 ft	19.7 ft – required S.P. to extend nonconforming	23-40 ft	27.2 ft – exposed covered entry
Side (north)	10 ft	16.5 ft	10 ft	16.5 ft
Side (south)	10 ft	10.4 ft	10 ft	10.4 ft
Rear	15 ft	51.2 ft	20 ft	11.2 ft
Lot Size	Min. 10,000 sf	7,609 sf - nonconforming	-	-
Min. Open Space	Max. 50%	74%	-	-
Frontage Buildout	-	-	Min. 15.25 ft	22.3 ft
Footprint	-	-	Max. 1,600 sf	992 sf
Height (Max Stories)	Max. 2.5 stories	2.5 stories	Max. 2.5 stories	2.5 stories
FAR	Max. 0.47	0.26	-	-

Proposal Becomes BY-Right

12 Acorn Dr

SBL 44029 0010

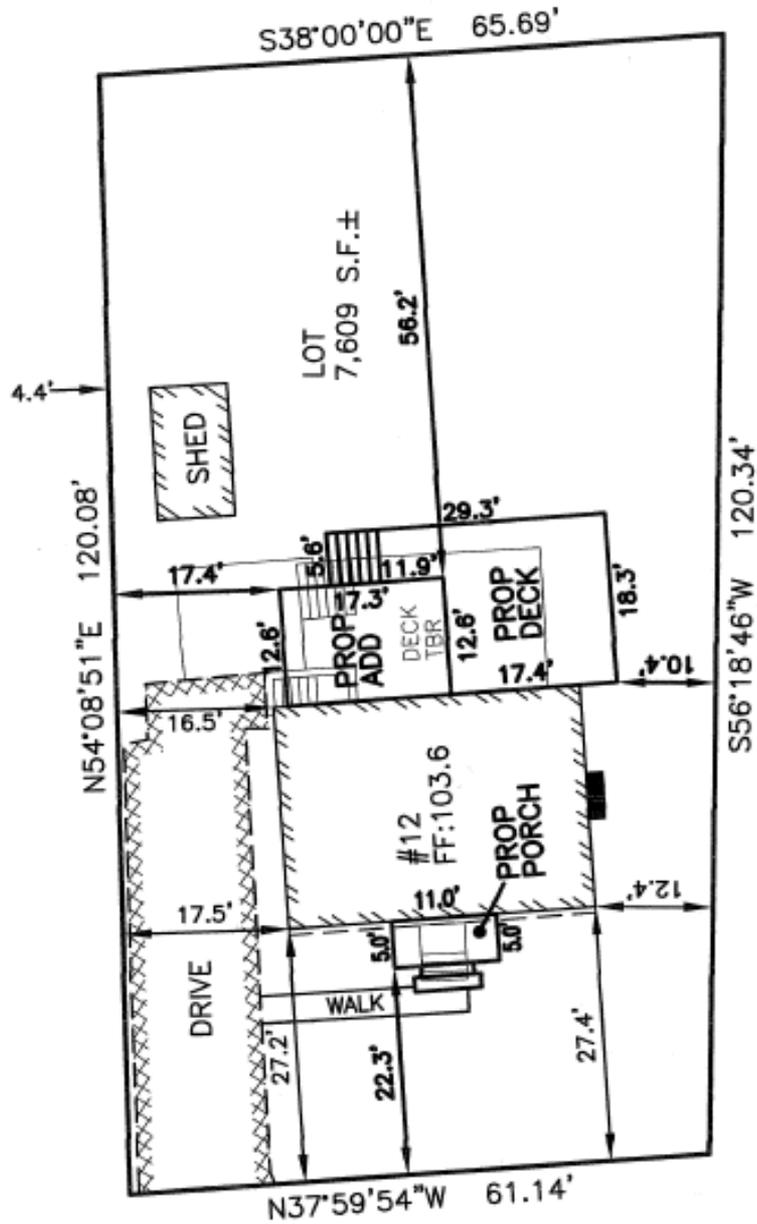
Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B, C, or D
(1 unit household living)
- Civic Building
(civic institution)

Special Permit Options

- none



ACORN DRIVE

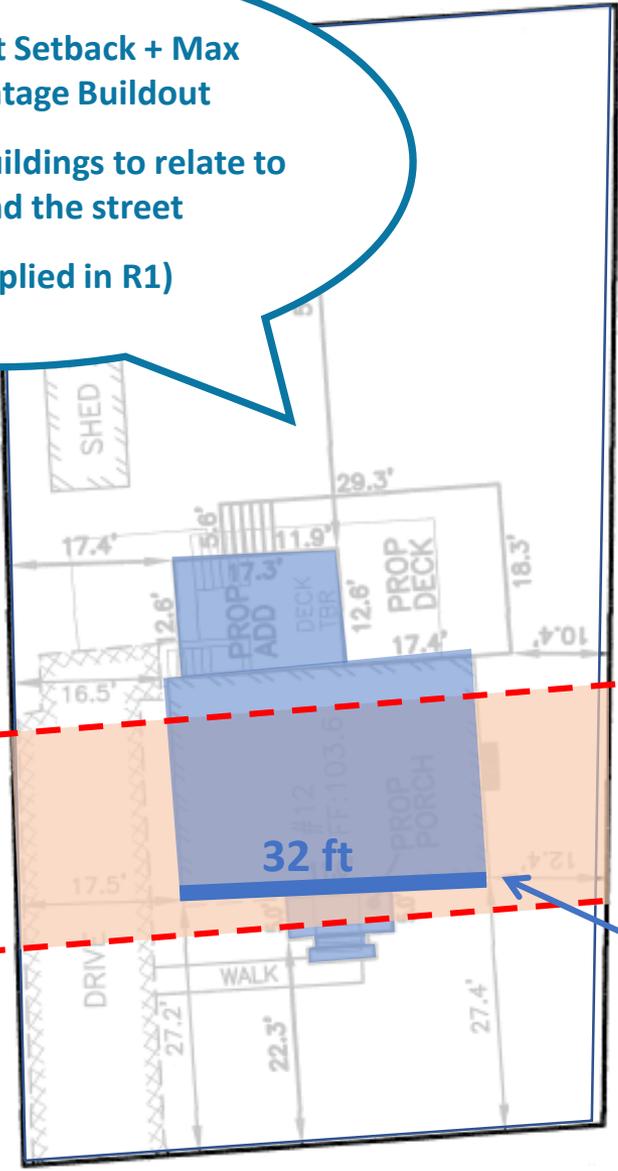
12 Acorn Dr

SBL 44029 0010

Demonstrates front setback mechanism:

- Contextual Setback
- Maximum Setback
- Frontage Buildout

Contextual Front Setback + Max Setback + Frontage Buildout together require buildings to relate to neighbors and the street
(Tool not applied in R1)



↑
Contextual Setback (right side): 129 ft

Max Setback: 40 ft

Contextual Setback (left side): 23 ft

Frontage Buildout
Min. 25% of 61
= 15.25 ft

ACORN DRIVE

12 Acorn Dr

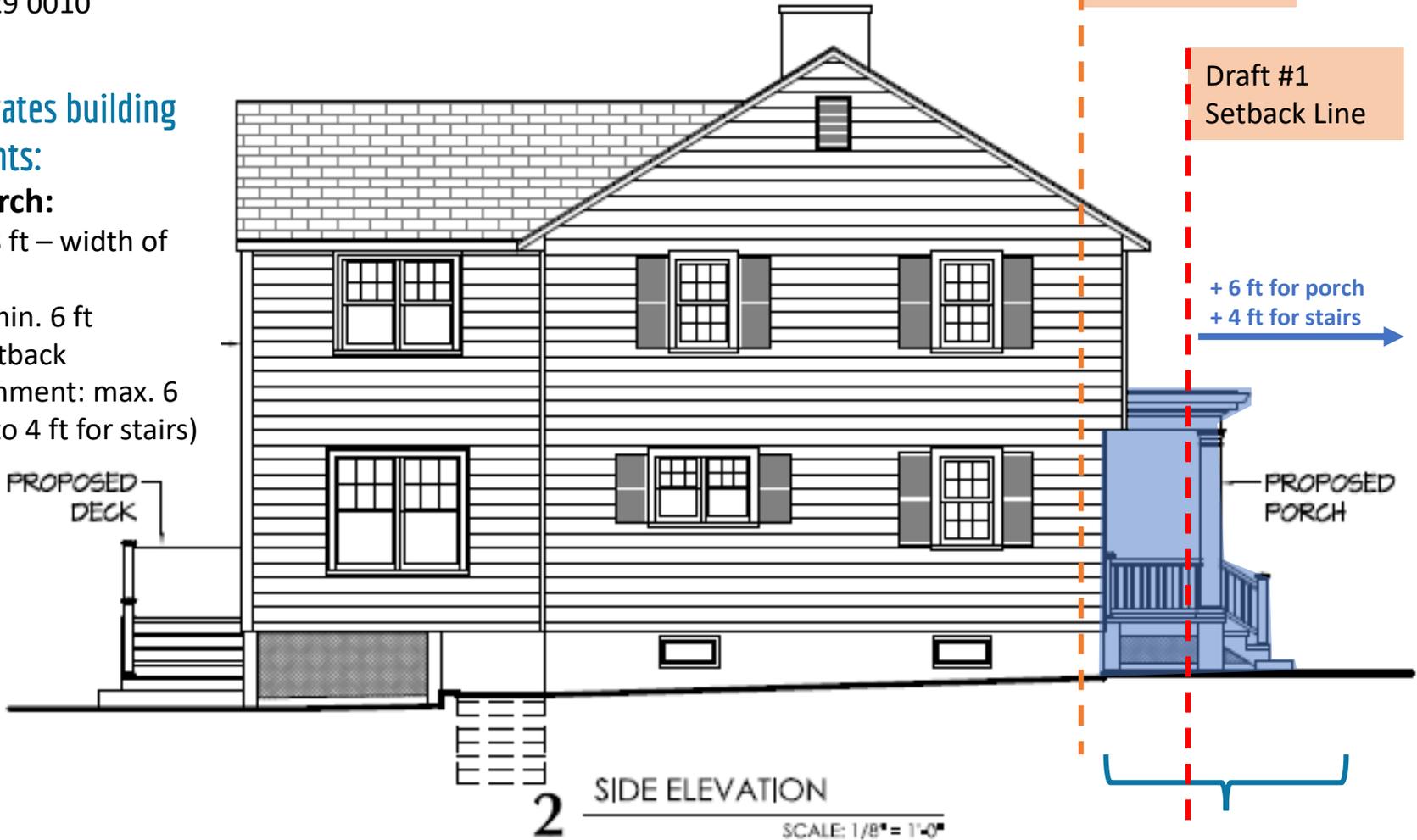
SBL 44029 0010

Demonstrates building components:

Front Porch:

- Width: 8 ft – width of façade
- Depth: min. 6 ft
- Front Setback encroachment: max. 6 ft + (up to 4 ft for stairs)

PROPOSED DECK



Current Setback Line

Draft #1 Setback Line

+ 6 ft for porch
+ 4 ft for stairs

PROPOSED PORCH

2 SIDE ELEVATION
SCALE: 1/8" = 1'-0"

Required SP under current ordinance
By-right under Draft #1

12 Acorn Dr

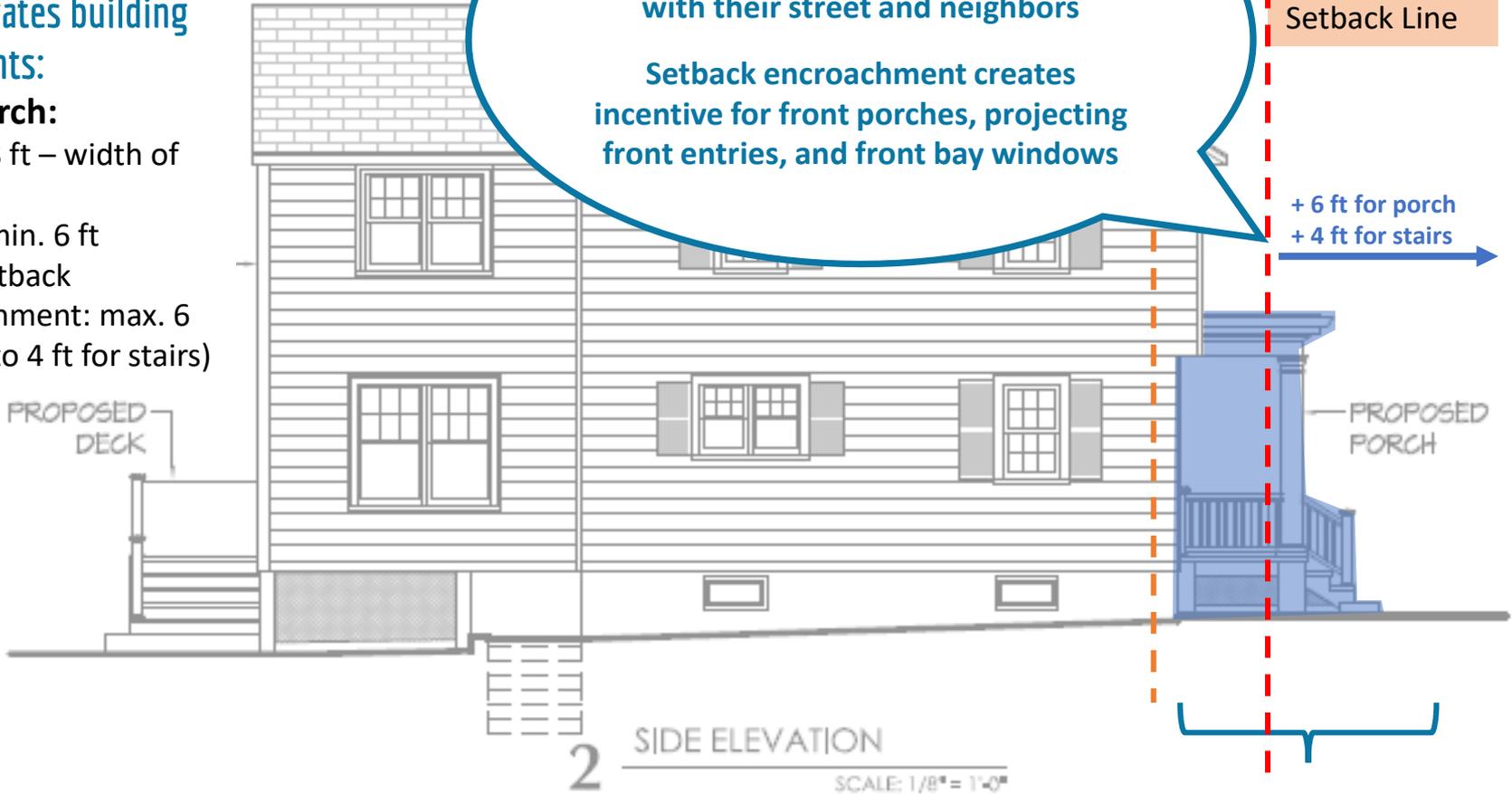
SBL 44029 0010

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Current Setback Line

Draft #1 Setback Line

+ 6 ft for porch
+ 4 ft for stairs

PROPOSED PORCH

2

SIDE ELEVATION

SCALE: 1/8" = 1'-0"

Required SP under current ordinance
By-right under Draft #1

1 Mary Mount Rd

Corner Lots and Changing a Building Type
an R1 District Example

1 Mary Mount Rd

SBL 43039 0010

District:

- current **SR1**
- 1st draft **R1**

Constructed 1952

Approved S.P. for addition in 2017



	Current Ordinance		First Draft Ordinance	
	Required	Approved Project	Required	Approved Project
Frontage	100 ft	130 ft	80 ft	130 ft
Lot Coverage*	20%	23.8% - Special Permit	30%	32.6% - S.P. required for 30%
Setbacks				
Front (Washington)	25 ft	29.6 ft	20 ft	29.6 ft
Front (Marymount)	25 ft	25.9 ft	20 ft	25.9 ft
Side	12.5 ft	13.6 ft	15 ft	13.6 ft - Variance
Rear	25 ft	28.6 ft	15 ft – SIDE too	28.6 ft
Lot Size	15,000 sf	15,021 sf	-	-
Min. Open Space	65%	67.6%	-	-
Frontage Buildout	-	-	-	-
Footprint	-	-	2,500 sf	3,586 sf - Too Large for S.P. House A, Ok for House D
Height (Max Stories)	2.5 stories	2 stories	2.5 stories	2 stories
FAR	0.31	0.29	-	-

Proposal Requires Changes

1 Mary Mount Rd

SBL 43039 0010

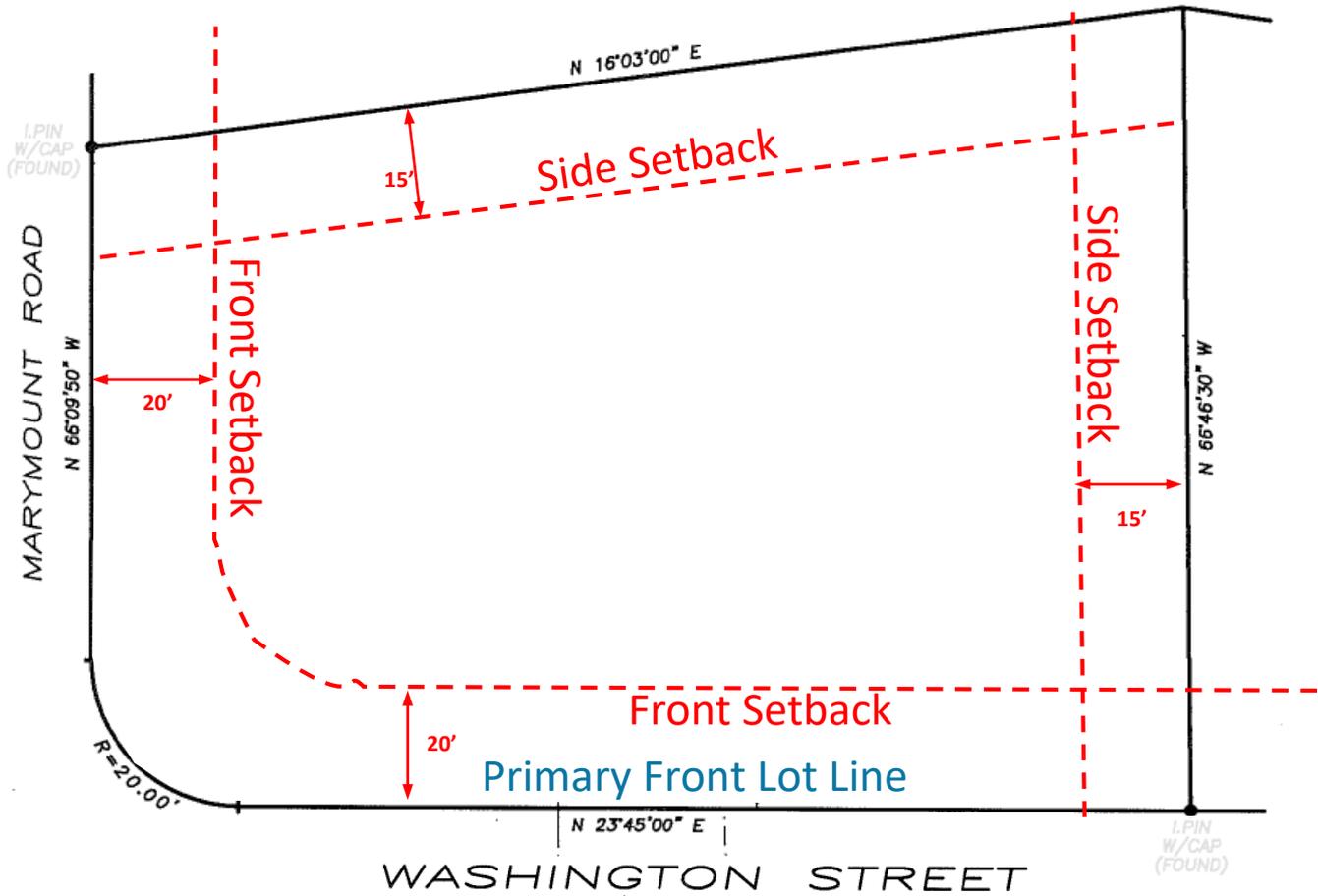
Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House A, B, C, or D
(1 unit household living)
- Civic Building
(civic institution)

Special Permit Options

- Larger footprints
- Multi-Unit conversion of a House A
(10 years+ after construction)



Current ordinance: Pick 1 front lot line and the one opposite is a “rear lot line” with rear setback

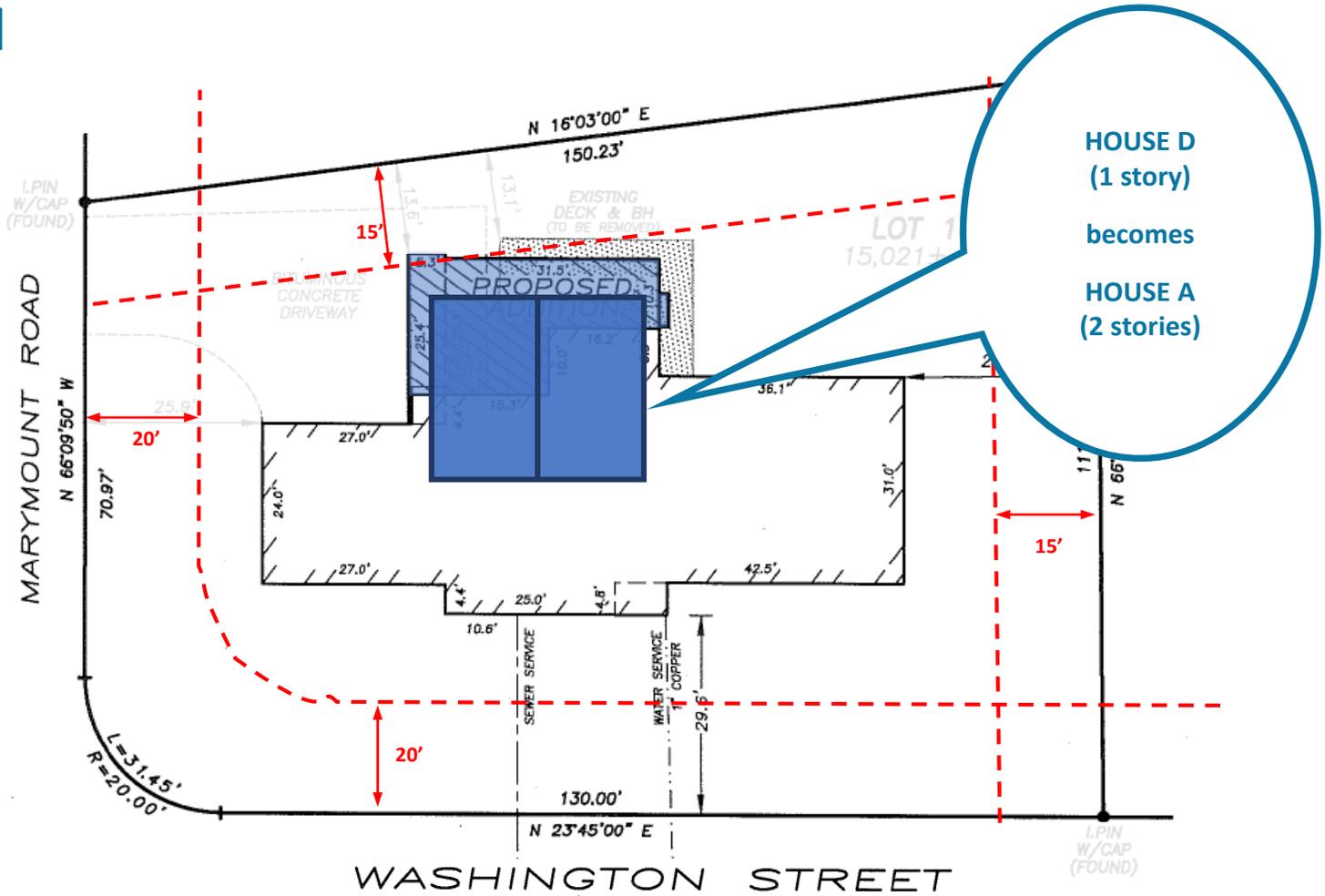
1st Draft: All front lot lines have a front setback, 1 front is primary (*affects front elevation standards*)

1 Mary Mount Rd

SBL 43039 0010

The approved project:

- Expand original footprint
- Second floor addition over center part of house

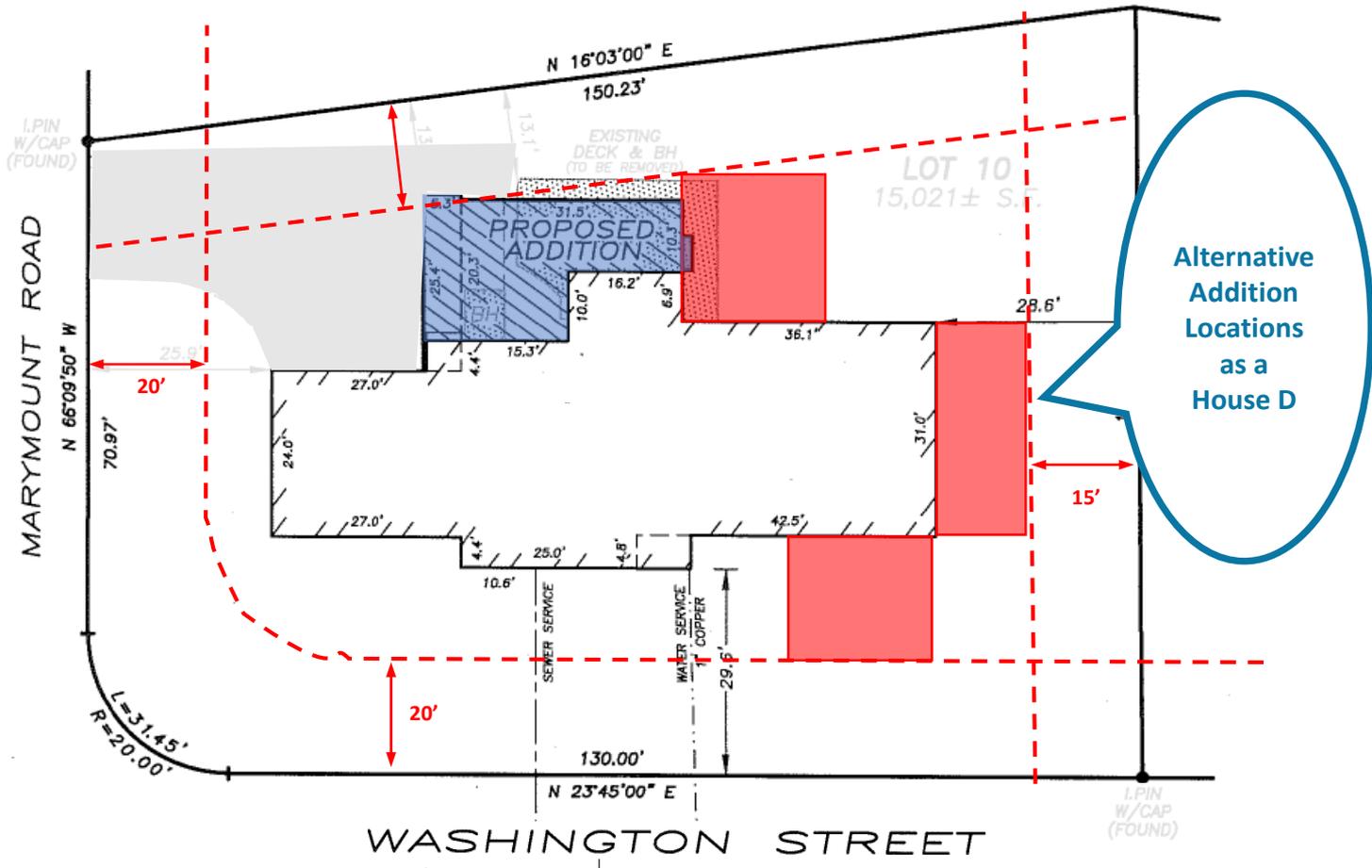


1 Mary Mount Rd

SBL 43039 0010

If it stayed a House D:

- Max. footprint would be 4,000 sf
- Increasing footprint needs to be weighed against other site features (*subject to lot coverage limitations too*)

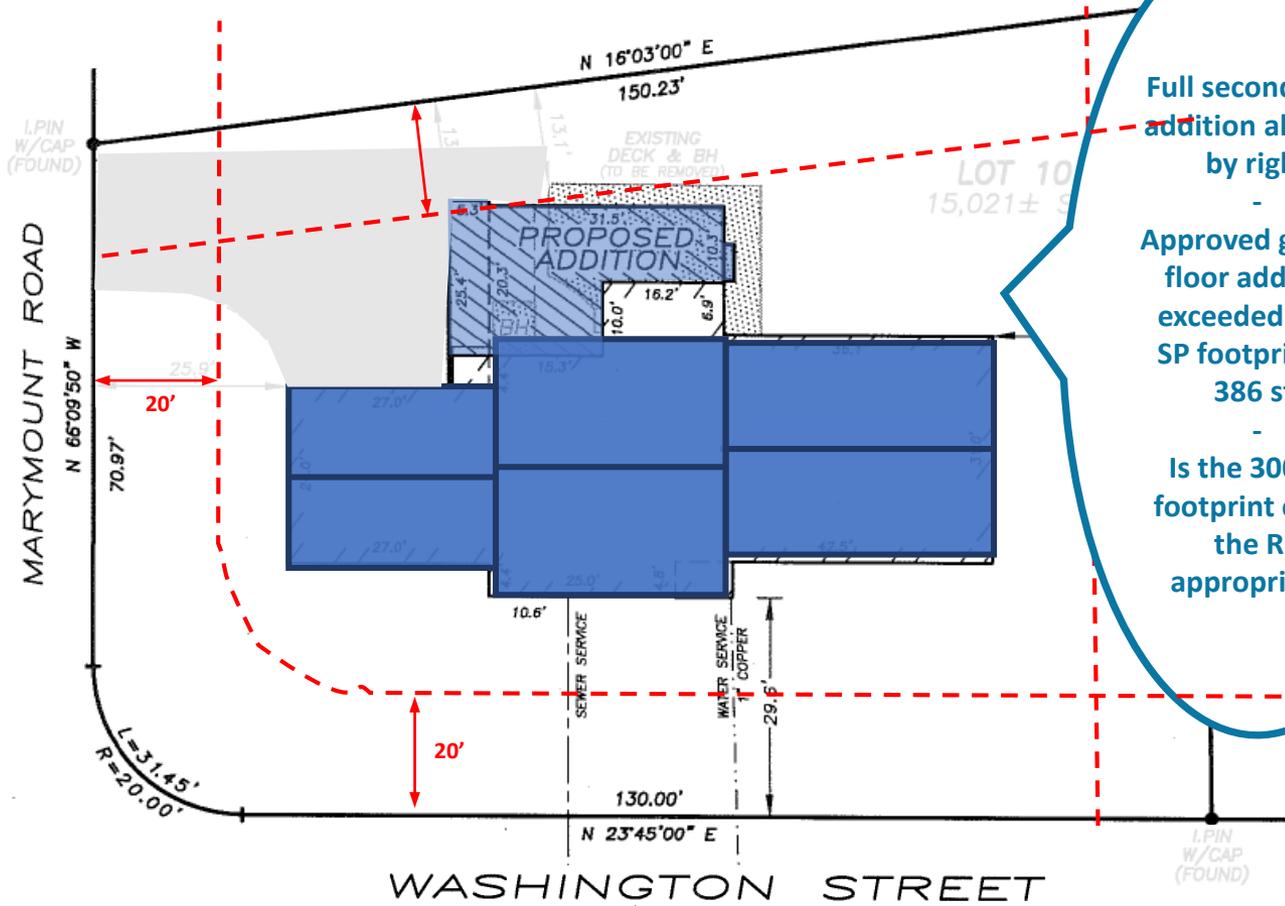


1 Mary Mount Rd

SBL 43039 0010

If they pursued a House A project:

- Full 2nd floor addition would be possible by right
- Ground floor expansion allowed up to 3,000 sf by Special Permit



Full second floor addition allowed by right

Approved ground floor addition exceeded max. SP footprint by 386 sf.

Is the 3000 sf footprint cap in the R1 appropriate?



45 Beethoven Ave

Tear Down Lot and Garage Placement
an R2 District Example

45 Beethoven Ave

SBL 44029 0010

District:

- current **SR3**
- 1st draft **R2**

Constructed 2010

Approved S.P. for addition in 2018



	Current Ordinance		1st Draft Ordinance	
	Requirement	Approved Project	Requirement	Approved Project
Frontage	80 ft	100 ft	60-110 ft	100 ft
Lot Coverage*	30%	19.6%	35%	30.8%
Setbacks	(min)		(min or range)	
Front	25 ft	35 ft	<u>25 ft</u> (contextual)	35 ft - beyond contextual max.
Side (north)	7.5 ft	15.1 ft	10 ft	15.1 ft
Side (south)	7.5 ft	16.8 ft	10 ft	16.8 ft
Rear	15 ft	51.5 ft	20 ft	51.5 ft
Lot Size	Min. 10,000 sf	15,000 sf	-	-
Min. Open Space*	50%	71.8%	-	-
Frontage Buildout	-	-	Min. 25 ft	0 ft
Footprint	-	-	Max. 1600 sf	2774 sf – more than S.P. House B
Height (Max Stories)	Max. 2.5 stories	2.5 stories	Max. 2.5 stories	2.5 stories
FAR	0.35	0.43 – extended nonconforming	-	-

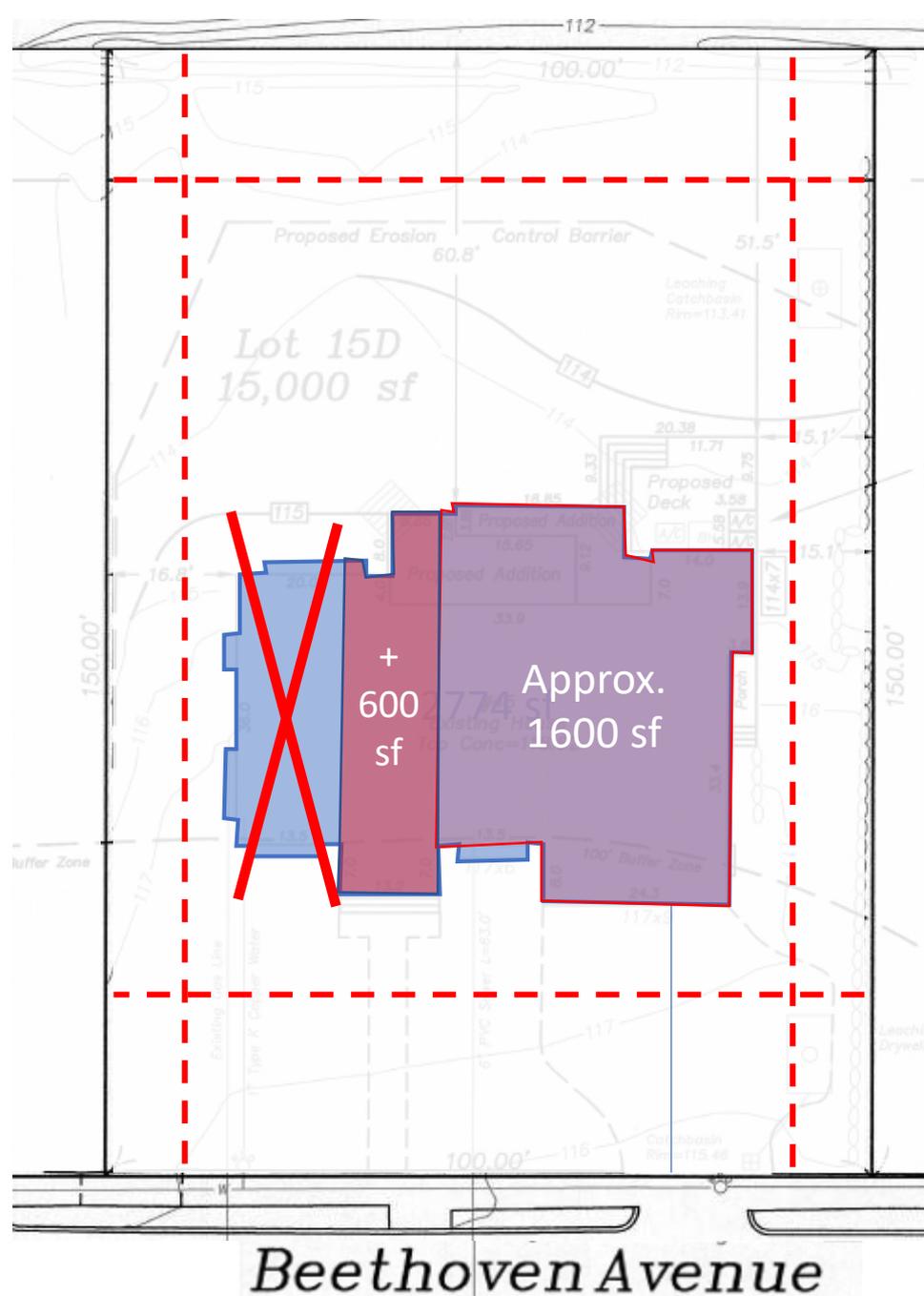
Proposal Requires Changes

45 Beethoven Ave

SBL 44029 0010

Demonstrated Features:

- Contextual front setback
- **Footprint size**
- Lot coverage elements
- Garage placement

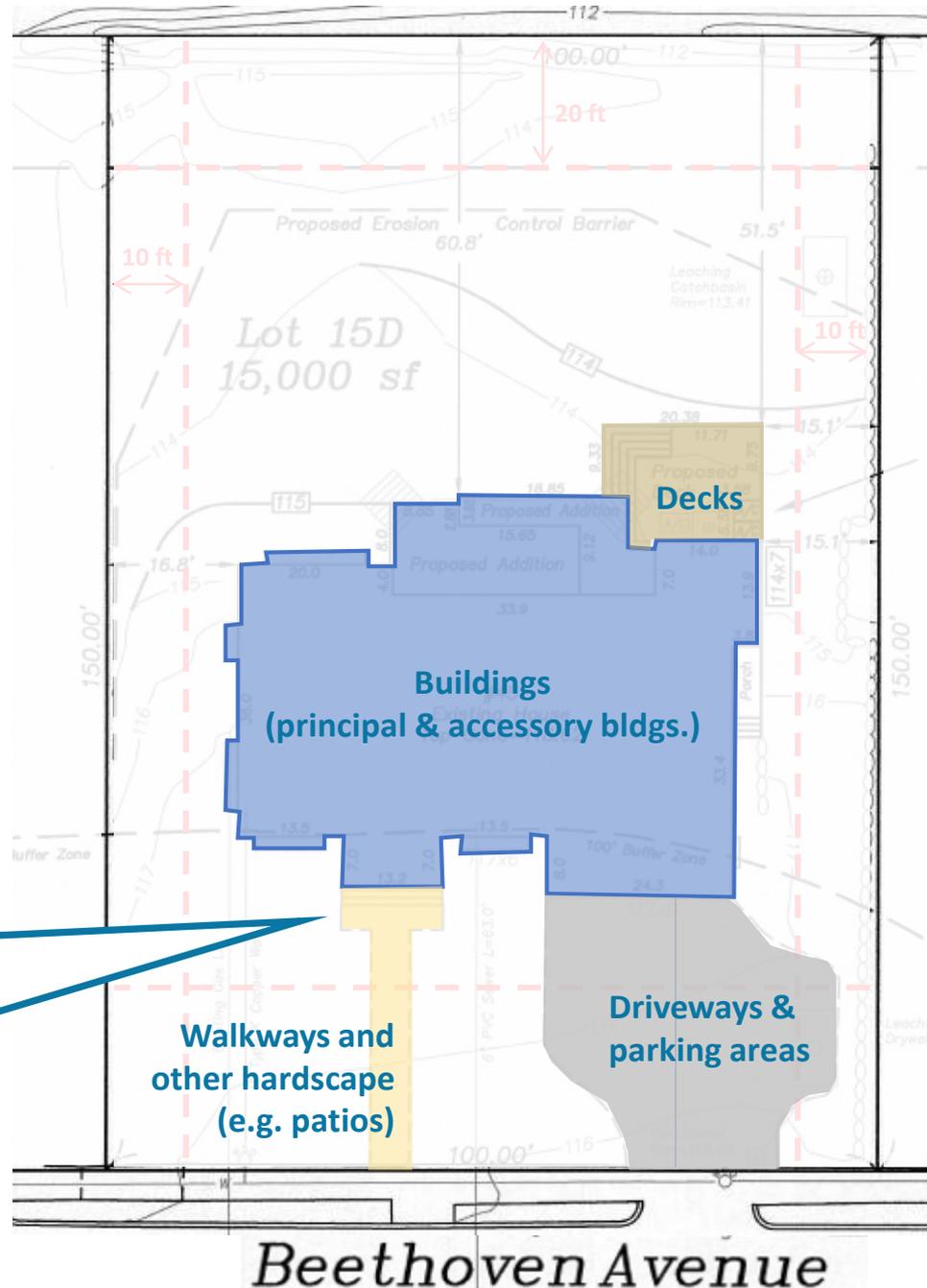


45 Beethoven Ave

SBL 44029 0010

Demonstrated Features:

- Contextual front setback
- Footprint size
- **Lot coverage elements**
- Garage placement



Lot Coverage includes all "built" features

Inverse is "unbuilt" landscaped areas

Should decks, patios, pools, and tennis courts be exempted from in lot coverage?

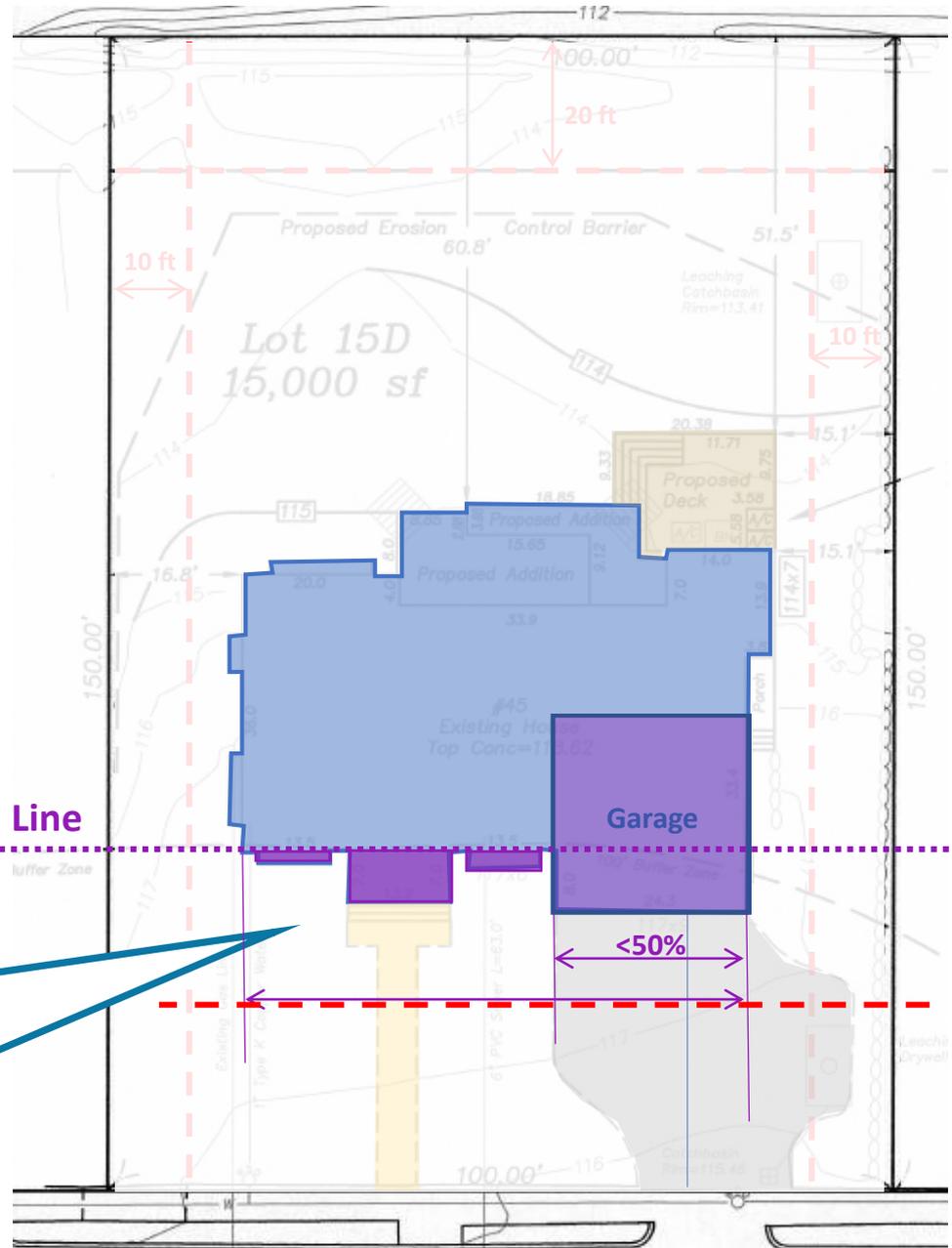
Beethoven Avenue

45 Beethoven Ave

SBL 44029 0010

Demonstrated Features:

- Contextual front setback
- Footprint size
- Lot coverage elements
- **Garage placement**



Front Elevation Line

Alternative approach:
Garages may be forward of
the front elevation as far as
any architectural
components, but not forward
of the setback line

Beethoven Avenue

39 Summit Rd

A Small Through Lot and Attics
an R2 District Example

39 Summit St

SBL 12022 0024

District:

- current **SR2**
- 1st draft **R2**

Constructed 1824

2017 - Approved to exceed FAR



	Current Ordinance		First Draft Ordinance	
	Required	Approved Project	Required	Approved Project
Frontage	80 ft	56 ft - nonconforming	60 ft	56 ft - nonconforming
Lot Coverage*	30%	29.1%	35%	32%
Setbacks				
Front (Summit St)	25 ft	33 ft	24-32 ft	33 ft
Front (Newtonville Ave)	25 ft	23.6 ft	22-36 ft	29.9 ft – porch not included
Side (east)	7.5 ft	3.9 ft	10 ft	5.6 ft – chimney not included
Side (west)	7.5 ft	11.6 ft	10 ft	11.8 ft
Lot Size	10,000 sf	5,439 sf – nonconforming	-	-
Min. Open Space	50%	68.7%	-	-
Frontage Buildout	-	-	14 ft	29 ft
Footprint	-	-	2,000 sf	1,140 sf
Height (Max Stories)	2.5 stories	2.5 stories	2.5 stories	2.5 stories
FAR	0.45	0.58 – S.P.	-	-

39 Summit St

SBL 12022 0024

The parcel is a small **through lot**

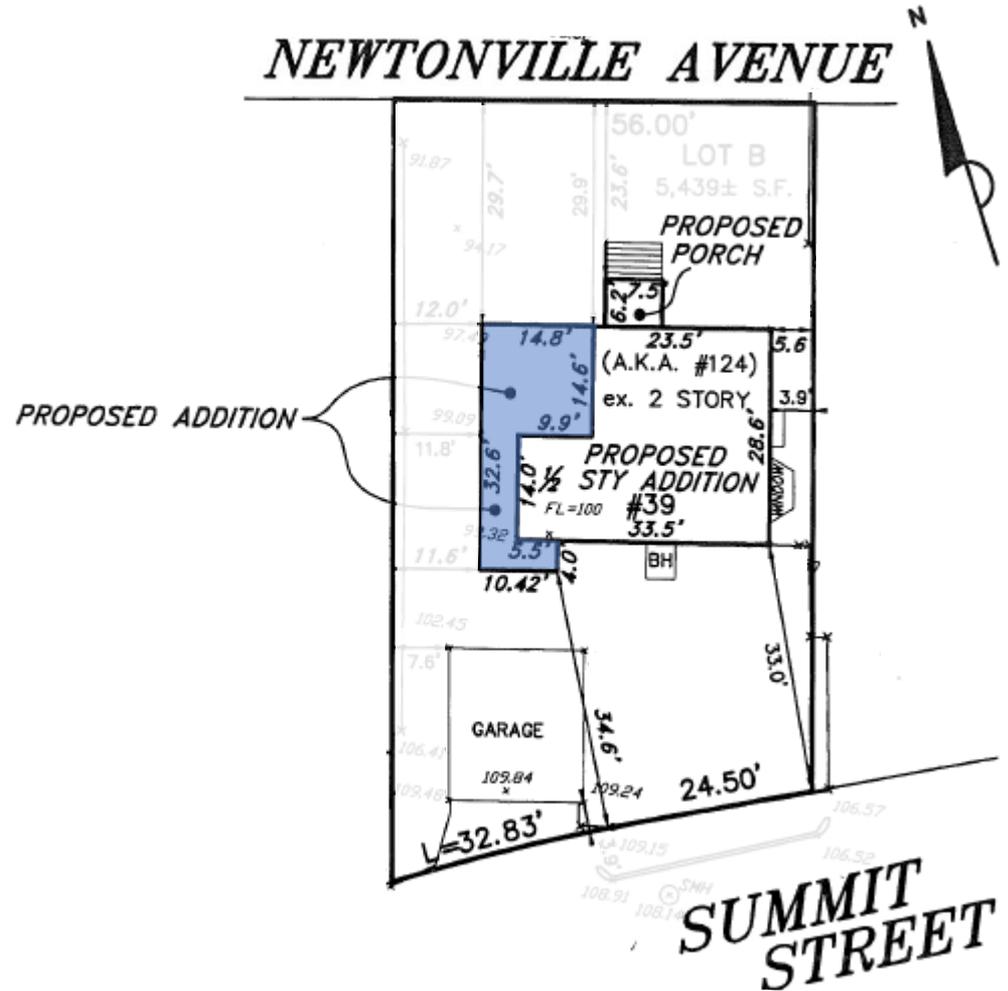
Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B, C, or D
(1 unit household living)
- Civic Building
(civic institution)

Special Permit Options

- Larger footprints



39 Summit St

SBL 12022 0024

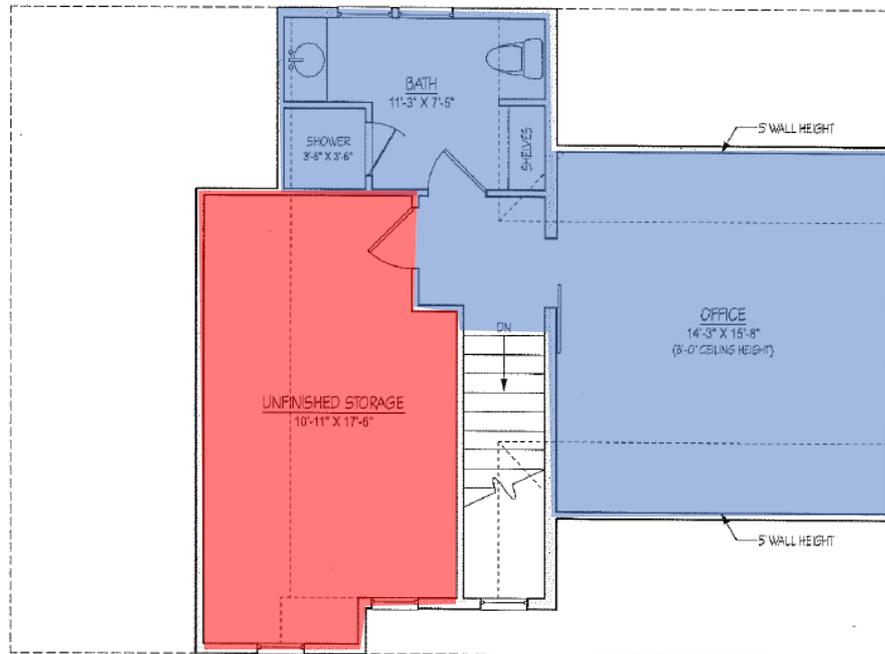
Raising the roof and adding dormers created useable height space requiring S.P. for FAR

Would be by right under 1st Draft (if roof meets min/max pitch)

The parcel is a small **through lot**

Demonstrates measurement features:

- FAR and attics



ELEVATION
LEWISVILLE AVE.

■ Area counting toward FAR

■ Area NOT counting in FAR

307 Lexington St

Two-Unit Residences and a Vacant Lot
an R3 District Example

307 Lexington St

SBL 41030 0037

District:

- current **SR3**
- 1st draft **R3**

Constructed 1870

2017 - Approved combination of lots and expansion of non-conforming 2-unit bldg.



	Current Ordinance		First Draft Ordinance	
	Requirement	Approved Project	Requirement	Approved Project
Frontage	80 ft	113 ft	40-100 ft	113 ft - nonconforming
Lot Coverage*	30%	25.06%	60%	47%
Setbacks				
Front	25 ft	26.4 ft	25-28 ft	26.4 ft
Side (north)	7.5 ft	12.8 ft	7.5 ft	12.8 ft
Side (south)	7.5 ft	39 ft	7.5 ft	39 ft
Rear	15 ft	20.1 ft	15 ft	20.1 ft
Lot Size	10,000 sf	15,216 sf	-	-
Min. Open Space	50%	56.13%	-	-
Frontage Buildout	-	-	Min 25 ft	25 ft - nonconforming
Footprint	-	-	2,000 sf	2,925 sf – S.P. only up to 2200
Height (Max Stories)	2.5 stories	2.5 stories	2.5 stories	2.5 stories
FAR	0.38	0.36	-	-

Proposal Requires Changes

307 Lexington St

SBL 41030 0037



FRONT ELEVATION (FACING WEST)
3/16" = 1'-0"



Existing House

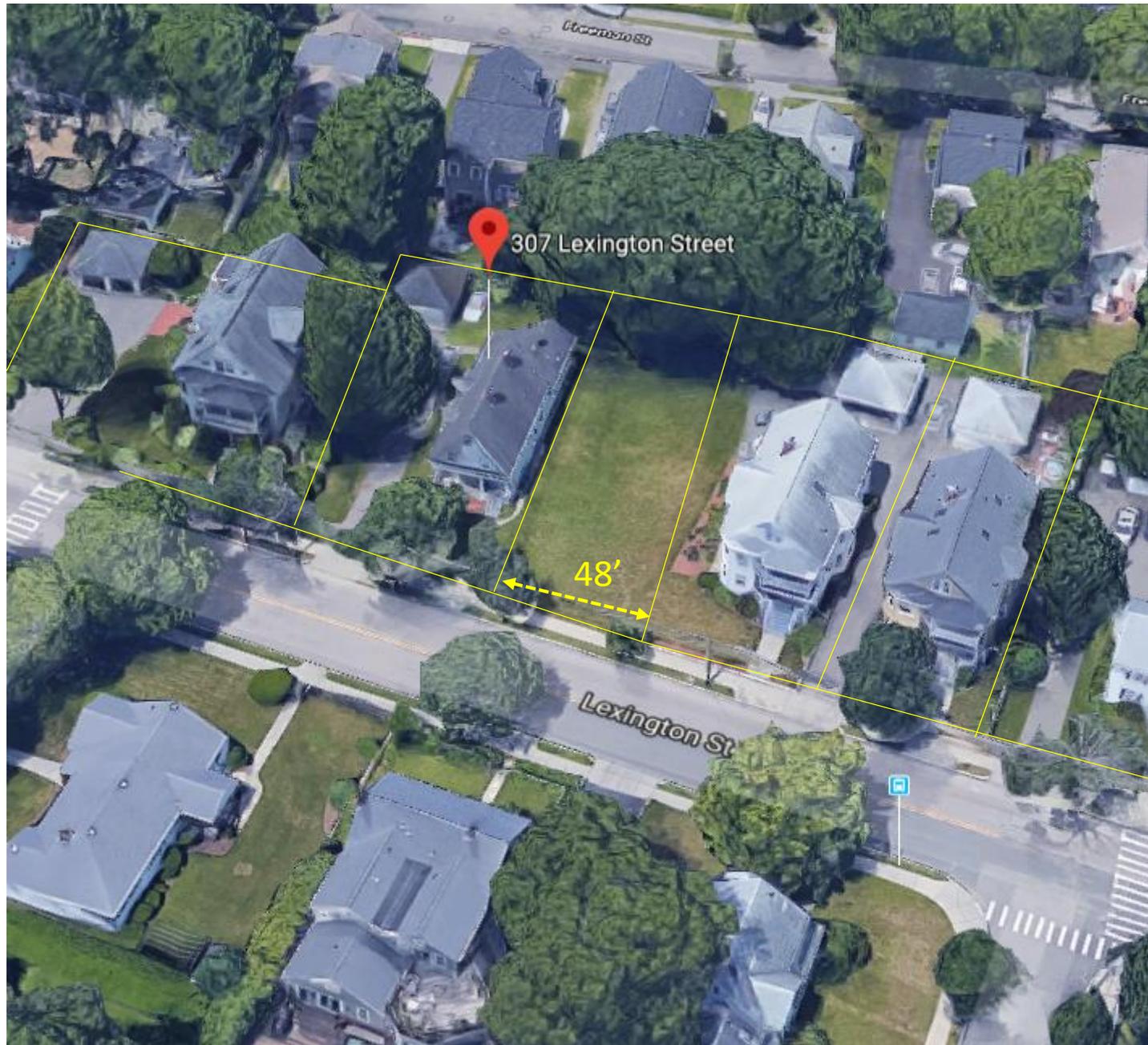
New Addition

By Right under current ordinance, size of addition would be limited under 1st Draft

307 Lexington St

SBL 41030 0037

The parcel to the side of 307 Lexington began as a separate lot ... a **conforming lot** under the first draft ordinance



307 Lexington St

SBL 41030 0037

The parcel to the side of 307 Lexington began as a separate lot ... a **conforming lot** under the first draft ordinance



The proposal benefited from good contextual design

307 Lexington St

SBL 41030 0037

The parcel to the side of 307 Lexington began as a separate lot ... a **conforming lot under the first draft ordinance**

Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B or C
(1 unit household living)

- Two-Unit Residence

- Civic Building
(civic institution)

Special Permit Options

- Larger footprints w/in limits
- Apartment House
- Small Apartment Building



On combined lot:
Building footprint for a
2-Unit Res. is capped at
2200 sf

-
Proposed was 2925 sf

307 Lexington St

SBL 41030 0037

The parcel to the side of 307 Lexington began as a separate lot ... a **conforming lot under the first draft ordinance**

Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B or C
(1 unit household living)
- Two-Unit Residence
- Civic Building
(civic institution)

Special Permit Options

- Larger footprints w/in limits
- Apartment House
- Small Apartment Building





Alternative Buildings / Design Approaches

Overview

- These offer alternative layouts that preserve value for larger lots and create alternatives that can promote preservation of existing buildings.
- Alternative Lot/Building Configurations:
 - Rear Lot (3.5.1)
 - Courtyard Cluster (3.5.2)
 - Multi-Unit Conversion (3.5.3)
 - Multi-Building Assemblage (3.5.4)

1-19 Elm St

Townhouses vs. Courtyard Cluster
an R3 District Example

1-19 Elm St

SBL 33023 0009

33023 0016B

District:

- current **MR2, MR1**
- 1st draft **R3**



2007, 2015– Approved townhouse development

	Current Ordinance		First Draft Ordinance	
	Required	Approved Project	Required	Approved Project
Frontage	80 ft	120 ft and 185 ft	40 - 100 ft	120 ft and 185 ft – nonconforming
Lot Coverage*	25%	22.3%	60%	48.5%
Setbacks				
Front (Elm St)	25 ft	26 ft	12-52 ft	26 ft
Side (north)	25 ft	25.5 ft	7.5 ft	25.5 ft
Side (south)	25 ft		7.5 ft	
Rear	25 ft	28.4 ft	15 ft	28.4 ft
Lot Size	10,000 sf	57,266 sf	Min 32,670 sf for courtyard closer	57,266 sf
Min. Open Space*	50%	86.1%	-	-
Frontage Buildout	-	-	-	-
Footprint	-	-	Townhouses not allowed in R3	
Height (Max Stories)	2.5 stories	2.5 stories	Townhouses not allowed in R3	
FAR	FAR doesn't apply		-	-

Proposal Requires Changes

1-19 Elm St

SBL 33023 0009

33023 0016B

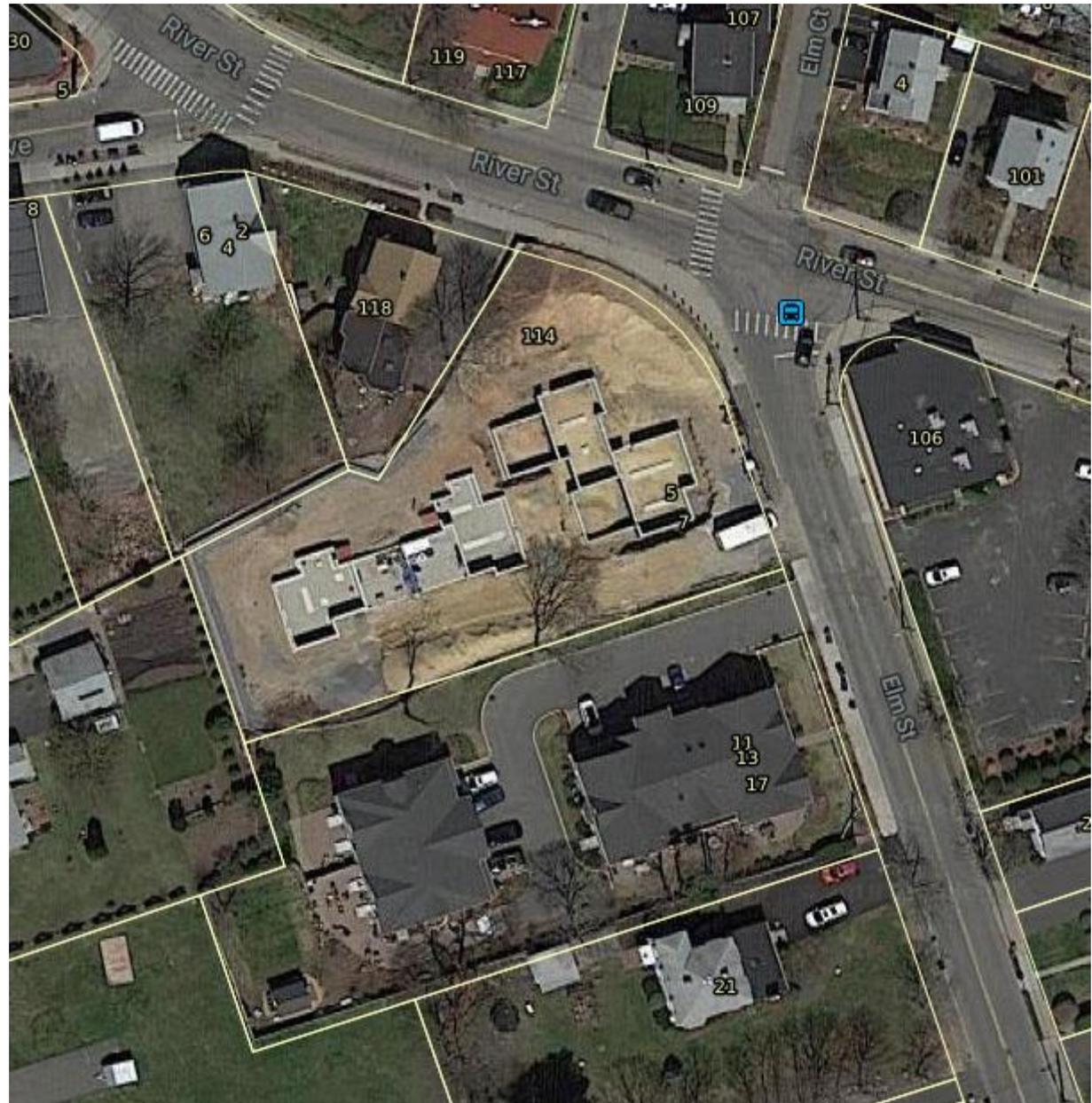
Allowed Building Types & Alternative Lot Configurations:

By Right Options

- House B or C
(1 unit household living)
- Two-Unit Residence
- Civic Building
(civic institution)

Special Permit Options

- Larger footprints
- Apartment House
- Small Apartment Building
- Courtyard Cluster
- Rear Lot



1-19 Elm St

SBL 33023 0009

33023 0016B

Under current ordinance properties received Special Permits for **9 attached units** (each 1300-1500 sf footprint)

Courtyard Cluster:

- Central courtyard
- Must meet lot standards
- Separate buildings with smaller than typical building footprints
- In the R3 district the following building types are allowed:
 - House C
 - House B
 - 2-Unit Res.

(all limited to 1200 sf footprints in R3)



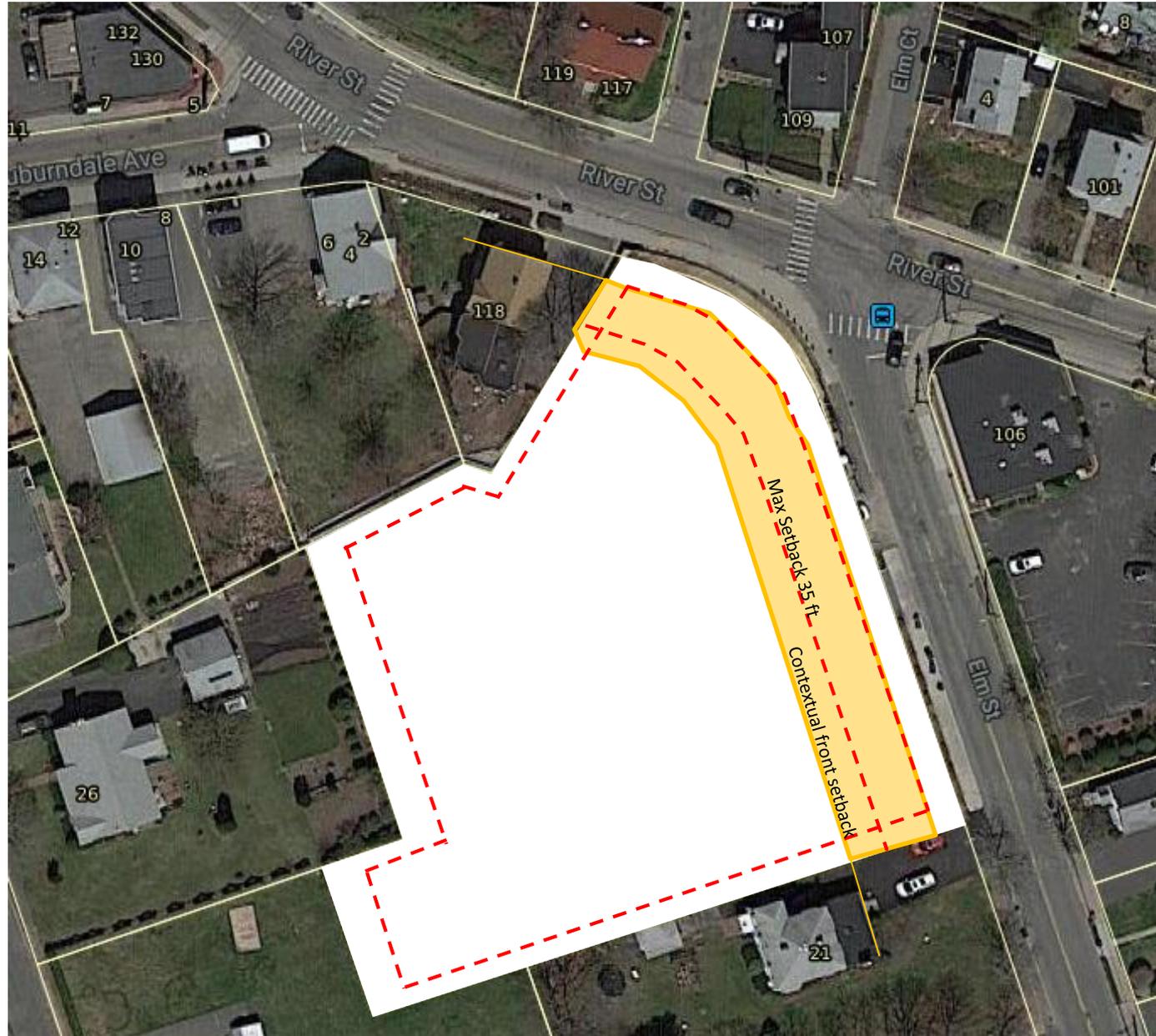
1-19 Elm St

SBL 33023 0009

33023 0016B

Example Courtyard Cluster:

- Setbacks:
 - Front: contextual 12-52 ft
max 35 ft
 - Sides: 7.5 ft
 - Rear: 15 ft



1-19 Elm St

SBL 33023 0009

33023 0016B

Example Courtyard Cluster:

- Setbacks:
 - Front: contextual 12-52 ft
max 35 ft
 - Sides: 7.5 ft
 - Rear: 15 ft
- Central courtyard



1-19 Elm St

SBL 33023 0009

33023 0016B

Example Courtyard Cluster:

- Setbacks:
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*(all limited to 1200 sf
footprints in R3)*



1-19 Elm St

SBL 33023 0009

33023 0016B

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 - House C
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 - 2-Unit Res.

(all limited to 1200 sf footprints in R3)
- Driveway must not be between the buildings and the courtyard and parking must be screened



1-19 Elm St

SBL 33023 0009

33023 0016B

We're continuing to look at the setbacks for alternative lot configurations

Example Courtyard Cluster

- Setbacks:
 - Front: contextual 12-52 ft
max 35 ft
 - Sides: 7.5 ft
 - Rear: 15 ft
- Central courtyard
- Separate buildings with smaller than typical building footprints
- In the R3 district the following building types are allowed:
 - House C
 - House B
 - 2-Unit Res.

(all limited to 1200 sf footprints in R3)
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Questions and Ideas
we're thinking about

Lot Standards

- **Are the Min.-Max. Frontage standards on target?**
 - Min. - Max. lot frontage in R2, R3, and N districts intended to ensure newly created lots are consistent with the typical neighborhood patterns
 - Build Out Analysis in February will give more complete picture of subdividable lots under the 1st Draft frontage standards
- **Does the encompassing lot coverage definition meet City goals?**
 - The 1st Draft lot coverage definition incorporates in many site features that are currently exempted under current definitions of lot coverage and usable open space
 - Lot coverage includes everything “built,” on some lots may require choices between yard features and expanded building footprint.
- **Are Setback Incentives meeting goals?**
 - Contextual front setback changes from being a secondary option to the guiding rule in all but the R1 district
 - Clearer incentives for character features on the front elevation
 - Side setback standards and allowed encroachments based on goals to protect privacy between neighbors as much as or more than under current ordinance
 - Are standard setbacks for the district appropriate for alternative lot configurations

Building Type Standards

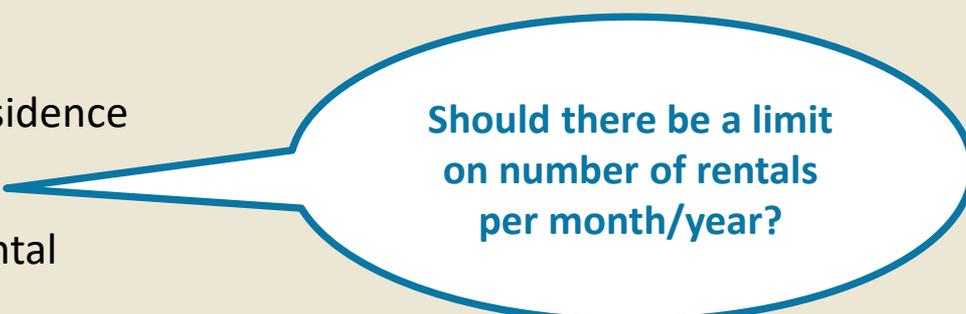
- **Footprint**
 - Does the R1 need a limit? Should it be raised?
 - Should House B/House C have lower footprint maximums?
 - Should footprint max. change depending on the district?
- **Clearly defining basements and attics**
 - FAR focused on living area, building types focus on design.
 - Gamesmanship occurs around basements and attics
 - 1st Draft defines basements and attics from a design perspective within the building type standards, allows flexible use of the interior space.
- **Simpler but sometimes different measures**
 - Architects will need to provide new measurements, e.g.:
 - Fenestration percentage for the front elevation
 - Roof pitch
 - We are tracking ease of use for homeowners and professionals

Uses

- **Building Types and Allowed Uses are separated...**
 - Household Living is an allowed use in every residence district
 - Building types detail how many units for household living are allowed
- **Uses in residential districts largely focus on compatibility – ensuring neighborliness, quiet enjoyment, etc.**
 - Recognizes the values in Newton’s mixed-use history – enhancing walkability by providing nearby destinations.
 - Neighborhood General navigates village edge transitions with limited size commercial footprints alongside residential buildings
 - Adaptive Reuse provision allows for “corner business” growth within neighborhoods.
 - Need for expanded commercial opportunities – cost of space, balancing tax revenues.

Accessory Uses

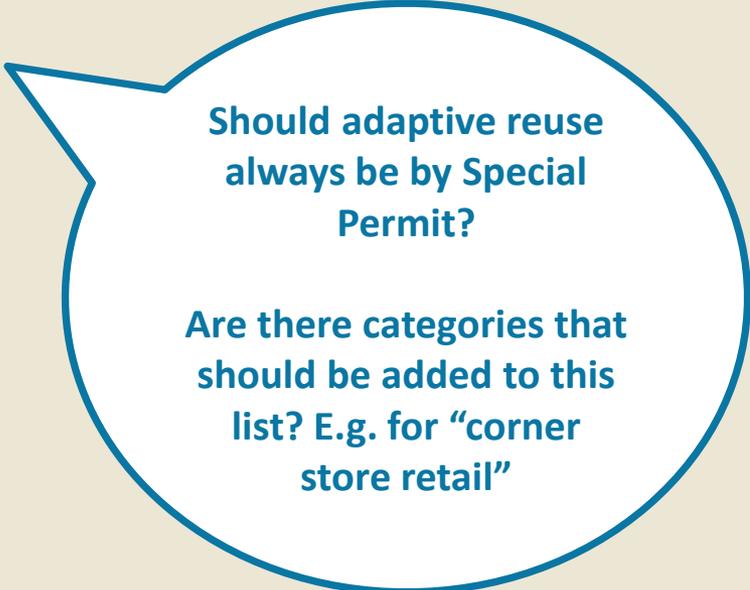
- **What are these?**
 - Supporting and subsidiary uses to an allowed principal use (e.g. household living)
- **Proposed revisions:**
 - **Home Businesses**
 - Allow more than 1 per unit
 - Clarify standards for ensuring home businesses are invisible
 - Allow SP for adaptive reuse to mixed-use if they grow beyond home business size
 - **Short Term Rentals**
 - Limit the number of guests
 - Requires primary use as owner's residence
 - **Commercial Event Rentals**
 - Cannot coincide with short term rental
 - **Personal Kennels**
 - Comment received – state statute distinguishes these from commercial kennels
- **No substantive changes to accessory apartments**



Should there be a limit on number of rentals per month/year?

Adaptive Reuse

- **Allows controlled evolution within neighborhoods**
- **Allows some uses we already allow in residential districts:**
 - museums, for-profit schools and after-school/daycare centers
- Allows for expansion of a home business to the point where it becomes more akin to a principal use.
- **Allows reuse for some broader use categories:**
 - Arts Exhibition
 - Art Sales and Services
 - Community Center
 - Museum
 - Shared Workspaces & Arts Education
 - Restaurant/Café
 - General Office



**Should adaptive reuse
always be by Special
Permit?**

**Are there categories that
should be added to this
list? E.g. for “corner
store retail”**

Other Topics

- **Incentives for Additions with Historic Preservation**
 - Should the lot standards be relaxed for projects that involve historic preservation? Which standards (e.g. just setbacks or also lot coverage)?
 - 1st draft incentivizes preservation in multiunit conversion and courtyard clusters sections
- **Special Permit Criteria for each listed Special Permit**
 - Each Special Permit has listed criteria specific to that permit
 - Tracking if there needs to be stricter/more flexible criteria for each one
 - Clarify standards for special permits and focus attention on key issues
- **Map**
 - Do we need more districts?



Next Steps & Schedule

Upcoming Discussions

ZAP Anticipated Schedule

- Residence Districts
- Village Districts
- Single Purpose Districts
- Bringing it all Together: Districts Build Out Analysis (Feb 11th)
- Environmental Standards
- Transportation
- Signs and Arts
- Bringing it all Together: Development Standards

2nd Draft – Anticipated May 2019

Public Meetings

- Ward-by-Ward Meetings
Nov - Feb
- Meetings with Community Groups
- Office Hours (Spring 2019)

Committee of the Whole

- Quarterly Committee of the Whole meeting
- First One – Dec 6th

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Ward 5 - Nov 29th
Ward 7 - Dec 12th

Thank You!

