

- 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 **sf-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 **sf-square feet** may be located within the setback, but not more than 5 **ft-feet** from the property line.
- 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 that 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.

3.5. Alternate Lot/Building Configurations

3.5.1. Rear Lots

A. **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. **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 zoning district.
- 3. The front lot line of a rear lot may be either:
 - 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.
 - c. The building front elevation shall face the front lot line.
 - d. 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
 - d. 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 street.
 6. Only a House C building type may be placed on a rear lot.
- C. **Review Criteria.** The creation of a rear lot requires a special permit from the Planning Board 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. 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.
- B. The Special Permit Granting Authority is determined by the scale of the project (See Secs. 3.1).
- C. The building must have been built at least 10 years prior to the date of application.
- D. The maximum number of residential units allowed in a building is subject to the following residential unit factors:
 1. Base RU Factor = 1250
 2. 100% Affordable/Sustainable Design Standard RU Factor = 900
- E. **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:
 1. The criteria for all Special Permits specified in Sec. 11.4.3.
 2. Preservation of the existing building's design integrity, with special attention to important historic features or components of the building.
 3. Design and landscaping are compatible with the neighborhood and adjacent properties.
 4. Preservation and/or enhancement of landscaped areas and trees, especially to serve as a buffer to neighboring lots.
 5. 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.

3.5.3. Courtyard Cluster

Attachment A

A. **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. **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	60%
N	.75 ac	50 ft	60%

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	
Neighborhood General	House B	1400 sf
	House C	
	Two-Unit Residence Apartment House 3-Unit Building	

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

4. **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. Courtyard clusters may not contain streets.

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

7. **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. An existing House A, House B, House C, House D, Two-Unit Residence, ~~Apartment House~~3-Unit Building, 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. **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 preservation 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) 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 buildings, assembling multiple principal building types on one lot.
- 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 3 but no more 8 sections.
- 5. All building front elevations must front on private- or public-ways.
- 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 8 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 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.

- 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.

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:

Use Category Specific Use	R1	R2	R3	R4	N	Definitions & Use Specific Standards
Residential Use Categories						
Household Living Uses	P	P	P		P	
Group Living Uses (except as follows)	SP	SP	SP		SP	
• Community / Group Residence	P	P	P		P	
• Dormitory, Student Residences	SP	SP	SP		SP	
• Lodging House	N	N	SP		SP	
• Nursing Home / Assisted Living Facility	SP	SP	SP		SP	
Arts & Creative Enterprise Use Categories						
Artisan Production Uses	N	N	N		P	
Arts Exhibition Uses	SP	N	N		SP	
Arts, Sales & Service Uses	SP	SP	SP		P	
Shared Workspaces & Arts Education Uses	SP	N	N		SP	
Work/Live Creative Studio Uses	N	N	N		P	

Civic & Institutional Use Categories					
Community Center Uses	SP	SP	SP		SP
Minor Utility Uses	SP	SP	SP		SP
Major Utility Uses	SP	SP	SP		SP
Museum Uses	SP	SP	SP		SP
Private, Non-profit Club or Lodge Uses	SP	SP	SP		SP
Public Service Uses	P	P	P		P
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	L	L	L		L
Commercial Service Use Categories					
Animal Service Uses (as noted below)	-	-	-		-
• Veterinarian	N	N	N		SP
Banking & Financial Service Uses	N	N	N		SP
Building & Home Repair Service Uses	N	N	N		P
Business Support Service Uses	N	N	N		P
Day Care Service Uses (as noted below)	--	--	--		--
• Adult Day Care Center	SP	SP	SP		SP
• Child Day Care Center	P	P	P		P
Educational Institution Uses	SP	SP	SP		SP
Maintenance & Repair of Consumer Goods Uses	N	N	N		SP
Personal Service Uses (as noted below)	-	-	-		-
• Funeral Home	N	N	N		P
• Health Care Provider	N	N	N		SP
Eating and Drinking Use Categories					
Restaurant/Café Uses	SP	SP	SP		SP
Lodging Use Categories					
Bed & Breakfast Uses	SP	SP	SP		SP
Motor Vehicle-Oriented Use Categories					
Motor Vehicle Parking Uses (as noted below)	--	--	--		--
• Off-Site Accessory Parking	N	N	N		SP
Office Use Categories					
Co-Working Uses	N	N	N		P
General Office Uses	SP	SP	SP		P

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

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

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.

D. **Parking Design.**

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

E. **Driveway Access.**

1. Driveways may provide access from a front, side, or rear lot line and may be located within required front or rear setback areas.
2. 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.
3. Driveways may be no wider than 12 feet if providing one-way access to a parking area and no wider than 24 feet if providing two-way access to a parking area.
4. 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.
5. Unless otherwise specified, only one curb cut is permitted per front lot line.
6. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
7. Curb cuts may be no wider than the driveway or vehicular entrance they serve, excluding flares or returned curbs.
8. Driveways and alleys traversing sidewalks must be designed to maintain the grade and clear width of the walkway they cross and must include returned curbs.

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 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 Aavailability and access to public transportation options.
4. That parking provided in excess of any maximum permitted 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
Residential Use Categories				
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
Arts & Creative Enterprise Use Categories				
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
Civic & Institutional Use Categories				
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
Commercial Services Use Categories				
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
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