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Barney S. Heath
Director

MEMORANDUM

DATE: September 25, 2020

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

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Cat Kemmett, Planning Associate

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.
Other docket items to be taken up within the context of Zoning Redesign include #30-20, #38-20, and #148-20

MEETING: October 1, 2020

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

Recap of Previous ZAP Meeting

At the September 14, 2020 ZAP meeting, the Planning Department presented on three specific elements in Article 3: District dimensional standards (Sec. 3.1), Building Type dimensional Standards (Sec. 3.2), and Building Component allowable increases (Sec. 3.3.). The meeting intent was to reiterate the rationale for these recommended proposals and present on the potential impacts and outcomes of these standards in order to determine if there was consensus on the Committee that these standards align with their goals and objectives. Committee members discussed the merits and areas of concern of these standards.

While some Committee members, other City Councilors, and members of the Planning Board expressed sentiment that the proposals were moving in the right direction, other participants noted the need for additional information in order to reach consensus. Where possible, staff has responded to questions and comments from this meeting and others received by written submission in this memo (Attachment A). Other items require more analysis, which will be presented in Committee at a later date.

Introduction to Upcoming ZAP Meeting

Per the calendar shared in the Planning Department memo, dated September 9, 2020, and discussed at the previous ZAP meeting, the upcoming ZAP meeting will be focusing on the following mechanisms and standards within the revised draft of Article 3 – Residence Districts:

- Garage Design Standards (Sec. 3.4)
- Driveway Access (Sec. 3.7.1.E)
- Parking Requirements (Sec. 3.7)

This memo will go into these three elements by stating the areas of consensus achieved in previous ZAP meetings, highlight key changes in the latest draft (if any), outline possible alternatives (if applicable), and lay out specific questions the Planning Department needs feedback from the Committee on to move forward. In addition, staff have provided answers to Councilor questions and comments previously received relevant to the above items (Attachment B).

Garage Design Standards (Sec. 3.4)

The Committee discussed the Garage Design Standards at two ZAP meetings earlier this year (April 27 and May 19) and came to consensus on the goals and outcomes to be achieved by them. These are generally:

- To limit the visual impact and dominance of garages within Newton’s neighborhoods
- Promote walkability and enhance public safety by ensuring the location and amount of living areas are more prominent than areas for motor vehicle

At the May 19 meeting, staff presented revised zoning language that we believe achieves these goals within a controlled manner, while also providing significant flexibility to accommodate the variety of lot and building configurations found throughout Newton. Since releasing this draft, staff have introduced minor changes to better clarify the zoning and better achieve the Committee intent of the proposed zoning (Attachment C). These include:

- Limiting a Front Facing Garage on a home with a porch to align up to the front elevation (Sec. 3.4.1.D.1.a). The previous version allowed a Front Facing Garage to align with the porch (Attachment D).
- Allowing Front Facing Garages with two parking stalls to have individual doors up to a maximum of 9 ft. Previous versions set the maximum individual door width at 8 ft. (Sec. 3.4.1.D.2)
- Simplifying the standards regulating garages facing the Primary Front Lot Line in relation to the overall Front Elevation of the building to be no more than 50% of that Front Elevation. This standard applies to all buildings, regardless of # of units (Sec. 3.4.1.D.4). Previous versions were overly complicated and differentiated between one- and two- or more-unit buildings.

To help facilitate a productive discussion in Committee and build consensus around the proposed draft, staff are providing the following questions:

- Does the proposed ordinance offer enough controlled flexibility to allow for a variety of garage configurations to be utilized on the variety of lots in Newton (Front Facing, Side Facing, Attached, Detached, etc.)?
- Do you agree with the ways the code limits the visual impact of garages?
 - Front Facing Garages required to be set back
 - Separate doors for two-car Front Facing Garages
 - Side Facing Garages have design requirements
 - No attached Front Facing Garages along Front Elevation less than 22 ft
- Should garages in R1 setback more than 70 ft from the Front Lot Line be exempt from Garage Design Standards?

Driveway Access (Sec. 3.7.1.E)

Similar to garages, driveways can greatly impact the look and feel of a property as it relates to the neighborhood because it provides access into the property where that property meets the public realm. The revised zoning language, originally presented at the 5/19 ZAP meeting, is meant to align with the goals and objectives laid out within the Garage Design Standards and further advance many of Newton’s sustainability goals outlined in the adopted Climate Action Plan. Since releasing this draft, staff have introduced minor changes to better clarify the zoning and better achieve the Committee intent of the proposed zoning (Attachment B). These include:

- A driveway must maintain a maximum width, depending on the # of units, measured from the lot line where the driveway accesses the lot (Attachment D). The revised recommendation links this distance to the specific zoning district, instead of a single number (Sec. 3.7.1.E.5).

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

To help facilitate a productive discussion in Committee and build consensus around the proposed draft, staff are providing the following questions:

- Should driveways be allowed within the side setback so long as a minimum of 3 ft is maintained from the property line? (note: the current ordinance only regulates parking in the side setback, the proposal goes further to provide an opportunity for a landscaped buffer)
- Should a second curb cut always require a Special Permit? (note: the proposal does not allow a second curb cut for single-family properties and only allows a second curb cut for two-units or more if certain design requirements are met)
- Do you agree that limiting the width of a curb cut and driveway (at the lot line) reduces its visual impact and increases safety by limiting the area where vehicles and pedestrians may come into conflict?

- Should the maximum driveway width be maintained for a minimum depth into the property as shown above? Should this depth be reduced? Increased?

Parking Requirements (Sec. 3.7)

At the ZAP discussion on June 15, the Committee discussed Parking Requirements. There was a consensus among many members that on-street parking should only count for non-residential uses and that any parking provided above the maximum allowance by Special Permit should be designed using pervious materials to mitigate environmental impacts. These recommendations have since been incorporated into the updated draft.

The proposed ordinance formats Parking Requirements somewhat differently than the current ordinance. Instead of a standalone section on parking, the proposed ordinance contains parking requirements within each of the relevant articles, specific to that article. Article 8 – Development Standards contains additional parking standards.

Under the current zoning code, single-family, two-family, or multi-family dwellings require two parking stalls for each unit. In the proposed draft, minimum parking requirements are reduced, and maximum parking requirements are introduced. For one- and two-family homes, accessory uses, and ground story non-residential uses less than 5,000 square feet, parking minimums are proposed to no longer apply (Sec.3.7.1.A). A maximum cap for residential parking has also been set, limiting the number of parking stalls to 2 per dwelling unit for Residential uses (Sec. 3.7.3), again the current ordinance minimum.

Though mandatory parking minimums no longer apply for one- and two-family homes, this does not mean that creating new parking is prohibited. For small-scale developments, these looser parking restrictions can provide more options to developers and property owners. If parking is not a requirement, builders have more creative flexibility on the lot- rather than needing to build two they could provide only what the homeowner needs. By being able to unbundle the cost of a parking spot from the housing cost, tenants or owners are given the opportunity to save money and space by creating only as much parking as they need. The proposed draft also requires bicycle parking for multi-family dwellings to further encourage alternative modes of transportation within Newton (Sec. 3.7.3).

Reducing parking minimums is consistent 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.

Because the proposed ordinance contains parking requirements within each of the relevant articles, it is likely that the Committee will want to evaluate parking requirements more holistically at a later date. Planning staff expect that the impact of reducing or eliminating parking minimums will be most impactful in village centers and change to be more modest in Residence districts.

Several Councilors and ZAP members have voiced concern for the possible unintended consequences of eliminating parking requirements for one- and two-family homes. A possible alternative for this draft would be a reduction in parking minimum requirements from two parking stalls per dwelling unit to just one parking stall for these uses, rather than no minimum at all. Another possibility would be to take into

consideration the important role that proximity to village centers and public transit plays when it comes to parking needs and eliminate parking minimums only in areas within a walking distance of these nodes.

To help facilitate a productive discussion in Committee and build consensus around the role that Parking Requirements play in the proposed draft, staff are providing the following questions:

- Do you agree with the limited instances where the proposed code eliminates parking requirements? If not, would you support the elimination of parking requirements based on proximity to public transit and village centers?
- Do you agree with the reduction in parking minimums and the proposal to impose parking maximums?

Looking Ahead

At the following ZAP meeting, scheduled for October 15, staff hope to facilitate a discussion on the proposed regulations and standards of Multi-Unit Conversion (Sec. 3.5.3) and other Alternative Lot/Building Configurations (Sec. 3.5).

Attachments

Attachment A Responses to Councilor questions and comments from the 9/14 meeting

Attachment B Responses to Councilor questions and comments for the 10/1 meeting

Attachment C Draft zoning for Garage Design Standards, Driveway Access, and Parking Requirements

Attachment D Draft zoning diagrams and tables

Attachment A

Staff Responses to Questions from 9/14 ZAP Meeting

Q: What is the year used as the baseline for the data in the tables?

A: The data used for the tables shared as part of the 9/14 ZAP meeting memo was collected as part of the Pattern Book and goes through the year 2016.

Q: In this draft, House B can be over 3800 square feet if you add the maximum of square footage through components, which puts it at risk of a teardown. Why would we allow this if we want less teardowns?

A: New construction of a House B, with Building Components, can be built over 3,800 square feet so long as the lot can accommodate it, which not all lots can. The total allowable square footage is one factor used to determine tear down vulnerability, while another factor is the regulatory and permitting process. Under the current code, minor modifications, like those of Building Components, often equal to that of entirely new construction. Through Building Components, the proposed draft lays out a simplified process for existing homes to renovate, by-right, in a controlled, yet flexible, manner. Staff believe this simplified process will make it easier for existing homeowners, and potential developers, to renovate and rehab existing structures. An option that has been raised previously is limiting by-right side wing and rear additions to existing buildings. Planning staff will need to further analyze this with Law and Inspectional Services.

Q: Will there be max front setbacks or not? They were removed from the August draft, but put back into the most recent version.

A: Maximum front setbacks were not removed from the August draft. They can be found within the Dimensional Standards Tables within each Residence District (Sec. 3.1). A note, R1 never had a maximum front setback, only a minimum. The other districts are set at:

District	Min. Front Setback	Max. Front Setback
R1	25	--
R2	20	40
R3	10	35
R4	5	35
N	0	25

Attachment A

Q: Is conformity not a driving force behind these standards? Can we get a better sense for the analytical decision-making process here?

A: Zoning standards and regulations should facilitate the types of development Newton wants. The mechanisms and standards should reflect the values of the community. Where a standard achieves this, and increases conformity, then conformity can be used as a decision driving metric. As the current zoning standards often do not relate to the actual built environment in Newton, adjusting zoning standards to better relate to the existing scale and proportion of buildings will reduce nonconformities in many cases. In the remaining cases, the non-conformity represents a direct contrast to the City’s desired outcomes. Trying to set a given standard, side setbacks for example, just to eliminate non-conformity would be a violation of what the Council and staff have heard throughout this process (i.e. new development is overly imposing on its neighbors by often building up to the minimum side setbacks).

Q: How many unbuildable lots do we have in the city now that could be built on if we got rid of minimums? One estimate put the number at 500 lots but is that right?

A: This analysis was performed as part of the February 2019 Build Out Analysis. Though the standards have changed with the latest draft, the ones that would most determine the buildability of a lot have not significantly changed (lot frontage/coverage, side/rear setbacks, etc.).

	Current Ordinance	Feb. 2019 Proposal
# of Unbuildable Lots	868	547

Q: Is going to the median for setbacks a mistake? If you allow more things in setbacks, you increase tensions between property owners that could be alleviated by larger setbacks.

A: The tables provided within the ZAP memo for the 9/14 meeting highlight the existing conditions for setbacks throughout Newton’s residential neighborhoods. Staff recommend setting the specific setbacks, as well as all standards, to align with goals and objectives laid out by the Committee/City Council.

Q: If someone buys a small house with the intention of building a large house on the lot later, is it fair to change the rules on them? People buy into a neighborhood expecting to build what is allowed now and might be mad if it changes.

A: It is possible that under this new plan, homeowners will not be able to build as largely as they would under current zoning rules. However, dimensional standards for home buildouts and components are set in such a way that a homeowner will have flexibility and options to alter their home or expand it, even if zoning changes mean that their structure is legally nonconforming.

Attachment A

Q: If people have a big lot in R2 or R3, why wouldn't we let them build as big as a house in R1?

A: The standards that shape Building Types and Residence Districts were set to facilitate development patterns that both fit with the City Council's goals and objectives and relate to the scale and proportion of the features that characterize the built environment that exists in Newton today. Building Types, unlike FAR, recognize that scale and proportion are not only tied to lot size, but also the adjacent buildings along the street or within the larger neighborhood. Under the current ordinance, this determination happens on a case-by-case basis through the Special Permit Process when a homeowner seeks relief. The proposed draft uses a data driven approach to embed these determinations directly into the zoning code to preserve the existing building pattern.

Q: Why is the side setback so strict in the R2 district? Many houses that fall under R2 have much smaller setbacks now.

A: This setback was increased in part because staff has received a significant amount of feedback from members of the public that new construction or renovations are increasingly being built uncomfortably close to abutting structures. Setting the side setback at 12.5 feet ensures adequate space between buildings will be maintained moving forward, while State Law would protect existing structures that have smaller setbacks as legally non-conforming.

Q: Do the architects agree with the side setbacks in this draft? How can we comment on these standards without more information from architects who report that this plan is not workable?

A: Staff has consulted with several different local architects and builders in establishing the setbacks and dimensional standards proposed, and will continue to work closely with architects and builders to ensure a final product that responds to their needs and provides a workable framework for future development . Though there is not a universal consensus, a number of these experts have expressed concern that some proposed setbacks, particularly those proposed for the R2 district, could be restrictive and serve as a barrier for some development. If the sentiment of the Committee is that this setback is too restrictive, that number can be amended.

Q: Do we have an economic study to back up this proposal? Without one, how can we know the fiscal impacts these changes might have?

A: The standards and methods proposed here are based in best planning practices and customized to address Newton's unique needs and characteristics. A build out analysis was presented in early 2019 based upon the draft at that time. The build out analysis showed that while more units could be produced under the proposed zoning, as compared to the existing zoning, the overall square footage of what could be built was reduced. This build out analysis has not been updated at this time as important conversations regarding the ability to locate two units in all house types and the number of units permitted through multi-unit conversion still need to be had by the City Council. It is important to

Attachment A

remember that any changes will be incremental and gradual and larger projects will still require a Special Permit. The current zoning has been in effect for decades and the city is still far from built out per zoning.

Q: Why are we getting rid of the concept of FAR?

A: FAR is a formula that is useful in creating a relationship between lot size and building size designed to produce housing units within subdivisions. It works well when it comes to streamlining a process for development yield in an undeveloped area that can be uniformly distributed, but this is not the case in Newton. Where a neighborhood is defined by lots with similar sizes and shapes, FAR will result in predictable and consistent building sizes. The city is built up, with a long history of different housing types and lots of varying sizes and shapes. FAR also inherently leads to unintended consequences when properties try to maximize what does not count as floor area for the purposes of FAR. FAR is a blunt instrument that cannot capture the richness of forms that exist today in Newton. In moving towards Building Types and away from FAR, we are affirming that what matters most is how new buildings relate to existing ones and the public realm, rather than how it relates to the lot itself. Since Building Types are derived from the built environment we already have, we can better ensure that future development will be appropriate in terms of physical form and character.

Q: Some of the changes in the draft will allow for more dense development, and therefore less green space on some lots. How can this plan help us address our sustainability goals if this is true? We need to keep bigger frontages and prevent subdivision to keep the open space that suburban development provides.

A: The frontage and setback standards put forth in this proposal are based on the built fabric that exists today in the city. Though this plan would allow for a greater diversity of building types and in some instances, for greater density, this does not always correspond to less open space. By allowing for more compact building design, the footprint for some new construction could be smaller, which could allow for more green space. By allowing the creation of smaller units, particularly in areas proximate to public transit, this plan also encourages walkability and the use of alternatives to cars, which helps achieve goals established in the Climate Action Plan.

Q: On page 11 in the memo from September 14, multiplex is not defined. Is this a new term?

A: No, it refers to a small apartment building. Staff is exploring ways to simplify terms, including Building Types, to make the zoning ordinance as user friendly as possible.

Attachment A

Q: The zoning diagrams in the memo show a minimum front length for buildings. What is the point in having these in R2-N?

A: This refers to Frontage Buildout. It ensures that appropriate portions of the building are oriented to the street.

Q: Why was 28 feet set as the length for townhouses? Version 2 had a different number for the townhouses in the definition as well- why the change?

A: Staff worked with architects to set the width. We changed the minimum number of townhouses because the duplex definition also changed. This better differentiates between the two building types.

Q: What about wraparound porches? They are not discussed in the draft, are they allowed?

A: We have updated the draft to remove references to “front” in the porch regulations. A porch would be allowed to wrap around, however it could only encroach up to 6 feet into the front setback and would be required to meet side and rear setbacks. Staff is working to clarify this within the text.

Q: People like to see smaller homes. Why aren't ranches allowed in more places in the city?

A: The allowed number of stories shown in the diagrams is a maximum- that doesn't preclude smaller homes from being built. However, the Planning Department will work with ISD and Law to confirm if additional language is needed to clarify.

Q: The old definition of Lot Coverage was more permissive. How do we understand the Table 2 comparison in the latest memo since the measurement method has changed so much?

A: Table 2 shows data collected looking at all impervious surfaces on a lot. It shows the inverse of usable open space as defined in the Current Ordinance, which is more in relation to all impervious surfaces. Overall, staff is continuing to work on the proposed definition of lot coverage.

Q: When we allow additions by right, do you still need to comply with setbacks and height restrictions?

A: All additions need to comply with setback and height restrictions. In some cases, specific building components are allowed within the front setback. These rules are outlined in the draft.

Attachment A

Q: Has ISD commented on this draft?

A: They have the full draft, but we have not gotten full comments back yet. Editing and review will be ongoing with ISD.

Q: Some councilors have provided feedback. Have any others responded in writing that hasn't been included in the packet?

A: Councilors Kalis and Downs have sent in comments that were not included in the packet. Staff can ask them if they want their comments/questions put into the packet.

Q: What is housing opportunity?

A: It refers to diversity of housing options- different forms, sizes, etc to accommodate different needs and desires within the community.

Q: Could you build a 10,000 square foot house under this plan under any circumstances?

A: In this plan within the Residence Districts, the biggest single-family house you could build would be in R1, where you could build up to 7,500 square feet by right so long as you can adhere to all dimensional standard requirements.

Q: Can you seek a variance if a lot is nonconforming?

A: If zoning rules change in such a way that your house is no longer conforming, it will become legally nonconforming. A variance is not necessary if a building or lot is nonconforming. An owner retains the right to maintain that nonconformity and any extension of the nonconformity would require a Section 6 finding. Currently these findings are done by the City Council as Special Permits.

Q: Can we get the raw numbers for the tables rather than the deciles? How many lots actually fall under each district designation?

A: These are the raw numbers used to create the tables in the memo:

R1: 3683 lots ; R2: 12456 lots ; R3: 5463 lots ; R4: 815 lots ; N: 483 lots

Attachment B**Staff Responses to Past Questions from Councilors Regarding Garage Ordinance, Driveways, and Parking Requirements**

Q: What is the definition of “permeable” areas discussed in Sec. 3.7.E.1? What are grass pavers, pervious concrete and porous asphalt?

A: These definitions and standards will need to be worked out with ISD and Engineering. However, working definitions for these specific permeable options are:

- Grass pavers: A type of open-cell paving stone filled with soil and planted with turf grass
- Pervious Concrete: Concrete made from cement and large aggregates that leave open voids allowing for water to pass through the pavement
- Porous asphalt: Concrete made from bitumen and large aggregates that leave open voids allowing for water to pass through the pavement

Q: My understanding is that you are recommending that the entrance to a driveway be no greater than 10 feet at the entrance and that this 10 foot width be extended 10 feet into the property from the edge of the sidewalk nearest the property line. Is that correct?

A: The latest draft recommends that one-way driveways be restricted to a maximum of 10 feet at the property line and for 10 feet beyond the property line into the site for properties in the R1 and R2 districts. Because of the smaller front setback requirements in R3, R4, and N the proposed distance is reduced to 5 feet beyond the property line. The property line does always correspond to the edge of the sidewalk. The curb cut is restricted to a maximum of 12 feet for one way-driveways.

Q: Have you measured the width of the average snowplow that is used to clear driveways when making this calculation?

A: The vast majority of commercially available snowplow blades are less than 10 feet wide with standards for attachments to jeeps and trucks ranging between 6 ½ feet and 8 feet. Most standard pickup trucks are best suited to 6½- and 7½-foot plows, half-ton trucks use 7 or 7½-foot blades and ¾- and 1-ton trucks typically use 7½-foot and 8-foot blades. Staff is also reaching out to local snow removal companies for further guidance.

Q: You recommend pervious surfaces for driveways. What is the relative cost of installing and maintaining them versus a fully paved driveway?

A: Permeable paving costs do tend to be higher than conventional asphalt or cement paving. However, construction costs are variable. Common estimates place maintenance fees for permeable paving at around 1-2% of the cost of construction annually. Though construction costs can skew higher for

Attachment B

permeable paving, it has the benefit of reducing the need for stormwater conveyances and treatment structures, which can recoup some of the higher cost.

Q: Do ribbon driveways work in New England? How can they be plowed in the winter and made safe?

A: Ribbon driveways typically consist of two parallel strips of paving rather than a fully paved driveway. These can be constructed by laying a sturdy plastic base in a honeycomb pattern under the grass, which serves to reinforce the structure and can be shoveled or plowed over.

Q: Not every lot has room for a garage, and it feels like this proposed zoning is forcing it. Many lots in Newton don't have garages.

A: Our intent is not to force properties to have a garage, but to regulate the placement of the garage when provided. The current draft maintains the same allowances for limiting parking within the side setback but restricts parking between the building Front Elevation and the front property line. The Council should consider whether it would be appropriate to allow parking in front of garages and side wings, as long as it is not within the front setback.

Q: In Sec. 3.4.2.G, it says in R1 districts where the house is more than 70 feet from the Primary Front Lot Line, they are exempt from the standards of that section. Why?

A: The garage design standards are meant to limit the impact of garages on the public realm. Garages set back more than 70 feet will be minimally visible. This language has been updated to state "garage" instead of "house".

Q: Sec. 3.7.1.E.1 says, "Driveways may be located within the required side setback area provided the driveways are located at least 3 feet from the side lot line." Why was 3' used? Is this the standard or used now?

A: The current ordinance does not include any setbacks for driveways. The 3-foot setback was added to provide a small buffer between driveways and adjacent lots which could be used for landscaping.

Q: Can someone park on their lawn? It doesn't seem to prohibit it in Sec. 3.7.1.E.4

A: The current draft does not restrict parking on a lawn as long as the vehicle is not parking within the front setback and between the Front Elevation and the property line

Attachment B

Q: Can you clarify whether commercial vehicle parking is permitted without limitation in all zones? If so, will there be size limits for those vehicles?

A: In the proposed plan, commercial vehicle parking is allowed as an accessory use in all residential districts. A maximum size for commercial vehicles has not yet been determined but could be a topic of discussion for the Committee.

Q: Why only side facing garages on narrow lots? And what constitutes a “narrow lot”?

A: Side Facing garages are allowed on all lots. There is no definition for a “narrow lot” within the proposed ordinance.

Q: Why rear garages on narrow lots – shouldn’t all lots be allowed rear garages?

A: Rear garages are allowed on all lots.

Q: Are the parking stall requirements described in 3.7.1.E.4 just for new builds? Presently many homes would be non-conforming if they apply to existing structures.

A: If existing parking is legal, and in existence prior to the adoption of the new Zoning Ordinance, then this parking would be protected under State Law as legally nonconforming.

Q: Section 3.7.1.E.7 says that 2 curb cuts have to be 35’ away from each other. Where did the number 35’ come from? Is this a standard?

A: Note: In the latest draft this refers to Sec. 3.7.1.E.8. The 35-foot distance between two curb cuts was provided by our consultant and reviewed by ISD and Engineering. 35 feet allows for two standard cars to be parked between the two curb cuts and it provides a sizeable “safe zone” for pedestrians between each curb cut.

Q: In Section 3.4.1.D.4 it says, "Where the building Front Elevation is less than 22 feet long, an attached garage is not allowed as part of that elevation." How was 22’ determined? There should be some similar statement for duplex or house with 2 units.

Attachment B

A: This requirement has been removed and overall simplified within the latest draft. Sec. 3.4.1.D.4 states, "The length of an attached garage facing the Primary Front Lot Line may be up to 50% of the width of the Front Elevation." This is the recommended standards for all buildings, regardless of the # of units.

Q: Section 3.7.1.E.8 says. "Curb cuts for residential driveways should be at least 20' from an unsignalized intersection and at least 40' from a signalized intersection" Are these standards – 20' and 40'?

A: Note: In the latest draft this refers to Sec. 3.7.1.E.9. These distances were provided by our consultant as best practice and further reviewed by ISD and Engineering for confirmation.

Q: Section 3.4.2.D claims that a garage set back 10' from front elevation and may not exceed 50% of the building front. This is good design practice when the front door takes precedence. How was 10' chosen? Is this a standard?

A: The latest draft recommends that a Front Facing Garage be set back a minimum of 8 ft from the Front Elevation (Sec. 3.4.2.D.a), which aligns with the standard requirements for the Side Wing Building Component. This is not a standard per se. The requirement to offset the garage from the Front Elevation of the building is to limit the visual impact. This recommendation was reviewed by the local architects and builders group.

DRAFT: Last Edited – 9/24/2020

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

DRAFT: Last Edited – 9/24/2020

B. Applicability.

Garage Design Standards apply in all Residence Districts

C. Garage, defined.

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

1. Front Facing Garage. 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.
2. Side Facing Garage. 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.
3. Garage Wall. Any wall enclosing a garage including that wall containing the garage entrance.

D. General Standards

1. 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. A garage 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:
 - i. The Porch must be a minimum of 48 square feet in area, with no dimension less than 6 feet;
 - ii. The Porch must have a solid roof; and
 - iii. The roof may be no more than 12 feet above the floor of the Porch.
2. 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.
3. A Side Facing Garage may be located in front of the building Front Elevation, but not within the front setback, if it meets the following:
 - a. Fenestrations on the Garage Wall elevation facing the Primary Front Lot Line, 20% minimum, 50% maximum; and
 - b. 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.
4. The length of an attached garage facing the Primary Front Lot Line may be up to 50% of the width of the Front Elevation.
 - a. On corner lots, only one street- or right-of-way facing garage wall must meet the standards of this subsection.

E. Additional Standards for one-unit residential Building Types.

1. 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.

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

F. 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.

1. Attached Garages.

- ~~a. 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.~~

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.

G. Exemptions.

- 1. 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.
- 2. 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.

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3.7. Parking Requirements in the Residence Districts.

3.7.1. General Standards.

A. Required Accessory Parking Spaces.

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

1. 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.

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 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 10 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:

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

the need to adjust per the district setback requirements to provide the required spacing for a car to maneuver into a garage stall, while still providing a minimum area for a landscaped buffer.

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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.

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.

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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
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

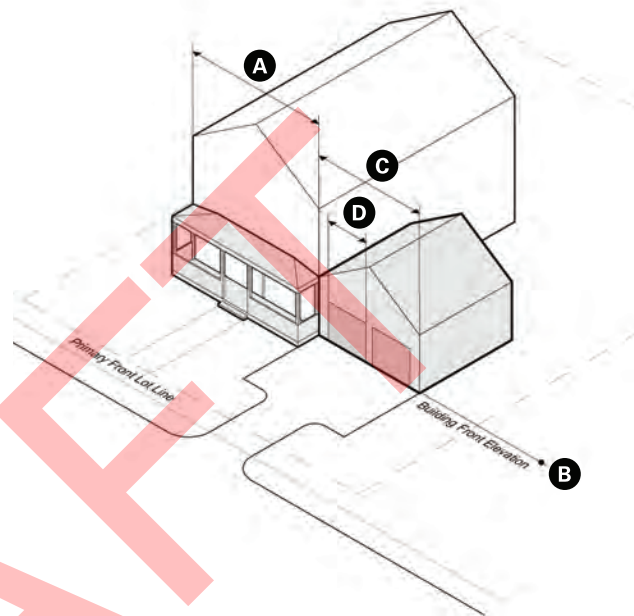
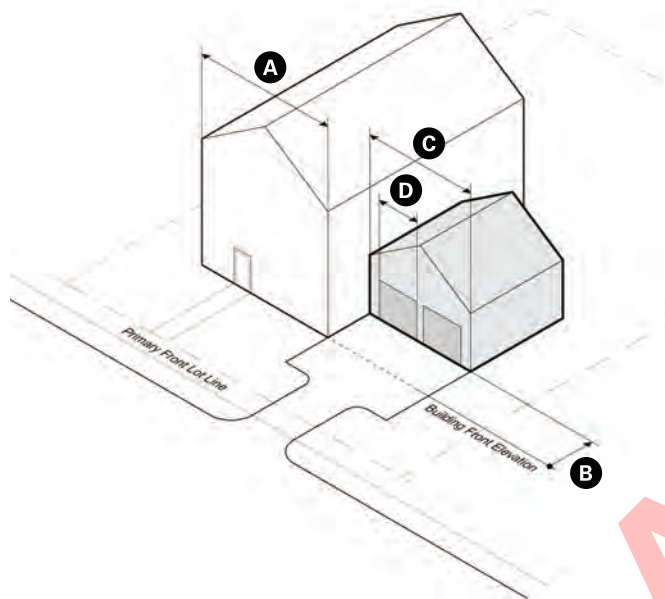
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Educational Institution Uses	1.0 / 1,000 sf	1.0 / 2,000 sf	1.0 / 1,000 sf	4.0 / 1,000 sf
Maintenance & Repair of Consumer Goods Uses	1.0 / 5,000 sf	1.0 / 2,500 sf	1.0 / 1,000 sf	3.0 / 1,000 sf
Personal Service Uses	1.0 / 1,000 sf	1.0 / 2,500 sf	2.0 / 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

Attachment D
3.4 Garage Design Standards

Attached Garage: Front-Facing

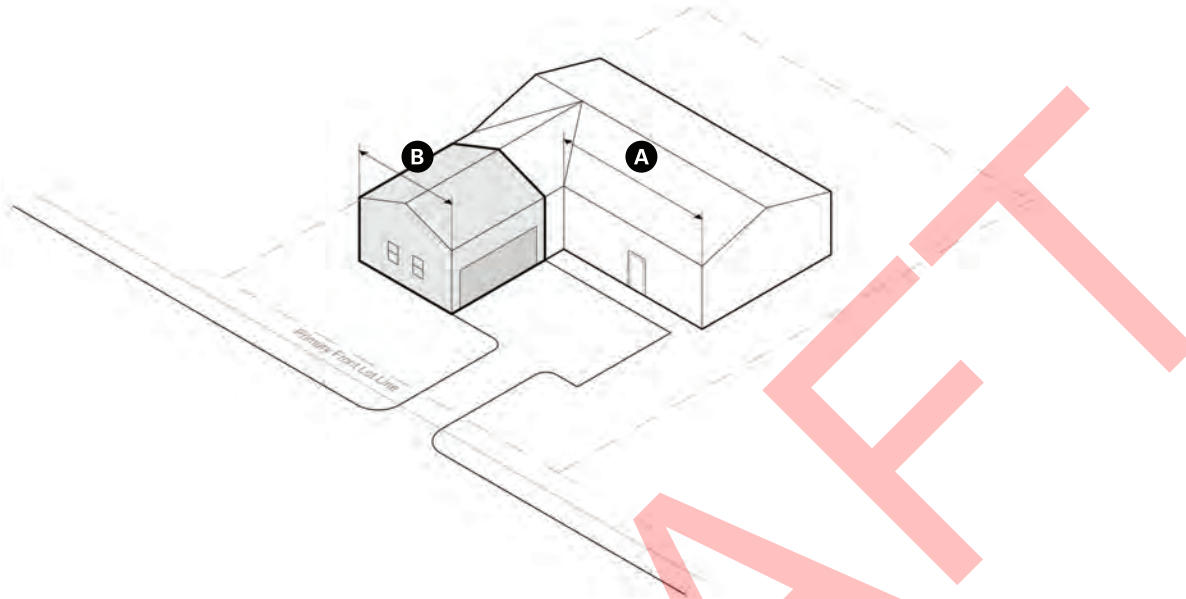
Garage Setback Exception



Principal Building	min	max
A Front Elevation	--	--
Garage Setbacks		
B Distance from Building Front Elevation	8 ft	--
Exceptions: A Front Facing Garage may be in alignment with the Building Front Elevation with a Porch meeting the requirements according to Sec. 3.3.2.C.	0 ft	--
Garage Dimensions		
C Garage width	--	50% of total Front Elevation
D Width of individual Garage Door	--	9 ft

Attachment D
3.4 Garage Design Standards

Attached Garage: Side-Facing



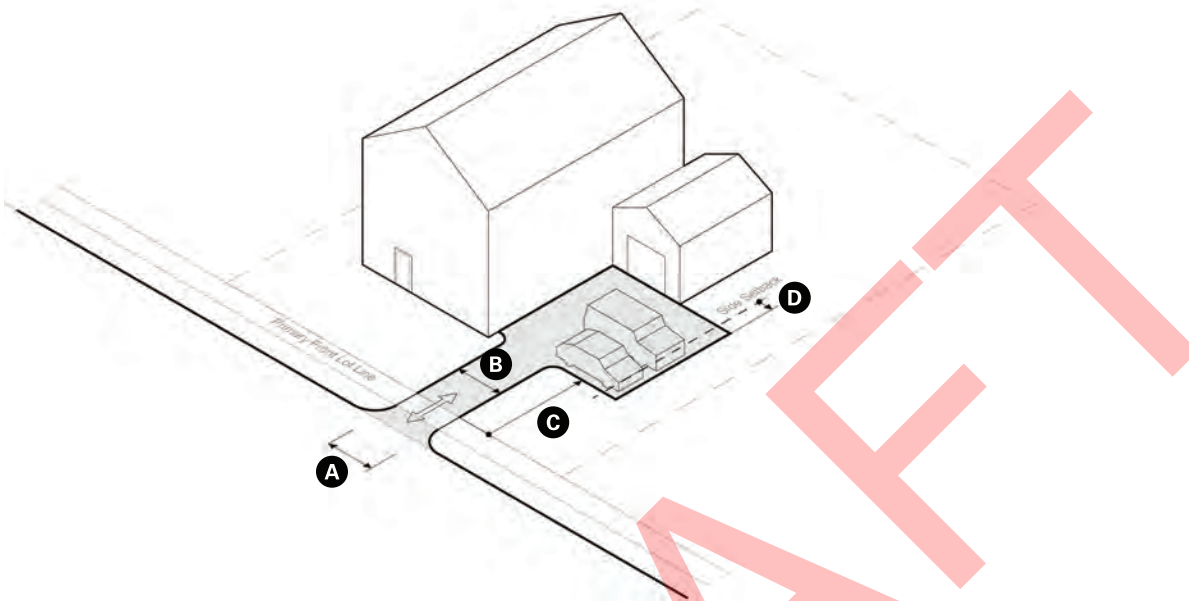
Principal Building	min	max
A Front Elevation	--	--
Garage		
B Width of Garage Wall facing street	--	50% of total front elevation
Fenestration on Garage Wall facing street	20%	50%

Attachment D

3.7 Parking Requirements in the Residence Districts

E. Driveway Access

Lot with eight residential units or less



Curb Cut Dimensions	min	max
A Width	--	12 ft
Number of Curb Cuts	--	two curb cuts are permitted on a lot with a residential Building Type with two-units or more
Distance between Curb Cuts	35 ft	--

Driveway Dimensions	min	max
B Width	--	10 ft
C Distance that the driveway must conform to width limits, measured from the lot line where the driveway is accessed		
R1 and R2	10 ft	--
R3, R4, and N	5 ft	--
D Side Setback Encroachment	--	3 ft

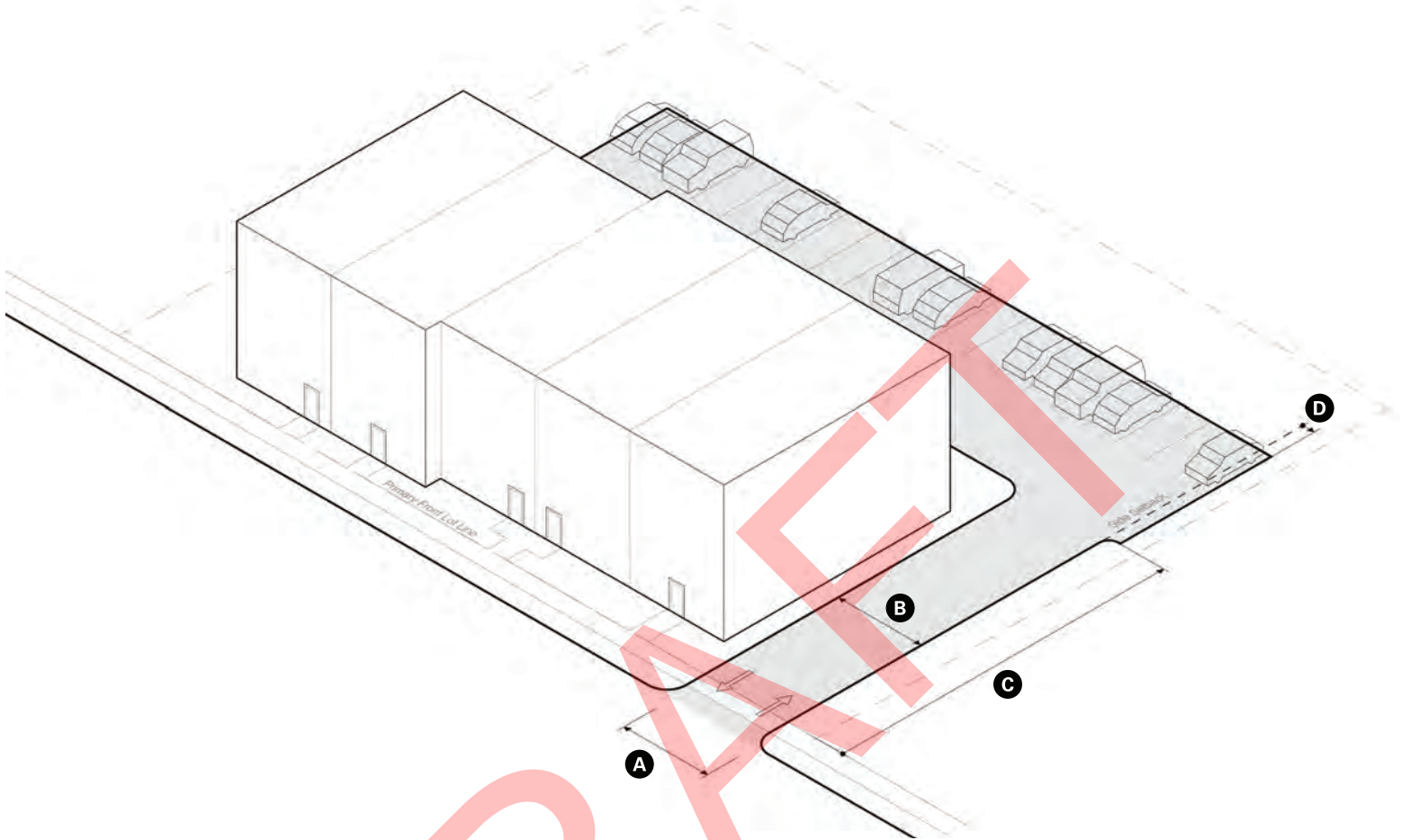
Parking Stalls	
Location	2 parking stalls may be located in the side setback area. No parking stall may be located between the building front elevation and the street

Attachment D

3.7 Parking Requirements in the Residence Districts

E. Driveway Access

Lot with nine residential units or more



Curb Cut Dimensions	min	max
A Width	--	22 ft
Number of Curb Cuts	--	two
Distance between Curb Cuts	35 ft	--

Driveway Dimensions	min	max
B Width	--	20 ft
C Distance that the driveway must conform to width limits, measured from the lot line where the driveway is accessed		
R1 and R2	10 ft	--
R3, R4, and N	5 ft	--
D Side Setback Encroachment	--	3 ft

Parking Stalls	
Location	2 parking stalls may be located in the side setback area. No parking stall may be located between the building front elevation and the street