



Zoning & Planning Committee **Report**

City of Newton **In City Council**

Thursday, November 5, 2020

Present: Councilors Crossley (Chair), Danberg, Albright, Leary, Baker, Ryan, and Wright

Absent: Councilor Krintzman

Also Present: Councilors Malakie & Kelley

City Staff: Jennifer Caira, Deputy Director of Planning and Development; Cat Kemmett, Associate Planner; Zachery LeMel, Chief of Long-Range Planning; Andrew Lee, Assistant City Solicitor; David Olson, City Clerk

#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.

Action: **Zoning & Planning Held 7-0**

Committee Chair Crossley opened the meeting and noted that the focus of the discussion will be on section 3.4.4 of the Zoning Ordinance, also known as the garage ordinance. She noted that she will be docketing a separate item to deal directly with the Garage Ordinance.

A motion to suspend the rules was requested and made to allow for additional material from Councilors Baker & Wright (attached), and Councilor Albright (attached) to be presented at the meeting. The motion was approved unanimously.

The Chair also noted that there was material submitted for this meeting including a memo from building professional group 1 which summarizes their recommendations (attached).

The Chair stated that she would be taking up the questions as they appear in the Planning Department memo that was provided with the Agenda for this evening.

The Planning Department was introduced to make its presentation.

Cat Kemmett from the Planning Department made the presentation. She noted that the Planning Department has shifted its focus from creating an ordinance that would be part of zoning redesign to a standalone ordinance that can work with the current ordinances and would have broad applicability to garages in the City. The Planning Department has met with Inspectional

Services and other city staff to better understand which components of a draft garage ordinance can best be incorporated to into the current ordinance.

Ms. Kemmet noted that the presentation will look at some of the important decision points needed to move forward and to get a feeling from the Zoning & Planning Committee as to the direction that the Planning Department should be moving in. The department's intent is to get a draft text out quickly.

The main goals of the garage ordinance will be to: limit the visual impact and dominance of garages; promote walkability and public safety; and to align with climate and sustainability goals.

Garage width

The first topic to look at is garage width. The total width of the garage is the single most important way that the City can make sure that garages don't dominate the street, and that the focus is on living space within houses.

One of the challenges of regulating the garage width is defining how to measure it. Many garages that are built today are attached to homes with a small entry way or mud room which is perceived as less detrimental to pedestrians walking by than the garage doors. The Planning Department would like to allow these features while limiting the garage width. A lot of the buildings that have been put up recently have a focus on the garage.

The Planning Department's last proposal had suggested a garage width of 50% of the front elevation from wall to wall. This is larger than the current ordinance which caps the width at 40% of the front elevation inclusive of the garage. The feedback that was received was that 40% was too restrictive. The building professionals also recommended a garage width of 50% of the front elevation, but recommend a simpler measure is of the doors only (measured jamb to jamb). If you measure just by the doors you can limit the overall garage width while keeping some flexibility. The doors measured alone represent a smaller percentage of the total than if you measure the full width of the garage.



36% of facade



41% of facade

The Planning Department questions whether to add additional guidelines for garages for two unit structures. It can be overwhelming when there are two garages next to one another. The Planning Department believes that they can regulate this by getting the maximum width correct. It is extremely important to make sure that the percentage is right. A chart of the percentage of lots under the current zoning ordinances that could accommodate a two-car front facing garage is provided in the attached presentation. The percentage of existing lots that can accommodate

a two-car garage decreases as you move from SR1 to MR3. SR1 lots are generally larger than MR3 lots and a two-car garage aligns more with an SR1 lot. The Planning Department wants to make sure that the City is striking the right balance where there is the frontage to support a two-car garage. Where there is a smaller lot width, than it perhaps cannot have a front facing garage.

The Planning Department asks the following key questions:

1. Do you agree that measuring the doors is a simpler way to regulate overall garage width?
2. Should we adjust the percentage for the maximum width if measuring only the garage doors?
3. Should we create additional guidelines for attached garages for two unit structures in order to prevent multiple two-car front facing garages?

What is the correct overall percentage? There is a difference between 40% and 50% of the front facade. The Planning Department believes that 50% measured by the doors maybe a little too generous, but they want to crunch the numbers to make sure it is effective.

Comments from the Councilors to the three questions:

1 & 2. Measuring the doors only and the maximum percentage.

"Measure the doors instead of measuring the whole (garage) façade What is in your face is the door itself, not the facade."

"I think 50% is reasonable because if you have a particularly narrow lot and house and you are trying to get two doors in, we should allow for 50%."

"It ought to be less than 50% so that the garage does not dominate."

"Can we count the space between the doors as part of the door jamb to door jamb calculation?"

The Planning Department stated that if you include it then builders will make that space as small as possible, which will make the doors more dominant. It was also noted that if the doors are not exactly next to one another, there would need to be a variety of rules depending on the design.

"50% seems a lot. Maybe we could meet in the middle at 45%."

"It is fine measuring door jamb to door jamb and it should be 40%, but if the garage is recessed from the front of the house then maybe it could be 50%. The goal would be to keep the garage from dominating the facade. Not every lot can support a two-car garage."

"I am not for the 50% but could compromise on 45%. We should measure (the denominator) from the widest part of the house."

"Measuring from door jamb to door jamb is a clever solution to minimize the dominance if the garage door. The large expanse of a garage door is what people don't want. The dominating portion of the house should be the entrance, not the garage doors. I prefer the two (single door) bays."

"The garage door should be less than 50%, closer to 40%, but 45% is probably reasonable."

"We should make it as straightforward as possible for ISD to regulate doors."

"I have concerns about measuring from door jamb to door jamb because people will be creating wider garages to store things like their snow blowers. The exterior effect will be a wider garage, even though it is not entirely doors. If you're going to measure from door jamb to door jamb the percentage should be reduced. 40% is a much better limit than 50%."

"Allowing more space on the sides would allow the homeowner to bring their trash cans inside, to store bikes, to keep car doors from hitting each other, etc. Having a bit of extra space is fine. It is the doors that provide the visual impact."

"It is more palatable if the garage is less than 40% of the width. If it's front of the house it should be less, more like 30%."

"I am OK with 50% of the width because I want people with small lots to be able to have a garage."

3. Attached garages for two-unit structures.

"Some of the more offensive (garage) examples were the four garages across the front."

"We should have separate rules for attached properties."

"There should be different rules for duplexes."

"If we allow duplexes, where are the homeowners going to put their cars and the garage?"

"If we say no to two car garages, then they will have a one car garage. The house will still sell."

"There should be different rules for duplexes."

"There should be different zoning for duplexes."

"There should be additional guidelines including how to minimize the dominance of garage doors."

"It is better to have the garages separated than to have four in a row. If they don't have room for two garages, then they should have one garage each. We are currently talking about having one car per apartment, but when it comes to houses, we seem to want to have two car garages."

"I would make the percentage at least 50% for duplexes."

Door width: Front facing Garages

The width of each bay on the garage is an important element. When each garage space has its own door, it helps to break up the façade and creates visual interest on the street. The current proposal restricts garage door width to 9 feet and does not allow for double wide doors. The building professionals recommend that offering a double-wide door would be more desirable and cost effective for some homeowners. Double-wide doors can be



more overwhelming than single bay doors, but homeowners might want this flexibility. If double garage doors are allowed, the Planning Department would like to cap the width at 16 feet. 16 feet allows wiggle room and keeps the door smaller than two double bays. A double-wide door can provide easier access to the garage and may be important for accessibility.

The Planning Department asks the following key question:

1. Should the City allow double wide doors for front facing garages if the width is capped at 16 feet?

Comments from the Councilors:

"A double door should be 16 ft., and 9 ft. on the single."

"A double door can serve a purpose, but this is not a categorical yes. Perhaps it could be set back. It should not be the dominant feature. It should be less than two doors in width. We should encourage a single door."

"I agree with the above. I'm OK with a 16-foot-wide door, but I would like it 35% or less (of the total front elevation). You don't want the double door to dominate and it should be a smaller percentage. If you want a larger percentage, it should be set back. You don't want the door to dominate the streetscape."

"All I can think about is how many times my mother hit the post between the two doors until my father replaced it with a single door. A single door may be necessary for certain drivers and 16 feet is a good width."

"Would you have a separate rule for three bays? Can they do a two and a one bay door? I am in favor of allowing a 16ft. door."

"Definitely 9 feet on the single door. My garage doors are 8 feet. I have an older car and it is tight to get into the garage. I do believe that 16 feet should be the limit. The visual effect of the door is what is attractive or unattractive in my opinion. I also would not penalize the width of a post between the two doors, you need to have enough room so that you can open your car doors without them hitting each other."

"If you have a 16 ft. door it should be a lesser percentage. That door is the dominant feature and we don't want it to be 50% of the house."

"I agree with the 16-foot door, but it should be 35% of the facade. 9 ft. for a single door also seems appropriate."

"If you have a single door and a double door, it would be better to have three bays than to have a double door and a single door."

"A 9-foot door, and a 16-foot double door, is fine."

Front Elevation

The Planning Department is still trying to nail down how to best calculate and measure the width of the front elevation of a building. It is important to get this measurement right because it will

be how the width of the garage is determined. Should the area closest to the street be measured. Should it include porches to the left of the facade? Should it include a garage with no living space that is set back from the front wall of the house? There are several options for measuring the front elevation. Option 1: Measure from the widest point of the building including everything facing forward on the front facade. Option 2: Measure the widest point of the building within a certain range. Anything set back more than 10 feet from the front elevation would not be included.



The Planning Department asks the following key question:

1. Should the front elevation measurement be limited to those building elements closest to the front of the house?

Comments from the Councilors:

"When measuring the width of the house you can include a mud room if it connects the garage to the house."

"This is a tricky problem, and the architects left it to the Planning Department, and the Planning Department is leaving it to us tonight. Things can be forward and things can be back, do you include a greenhouse for instance. For the sake of ISD we want to pick a number, do you want to say anything within 6 to 10 feet of the front most wall of the house?"

"The simplest thing to try and measure would be the distance from wall to wall. That has some validity. When you are reading the garage you want to make sure that it is secondary to the house."

"Should we keep it simple and make it the total length of the building including the wall of the garage, but to define that so they're not including little projecting elements."

"The middle line is the one that should be used so as not to include lesser components. This looks to be the same as the front grade."

The Planning Department noted that if you say at grade, the grade changes around the perimeter of the house. What do you call at grade? We should be thinking about how to make this as simple as possible while providing as much impact as possible."

"I don't have a strong opinion and maybe it should go back to the Planning Department, but I would also like to hear from the architects. My inclination is to include the view from the street so I would include everything that can be seen from the street at the first floor."

The Planning Department noted that it is complicated, and they are working on coming up with recommendations.

"In the typical split level ranch where you have a forward section of the house, where you have an L-shaped building, and the garage has living space above it which sits forward of the plane of the house, I'm OK with that, but that means that element will be all garage and you are saying measure everything that faces the street."

"Is the Planning Department's recommendation to measure everything facing forward?"

The Planning Department noted that at this point they don't really have a recommendation.

"Measuring the widest part within a certain range seems the most reasonable thing to do."

"Everything on the first-floor level but not including the bays on the second floor. I would go with the second pink line on the bottom which includes everything except the greenhouse. I would include all the building that faces forward."

"I believe that the line that goes from the greenhouse to the porch wall is the appropriate line in this context. The garage being pushed back has already minimized the impact of the garage."

Front-facing Garage Placement

Placement of the garage on the lot is very important. Front facing garages open onto the street. The latest draft ordinance proposes that the garage be pushed back 8ft. The feedback that has been provided is that 8 feet is too restrictive, and the Planning Department agrees that it should look at this number. To be a little less strict a setback can continue to be required but reduce the setback to create more flexibility. What the Planning Department has heard from the building professionals is that even a setback of 2 feet can provide that relief of impact.



Another option to look at would be to require that the garage be pushed back if it is for two or more cars but allow single car garages to be in line with the front facade of the building. The visual impact of a single bay is less than a garage with two or more bays.



Side facing garages

The Planning Department is going to continue to suggest to allow side facing garages in front of the main elevation. The Department recommends a minimum of 20% fenestration only on the side of the garage facing forward of the main elevation. This will make sure that there is some visual interest on the side facing the street. The building professions, however, say this is not a necessary regulation.

The Planning Department asks the following key questions:

1. Should we require front facing garages to be set back from the main building facade? If so, what should the minimum setback be?
2. Should we differentiate between a single car garage and two or more car garages?

Comments from the Councilors:

"I favor the garage being set back. What we're talking about is new construction and as a design element it makes sense to have the garage setback."

"I'm in favor of a setback, but it doesn't have to be extreme. Just 2 feet breaks up the front of the house. I am opposed to having a three-car garage in the front unless you have enough property to put it there."

The Chair of the Zoning & Planning Committee noted that text drafted by the architects includes language about the height of the garage and projection forward of the house. Their proposed text:

- 1. A 1 or 1 1/2 story garage may project forward from the house a maximum of (TBD) ft.*
 - 2. A garage may align with the face of the building if the building includes a front facing porch, open or enclosed front entry or recessed entry. (the minimum dimensions of the components should be clarified).*
 - 3. A garage set below the natural grade at the front lot-line may align with the building face of the building if it includes a building component such as a bay, cantilevered floor or roof eave immediately above the garage doors (again define minimums for components). A down-under garage may project forward of the front of the building if it is a 1 or 1/2 stories.*
- c. A front facing garage, attached or detached, located 70 ft. from the front lot line is exempt from the provisions of this subsection F.*

"I favor the garage being set back from the house as it breaks up the facade of the house. I have no problem with the 2-foot setback. I am all right with a two-car garage to be pushed back with a single car garage being flush with the front of the house. It is the issue of the dominance of the garage doors and the façade."

"If the garage is limited to no more than 1 1/2 stories, I would be OK with it not being set back or even set forward by no more than 6 feet. If it has an architectural feature above it that gives it visual interest and deemphasizes the size of the garage doors."

"The least interesting garage is one that is flush with the front of the house a little set in front or little setback is fine with me."

"In general I would like to see the garage set back from the house. I think 6 to 8 feet is a lot, I'm OK with 2 to 4 feet, but I have not nailed down a number."

"A single 9-foot door could be flush with the house, but in general I would like it to be recessed."

"I don't think that garages need to be set back. It is a design and massing question."

"The issue of glazing on side facing garages was mentioned and 20% is a bit high. Homeowners don't want glazing and fenestration on the side facing garage. It should be a smaller number."

It was asked if the Planning Department could provide some guidance on what 10%, 15% and 20% fenestration might look like.

Porches and Architectural features

The purpose of porches and canopy entryways is to balance out the garage that is not set back from the street. There can be a lot of visual appeal to a garage that is not set back from the front elevation of the house when it is balanced by a porch or canopy. The Planning Department has heard from the architectural community and the Councilors that they would like to allow for this type of feature, however, as the Planning Department dug into the details it became apparent that it will be difficult to determine the dimensions of a porch to sufficiently offset a garage. Every one of these elements needs to be very clearly defined and would need a very descriptive standard. It might make more sense to allow these embellishments by special permit only.



The Planning Department asks the following key questions:

1. Should we create standards that would allow porches and other architectural articulation to serve as mitigating elements for front facing garages to align with the main building face by right?
2. If not, should it be allowed by special permit?

Comments from the Councilors:

"Using porches and other architectural features is a clever way to break up the facade and diminish the look of the garage door."

"Large garages usually have a large slab of asphalt in front which is not generally what is wanted. Green space is nice."

"I have no problem with a real porch that is built with the house and is going to remain. I am not in favor of a bay window or a mud room to be part of the setback calculation."

"I'm fine with the garage level with the porch and if there is a second floor cantilevered out over the garage it gives the impression that the garage is set back."

"The garages that are most appealing are the ones that have a porch or portico associated with them."

"If you have a porch and a two-car garage you should bring the garage to half the depth of the porch, and the porch would have to be half the house, not just a small entry way. This brings variety to the façade."

"If we are going to set the garage back then there needs to be some mitigating design elements to lessen the impact. One of the best examples I saw was when the porch roof continued and became the roof of the garage."

"This part of the memo troubled me. It felt like an architect who wants the garage to be in front of the house could just design the house with a porch to allow it to happen."

The Planning Department stated that that's not what we were trying to do with this section. They agree that porches are a good way to offset the impact of the garage. What they are struggling with is that the zoning needs to be black and white. There are

concerns about implementing this within our current ordinances. They think this will be a better fit when there is a totally new ordinance. Right now, the Planning Department would like to focus on simple measures that have impact.

"A simple report of the ordinance now makes sense. If you want to do something with architectural elements later or mitigating factors it could be part of a special permit application."

"Right now we want to get through this. I would be happier doing a simpler code now and coming back to this later."

"Let's get this done and keep it simple. Tackle the mitigating factors later."

"This is more complex than measuring the front elevation. I am willing to put this off to a later date."

"It's not just split-level ranches that have down-under garages. People may not want a down-under garage, but it is the only thing possible on their lot. The architects are recommending that those garage doors not to be more than 50% of the house above. We might want to choose that 40 or 45% number."

"Down under garages also have requirements for retaining walls that these must also be addressed."

"Although we are referring to this as something that is temporary, temporary could be a long time. It could be a year more. We should really try to do this well."

Exemptions

The Planning Department is still recommending exemption for all garages that are set back more than 70 feet from the front lot line. At 70 feet, the garage is so far back that it is not a visual impact to the street.

Comments from the Councilors:

"A garage that is 70 feet back should not even be considered in the calculation and should be exempt."

"I would exempt 70 feet also. What we're looking is the experience from the street. A garage set back that far is fine."

"70 feet back should be exempt."

"I don't support the 70 feet as is. I would support it only if the house is more forward than the garage. I don't want to see a six-car garage in front of the house."

(Note: The ordinance allows up to 3-car garages by right)

"It is important to be clear about what is exempt and what is not. Garages in the back that are separated from the structure are currently allowed as accessory buildings if they're under 700 square feet or three bays or less. We should not disturb that ordinance. Does the garage have to be set back from the house? I would be cautious about the garage moving forward of the house. We should understand what we are excluding and what we are not."

"I would exempt garages that are 70 feet back from the doors size and the relationship to the front of the house."

The Planning Department is hoping to have a revised draft of the garage ordinance completed by November 23, 2020, the final garage ordinance text available in December and to hold a public hearing on the ordinance early in 2021.

Councilors Baker and Wright presented twelve recommendations to the Planning Department for the draft ordinance (presentation attached to this report).

Councilor Baker noted that he has heard from the community that the availability of front-facing garages are creating an incentive for teardowns that would not otherwise exist. The City is losing its older housing stock in the process. Councilors Baker and Wright have developed some general principles that they would like to see incorporated in the final ordinance.



1. Garages should be a lesser feature of the property.
2. If 50% is calculated from garage door jamb to door jamb than the garage is more than 50% of the property. If calculating from door jamb to door jamb it should be 40%, not 50% as of right.
3. The garage should be set back from plane of the main structure by enough distance so that it is a secondary feature.
4. Garages under the structure should be avoided as of right if they involve the creation of retaining walls that expand its visual impact on the site.
5. To avoid appearing massive, each garage bay should have its own door, unless the width is proportionately much less than the main structure of the home.
6. Side facing garages should face away from the nearest neighbor and include windows.
7. Garages should not be placed in the side or rear setback to minimize impacts on neighboring properties.
8. Multiple bay detached garages should be sited behind the main home, as with most current garages, to allow narrow driveways to reach them.
9. Where new garages are offered that do not meet these basic limits, such as garages forward of the main house or wider than otherwise allowed, they can be reviewed and approved by special permit, as now provided for garages larger than 3 bays or 700 square ft.
10. In such special permits, additional criteria may be added to minimize the impact on the public and neighboring properties.
11. If existing garages become nonconforming, they can continue to be used, and if they need expansion, a special permit finding that the extension is not substantially more detrimental to the neighborhood is available, as now for the many nonconformities in our Zoning.

12. In the drafting process, it is important to maintain the long-standing limit of 700 square feet and three bays without a special permit.

It should be kept in mind that we are drafting an ordinance for people who may not employ a talented architect and we need to have some basic principles in place to guide them.

It was asked if the Council should only allow these things by special permit? Doesn't this ask the Land Use Committee to be design reviewers? We have to be careful about where we draw that line.

There is a lot of not good design work in the City and we're hoping to be able to limit that.

Zoning is not to create good design.

Councilor Albright presented slides of houses that are within walking distance of her house. She would like to know what's wrong with the front facing garages in the pictures that she is presenting. She feels that these examples all work.

It was noted that many of the examples presented were of garages that were under 40% of the facade and the garage does not dominate, that is why they work.

Additional Councilor comments

"The reason we get so much crammed onto a lot is because the builders want to get as much house on the lot as they can."

"We need to limit the snout house."

"Garage as first floor. That is hard visually unless there is a huge hill where the only way to have a garage is to go into the hill. Topographically may have to allow garages to dominate the front."

"Front facades of houses that are completely unadorned is a look to avoid."

"We need to avoid sending everything to the Land Use Committee."

The meeting adjourned at 9:45 pm.

Respectfully Submitted,

Deborah J. Crossley, Chair



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: October 30, 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
Nevena Pilipović-Wengler, Community Engagement Manager
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: November 5, 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

At the last ZAP meeting on October 26th, two groups of building professionals presented their recommendations for the Garage Ordinance. Staff greatly appreciates the immense amount of time and effort these building professionals continue to provide. Previously, staff recommended moving the amendment to the Garage Ordinance forward without the sections addressing Driveway Access or paving regulations. The building professional groups expressed support for this during their presentations at ZAP, and this decision has been reaffirmed by Current Planning and ISD.

The upcoming ZAP meeting on November 5th will include a presentation by staff on updated recommendations since hearing from the building professionals. In addition, members of the Zoning Redesign team have been meeting regularly with the Commissioner of ISD and Current Planning to better understand which components of the Garage Ordinance draft can best be incorporated into

current zoning, and how this can be accomplished. This memo provides more detailed information about how staff propose to prioritize content in the revision process for the Garage Ordinance, pose some key decision points for the Committee to guide staff, and provide a response to points brought up by the building professionals.

Garage Width

Total Width

Limiting the total garage width is the most impactful way the Garage Ordinance can ensure that garages do not dominate the streetscape. However, a common criticism of the deferred 2016 ordinance was that it restricted attached garages to a width of up to 40 percent of the total length of the building, which many found to be too restrictive. The top priority of the proposed Garage Ordinance is to set a maximum width for front facing garages, based on the total width of the house, that provides a reasonable allowance for a garage while not allowing the garage to dominate the front façade of the house.

The question of how best to regulate garage width has not yet been clearly resolved. ZAP has discussed loosening the restriction in the deferred ordinance and increasing the allowed garage width to go up to 50 percent of the total length of the building. One challenge of regulating garage width is defining the garage wall for purposes of this measurement. Many garages are attached to homes with a small entryway, mud room, etc. The building professionals proposed simplifying this measurement by focusing on just the width of the garage doors. According to this recommendation, the total width of Front Facing Garages would be measured by the doors, jamb to jamb, and may be no greater than 50% of the total width of the Front Elevation, inclusive of the garage doors.

Staff agree that measuring garage width based on the doors has a number of merits, particularly since the doors are the main area of concern for garages facing the street. If the Committee agrees to pursue this alternative method of measurement, this will require a careful analysis of whether 50% of the total width of the Front Elevation is still the right percentage, since the area being measured as garage width would be reduced as compared to the current draft.

Decisions

- Do you agree that measuring from the doors is a simpler way to regulate overall garage width?
- Should we consider creating additional guidelines for attached garages for two-unit structures in order to prevent multiple two-car Front Facing Garages?

Door width

Garage doors serve as the defining element in the scale and feel of garages that face the street. Overly large doors draw attention away from the living space of a house to the garage. Requiring individually articulated doors, as well as setting maximum garage door widths, can help break up the facade and provide more visual interest to garages that provide space for multiple motor vehicles. The current proposal restricts individual garages doors to no more than 9 feet in width.

The building professionals recommended setting a maximum width of 9 feet for single bay garage doors to ensure a reasonable but capped width. They also suggested that rather than requiring individual doors for any garage housing multiple vehicles, there should also be an option to provide a double-wide garage door for a two-car garage. If providing a single door, the building professionals recommended a maximum width of 16 feet.

Overall, staff agrees with these recommendations and looks forward to working with the building professionals and the Committee to refine these standards further. Allowing for alternatives provide homeowners who need extra space for getting in and out of a vehicle greater flexibility in design and will actually result in less overall garage door width in some instances than two individual doors. Setting a maximum width for these double-wide doors at 16 feet will help ensure that they will not overwhelm the streetscape. Finally, the building professionals also pointed out that a single garage door is a more economical option.

Decisions

- Should we allow double-wide doors for Front Facing Garages if the width is capped at 16 feet?

Front Elevation

The draft ordinance does not yet specify the details of how the Front Elevation should be measured in order to best account for jogs and articulation in facades. The width of the front elevation is used to determine the maximum garage width. Some options that are currently under consideration include:

- Measure the widest point of the building, including everything facing forward on the front façade, regardless of how far back a portion of the building may be
- Measure the widest point of the building within a certain range. For example, any portion of the building set back more than six feet from the frontmost portion of the living space would not be included in the overall width.

In order to facilitate a clear framework for ISD to follow in evaluating Front Elevations, this method of measurement should be kept fairly simple. Staff look forward to hearing the Committee's and building professionals' thoughts on this topic to better understand which avenue of measuring should be pursued further in the draft.

Decisions

- Should the front elevation measurement be limited to those building elements closest to the front of the house?

Placement

Front Facing Garages

Controlling for the placement of garages is another critical element of the Garage Ordinance. Front Facing Garages in particular have a strong impact on pedestrians and the public realm. When they are prominent and pronounced, they can become the defining architectural feature of the home as viewed from the street.

The building professional groups seemed to be in general agreement that the garage plane should typically be set back from the Front Elevation of the main building unless specific mitigating elements are provided or the garage is limited to no more than 1.5 stories. But, there is no clear agreement on what that setback for Front Facing garages should be. Similarly, there has not been a clear sense of agreement among members of the Committee about whether, or how much, to require a Front Facing Garage to be set back from the main building Front Elevation. Some members have raised concerns that the 8-foot minimum requirement put forward in the proposed draft would be too restrictive. Staff agrees that 8 feet is likely not necessary to reduce the impact of a front facing garage, given the restrictions on the overall width. Staff also agrees that limiting the stories of an attached garage, and/or requiring architectural features to offset the visual impact, reduces the concerns around garages that align with or project forward of the house. However, as discussed further below, these create difficulties in implementing the ordinance. Even the previous proposal to allow the garage to align with the front of the house when there is a front porch has raised concerns upon further analysis and attempts to define a porch. The zoning ordinance must be clear and require little discretion, which is why staff recommend keeping the placement of the garage as simple as possible.

Because Front Facing Garages are so visible and connected to the street, staff recommend some amount of differentiation in the facade or setback requirement to reduce their visual impact. Some options to consider include:

- Reducing required setback from 8 feet to 2 feet to be less restrictive. The 8-foot setback was originally recommended to align with the standard requirements for the Side Wing Building Component, which is not a feature in our current zoning.
- Requiring Front-Facing garages to be pushed back if the garage has room for two or more cars but allowing single car garages to be flush with the main building façade.

Just as jogs or articulation in the facade of a house presents a challenge for calculating the width of the front elevation, it also needs to be accounted for when determining from which point to measure the garage setback. If the garage is to be set back 2 feet from the front of the house, for example, how much of the front facade needs to be at least 2 feet forward of the garage facade? One option is to require at least 50% of the portion of the front facade that is defined as the front elevation to be set forward of the garage.

Decisions

- Should we require Front-Facing garages to be set back from the main building facade? If so, what should that minimum setback be?
- Should we differentiate between a single car garage and two or more car garages?
- When determining garage placement, how should we account for articulation and jogs in the front facade of the house?

Side Facing Garages

The building professionals recommended that Side-Facing Garages may be located in front of the main house, but not within the front setback, which is consistent with the latest proposal. However, in their opinion no fenestration or roof design requirements should be included for the front facade or the roof of the garage. In their opinion, requiring fenestrations is overly restrictive and builders already provide windows and other architectural elements when designing Side Facing Garages.

Staff recommends allowing Side Facing Garages in front of the building Front Elevation so long as there is a minimum of 20% fenestrations on the wall facing the street and eliminating maximum fenestrations or any regulations related to the roof.

Mitigating elements

Porches & Architectural Articulation

Architectural features can mitigate the impact of garages on the street. Rather than requiring garages to be pushed back, there can be a visual appeal in having the garage align with the front façade of the house when counterbalanced by a porch, entry canopy, recessed entry, horizontal element, or roof that sufficiently mitigates the impact.

The builder's group suggests that when these architectural features are present, the Garage Plane should be permitted to align with the face of the building, rather than set back. Councilors have also pointed to several examples of attractive garages in Newton where these architectural features are present and propose creating rules to allow for these options.

Staff agrees that these features can work well as a counterbalance to Front Facing Garages and have given careful consideration to how the Garage Ordinance might be able to regulate this type of design. However, trying to regulate for some of the possible garage configurations and mitigating considerations proposed by the Committee and the building professionals group pose several challenges. In the latest iteration of the draft zoning ordinance, Porches are understood to act as Building Components. In the draft zoning ordinance, front porches are incentivized through an allowance for them to project into the front setback. Under current zoning, there is no such allowance, and staff believe that without that incentive, the number of Porches built for this purpose will be marginal. It is also difficult to determine the dimensions of a porch that would sufficiently offset a garage.

Furthermore, if the Committee decides to require Front Facing Garages to be set back unless one of these architectural elements is present, every one of those elements will need to be clearly defined. This would require very prescriptive standards and likely a whole page checklist for each different type of architectural element in order for ISD to make determinations. There would also need to be language ensuring that these mitigating features are permanent fixtures.

Given these challenges and the complexity of creating precise standards for these elements, Staff suggests revisiting this mechanism as part of the larger Zoning Redesign effort, once these definitions have been more refined and fine-tuned. Alternatively, the Committee might consider whether it would be appropriate to allow for this type of design through the Special Permit process within the current ordinance.

Decisions

- Should we create standards that would allow Porches & other architectural articulation to serve as mitigating elements for Front Facing garages to align with a main building face by right? If not, should it be allowed by Special Permit?

Other outstanding topics*Below grade garages*

Garages that are Front Facing but tucked under, so they are a half or full story below the main entry of the house have not been explicitly addressed in the draft so far. Members of the building professionals group have suggested that the total width of these garages should not exceed 50% of the total width of the facade measured at grade and that they could have different regulations for placement. The width of a tucked under garage is already addressed in the proposal and would be limited to 50% of the widest portion of the building facade (typically the story above the garage). Defining when a garage becomes “tucked under” would complicate the ordinance so staff recommends applying the same placement requirements as all other front facing garages.

Projecting garages

Garages that project forward of the main elevation of the house have also not been discussed in the current draft. The building professionals have recommended that garages may project forward of the main building if limited to 1 or 1.5 stories.

Staff will explore limiting Side Facing Garages that project in front of the elevation of the house to 1.5 stories. Because of the difficulty involved in changing how stories are calculated, staff are not proposing a story limit for projecting Front Facing attached garages, but it may be easier to apply this limitation to Side Facing Garages. Limiting an attached garage to 1.5 stories presents challenges as our current ordinance determines stories based on the entire structure, not a portion of the structure and it could require more of the garage to project forward, which conflicts with our goals for front facing garages. Redefining stories within the current ordinance would also create confusion and could lead to many unintended consequences.

Exemptions

At previous ZAP meetings, the Committee discussed two exemptions. The deferred ordinance exempts a garage from the standards outlined in 3.4.4 if the garage is set back more than 70 feet from the Primary Front Lot Line. Setting the garage far back from the street frontage was deemed appropriate to mitigate the visual impacts of the garage. Members from the building professionals group agreed with this exemption and suggested it should apply in all districts. Staff recommend exempting all garages set back more than 70 feet from the Primary Front Lot Line in all districts.

The second exemption is for garages on lots which slope up or down from the Primary Front Lot Line with an average preconstruction slope of 20% or more. These standards may be difficult to adhere to on steep lots, and an exemption would allow some leeway for those with challenging topography on the lot. After consultation with ISD, staff recommends eliminating this exemption. The Zoning Board of Appeals already has a process and established threshold that can be used to determine hardship and acquire a variance granting zoning relief for cases like an extreme slope.

Garages that Become Non-Conforming

The proposed garage regulations will result in some garages that are conforming under the current zoning to become nonconforming. This is likely to have little impact to the homeowners as these new regulations will only apply to new garages and renovations of existing garages. A use or structure is

considered nonconforming, as opposed to noncompliant, if the use or structure was legally permitted prior to zoning changes. A nonconforming structure or use can remain in perpetuity in its current state. An entire property is not classified as nonconforming, just the element that no longer complies with zoning. For example, if a homeowner has a garage that projects forward of the house and an ordinance is passed requiring a minimum setback from the front of the house, the owner would not be required to change the garage to comply. The owner could also add on to or modify any other portion of the house as long as it was compliant with zoning and they did not make the garage any more nonconforming than its current condition. The only time the nonconforming placement of the garage would need to be addressed is if the owner wished to extend the width of the nonconforming portion of the garage, which would then require a Special Permit.

Massachusetts General Law, Chapter 40A, Section 6 grants broad rights to owners with nonconformities and provides a process for extending those nonconformities. Section 7.8 of the current zoning ordinance deals with nonconformities and a nonconformity may be altered or enlarged through a Special Permit as long as the City Council finds that “such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood” and the City Council shall impose such conditions as may be necessary to protect the neighborhood from injury.

Looking Ahead

Staff plan to share a revised draft of the Garage Ordinance that incorporates feedback received from the building professionals and the Committee for the next ZAP meeting discussing the Garage Ordinance, which remains to be determined.



Garage Ordinance

11.05.20 – ZAP Committee

Agenda

- **Garage Ordinance Goals**
- **Priorities:**
 - **Width**
 - **Placement**
 - **Mitigating Elements**
- **Looking ahead**

Main Goals

- **Limit the visual impact and dominance of garages in the public realm**
- **Promote walkability and public safety**
- **Align with climate and sustainability goals**

Garage Width

Recent Development

#88-20



Garage Width

- **Deferred ordinance – 40% of total Front Elevation (wall to wall)**
- **Last proposed – 50% of total Front Elevation (wall to wall)**
- **Building professionals' proposal – 50% of total Front Elevation (doors only)**

Measured by doors alone (jamb to jamb)

- 36% of total facade



Measured by total garage (wall to wall)

- 41% of total facade



Measured by doors alone (jamb to jamb)

- 43% of total facade



Measured by total garage (wall to wall)

- 53% of total facade



Garage Width

Zoning	Existing Conditions	Standards	Min. Lot Frontage for Max. Garage @ 40%		Min. Lot Frontage for Max. Garage @ 50%	
District	Existing Lot Frontage (width)	Side Setbacks (total)	Two 9 ft Garage Doors	One 16 ft Garage Door	Two 9 ft Garage Doors	One 16 ft Garage Door
SR1	25% conforming - 148 ft 50% conforming - 110 ft 75% conforming - 88 ft	Old Lot - 25 ft New Lot - 40 ft	Old Lot - 70 ft New Lot - 85 ft ≈75% of lots	Old Lot - 65 ft New Lot - 80 ft ≈80% of lots	Old Lot - 61 ft New Lot - 76 ft ≈85% of lots	Old Lot - 57 ft New Lot - 72 ft ≈85% of lots
SR2	25% conforming - 105 ft 50% conforming - 86 ft 75% conforming - 70 ft	Old Lot - 15 ft New Lot - 30 ft	Old Lot - 60 ft New Lot - 75 ft ≈70% of lots	Old Lot - 55 ft New Lot - 70 ft ≈75% of lots	Old Lot - 51 ft New Lot - 66 ft ≈80% of lots	Old Lot - 47 ft New Lot - 62 ft ≈85% of lots
SR3	25% conforming - 86 ft 50% conforming - 72 ft 75% conforming - 60 ft	Old Lot - 15 ft New Lot - 20 ft	Old Lot - 60 ft New Lot - 65 ft ≈65% of Lots	Old Lot - 55 ft New Lot - 60 ft ≈70% of Lots	Old Lot - 51 ft New Lot - 56 ft ≈75% of lots	Old Lot - 47 ft New Lot - 52 ft ≈80% of lots
MR1	25% conforming - 85 ft 50% conforming - 65 ft 75% conforming - 50 ft	Old Lot - 15 ft New Lot - 20 ft	Old Lot - 60 ft New Lot - 65 ft ≈50% of lots	Old Lot - 55 ft New Lot - 60 ft ≈60% of Lots	Old Lot - 51 ft New Lot - 56 ft ≈65% of lots	Old Lot - 47 ft New Lot - 52 ft ≈75% of lots
MR2	25% conforming - 75 ft 50% conforming - 60 ft 75% conforming - 45 ft	Old Lot - 15 ft New Lot - 20 ft	Old Lot - 60 ft New Lot - 65 ft ≈35% of lots	Old Lot - 55 ft New Lot - 60 ft ≈50% of Lots	Old Lot - 51 ft New Lot - 56 ft ≈55% of lots	Old Lot - 47 ft New Lot - 52 ft ≈60% of lots
MR3	25% conforming - 84 ft 50% conforming - 65 ft 75% conforming - 40 ft	Old Lot - 15 ft New Lot - 15 ft	Old Lot - 60 ft New Lot - 60 ft ≈55% of lots	Old Lot - 55 ft New Lot - 55 ft ≈55% of Lots	Old Lot - 51 ft New Lot - 51 ft ≈60% of lots	Old Lot - 47 ft New Lot - 47 ft ≈65% of lots

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

Questions

- **Do you agree that measuring from the doors is a simpler way to regulate overall garage width?**
- **Should we adjust the percentage for the maximum width if measure from garage doors**
- **Should we create additional guidelines for attached garages for two-unit structures in order to prevent multiple two-car Front Facing garages?**

Door Width: Front-facing Garages

Door Width for Front-facing Garages



Door Width for Front-facing Garages

- **Deferred ordinance – not addressed**
- **Last proposed – Does not allow for double doors, individual bays restricted to 9' wide**
- **Building professionals' proposal – Allow double garage doors up to 16' wide; up to three 9' wide, single-bay garage doors**

Door Width – 16-foot Double Bay



Questions

- **Should we allow double-wide doors for Front Facing Garages if the width is capped at 16 feet?**



Front Elevation

Front Elevation



Front Elevation



Front Elevation

Option 1: Measure from the widest point of the building, including everything facing forward on the front façade



Front Elevation

Option 2: Measure the widest point of the building within a certain range



Questions

- **Should the front elevation measurement be limited to those building elements closest to the front of the house?**

Placement

Front-facing Garage Placement



Front-facing Garage Placement

Option 1: Reduce required setback



Front-facing Garage Placement

Option 2: Require setback if the garage has room for two or more cars, but allow it to be flush with Front Elevation if only one car



Side-facing Garages



- Allowed in front of the main elevation change from latest draft
- Minimum of 20% fenestration only required for Side-facing garages forward of the main elevation

Questions

- **Should we require Front-Facing garages to be set back from the main building facade? If so, what should that minimum setback be?**
- **Should we differentiate between a single car garage and two or more car garages?**

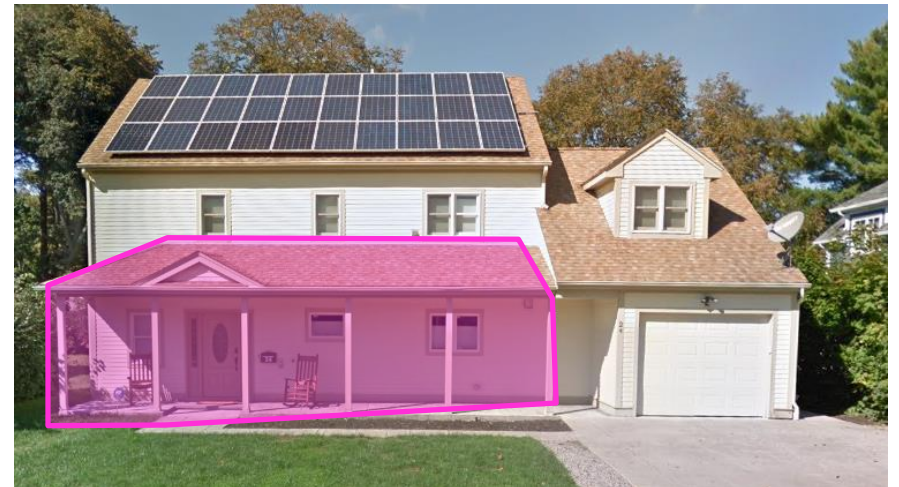
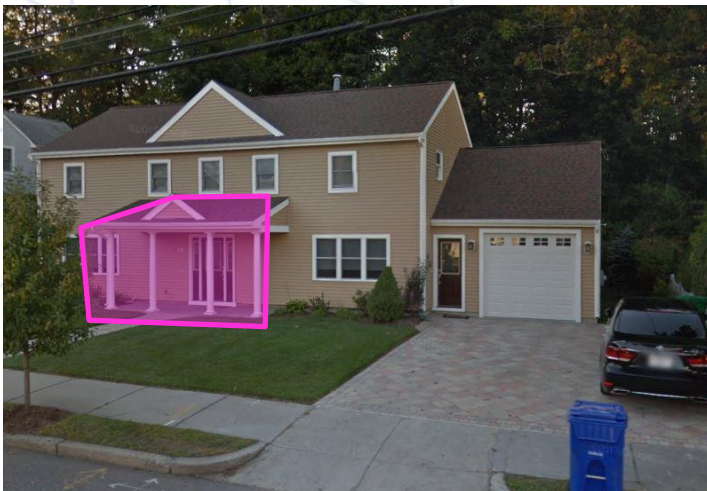
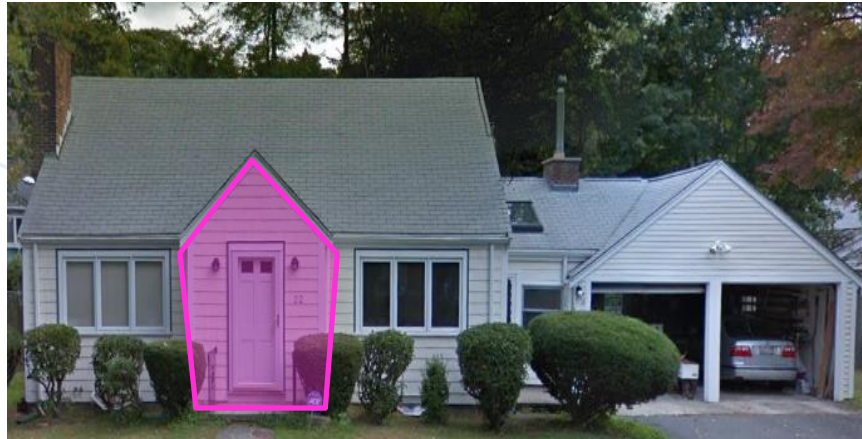


Mitigating Elements

Porches & Architectural Features



Porches & Architectural Features



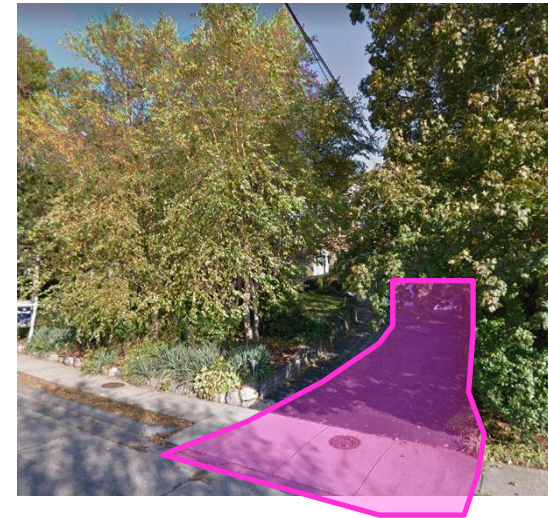
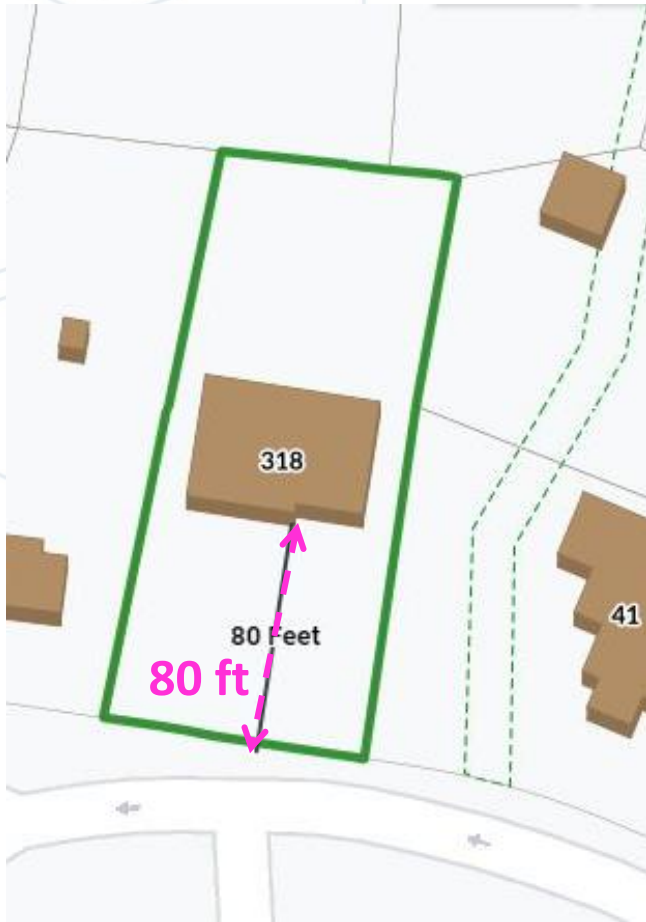
Questions

- **Should we create standards that would allow Porches & other architectural articulation to serve as mitigating elements for Front Facing garages to align with a main building face by right?**
- **If not, should it be allowed by Special Permit?**

Exemptions

Exemptions

- Garages more than 70 ft from the Front Lot Line would be exempt in all districts



Looking Ahead

Looking Ahead

- **11/23 – Revised Draft Text for Garage Ordinance**
- **December- Present Final Garage Ordinance text**
- **Public hearing in 2021**

Thank You!



date: 11/3/20

to: Councilor Crossley Chair Newton Zoning & Planning Committee
Barney Hearth- Director of City Planning Department

from: Architects & Building Professionals Zoning Working Group:
Russell Feldman, Jonathan Kantar, Lisa Monahan, Dan Powdermaker, Mark Sangiolo, Steve Siegel, Jay Walter

re: Recommendations for revisions to Section 3.4.4,
the current Garage Ordinance.

This memo formalizes the recommendations described in the slide presentation made to the Zoning & Planning Committee October 26, 2020 and references the 'garage ordinance' described in Sect. 3.4.4 of the current zoning code.

1. Definitions:

Sect. 3.4.4.A.2:

~~Delete Item 2. entirely: "A garage wall is any wall enclosing a garage including including the wall containing the garage entrance"~~

Add Item 2: "The width of a garage door shall be defined as the dimension between the door jambs measured on the exterior. The maximum width of a single bay door" door shall be 9 ft. The maximum width of a double bay garage door shall be 16 ft.

Explanation: We recommend that garages be measured by their door width relative to the front elevation on front facing garages. This method measures more directly the impact of garages of facades.

2. Living space over garages:

Sect. 3.4.4.C.

~~Delete item C entirely: "When more than one garage is provided as part of a building and they are placed side-by-side, there shall be living area connected by a shared wall above both garages"~~

Explanation: There are conditions that warrant 1 or 1 1/2 story garages that should be allowed by-right. Examples are included in our slide presentation. The language of this section is ambiguous and the intent unclear.

3. Garage Dimensions

Sect. 3.4.4.E.1.:

~~Delete the following from item 1.: "The length of a garage wall facing a street may be up to 40% of the total length of the building parallel to the street, inclusive of the garage wall, or 12 ft. whichever is greater."~~

Add to Item 1.: The sum of the length of all garage doors facing a street may be no more 50% of the total width of the building facing to the street,

Explanation: limiting the length of the garage doors relative to the width of the house is simpler and more direct. For the purposes of this section, the total width of the building shall include all building components that are within twenty feet of the front façade.

Section 3.4.4.E.2:

Delete: On corner lots, ~~only one street-facing garage wall must meet the standards above~~

Insert: Only garages facing the street that the front door faces are subject to the standards above

Explanation: Garages facing the secondary street on a corner lot should not have to comply with these standards

5. Exemptions:

Sect. 3.4.4.F:

Delete the entire item F. ~~Exceptions~~

Explanation: ISD should not be put in the position of having to parse conditions to allow the exceptions. Where exceptions are to be allowed they should be by Special Permit.

6. Front Facing Garage Locations:

Set. 3.4.4.:

Insert a new item F:

“Front Facing Garage Locations.

- a. A front facing garage is any attached garage with its doors facing the street.
- b. All garages shall be set back from the house with the following exceptions:
 1. A 1 or 1 1/2 story garage may project forward from the house a maximum of (TBD) ft.
 2. A garage may align with the face of the building if the building includes a front facing porch, open or enclosed front entry or recessed entry. (the minimum dimensions of the components should be clarified).
 3. A garage set below the natural grade at the front lot-line may align with the building face of the building if it includes a building component such as a bay, cantilevered floor or roof eave immediately above the garage doors (again define minimums for components). A down-under garage may project forward of the the front of the building if it is a 1 or 1/2 stories.
- c. A front facing garage, attached or detached, located 70 ft. from the front lot line is exempt from the provisions of this subsection F.

1. For as of right garages, the purpose should be to make the garage the lesser feature from the street and from neighboring properties. Below is an extreme example of what we want to avoid:





25 Larken: Garage door is 60% of the house facade; garage pulled forward – almost 80% of house

#88-20



2. The total garage width can be measured from door jamb to door jamb per the architects, but it should be 40% not 50 % as of right.

#88-20

255 Cherry – garage is 54% of front façade – eye is drawn to garage doors



Here's one in Ward 3 that is approx. 46% of front façade- still overpowering



3. For the same reason, the garage should be set back from the plane of the main structure by enough distance so that it is a secondary feature.

#88-20



4. Garage under should be avoided as of right if they involve the creation of retaining walls that expand its visual impact of the site. #88-20

34-36 Parsons St Garage door is 75% of the house;



Austin St







5. To avoid appearing massive, each garage bay should have its own door, unless the width is proportionately much less than the main structure of the home. #88-20

Don't want this: Cherry St - Garage door is about 38% of house



Garage door is 25% of the facade – this works since the double door is smaller and less of the total width



6. Side facing garages should face away from the nearest neighbor and include windows. #88-20



Not this - 9 Wyoming



7. Garages should not be placed in the side or rear setback to minimize impacts on #88-20 neighboring properties. Five feet is currently allowed for detached garages under 700 square feet; larger structures should meet the regular setbacks

8. Multiple bay detached garages should be sited behind the main home as with most current garages to allow narrow driveways to reach them. While pavement is important to minimize, wide paving in front adversely affects the streetscape and pedestrian travel and should be avoided by avoiding garage placements that require it.

12 Irvington St



9. Where new garages are offered that do not meet these basic limits, such as garages #88-20 forward of the main house or wider than otherwise allowed, they can be reviewed and approved by special permit, as now provided for garages larger than 3 bays or 700 square ft.

1603 Comm Ave





10. In such special permits, additional criteria may be added to minimize the impact on the public and neighboring properties.

11. If existing garages become nonconforming, they can continue to be used, and if they need expansion, a special permit finding that the extension is not substantially more detrimental to the neighborhood is available, as now for the many nonconformities in our Zoning.

12. In the drafting process, it is important to maintain the long-standing limit of 700 square feet and three bays without a special permit.



A color palette consisting of five colored squares. On the left is a large purple square with a small pink plus sign in its top-left corner. To its right are four smaller squares arranged in a 2x2 grid: a yellow-green square (top-left), a blue-purple square (top-right), an olive green square (bottom-left), and a dark purple square (bottom-right).

Garages in front of front face

SA

1

+ Comm Ave near Chestnut



A photograph of a residential driveway. A white garage is visible on the left. Two cars, a dark one and a white one, are parked in the driveway. A green trash bin is in the middle ground. A silver SUV is parked on the street to the right. The scene is outdoors with trees and a clear sky.

2

+ Comm Ave – split entry



3

+ Comm ave at Chestnut – Colonia.



4

+ Colonial near Chestnut



5

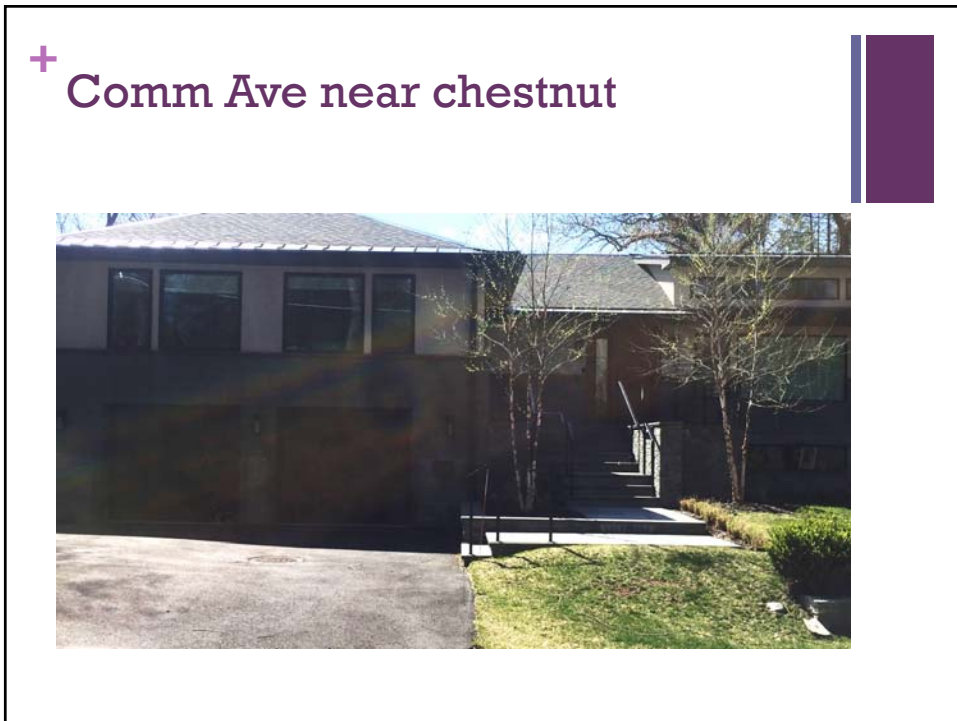
+



6



7



8

+ Comm Ave near Chestnut



9

+ Garage built into the hill under the porch in front of front face



10

+ Split entry rance – Lowell Ave



11

+ New home on Valentine



12

+ Split entry Comm ave



13

+ Colonial - comm ave



14

+ Comm ave - carriage way split entry



15

+ Ctr entrance comm ave near walnut



16

+ Homer st near city hall



17