



## **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**