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MEMORANDUM

DATE: December 10, 2020

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

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director, Department of Planning and Development
Zachery LeMel, Chief of Long Range Planning
Nevena Pilipović-Wengler, Community Engagement Manager
Cat Kemmett, Planning Associate

RE: **#448-20 Discussion and review relative to the draft Zoning Ordinance**
COUNCILOR CROSSLEY, on behalf of the Zoning & Planning Committee proposing to amend Chapter 30, City of Newton Zoning Ordinances, by repealing Ordinance No. A-78 and amending the regulation of garages in residential zoning districts as set forth in Chapter 30, Section 3.4. The objectives are to prevent garages from dominating the streetscape, improve safety along the public way for all modes of travel and achieve consistency with climate action goals.

MEETING: December 14, 2020

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

Recap of Previous ZAP Meetings

At the November 23 ZAP meeting, the Law Department presented on what triggers a Section 6 finding and the rights afforded to structures made nonconforming by changes to the zoning ordinance. Planning staff presented a case study to further illustrate the options available to owners of pre-existing nonconforming Garages interested in renovating their home under the proposed Garage Ordinance. Planning staff also shared a revised draft of the Garage Ordinance. The Committee discussed the proposed draft, providing feedback and comments on several policy questions posed by staff.

The Committee reached a rough consensus on many aspects of the draft ordinance, including the method of measurement for Garage doors, appropriate maximum widths for Single and Double Garage Doors, fenestration requirements for projecting Side Facing Garages, and other items. Committee

members may review the [November 23 ZAP Report](#) for additional details on areas of consensus and areas that required additional analysis. The Committee requested an analysis of Garages built in the past two years to better understand the potential impact the proposal may have on future Garages should the ordinance pass.

Introduction to Upcoming ZAP Meeting

With the guidance received from the Committee, as well as comments from the building professionals group and other city departments, staff have further revised the draft Garage Ordinance and created draft diagrams for further clarity (Attachment A). Staff also completed an analysis of a significant portion of the Garages built in the past two years to test compliance with the controls in the proposal (Attachment B). The upcoming ZAP meeting on December 14th will include a presentation on the revised ordinance text and this data analysis.

Staff hopes to achieve consensus from ZAP on the overall content and controls outlined in this draft in order to set a public hearing date for January 2021, with the understanding that some further revision of this language may be necessary before the ordinance goes to a vote. Highlighted below are some of the key revisions made to the Garage Ordinance draft. Attached is a redlined version comparing this language with the draft presented in November (Attachment C).

Text Changes

Definitions (Sec. 3.4.4.B)

- Added placeholder for a definition of Rear Facing Garage. A definition will be necessary to explicitly allow for the construction of Rear Facing Garages, and to clarify the range of angles that would constitute a Rear Facing Garage on the lot. (Sec. 3.4.4.B.4)
- Changed the Garage door measurement from exterior of jamb to interior of jamb. The building professionals group and Current Planning recommended making this change to ensure that only the doors would be measured and exclude any decorative trim from the total door calculation. (Sec. 3.4.4.B.5)
- Rather than allow homeowners to determine the Primary Front Lot Line where there are multiple lot lines abutting a street or right of way, the draft now proposes that the Primary Front Lot Line will be the one the main entrance faces. On the recommendation of Current Planning staff, this section was changed to better align with the language and procedures used in the current zoning ordinance. (Sec. 3.4.4.B.8)

Standards for Front Facing Garages (Sec. 3.4.4.C)

- Past drafts of the Garage Ordinance have proposed a requirement that Front Facing Garages be set back from the Front Elevation of the home in order to reduce the prominence of the Garage. The building professionals group has recommended against this, suggesting that controls established elsewhere in the ordinance will be able to effectively limit the prominence of Front Facing Garages without requiring them to be set back. Though not all members agreed, the Committee reached an overall consensus on the decision not to regulate the placement of Front

Facing Garages. To reflect this, the setback requirement included in the previous draft under Sec. 3.4.4.C.1 has been removed.

- Added in language to clarify that whenever there is a Double Door present on a Front Facing Garage, whether there is just a Double Door or both a Double Door and a Single Door, that Garage may be up to a 40% of the total width of the Front Elevation. (Sec. 3.4.4.C.1.b)

Additional Standards for residential buildings with two-units (Sec. 3.4.4.F)

- Established a maximum Garage footprint for each unit in a two-unit residential building to ensure Garages maintain an appropriate size and scale. A maximum footprint of 500 square feet per unit was based upon the maximum of 700 square feet or three cars per unit for a residential building with one-unit and adjusted to reflect a maximum of two cars per unit in two-unit buildings. (Sec. 3.4.4.F.1.a)

Exemptions (Sec. 3.4.4.G)

- Edited language to clarify that where there are multiple lot lines abutting a street or right of way, Garages must be located 70 feet or more from all such lot lines to be exempt. (Sec. 3.4.4.G.1.a)
- Sec. 3.4.4.G.2 was moved from “Standards for Front Facing Garages” to “Exemptions” to better organize exemptions in the ordinance. Sec. 3.4.4.G.2 has also been amended to exempt attached Front Facing Garages set back more than 10 feet from the Front Elevation from the standards for Front Facing Garages (Sec. 3.4.4.C) so as not to disincentivize attached Front Facing Garages to be built further than 10 feet back of the Front Elevation. Upon further analysis, Planning staff found that the definition of Front Elevation, which only includes building mass within the first 10 feet, would unintentionally prohibit Garages in many cases that are set back more than 10 feet. Since the Garage itself would not be included in the overall building width under this scenario, it would result in the Garage being a much larger percentage of the Front Elevation width. In order to encourage the Garage to be setback more than 10 feet, Planning recommends attached Garages be added to the exemption for detached Garages.
- A third exemption was added to create relief for Garages on Rear Lots. A Garage on a Rear Lot would be minimally, if at all, visible from the street, would not have a front lot line that meets the definition of Primary Front Lot Line, and would be reviewed and approved as part of a Special Permit. (Sec. 3.4.4.G.3)

Data Analysis

Using data provided by the Inspectional Services Department, Planning Staff analyzed a sample of 118 of the 202 building permits issued for new construction in 2019 and 2020 of single- and two-family homes to see whether Garages permitted in that timeframe would or would not be allowed under the proposed draft. This survey included permits issued in each ward, each zoning district, and on lots ranging from narrow to wide frontages. The full results of this analysis can be found in Attachment B. Staff’s main takeaways from this analysis include:

- 83 of the 118 homes (70%) would comply with the proposal
- 93 single-family homes were reviewed, and 23 would not comply with the proposal
- 25 two-family homes were reviewed, and 13 would not comply with the proposal
- 95 of the permits (81%) were for new homes with Front Facing Garages
- In most instances, non-complaint buildings could still have comparable Garages with minor revisions

Looking Ahead

Staff will continue to refine the ordinance in anticipation of a possible public hearing in January 2021.

Attachments

Attachment A	Updated draft zoning text and diagrams
Attachment B	Data analysis
Attachment C	Redlined zoning text comparison