



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: January 15, 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: January 25, 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

Background

In June 2016, the City Council voted to adopt a Garage Ordinance (Ordinance A-78) following complaints about the negative impact of new development due to prominent and out-of-scale garages. To view this version of the Garage Ordinance, see Sec. 3.4.2.B, 3.4.3.4, and 3.4.4 of the [current zoning ordinance](#). To limit the impact of garages on the streetscape the Garage Ordinance sought to regulate the placement and scale of garages in residential districts. After adoption, residents and members of the building professional community raised concerns that it went too far and proved too restrictive for some properties. In response to these unintended consequences, in October 2016 the City Council voted to defer implementation of the Garage Ordinance until resolving those issues. Since then, the City Council has deferred implementation of the Garage Ordinance several times. Implementation is currently

deferred until April 1, 2021, and if City Council takes no action, the 2016 version of the Garage Ordinance will go into effect on that date.

Since 2016, garage standards as well as other separate considerations related to garages have been discussed as part of the comprehensive Zoning Redesign effort. These related topics include curb cuts, driveway regulations, and sustainability standards, and are not addressed in the text of the Garage Ordinance proposed here. In October 2020, City Council voted to pursue a revised version of the Garage Ordinance separate from the Zoning Redesign process. Should the City Council decide to adopt the new Garage Ordinance, these related topics that are not addressed under this ordinance will still be evaluated and discussed in the future as part of Zoning Redesign.

Planning staff have since created a substantially revised Garage Ordinance based on feedback from the 2016 ordinance, ZAP Committee discussion, and close collaboration with building professionals and city staff (Law department, Current Planning, and the Commissioner of the Inspectional Services Department). Staff also analyzed a sample of garages built over the past two years to test whether the proposed regulations would appropriately limit the prominence of garages without creating substantial barriers for the construction of new or altered garages. Based on this analysis, the majority of garages built in the past two years would comply with the proposed ordinance, but some of the particularly wide garages and a substantial percentage of the garages attached to two-family homes would not comply. However, in most cases, non-compliant buildings could still have comparable garages with minor design changes. The full results of this analysis can be viewed in the [December 10, 2020 ZAP memo](#).

The revised Garage Ordinance (#448-20) has been discussed, reviewed, and edited in several Zoning and Planning Committee meetings. The materials from these meetings can be viewed on the [Garage Ordinance page](#). In the previous ZAP meeting on December 14, 2020, the Committee set a public hearing date for this item on January 25, 2021. ZAP provided general support for the draft ordinance text, while acknowledging that further revision of a few particular elements, discussed below, may still be required.

This memo provides an overview of the standards that are proposed in the Garage Ordinance to replace the currently deferred zoning language from 2016 (A-78).

Current Zoning

Currently, the Zoning Ordinance regulates Garages in a few significant ways. Garages are limited to 700 square feet in total ground floor area, may have provision for no more than 3 automobiles, and only 1 Garage is allowed per single-family dwelling unit except by special permit (Sec. 3.4.2.B.1 of the current ordinance). Because Garages are accessory buildings, they are also subject to the accessory building requirements outlined in Sec. 3.4.3.A.

Garage placement on the lot is limited in the Zoning Ordinance only by setback requirements. There are no restrictions on Garage Door width, overall garage width, or fenestration requirements. Under the current ordinance, there are no categories to differentiate garages with different orientations on the lot.

Proposed Garage Ordinance Standards

Highlighted below are some of the key mechanisms and standards in the proposed Garage Ordinance.

Garage Width

A central goal of the Garage Ordinance is to limit the prominence of Front Facing Garages, which can have a significant visual impact on the streetscape. By establishing standards that regulate the width of these garages, relative to the total width of the structure, the ordinance can limit the overall impact of a Front Facing Garage. The total Garage width is measured as the sum of the width of all Garage Doors on a Front Facing Garage. This proposal limits the width of Front Facing Garages to 45% of the total Front Elevation if providing only Single Garage Doors (Sec. 3.4.4.C.1.a) or 40% if providing a Double Garage Door (Sec. 3.4.4.C.1.b).

It should be noted that under this proposal, when calculating the Front Elevation of a building, any part of the Front Elevation set back more than 10 feet from the front of the house would be excluded from that total (Sec. 3.4.4.B.6). Those elements are excluded because portions of the elevation set back are less visible from the street and therefore less effective at mitigating the visual impact of a Garage.

Garage Size

As in the current Zoning Ordinance, a Garage is limited to a maximum of 700 square feet in total ground floor area and 3 automobiles, except by Special Permit. In the current Zoning Ordinance, only one Garage is allowed per dwelling unit except by Special Permit. The proposed ordinance would allow residential buildings with one unit to have up to 2 garages, one attached and one detached, on a lot by-right. Those structures would still be limited to a total of 700 square feet in total ground floor area and provision for up to 3 cars (Sec. 3.4.4.E.1).

The proposed ordinance introduces additional standards for residential buildings with two-units. As proposed, the ordinance establishes a maximum Garage footprint for each unit in a two-unit residential building of 500 square feet per unit, and limits each Garage for two-unit buildings to 2 automobiles each (Sec. 3.4.4.F).

Door Width

Garage Doors play an important role in how a Garage relates to the neighborhood. Very large Garage Doors can look out of scale with surrounding structures, and draw attention away from the main entrance and living space of a house. To ensure that Garage Doors are limited to a reasonable size, the ordinance proposes limiting the width of each individual Garage Door for Front Facing Garages and Side Facing Garages. Single Garage Doors may be up to 9 feet (3.4.4.C.2 and 3.4.4.D.2), and Double Garage Doors may be up to 16 feet wide (3.4.4.C.3 and 3.4.4.D.3). These door width maximums apply only to Front Facing Garages and Side Facing Garages.

Placement

One element of the Garage Ordinance that evolved over the course of discussions at ZAP was how the placement of garages on a lot would or would not be regulated. Many members of the Committee and the community have shared concerns about some garages built in recent years where the Garage is set forward of the main elevation of the house, emphasizing the car entrance rather than the main living area entrance. Previous drafts proposed a setback for Front Facing Garages to address this concern, in order to ensure differentiation in the facade and that the living space would be more prominent than the Garage. After discussion and analysis of this setback requirement at ZAP, a majority of members

opposed adding in this provision. Though the sentiment was not unanimous, the Committee expressed a general consensus that by limiting overall width of Front Facing Garages and limiting the Garage Door size, the ordinance will be able to limit the impact of Front Facing Garages without an additional setback requirement.

Side Facing Garages are allowed to be located forward of the main elevation of a house, but not within the front setback, as long as there is a minimum of 10% fenestration on the Garage Wall elevation facing the Primary Front Lot Line (3.4.4.D.1.A) This will ensure there is some visual interest on the side of the Garage that faces the street.

Additionally, at the request of the Commissioner of the Inspectional Services Department, a new requirement has been added under 3.4.3, Accessory Buildings. Section 3.4.3.A.2 would require that no portion of any accessory building could be less than 5 feet from any point on any principal building on the subject lot. Previously there was no definitive standard for this separation, so this addition provides greater clarity moving forward. Accessory buildings are only required to be set back 5 feet from the side and rear property lines (they must meet the full front setback for a principal structure however). Without a minimum separation requirement some accessory buildings and detached garages are only minimally offset from the house, giving the appearance of being attached while not having to meet the larger setbacks required for an attached building.

Special Permits and Exemptions

As proposed, the ordinance includes three exemptions. Garages located 70 feet or more from the Primary Front Lot Line would be exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D). A Front Facing Garage that is set back more than 10 feet from the Front Elevation is exempt from the standards for Front Facing Garages (Sec. 3.4.4.C). Garages located on Rear Lots are exempt from the standards for Front Facing Garages (Sec. 3.4.4.C) and standards for Side Facing Garages (Sec. 3.4.4.D).

The proposed draft carries forward the same ability in the current Zoning Ordinance to seek a Special Permit for a Garage providing space for more than 3 cars or over 700 square feet in area, and also allows more than 2 garages by Special Permit (Sec. 3.4.4.H.1). This Special Permit allowance is limited to residential buildings with one unit.

Garages that Become Non-Conforming

If the Garage Ordinance is adopted, some garages that comply with current zoning rules will become non-conforming. However, this is likely to have little impact on most homeowners. These new regulations only apply to new garages and renovations of existing garages. A use or structure is considered non-conforming, as opposed to noncompliant, if the use or structure was legally permitted prior to zoning changes. A non-conforming structure or use can remain in perpetuity in its current state and may be granted an extension of the nonconformity from the City Council if it is not considered substantially more detrimental than the existing condition. For more details about the options available to property owners who own garages that might be made non-conforming by the Garage Ordinance, see the [October 30, 2020 Planning memo](#).

Text Changes Since Setting the Public Hearing

Staff have made several updates to the proposed ordinance since presenting the last draft before ZAP. Most of these changes are technical clarifications and refining some wording. All changes can be viewed in Attachment B, which includes a redlined comparison between the version discussed in December 2020 and the latest draft. Changes made include:

- Amended Sec. 3.4.3.A.2 to change the required separation between accessory buildings and principal buildings from 6 feet to 5 feet.
- Removed the placeholder definition for Rear Facing Garage. Staff determined that this definition is not necessary. Garages that face the rear of a property, or lie at an angle that does not fall under the definitions of a Side or Front Facing Garage, will be allowed under the definition of a Garage.
- Updated the definitions for Front Facing Garages and Side Facing Garages to clarify how to measure the angle that determines the Garage type for curved or otherwise not straight Primary Front Lot Lines (Sec. 3.4.4.B.3 and 3.4.4.B.2).
- Clarified how the Primary Front Lot Line will be determined for properties where the main entrance does not face a street or right of way (Sec. 3.4.4.B.8).

Effective Date

Staff recommend setting April 1, 2021 as the effective date of the Garage Ordinance, should it be adopted by City Council. This would allow homeowners and building professionals time in between adoption and implementation to make any necessary changes to planned garages.

Attachments

Attachment A	Updated draft zoning text and diagrams
Attachment B	Redlined zoning text comparison