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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** February 4, 2021

**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:** February 8, 2021

**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

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**Recap of Previous ZAP Meeting**

At the January 25 ZAP meeting, the committee held a public hearing for the Garage Ordinance. Members of the public, including a number of architects and building professionals, voiced their thoughts on the ordinance, followed by committee discussion.

Several of the outstanding items and questions from that discussion were topics closely related to garages, but outside the scope of the Garage Ordinance. Staff have flagged these important points for future analysis, to be taken up either under Zoning Redesign or a cleanup of those individual sections at a later date. These issues focused on the definition of Two-Family, Detached buildings (Sec. 1.5.1.B) and the link between garage design and Accessory Apartments (Sec. 6.7.1).

ZAP members requested further clarification on the regulations for garages on corner lots, asked for staff to revisit the exemption for garages set back 70 feet or more from the primary front lot line as described in Sec. 3.4.4.G.1, and suggested to omit references to automobiles in the ordinance. Staff conclusions and recommendations for those items are discussed below.

## **Corner Lots**

### *Current zoning*

In the Zoning Ordinance, residential properties located on corner lots are subject to two front yard setbacks, one on each street they front. This means that a detached garage on a corner lot facing the secondary front lot line is subject to the stricter front yard setback, rather than the 5-foot side yard setback for accessory buildings described in Sec. 3.4.3.A.1. In the current ordinance, there is no distinction between how garages on corner lots are regulated based on whether they are located on the Primary Front Lot Line or the secondary front lot line. They are both subject to the same rules, including the maximum of 700 square feet and provision for a maximum of 3 cars, and must adhere to the front setbacks on both lot lines that touch the street.

### *Proposed changes in Garage Ordinance*

In the proposed Garage Ordinance, garages on corner lots would be treated differently depending on which lot line they face. A detached or attached garage on a corner lot facing the Primary Front Lot Line would be subject to the more restrictive Front Facing Garage standards (Sec. 3.4.4.C).

A garage on a corner lot facing the secondary front lot line would be considered a Side Facing Garage (Sec. 3.4.4.D). As a Side Facing Garage, the restrictions on the measurement of the garage as a percentage of the Front Elevation would not apply. However, that garage would need to comply with the door width restrictions outlined in 3.4.4.D.2 and 3.4.4.D.3., which are the same as those allowed for Front Facing Garages.

Several committee members raised concerns about garages on corner lots facing the secondary front lot line. Front Facing Garages are regulated more strictly than Side Facing Garages, and under this ordinance it is possible that garages on the secondary street could be more prominent and a larger proportion of the side elevation of the house than is desirable. Because corner lots are already subject to stricter rules due to having two front yard setbacks, and based on an analysis of existing garages, staff are not recommending additional restrictions for garages on corner lots. The elevation of the house facing the secondary street is often narrower than the primary elevation, making it difficult to meet the restrictions on the width of garages as a percentage of the total width of the Front Elevation. Garages on secondary streets are also unlikely to be forward of the house given the restrictive setbacks. By limiting the garage door width on Side Facing corner lot garages, the Garage Ordinance can limit their visual impact while still allowing flexible options.

Another question committee members requested clarification on is the potential impact of Sec. 3.4.4.E.1 on corner lots. This section would allow two garages on a lot by right, one attached and one detached. This means that it would be possible to have both a Front Facing Garage and Side Facing Garage on a single lot.

This scenario is a possibility in the instance of a two-unit residential building on a corner lot, where each unit has a garage facing one of the streets that the building fronts. For the few corner lots large enough to permit both a Side and Front Facing Garage, the impact will be minimized in part by the break in massing from one being attached and the other detached, and by the requirement that both garages would be set back a minimum of 25 feet from the lot line due to the front setback requirement. Additionally, two-unit buildings are subject to the stricter rules outlined in Sec. 3.4.4.F.1.a, which limit each unit to no more than 500 square feet in total garage area and provision for no more than 2 automobiles.

### **70 Foot Exemption**

At the public hearing on January 25, members of the committee asked staff to address a concern about Sec. 3.4.4.G.1. They pointed out that under this exemption, it would be possible to build a garage that projects more than 10 feet forward of the main elevation of the house on long, narrow lots.

Staff have consulted with several building professionals and surveyed garages built in the past the past few years to better understand to what extent this configuration exists in the city and believe this is unlikely to be an issue. While it is possible that a prominent garage could be built forward of the Front Elevation under this exemption, staff would expect this exemption to be most applicable to estate size properties on very large lots. In the rare case that such a garage might be built on a long and narrow lot, the visual impact would be reduced at a distance of 70 or more feet back than a prominent garage close to the street.

Staff recommend that this exemption be retained in the ordinance as written now, rather than creating additional conditions. However if the sentiment of the committee is that this exemption is too generous it could be removed without resulting in significant negative impacts, since those garages would then be subject to the same standards that apply to other Front or Side Facing garages.

### **References to Automobiles**

At the suggestion of members of the committee, staff reexamined the ordinance to see if the text could be reworded to remove all references to automobiles. Given that the ordinance is focused on the size, shape, and look of garages, and there are plenty of garages that are not used for automobiles at all, it was suggested that defining a garage based on the mass rather than the interior use could be forward-thinking as the city takes steps to move away from car-centric planning practices.

In the Garage Ordinance, the definition of a garage (Sec. 3.4.4.B.1) states that the structure is able to be accessed by an automobile, or that it is intended to be used primarily for the storage or parking of 1 or more automobiles. In practice, this definition will be most relevant when a garage is first built and would not prevent a garage to be used for other common purposes such as storage or recreation. Garages often evolve in how they are used over time, but nothing in this definition would prevent a change in interior use or require that an automobile be stored inside for it to be considered a garage.

Staff are supportive of deemphasizing automobiles in the ordinance and considered a few options for the text that could remove references to automobiles, but at this time are recommending retaining those references in order to avoid unintended consequences. Using a range of door opening widths to define a garage (for instance, doors wider than 3 feet and up to 9 feet) could potentially encompass structures with common residential door dimensions, such as French doors. Because garage doors are

measured jamb to jamb in the Garage Ordinance, it is also possible that by giving a range of door widths, a sliding door could fall into the definition of a garage door. Similarly, a definition based on a structure with a single door of a certain size that opens vertically would not be appropriate because there are a small number of garages with two doors that open horizontally. By defining a garage in this way, a garage would simply need to change the garage doors to be exempt from all regulations on garages.

The Planning department is supportive of finding ways to deemphasize automobiles in the Zoning Ordinance in the Zoning Redesign process where appropriate and ensuring the ability to use garages in flexible ways that can adapt over time.

**Effective Date**

The ZAP committee voiced a general consensus on moving this item to a vote on February 8. Should ZAP vote to recommend adoption to the City Council, staff recommend setting an effective date of no earlier than April 1, 2021. This would allow homeowners and building professionals time in between adoption and implementation to make any necessary changes to planned garages.