



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: November 22, 2019

TO: Councilor Susan Albright, Chairman
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
Jennifer Caira, Deputy Director of Planning
Zachery LeMel, Chief of Long Range Planning
Gabriel Holbrow, Community Planner – Engagement Specialist

RE: **#327-19 Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages**
COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton’s Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.

MEETING: November 25, 2019

CC: Planning Board

The Council adopted amendments to the zoning ordinance in June 2016 (Ordinance A-78) that regulated the placement and scale of garages in residential districts with the intention of limiting their impact on the streetscape and neighborhood character. After adoption, many residents and professionals in the design community raised concerns that the content of the garage ordinance went too far, causing unnecessary challenges for some properties as well as encouraging design modifications on other properties that could further harm the character of the streetscape and neighborhood.

In October 2016, the Council voted to defer implementation of the garage ordinance until the end of that year. The Council passed further deferrals in December 2016, March 2017, March 2018, and December 2018. Currently, implementation is deferred until December 31, 2019, after which the ordinance will go into effect, unless the Council takes other action before then.

In the intervening years, the intent of the original garage ordinance has been incorporated into the goals of the citywide Zoning Redesign project. At this time, the Planning Department recommends

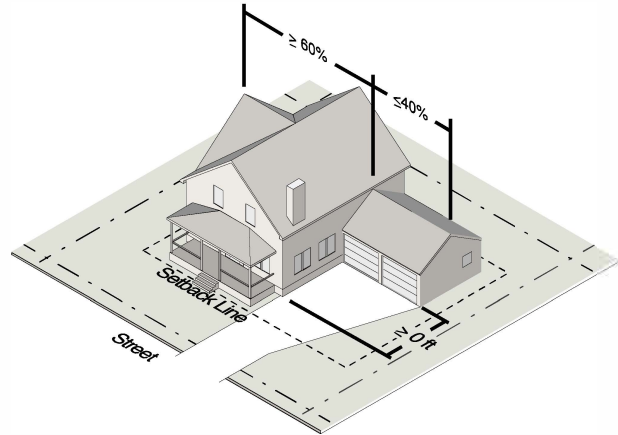
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completely repealing the current (deferred) ordinance, and addressing changes to the regulation of garages in residential districts through Zoning Redesign.

Attachments

- Attachment A – Deferred Garage Ordinance: Chapter 30 Zoning Ordinance sec. 3.4.4 Garages, recommended for repeal
- Attachment B – Garage regulation in effect during deferral and after repeal: Chapter 30 Zoning Ordinance sec. 3.4.2.B.1 and sec. 3.4.3.A.4, highlighted.

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The requirements of Section 3.4.4 Garages do not become effective until December 31, 2019.

3.4.4. Garages

A. Defined.

1. An attached or detached structure intended primarily for the storage or parking of one or more automobiles. A detached garage is an accessory building.
2. A garage wall is any wall enclosing a garage including that wall containing the garage entrance.

B. For each dwelling unit there shall be no more than 1 garage and a garage shall provide for no more than 3 automobiles, except by special permit.

C. Where 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.

D. **Garage setback.** A garage wall may be no closer to the front lot line than the longest street-facing wall of the dwelling unit measured at ground level.

E. Garage Dimensions.

1. The length of a garage wall facing a street may be up to 40 percent of the total length of the building parallel to the street, inclusive of the garage wall, or 12 feet, whichever is greater. This requirement does not apply to detached garages.

2. On corner lots, only one street-facing garage wall must meet the standard above.
3. The ground floor area of an accessory building containing a garage or an attached garage shall not exceed 700 square feet, except by special permit.

F. Exemptions

1. The Commissioner of ISD, in consultation with the Director of Planning and Development and/or the Urban Design Commission, may grant an exemption, subject to such conditions as he may require, to the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements, where, based on one or more of the following factors, strict adherence to these requirements would be impossible:
 - i. Irregular lot shape;
 - ii. Topography of the lot;
 - iii. Configuration of existing structures on the lot;
 - iv. Protection of the historic integrity of a building; and
 - v. Preservation of mature trees or similar natural features.
2. Any exemption request shall be reviewed relative to the intent of minimizing the amount of building frontage devoted to garage walls and ensuring a clear connection between the front

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entrance and living space of a dwelling and the street, meeting the requirements of this section to the greatest extent possible. All exemption requests shall present design features including, but not limited to windows, architectural details, screening, and landscaping and these shall be generally consistent with the remainder of the house.

3. A request for exemption shall be on such form and shall provide such information as the Commissioner of ISD may require.
4. The applicant shall provide written notice of an exemption request and shall provide a copy of the request application to neighboring properties within 300 feet fronting on the same street.
5. Where the house is more than 70 feet from the street, the garage setback (section 3.4.4.D) and garage wall length facing the street (section 3.4.4.E.1) requirements shall not apply.

(Ord. No. A-78, 06/20/16; Ord. No. A-84, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-105, 03/06/17; Ord. No. B-6, 03-19-18)

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3.4.2. Accessory Uses Allowed

- A. **By Right in All Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:
1. Housing of resident domestic employees;
 2. Renting of rooms for not more than 3 lodgers;
 3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
 4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
 5. Home businesses subject to Sec. 6.7.3; and
 6. Accessory apartments, subject to Sec. 6.7.1.

B. **By Special Permit in All Residence Districts.**

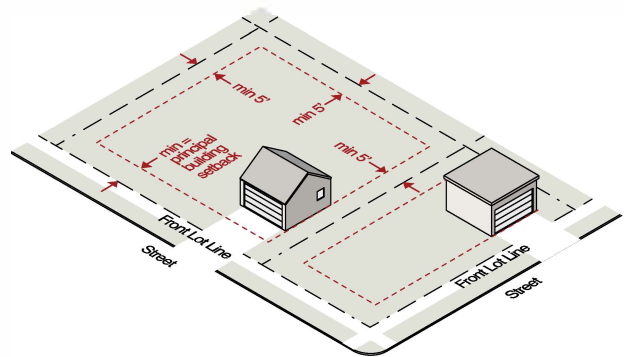
The text of section 3.4.2.B.1 is in effect until December 31, 2019. After that date refer to section 3.4.4.

1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

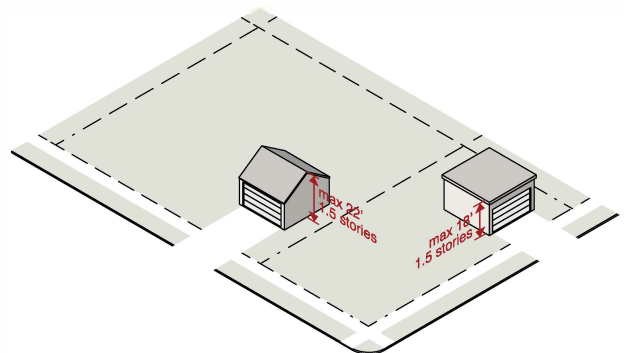
(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99; Ord. No. A-78, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-99, 01/17/17; Ord. Nol. A-105, 03/06/17)

3.4.3. Accessory Buildings

- A. Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:
1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.

4. If the accessory building is a garage, unless a special permit is granted, for each dwelling unit there shall be:
 - a. No more than 1 garage, whether or not it is located in an accessory building;

- b. A garage shall provide for not more than 3 automobiles; and
- c. The ground floor area of a garage shall not exceed 700 square feet.

B. Accessory structures other than accessory buildings referenced above must conform to the applicable setback requirements for the principal building.

(Ord. No. V-273, 12/06/99; Ord. No. Z-91, 06/06/11; Ord. No. A-78, 06-20-16; Ord. No. A-84, 10-17-16; Ord. No. A-105, 03/06/17; Ord. No. B-18, 12-17-18)

