



## **Zoning & Planning Committee Report**

### **City of Newton** **In City Council**

**Monday, March 28, 2016**

Present: Councilors Hess-Mahan (Chair), Danberg (Vice Chair), Sangiolo, Kalis, Yates, Albright, Baker and Leary

Also Present: Councilors Gentile, Ciccone, Norton, Brousal-Glaser, Rice, Blazar, Fuller and Lappin

Planning & Development Board Present: Scott Wolf (Chair), Peter Doeringer, Megan Risen and James Freas (Ex Officio Member)

City Staff: James Freas (Acting Director, Planning Dept.), Marie Lawlor (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#### **Referred to Zoning & Planning and Finance Committees**

##### **#115-16      Funding for Zoning Reform Phase 2**

HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty five thousand dollars (\$125,000) from Free Cash and authorization to transfer the sum of two hundred thousand dollars (\$200,000) from the Planning Department's Full-time Salaries Account to the Planning Department's Consultants Account for the purpose of funding Zoning Reform Phase 2. [03/15/16 @ 4:52 PM]

**Action:**      **Finance Held 8-0**  
                 **Held 8-0**

**Note:** The Zoning & Planning and Finance Committees met jointly on this item. Please refer to the March 28, 2016 Finance Report for details of the discussion.

Both Committees voted to hold this item.

##### **#222-13(2)      Zoning amendment to regulate front-facing garages in residential zones**

THE ZONING AND PLANNING COMMITTEE proposing to amend **Chapter 30**, City of Newton Zoning Ordinances, to regulate the dimensions and setbacks of front facing garages in residential zoning districts. [08/03/15 @ 10:15 AM]

**Action:**      **Hearing Closed; Held 8-0**

**Note:** Councilor Hess-Mahan opened the public hearing on this item. James Freas, Acting Director of Planning, explained that this item is addressing new regulations for garage setbacks and dimension. Mr. Freas presented a PowerPoint which is attached to this report. The Urban Design Commission (UDC) had proposed some amendments which were incorporated into the draft language. That UDC memo was attached to the agenda.

The City has been seeing a proliferation of houses wherein the primary presentation of the home is the garage. The design as it is presented to the public realm has an impact on public safety and sense of community. Much literature has been published on this issue and this kind of pattern on a street does not interface well with the community. It also questions the commitment the occupants have to the community when they're predominantly just driving in and out.

The proposal is to take all the regulations relative to garages and consolidate them in one location; propose a garage setback line that places garages no closer to the street than being in line with the front building façade; and to prohibit the garage doors (wall) from taking up more than 50% of the street facing building façade.

The Committee asked for some house plans on narrow lots to demonstrate how these provisions might apply. Please see the attached presentation. The first example shows a 40 foot wide house with a garage width of 19.8 feet and so meets the standard and is set slightly back from the front façade of the house. The garage has a two-car entry with the ability to park another in the back. The second example also shows a plan meeting the proposed standards with a single-car garage. Please note that neither example of house plan show plot lines.

#### Committee Questions/Comments

A Committee member asked for clarification of rules on side setbacks for garage placement. Mr. Freas said that in the instance of a detached garage, the side setback regulations have not been changed and are the same as accessory buildings generally. Side setbacks for attached garages must meet the setback requirements for the house.

It was suggested that the garage be required to be a bit behind the front façade of the house, and not flush with it. Mr. Freas said the intent was to regulate as little as possible in order to meet the public purpose and setting the line at the front façade met that goal.

A Councilor noted that the current proposal does not prohibit side-by-side garages in a two-family building. He wondered if the language would sufficiently solve that problem. Mr. Freas said that limiting the amount of frontage that the garage may cover to 50% should address that. There is a provision that if there is side-by-side garages, living space must be included across the top connected by a shared wall, which is in Section C. This goes back to the idea that there should be an active building front. It was noted that a window was not required in the amendment. Mr. Freas said he would not like to go too far down the road in mandating design. Scott Wolf asked if living area was required between the two garages. Mr. Freas said that was not included in this proposal.

There was a question about accessory apartments in detached garages. Councilor Baker explained that accessory apartments are a special permit process and part of that value is that if something would not work on a site, it would not be approved. Accessory apartments in detached structures have been approved in context and when they are not right up against a lot line. There was a comment that narrow lots have their own challenges.

A Councilor asked if these proposals could further increase the cost of building a house. Mr. Freas said he did not believe so because this would primarily impact new construction which is already coming in at \$1.6M on average across the City. If anyone is adding a garage, just the location is being shifted and maybe there are rare circumstances in which topographical issues come into play, but for the most part it would be cost neutral.

It was also asked if these amendments could lead to negative unintended consequences. Mr. Freas commented that it might encourage people to go for wider houses in order to accommodate wider garages. That is one of the risks when working with percentages, however, the City has already been seeing wider houses so he is not overly concerned. Moving into the second phase of Zoning Reform, this should be looked at again to tailor it to different parts of the City. For instance, narrow homes on narrow lots might require moving the garage farther back depending on its size. The approaches could vary depending on the character of the neighborhoods.

Councilor Hess-Mahan invited public comment.

#### Public Comment

**Kathleen Kouril Grieser**, 258 Mill Street thanked the Planning Department and the Committee for tackling this issue. Many residents have wanted this addressed for a long time and she supports the measures. She urged the Committee, however, to go beyond what has been proposed by the Planning Department. She would like to have side-by-side garages banned on attached duplex houses, particularly double side-by-side garages. A wall of two or four garage doors with steps to almost hidden front doors on either side is one of the ugliest construction ideas ever conceived. More and more and popping up in Newton and should be stopped. Having one curb cut with a massive expanse is unsafe and unappealing. She would like to see the garages on either side of the duplexes and have the driveways be a more conventional width. Lawn and trees between the driveways would be helpful as well. She agreed with a suggestion that the garages should be set back further than the front façade of the house. Even a few feet would make a big difference. Controlling by percentages alone could be problematic, measurements could be used instead and this would solve the problem of wider houses being built to accommodate wider garages. She wondered if this addressed the problem of putting garages on front lawns. She has seen a house on Commonwealth Avenue with that happening near Brae Burn. Mr. Freas said the entire garage would have to be behind the front façade, so yes it would address that problem. She supports the item as is, but thinks it could also be improved with these suggestions.

**Julia Malakie**, 50 Murray Road said she supports the measures as well and agrees pushing the garage behind the front façade as well. She agrees with the other comments made by Ms. Kouril Grieser as well. She would like to go beyond the minimum as developers will do all they can to go up to the limit.

**Ann Dorfman**, 9 Henshaw Street supported the amendments but would like to see them go further. She had put together a list of ordinances that use the 50% rule from across the country. She did not look up 40% or 45% but there are probably others out there that have a smaller

allowable percentage than 50 and that should be considered. There are many lots that are 50 feet wide so should 50% be the goal because half the frontage of narrower lots will be taken up by garages. This might be more problematic in some neighborhoods than others. She would also like to see the garage set behind the front façade. This policy does not include architectural detail and that could be added. Elements such as having the garage door be the same color as the house and not the trim or it has to have windows – something to break up the massing. She submitted a few pictures which demonstrate why her suggested changes and the Committees amendments could make things better. Two side-by-side properties on Cherry Street, which were nice older homes and could have been lived in and have been sold as reasonably affordable to a family, were purchased and demolished by the same person. Two practically identical homes were put up with two-car garages and a front door. Another house she knew of decided to put the garage in the back of their house and not in the front. They did not want to back out onto Cherry Street. This is an important safety question. She would like to place rules that de-incentivize the demolition of perfectly good older homes on 50 square foot lots, like her house. She gets letters all the time asking if she wants to sell her house. She does not want to make it easy for developers to build a house and plop a garage on the front. More could be done on these amendments as she suggested.

Councilor Hess-Mahan thanked Ms. Dorfman for bringing this issue to the attention of the Councilors and for doing so much research on it. The table she prepared previously is attached to this report.

**Jay Walter**, 83 Pembroke Street was in favor of the amendments and was pleased it is being addressed. While he understood the other speakers' concerns, the Committee needs to resist being too specific on mandating these facades. The 50% rule gives enough flexibility to the builders and designers to mitigate the impact of the garage. There needs to be concern about the unintended consequences. If there are no garages, there still have to be parking and where will cars go.

**Richard Dingeon**, 32 Bird Avenue, supported the idea of a setback to the garage rather than flush with the front façade of the house and having something less than 50% as proposed. This might encourage only one-car garages being built on smaller lots on teardowns. That would be a good unintended consequence. Developers could then determine that the lot won't support a two-car garage and that won't be as profitable for them. The setback may encourage the one-car garage and will make a smaller garage fronting the street. He would encourage looking at that as the other speakers have. Almost all teardowns are being re-built setback to setback. This could result in a bank of garages down the street. The garage should be setback from the house. He supports this as is, but feels this would improve it.

**Sallee Lipshutz**, 24 Radcliffe Road asked if there is a maximum width to the garages allowed on the front. Mr. Freas said there is not a maximum width, as proposed. She said her lot is 200 feet. Mr. Freas said a garage cannot be built that is larger than 700 square feet or that can be occupied by more than three cars without a special permit.

Councilor Hess-Mahan closed the public hearing.

He noted that he will not ask for a vote on this item this evening. Instead, he would like to work on those issues that have been identified.

To be addressed in follow up:

- Increasing the setback of the garage further than the front façade of the house and perhaps providing incentives to do so, if feasible
- Reducing the proportion of front façade allowed for garage to under 50%
- Consider limiting total width of garage doors (in feet)
- Elimination of side-by-side garages
- Design standards

The Committee sited several properties that might be good examples to look at to make sure the amendments prevent that sort of garage placement. The Chair asked members to get the specific addressed to James Freas.

Any other suggestions should be sent to the Committee Clerk or James Freas.

The Planning & Development Board left the Chamber to deliberate.

The Committee voted to hold this item.

**#110-15      Discussion of the Smart Growth Zoning Overlay District Act in Newton**  
HIS HONOR THE MAYOR requesting discussion of The Smart Growth Zoning Overlay District Act M.G.L. Chapter 40R and its potential application in Newton.  
[04/24/15 @ 2:38 PM]  
**Action:      Held 8-0**

**Note:** Mr. Freas introduced Bill Reyelt from the Massachusetts Department of Housing and Community Development. He works in the office that oversees the 40R program. A PowerPoint of the presentation is attached to this report.

#### Overview

Mr. Reyelt said MGL Chapter 40R and the companion statute 40S make up a municipal zoning incentive program which encourages communities to develop smart growth overlay zones that have an inclusionary component to them in exchange for direct and indirect financial incentives.

Chapter 40R came up in a time when the housing market was heating up and there was a significant amount of 40B activity. There was also a group called the Commonwealth Housing Task Force that issued a report identifying that the lack of land zoned for multi-family housing was a contributing cost. In addition, as a way to alleviate some of the controversy of 40B, this was fashioned as an alternative

The 40R zones need to meet three major requirements around location, as-of-right allowable densities and affordability.

- The eligible locations include a site within a half mile of a transit station; an area of concentrated development such as a city or town center; or a highly suitable location such as old mill sites or old hospitals that don't fit into the first two categories, but nonetheless have existing infrastructure.
- One characteristic is this is as-of-right zoning and does allow for site plan review and design standards. The district must be primarily residential and allow up to 50% non-residential. It cannot be subject to building caps or moratorium; age restrictions can be allowed for cannot be required.
- Affordability is a minimum of 20% for each project of 13 or more units. It is 25% for age restrictive projects and the district as a whole has to achieve 20% affordability. Affordability must be spread around unit types and location. Please see Income limits and rent limits in the attached presentation.

The Municipal incentives can also be found in the attached presentation. The units are counted as the number of net new units over that which the existing zoning allows by right. That is only on parcels that qualify as developable, generally meaning an infill or underutilized parcel. Lots that are substantially built on and not likely to be re-developed would not have the zoning applied and are not eligible for the zoning incentive payment, however, if the zoning is applied, the density bonus payment and the 40S payment is available for any development on those parcels.

The process and how to participate in the program can be found in the presentation. Mr. Reyelt noted that after the application is submitted there is a 90-day review period which starts on the last day of the month in which the application is submitted. That is an iterative process and can be reviewed.

The attached map shows where the approved and participating districts are located with many clustered around the eastern part of the state and a cluster in the Pioneer Valley. There are 38 approved districts which are listed in the presentation. The ones listed in green have produced units. There are over 13,000 newly zoned units of which 3,000 have been built or are in construction. A list of communities and the money they have received is attached as well. Some communities have received no money and communities are not required to request the zoning incentive payment. They payments could be recalled if a project is not permitted within three years of the zoning being adopted under certain circumstances. That has not happened thus far.

Incentive and density bonus payments are one-time payments while 40S payments are made annually. There has not been as much participation in 40S by all of applicant communities. An accounting of the 40S reimbursements can be found in the presentation.

Several examples of 40R projects can be found at the end of the presentation.

#### Committee Questions/Comments

It was asked if the City loses control of the site to the state. Mr. Reyelt explained that the state just signs off on the zoning and that it meets the 40R requirements. A municipality can do what they will with the project within the guidelines. The state approves the marketing plan for the affordable units and the affordability restriction. This is entirely up to Newton as to whether they would like to apply.

A Councilor asked why the 40S payment wasn't requested very often. Mr. Reyelt said he has heard that no increased school costs have been incurred very often and a community has to prove that increased cost. The vast majority of the projects have been 2 bedrooms. The Department of Revenue works with the Department of Education to work out if the community is eligible. Many communities knew they would not be. Some communities might get it one year and not be eligible the next as they have to re-apply each year.

It was asked how appeals have gone. Mr. Reyelt said two communities have been involved with litigation. In Kingston, a deep-pocketed abutter challenged the City's adoption of the zoning rather than the decision itself. The site had been a gravel pit and the national heritage maps were re-written during the process of applying for the 40R and it was intensive. Another was in Natick at the paperboard site and two developers who competed for the site appealed it and they ultimately settled. He has not seen a lot of controversy around the zoning as adopted since it is a voluntary program. Councilor Hess-Mahan explained there is a local adoption process which is similar to what is done for re-zoning and zoning amendments; public hearings, etc., in order to adopt the 40R process.

A Councilor asked why Reading did not get 40S funds. Mr. Reyelt explained that the share of the money they received from the development exceeded the school impact so they were not eligible for it. That development was downtown and they did the minimum affordability. The other two developments which did receive the payments were substantially subsidized so had much higher affordability and because of the way the occupancy of the units is maximized, that can increase the number of students. The DOE works with DOR to determine the numbers and is formula driven. He does not know all the details of how those calculations are done. The City cannot come up with its own formulas.

It was asked how the density bonus payment works. Mr. Reyelt said that \$3K is given for every unit built over and above the underlying zoning. All payments received go into the general fund and there is no earmarking or restriction of the funds required by the state. It was asked if the City or Town could require that the funds be used in certain ways and Mr. Reyelt said that would likely be up to the community but he has not seen that happen thus far.

A Committee member wondered why certain communities like New Bedford, Springfield, Methuen, etc., were not involved. Mr. Reyelt said as with a lot of zoning, it tends to be clustered. Communities are influenced by their neighbors and tend to follow suit. It may also be due to what other issues communities are dealing with and they don't have the bandwidth. The affordability component can be challenging as well for some communities and there are other programs in the works to incentivize market rate development in those areas. They might feel like they have already done their fair share of affordable housing.

The 40R incentive payments come from the Smart Growth Housing Trust Fund which was initially funded through the sale of state surplus land. It has been replenished several times in the course of its short history and is due for replenishment soon. It has also received funding from settlements the state has received, some SHARP loan funding, and other smaller contributors. It was asked if they were ever at risk for not being able to make the payments. Mr. Reyelt said that has not happened so far and there is very good support for the program. In 2008 the Housing Trust Fund was running low and they sent out the word that they were going to suspend the density bonus payments and prioritize the incentive payments as a strategy to more communities in and support for the program, but they never had to exercise that. Shortly after the economy tanked and there was no development happening. The first two years of the 40S program was not well funded, but they did manage to find the funds and the two communities who applied were paid. They are always looking to identify a regular funding source.

It was asked how many units per acre has been the average number. Mr. Reyelt said most were about 20 except for the Mill projects which are generally much higher.

Mr. Reyelt noted that for rental units under 40B, at 25% affordability, all the units will count on the SHI. With a 40R district, there is a requirement that if it is a rental development, it must be at 25% affordability because that is an SHI rule, not a 40R rule. It was asked if the community has adopted the 40R and a 40B comes along, what would happen. Mr. Reyelt said that the subsidizing agency has to take the 40R status into consideration under 40B. It is something explicitly stated that they have to consider. There have been three instances in which project eligibility letters have been withheld in part because the community had a 40R in place. That would be for the individual 40B project not for all 40B projects. He has never seen any of that happen and he is unclear on what would happen. On the Cape, a municipality is looking at adopting a 40R and doing a 40B in it. They would then receive density bonus payments and the incentive payment. If the Comprehensive Permit for the 40B is submitted before the 40R application if submitted, then the 40B units are treated as existing zone units.

A Councilor noted that a Housing Production Plan (HPP) helps fight against 40B projects in the community. It was asked if a 40R district could also help. Mr. Reyelt said the units would be added to the SHI and when approved, they would be eligible to be counted on HPP as well. The Chair and Committee thanked Mr. Reyelt for his presentation and his time. The Committee held this item.



**Mayor's Housing Strategy Update**

Mr. Freas said the Department is still reviewing and modifying the draft and to bring it up to a standard closer to what everyone is hoping to see. He appreciates the time and input provided to him by the City Council on this effort and it has been very valued and informative. At this point, there is no date certain as to when the report will be ready and released, but they are working diligently on it.

**Management Study Note**

Councilor Hess-Mahan noted that the Mayor had informed him and a few other Councilors that the consultant's study that had been done on the Planning Department would be made available to the City Council prior to the budget discussions in Committee.

**Scheduling**

Councilor Hess-Mahan noted that he, Councilor Danberg, James Freas and Karyn Dean have meetings each month to discuss the agenda. There are many, many items on the agenda and he would like to act on as many as possible. The Committee has already voted out several items and zoning amendments. The Planning & Development Board did not have a quorum for the last public hearing on the technical zoning amendments and the health club amendment to the zoning amendment. They will be holding their public hearing on April 4<sup>th</sup> and will provide their recommendation so that the items can be voted out at the full Council meeting that evening.

A number of housing items remains on the agenda including Inclusionary Zoning, middle income housing and several accessory apartment items. The 40R discussion item will be brought back as there seemed to be some questions, but ultimately is a discussion item thus far. April will be fair housing month and there are a number of items on the agenda that will be scheduled.

As for scheduling of items, priority will be for those items that do not conflict with anything that might be worked on as part of Phase2 of Zoning Reform. He does not want to duplicate effort and waste time. The garage door item does have some overlap, but had been identified as needing interim action in Committee earlier considering the concerns with development.

Councilor Hess-Mahan requested that docketers let him know when they are ready to take an item up in Committee. He asked that the docketers meet with the Law and Planning Departments before they request to be scheduled. Even if meetings have taken place in the past, he would like them revisited to be sure they are ready. The onus will be on the docketer to let him or the Committee Clerk know when items are ready

Meeting adjourned.

**Respectfully Submitted,**

**Ted Hess-Mahan, Chair**

# Zoning and Planning Committee

1

## **GARAGE SETBACK & DIMENSION REGULATIONS**

**#222-13(2) PUBLIC HEARING**

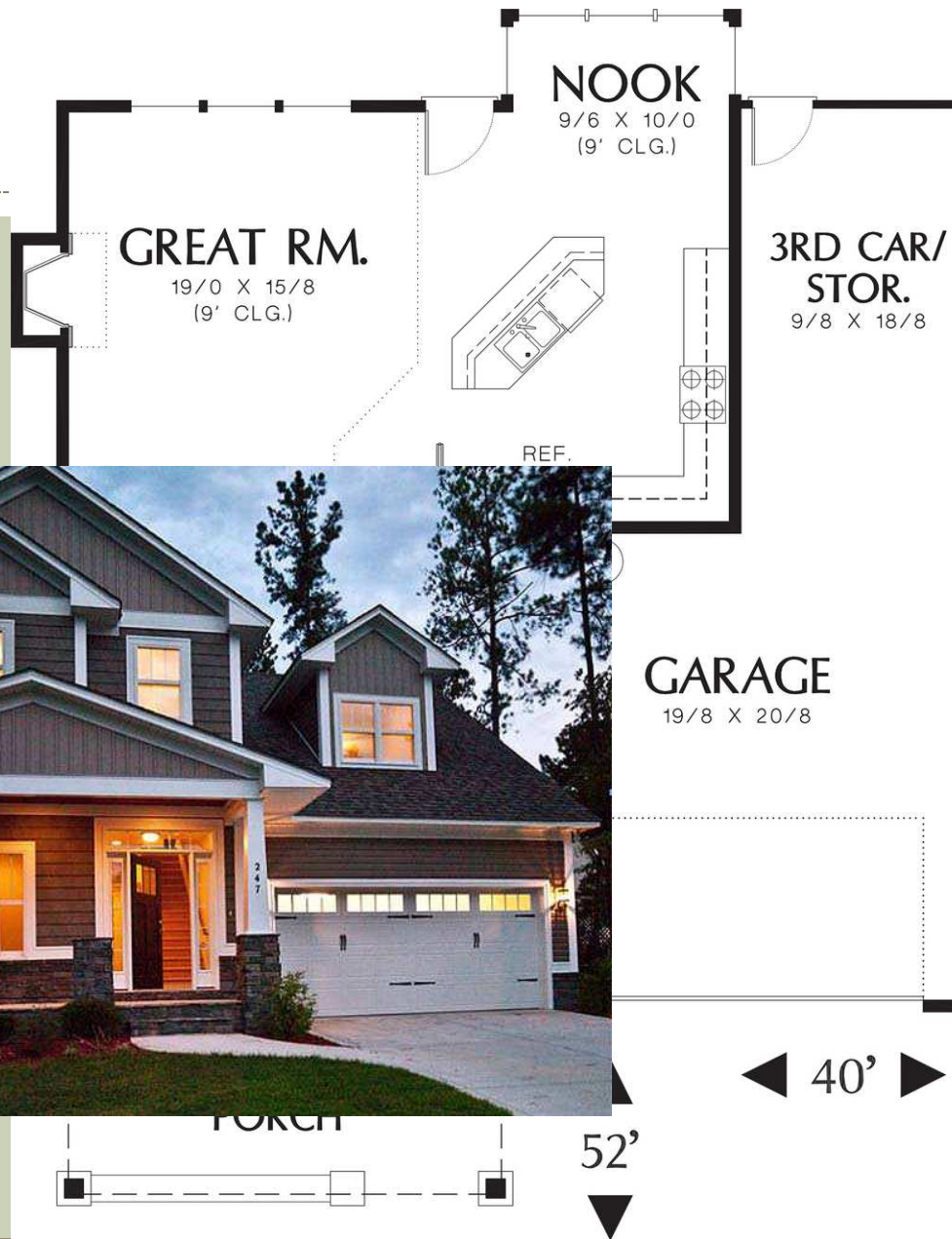


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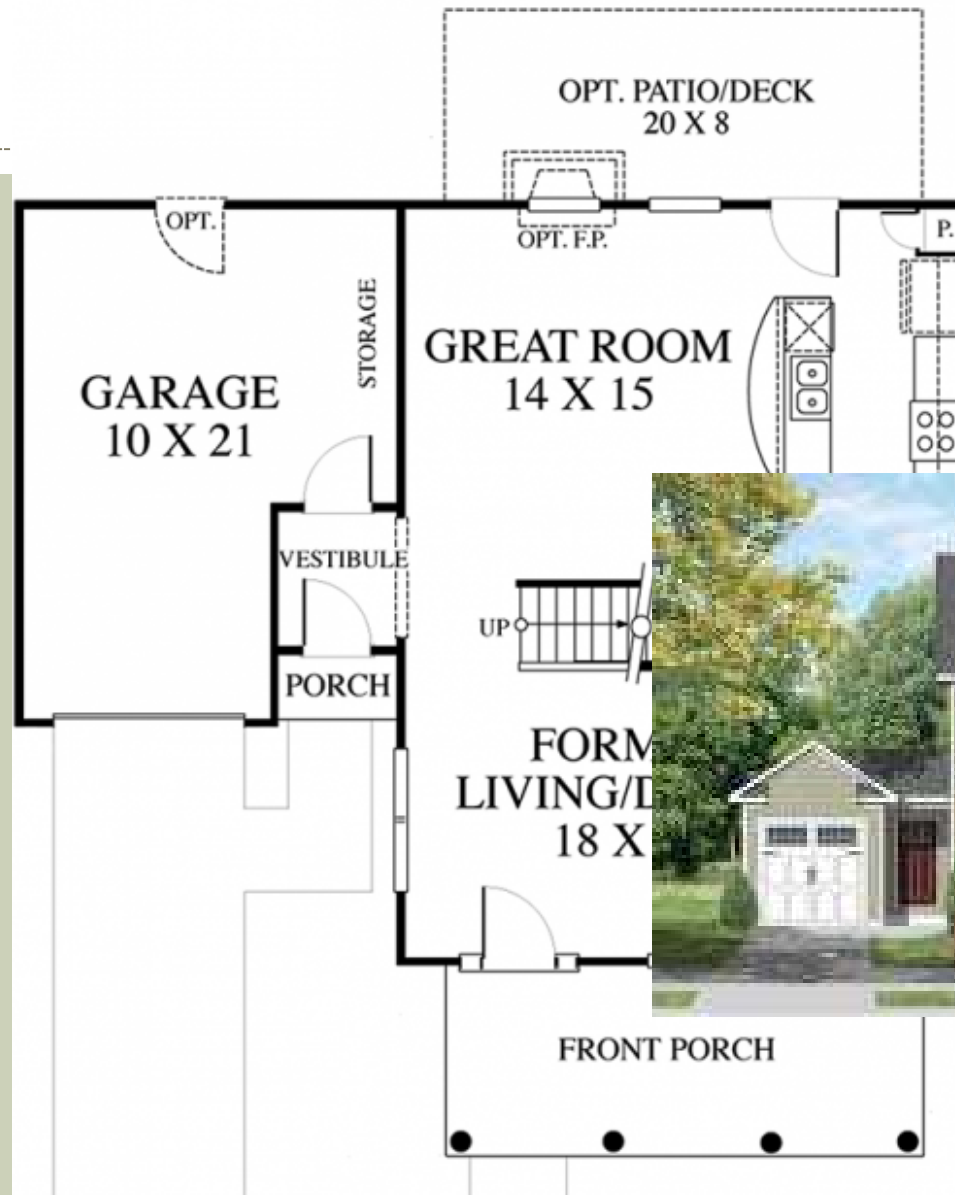
# Proposed Regulations

3

- Consolidates garages related regulations into one section
- Places Garage Setback in line with building façade.
- Up to 50% of street facing building façade.







# Next Steps

6

- Zoning & Planning Committee Work Session
- Vote by the City Council

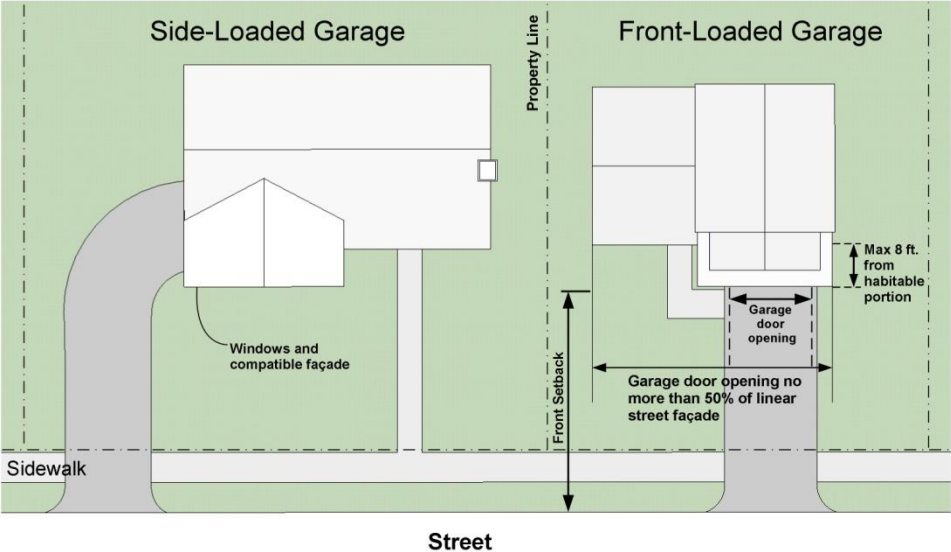
## Front Facing Garage Zoning Requirements

Samples of zoning regulations that require front facing garage doors to occupy 50% or less of front façade, and other restrictions to minimize garage.

Compiled by Ann Dorfman, 6/29/15

City/ Town	Page	Regulation
<b>Arlington, TX</b>  Unified Development Code	5-65	<b>Article 5. Design and Development Standards</b> <b>5.5 Residential Design Standards</b> <b>5.5.3. Standards For Single-Family And Two-Family Residential Dwellings</b>  <b>5.5.3.D Building Design Standards Applicable to All Detached Single-Family Residential</b> <b>5.5.3.D.2 Garage Location</b> Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following standards. <ul style="list-style-type: none"> <li>a. Front loading, front facing garages shall not project out from the front façade of the building.</li> <li>b. Front loading, front facing garages shall not constitute more than 55 percent of the total width of the dwelling.</li> <li>c. All front-loading, front facing garages shall incorporate at least two different architectural elements. However, garages recessed less than seven feet from the front façade shall incorporate four different architectural elements. Architectural elements may include balconies or other decorative overhangs above doors, columns flanking doors, decorative banding or moldings, detailed door designs with larger decorative brackets, windows/openings on garage doors, arches, decorative vent covers on a gable above the garage, sconce lighting, or similar elements.</li> <li>d. No more than two car bays may share a common garage door.</li> </ul>
	5-56	<b>5.5.3.E. Building Design Standards Applicable to All Attached Single-Family Residential</b> <b>5.5.3.E.2 Garage Location</b> Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following <ul style="list-style-type: none"> <li>a. Front loading, front facing garages shall not project out from the front façade of the building.</li> <li>b. Front loading, front facing garages shall not constitute more than 60 percent of the total width of the dwelling.</li> <li>c. All front-loading, front facing garages shall incorporate at least two different architectural elements. However, if the garage is recessed less than seven feet from the front façade or flush with the front façade, it is required to incorporate enhanced driveway paving and three different architectural elements. Architectural elements may include balconies or other decorative overhangs above doors, columns flanking doors, decorative banding or moldings, multiple panel door designs or other architectural detailing with larger decorative brackets, windows/openings on garage doors, arches, decorative vent covers on a gable above the garage, sconce lighting, or similar elements.</li> <li>d. Two-car garages shall have a separate door for each bay. Doors shall be separated by a masonry column.</li> </ul> <p><a href="http://www.arlington-tx.gov/cityattorney/wp-content/uploads/sites/15/2014/05/UDCChapter.pdf">http://www.arlington-tx.gov/cityattorney/wp-content/uploads/sites/15/2014/05/UDCChapter.pdf</a></p>

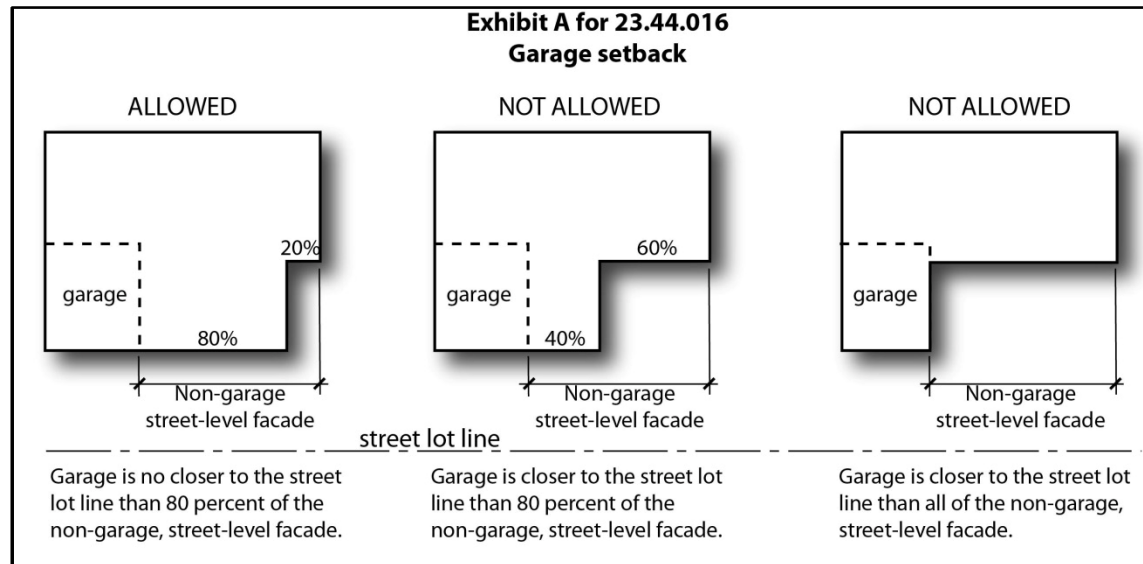


<p>Lakewood, CO</p> <p>Zoning Ordinance – Adopted February 10, 2014</p>	<p>6-3</p>	<p><b>ARTICLE 6: RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS</b></p> <p><b>17.6.2: Building Design Standards</b></p> <p><b>17.6.2.1: Architecture</b></p> <p><b>17.6.2.1.G: Garages:</b> ☐</p> <p>These additional design standards are for garages and only apply to the primary front setback. ☐</p> <ol style="list-style-type: none"> <li>1. The garage door opening shall not comprise more than 50 percent of a linear street façade of a residential building. ☐</li> <li>2. Attached front-loaded garages for single-family dwelling or duplex structures shall not project more than 8 feet in front of the habitable portion of the structure and must meet the required front setback. ☐</li> <li>3. Detached garages for single-family dwelling, duplex, attached dwelling or multifamily structures shall be setback behind the front edge of the primary residential building. ☐</li> <li>4. The street facing façade of attached front-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include windows along at least 50% of the width of the door in a style that is compatible with the architecture of the residence.</li> <li>5. ☐The street-facing façade of attached side-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include at least one window and a similar architectural treatment as the remainder of the residential building (See Figure 17.6.1).</li> </ol> <p><b>Figure 17.6.1: Attached Garages - Front and Side Loaded</b></p>  <p><a href="http://www.lakewood.org/Planning/Development_Regulations/Zoning_Ordinance.aspx">http://www.lakewood.org/Planning/Development_Regulations/Zoning_Ordinance.aspx</a></p>
<p>Seattle, WA</p>		<p><b>23 Land Use Code</b></p>

Municipal  
Code**23.44 Residential – Single-Family****23.44.016 - Parking and garages****23.44.016.F. Appearance of garage entrances**

1. **Garage setback.** No portion of a garage, whether attached to a principal structure or within a detached accessory structure, may be closer to the street lot line than 80 percent of the remaining non-garage street-level facade (see Exhibit A for [23.44.016](#) of the principal structure to which the garage is accessory. If the entire street-level facade of either a principal or accessory structure is garage, no portion of the garage may be closer to the street lot line than 80 percent of the facade of the story above the street-level facade.

Exhibit A for [23.44.016](#) ☐ Garage setback



2. **Garage entrance width.** The total combined horizontal width of all garage entrances located on the front facade may be up to 50 percent of the horizontal width of the front facade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing facade.
3. **Exemptions**
  - a. Garages allowed under subsections 23.44.016.D.9, 23.44.016.D.10, 23.44.016.D.11 and 23.44.016.D.12 are not subject to the standards of this subsection 23.44.016.F.
  - b. **Garages that are set back more than 35 feet from the front lot line are not subject to the standards** of this subsection 23.44.016.F.
  - c. **The Director may waive or modify the standards of this subsection 23.44.016.F based on one or more of the**

		<p>following factors:</p> <ol style="list-style-type: none"> <li>1) Irregular lot shape;</li> <li>2) Topography of the lot;</li> <li>3) Configuration of proposed or existing structures on the lot;</li> <li>4) Location of exceptional trees as defined in <a href="#">Section 25.11.020</a>; and</li> <li>5) The proposed structure or addition has design features including but not limited to modulation, screening, and landscaping.</li> </ol> <p><a href="https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IILAUSRE_DIV2AUUSDEST_CH23.44RESIMI_SUBCHAPTER_IPRUSPEOU_23.44.016PAGA">https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IILAUSRE_DIV2AUUSDEST_CH23.44RESIMI_SUBCHAPTER_IPRUSPEOU_23.44.016PAGA</a></p>
<p><b>Cleveland, OH</b></p> <p>Residential Design Guidelines - Summary</p>	2	<p><b>RESIDENTIAL DESIGN GUIDELINES - SUMMARY</b></p> <p><b>City of Cleveland Department of Community Development</b></p> <p>The following table is a Summary of critical City of Cleveland Residential Design Guideline requirements to be met by all new construction.</p> <p><b>Garage Doors</b></p> <ul style="list-style-type: none"> <li>• If an alley exists behind the lot, curb cuts and Front Yard driveways are not permissible.</li> <li>• If no alley exists, detached or attached garages behind the house are encouraged. If possible, access to garage should be from a rear drive connected to a side street or alley.</li> <li>• On lots less than 36' wide, maximum allowable garage door width visible from the street shall be 8'.</li> <li>• On lots 36' or wider, garages shall be placed behind the rear wall of the house.</li> <li>• Street-facing garage doors "should be set back a minimum of 18' from the front façade of the residence" or designed to not dominate the street façade.</li> </ul> <p>Requirements are referenced to the following documents. Refer to these documents for full explanations of all requirements:</p> <ul style="list-style-type: none"> <li>• Connecting Cleveland 2020 Citywide Plan (CC2020): <a href="http://planning.city.cleveland.oh.us/cwp/contents.html">http://planning.city.cleveland.oh.us/cwp/contents.html</a> Sec. 29</li> <li>• City of Cleveland Residential Design Guidelines (RDG) Sec..36</li> <li>• Sustainable Cleveland 2019 (SC2019): <a href="http://www.gcbl.org/files/resources/sc2019resourceactionguide8sep10.pdf">http://www.gcbl.org/files/resources/sc2019resourceactionguide8sep10.pdf</a> Sec. 53</li> </ul> <p><a href="http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf">http://planning.city.cleveland.oh.us/designreview/images/ResidentialDesignGuidelinesSummary.pdf</a></p>
<p><b>Franklin, TN</b></p> <p>Zoning Ordinance Page 5-25</p>	<p>5-26</p> <p>5-29</p>	<p><b>CHAPTER 5: Development standards Section</b></p> <p><b>5.3: Building and Site Design Standards Subsection</b></p> <p><b>5.3.5: Residential Development</b></p> <p><b>5.3.5.2 Detached Residential Structures</b></p> <p><b>(d) Garage Standards</b></p>

<p>Last Amended 8/26/14</p>	<p>Attached and detached garages and carports shall incorporate exterior materials, design features, and roof forms compatible with the building they serve, and shall comply with the following standards:</p> <ul style="list-style-type: none"> <li>i. Garage Dimensions <ul style="list-style-type: none"> <li>A. Individual street facing garage doors located on the front, side, or corner façade shall be a maximum of nine (9) feet in width. Garages that are not street facing may have garage doors up to 18 feet in width, but in no case may a 2-car garage door be less than 16 feet in width.</li> <li>B. The inside dimensions of garages constructed after the effective date of this ordinance shall be at least 10 feet wide by 20 feet deep per vehicle.</li> </ul> </li> <li>ii. Street-Facing Garages <ul style="list-style-type: none"> <li>A. Any street-facing garage shall include a minimum of at least three architectural features. Examples of such features include, but are not limited to, the following: <ol style="list-style-type: none"> <li>1. Carriage house garage doors as depicted in Figure 5-20 (counts as two architectural features);</li> <li>2. Garage detached from principal dwelling and behind the rear facade (counts as two architectural features);</li> <li>3. Garage doors painted to match the main or accent color of the structure;</li> <li>4. Ornamental light fixtures flanking the doors;</li> <li>5. Arbor or trellis flanking garage doors;</li> <li>6. Columns flanking doors;</li> <li>7. Portico treatment;</li> <li>8. Windows (equal to quantity of vehicle spaces within garage);</li> <li>9. Dormers;</li> <li>10. Overhangs over garage doors;</li> <li>11. Eaves with exposed rafters and/or with a minimum six-inch projection from the façade plane;</li> <li>12. Roof line changes;</li> <li>13. Decorative gable vent covers;</li> <li>14. or Dentil or other molding.</li> </ol> </li> <li>B. Garages on corner lots visible from the street right-of-way shall have individual doors measuring a maximum of 9 feet in width and shall include architectural details and windows that mimic the features of the living portion of the building they serve.</li> <li>C. Street-facing garage and carport façades shall not exceed 50 percent of the total area of the front façade elevation of the dwelling, as measured from the ground level to the eave of the roof. In the case of car ports, the</li> </ul> </li> </ul>
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perimeter of the carport facade shall define the area measured, and shall not exceed 50 percent of the front façade elevation.

- D. When more than one garage door is utilized on the same façade a minimum separation of at least two (2) feet shall be provided between each garage door.

iii. Garage Location

Street-facing garages shall be a minimum of ten (10) feet behind the front façade of the dwelling they serve and a minimum of twenty-two (22) feet from the sidewalk.

iv. Side-Loaded Garages

- A. Side-loaded garages shall be located a minimum of three feet behind the front façade of the dwelling they serve.
- B. Side-loaded garages shall not be located between the primary entrance to the dwelling and the street providing access to the lot.
- C. Side-loaded garages shall be oriented so that the vehicular entry into garage structure is perpendicular to the street providing access to the lot.

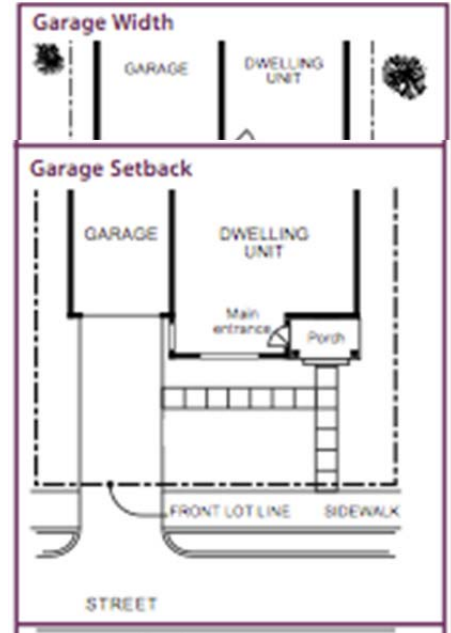
v. Garages Serving Narrow Lots

Garages serving detached dwellings located on lots with a width of 50 feet or less shall:

- A. Be located to the rear of the dwelling;
- B. Be served by either an alley or a street-loaded driveway running beside the primary dwelling to the rear of the dwelling;
- C. Be set back either:
1. Five feet from the edge of the alley pavement with a 10- foot by 20-foot paved parking pad adjacent to the garage;
  2. A minimum of 20 feet from the edge of the alley pavement so as to create an outdoor parking pad between the garage and the alley; or
  3. Five feet from the edge of the alley pavement with no parking between the garage and the alley.

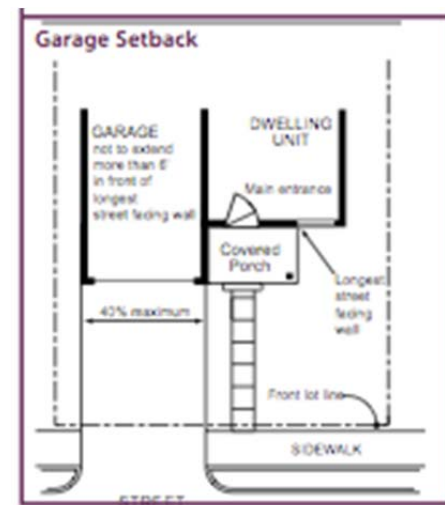
vi. Garage Access

Regardless of the location or orientation of a garage, the paving area associated with the garage shall be sufficient to

		<p>allow a vehicle to maneuver into or out of the garage.</p> <p><a href="http://www.franklin-gov.com/home/showdocument?id=22062">http://www.franklin-gov.com/home/showdocument?id=22062</a></p>
<p><b>Huntersville, NC</b></p> <p>Residential Permit Quick Reference Guide</p>		<p>1. Garage Requirements:</p> <p>A. On lots greater than 60' in width, front loading garages shall be recessed at least 10' behind the primary plane of the front façade of the structure. (See garage examples beginning on p.3).</p> <p><b>Exceptions:</b></p> <p><b>Single-family detached dwellings with 1,400 sq. ft. or less of heated space:</b> single bay front loading garage may be built flush with primary plane of front façade of the structure; double bay front loading front garages shall be recessed 10' behind the primary plane of the front façade of the structure. Lots in subdivisions approved prior to the effective date of the Huntersville Zoning Ordinance (November 19, 1996). Questions should be directed to the Huntersville Planning Department 704-875-7000.</p> <p>B. Detached garages must be located in the rear yard only.</p> <p>C. Garages for more than 2 cars must be:</p> <ol style="list-style-type: none"> <li>1. Detached located in the rear yard; or,</li> <li>2. Attached side or rear loading</li> </ol> <p><a href="http://www.huntersville.org/Portals/0/Planning/Residential%20Permit%20Reference%20Guide.pdf">http://www.huntersville.org/Portals/0/Planning/Residential%20Permit%20Reference%20Guide.pdf</a></p>
<p><b>Portland, OR</b></p> <p>Bureau of Development Services</p> <p>Zoning Code Information Guide</p> <p>Base Zone Design Standards</p>	2	<p><b>Garage width</b></p> <p>The length of the garage wall facing the street may be up to 50 percent the length of the street-facing building façade. Where the street-facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.</p> <ol style="list-style-type: none"> <li>1. As an exception, a garage wall facing the street may be up to 12 feet long if there is living area or a covered balcony above the garage.</li> <li>2. Dwellings on lots that were created by a land division submitted after July 1, 2002 and do not meet the minimum width standard of the zone, may not use the exception stated in #1 above.</li> <li>3. On corner lots, only one street-facing garage wall must meet the standards of this paragraph.</li> </ol> <p><b>Garage setback</b></p> <p>A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.</p> 

1. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
2. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if the street-facing garage wall is 40 percent or less of the length of the building facade, and there is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet and have a solid roof not more than 12 feet above the floor of the porch.

<http://www.portlandoregon.gov/bds/article/125938>



**Madison,  
WI**

Rev.  
12/15/12

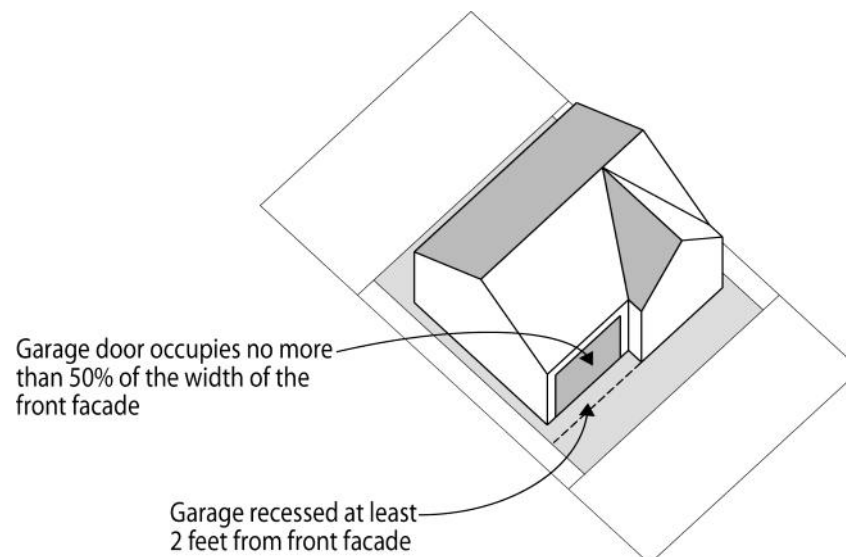
28-9

Chapter 28: ZONING CODE ORDINANCE  
28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.  
(3) Attached Garage Setback.

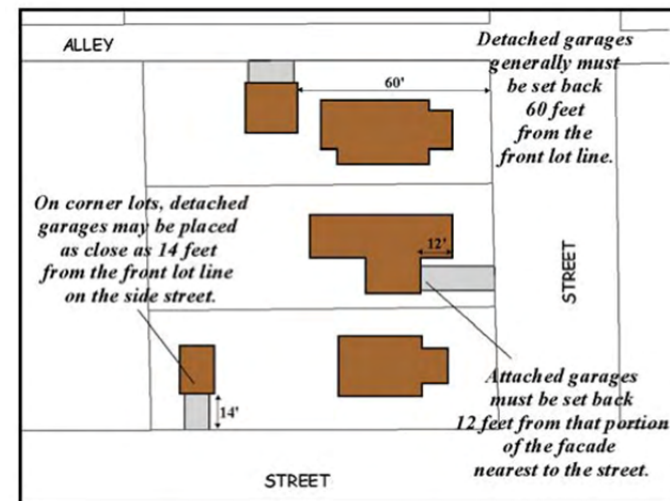
In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade.

That portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the facade.


The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.



		<a href="https://www.municode.com/library/wi/madison/codes/code_of_ordinances?nodeId=Chapter%2028%20-%20Zoning%20Code">https://www.municode.com/library/wi/madison/codes/code_of_ordinances?nodeId=Chapter%2028%20-%20Zoning%20Code</a>
<b>Manhatan, KS</b>  USERS GUIDE to the Traditional Neighborhood Overlay District	1, 6	<p><b>What is the Traditional Neighborhood Overlay District?</b></p> <p>The Traditional Neighborhood Overlay District (TNO) was developed to address infill housing and neighborhood stability issues in the older neighborhoods of the community. Overlay districts are zoning districts that are applied on top of an underlying zoning district (e.g. R-1, R-2, R-M) in order to address issues that are specific to a particular area of the community. The TNO is tailored to address the unique development patterns and building characteristics found in the traditional neighborhoods of Manhattan.</p> <p>The TNO District is intended to conserve the traditional character of the older neighborhoods through the control of development intensity (i.e. the number of bedrooms, the size of secondary dwelling units, and maximum lot coverage) as well as through Compatibility Standards, which require new residential construction to incorporate basic design elements characteristic of homes in the traditional neighborhoods. There are two types of Compatibility Standards:</p> <ol style="list-style-type: none"> <li>(1) Site Design Standards: All new residential construction is required to comply with the Site Design Standards, including new residential buildings, additions or modifications to existing residential buildings, and site improvements to existing properties (such as new or expanded driveways or parking areas).</li> <li>(2) Building Design Standards: Only new residential buildings are required to comply with the Building Design Standards.</li> </ol> <p><b>Attached Garages</b></p> <p>Attached garages with doors facing the street shall be set back a minimum of 12 feet behind the façade of the residential building.</p> <p>As in all zoning districts, detached garages are required to be set back a minimum of 60 feet from the front lot line. On corner lots, however, detached garages may be placed as close as 14 feet from the front lot line on the side street.</p> <p><a href="http://cityofmhk.com/DocumentCenter/View/1029">http://cityofmhk.com/DocumentCenter/View/1029</a></p>
<b>Maryland</b>	13.9	<p><b>Section 25-13 Building Design Standards</b></p>





<p><b>Heights, MO</b></p> <p>Zoning Code</p>	<p>13.11</p>	<p><b>Section 25-13.7 Design Standards For Single-Family Dwellings</b></p> <p><b>A. <i>Specific Intent.</i></b> The intent of the design standards for single-family dwellings in this subsection is to:</p> <ol style="list-style-type: none"> <li>1. Ensure that housing design is based on consistent, compatible, and aesthetic architecture.</li> <li>2. Encourage a strong relationship between dwellings and streets.</li> <li>3. Improve streetscapes.</li> <li>4. Minimize garage domination.</li> </ol> <p><b>H. <i>Garages.</i></b></p> <ol style="list-style-type: none"> <li>1. Front-loaded garages shall be limited as follows: <ol style="list-style-type: none"> <li>a. Garage door widths exceeding fifty (50%) percent of the front façade width are prohibited.</li> <li>b. Garage door widths within twenty-five (25%) to fifty (50%) percent of the front façade width shall be at least sixteen (16) feet behind the front building line.</li> <li>c. Garage door widths less than twenty-five (25%) percent of the front façade width may be even with or behind the front building line.</li> </ol> </li> <li>2. Rear loaded, side-loaded, or detached garages located behind the rear building line shall not be limited other than through the lot and dimension standards contained in this section.</li> <li>3. All overhead doors on any structure shall be limited to eight (8) feet high.</li> </ol> <p></p> <p><b>Large front-loaded garages must be set-back behind the front building line.</b></p> <p><a href="http://www.marylandheights.com/Modules/ShowDocument.aspx?documentid=1261">http://www.marylandheights.com/Modules/ShowDocument.aspx?documentid=1261</a></p>
<p><b>Santa Monica, CA</b></p> <p>North of Montana Development Guide</p>	<p>11</p>	<p><b>NORTH OF MONTANA DEVELOPMENT GUIDE</b></p> <p><b>4. FAQs: Garages</b></p> <p>If the garage is a part of the front portion of the house, the doors facing the street must be at least 5 feet behind the required setback (see Fig. 11a). Further, the garage door may not exceed 16 feet in width. (9.04.08.02.080 (e)(2))</p> <p>If the garage is on the front half of the parcel and faces the street, the doors must be setback at least 5 feet from the building facade. The ARB may modify this requirement where there are special circumstances. (9.04.08.02.080 (e)(2))</p> <p>If a one-story garage attached to the house does not exceed 14 feet in height (including parapets and railings), is no</p>

more than 25 feet long, and its doors are perpendicular to the street, and there is no alley, it may project up to 6 feet into the front yard, but it cannot come closer than 20 feet to the property line (see Fig. 11b). (9.04.08.02.080 (e)(2), 9.04.08.02.075 (f))

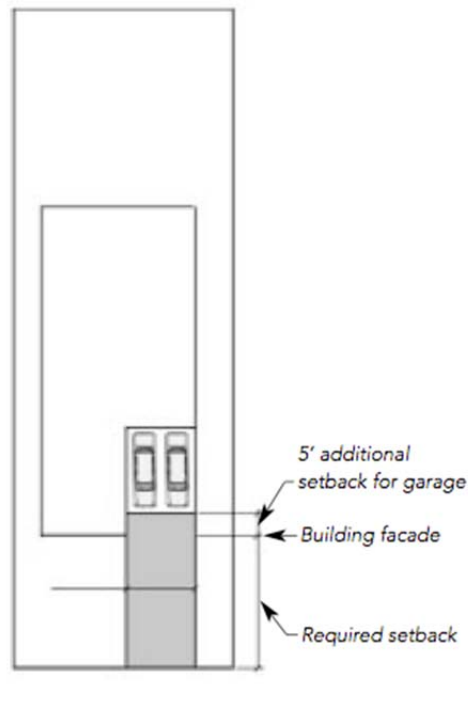


Figure 11a. Garage facing street.

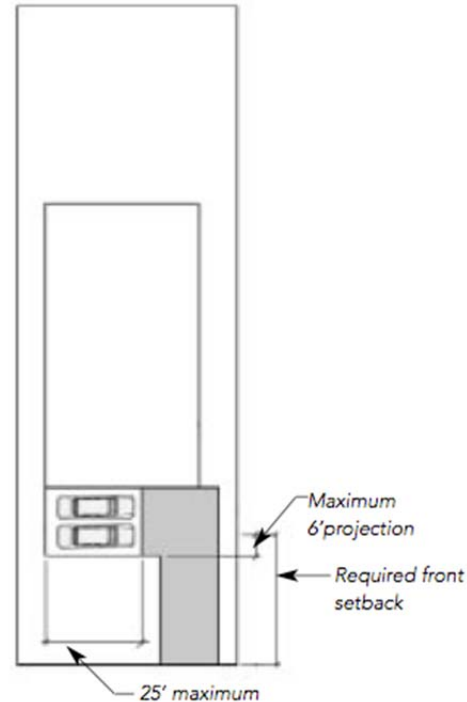


Figure 11b. Garage perpendicular to street.

<http://www.smgov.net/uploadedFiles/Departments/PCD/Permits/North-of-Montana-Development-Guide.pdf>  
<http://pen2.ci.santa-monica.ca.us/city/municode/codemaster/index.html>

#### Knoxville, TN

Code of Ordinances,  
Appendix B –  
Zoning Regulations

#### ARTICLE IV. - SPECIFIC DISTRICT REGULATIONS

##### Section 2. - Basic Districts

##### 2.1 - Residential Districts

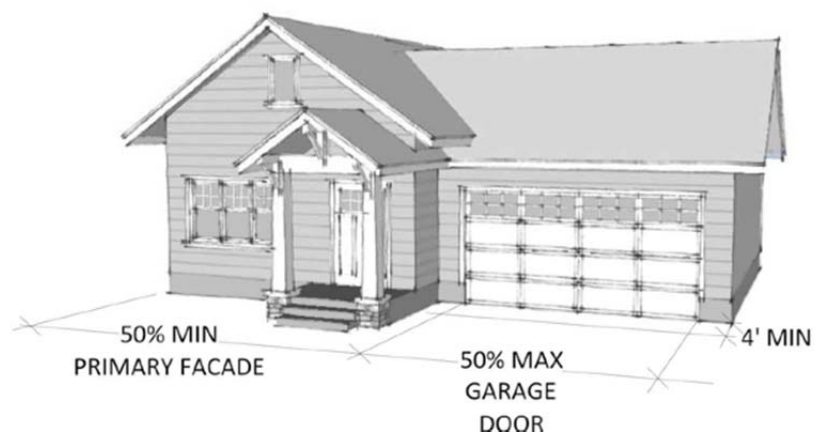
##### 2.1.4. - EN-1 and EN-2 established neighborhood districts.

##### F. Design requirements for new primary structures.

##### 3. Door openings on attached garages.

- a. Front facing garage door opening(s) may comprise no more than forty (40) percent of the front elevation. Detached garages may not be located in front of a primary structure and are not a part of this calculation.

		<p>b. Attached garages with front facing garage door openings must be set back from the front façade of the structure no less than four (4) feet.</p> <p><a href="https://www.municode.com/library/tn/knoxville/codes/code_of_ordinances?nodeId=APXBZORE_ARTIVSPDIRE_S2BADI">https://www.municode.com/library/tn/knoxville/codes/code_of_ordinances?nodeId=APXBZORE_ARTIVSPDIRE_S2BADI</a></p>
<p><b>South Salt Lake City, UT</b></p> <p>Zoning Code Update</p>	15-17	<p><b>17.21 - Residential Design Standards (Amended 04/22/2014)</b></p> <p><b>17.21.060 Building Form Standards By Land Use District</b></p> <p>G. <b>Garages.</b> All structures intended for residential occupancy using the Detached House Building Form shall include a garage. The following garage standards shall apply:</p> <ol style="list-style-type: none"> <li>1. Street facing garage façades shall not visually or architecturally dominate the front façade elevation of the primary building. Compliance is determined by: <ol style="list-style-type: none"> <li>a. The living space is the dominant element of the front façade; and</li> <li>b. The roof accent gabling is visually dominant over the living space instead of the garage;</li> <li>c. Front facing garages must contain at least two of the following: <ol style="list-style-type: none"> <li>1. Single carriage house garage doors with windows;</li> <li>2. Garage doors that include windows and are painted to match the main or accent color of the dwelling;</li> <li>3. Ornamental light fixtures flanking the doors;</li> <li>4. Arbor or trellis;</li> <li>5. Columns flanking doors and/or an eyebrow overhand;</li> <li>6. Portico;</li> <li>7. Dormers;</li> <li>8. Twelve-inch overhangs over garage doors;</li> <li>9. Eaves with exposed rafters with a minimum six inch (6") projection from the front plane;</li> <li>10. A vertical element such as a tower, placed over the primary pedestrian entrance; or</li> <li>11. Roof line changes.</li> </ol> </li> </ol> </li> <li>d. In addition to the two required elements described in the section above, front-facing garages protruding up to four (4) feet from the front plane shall have garage doors with windows.</li> <li>e. Front facing garages protruding more than four feet (4') from the front façade shall include a porch or covered landing that extends a minimum of six feet (6') from the plane of the living space. In no case shall a street facing garage protrude more than eight feet (8') from the plane of the living space.</li> <li>f. In no case shall front facing garage doors comprise more than fifty percent (50%) of the primary façade. <ol style="list-style-type: none"> <li>1. Front facing garage doors that comprise from forty percent (40%) to fifty percent (50%) of the primary façade shall be recessed from the primary façade by at least four feet (4')</li> </ol> </li> </ol>

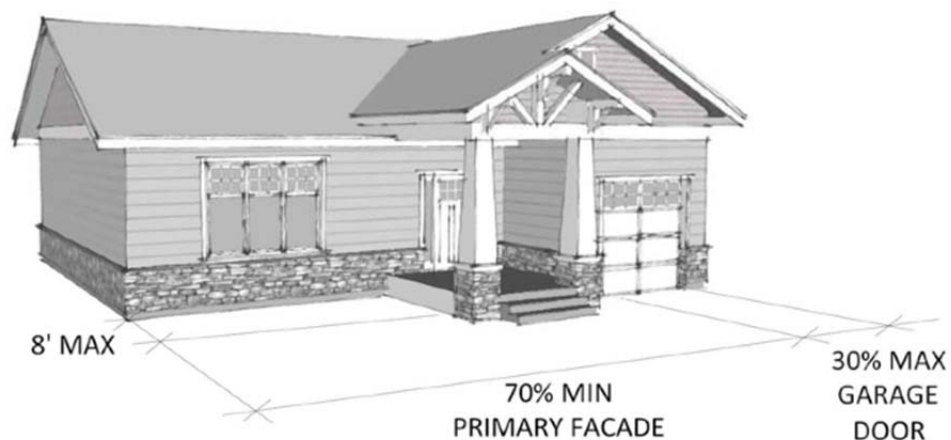


2.



3.

more than thirty percent



2.

. Buildings usi

e garage. This requirement shall not apply to Detached House Buildings on flag lots.

[http://www.southsaltlakecity.com/uploads/departments/ComDevelopment/Residential\\_Design\\_Standards\\_A.pdf](http://www.southsaltlakecity.com/uploads/departments/ComDevelopment/Residential_Design_Standards_A.pdf)

**Raymore,  
MO**

4

**Section 415.050 Original Town Overlay District**

F. District Specific Design Requirements

3. Garage Orientation

a. A. Garage doors facing the street shall be set back at least 8 feet from the primary façade.

b. Garage doors shall not comprise more than 50% of the front façade.

c. Rear-loading, side-loading and detached garages shall not be subject to standards of this sub-section.

<http://www.raymore.com/DocumentCenter/View/1263>

**Santa Cruz,  
CA**

Santa Cruz  
County Code

**Chapter 3.10 Planning and Zoning Regulations**

**Part IV. COMBINING ZONE DISTRICTS**

**ARTICLE IV-A. "PP" Pleasure Point Community Design Combining District**

**13.10.446 Residential Development Standards in the Pleasure Point Community Design "PP" Combining District**

(B) Standards and Incentives Regarding Residential Structure Facades, Front Yards and Parking.

2. Reduce Prominence of Garage Doors: Combined garage door-width shall occupy no more than 50% of the

		<p>building facade width facing a street and shall be limited to a maximum of two car-widths wide (i.e., no more than 18-feet wide) for all new or expanded residential garages. Three or more car-width garages are not allowed if located on the building facade facing a street. Single one car-width garage doors (i.e., no more than 9-feet wide) are allowed regardless of building facade width.</p> <ol style="list-style-type: none"> <li>3. Reduce Amount of Front Yard Area Devoted to Parking. On-site three-car tandem parking shall be allowed by right, with car one behind the other, three in a row, either within a garage or in the front yard setback, as illustrated in Figure 13.10.446-5.</li> <li>4. Garages Shall Not Protrude Beyond the Rest of the Facade: To reduce the visual impact of garages as viewed from the street, for new houses or garage additions, garages shall be flush with, or preferably behind, the rest of the house/building facade, as illustrated in Figures 6 and 7 of Section 13.10.446.</li> </ol> <p><a href="http://www.codepublishing.com/ca/santacruzcounty/">http://www.codepublishing.com/ca/santacruzcounty/</a></p>
<p><b>Tacoma, WA</b></p> <p>Tacoma Municipal Code</p>		<p><b>13.06 Zoning</b></p> <p><b>13.06.145 Small-lot single-family residential development.</b></p> <p>E. Design Standards – Level 1</p> <ol style="list-style-type: none"> <li>2. Garages: <ol style="list-style-type: none"> <li>a. The garage shall be located in the rear with rear access if suitable access is available, such as abutting right-of-way that is or can be practicably developed.</li> <li>b. Where vehicular access is not available from an alley or side street, garages or carports shall be setback at least 5 feet behind the front façade of the house or the front of a covered porch (where the porch is at least 48 square feet and contains no dimension less than 6 feet). In addition, vehicular doors and carports (measurement based on width of canopy) shall not occupy more than 50% of the width of the front façade.</li> </ol> </li> </ol> <p><b>13.06.501 Building design standards.</b></p> <p><b>N. Single, Two, and Three-Family Dwelling Standards.</b> The following requirements apply to all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.</p> <ol style="list-style-type: none"> <li>3. Garage design standards. <ol style="list-style-type: none"> <li>a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.</li> <li>b. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.</li> </ol> </li> </ol>

- c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.
- d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.

**O. Townhouse Standards.**

2. Garage Orientation & Vehicular Access:

- a. Garages shall not face any street
- b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.
- c. Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.

<http://cms.cityoftacoma.org/cityclerk/Files/MunicipalCode/Title13-LandUseRegulatoryCode.PDF>



**40R Smart Growth Zoning Program**

**Bill Reyelt \* MA DHCD**

**City Council Zoning Committee**

**Newton \* March 28, 2016**

# Bill Reyelt \* MA DHCD

**40R Smart Growth Zoning Program**  
**Bill Reyelt \* MA DHCD**

**City Council Zoning Committee**  
**Newton \* March 28, 2016**



# Context/Background:

## restrictive zoning



- 40R passed in 2004; 40S in 2005
- Rising housing costs / 40B activity
- CHTF: insufficient zoning for multifamily
- Impact on costs / workforce / economy
- New tool / carrot approach

# 40R Program Basics/Overview

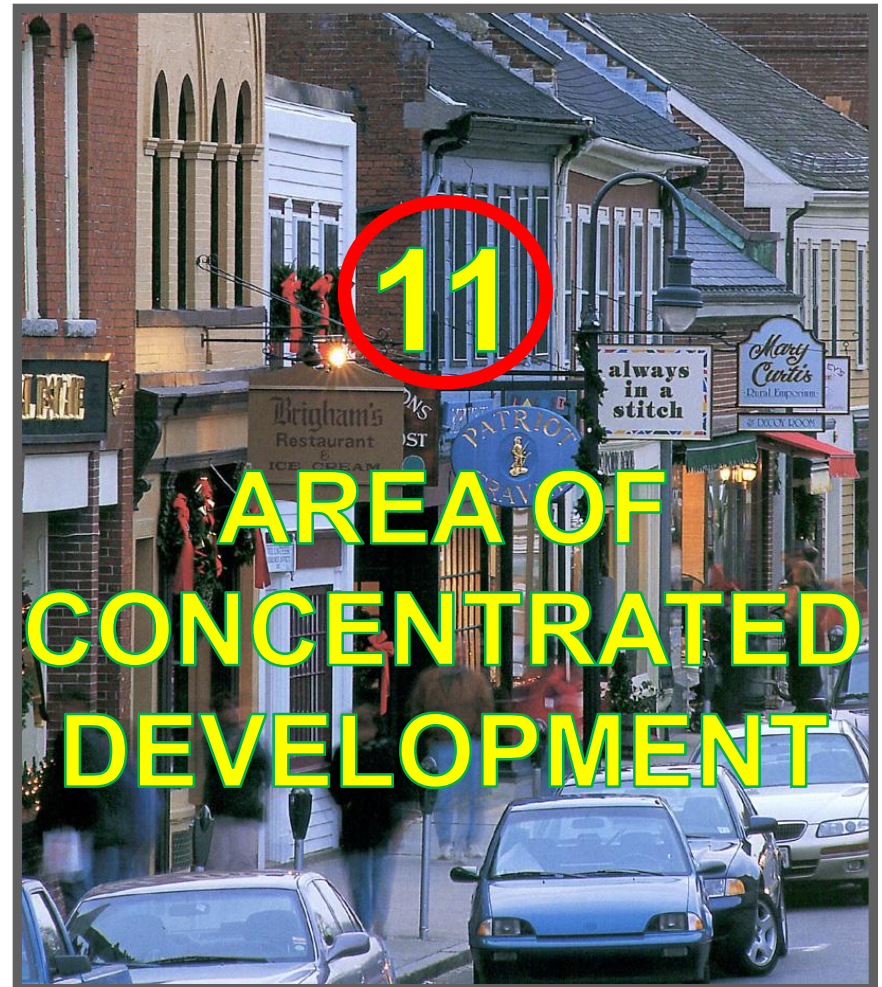
- Eligible locations
- As-of-right, including densities...
  - Single-family: 8 units/acre
  - 2-3 family: 12 units/acre
  - Multifamily: 20 units/acre
- Affordability requirement (20%)
- Direct funding:
  - \$10K-\$600K Zoning Incentive Payment based on District size
  - \$3,000/unit Density Bonus Payment
  - Eligibility for school-cost reimbursement \$ (Chapter 40S)





# *40R District Requirements*

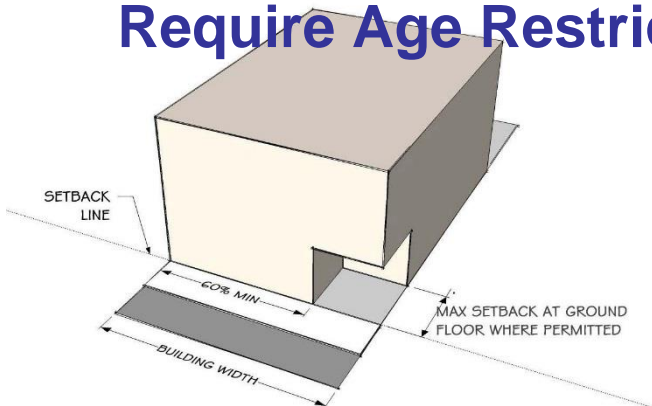
## Eligible Location



# Zoning Characteristics

## Other Zoning characteristics...

- As of right – Site Plan Review
- All-Inclusive
- **Design Standards**
- Primarily Residential
- No Moratorium/Bldg. Cap
- Allows for but Cannot Require Age Restrictions

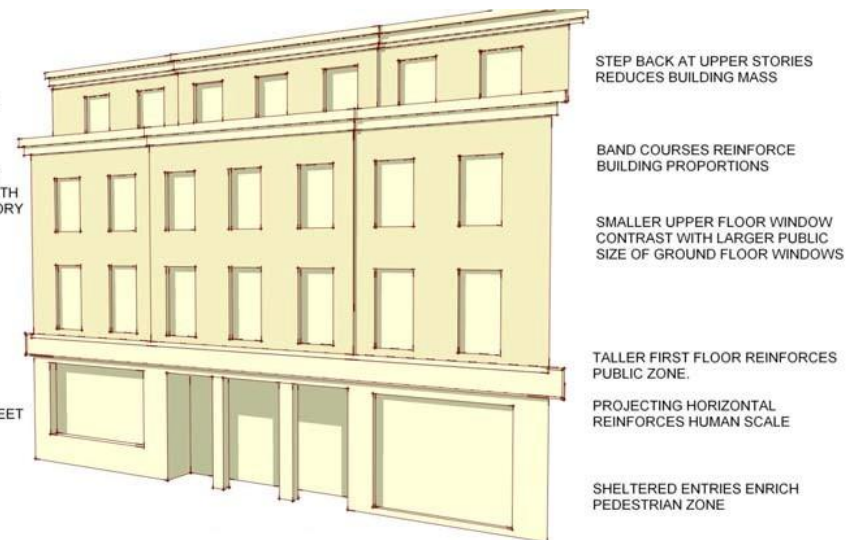
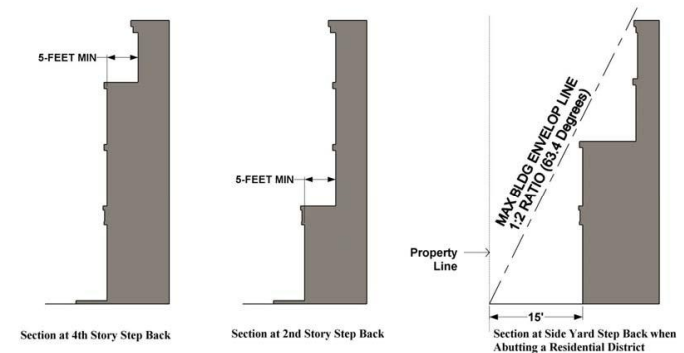


CORNICE COMPLETES BUILDING COMPOSITION

VERTICAL UPPER STORY WINDOWS CONTRAST WITH HORIZONTAL LOWER STORY WINDOWS

CHANGE IN MATERIAL ACKNOWLEDGES CHANGE IN USE

LARGER WINDOWS OPEN RETAIL LEVEL TO THE STREET







# *40R District Requirements*

## **Minimum Affordability**

### **Affordability...**

- **Minimum of 20-25%**
- **Required for all Projects of 13+ units**
- **20% for District as a whole**
- **Spread proportionately across unit types & location**





## 40B/40R 2015 Income Limits & Default Rent Limits for Boston Area

Unit Type / # of Bedrooms	Target Household Size	40B/40R Income Limit	Base Rent Limit (before utility allowance)
Studio	1	\$48,800	\$1,220
1	2	\$55,800	\$1,395
2	3	\$62,750	\$1,569
3	4	\$69,700	\$1,743
4	5	\$75,300	\$1,883



# *40R Municipal Incentives:* **40R Zoning Incentive & Density Bonus Payment**

## **INCENTIVE PAYMENTS**

<u><b>Zoned Units</b></u>	<u><b>Payment</b></u>
<b>Up to 20</b>	<b>\$10,000</b>
<b>21-100</b>	<b>\$75,000</b>
<b>101-200</b>	<b>\$200,000</b>
<b>201-500</b>	<b>\$350,000</b>
<b>501 +</b>	<b>\$600,000</b>

## **BONUS PAYMENTS**

**\$3,000 for each Bonus Unit  
issued a building permit**



Well  
designed  
mixed-use at  
40R  
densities  
can fuel foot  
traffic,  
activating  
streetscapes  
and public  
spaces

## The Process / How to Participate

- Give us a call!
- Recommend site visit/  
pre-application mtg.
- CEO Public Hearing
- Submit an application
- **DHCD Letter of Eligibility**
- **Local Zoning Adoption**
- Evidence of Adoption
- **DHCD Letter of Approval**
- Incentive Payment
- Local Project Approval



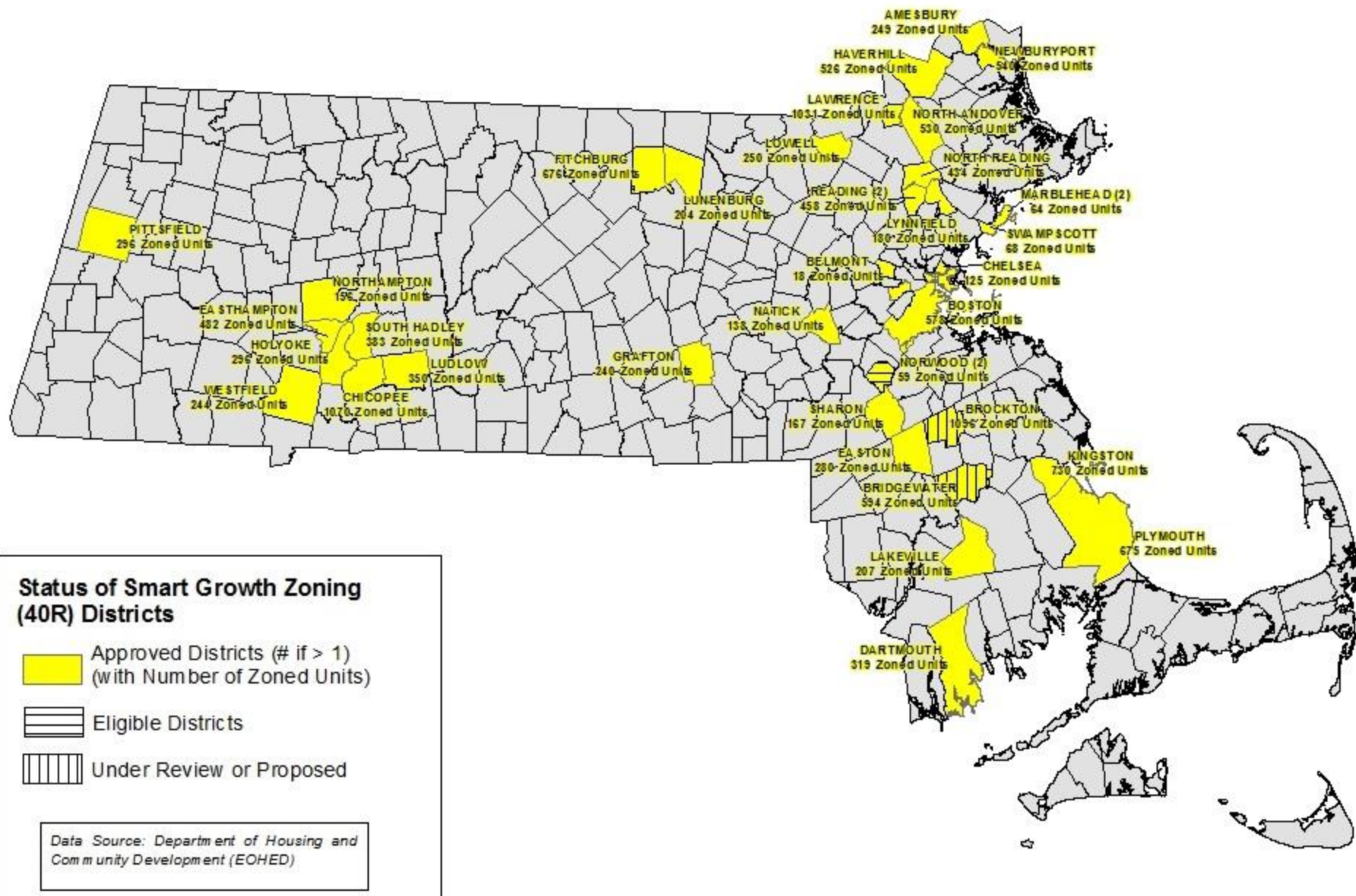
Net density  
of 6 units/  
acre  
(Riverwalk,  
Concord)

MarketStreet  
Lynnfield  
40R





# Smart Growth Zoning Districts Approved, Eligible, or Under Review or Proposed in Massachusetts





# 40R Participation / Activity:

## District Sizes & Production

**38 Approved Districts** (**13,715** newly-zoned units of which **3,037** built/in constr.)

Amesbury 249	Belmont 18	Boston 578	Bridgewater 594
Brockton 1,096	Chelsea 125	Chicopee 1,092	Dartmouth 319
Easthampton 482	Easton 280	Fitchburg 676	Grafton 240
Haverhill 526	Holyoke 296	Kingston 730	Lakeville 207
Lawrence 1,031	Lowell 250	Ludlow 350	Lunenburg 204
Lynnfield 180	Marblehead 17	Marblehead 47	Natick 138
Newburyport 520	N. Andover 530	N. Reading 434	N.hampton 156
Norwood 44	Norwood 15	Pittsfield 296	Plymouth 675
Reading 256	Reading 202	Sharon 167	South Hadley 383
Swampscott 68	Westfield 244		

**2 Eligible/Pending Districts** \_\_\_\_\_ (**415** units)

Haverhill 175 (amendment)

Norwood 240



40R + **40S** Payments

Amesbury **\$350K**

Belmont **\$46K**

Boston **\$350K**

Bridgewater **\$600K**

**Brockton \$1M+**

**Chelsea \$682K**

Chicopee **\$600K**

Dartmouth **\$350K**

Easthampton **\$500K**

Easton **\$488K**

Fitchburg **\$600K**

Grafton **\$350K**

**Haverhill \$1.7M**

Holyoke **\$350K**

Kingston **\$600K**

**Lakeville \$1.68M**

Lawrence **\$825K**

Lowell **\$506K**

Ludlow **\$350K**

**Lunenburg \$1.1M**

Lynnfield **\$722K**

Marblehead **\$0**

Natick **\$614K**

Newburyport **\$0**

N. Andover **\$600K**

**N. Reading \$1.5M**

Northampton **\$320K**

Norwood **\$118K**

Pittsfield **\$476K**

Plymouth **\$600K**

**Reading \$1.5M**

Sharon **\$0**

South Hadley **\$0**

Swampscott **\$0**

Westfield **\$200K**

# Net School-Cost Reimbursement

City / Town	SG Revenue (RE&E Tax)	Edu % (% State Rev. Spent on Edu)	Adj. Local Rev. to Defray Sch. Cost	Add' c. 70 for 40R Sch. Kids	# of Elig. Kids	Add' Sch. Costs per DESE	DESE Add' Sch. Cost per Elig. Kid	40S S.G. School-Cost Reimb
Lakeville	\$184,961	0.5696	\$105,354	\$850	36	\$359,329	\$9,981	\$253,125
Reading	\$497,508	0.5696	\$283,380	\$325	13	\$138,037	\$10,618	\$0
Lunenburg	\$102,739	0.5696	\$58,520	\$53,706	27	\$295,844	\$10,957	\$183,618
<b>Total FY14</b>								<b>\$436,743</b>
Lakeville	\$208,505	0.5623	\$117,242	\$850	35	\$439,556	\$12,559	\$321,464
Lunenburg	\$100,038	0.5623	\$56,251	\$115,992	32	\$465,465	\$14,546	\$293,222
<b>Total FY15</b>								<b>\$614,686</b>

## 40S School-Cost Reimbursement for FY14 & FY15



# Completed Projects:

## Belmont 40R



### Our Lady of Mercy / Oakley

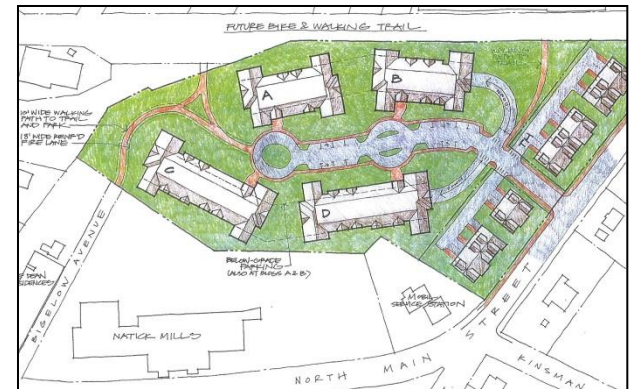
- 18 Units / 1.5 acres
- 4 Sub-districts / Housing Mix
- Belmont Housing Trust





# 40R Projects in Construction

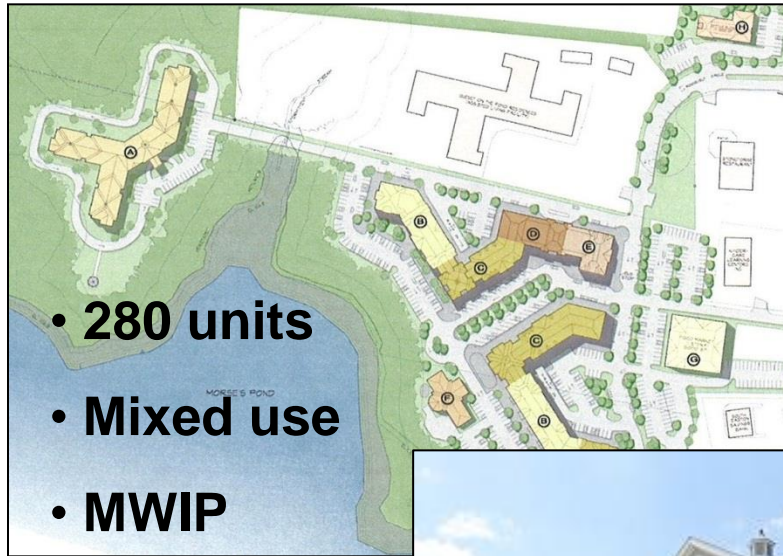
## Existing 40R District: Natick



- 138 unit
- 5 acres
- Near transit
- Brownfield
- Planned rail trail



## Easton - Queset Commons 40R





# *Completed Projects:*

## **Northampton 40R**

### **Village Hill**

- **Redevelopment**
- **16 acres**
- **156 units**
- **Mix of Housing**





# Completed Projects & Development Opportunities:

## Reading (Downtown 40R)

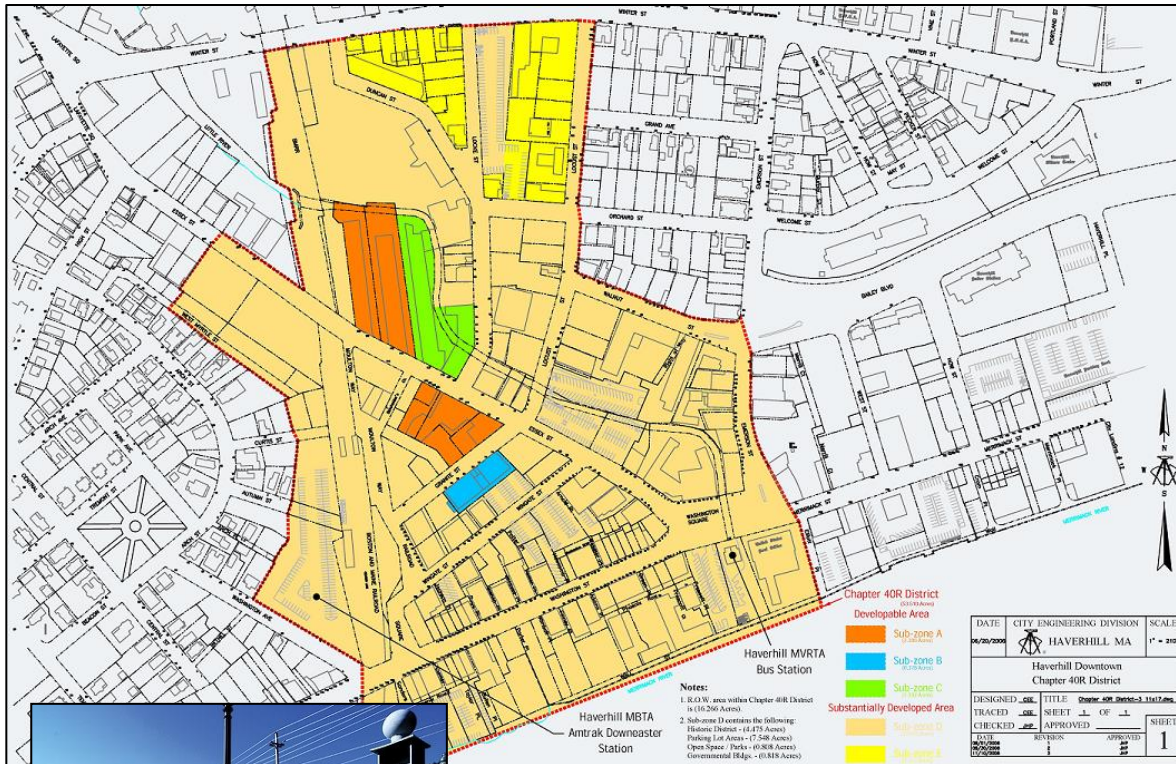


- TOD/Downtown
- 26 acres
- 256 Units Zoned
- 50-Unit Project Completed
- Mixed Use





# Completed Projects & Development Opportunities: Downtown Haverhill 40R



- 2 completed projects
- ~526 units





## *40R Smart Growth Zoning*

**Thank You!**

**Bill Reyelt / Elaine Wijnja**

**Dept. of Housing  
& Community Dev.**

**100 Cambridge St.**

**Boston, MA 02114**

**617.573.1355/1360**



**[william.reyelt@state.ma.us](mailto:william.reyelt@state.ma.us) / [elaine.wijnja@state.ma.us](mailto:elaine.wijnja@state.ma.us)**



## Recap of the Basic Concept

THIS...



**40R: Zoning Incentive Payment  
(\$10K-\$600K)**

**Density Bonus Payment  
(\$3K/unit)**

**40S: (Cost per  X # of  )**  
**= – ((edu% x (RE&E tax))+ c.70\$)**

FOR THIS...



**Basic District Requirements:**

- Eligible Location
- By-Right Density Minimum
- Affordability Minimum