

- E. Chimneys and flues may encroach up to 4 feet into a minimum side or rear setback, provided that they are at least 2 feet from of any lot line.
- F. Unenclosed fire escapes or emergency egress stairways may encroach up to 4 feet into a minimum side or rear setback, provided that they are at least 2 feet from any lot line.
- G. Mechanical equipment associated with residential uses, such as HVAC units and security lighting, may encroach into a minimum side or rear setback, provided that such equipment is at least 4 feet from any lot line.
  - 1. Mechanical equipment located in the setback must meet the requirements of the City of Newton Noise Ordinance (Chapter 20, Article II).
- H. Terraces, uncovered and unenclosed patios, driveways, and/or structures below and covered by the ground may fully encroach into any minimum setback.
- I. Minor structures accessory to Utilities, such as hydrants, manholes, transformers, and other cabinet structures, may fully encroach into a minimum setback.
- J. Accessory structures, fences and walls, signs, and landscape buffers may encroach into minimum setbacks as indicated in Article 8.

#### 2.3.6 Frontage Buildout.

- A. Frontage buildout is the ratio of the width of the front elevation within the minimum and maximum setback, as established by the district, to the lot frontage.
- B. If a contextual front setback applies, the front elevation must meet the contextual front setback for a minimum of 40% of its width.

## 2.4 Building Types and Components

### 2.4.1 Building Types.

Building type regulations are applicable in all zoning districts and include building standards for new construction, renovation of existing structures, and redevelopment.

Instead of applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district.

### 2.4.2 Building Type General Standards.

- A. Each building type may only be constructed in the zoning districts where that building type is allowed.
- B. Each building type may contain any of the uses permitted in the district in which it is located, unless otherwise specified.
- C. **No Other Building Types.** All principal buildings constructed must fulfill the requirements of one of the building types permitted in the zoning district where it is located.
- D. **Permanent Structures.** All principal buildings must be permanent construction without wheels or other features that would make the structure mobile, unless otherwise noted.

### 2.4.3 Determining Building Type for Existing Buildings.

- A. The Commissioner of ISD is responsible for determining the building type classification of an existing or proposed building. Classification of ~~existing~~ buildings as building types is based on which building type the existing or proposed building most closely resembles.
- B. When determining which building type an ~~existing~~ building most closely resembles, the Commissioner of Inspectional Services will consider the following criteria:
  - 1. Use(s) and Number of Residential Units
  - 2. Height
  - 3. Building Footprint
- C. A Property Owner may submit a written request to reassess the building type classification assigned to their property and receive a written decision in return. A property owner may also appeal the decision of the Commissioner of Inspectional Services to the Zoning Board of Appeals per sec 11.6.

## 2.5 Building Footprint.

### 2.5.1 Measuring Building Footprint.

- A. Each building type has a maximum allowed footprint.
- B. The building footprint is measured from the outer edge of the exterior walls at the ground story and includes all enclosed spaces whether for habitation or storage. This includes building components on the ground story and attached garages.
- C. Unenclosed features, with and without roofs, attached to the building do not count toward the maximum building footprint. This includes attached decks, stoops, porticos, and porches. These features all count in the calculation of lot coverage and must not project into the setbacks unless otherwise permitted.

### 2.5.2 Building Components.

Building components are defined accessory features that attach to the building type and increase the habitable square footage or enhance the usefulness of a building. These components provide an important means for achieving variety and individuality in design of building front elevations and are permitted as indicated for each building type.

- A. Articles 3 and 4 include standards for building components along the front elevation that allow for minor encroachments in the front setback or over a public sidewalk.

## 2.6 Height and Massing

### 2.6.1 Intent and Purpose.

- A. The height and massing measurement standards are written with an understanding that the height and bulk that a building presents toward the public street is one of the prime determinants of neighborhood character.
- B. The height and massing measurement standards are intended to enable and encourage a property owner to work with the existing grade of a site, whether flat or sloped. Earthworks to change the grade related to building height measurement are discouraged. Earthworks projects are subject to the Erosion and Sedimentation Control Permit regardless of intent.