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CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

August 17, 1977

To the Honorable, the City Council:

SUBJECT: Petition to adopt Chapter 808 of the Acts of 1975, as amended, and to replace the text of the existing Cambridge Zoning Ordinance with a new text.

Dear Councillors:

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, August 1, 1977, on a petition by the Planning Board to adopt a revised zoning ordinance text which complies with new statutory requirements, which recodifies the ordinance, which incorporates amendments adopted since 1970, and which makes numerous editorial changes, clarifications and minor substantive changes. Though this is the first major revision of the Ordinance since 1962, most of the changes are technical in nature (e.g. time limits on BZA decisions mandated by the new statute) rather than substantive changes based on new City land use control policies.

Chapter 808 of the Acts of 1975 is the law which completely revised Chapter 40A of the General Laws, the state zoning statute. It requires that all cities and towns adopt the new law and bring their local zoning into compliance with the statute by June 30, 1978. This petition would accomplish that for Cambridge.

KEY PROVISIONS OF THE PETITION

A list of the key changes follows. Since this is not a complete list, please note that all changes from the existing ordinance are printed in bold face type in the petition.

- A. Substantive and Procedural Changes in Compliance with Chapter 808
1. expands the purposes of the Ordinance to match the purposes enabled by Chapter 808 (Section 1.30);
 2. requires that public hearings on special permits be held within 65 days of application and final action be taken within 90 days (Section 10.40);

3. changes certain other requirements governing the timing and procedures for petitions, permit applications and appeals (Articles 9.000 and 10.000);
4. enables the Planning Board to issue certain special permits if specifically authorized elsewhere in the Ordinance (Section 4.12, Section 10.41);
5. prohibits use variances (Section 10.31);
6. limits the grounds upon which a variance may be granted (Section 10.31);
7. makes non-profit educational purposes a permitted use in all districts and clarifies the regulatory exemption status of religious and educational facilities consistent with the new statute (Section 4.33);
8. allows accessory scientific uses by special permit (Section 4.21);
9. specifies findings that must be made prior to granting permits for the extension or alteration of nonconforming uses (Section 8.22);
10. specifies that construction or operations under a building permit or special permit must comply with subsequent Ordinance amendments unless construction or use commences within six months after permit issuance (Section 8.25);
11. specifies that special permits will expire after two years of issuance if not used (Section 10.45);
12. requires that BZA decisions on applications, petitions and appeals (except for special permits) be made within 75 days of the date of filing (Section 10.17); and
13. makes the date of City Council adoption of the Ordinance and amendments the effective date (Section 1.40).

B. Amendment Compilation

For the first time all text amendments subsequent to the January 1970 printed version of the ordinance are included in a single document. These include the following:

1. the fast food ordinance;
2. Business A-1 district and regulations
3. business and industrial district use table changes (Ordinance 864, 6/7/76)
4. townhouse development ordinance
5. community residence and personal care lodging house ordinance
6. Business C district and regulation (Porter Square)

C. Recodification

The text has been recodified and reorganized to make it easier to use and to amend. Easy updating on a regular basis will be possible since the entire text is stored on magnetic tapes. The ordinance will be printed in looseleaf format, thus enabling the preparation of replacement pages rather than massive overhauls every few years.

D. Editorial Changes

Several editorial changes and clarifications have been made throughout the text.

E. Substantive Changes

A number of minor substantive changes have been made including the following:

1. changing the definitions and use requirements of different types of health care facilities to be consistent within the Ordinance, to be consistent with definitions under state licensing statutes and to be consistent with recent Board of Zoning Appeals interpretations of existing regulations;
2. adding a definition of "principal use" and amending the definition of "accessory structure";
3. adding a list of general criteria to be considered by the Board of Appeals or Planning Board in acting on applications for special permits;
4. providing for issuance of building permits for construction of dormers on non-conforming dwellings;
5. increasing the number of BZA associate members from two to four; and
6. adding a definition of "community center".

RECOMMENDATION

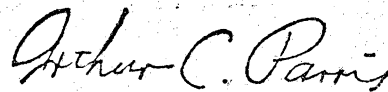
Written comments submitted to this Board in response to the advertised petition and oral testimony presented at the hearing have been incorporated into the petition submitted for your consideration. The Planning Board feels

that this revised petition meets the legal requirements of Chapter 808, creates a more flexible and understandable document, and corrects many of the problems with the present ordinance.

The Planning Board recommends that the petition be APPROVED.

Respectfully submitted,

For the Cambridge Planning Board



Arthur C. Parris
Chairman

ACP:jp

0-43

Comm. from Arthur G. Parris, Chairman,
Planning Board, re: petition to adopt Chap-
ter 808 of the Acts of 1975, as amended, and
to replace the text of the existing Cambridge
Zoning Ordinance with a new text.

In City Council,
Sept. 12, 1977

9/12/77

Referred to Public
Hearing of this
date -