

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

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LEGAL COUNSEL

November 4, 1983

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA

Re: Accessory Apartment Ordinance

Dear Mr. Healy:

I am persuaded by Commissioner Cellucci that the Accessory Apartment Ordinance, as presently written, is defective in that it does not make it clear that accessory apartments must comply with the Building Code.

I am enclosing an Ordinance to remedy this defect.

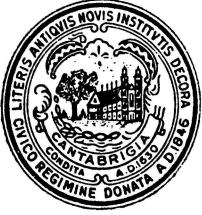
Very truly yours,


Russell B. Higley
City Solicitor

RBH/jl

Enc.

cc: David Wylie, Esq.
Joseph Cellucci
Kathy Spiegelman



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Three

AN ORDINANCE

In amendment to an ordinance entitled the "Zoning Ordinance of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

The Zoning Ordinance passed to be ordained September 26, 1977 entitled the "Zoning Ordinance of the City of Cambridge" is hereby amended as follows:

Section 4.221 of said Ordinance, which was added by Ordinance No. 963, passed to be ordained June 29, 1981, is hereby amended by adding a new condition 6 as follows:

6. Such accessory apartment shall comply in all respects with the Massachusetts State Building Code (780 CMR).

As so amended, section 4.221 will now read as follows:

4.221 In a Residence A District the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this section 4.221, to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
3. The lot on which such accessory apartment is located contains at least 3,000 square feet of lot area per dwelling unit.
4. Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior

to the effective date of this section 4.221 and shall not be located in a garage.

5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.
6. Such accessory apartment shall comply in all respects with the Massachusetts State Building Code (780 CMR).

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.



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CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

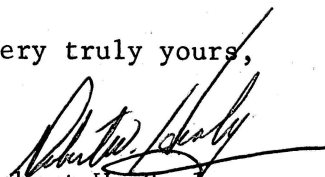
EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

November 14, 1983

To the Honorable, the City Council:

I transmit herewith proposed amendment to an ordinance entitled "Zoning Ordinance of the City of Cambridge, pertaining to accessory apartments. for your consideration.

Very truly yours,


Robert W. Healy
City Manager

RWH/b

Agenda Item Number One

0-34

Re: transmitting a proposed amendment to the Zoning Ordinances in Section 4.221 Re: accessory apartments.

*copies sent to the Planning Board +
Ordinance Committee Chairman
11/15/83 w/h*

In City Council,

November 14, 1983

11/14/83

*Prepared for the
- Committee on Ordinances
and the Planning
Board for Hearing
and Report -*