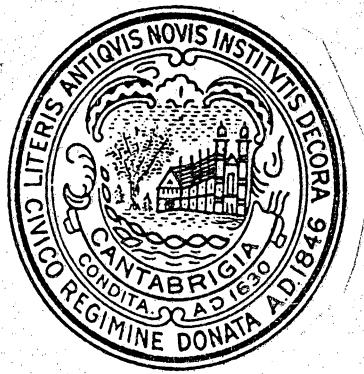


PROPOSED
ZONING ORDINANCE
REVISION



City of Cambridge
Massachusetts

July 1977

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ARTICLE 1.000 TITLE, AUTHORITY, PURPOSE

1.10 TITLE

This ordinance shall be known as and may be cited as the "Zoning Ordinance of the City of Cambridge", hereinafter referred to as "this ordinance".

1.20 AUTHORITY

This ordinance is adopted pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, and amendments thereto, hereinafter referred to as the "Zoning Act".

1.30 PURPOSE

It shall be the purpose of this ordinance to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the city, including the encouragement of appropriate economic development and including consideration of plans and policies, if any, adopted by the Cambridge Planning Board, and to preserve and increase the amenities of the City.

ARTICLE 2.000 DEFINITIONS

For the purpose of this ordinance certain words and terms are hereby defined. The definitions set forth in the **State Building Code** are also applicable, where appropriate, with respect to words and terms not defined herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the word "lot" includes "plot"; the word "building" includes "structure"; the word "occupied" includes "designed, arranged," or "intended to be occupied". Where the verb "use" is employed it shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used", the word "shall" is mandatory and "may" is permissive or discretionary.

Accessory Building. A building subordinate to, and located on the same lot (or on an abutting lot in the same ownership) as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory Use. A use subordinate to the principal use and customarily incidental to the principal use.

Automobile oriented fast order food service establishment. A fast order food service establishment which provides a greater number of parking spaces than is required by the Zoning Ordinance.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Clinic. An institution licensed under Sec. 51, Chapter 111, G.L., for the purpose of providing medical, surgical, dental, or restorative or mental hygiene services to persons not residing therein.

Community Center. A family center, community facility or other social service establishment, exclusive of Community Residences and Personal Care Lodging Houses, where recreational, educational, social, health care or counseling services are provided under the aegis of a non-profit agency.

Community Residence

1. A dwelling in which
 - a. the sponsor or caretaker provides, or arranges for the provision of varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or other problems in which the resident has special needs or requires special care; and
 - b. the sponsor or caretaker is acting in collaboration with and under regulation, licensure, or certification of one or more of the agencies of

the Commonwealth, including but not limited to, the departments of Public Health, Mental Health, Corrections, Youth Services, or the Division of Alcoholism, or the Committee on Law Enforcement or the Office for Children, or the Commission for the Blind.

2. A Community Residence may include a facility referred to as a Halfway House, a Personal Care Residence, a Group Facility, a Group Care Facility, a Group Home, a Community Transitional Facility, or by any other terminology, provided the conditions described above in paragraph a. are satisfied.
3. For the purpose of this **Ordinance**, Community Residences shall not include lodging houses as defined in Chapter 140, Section 22 of the Massachusetts General Laws or in **this Article**, **but shall include Personal Care Lodging Houses as defined in this Article.**

District. A section of the City for which the zoning regulations governing the use of land, the use of buildings and premises, and the permitted height of buildings, and the area of open space about buildings are uniform.

Dwelling. A building or structure used in whole or in part for human habitation, but not a trailer.

Dwelling, detached. A dwelling with no party wall or walls arranged, intended or designed as the home or residence of one family.

Dwelling, multi-family. A building arranged, intended, or designed to contain three or more dwelling units.

Dwelling, Semi-Detached (or Townhouse or Row House). One of a series of buildings with a party wall or walls, common to adjoining buildings, which is constructed so that two parallel building faces have outside exposure and each building of which is arranged, intended or designed as the home or residence of one or two families.

Dwelling, two-family. A dwelling arranged, intended or designed as the home or residence of two families, each family occupying a single dwelling unit.

Dwelling, unit. A room or group of rooms forming a habitable unit for one family, used or intended to be used for living, sleeping, cooking, and eating.

Family. One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of **four** or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Fast order food. Food which is (a) primarily intended for immediate consumption rather than for use as an ingredient in or component of meals; (b) available upon

a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fast order food establishment. An establishment whose primary business is the sale of fast order food for consumption on or off the premises.

Floor area ratio. The ratio of gross floor area of a structure to the total area of the lot.

Floor area, gross. The sum, in square feet, of the gross horizontal areas of all of the floors of a building, as measured from the exterior walls separating two buildings. **Gross floor area shall include:**

- (a) roofed porches and balconies whether enclosed or unenclosed;
- (b) unroofed porches and balconies above the second floor;
- (c) elevator shafts and stairwells on each floor;
- (d) attic space, whether finished or unfinished, **not excluded in (5) below**
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas **not excluded in (2) below.**

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking, or off-street loading purposes;
- (2) basement and cellar areas devoted exclusively to **the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;**
- (3) open or lattice-enclosed exterior fire escapes;
- (4) unroofed porches and balconies no higher than the second floor; and
- (5) attic space and other areas for elevator machinery or mechanical equipment **necessary for the operation of** the building.

In a building with more than two floors, the area of each floor level of any interior court yard, whether or not covered by a roof, which has a minimum dimension of less than forty feet in any direction shall be included unless twenty percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Group Quarters. A living arrangement for groups containing four or more persons not related to the person in charge.

Height of building. The vertical distance of the highest point of the roof above the mean grade of the ground adjoining the building.

Home occupation. For an occupation customarily carried on at home, the use of a room in a dwelling as an office, studio, or work room by a person residing on the premises and in connection with which there is kept no stock in trade nor commodity sold on the premises.

Hospital. An institution licensed under Sec. 51, Chapter 111, G.L., for the purpose of caring for persons admitted thereto for diagnosis, medical, surgical or restorative treatment which is rendered within said institution.

Lodging House. A dwelling where lodgings are let to **four** or more persons not within the second degree of kinship to the person conducting it, including fraternity houses but not including dormitories of charitable, educational or philanthropic institutions.

Lot. A parcel of land in identical ownership throughout, bounded by other lots or by streets, which is designated by its owner to be used, developed or built upon as a unit.

Lot depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot line, front. A line separating the lot from the street or from a building line if such has been established.

Lot line, rear. A line most distant and opposite from the front lot line; where the lot is irregular, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

Lot width. The horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

Neighborhood. That geographical area within Cambridge whose boundaries are defined on the Cambridge Planning Board's map entitled Cambridge Neighborhood, as attached hereto and incorporated herein by reference.

Nonconforming structure. Any structure which does not conform to the dimensional requirements in Article **5.000** or to the parking and loading requirements of Article **6.000** of this ordinance for the district in which it is located; provided that such structure was in existence and lawful at the time the applicable provisions of this or prior zoning ordinances became effective.

Nonconforming use. A use of a building, structure or lot that does not conform to the use regulations of Article **4.000** of this ordinance for the district in which it is located; provided that such use was in existence and lawful at the time the applicable provisions of this or prior zoning ordinances became effective.

Personal Care Lodging House. A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, and where the person conducting it provides varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or other problems in which the resident has special needs or requires special care.

Public open space. Public parks and playgrounds, public streets and sidewalks, and other public land which is open to the sky.

Signs. Signs shall mean and include any structure, device, letter, words, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, or direction.

Sign, area of.

1. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building the area shall be considered to include all lettering, wording, and accompanying designs or symbols, together with any background of a **color different from that of the building.**
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all the letters and symbols.

Street. The right of way, including sidewalks, of a public way, or private way open to public use, used or intended for use by automobile traffic, including highways, parkways, alleys, courts and squares used or intended for this purpose, to which owners of abutting land have a right of access.

Street line. The line separating a street from a lot.

Structure. A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like.

Subdivided lot. A lot that has been created through the subdivision of the parcel of land or which a townhouse development is constructed for the purpose of selling an individual semi-detached dwelling together with the area upon which it is constructed. A subdivided lot may be less than 5000 square feet. A subdivided lot, as controlled in Section **11.13** is applicable only to townhouse development.

Townhouse Development. The development of two or more semi-detached dwellings in one or more separate structures, with at least two semi-detached dwellings in each structure, on a single parcel of land.

Usable open space. The part or parts of a lot or structure which are reserved for the use of occupants of a building which is used wholly, or in part, for residential purposes. This space shall have minimum dimensions as prescribed in the Ordinance, shall exclude parking areas, driveways and walkways, and shall be

open and unobstructed to the sky. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains and recreational and laundry drying apparatus and similar objects shall not be considered obstructions when located within a usable open space. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as usable open space.

Use, principal. The principal purpose for which a lot or the main building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

Yard. An open unoccupied space on the same lot with a building, open and unobstructed from the ground to the sky.

Yard, front. The yard extending across the full width of the lot and lying between the front street line, or the building line where such may have been established on the lot, and the nearest part of a building.

Yard, rear. The yard extending across the full width of the lot and lying between the rear line of the lot and the nearest part of a building.

Yard, side. The yard between the side line of the lot and the nearest part of a building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line, as may be.

ARTICLE 3.000 ZONING DISTRICTS

3.10 DIVISION OF THE CITY INTO ZONING DISTRICTS

3.20 ZONING MAP

3.30 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

3.10 DIVISION OF THE CITY INTO ZONING DISTRICTS

3.11 For the purpose of this ordinance, the City of Cambridge is hereby divided into fifteen classes of districts as follows:

1. Residence A-1 District Single-family dwellings
2. Residence A-2 District Single-family dwellings
3. Residence B District Two-family or semi-detached dwellings
4. Residence C-1 District Multi-family dwellings (Apartment house, dormitory)
5. Residence C-2 District Multi-family dwellings
6. Residence C-3 District Multi-family dwellings
7. Office 1 District Business and professional offices and multi-family dwellings (Apartment house, hotel, dormitory)
8. Office 2 District Business and professional offices and multi-family dwellings
9. Office 3 District Business and professional offices and multi-family dwellings
10. Business A-1 District Local business
11. Business A District Local and drive-in retail business
12. Business B District General business
13. **Business C District General business, professional offices and multi-family dwellings**
14. Industry A District Warehouse, storage and light manufacturing
15. Industry B District Heavy industry

3.20 ZONING MAP

3.21 The boundaries of each of the said districts are hereby established as shown on the map entitled, Zoning Map of the City of Cambridge, or as hereafter amended, which map is attached to and made a part of this ordinance. The said Zoning Map and all boundaries, notations, and other data shown thereon are made by

this reference as much a part of this ordinance as if fully described and detailed herein. The said map shall be filed in the custody of the City Clerk of Cambridge and may be examined by the public subject to any reasonable regulations established by the City Clerk.

3.30 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

3.31

The boundaries between districts are shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules shall apply:

- a. Where the district boundary is a street, the boundary line shall be the center line of the street
- b. Where the boundary line is indicated approximately parallel to the street, it shall be taken as parallel thereto and, unless otherwise indicated, one hundred feet distant from the nearest street line. If there is any variance between the scaled distance from the boundaries to the street line and the distance as marked in feet upon the map, the latter shall govern
- c. Where the districts designated on the map are bounded by lot lines, the lot lines shall be construed to be the boundary lines, unless the boundary lines are otherwise indicated on the map.

3.32

Where the zone line divides a lot into a single ownership at the time of the effective date of this ordinance and more than one-half the area of said lot is in the less restricted district, the Board of Zoning Appeal may grant a special permit allowing a use permitted in the less restricted district to extend to the entire lot with such provisions as may be deemed appropriate; but in no case may the regulations of the less restricted district be permitted to extend more than twenty-five feet within the more restricted district.

ARTICLE 4.000 USE REGULATIONS

- 4.10 GENERAL CLASSIFICATION RULES**
- 4.20 SPECIAL CLASSIFICATION RULES**
- 4.30 TABLE OF USE REGULATIONS**

4.10 GENERAL CLASSIFICATION RULES

4.11 In each district the use of land, buildings, and structures shall be Regulated as set forth in Section **4.30** of this Article, Table of Use Regulations, and as provided elsewhere in this ordinance.

4.12 A use listed in Section **4.30** is permitted as a right in any district under which it is denoted by the word "Yes". **Uses designated in the Table by the letters "SP", may be allowed only if issued a special permit by the Board of Zoning Appeal. Uses designated in the Table by the letters "PB" may be allowed only if issued a special permit by the Planning Board. Special permits shall be issued in accordance with the provisions of Section 10.40 and may be subject to such restrictions as the special permit granting authority may establish. Uses denoted by the word "No" in Section 4.30 shall be prohibited.**

4.13 No building, structure or land in any district may be used, erected or designed to be used, in whole or in part, for any use not **listed** in Section **4.30**, except nonconforming uses which may be continued under the provisions of Section 8.20.

4.20 SPECIAL CLASSIFICATION RULES

4.21 Accessory Uses

a. An accessory use shall be permitted only on the same lot as the building or use to which it is accessory, **with the following exceptions:**

- (1) Off-street parking facilities complying with the requirements of Section 6.50 may be located on a separate lot;**
- (2) The Board of Zoning Appeal may grant a Special Permit for a use accessory to a scientific research, scientific development, or related production activity, whether or not on the same lot as such activity. A Special Permit shall be granted where said Board finds that the proposed accessory use does not substantially derogate from the public good.**

b. Providing non-transient lodging within a residential structure shall be considered an accessory use only if there is compliance with each of the following conditions:

- (1) The residential structure is a detached, semi-detached or two family building;**
- (2) The owner of the building resides on the premises;**

- (3) Lodging is provided to not more than two roomers or boarders;
- (4) Separate cooking facilities are not maintained for the roomers or boarders;
- (5) No sign or nameplate for said roomers or boarders is displayed; and
- (6) Signs advertising the availability of such lodging is not regularly displayed on the premises.

c. Provisions of garage or parking space for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that where accessory to residential uses in Residence A and B districts such garage or parking space shall be limited to the accommodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater.

d. A customary home occupation or the office of a resident physician, dentist, attorney-at-law, architect, engineer, or member of other recognized profession shall be considered as an accessory use, provided that no more than three persons shall practice or be employed on the premises at any one time.

e. In multi-family dwellings, hospitals, or hotels with more than fifty sleeping rooms, a newsstand, barber shop, dining room or similar device for occupants thereof, when conducted and entered only from within the building and no signs or advertising devices thereof are visible from outside the building, shall be considered as an accessory use, but not in Residence A or B districts.

f. In any district the total area of uses accessory to the principal use may not occupy more than twenty-five percent of the **gross floor area of the building in which the principal use is located or 25% of the area of the dwelling unit when the accessory use is located in a residence.** The total area of uses or buildings accessory to the principal use except for parking facilities and driveways may not occupy more than fifteen percent of the entire area of the lot. In residence districts an accessory building shall not be located nearer than ten feet to the principal building or nearer than five feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district.

g. In a Residence district an accessory use shall not involve the maintenance of a stock in trade or the use of signs, illumination, show windows or displays, either exterior or interior, except such signs as are permitted by Article 7.000.

h. No accessory building shall be used as a dwelling except in an Industrial district for the accommodation of a night watchman or janitor.

i. An accessory building in Residence A, B, C-1, and O-1 districts shall not exceed fifteen feet in height above the ground level.

j. No accessory building may be converted to a residential use unless it conforms with **the district dimensional regulations specified in Section 5.30.**

4.22 Offices in Residences

In a Residence C-3 district offices for physicians and dentists may be located on the first or second floor of a residential building where such office space does not exceed ten percent of the gross floor area of the building.

4.23 Temporary Buildings and Uses

The Superintendent of Buildings may grant a permit for a temporary building or use incidental to a building development, which does not comply with the provisions of this ordinance, where reasonably required for such development. Such permit may be issued for an initial period of not more than one year, and in the case of a building, only upon application accompanied by a bond and bill of sale to the City, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the Superintendent of Buildings for successive periods of not more than one year each, not to exceed a total of three years.

4.30 TABLE OF USE REGULATIONS

	Res. A 1&2	Res. B	Res. C 1,2,3	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	Ind. B
4.31 Residence										
a. Detached dwelling occupied by not more than one family	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
b. Two-family or semi-detached dwelling	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
c. Townhouse Development (as controlled in Section 11.10)	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No
d. Multi-family dwelling	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
e. Transient Accommodations										
1) Tourist house in an existing dwelling	No	No	Yes	Yes	No	SP	Yes	Yes	SP	SP
2) Hotel or motel *C-2 and C-3 only No in C-1 and O-1	No	No	Yes*	Yes	No	SP	Yes	Yes	SP	SP
f. Non-family accommodations:										
1) Dormitory or resident fraternity	No	No	Yes*	Yes*	Yes	Yes	Yes	Yes	SP	SP
2) Lodging house *C-2 and C-3 only No in C-1 and O-1	No	No	Yes*	Yes*	Yes	Yes	Yes	Yes	SP	SP
3) Personal care lodging house *No in C-1	No	No	SP*	SP	SP	SP	SP	SP	SP	SP
g. Community Residence	SP	SP	SP	SP	SP	SP	SP	SP	No	No
h. Trailer park or mobile home park	No	No	No	No	SP	SP	No	No	No	No
4.32 Conversion of Dwelling Structure										
a. Existing one-family detached dwelling converted for two families, provided that in Residence A districts the exterior design of the structure is not changed. See also Section 5.26.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No

	Res. A 1&2	Res. B	Res. 1,--	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	Ind. B
b. Place of business of a bank trust company or similar financial institution	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
c. Radio or television studio	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
d. Laboratories or research facilities provided they are operated for research purposes and provided that any manufacturing is of a type authorized as a matter of right under section 4.37 of this ordinance, is of an accessory nature and carried out entirely within the building, and does not exceed 50% of the gross floor area.	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
e. Other laboratories, shops or research facilities	No	No	No	No	No	No	Yes	Yes	Yes	Yes
4.35 Retail Business and Consumer Service Establishment										
a. Store for retail sale of merchandise where all display and sales are conducted within a building or where a permit has been issued by City Council for an outdoor sale, and where no manufacturing, assembly, or packaging occur on the premises.	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
b. Place for the manufacture, assembly or packaging of consumer goods, provided that at least fifty percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.	No	No	No	No	SP	SP	Yes	Yes	Yes	Yes
c. Barber shop, beauty shop, laundry and dry-cleaning pickup agency, shoe repair, self-service laundry or other similar establishment	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
d. Hand laundry, dry-cleaning or tailoring shop, provided only non-flammable solvents are used for cleaning and not more than nine persons are employed	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes

	Res. A 1&2	Res. B	Res. C 1,2,3	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	Ind. B
e. Lunchroom, restaurant, cafeteria, provided no alcoholic beverages are sold or consumed on the premises	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
f. Bar or other establishment where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
g. Bar or other establishment where alcoholic beverages are sold and consumed and where dancing or entertainment is provided. Dance hall or similar place of entertainment	No	No	No	No	No	No	Yes	Yes	Yes	Yes
h. Theatre or hall for public gatherings	No	No	No	SP	SP	SP	Yes	Yes	Yes	Yes
i. Bowling alley, skating rink or other recreation center	No	No	No	No	SP	SP	Yes	Yes	Yes	Yes
j. Mortuary, undertaking or funeral establishment	No	No	No	SP	Yes	Yes	Yes	Yes	Yes	Yes
k. Printing shop, photographer's studio	No	No	No	SP	Yes	Yes	Yes	Yes	Yes	Yes
l. Veterinary establishment, kennel, pet shop or similar establishment, provided in Business A and B zones all animals are kept indoors and there is no noise or odors perceptible from adjoining lots.	No	No	No	No	SP	SP	Yes	Yes	Yes	Yes
m. School, college or other educational institution not conducted on a non-profit basis	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
n. Sales place for new or used cars conducted entirely within a building, rental agency for autos, trailers, motorcycles, conducted entirely within a building; provided no major repairs are made	No	No	No	No	SP	SP	Yes	Yes	Yes	Yes

	Res. A 1&2	Res. B	Res. C 1,2,3	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	nd. B
o. Office, including display or sales space, of a wholesale, jobbing or similar establishment where not more than twenty-five percent of the floor area is used for assembling, packaging or storing merchandise	No	No	No	SP	SP	SP	Yes	Yes	Yes	Yes
p. Fast Order Food Establishments	No	No	No	No	No	SP	SP	SP	SP	SP
4.36 Open-Air or Drive-In Retail & Service										
a. Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden	No	No	No	No	Yes	Yes	No	No	Yes	Yes
b. Automobile oriented fast order food service establishments	No	No	No	No	SP	SP	No	SP	SP	SP
c. Drive-in bank and other retail or consumer service establishment where the motorist does not have to leave his car	No	No	No	No	No	SP	SP	SP	SP	SP
d. Outdoor amusement park, outdoor sports facility conducted for profit	No	No	No	No	No	No	No	No	SP	SP
e. Open-air or drive-in theatre or other open-air place of entertainment	No	No	No	No	No	No	No	No	Yes	Yes
f. Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailers, motorcycles, conducted partly or wholly outdoors	No	No	No	No	No	SP	No	No	SP	SP
g. Automobile service station where no major repairs are made provided that in Business districts all lubrication and repairs are carried out within the building	No	No	No	No	SP	SP	SP	SP	Yes	Yes
h. Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles	No	No	No	No	No	SP	No	No	SP	SP

	Res. A 1&2	Res. B	Res. C 1,2,3	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	Ind. B
i. Place for exhibition, lettering or sale of gravestones	No	No	No	No	SP	SP	No	No	Yes	Yes
4.37 Light Industry, Wholesale Business and Storage										
a. Assembly or packaging of articles not exceeding two hundred pounds in weight, provided no manufacturing or processing is carried out	No	No	No	No	No	No	No	No	Yes	Yes
b. Auto body or paint shop, provided that all work is carried out inside the building	No	No	No	No	No	No	No	No	Yes	Yes
c. Automotive repair garage (not including auto body or paint shop), provided that in Business districts all servicing and repairs are carried out inside the building	No	No	No	No	SP	SP	SP	SP	Yes	Yes
d. Bottling of beverages	No	No	No	No	No	No	No	No	Yes	Yes
e. Distribution center, parcel delivery center, delivery warehouse	No	No	No	No	No	No	No	No	Yes	Yes
f. Food commissary	No	No	No	No	No	No	No	No	Yes	Yes
g. Laundry, dry cleaning plant	No	No	No	No	No	No	No	No	Yes	Yes
h. Printing, binding, publishing and related arts and trades	No	No	No	No	No	No	No	No	Yes	Yes
i. Radio and television transmission station, including towers	No	No	No	No	No	No	No	No	Yes	Yes
j. Storage warehouse, cold storage plant, storage building, but not including storage or bailing of junk, scrap metal, rags, waste paper or used rubber	No	No	No	No	No	No	No	No	Yes	Yes
k. Wholesale business and storage in roofed structure, but not including wholesale storage of flammable liquids, gas or explosives	No	No	No	No	No	No	No	No	Yes	Yes

	Res. A 1&2	Res. B	Re: C 1,2,3	Off. 1,2,3	Bus. A-1	Bus. A	Bus. B	Bus. C	Ind. A	Ind. B
I. Manufacture, processing, assembly and packaging the following, provided that the following restrictions shall apply: (a) in Industry A districts any fully assembled product regularly produced shall not exceed two hundred pounds in weight, (b) in Industry A districts no process shall involve coating with rubber, (c) all dust, fumes, odors, smoke or vapor are effectively confined to the premises or so disposed of as to avoid air pollution and (d) any noise, vibration or flashing are not normally perceptible without instruments at a distance of one hundred feet from the premises in Industry A districts or at a distance of five hundred feet from the premises in Industry B districts	No	No	No	No	No	No	No	No	Yes	Yes
1) Clothing, but not the manufacture of the cloth or other material of which the clothing is made.	No	No	No	No	No	No	No	No	Yes	Yes
2) Food products, including bakery, confectionary and dairy products	No	No	No	No	No	No	No	No	Yes	Yes
3) Drugs	No	No	No	No	No	No	No	No	Yes	Yes
4) Electrical, electronic and communication instruments	No	No	No	No	No	No	No	No	Yes	Yes
5) Engineering, laboratory and scientific instruments, temperature controls	No	No	No	No	No	No	No	No	Yes	Yes
6) Jewelry, insignia, emblems and badges, lapidary, scale models, dolls, costume jewelry and costume novelties	No	No	No	No	No	No	No	No	Yes	Yes
7) Lamp shades except of glass or metal	No	No	No	No	No	No	No	No	Yes	Yes
8) Leather goods, excluding footwear and saddlery	No	No	No	No	No	No	No	No	Yes	Yes

ARTICLE 5.000 DEVELOPMENT STANDARDS

- 5.10 GENERAL REGULATIONS**
- 5.20 STANDARDS FOR DIMENSIONAL REGULATIONS**
- 5.30 DISTRICT DIMENSIONAL REGULATIONS**
- 5.40 TRANSITION REQUIREMENTS**
- 5.50 SPECIAL DIMENSIONAL REGULATIONS**

5.10 GENERAL REGULATIONS

- 5.11** No building or structure shall be built nor shall any existing building or structure be enlarged which does not conform to the regulations as to maximum ratio of floor area and lot areas, minimum lot sizes, minimum lot area for each dwelling unit or equivalent, minimum lot width, minimum dimensions of front, side and rear yards and maximum height of structures, in the several districts as set forth in Article **5.000** Section **5.30** except as hereinafter provided.
- 5.12** The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any requirements of this ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this ordinance if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.
- 5.13** In the case of multiple buildings on a lot in single ownership the distance between such buildings measured from the midpoint on any facing walls shall be not less than the sum of the distances resulting from the height of each facing wall plus twice the horizontal length of the shorter facing wall divided by six.
- 5.14** For residential uses permitted in Residence A, B, C, and Office districts which are not divided into dwelling units, each one thousand square feet of gross floor area of the building shall be considered equivalent to one dwelling unit for purposes of computing minimum lot area.
- 5.15** No lot shall be changed in size, shape, or ownership so that the height, area, yard, or off-street parking and loading requirements herein prescribed are no longer satisfied. This paragraph shall not apply where a portion of a lot is acquired for a public purpose. This paragraph shall not apply to town house developments, as **governed by Section 11.10.**

5.20 STANDARDS FOR DIMENSIONAL REGULATIONS

5.21 Lot Area and Width

1. On lots of less than the required area for the district in which they are located

and which have been duly recorded by plan or deed with the Registry of Deeds before this date of the first passage of the applicable provisions of this or any prior ordinance the minimum lot size and lot width regulations need not apply, but the floor area ratio and the minimum lot area regulations for each dwelling unit shall be applicable. In case of such lots of less than the required width the sum of the two required side yards need not be more than thirty percent of the lot width, except that each side yard shall be a minimum of seven feet, six inches.

2. No building shall be erected on a lot which does not have at least twenty feet of frontage on a street. This paragraph does not apply to town house developments.

5.22

Usable Open Space and Public Open Space

1. Usable open space shall be provided on every lot used for residential purposes and shall be a percentage of the lot area as set forth in Section 5.31. An area designated as usable open space must have both a width and a length of at least 15 feet, except for balconies, and may not have a slope greater than 10 percent. With the exception of balcony areas, usable open space shall be accessible to all occupants of a building, not less than one-half of the required usable open space shall be provided at ground level or within ten feet of the level of the lowest floor used for residential purposes. Areas at other levels, such as balconies, decks and roofs, of garages and buildings, which are accessible to all occupants of a building, which are not used as walkways or corridors, and which have both a width and a length of at least six feet and a minimum area of seventy-two square feet, may be calculated as usable open space, not to exceed 25 percent of the total usable open space.

2. Where non-residential and residential uses are mixed in a building, the required minimum usable open space for residential use shall be calculated in relation to the portion of the lot which the residential floor area is to the total floor area in the building.

3. Where a lot in a Residence, Office or Business district abuts on a public open space more than one hundred feet wide, (counting as public open space in a street area only the width of the street measured at right angles to the flow of traffic and including public open space other than street areas abutting the street on the opposite side from the lot), additional gross floor area may be authorized by increasing the calculated size of the lot by an area equal to the distance the lot abuts on the public open space multiplied by forty feet or by one-fourth the number of feet by which the width of the public open space, measured at right angles to the lot line (or to the tangent thereto, if the lot line is curved) exceeds one hundred feet, whichever is less. Where the width of the public open space that abuts a lot varies, the width of the public open space to be used in calculating the size of the lot for which additional gross floor area may be authorized shall be the average width of the public open space measured from each point on the lot line abutting the public open space.

5.23 Height Exceptions

1. The provisions of this ordinance governing the height of buildings and structures in all districts shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent of the lot area.

5.24 Yards

1. Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice-enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

2. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half feet and which are part of a building not more than thirty-five feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten feet beyond the line of the foundation wall and which are not over four feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

3. On lots abutting streets on more than one side, the front yard requirements of each of the abutting streets shall apply regardless of designated front lot lines. Any remaining sides shall be subject to side yard requirements.

4. Measurements for minimum yards which are determined by formula shall be made in the following manner:

(a) "H" is the height of the building. "L" is the length of wall measured parallel to the corresponding lot or street line. The front yard is measured from the street line, or building line where such has been established, except where otherwise indicated herein. For buildings of forty feet or less in height the denominator in the yard formulas in the Table may be increased by two subject to the minimum yard requirements set forth in b, c, and d.

(b) Where a building consists of various roof levels an average height, or "H", may be used in the required yard formula. Average height is determined by adding the products of the height of each roof level facing the given lot line, (**H₁H₂ etc.**) times the length of each roof level (**L₁L₂ etc.**) and dividing the sum by the sum of the length of the levels (**L₁L₂ etc.**) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + L_2 \times L_2}{L_1 + L_2}$$

- (c) Where a building presents a variety of vertical planes to any given lot or street line, no plane shall be closer to the street or building line or lot line than permitted by the application to such plane of the appropriate formula in **the tables of dimensional requirements in Section 5.30**. For all planes set forward of the setback line required by **said tables** for the building if it were constructed in a single vertical plane, other planes must be set behind the setback line so calculated. The result shall be that the sum of the products of the setback required for each plane times the facing area of each plane respectively shall be at least as great as the product of the setback required by **the appropriate table** for the building if it were constructed in a single vertical plane times the facing area of the building if viewed as a single plane. **(see illustration below)**

The product of

(Setback₁ x facing area₁) x (Setback₂ x facing area₂)

MUST EQUAL OR EXCEED the product of

(Single plane Setback) x (Single plane facing area)

5.25 FAR Exceptions

A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

5.26 Conversion of Dwellings

No new dwelling unit created by the conversion of an existing dwelling into a greater number of units or by addition or enlargement of an existing dwelling shall be permitted unless the requirements of minimum lot area for each dwelling unit, maximum ratio of floor area to lot area, usable open space and off-street parking are satisfied for all dwelling units (in existence and proposed) in the dwelling after the conversion or enlargement.

5.30 DISTRICT DIMENSIONAL REGULATIONS

5.31 Residential Districts

1. The following dimensional requirements, set forth in Table 5-1 and modified elsewhere in this ordinance, shall be applicable to development in residential districts:

Table 5-1. TABLE OF DIMENSIONAL REQUIREMENTS – RESIDENTIAL DISTRICTS

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Res. A-1	0.5	8,000	6,000	80	25	15(sum of 35)	25	35	25
Res. A-2	0.5	6,000	4,500	65	20	10(sum of 25)	20	35	25
Res. B	0.5	5,000	2,500	50	15	7'6"(sum of 20)	20	35	20
Res. C-1	0.75	5,000	1,200	50	$\frac{H+L}{4}^{(a)}$	$\frac{H+L}{5}$	$\frac{H+L}{4}^{(c)}$	35	15
Res. C-2	1.75	5,000	600	50	$\frac{H+L}{4}^{(a)}$	$\frac{H+L}{5}$	$\frac{H+L}{4}^{(c)}$	85	15
Res. C-3	3.0	5,000	300	50	$\frac{H+L}{5}^{(b)}$	$\frac{H+L}{6}$	$\frac{H+L}{5}^{(c)}$	none	10

2. Footnotes

- (a) Measured from the center line of the street, but in no case may a building be nearer the street line than ten feet.
- (b) Measured from the center line of the street, but in no case may a building be nearer the street line than five feet.
- (c) In no case may a building be nearer the rear lot line than twenty feet.

3. Setback Exceptions

- (a) In a Residence A-1 or A-2 district a dwelling need not set back more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side, but in no case may any part of a building or accessory building extend nearer to any street line, or building line if such has been established, than fifteen feet. A vacant lot or lot occupied by a building set back more than twenty-five feet in a Residence A-1 district and more than twenty feet in a Residence A-2 district shall be considered as though occupied by a building set back twenty-five feet and twenty feet respectively.
- (b) In a Residence B district a dwelling need not set back more than the average of the setbacks of the buildings, other than accessory buildings,

on the lots adjacent thereto on either side, but in no case may any part of a building or accessory building extend nearer to any street line, or building line if such has been established, than ten feet. A vacant lot or a lot occupied by a building set back more than fifteen feet shall be considered as though occupied by a building set back fifteen feet.

- (c) In a Residence C-1, C-2, or C-3 district if a building is hereafter erected on a lot adjacent to a building having a blank wall directly on the side lot line, the new building may be so designed and erected that it will be flush with that portion of the blank wall of the former building which extends along the lot line; otherwise, however, not less than the required side yard shall be provided; in any case the required side yard shall be provided for the remainder of the full lot depth. In case a side wall contains windows or in case any part of a side blank wall or an existing building shall be set back from the side lot line, then a building hereafter erected on the lot adjacent to such an existing building shall be set back from the side lot line in accordance with the provisions hereof.

5.32

Office Districts

1. The following dimensional requirements, set forth in Table 5-2 and modified elsewhere in this ordinance, shall be applicable to development in Office districts:

Table 5-2. TABLE OF DIMENSIONAL REQUIREMENTS – OFFICE DISTRICTS

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Office 1	0.75	5,000	1,200	50				35	15
Office 2	1.75	5,000	600	50	$\frac{H+L}{4}$ (a)	$\frac{H+L}{5}$	$\frac{H+L}{4}$ (c)	85	15
Office 3	3.0	5,000	300	50	$\frac{H+L}{5}$ (b)	$\frac{H+L}{6}$	$\frac{H+L}{5}$ (c)	none	10

2. Footnotes

- (a) Measured from the center line of the street, but in no case may a building be nearer the street line than ten feet.
- (b) Measured from the center line of the street, but in no case may a building be nearer the street line than five feet.
- (c) In no case may a building be nearer the rear lot line than twenty feet.

5.33

Business Districts

1. The following dimensional requirements, set forth in Table 5-3 and modified elsewhere in this ordinance, shall be applicable to development in business districts.

Table 5-3. TABLE OF DIMENSIONAL REQUIREMENTS – BUSINESS DISTRICTS

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
					Front	Side	Rear		
Bus. A	1.0	none	600	none	none	none	none	35	none
Bus. A-1	1.0	none	1200	none	none	none	$\frac{H+L}{5}$ (a)	35	none
Bus. B	4.0	none	300	none	none	none	none	none	none
Bus. C	2.0	none	1200	none	none	none	none	55	

2. Footnotes

(a) In no case may a building be nearer the rear lot line than twenty feet.

(b) 35 foot height limit within 50 feet of residential districts.

3. A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 district.

4. A dwelling in a Business A-1 or Business C district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-1 district.

5. A dwelling in a Business B district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-3 district.

6. A Special Permit may be granted by the Board of Zoning Appeal to reduce the required front yard for a dwelling constructed entirely above a commercial establishment in a Business A-1 district.

5.34 Industrial District

The following dimensional requirements, set forth in Table 5-4 and modified elsewhere in this ordinance, shall be applicable to development in industrial districts.

Table 5-4. TABLE OF DIMENSIONAL REQUIREMENTS – INDUSTRIAL DISTRICTS

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Front	Side	Rear	Maximum Height in Feet	Min. Ratio of Usable Op. Sp. to Lot Area
Ind. A	2.0	none	—	none	none	none	none	none	none
Ind. B	4.0	none	—	none	none	none	none	none	none

5.40 TRANSITION REQUIREMENTS

5.41 Front Yard: In an Office, Business or Industrial district no building shall be erected nearer to the street line than is permitted in the adjacent Residence district within a distance of fifty feet from the Residence district boundary line, except where such building is separated by a street from the Residence district.

5.42 Side Yard: In an Office, Business or Industrial district no building shall be erected within ten feet of the side lot line of any abutting line, all or the major portion of which is in a Residence district.

5.43 Height: In a Business C district, within 50 feet of a residential zone, no building shall be erected that is greater than 35 feet in height.

5.50 SPECIAL DIMENSIONAL REGULATIONS

5.51 Lot-Size Requirements for Housing Restricted to Older Persons. Where the occupancy of a residential structure is restricted to families of not more than two persons with at least one member sixty-two years of age or over, the Board of Zoning Appeal may grant a special permit for such period as the occupancy of the structure is so restricted, decreasing the number of square feet of lot area required for each dwelling unit, to such an amount as the Board of Zoning Appeal may decide, but not to less than one-half the number of square feet of lot area for each dwelling unit that is otherwise required by the Zoning Ordinance.

5.52 Townhouse Development. The dimensional requirements of this Article may be reduced for Townhouse Developments as governed by the regulations of Article 11.000.

ARTICLE **6.000** OFF-STREET PARKING AND LOADING REQUIREMENTS

6.10 PURPOSE AND INTENT OF PARKING REQUIREMENTS

6.20 APPLICATION OF PARKING REQUIREMENTS

6.30 TABLE OF PARKING REQUIREMENTS

6.40 STANDARDS FOR APPLYING PARKING REQUIREMENTS

6.50 LOCATION AND LAYOUT OF PARKING FACILITIES

6.60 PURPOSE AND INTENT OF LOADING REQUIREMENTS

6.70 APPLICATION OF LOADING REQUIREMENTS

6.80 TABLE OF LOADING REQUIREMENTS

6.90 LOCATION AND LAYOUT OF LOADING FACILITIES

6.10 PURPOSE AND INTENT OF PARKING REQUIREMENTS

6.11 It is the intention of this ordinance that all structures and land uses be provided eventually with sufficient off-street parking spaces to meet the needs of persons making use of such structures and land uses.

6.20 APPLICATION OF PARKING REQUIREMENTS

6.21 No permit shall be issued for the erection of a new structure, the enlargement of an existing structure or the development of a land use, unless the plans show the specific location and size of the off-street parking required to comply with the regulations set forth in this Article and the means of access to such space from public streets. In the event of the enlargement of an existing nonresidential structure, the regulations set forth in this Article shall apply only to the area added to the existing structures. No increase in the number of dwelling units in a dwelling shall be permitted unless the requirements set forth in this Article are met for all dwelling units (in existence and proposed) in the dwelling after the increase.

6.22 Buildings and land uses in existence on the effective date of this ordinance are not subject to these parking requirements, but any parking facilities thereafter established to serve such buildings or uses may not in the future be reduced below these requirements.

6.23 Where a building or land area is used by two or more activities that fall into different classes of use under Section **6.30** of this Article, the facilities required shall be the sum of the requirements for the individual establishments. Space occupied by accessory uses under Article **4.000** Section **4.21** should be considered in addition to residential space in computing the amount of parking space required.

6.24 Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

6.25 Required off-street parking facilities which after development are later dedicated to and accepted by the City and maintained by the City for off-street parking purposes shall be deemed to continue to serve the uses or structures to meet the requirements for which they were originally provided.

6.30 TABLE OF PARKING REQUIREMENTS

Off-street parking facilities shall be provided as follows:

Class of Allowed Use

Zoning District	Residence (a) Minimum number spaces per group of dwelling units	Public		Retail & Office		Factory & Warehouse
		Assembly (b) Number seats requiring 1 space	Institution (c)	Ground Floor	Other Level	
Res. A--1						
Res. A--2	1.0 per 1.0	5	600 s.f.	---	---	---
Res. B						
Res. C--1						
Res. C--2						
Office --1						
Office --2	1.0 per 1.0	8	1,000 s.f.	500 s.f.	1,000 s.f.	1,600 s.f.
Bus. A						
Bus. A--1						
Ind. A						
Res. C--3						
Office --3	1.0 per 1.0	15	1,800 s.f.	900 s.f.	1,800 s.f.	2,000 s.f.
Ind. B						
Bus. C						
Bus. B	1.0 per 1.0	15	---	---	---	---

6.40 STANDARDS FOR APPLYING PARKING REQUIREMENTS

6.41 Where residence uses are not divided into dwelling units as in the case of hotels, dormitories, or lodging houses, each two guests sleeping rooms, each four dormitory beds, or each motel unit, shall be considered the equivalent of one dwelling unit.

6.42 Places of public assembly shall not include places of worship but shall include all other uses customarily involving public assembly listed in Article 4.000, Section 4.33, such as, but not limited to, items 3h, 3i, 3j, 3l, 5g, 5h, 5i, 6d, and 6e.

Where no fixed seats are used in a place of assembly, each twenty square feet of public floor area shall equal one seat.

6.43 Institutions shall include public and non-profit schools, colleges and universities and all institutional uses listed in Article **4.000** Section **4.33**, such as but not limited to, items **4.33b** through **4.33k**. Schools intended primarily for children under the age of 16 need not provide more than one-half of the requirement specified in the above Table. Where an institution provides dormitory residence accommodations, the number of parking spaces provided as a result thereof may be deducted from the requirements established to satisfy the needs of classrooms, libraries, lecture halls, laboratories, or similar educational areas normally used by such residential students.

6.44 Where places of public assembly or retail service areas are provided for the convenience of principal office, residential, or industrial uses in Office, Business or Industrial districts, the gross floor area of such subordinate areas shall be calculated as if part of the principal use in the determination of parking space requirements.

6.45 Where a building is operated by the Cambridge Housing Authority as "Housing for the Elderly," the occupancy of which is restricted to the elderly as from time to time defined by the Authority, the Board of Zoning Appeal may grant a special permit for such period as the occupancy is so restricted, decreasing the number of parking spaces that must be provided, to such an amount as the Board of Zoning Appeal may decide, but not to less than one-fourth of the number of parking spaces that is otherwise required by the Zoning Ordinance.

6.50 LOCATION AND LAYOUT OF PARKING FACILITIES

6.51 Required off-street parking facilities shall be provided on the same lot as the principal use they are required to serve with the following exceptions:

1. In the case of new construction of a multi-family apartment building in a Residence C-3 or Office 3 district, the required parking facilities may be provided on lots not more than two hundred feet away from the building to be served.

2. In Industry A and B districts and in the case of institutional uses in any district, the required parking facilities may be provided on lots not more than two thousand feet away from the building to be served.

3. In the case of a dormitory of a non-profit educational institution, the required parking facilities may be provided on lots not more than three thousand feet away from the dormitory to be served.

4. For townhouse developments, a special permit may be granted for off-site parking facilities, as controlled in **Section 11.14 of this Ordinance**.

- 6.52** In all cases off-site parking facilities shall be under the same ownership as the building or buildings which they serve. Where a certificate of occupancy has been issued conditional to the maintenance of off-site parking facilities, such certificate of occupancy shall lapse in the event of the sale or conveyance of the land used for such parking facilities or the unavailability of such parking facilities for the required parking. Parking spaces satisfying these requirements need not be in the City of Cambridge.
- 6.53** Parking required for two or more buildings or uses may be provided in combined facilities where it is evident that such facilities will continue to be available for the several buildings or uses.
- 6.54** Required off-street parking facilities may be enclosed in a structure or may be open. If such facilities are open, they shall be graded, surfaced with tar, asphalt, concrete or other non-dusting paving, fenced where located within twenty feet of a street or abutting property line, drained and suitably maintained to the satisfaction of the Superintendent of Buildings to the extent necessary to avoid the nuisances of dust, erosion or excessive water flow onto public ways or adjoining property. In a Residence, Office or Business A district and in a Business B or Industrial district abutting or facing a Residence or Office district or abutting or facing a church or public property, any such open parking facilities for more than five automobiles shall be enclosed in a manner which will provide an effective visual screen, either by planting or by a screening device such as a fence or wall not less than fifty percent opaque when viewed from directly in front. In a Residence, Office and Business A district any such open parking facilities shall be landscaped with one tree for each ten spaces.
- 6.55** Each required car space shall not be less than eight and one-half feet in width and twenty feet in length exclusive of drives and maneuvering space, and the total area of any parking facility for more than five cars shall average at least two hundred seventy-five square feet per car. Except in Industrial districts and for townhouse developments which have received special permits as controlled in Article **5.000** Section **5.20** no driveways or curb cuts shall exceed twenty-five feet in width.
- The Board of Zoning Appeal may grant a special permit modifying the provisions of this paragraph in case of a mechanical garage or in case an attendant is provided or the Board is satisfied that the parking facility will be used by cars of less than standard size, provided the total number of spaces conforms to the table in Article **6.000** Section **6.30**.
- 6.56** An open-air parking space shall be at least five feet from any building, and shall be at least five feet from any property line or street line unless a special permit to park nearer is granted by the Board of Zoning Appeal.
- 6.57** No garage shall be provided nearer to the front street line than the prescribed minimum setback distance of the zoning district in which the lot is located.
- 6.58** Parking areas shall not be used for automobile sales, gasoline sales, dead storage, repair work, dismantling or servicing of any kind, and any lighting that is

provided shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property.

6.60 PURPOSE AND INTENT OF LOADING REQUIREMENTS

6.61 It is the intention of this ordinance that all buildings and uses requiring the delivery of goods as part of their function be provided eventually with necessary space for off-street loading.

6.70 APPLICATION OF LOADING REQUIREMENTS

6.71 No application for a permit for the erection of a new building, the substantial alteration of an existing building, or the development of a land use shall be approved, unless it includes a plan for off-street loading facilities required to comply with the regulations set forth in this Article.

6.72 Where a building existing on the effective date of this ordinance is altered or extended in such a way as to increase the gross floor area by five thousand square feet or more, only the additional gross floor area shall be counted in computing the off-street loading requirements.

6.73 Where a building or land area is used by two or more activities that fall into different classes of use under Section 6.30 of this Article, the facilities required shall be the sum of the requirements for the individual establishments.

6.74 Where the computation of required loading bays results in a fractional number, only the fraction of one-half or more shall be counted as one.

6.80 TABLE OF LOADING REQUIREMENTS

Off-street loading facilities shall be provided for the following specified uses:

6.81

Table of Off-Street Loading Requirements

Number of Bays Required for New Structures by Gross Floor Area of Structures (in thousands of square feet)

	Under 5	5-50	51-100	101-150	151-300	Over 300- (for each add'l 150)
Retail Trade						
Wholesale and Storage						
Transportation Terminal	0	1	2	3	4	1
Manufacturing						
Public Utility						
Consumer Services						
Office Building						
Hotel, Motel & Dormitory	0	1	1	2	3	1
Recreation						
Research Laboratory						
Institution	0	0	1	1	2	1

6.90 LOCATION AND LAYOUT OF LOADING FACILITIES

- 6.91** Each required loading bay shall be no less than ten feet in width, thirty-five feet in length, and twelve feet in height, such requirements to be exclusive of drives and maneuvering space, and all required bays, drives, and maneuvering space shall be located entirely on the lot with immediate and direct ingress to the building intended to be served. A bay need not be enclosed in a structure provided any yard area used as a loading bay shall not infringe on front, side, and rear yard requirements as indicated in Article **5.000**. All such facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering area, and no driveways or curb cuts shall exceed twenty-five feet in width except in Industrial districts.
- 6.92** Required off-street loading bays may be enclosed in a structure and must be so enclosed if located within fifty feet of a Residence district where the use involves regular night operation, such as that of a bakery, restaurant, hotel, bottling plant, or similar uses. Any lighting provided shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property.
- 6.93** All accessory driveways and entranceways shall be graded, surfaced, drained and suitably maintained to the satisfaction of the Superintendent of Buildings to the extent necessary to avoid nuisances of dust, erosion, or excessive water flow across public ways.
- 6.94** Loading facilities shall not be reduced in total extent or usability after their installation, except when such reduction is in conformity with the requirements of this Article. Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance or hazard or unreasonable impediment to traffic.

ARTICLE 7.000 SIGNS AND ILLUMINATION

7.10 SIGNS

7.20 ILLUMINATION

7.10 SIGNS

7.11 No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure except as specifically permitted in this Section 7.10.

7.12 In any Residence district or Office district signs or advertising devices are permitted on any lot only as follows:

1. One sign displaying the street number or name of the occupant of the premises, or both, not exceeding one square foot in area. The sign may be attached to the building or may be on a rod or post not more than four feet high and at least three feet from street line. Such sign may include identification of an accessory professional office and, except in Residence A districts, may also identify other permitted accessory uses including a customary home occupation.

(a) One bulletin or announcement board or identification sign for a permitted non-residential building or use, not exceeding ten square feet in area. **No such sign may be located nearer to a street line than one-half the depth of the required front yard.** For churches and institutions two bulletin or announcement boards or identification signs are permitted on each building, one of which may not exceed twenty square feet in area and one of which may not exceed ten square feet in area, or

(b) In Residence C and Office districts two signs for a permitted hotel use or permitted non-residential use, neither of which may exceed one hundred square feet in area, or extend more than twenty feet above ground level, or

(c) One sign in connection with a lawfully maintained nonconforming use, not exceeding twenty square feet in area, except that in a Residence C or Office district two such signs may be maintained.

2. One "For Sale" or "For Rent" sign, not exceeding six square feet in area and advertising only the premises on which the sign is located.

3. One building contractor's sign maintained on a lot during construction on that lot, not exceeding twenty square feet in area.

4. All signs or advertising devices shall be stationary and may not contain any

visible moving or moveable parts; no sign or advertising device shall be of the neon type or exposed gas-illuminated tube type; and any lighting of a sign or advertising device shall be continuous, indirect, and installed in a manner that will prevent direct light from shining onto any street or adjacent property. In Residence A and B districts no sign or advertising device shall be illuminated after 11 p.m.

7.13

In all other districts signs or advertising devices are permitted only as follows:

1. As allowed in Residence and Office districts.
2. Other signs and advertising devices, subject to the requirements hereinafter set forth and subject to such further rules and regulations relating to the fabrication and erection of signs as may from time to time be promulgated by the agency of the City of Cambridge having jurisdiction thereover.
3. In Business A and Business B districts the following restrictions shall apply:
 - (a) Signs visible from any street shall not exceed in the aggregate a total sign area of five square feet for each lineal foot of street line frontage of the lot upon which they are located on such street.
 - (b) No sign shall project more than ten feet above the roof line or wall coping of the building upon which it is located.
 - (c) Signs which are free-standing structures on the ground shall not exceed fifteen feet in height, measured from the average level of ground of the lot to the top of said structure.

7.14

The following requirements with respect to illuminated signs and advertising devices shall apply to all zoning districts:

1. Signs or advertising devices with flashing, animated or intermittent illumination shall not be erected within one hundred fifty feet of and be visible from any Residence or Office district.
2. No illuminated sign or advertising device or part thereof which is more than forty feet above ground level shall have flashing, animated or intermittent illumination. Any such sign or device shall be lighted continuously and indirectly, shall not contain moving parts and the lighting shall be shielded at its source from nearby properties and abutting streets.
3. No illuminated sign or advertising device or part thereof shall be more than eighty feet above ground level.
4. No illuminated sign or advertising device which projects over a public way in accordance with a permit granted under the authority of Section 8 of Chapter 85 of the General Laws, as from time to time amended, shall contain flashing, animated or intermittent illumination in the part thereof which is erected or maintained in accordance with such permit.

7.15 No sign or advertising device shall be erected or maintained within three hundred fifty feet of and be visible from any limited access highway except signs or advertising devices permitted by this ordinance which advertise a business conducted on the premises, and no such sign or advertising device shall have any flashing, animated or intermittent illumination.

7.16 A billboard, sign or other advertising device which does not advertise or indicate the person occupying the premises on which it is located, the merchandise on sale, or the business transacted thereon shall be considered an off-premises billboard, sign or advertising device. No off-premises billboard, sign or advertising device shall be erected or maintained unless the height, setback, and illumination requirements set forth herein are met and unless a permit therefor has been granted by the Outdoor Advertising Authority in accordance with Sections 29 through 33 of Chapter 93 of the General Laws, as from time to time amended, and such permit is valid and outstanding.

7.17 The provisions of this Article **7.000** shall not apply to signs or advertising devices maintained upon the effective date hereof, provided such signs or advertising devices have been erected and maintained in conformity with applicable ordinances and regulations.

7.20 ILLUMINATION

7.21 In a Residence A, B, and C-1 district no outdoor floodlighting or decorative lighting except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas or outdoor recreational facilities, and except temporary holiday lighting in use for no longer than a four-week period in any calendar year, shall be permitted. Any permanent lighting permitted by the preceding sentence shall be continuous, indirect and installed in a manner that will prevent direct light from shining onto any street or adjacent property.

ARTICLE 8.000 NONCONFORMITY

8.10 EXISTING BUILDINGS

8.20 NONCONFORMANCE

8.10 EXISTING BUILDINGS

8.11 This ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is used at the time of first **publication of notice of public hearing by the Planning Board of applicable provisions** of this or any prior ordinance, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

8.12 Except as herein provided no building or structure or land shall be used and no building or other structure or part thereof shall be constructed, extended or structurally altered except in conformity with **the State Building Code** and with the provisions of this ordinance applying to the district in which such building, structure or land is located.

8.20 NONCONFORMANCE

8.21 Any nonconforming structure or use which existed at the time of the first **notice of public hearing by the Planning Board** of the applicable provisions of this or any prior ordinance or any amendment thereto may be continued or changed to be conforming, but when so changed to be conforming it shall not be made nonconforming again.

8.22 As provided in Section 6, Chapter 40A, G.L., permits for the change, extension or alteration of a pre-existing nonconforming structure or use may be granted in the following cases. Such a permit shall be granted only if the permit granting authority specified below finds that such change, extension, or alteration will not be **substantially more detrimental to the neighborhood than the existing nonconforming use.**

- (a) In an Office, Business or Industrial district the **Board of Zoning Appeal may issue a special permit** for the alteration or enlargement of a nonconforming structure or the enlargement (but not the alteration) of a nonconforming use, provided any alteration or enlargement of such nonconforming use is not further in violation of the dimensional requirements in Article **5.000** or the off-street parking and loading requirements in Article **6.000** for the district in which such structure or use is located and provided such nonconforming structure or use not be increased in area or volume by more than twenty-five percent since it first began to be nonconforming.

- (b) In an Office, Business or Industrial district the Board of Zoning Appeal may grant a special permit for the issuance of a certificate of occupancy for the occupancy of an existing building designed and built for non-residential use by any use permitted as of right in a Business or Industrial district in Article **5.000** of this ordinance, provided such new use will be carried out entirely within the existing building and provided the off-street parking and loading requirements in Article **6.000** for the district in which such building is located will not be further violated.
- (c) In a Residence district the **Board of Zoning Appeal may grant a special permit** for the alteration or enlargement of a nonconforming structure (but not the alteration or enlargement of a nonconforming use), provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements in Article **5.000** or the off-street parking and loading requirements in Article **6.000** for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five percent since it first began to be nonconforming.
- (d) **The Superintendent of Buildings may issue a building permit for the construction of a dormer or an addition to a nonconforming one or two family dwelling which will further violate the yard and height requirements of Article 5.000 in the following cases:**
 - (1) **A dormer or addition to the second story which does not extend beyond the existing first story of the structure.**
 - (2) **A dormer on the third story no longer than 15 feet which does not extend beyond the existing second story nor above the existing ridge line.**
- (e) Any other alteration or enlargement of a nonconforming structure or of a nonconforming use shall be by variance.

8.23

If a nonconforming structure or use shall have been destroyed or damaged by fire, explosion or other catastrophe to such an extent that the cost of restoration would be less than fifty percent of the replacement value of the building at the time of the catastrophe, such buildings or use may be rebuilt or restored and used again as previously. Such rebuilding or restoring shall **not require a special permit and shall** be completed within twelve months after such catastrophe. The building as restored shall not be greater in volume, lot coverage, or floor space, and, if the yard requirements are not met, shall not extend further into the required yards than the original nonconforming structure. If destroyed to such an extent that the cost of restoration would exceed fifty percent of such value, such building or use shall not be restored and may be replaced only by a conforming building or use.

8.24

A nonconforming use of a building or land which has been abandoned **or not used for a period of two years** shall not thereafter be returned to such

nonconforming use. A nonconforming use shall be considered abandoned when the intent of the owner to discontinue use is apparent, or when the use has been discontinued for a period of thirty days, or when the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment, whichever shall first occur.

8.25 Construction or operations under a building or special permit shall conform to any subsequent amendment of this Ordinance unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

ARTICLE 9.000 PROCEDURES AND ADMINISTRATION

9.10 ENFORCEMENT

9.20 CERTIFICATE OF OCCUPANCY

9.10 ENFORCEMENT

9.11 The Superintendent of Buildings of the City of Cambridge is hereby designated and authorized as the officer charged with the enforcement of this ordinance.

9.12 From the time of the effective date of this ordinance the Superintendent of Buildings shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration would be in violation of any of the provisions of this ordinance whether by the applicant for the permit or by any other party associated with the property involved; nor shall any municipal officer grant any permit or license for the use of any building or land if such use would be in violation of any of the provisions of this ordinance. No building permit or certificate of occupancy or other permit or license shall be issued for land or for a building or structure to be erected on land which at the time of application is dedicated to the provision of off-street parking as required by this ordinance, unless such new construction or use shall continue to make available the required number of off-street parking spaces in addition to the off-street parking facilities required for such new construction or use, or unless substitute parking facilities which meet the requirements of Article **6.000** have been first provided. In the event of doubt whether a building permit or certificate of occupancy should be issued in any particular case the Superintendent of Buildings shall deny the application therefor.

9.13 Whenever such permit is refused, because of the violation of some provision of this ordinance the reason for such refusal shall be clearly stated in writing.

9.14 Every applicant for a building permit for any construction, alteration, or use of any building or land for which a permit is required by law shall, upon request of the Superintendent of Buildings, file such written information, plans, specifications, or other data as shall be deemed necessary for the full and accurate exposition of the proposed construction, alteration or use with relation to the regulations of this ordinance. Such material shall be kept on file in the records of the office of the Superintendent of Buildings.

9.15 The Superintendent of Buildings, upon accurate information in writing from any citizen, or upon his own initiative, shall institute any appropriate action or proceedings in the name of the City of Cambridge to prevent, correct, restrain, or abate violations of this ordinance. **Any person aggrieved by a violation of any portion of this ordinance may request in writing that the Superintendent of Buildings enforce the ordinance. The Superintendent shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.**

9.16 Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance may, upon conviction, be fined a sum not to exceed **one hundred dollars** for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

9.17 In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

9.20 CERTIFICATE OF OCCUPANCY

9.21 No land shall be occupied or used, and no building or structure erected or structurally altered after January 25, 1944, shall be occupied or used, in whole or in part, for any purpose until a certificate of occupancy has been issued by the Superintendent of Buildings stating that the building and use comply with the provisions of the Zoning Ordinance of the City of Cambridge and of the **State** Building Code in effect at the time of issuance. No such certificate shall be issued unless the building and its use and its accessory uses and the uses of all premises are in conformance with the provisions of the Zoning Ordinance and of the **State** Building Code at the time of issuance. Where a certificate of occupancy was not issued at the time when an occupancy or use permitted by the Zoning Ordinance and **State** Building Code in effect at such time began, the Superintendent of Buildings may issue a validating certificate of occupancy retroactive to the beginning of the occupancy of use. A certificate of occupancy shall be conditional on the adequacy of parking space and other facilities as required by this ordinance and shall lapse if such space or spaces or facilities are used for other purposes.

9.22 A certificate of occupancy shall be required for any of the following in conformity with the **State** Building Code and the Zoning Ordinance:

- (a) Occupancy and use of a building hereafter erected or structurally altered.
- (b) Change in use of an existing building to a use of a different classification.
- (c) Change in character or the intensity of the use of land.
- (d) Any change in use of a nonconforming structure or use.

9.23 In cases where a building permit is required, a certificate of occupancy shall be applied for at the time of the application for a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is completed if the proposed use of the building is permitted by this ordinance. In cases where a building permit is not required a certificate of occupancy shall be applied for prior to the happening of any of the events specified in **Section 9.22** and shall be issued prior to any such change of use. Such certificates of occupancy shall be posted forthwith by the owner of the property in a

conspicuous place on the premises involved for a period of not less than ten days after issuance.

9.24 Pending the issuance of a regular certificate of occupancy, a temporary certificate may be issued for such period as the Superintendent may designate, but not beyond the completion of the project described in the application for the building permit, provided there is compliance with the provisions of the Zoning Ordinance corresponding to the extent of occupancy.

9.25 The Superintendent of Buildings may issue a certificate of occupancy for a nonconforming use which is substituted for an existing nonconforming use of the same type (e.g. retail store for retail store, restaurant for lunch room) and for a nonconforming use which is substituted for an existing nonconforming use where such substituted use is permitted in Article **4.000** as a matter of right in the most restricted Residence district in which a similar such existing nonconforming use is permitted; provided there is no enlargement of volume or area and provided such substitution does not occasion any further violation of applicable regulations of this ordinance.

ARTICLE 10.000 APPEALS, VARIANCES, AND SPECIAL PERMITS

10.10 BOARD OF ZONING APPEAL

10.20 APPEALS

10.30 VARIANCES

10.40 SPECIAL PERMITS

10.50 REPETITIVE PETITIONS

10.10 THE BOARD OF ZONING APPEAL

10.11 There shall be a Board of Zoning Appeal, established in accordance with Chapter 40A of the General Laws and all amendments thereto, which shall consist of five members and two associate members appointed by the City Manager. The first appointments shall be made for one-, two-, three-, four-, and five-year terms respectively, and thereafter one appointment for a five-year term shall be made on or before the first day of May in each year. No member shall be appointed for more than two successive full five-year terms. Associate members shall be appointed for two-year terms, the first appointments being for a one-year term and a two-year term. One associate member shall be designated by the chairman of the Board to sit in the place of any member incapacitated by personal interest or absence, but not otherwise. A member appointed to fill a vacancy shall serve for the remainder of the unexpired term. The Board shall annually in the month of January elect a chairman and a vice-chairman.

10.12 Members and associate members of the Board of Zoning Appeal shall be bonafide residents of Cambridge but not City employees during their terms of office. They shall serve without compensation. No member of the Board of Zoning Appeal shall be a member of the Cambridge Planning Board, and not more than one member shall be a member of the Board of Appeal as established under the provisions of the **State** Building Code.

10.13 The Board of Zoning Appeal shall have the following powers and duties:

- (a) To hear and decide appeals **as provided by Section 8 of Chapter 40A, G.L., and by Section 10.15 of this Article.**
- (b) To hear and decide applications for special permits upon which the Board is **empowered to act** under Section **10.30** of this Article.
- (c) **To hear and decide appeals or petitions for variances from the terms of this ordinance, excluding variances for use, with respect to particular land or structures.**

10.14 The Board of Zoning Appeal shall consider any appeal, application or petition at a public hearing **held within 65 days from the transmittal to the Board of such appeal, application or petition.** The Board shall provide notice of such hearing in the manner specified in Section 11 of Chapter 40A., G.L.

10.15 The Board may adopt from time to time such rules of practice and procedure as it may deem necessary to carry into effect the provisions of this ordinance, and shall keep minutes of its proceedings.

10.16 All appeals, **petitions** or applications to the Board shall be made in writing on forms prescribed by the Board, shall refer to the specific provision of the Zoning Ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

10.17 Every decision of the Board of Zoning Appeal shall be by resolution adopted by the affirmative vote of at least four members of the Board. Each resolution shall be filed with the documents pertaining thereto by case number in the office of the Superintendent of Buildings under one of the following headings: Interpretations, Special Permits, or Variances. Copies of each resolution shall be filed simultaneously in the offices of the City Clerk and the Planning Board.

10.20 APPEALS

10.21 Any party specified in Section 8, Chapter 40A, G.L., aggrieved by any order, requirement, decision or determination made by the Superintendent of Buildings or other permit granting authority in the enforcement of this ordinance may appeal to the Board of Zoning Appeal. **Within thirty days after the date of the order or decision which is being appealed, the aggrieved person may file with the City Clerk, who shall forthwith transmit copies thereof to the Building Superintendent and the Board of Zoning Appeal, a notice of appeal specifying the grounds thereof and shall thereupon pay a fee of fifty dollars to the City of Cambridge. The Superintendent of Buildings shall forthwith transmit to the Board of Zoning Appeal all documents and papers constituting the record of the case in which the appeal is taken.**

10.22 Any person aggrieved by a decision of the Board of Zoning Appeal, whether or not previously a party to the proceeding, or any municipal officer or Board, may appeal to the Superior Court or the Land Court for Middlesex County; provided that such appeal is filed in said Court within twenty days after such decision is filed with the City Clerk.

10.30 VARIANCES

10.31 A variance from the specific requirements of this ordinance, **excluding variances for use**, may be authorized by the Board of Zoning Appeal **with respect to particular land or structures. Such variance shall be granted only in cases where the Board finds all of the following:**

- (a) **A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.**

(b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

(c) Desirable relief may be granted without either:

(1) substantial detriment to the public good; or

(2) nullifying or substantially derogating from the intent or purpose of this Ordinance.

10.32 In addition to considering the character and use of nearby buildings and land the Board, in determining its finding, shall take into account the number of persons residing or working in such buildings or upon such land, and the present and probable future traffic conditions.

10.33 In any of the following cases notice of each application to the Board of Zoning Appeal for a variance shall be transmitted forthwith to the Planning Board which shall within twenty days of the receipt of such notice transmit to the Board of Zoning Appeal a report accompanied by any material, maps, or plans that will aid the latter Board in judging the application and in determining special conditions and safeguards. The Board of Zoning Appeal shall not render any decision on an application for a variance until said report has been received and considered, or until the twenty-day period has expired without receipt of the report, whichever is earlier.

(a) Erection or alteration of a building to a height greater than that otherwise authorized under the provisions of this ordinance.

(b) A change involving a nonconforming use of land in excess of twenty thousand square feet.

(c) A change involving a nonconforming use of an existing building or buildings with a gross floor area in excess of two thousand square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it is located.

(d) A change involving a commercial or industrial use on a lot not previously used for a commercial or industrial purpose.

(e) Any other application for a variance with respect to which the Planning Board certified to the Board of Zoning Appeal not later than the date of the public hearing that the granting of such application would materially conflict with the planning principles and policies adopted by the Planning Board.

In granting a variance the Board may attach such conditions, safeguards, and limitations both of time and of use as are determined necessary to protect the surrounding neighborhood including the continued existence of any particular structures, but excluding any conditions, safeguards or limitations based upon the

continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

10.40 SPECIAL PERMITS

10.41 **Granting Authority.** Special permits may be granted by the Board of Zoning Appeal or by the Planning Board as specified elsewhere in this Ordinance. Each of said boards shall be considered a "special permit granting authority."

10.42 **Procedure.** Special permits shall only be issued following public hearings held within sixty-five days after filing of an application with the special permit granting authority, a copy of which shall be given to the City Clerk by the applicant. Notice of each application to the Board of Zoning Appeal for a special permit shall be transmitted forthwith to the Planning Board which shall, within **thirty-five** days of the receipt of such notice, transmit to the Board of Zoning Appeal a report accompanied by any material, maps, or plans that will aid the latter Board in judging the application and in determining special conditions and safeguards. The Board of Zoning Appeal shall not render any decision on an application for a special permit until said report has been received and considered or until the **thirty-five-day** period has expired without receipt of the report, whichever is earlier.

10.43 **Criteria.** Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupants of the proposed use or the citizens of the City, or
- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance.

10.44 **Conditions.** In acting upon special permits the **special permit granting authority** shall take into account the general purpose and intent of this ordinance and, in order to preserve community values, may impose conditions and safeguards deemed necessary to protect the surrounding neighborhood, in addition to the applicable requirements of this ordinance, such as, but not limited to, the following:

- (a) Front, side, or rear yards greater than the minimum required by this ordinance.
- (b) Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, planting, or other devices.
- (c) Modification of the exterior features or appearance of the structure.
- (d) Limitation of size, number of occupants, method of time of operation, or extent of facilities.
- (e) Regulation of number, design, and location of access drives or other traffic features.
- (f) Requirement of off-street parking or other special features beyond the minimum required by this or other applicable codes or regulations.
- (g) Control of the number, location, size and lighting of signs.

10.45 **Expiration.** A special permit granted under this section shall lapse within two years, including such time required to pursue or await the determination of an appeal to the Superior Court or to the Land Court as provided in Section 10.22 from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction was not begun by such date except for good cause.

10.50 REPETITIVE PETITIONS

10.51 No appeal, **application** or petition which has been unfavorably acted upon by the Board of Zoning Appeal **or Planning Board** shall be **acted favorably upon** within two years after the date of **final** unfavorable action **unless:**

- (a) **Four members of the Board of Appeal or five members of the Planning Board, depending on which board took the original action, vote that there are specific and material changes in the conditions upon which the previous unfavorable action was based, and describe such changes in the record of its proceedings;**
- (b) **All but one of the members of the Planning Board consents thereto; and**
- (c) **Notice is given to parties in interest of the time and place for the proceedings on such reconsideration findings.**

The granting of "leave to withdraw" after application for a variance or special permit has been advertised shall be considered unfavorable action.

ARTICLE 11.000 SPECIAL REGULATIONS

11.10 TOWNHOUSE DEVELOPMENT

11.20 COMMUNITY RESIDENCES AND PERSONAL CARE LODGING HOUSES

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.10 TOWNHOUSE DEVELOPMENT

11.11 Statement of Purpose

This **Section 11.10 has been adopted** to encourage the development of one and two family townhouses. The townhouse development use created herein is intended to promote the development of family units, create opportunities for homeownership, and encourage development designs that are compatible with traditional neighborhood development patterns. The townhouse development use is intended to overcome obstacles to townhouse development, particularly those existing in the Residence B and C-1 zones by providing special initiatives such as increased allowable floor space, greater leniency in setbacks, and the ability to subdivide lots to less than 5000 square feet for the purpose of selling individual dwellings.

11.12 Area of Applicability

Townhouse developments which meet the development standards set forth in Section **11.13** shall be allowed in the Residence B, C-1, C-2, C-3 and Business A, A-1, and B districts. The development standards established herein are applicable only to townhouse developments and do not change in any way the development standards for other uses in the Residence B, C-1, C-2, C-3 and Business A, A-1, and B districts.

11.13 Dimensional Standards for Townhouse Development

The following development controls apply to the parcel of land upon which a townhouse development is constructed and are not applicable to subdivided lots. The townhouse development parcel as a whole must conform to these controls, but once satisfied for the total parcel, the controls are waived for any subsequent subdivision of lots. The existing minimum lot size and minimum lot area for each dwelling unit that shall apply to a townhouse development shall be the existing regulations for the district in which the townhouse development is constructed.

A. Minimum Lot Width

In a townhouse development, there shall be no minimum lot width.

B. Maximum Floor Area Ratio

In a townhouse development, the maximum permitted floor area ratio in districts where townhouse developments are permitted shall be:

1. Residence B: .75
2. Residence C1: 1.0
3. Other districts: 1.0 or the existing floor area ratio of the district, whichever is less restrictive.

C. Maximum Height

In a townhouse development, the maximum permitted height shall be four habitable stories and the maximum height of the cornice line shall be 35 feet.

D. Yard Requirements

In a townhouse development the following yard requirements shall be provided unobstructed:

1. Front Yard: The least of the following shall be the minimum front yard depth.
 - a) 10 feet
 - b) The average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side. A vacant lot or a lot occupied by a building set back more than ten feet shall be considered as though occupied by a building set back ten feet.
2. Side Yard: The minimum side yard depth shall be 10 feet.
3. Rear Yard: The maximum required side yard depth shall be 10 feet.

E. Minimum Usable Open Space

In a townhouse development, the minimum ratio of usable open space, as defined in Article 2.000 to lot area shall be 25%.

1. Subdivided Lots – A developer, or any subsequent owner, who desires to subdivide a townhouse development must record a subdivision plan with the Registry of Deeds of Middlesex County. A copy of the recorded subdivision plan must also be filed with the Building Commissioner. Subdivided lots may be less than 50,000 square feet and must include an individual dwelling, together with front and rear yards or rights to yards in common areas.
2. If usable open space in a townhouse development is not to be provided in common but is to be provided on subdivided lots, then the minimum ratio of usable open space to subdivided lot area shall be 25%. If the usable open space in a townhouse development is not to be provided on subdivided lots but is to be provided on a common basis to be held in a joint ownership by a group of townhouse owners, such as a cooperative or an association, then the minimum ratio of usable space to the total lot area in the townhouse development shall be 25%. At no time shall the subdivision of a townhouse development result in a reduction of the ratio of usable open space below the standards established herein.

11.14 Parking Standards for Townhouse Development

- A. One off-street parking space per dwelling unit in a townhouse development shall be provided as permitted in Article **6.000**. However, a Special Permit may be granted by the Board of Zoning Appeal, with recommendation of the Director of Traffic and Parking, in the following cases:
1. on-street parking may be allowed on streets where this does not create parking difficulties;
 2. parking may be allowed on the lot in the front of townhouses, with continuous or semi-continuous curb cuts, in excess of 25 feet, for access, where this does not create a hazard or other disruption, in accordance with the following criteria:
 - a. A continuous curb cut shall not result in the removal of any street tree. No curb cut shall be made within five feet of a street tree.
 - b. Between every set of two parking spaces there shall be a landscaped strip of at least five feet which shall contain, at a minimum, one tree; and
 3. the required parking facilities may be provided on lots not more than two hundred feet away from the building to be served, subject to the conditions set forth in Article **6.000** Section **6.50**.
- B. In the event that the Director of Traffic and Parking does not concur with the granting of a Special Permit, the Board of Zoning Appeal must agree unanimously in order to grant such a Special Permit.
- C. In a townhouse development which has been divided into subdivided lots under separate ownership, if off-street parking is not provided on the subdivided lots, then parking sufficient to meet the requirements of Article **6.000** Section **6.30** must be provided either on the townhouse development site or off-site, as provided in Article **6.000** Section **6.50** except as modified in this Section.

11.20 COMMUNITY RESIDENCES AND PERSONAL CARE LODGING HOUSES

11.21

Statement of Purpose. This section **11.20** of the Ordinance **has been** adopted to regulate the creation and maintenance of Community Residences Personal Care Lodging Houses in Cambridge for the protection of the health, safety and welfare of the people living in Community Residences or Personal Care Lodging Houses and of the public. This section is intended to ensure that all Community Residences or Personal Care Lodging Houses are established and maintained under the guidance of a duly authorized agency of the Commonwealth of Massachusetts or of the City and that they comply with applicable health and safety laws and

regulations. Further, this section is intended to prevent the concentration of Community Residences and Personal Care Lodging Houses in any one area of Cambridge, which concentration would tend to cause an institutional setting in that area.

11.22 Permits. No Community Residence or Personal Care Lodging House shall be established or maintained in Cambridge unless such Community Residence or Personal Care Lodging House has obtained a Special Permit as required, but any such Special Permit shall be for a term not in excess of two years. Such Special Permit must be renewed on expiration of the initial Special Permit, and every two years thereafter, after hearing in accordance with the criteria stated below.

11.23 Application. At the time of application for a Special Permit the applicant shall file with the secretary to the Board of Zoning Appeal.

For Community Residence:

1. A copy of the application filed with the appropriate State agency stating the program and plan for operation to be pursued by the Community Residence plus any additional regulations required by the appropriate agency.
2. A letter from the appropriate State agency stating approval of the proposed Community Residence at the proposed location and its sponsor contingent on special permit approval.

For Personal Care Lodging House:

1. A letter of approval or renewal of license from the Licensing Commission, City of Cambridge.

11.24 Criteria. The Board of Zoning Appeal shall grant or renew a Special Permit for the establishment of a Community Residence or Personal Care Lodging House if the Board finds that such Community Residence or Personal Care Lodging House has met all of the following criteria.

1. The operation of the Community Residence or Personal Care Lodging House as proposed, must not result in bringing the number of Community Residences and Personal Care Lodging Houses within the same neighborhood above one such Residence or Personal Care Lodging House for every 5000 population, or any increment exceeding one half of that number, living in other than Group Quarters within that same neighborhood, as determined by the most recent United States Census in computing the total number of each Residences or Personal Care Lodging Houses within a particular neighborhood, the number of Community Residences and Personal Care Lodging Houses that were in existence at the time of the enactment of this Article shall be included. (See Cambridge Neighborhood Map)
2. A Community Residence or Personal Care Lodging House shall house no more than 20 persons, exclusive of staff.

3. The Board may refuse to grant a Special Permit for the establishment of a Community Residence or Personal Care Lodging House at a location that is 300 feet or less from an existing Community Residence or Personal Care Lodging House.
4. A Community Residence or Personal Care Lodging House must have a House Committee:
 - a. 50% of whose members live within 500 feet of the Community Residence or Personal Care Lodging House with the remaining members living within the neighborhood in which the Community Residence or Personal Care Lodging House will be located; and
 - b. whose purpose it will be to assist in coordinating the programs and activities of the Community Residence or Personal Care Lodging House with the needs of the Cambridge Community, and to act as a liaison between the Community Residence or Personal Care Lodging House and the neighborhood in which such Residence or Personal Care Lodging House is located; and
 - c. who will begin work within six months of the effective date of the Community Residence or Personal Care Lodging Permit.
5. The occupants and staff of a Community Residence or Personal Care Lodging House shall not develop off-street parking spaces beyond those provided or rented at the time the special permit is granted.
6. The Board of Zoning Appeal may require as a condition of the Special Permit such standards of exterior and interior repair and maintenance planting, screening, fencing, etc. as in its discretion it may deem appropriate.
7. The Board of Zoning Appeal may renew a Special Permit upon receipt of satisfactory evidence that the operation of the Community Residence or Personal Care Lodging House has been quiet, orderly, and in conformance with this Ordinance, has not resulted in excessive complaints to the Police Department and has not involved disturbance to the neighborhood.
8. A Community Residence or Personal Care Lodging House must have been inspected by the Housing Inspection Division of the Cambridge Department of Health and Hospitals and this Department must have found in writing that, for the use proposed, the property is in compliance with the Cambridge Housing Code and the Massachusetts Sanitary Code, including, but not limited to the minimum space requirements for each occupant.
9. The Community Residence or Personal Care Lodging House must have been inspected by the Cambridge Fire and Building Departments and each of these Departments must have found in writing that, for the use proposed, the property is in compliance with the applicable fire and building codes.

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 In considering Special Permits for Fast Order Food Establishments and Automobile-Oriented Food Service Establishments, the Board of Zoning Appeal shall give consideration, in addition to the **other criteria specified in Section 10.40**, to the following:

- (a) Impact on traffic and parking.
- (b) Sensitivity to the visual and physical characteristics of the particular location.
- (c) Fulfillment of a need in the neighborhood or in the city.
- (d) Reliance on walk-in trade as opposed to drive-in or automobile related trade.

ARTICLE 12.000 ADOPTION AND AMENDMENTS

12.10 WHEN EFFECTIVE

12.20 SEVERABILITY

12.30 AMENDMENTS TO THE ORDINANCE AND TO THE ZONING MAP

12.10 WHEN EFFECTIVE

1. This ordinance shall be, and is hereby declared to be in full force and effect from and after thirty days from its date of final passage by the City Council.

12.20 SEVERABILITY

1. Should any section, provision or paragraph of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not effect the validity of the ordinance as a whole or any part thereof, other than the portion so declared to be invalid.

12.30 AMENDMENTS TO THE ORDINANCE AND TO THE ZONING MAP

12.31 The City Council of the City of Cambridge may from time to time amend this ordinance or a district boundary indicated upon the Zoning Map in the manner prescribed in Section 5, Chapter 40A, of the General Laws and all amendments thereto.

12.32 No proposed amendment to this ordinance which has been unfavorably acted upon by the City Council shall be considered on its merits within two years after the date of such unfavorable action unless such an amendment is recommended in the report which the Planning Board is required to make to the City Council. The granting of "leave to withdraw" after a proposed amendment has been advertised for a hearing before the City Council shall be considered as constituting unfavorable action. Failure to take action by the City Council within two years after a proposed amendment has been advertised for a hearing before such body shall be considered as constituting unfavorable action.

12.33 A person making application to the City Council for a change in this ordinance shall pay to the City Clerk at the time of filing of such application a filing fee of **seventy-five** dollars which the City Clerk shall forthwith pay over to the City Treasurer, one-half to the credit of the general revenue fund of the City of Cambridge and one-half to the credit of the advertising account of the Planning Board.

RECEIVED BY
OFFICE OF CITY CLERK

Cambridge, July 6, 1977

JUL 7 3 32 PM '77

To the Honorable, the City Council of the
City of Cambridge: CAMBRIDGE, MASS.

The undersigned respectfully pray that the City Council vote to accept the provisions of Chapter 808 of the Acts of 1975 as amended, and to amend the Zoning Ordinance of the City of Cambridge to bring it into conformity with said act by replacing the text of the existing Ordinance with the following new text (attached):

PETITION

of Arthur C. Parris
 for the Planning Board of the City of Cambridge
 No. for the acceptance of Chapter 808 of
the Acts of 1975 as amended and the
proposed recodification of the Zoning
Ordinances of the City of Cambridge.
 19:

In City Council, July 14 19: 77

Referred to the Committee on

Attest:

7/14/77

City Clerk.

Referred to Planning Bd.
 for Hearing
 Copy sent 7/18/77

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page]