

City of Cambridge

MASSACHUSETTS

In City Council 12/16/96, 199

*Agenda # 5 To Refer to Law Dept to draft
ord. Amendment & Ordinance Committee*

	YEA	NAY	ABSENT	PRESENT
V.M. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
Mr. Francis H. Duehay	✓			
Mr. Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.		✓		
Ms. Katherine Triantafillou	✓			
Mayor Sheila T. Russell		✓		

7 2 0



CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

RECEIVED
96 DEC -3 AM 10:29
OFFICE OF THE CITY MANAGER

11/29/96

To: Robert W. Healy, City Manager

From: Bob Bersani, Inspectional Services

Subj: Council Order #005, Dated 11/18/96 RE: REPORT ON PAVING OVER OF RESIDENTIAL BACKYARDS FROM PROPERTY LINE TO PROPERTY LINE.

This Council Order requests information on current regulations and possible alternative approaches to regulate this practice.

Based on my review of the Zoning Ordinance, there are no provisions that would preclude a homeowner from paving his property. Also, to my knowledge, there is nothing to prevent this practice in the Building Code or Municipal Code. A building permit is not required for paving.

There is a provision in the Zoning Ordinance that addresses "green area" which is defined as pervious ground covers, grass, and natural features. Hard surfaced areas are limited to 50% of the required green area. The provision for green area is limited to the Business B-1 district, however.

On the assumption that paving of residential lots would generally be related to the provision of increased off-street parking, I reviewed the residential parking provisions of the Zoning Ordinance that would be applicable. These are summarized as follows:

- a. Parking space requirements for residential use are generally based on minimum requirements only (1 space per dwelling unit). The exception is for Residential A & B districts where, under section 4.21c of the Zoning Ordinance, a maximum requirement of the larger of either 3 spaces or 2 spaces per dwelling unit is also specified.
- b. Parking is not permitted in the front yard setback or within 5 ft. of the rear or side property lines. However, there is an exception for the rear and side property line requirement for existing homes of three families or less.
- c. Residential districts have minimum requirements of useable open space varying from 10-25% of the area of the lot. Also, the required useable open space must have minimum dimensions of 15 ft. in length and width. Required usable open space cannot be used for driveways or parking areas. Therefore, given the relatively small residential lot sizes, increasing the parking area would be likely to trigger an open space zoning violation.
- d. Parking lots containing 5 or more parking spaces require

screening and landscaping in accordance with the Zoning Ordinance.

Possible alternative approaches that could be considered are:

- a. Regulate existing "green area" in residential districts by requiring a special permit to reduce below that existing.
- b. Establish maximums on the number of parking spaces permitted in residential districts.
- c. Evaluate the exception for 3 family or less homes as pertains to parking up to the side and rear property lines.

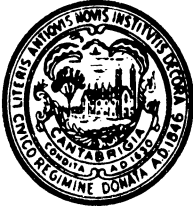
Note: Provisions b. and c. alone will not necessarily prevent paving of green space.

Very truly yours,



R. R. Bersani

cc
Susan Schlesinger



CITY OF CAMBRIDGE
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5.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 16, 1996

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 18, regarding a report on paving over of residential back yards from property line to property line, received from Inspectional Services Commissioner Robert Bersani.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
attachment

Consent Agenda #5

5-611

Transmitting communication regarding a report
on paving over residential back yards from
property line to property line.

In City Council December 16, 1996

Referred to the
Law Dept. and
Ordinance Committee
on motion of
Councillor Davis
motion 7-2-0

Copies sent

12-17-96

mc