

ORDINANCE NUMBER 1379

Final Publication Number 3391. First Publication in the Chronicle on December 17, 2015.

City of Cambridge

In the Year Two Thousand and Sixteen

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:

That the Cambridge Zoning Ordinance be amended in Article 2.000 (“Definitions”) and Article 4.000, section 4.22 (“Accessory Apartments”) to read as follows:

Suggested New Language for Article 2 (Definitions)

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single or two-family detached dwelling and designed for the occupancy of a single family.

Suggested New Language for Article 4 (Use Regulations)

4.22 *Accessory Apartments.* The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in all districts. Many large single and two-family homes are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31. Given contemporary lifestyles, housing needs, and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of their surrounding neighborhoods. This Subsection 4.22 gives the Board of Zoning appeal authority to relax such requirements in certain instances as enumerated below.

4.22.1 In all districts the Board of Zoning Appeal may grant a special permit for alteration of a single family or two-family, detached dwelling to provide one accessory apartment if the following conditions are met:

1. The dwelling has not been substantially enlarged since built. The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least one thousand eight hundred (1800) square feet of gross floor area.

3. The lot on which such accessory apartment is located contains at least five thousand (5,000) square feet of lot area.
4. Such accessory apartment shall not occupy more than 900 square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less, and shall not be located in a garage.
5. The owner(s) of the residence in which the accessory dwelling unit is created must continue to occupy at least one of the dwelling units as their primary residence. Prior to issuance of a building permit, the owner(s) must submit a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence.
6. Any existing two-family home may be converted to a single family home with accessory unit by right, without need for a Special Permit.

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

4.22.2 The requirement for an off street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family or two-family, detached dwelling in all districts.

And further that the Cambridge Zoning Ordinance be amended in Article 2.000 ("Definitions," subheading "Floor Area Gross") in the following two ways:

Suggested Changes to Article 2 (Definitions)

1) Under the paragraph "Gross Floor Area shall include:"

Strike the following line item:

"(f) basement and cellar areas not excluded in (1), (3), and (9) below;"

2) Under the paragraph "Gross Floor Area shall not include:"

Add the following line items:

"(15) Any basement or cellar living space in any single-family or two-family home."

"(16) Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approve the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the

calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.”

The effective date of this ordinance shall be May 1, 2016.

In City Council January 11, 2016.
Passed to be ordained as amended by a yeas and nays vote:-
Yeas 7; Nays 1; Absent 0; Present 1.
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk