ON-LINE ZONING ORDINANCE DISCLAIMER

The Web version of the City of Cambridge, Massachusetts Zoning Ordinance is provided for reference and the convenience of having the Ordinance in a computer-readable format. The print version of the Zoning Ordinance, together with any amendments adopted by the City Council subsequent to the most recent update to the print version, remains the official version of the Ordinance. If any discrepancies exist between the print and web versions of the Zoning Ordinance, the print version, together with any City Council amendments, shall be considered correct. Recent amendments to the Zoning Ordinance may appear on the Web prior to being incorporated into the print version of the Ordinance.

ARTICLE 2.000 DEFINITIONS

Text current through Ordinance #1357 of June 3, 2013.

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 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 family detached dwelling and designed for the occupancy of a single family.

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.

Art/Craft Studio. A room or group of rooms used by artists and craftspeople in the creation of their work, including: painting, photography, sculpture, ceramics and other related arts and crafts.

Automatic Amusement Device. Any mechanism whereby, through the insertion of a coin or token, any apparatus is released or set in motion or is put in a position where it may be in motion for the purpose of playing any game, involving in whole or in part , the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

Automobile Oriented Fast Order Food Service Establishments. A fast order food service establishment which provides a greater number of parking spaces than is required by the Zoning Ordinance.

Bakery, retail. The sale of breads, pastries, cakes, pies and similar baked goods for consumption by the final customer at home whether or not final baking occurs on premises.

Bicycle Parking. The accessory storage of non-motorized bicycles (which may include trailers or other customary accessories) in a secure manner that allows for quick and convenient access, storage and removal of the bicycles by users who are making trips to or from the associated principal use. A facility that provides Bicycle Parking shall conform to the standards set forth in Section 6.100 of this Zoning Ordinance.

Building. Any structure built for 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 hygienic services to persons not residing therein.

***Commercial Recreation*.** A bowling alley, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, game room, or other establishment where entertainment or recreation services are provided to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit. As used in this Ordinance, commercial recreation does not include a restaurant, bar, dance hall, theater, or private club with admission to facilities by limited membership only.

Community Center. A multipurpose family center, community facility or other social service establishment not elsewhere classified in this Ordinance where a variety of recreational, educational, social, health care or counseling services are provided under the aegis of a non-profit agency.

Cornice Line. The line which marks the horizontal edge at the top of the principal front wall plane of a structure.

Development Parcel. The total land included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots. However in no instance shall non-contiguous lots be separated by more than twelve-hundred (1200) feet measured in a straight line from lot to lot.

***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 the buildings are uniform.

***Dormitory*.** Any dwelling (other than a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily as a place of temporary residence for persons whose permanent residence is elsewhere and who are employed or enrolled at the educational institution.

***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, multifamily. A building arranged, intended or designed to contain three or more dwelling units. However, any such building which consists of two or more semi-detached dwellings shall be considered a townhouse development and shall be subject to the requirements of Section 11.10, whether or not subdivided lots are to be created.

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 opposite

building faces, or in the case of corner units two adjoining faces, (applicable to the building as a whole and for each unit contained therein) have full outside exposure and so that each has separate entrances from the outside, 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 occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary faculties for the exclusive use of such family for living, sleeping, cooking and eating.

Educational purposes, exempt by statute. Educational purposes exempted from prohibition, regulation, or restriction as provided in Section 3, Chapter 40A, G.L.

***Elderly Oriented Congregate Housing*.** A form of elderly oriented housing in which each individual or two person family is provided with separate quarters which contain living and sleeping space and which may contain kitchen and bath facilities. Each such living space shall be considered the equivalent of one dwelling unit. Such housing shall also contain common dining, kitchen and social facilities. Limited supportive services may also be provided.

Elderly Oriented Housing. A residential building where a minimum of eighty (80) percent of the dwelling units are restricted to families of not more than two persons with (i) at least one member sixty-two (62) years of age or older, or (ii) at least one member who has a chronic physical impairment which substantially reduces his or her ability to live independently and is of such a nature that the quality of his or her life would be improved by more suitable housing, and where the certificate of occupancy issued by the Superintendent of Buildings is so restricted. The certificate shall be renewed every two years and shall be issued initially and renewed only upon submission of evidence that priority in occupancy be given to residents of Cambridge.

Family. One or more persons occupying a dwelling unit and living as a single nonprofit 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.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the “Fair Housing Amendments Act of 1988.” Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family in the first paragraph of this definition.

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. A specific operation separate and distinct from any other operation in the location occupied and in the kind of Fast Order Food sold, and which:

(a) has as its primary business the sale to the public of Fast Order Food for consumption on or off the premises, and

(b) does not meet all of the following conditions:

(1) provision of nondisposable plates, cups and utensils to all patrons,

(2) availability of printed individual menus for all patrons,

(3) provision of seventy-five (75) percent of the seating in the premises at free standing tables, rather than at counters, and

(4) at least eighty (80) percent of the revenues from food sales is attributable to food consumed on 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 floors of a building, as measured from the exterior walls [except in (8) and (9) below where only interior space shall be measured and in (h) where the area of the parking facility shall be measured] of a building or the centerline of party walls between buildings.

Gross Floor Area shall include:

(a) roofed porches and balconies whether enclosed or unclosed;

(b) unroofed porches and balconies above third floor, with the exception of porch and balcony spaces associated with Functional Green Roof Area, in accordance with the regulations in Section 22.30 of this Zoning Ordinance;

(c) elevator shafts and stairwells on each floor, not excluded in (6) below;

(d) attic space, whether finished or unfinished, within the area of a horizontal plane that is five (5) feet above the attic floor and which touches the side walls and/or the underside of the roof rafters and which is not excluded in (5) below;

(e) interior balconies, mezzanines, and penthouses;

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

(g) area of parking facilities in structures except as excluded in (2) below; and

(h) any accessory parking spaces not in above ground structures if in excess of the maximum number permitted on the premises as set forth in Section 5.25 and 6.30.

Gross Floor Area shall not include:

(1) areas used for off street loading purposes;

(2) area of parking facilities in structures located underground and the area of on grade open parking spaces outside the building footprint at or below the maximum number permitted on the premises as set forth in Sections 5.25 and 6.30;

(3) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;

(4) open and lattice-work fire escapes;

(5) unroofed porches and balconies no higher than the third floor;

(6) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building, including sustainable mechanical systems and related equipment and chases for systems including, but not limited to, solar energy systems, geothermal systems and heat pumps, solar hot water systems and related tubes and tanks, equipment related to radiant heating, hydronic cooling, heat recovery ventilators, and energy recovery ventilators;

(7) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;

(8) attic space not otherwise included in (d) above;

(9) basement and cellar spaces with less than seven (7) feet of ceiling height measured from the floor to the line of the bottom of the floor joists, or to any subfloor or finished surface above any floor joists that are spaced not less than four (4) feet on center, and further provided that the basement or cellar is not a Story Above Grade as defined in the State Building Code.

(10) bicycle parking meeting or exceeding the requirements of Article 6.000, which shall include all areas occupied by Bicycle Parking Spaces and access routes intended exclusively for use by bicycles, which shall be clearly indicated in the bicycle parking plan requirements set forth in Section 6.52.1whether located in a principal use structure, any parking facility for motor vehicles, or in an accessory structure.

(11) Functional Green Roof Area, in accordance with the regulations in Section 22.30 of this Zoning Ordinance;

(12) interior air spaces within Double-Skin Façades and additional exterior wall thickness to accommodate insulation, in accordance with the regulations in Section 22.40 of this Zoning Ordinance; and

(13) space directly beneath overhangs, eaves, awnings, pergolas, arbors, trellises or other sun-shading devices, in accordance with the regulations in Section 22.50 of this Zoning Ordinance.

(14) Public Bicycle-Sharing Stations.

In a building with more than two floors, the area of each floor level of any interior courtyard whether or not covered by a roof, which has a minimum dimension of less than forty (40) feet in any direction shall be included unless twenty (20) percent or more of the perimeter of such court yard at each floor level measured consecutively is not enclosed.

Government Facility, Other. Land or structure of the federal government, the Commonwealth of Massachusetts, Middlesex County or any other supra-local governmental body or agency.

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.

***Helipad*.** Any area of land or water, or building, other than an airport which is made available for the landing and takeoff of helicopters or other aircraft.

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 under Section 51, Chapter 111, G.L., for the purpose of caring for persons admitted thereto for diagnosis, medical, surgical or restorative treatment which is rendered in said institution.

***Institutional Use*.** The use of land or structures for the non-profit charitable, benevolent, spiritual, instructional or custodial activities of government, education, religious, health care, social service, fraternal/sorority or similar organizations.

***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 housing but not including dormitories or 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 (10) 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.

***Municipal Service Facility*.** Use of land or structures by the City of Cambridge or other municipality for maintenance operations, public utilities, public works and similar governmental functions.

***Neighborhood*.** That geographical area within Cambridge whose boundaries are defined on the Cambridge Planning Board's map entitled "Cambridge Neighborhoods", 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 in 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.

Open Space, Green Area. A landscaped area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provided light and air, or scenic, recreational, or similar purposes. Green Area Open Space shall be open and unobstructed to the sky, it shall be land at grade, and shall consist of friable, permeable materials (including but not limited to loam, gravel, sand, crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three (3) feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, shrubs and similar vegetation. Such area may not include any portion of the lot used for parking areas and access drives or other hard surface areas, except walks and terraces designed and intended for non-vehicular use.

Green Area Open Space shall, except as provided for below, consist entirely of living trees, grass, ground cover, bushes, shrubs, and/or similar vegetation, as well as water and other natural features of the site. However, in no case shall hard surfaced walks and terraces, or pervious ground covers like gravel, stone, and wood chips not being used as mulch beneath vegetation, exceed twenty-five (25) percent of the total required Green Area Open Space.

Open Space, Permeable. A kind of Green Area Open Space (as defined above) in which the surface material must be permeable but which surface material is not limited or restricted as to type. That surface material may include vegetation; rocks, pebbles, wood chips and similar landscaping materials; or unit pavers. All other materials (for example, continuously poured asphalt or concrete) are not allowed except that any material may be used for pedestrian walkways not exceeding forty-eight (48) inches in width or half the width of the area in which they are located, whichever amount is less.

Open Space, Public. An area owned or controlled by the City of Cambridge or other public entity that is intended for public use, that is open to the sky and that is designed for either environmental, scenic, or recreation purposes. Public Open Space may include but is not limited to lawns, decorative plantings, interior walkways, abutting sidewalks, active and passive recreation areas, playgrounds, fountains, and public performance areas. Public Open Space shall not include rooftop areas, patios, balconies, parking lots, or driveways. Limited paved surfaces may be designed to accommodate occasional use by motor vehicles servicing the park facility. If the facility is not held in fee simple by the City of Cambridge or other public entity, the Public Open Space may be land remaining in private ownership but protected for public use by means of a permanent easement, conservation restriction, or other similar legal device acceptable to the City.

Open Space, Publicly Beneficial. A portion of a structure, a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, or scenic, recreation, pedestrian amenity or similar purposes. Such space shall be customarily available or shall be readily visible to such occupants and visitors, though physically inaccessible, by being located and treated to enhance the amenity of the development through a general appearance of openness. Publicly beneficial open space shall include parks, plazas, lawns, landscaped areas, decorative plantings, and active and passive recreational areas. Publicly beneficial open space shall also include loggias, atriums, arcades and pedestrian ways listed and defined in Section 14.45. Streets, parking lots, driveways, service roads, loading areas,

and areas normally inaccessible to pedestrian circulation beneath pedestrian bridges, decks, or shopping bridges shall not be counted in determining required publicly beneficial open space.

Open Space, Private. 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 drying apparatus and similar objects shall not be considered obstructions when located within a private open space. Objects or structures intended exclusively for bicycle parking, designed and located in accordance with Section 6.100, which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as private open space.

Owner. Every person who alone or jointly or severally with others (a) has legal title to any land, building or structure; or (b) has care, charge, or control of any land, building, or structure in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder or legal title; or (c) lessee under a written letting agreement; or (d) mortgagee in possession; or (e) agent, trustee or other person appointed by the courts.

Parking facility. A portion of a building or a lot which is located off-street and contains one or more motor vehicle parking spaces and access thereto including driveways. A parking facility may be a garage, an area of a lot or a parking lot. A parking facility may be an accessory use or a principal use or any combination thereof. For the purposes of this definition a parking facility shall include parking required by Section 6.30 and any other off-street parking provided.

Parking facility, accessory. A parking facility developed to serve the residents, occupants, employees, patrons or other users of a particular land use of building. An accessory parking facility shall be subordinate and customarily incidental to the principal use.

Parking Space. An area in a parking facility available to the storage of one motor vehicle with free and unimpeded access to a street over unobstructed passageways, aisles or driveways. However, the unimpeded access requirement may be waived only as provided in Subsection 6.43.2.

Planned Unit Development. A land development project comprehensively planned by the developer with a single site plan for a parcel of a size eligible for PUD designation. A PUD is designed to permit flexibility in building siting, mixtures of housing types and land uses, private open spaces, and the preservation of significant natural features.

Principal front wall plane. That face, side or elevation of a building most closely oriented towards the street, excluding porches, window bays and similar appendages. If there is more than one such front wall plane, the principal front wall plane shall be the one with the greatest front

surface area. Buildings on corner lots may be considered to have more than one principal front wall plane.

Public Bicycle-Sharing Service. A system operated under the auspices of a program administered and/or approved by the City of Cambridge whose function is to provide the general public with opportunities to rent bicycles on a short-term basis for use within the city or region.

Public Bicycle-Sharing Station. A bicycle sharing facility placed of constructed by a Public Bicycle-Sharing Service o public or private property where bicycles are stored and from which members of the public may rent bicycles as part of a Public Bicycle-Sharing Service including objects or equipment necessary for or appurtenant to its operation.

Religious purposes. Places of worship and other religious institutions or purposes exempted from prohibition, regulation or restriction as provided in Section 3, Chapter 40A, G.L.

Signs. Signs shall mean and include any permanent or temporary structure, device, letter, words, model, banner, pennant, insignia, trade flag, or representation used as, or which is in nature of, advertisement, announcement, or direction and which is designed to be seen from the outside of a building.

Sign frontage. The length of a building, or the length of a separate and distinct ground floor establishment, abutting a street. The length of the building or ground floor establishment shall be that as defined in Section 5.24.4 of this Ordinance.

Signs, illumination of.

1. Natural - natural or ambient light.
2. External - artificial illumination from a light source which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer.
3. Internal - artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer. Exposed neon tubing and similar lighting shall be considered internal illumination.
4. Indirect - placement of the artificial light device such that the source of light cannot be seen from a public way.

Signs, types of.

1. *Free-standing Sign* - A sign that is attached to or part of a completely self supporting structure and which is not attached to any building or other structure.
2. *Projecting Sign* - Any sign, other than a wall sign or free standing sign, that is attached to and projects from a building face. A projecting sign shall include marquee, canopy, and awning-mounted signs.
4. *Wall Sign* - Any sign affixed in such a way that its exposed face and all sign area is parallel or approximately parallel to the plane of the building to which it attached. A wall sign shall be considered a projecting sign if the sign face projects more than twelve (12) inches from the face of the building. Wall signs shall include signs located on or behind the surface of windows; such a sign may not in total area exceed thirty (30) percent of glass area of any window to which it is appurtenant.

Signs, related definitions.

1. Ground floor establishment - A separate and distinct use, business, enterprise, or institution having a separate public entrance to the outside of a building, which entrance is at grade or within six feet of grade as measured at the street line.

2. Premises - That part of a lot, building, or structure occupied by a business, enterprise, institution, or other person and which is distinct and separate from the place occupied by any other business, enterprise, institution or other person.

Social Service Center. A facility where counseling, limited short-term custodial care or similar special services are provided to persons on a walk-in or appointment basis under the aegis of a nonprofit agency.

Street. The right of way, including sidewalks, of a public way, or a 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 a parcel of land on which a townhouse development is constructed. Said lot is created for the purpose of selling an individual semi-detached dwelling together with the land upon which it is constructed. Such subdivided lot may be less than 5000 square feet. A subdivided lot, as controlled in Section 11.14 is applicable only to townhouse development.

Townhouse Development. The development (through conversion, addition to existing buildings, or new construction) of two or more semi-detached dwellings in one or more structures, with at least two semi-detached dwellings in each structure, on a single parcel of land.

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.