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.

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ARTICLE 1.000 PREAMBLE

Text current through Ordinance #1372 of June 15, 2015.

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". Certain provisions of this Ordinance are also adopted pursuant to Chapter 565 of the acts of 1979, as amended by Chapter 387 of the Acts of 1980.

1.30 PURPOSE

It shall be the purpose of this Ordinance to lessen congestion in the streets; conserve health; to secure safety from fire, flood, panic and other danger; 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 rational use of land throughout the city, including the encouragement of appropriate economic development, the protection of residential neighborhoods from incompatible activities and including the consideration of plans and policies, if any, adopted by the Cambridge Planning Board, and to preserve and increase the amenities of the City.

1.40 EFFECTIVE DATE

This Ordinance and subsequent amendments to it shall be, and are hereby declared to be in full force and effect from their date of adoption by the City Council which shall be the effective date. The status of nonconforming uses, structures and lots with respect to regulations existing prior to the effective date of this Ordinance or subsequent amendments to it shall not be invalidated by such adoption, but shall be governed by the applicable provisions of Section 6, Chapter 40A, G.L., as amended, and by Article 8.000 of this Ordinance, as amended.

1.50 AMENDMENTS TO THE ORDINANCE AND ZONING MAP

1.51 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.

1.52 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 of the City Council to take action on a petition for a zoning amendment within ninety (90) days after the City Council's hearing on said petition shall render the petition inactive. Such failure to act shall not be considered unfavorable action but shall require another Planning Board public hearing, in accordance with the requirements of Section 5, Chapter 40A, G.L., prior to any subsequent City Council action on the petition.

1.53 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 the filing fee set forth in Section 2.24.050 entitled "Fee Schedule" in Chapter 2.24 of the Cambridge Municipal Code, entitled "City Clerk Department."

1.60 APPLICABILITY

Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this Ordinance shall control.

1.70 SEVERABILITY

Should any Section 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.

ARTICLE 2.000 DEFINITIONS

Text current through Ordinance #1372 of June 15, 2015.

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.

Marijuana Dispensary, Registered. Registered Marijuana Dispensary, also known as RMD or Medical Marijuana Treatment Center, shall mean an establishment properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

***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.

ARTICLE 3.000 ZONING DISTRICTS

Text current through Ordinance #1372 of June 15, 2015.

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 fifty classes of districts listed below in order of decreasing restrictiveness as follows:

1. Open Space District..... Public parks and recreation facilities and other public facilities
2. Residence A-1 District ..... Single-family dwellings
3. Residence A-2 District ..... Single-family dwellings
4. Residence B District ..... Two family or semi-detached dwellings
5. Residence C District ..... Multifamily dwellings
6. Residence C-1 District ..... Multifamily dwellings
7. Residence C-1A District…….. Multifamily dwellings
8. Residence C-2 District ..... Multifamily dwellings
9. Residence C-2B District..... Multifamily dwellings
10. Residence C-2A District..... Multifamily dwellings
11. Residence C-3A District..... Multifamily dwellings and limited office
12. Residence C-3 District ..... Multifamily dwellings
13. Residence C-3B District……..Multifamily dwellings
14. Office 1 District..... Business and professional office and multifamily dwellings (Apartment house, hotel, dormitory)
15. Office 2A District……Business, research and professional offices, limited research oriented manufacturing
16. Office 2 District..... Business, research and professional offices, limited research oriented manufacturing
17. Office 3A District ..... Business and professional offices and multifamily dwellings
18. Office 3 District..... Business and professional offices and multifamily dwellings
19. Business A-3 District……Neighborhood Business

20.	Business A-1 District	Local business
21.	Business A-2 District	Local business
22.	Business A District	Local and drive in retail business offices and multifamily dwellings
23.	Business C-1 District	General business, professional offices, multifamily dwellings.
24.	Business B-1 District*	General business, business and professional offices, and multifamily dwellings
25.	Business B-2 District*	General business, business and professional offices and multifamily dwellings
26.	Business B District	General business
27.	Industry B-2 District	Office, warehouse and light manufacturing
28.	Industry C District	Office, research and light manufacturing, with optional planned unit development
29.	Industry A-1 District	Limited impact business and industry
30.	Industry B-1 District	Heavy manufacturing, warehouses, and offices
31.	Industry A-2 District	Limited impact business and industry
32.	Industry A District	Warehouse, storage and light manufacturing
33.	Special Business, Office and Industrial District 1	Various Uses governed by the requirements of Article 17.000
34.	Special Business, Office and Industrial District 2	Various Uses governed by the requirements of Article 17.000
35.	Special Business, Office and Industrial District 3	Various Uses governed by the requirements of Article 17.000
36.	Special Business, Office and Industrial District 4 and 4A	Various Uses governed by the requirements of Article 17.000
37.	Special Business, Office and Industrial District 5	Various Uses governed by the requirements of Article 17.000
38.	Special Business, Office and Industrial District 6	Various Uses governed by the requirements of Article 17.000
39.	Special Business, Office and Industrial District 7	Various Uses governed by the requirements of Article 17.000
40.	Special Business, Office	Various Uses governed by the

	and Industrial District 8	requirements of Article 17.000
41.	Special Business, Office and Industrial District 9	Various Uses governed by the requirements of Article 17.000
42.	Special Business, Office and Industrial District 10	Various Uses governed by the requirements of Article 17.000
43.	Special Business, Office and Industrial District 11	Various Uses governed by the requirements of Article 17.000
44.	Special Business, Office and Industrial District 12	Various Uses governed by the requirements of Article 17.000
45.	Special Business, Office and Industrial District 13	Various Uses governed by the requirements of Article 17.000
46.	Special Business, Office and Industrial District 14	Various Uses governed by the requirements of Article 17.000
47.	Cambridge Center Mixed Use Development (MXD) District	Various uses governed by the requirements of Article 14.000
48.	Cambridgeport Revitalization Development District	Various uses governed by the requirements of Article 15.000
49.	North Point Residence, Office and Business District	Various uses governed by the requirements of Article 16.000
50.	Industry B District.....	Heavy Industry

* subject to the requirements of Sections 4.26, 11.40, and other requirements of this Ordinance.

3.12 In addition to the districts established under Subsection 3.11, overlay districts may be established from time to time. As specified elsewhere in this Ordinance, each overlay district shall have special regulations which shall be applicable in lieu of or in addition to the regularly applicable regulations for the base zoning district.

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 centerline 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 a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, (6/29/81) the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this Subsection 3.32.

3.32.1 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five (25) feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts.

3.32.2 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in Subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted districted may be located in that portion of the lot located in the more restricted district only to the extent permitted in Section 3.321.

ARTICLE 4.000 USE REGULATIONS

Text current through Ordinance #1372 of June 15, 2015.

4.10 GENERAL CLASSIFICATION RULES
4.20 SPECIAL CLASSIFICATION RULES
4.30 TABLE OF USE REGULATIONS
4.40 FOOTNOTES TO TABLE OF USE REGULATIONS
4.50 INSTITUTIONAL USE REGULATIONS

4.10 GENERAL CLASSIFICATION RULES

4.11 In each district, except the Cambridge Center Mixed Use Development (MXD) 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. Uses in the Cambridge Center MXD District shall be governed by Section 14.20.

4.12 A use listed in Section 4.30 is permitted as of 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 a special permit is issued 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 designated in the Table by the **"PUD"** may be allowed only if the use is part of a Planned Unit Development approved by the Planning Board in accordance with the applicable requirements of Articles 12.000 and 13.000. Uses denoted by the word **"NO"** in Section 4.30 shall be prohibited. Uses in certain districts designated in the Table by the letters **"IUR"** shall be governed by the applicable provisions of Section 4.50, Institutional Use Regulations.

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 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.

(3) A use accessory to other permitted uses within the Cambridge Center MXD District may be located on other lots in the MXD District.

b. Providing nontransient 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, properly licensed massage therapist, 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. In the case of a massage therapist, no more than one person shall practice or be employed on the premises at any one time.

e. In multifamily dwellings containing twenty-five or more dwelling units, hospitals or hotels with more than fifty sleeping rooms, a newsstand or other retail shop, a barber shop or similar service establishment, a dining room or other eating establishment shall be considered as an accessory use provided that (1) the establishment is primarily intended for occupants of the building, hotel or hospital; (2) the establishment is conducted entirely within and only entered from the interior of the dwelling, hospital or hotel; and (3) no signs or other advertising is visible from outside the building.

f. In an office building containing at least one hundred thousand (100,000) square feet of gross floor area, a newsstand, candy/tobacco stand, barbershop or other similar service establishment primarily intended for occupants of the building shall be a permitted accessory use provided that such activities are conducted and entered only from within the building and no signs or advertising devices thereof are visible from outside the building.

g. The area occupied by accessory uses shall be subject to the following limitations:
   (1) The total area of uses accessory to the principal use may not occupy more than twenty-five (25) percent of the gross floor area of the building in which the principal use is located or twenty-five (25) percent of the area of the dwelling unit when the accessory use is located in a residence.
   (2) The total area of uses or buildings accessory to the principal use except for parking facilities and driveways may not occupy more than fifteen (15) percent of the area of the lot.
   (3) The area limitations of this paragraph 4.21 g shall be applicable in all zoning districts except the Cambridge Center MXD District; however, if explicitly stated

elsewhere in this Ordinance certain accessory uses in specified districts may exceed the foregoing area limitation.

h. In Residence A, B, C, and C-1 Districts an accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district.

i. 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.

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

k. An accessory building in Residence A, B, C, C-1, and Office-1 districts shall not exceed fifteen (15) feet in height above the ground level.

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

m. Limited manufacturing activity shall be considered an allowed accessory use to a technical research and development office, laboratory or research facility in a nonindustrial district provided that the following requirements are satisfied:

(1) Such manufacturing activity is related to research and development activities of the principal use.

(2) No manufacturing activity customarily occurs within fifty (50) feet of a residence or residential district.

(3) All manufacturing activity customarily occurs inside of buildings; however, outside research work and incidental outside fabrication of equipment to conduct outside experimentation shall be permitted.

(4) Outside research in nonindustrial districts should not customarily involve noxious activity which creates disturbances off of the premises.

(5) Manufacturing activity, excluding incidental fabrication of outside experiments, shall not occupy an area in excess of sixty (60) percent of the gross floor area of a building or group of associated buildings owned by the same establishment.

n. A helipad or airport shall not be considered as an accessory use.

4.22 *Accessory Apartments.* The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that 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 life styles, 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 such residential districts. 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 a Residence A District the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this Subsection 4.22, (6/29/81) to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty (250) square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least three thousand five hundred (3,500) square feet of gross floor area.
3. The lot on which such accessory apartment is located contains at least three thousand (3,000) square feet of lot area per dwelling unit.
4. Such accessory apartment shall not occupy more than thirty-five (35) percent of the gross floor area of the principal dwelling in existence prior to the effective date of this Subsection 4.22 and shall not be located in a garage.
5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes 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 apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

4.23 *Offices in Residences.* In a Residence C-2A, C-3, or C-3B 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 (10) percent of the gross floor area of the building. In a Residence C-3A district, up to forty (40) percent of the gross floor area of a residential building may be devoted to business and professional offices, but not technical offices.

4.24 *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.

4.25 *Non Open Space Uses in Open Space Districts.* The purpose of this section is to provide for public notification and review of governmental and institutional nonopen space development statutorily exempt from prohibition in designated Open Space Districts. All uses in an Open Space District other than a park or recreation use permitted by Subsection 4.33.f shall comply with the procedural requirements of this Subsection prior to the issuance of any building or special permit, variance or other approval or before conveyance of any lot within the district.

4.25.1 A report shall be submitted to the Planning Board and filed with the City Clerk by the agency or other party proposing such non open space development or proposing to convey a lot. This report shall include the following information, as appropriate:

(1) A map indicating the location and area of the land proposed for nonopen space development or for conveyance.

(2) A description of the proposed development and future use of the area including information concerning the proposed site plan, physical design, and user population.

(3) An analysis of alternative sites for the development outside of the district.

(4) Evaluation of the anticipated impacts of the development or property transfer on the remainder of the open space district, upon the ability of alternative park and recreation areas in the neighborhood and city to meet the needs served by the affected open space district which would be displaced by the proposed action, and upon other land uses in the neighborhood.

(5) Any other information reasonably determined pertinent by the Planning Board.

4.25.2 Within thirty (30) days of the receipt of a report required by Section 4.25.1, the Planning Board shall hold a public hearing concerning the proposed development or conveyance. Notice for the hearing shall comply with the requirements of Section 11, Chapter 40A, G.L.

4.25.3 The Planning Board shall prepare a report with recommendations concerning the proposed development or conveyance, including conditions that should be attached to such action. This report shall be filed with the City Clerk within thirty (30) days of the public hearing required in Section 4.25.2. Filing of such a report shall satisfy the requirements of this Section 4.25. Failure of the Board to file a report within thirty (30) days of the public hearing shall obviate any further actions under this Section 4.25.

4.26 *Multifamily Special Permit Applicability*

4.26.1 The construction of a multifamily dwelling containing twelve (12) or more dwelling units or of elderly oriented congregate housing containing twenty-four (24) or more separate living spaces in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1, or Business A-3 district shall require a special permit granted by the Planning Board.

4.26.2 The construction of a multifamily dwelling or of elderly oriented congregate housing in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains less than twelve (12) dwelling units or twenty-four (24) dwelling living spaces shall require a special permit if both of the following conditions pertain to the development.

(1) another permit for a multifamily dwelling or elderly oriented congregate housing has been granted within the twelve month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;

(2) the development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to twelve (12) or more, the total number of living spaces to twenty-four (24) or more, or the total number of dwelling units and living spaces to eighteen (18) or more.

4.26.3 The construction of multifamily dwellings and elderly oriented congregate housing in Industry A and A-2 districts, Industry B, B-1, and B-2 districts, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exits:

1. The development exceeds fifty thousand (50,000) square feet of Gross Floor Area;

2. The lot area per dwelling unit proposed is less than one thousand, two hundred (1,200) square feet in an Industry C district, six hundred (600) square feet in an Industry A, or three hundred (300) square feet in an Industry A-2, Industry B or Industry B-1 district; or

3. Twelve (12) or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, C, or C-1 district.

4.26.4 A special permit from the Planning Board shall be required for development of elderly oriented housing if a building permit, special permit or variance application filed for construction of elderly oriented housing on a lot on which a permit to demolish a dwelling has been granted within the previous three (3) years and on which said dwelling was demolished or will be demolished prior to construction of said elderly oriented housing.

4.27 Special Use Limitations in the Business B-1 and B-2 Districts.

4.27.1 In the Business B-1 and B-2 districts, the uses specified in Subsection 4.35 shall be permitted provided that they occupy no more than twenty-five (25) percent of the maximum gross floor area allowed on the lot. However, the gross floor area of any single retail establishment shall not exceed twelve thousand (12,000) square feet.

4.27.2 In the Business B-1 district, the portion of any parcel within forty-five (45) feet of a front lot line facing Green Street shall be limited to the following uses: (1) residential uses permitted by Subsections 4.31 a, b, d, and g; (2) parking which is both covered and enclosed and which is accessory to dwelling units located within said aforementioned portion of the parcel; and (3) landscaped green space subject to the requirements of Subsection 4.27.3; however, where more than fifty (50) percent of the area of said portion of a lot is devoted to landscaped green space a special permit shall be secured from the Planning Board. Development plans for parcels which face Green Street shall show how such portion will be used in compliance with this Subsection 4.27.2. Completion of plans for said forty-five (45) foot portion shall be required prior to the issuance of a Certificate of Occupancy for development on other portions of the parcel. It is the intention of this

Subsection 4.27.2 that the pattern of property ownership rights existing at the time of adoption of these regulations not be altered in a way to circumvent the creation of a residential or green space buffer next to Green Street. Therefore, for the purposes of this Subsection 4.27.2, a parcel shall consist of one or more lots as defined in Article 2.000 or parts of such lots which, at the time of the effective date of this Subsection 4.27.2 were either in the same ownership or which had some legal relationship to one another through purchase and sales agreements, purchase options, lease agreement, or options, or through some similar agreement or instrument.

4.27.3 Landscaped green space within the forty-five (45) foot portion of a lot described in Subsection 4.27.2 shall be open to the sky and shall be located at an elevation within five (5) feet of the grade level at the Green Street lot line. Such space shall include a minimum of one three inch caliper tree for each nine hundred (900) square feet of area within such landscaped portion. A suggested list of trees is contained in Section 11.16.4, under 4b. In addition to the criteria listed in Subsection 10.40, the Planning Board shall evaluate special permit applications with respect to the following: continuity with other open spaces, relationship to other lots, and/or creative design features.

4.27.4 The Business B-1 and Business B-2 districts shall be considered areas of special planning concern. Development proposals listed in Subsection 11.42 shall be subject to the development consultation procedures specified in Article 19.000.

4.28 *Art/Craft Studio.* The purpose of this Section 4.28 is to ensure that art/craft studios located in Residence C and Office Districts will be compatible with other permitted uses, particularly in residential neighborhoods.

4.28.1 The Board of Zoning Appeal may grant a special permit for the location of an art/craft studio or group of studios in Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A, C-3B and Office Districts provided that the following requirements are satisfied;

a. Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A, C-3B Districts:

1. The studio shall be located in a principal use nonresidential building in existence as of May 1, 1984. Structures or buildings accessory to residential uses shall not be so used.

2. The required amount of parking in Article 6.000 may be reduced only if the Board determines that a lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood.

b. Residence C, C-1, C-2A, C-2B, C-3, C-3A, C-3B and Office Districts:

1. The studio will be principally used as a studio for independent artists and crafts people in the creation of their own work. Mass production and assembly line techniques are prohibited.

2. The type of studio use shall be appropriate to the particular building and its location:

a. the building shall be structurally sound.

b. the proposed studio use will not generate traffic in volume or type in excess of that normally occurring in the adjacent neighborhood.

c. no bulk storage of toxic or highly flammable materials shall occur.

d. the proposed studio use shall satisfy all applicable building, fire safety, and health codes.

e. noise shall be restricted to levels customarily permitted in the districts as regulated in General Ordinance #887 “Regulations for the Control of Noise,” or as customarily produced by other permitted uses in the district, whichever is less.

f. noxious odors, dust, and/or fumes shall be effectively disposed of and confined to the premises to avoid air pollution and nuisance to the adjacent neighborhood.

3. All activity must be carried out within the building, including the storage of materials.

4. No more than three (3) persons shall practice or be employed at one time per studio.

5. There shall be no retail sales except as may occur as an activity incidental to exhibition permitted in b(6) below:

6. Public exhibitions shall not be permitted except as specifically authorized in the special permit. The number and duration of any such exhibitions shall be specifically stated, shall be for arts/crafts created on the premises, and shall only be permitted upon finding that the residential or other prevailing neighborhood character will not be significantly, negatively affected.

4.28.2 In issuing a special permit under this Section 4.28 the Board of Zoning Appeal shall state the specific arts and crafts uses or range of uses being authorized for each studio granted a permit.

4.28.3 Nothing in this Section 4.28 shall prohibit the establishment of residential uses, permitted in the district, subsequent to the issuance of a special permit under this Section 4.28. The establishment of residential uses shall not alter the principal use nonresidential status of the building for the purpose of continuing or future authorizations for art/craft studios under provisions of this Section 4.28

4.29 *Conversion of Non Residential Structures to Residential Use*

Where it is proposed to convert an existing principal-use structure designed and built for non residential use to residential uses or to certain non-residential uses not otherwise allowed in the applicable zoning district as set forth in the following Section 4.30 - Table of Use Regulations, such uses may be allowed after issuance of a special permit by the Planning Board consistent with the provisions of Section 5.28.2.

4.30 TABLE OF USE REGULATIONS

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.31 Residential Uses														
a. Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB	PB
b. Two family dwelling	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB	PB
c. Existing one-family detached dwelling converted for two families [15,16]	No	Yes[2]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB	PB
d. Townhouse development	No	No	Yes[3]	Yes[3]	Yes	Yes[3]	Yes	Yes	Yes	Yes	PB[3]	PB[3]	PB[3]	PB[3]
e. Elderly oriented congregate housing	No	PB	PB	Yes[5]	Yes[5]	Yes[5]	Yes	Yes	Yes	Yes	PB[5]	PB[5]	PB[5]	PB[5]
f. Existing dwelling converted for elderly oriented congregate housing [17]	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB	PB
g. Multifamily dwelling	No	No	No	Yes[5]	Yes[5]	Yes[5]	Yes	Yes	Yes	Yes	PB[5]	PB[5]	PB[5]	PB[5]
h. Existing dwelling converted for more than two families [16]	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	PB	PB	PB	PB
i. Transient accommodations														
1. Tourist house in an existing dwelling	No	No	No	Yes	Yes	No	SP	Yes	Yes	SP	PB	PB	PB	PB
2. Hotel or motel	No	No	No	SP[7]	Yes[6]	No	SP	Yes	Yes[53]	No	SP	No	SP	PUD[4]
3. Lodging House	No	No	No	Yes[7]	Yes[6]	Yes	Yes	Yes	Yes	SP	PB	No	SP	PB
j. Trailer Park or mobile home park	No	No	No	No	No	SP	SP	No	No	No	No	No	No	No
4.32 Transportation, Communication & Utility Uses														
a. Bus or railroad passenger station	No	No	No	No	No	Yes	Yes	Yes	Yes	SP	Yes	Yes	Yes	Yes
b. Automobile parking lot or parking garage for private passenger cars [18]	No	No	No	No	Yes	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes
c. Railroad freight terminal, railroad yard and shops	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
d. Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks	No	No	No	No	No	No	No	No	No	No	SP	No	Yes	No
e. Radio and Television transmission station, including towers	No	No	No	No	No	No	No	No	No	SP[8]	SP	No	SP	SP
f. Radio and television studio	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
g. Utilities														
1. Telephone exchange (including switching, relay and transmission facilities serving mobile communications systems) and any towers or antennas accessory thereto[49]	No	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
2. Transformer station, substation, gas regulator station, or pumping station	No	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3. Power Plant for the non-nuclear production, generation, and distribution of electricity or steam.	No	No	No	No	No	No	No	No	No	No	No	No	No	No
h. Helipad or Airport	No	No	No	No	No	No	No	No	No	No	No	No	No	No
j. Wind Turbine Installation	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]	PB[57]
Public Bicycle-Sharing Station	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4.33 k. Institutional Uses														
a. Religious Purposes [19]														
1. Place of worship	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. Rectory, parsonage	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3. Convent, monastery	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4. Social or recreation center	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5. Other use with religious purposes	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
	Educational Purposes														
b.	1. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic - by a religious sect or denomination or by a nonprofit educational corporation [44]	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	2. Preschool, day care center, kindergarten, not exempt by statute	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
	3. Primary school, not exempt by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
	4. Secondary school, not exempt by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
	5. College or university not exempt by statute [45]	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
	6. Vocational or other schools not exempted by statute	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	SP	Yes	PUD
	7. Dormitory, resident fraternity or sorority	No	IUR	IUR	Yes[43]	Yes[46]	Yes	Yes	Yes	Yes	No	SP	No	SP	PUD
c.	Noncommercial Research Facility [20]	No	IUR	IUR	SP[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
d.	Health Care Facilities														
	1. Hospital [21]	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	2. Infirmary	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP	Yes	Yes
	3. Nursing or convalescent home	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No
	4. Clinic not affiliated with any other institution	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
	5. Clinic affiliated with a hospital or an accredited university medical school	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
6. Clinic connected to a community center	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
7. Other health care facility	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	SP	Yes	No	Yes	PUD
e. Social Service Facilities														
1. Social service center	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
2. Community Center	No	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
f. Local Government [47]														
1. Administrative Office	No	IUR	IUR	No[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
2. Fire or police station[55]	Yes[11]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3. Museum	SP[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
4. Municipal service facility	SP[11]	IUR	IUR	No[43]	SP	No	SP	SP	SP	SP	Yes	Yes	Yes	PUD
5. Public park, playground or public recreation building	Yes	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6. Municipal Library	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]	Yes[54]
g. Other Governmental Facility	Yes	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
h. Other Institutional Uses														
1. Club, lodge or other fraternal or sororal meeting facility	No[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
2. Private library, museum or noncommercial gallery [48]	SP[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	PUD
3. Cemetery	Yes[11]	IUR	IUR	Yes[43]	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
4. Institutional use not listed in any other category	No	IUR	IUR	No[43]	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
4.34 Office and Laboratory Use														
a. Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d).	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
b. Office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists)	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
c. Real Estate, insurance or other agency office	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
d. General office use	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
e. Bank, trust company or similar financial institution	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	SP	Yes	Yes
f. Technical office for research and development, laboratory & research facility subject to the restrictions in Section 4.21m	No	No	No	No[9]	Yes	Yes	Yes	Yes[10]	Yes	Yes	Yes	Yes	Yes	Yes
4.35 Retail Business and Consumer Service Establishments														
a. Store for retail sale of merchandise [23]														
1. Establishment providing convenience goods such as drug stores, food stores, tobacco, newspaper and magazine stores, variety stores, and liquor stores. [24]	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	Yes
2. Other retail establishments	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	SP	Yes	No[51]	Yes	No
b. Place for the manufacturing, assembly or packaging of consumer goods [25]	No	No	No	No	No	SP	SP	Yes[10]	Yes	Yes	Yes	SP[51]	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	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	Yes
d. Hand laundry, dry cleaning or tailoring shop [26]	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	Yes

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
e.	Lunchroom, restaurant, cafeteria [27]	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	Yes
f.	Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided														
	1. Lunchroom, restaurant, cafeteria	No	No	No	No	No[12]	Yes	Yes	Yes[10]	Yes	Yes[28]	Yes	No[51]	Yes	Yes
	2. Bar, saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food	No	No	No	No	No[12]	Yes	Yes	Yes[13]	Yes	SP[28]	Yes	No[51]	Yes	SP
g.	Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	No	No	No	No	No	No	No	Yes[13]	Yes	No	Yes	No[51]	Yes	PUD
h.	Theatre or hall for public gatherings	No[11]	No	No	No	SP	SP	SP	Yes[10]	Yes	SP	Yes	No[51]	Yes	PUD
	Commercial recreation	No[11]	No	No	No	No	SP	SP	SP[10]	SP	SP	SP	No[14, 51]	SP	PUD
j.	Mortuary, undertaking or funeral establishment	No	No	No	No	SP	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	No
i. k.	Printing shop, photographer's studio	No	No	No	No	SP	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	Yes
l.	Veterinary establishment, kennel, pet shop or similar establishment [29]	No	No	No	No	No	SP	SP	SP[10]	SP	SP	SP	No[51]	SP	No
m.	Sales place for new and used car, rental agency for autos, trailers and motorcycles [30]	No	No	No	No	Yes	Yes	Yes	Yes[10]	Yes	SP	Yes	No[51]	Yes	PUD
n.	Office including display or sales space of a wholesale, jobbing or similar establishment [31]	No	No	No	No	No	SP	SP	Yes[10]	Yes	Yes	Yes	Yes[51]	Yes	Yes
o.	Fast Order Food Establishment	No	No	No	No	No	No	SP	SP[10]	SP	No	SP	No[51]	SP	PUD
	Deleted														
	Art/Craft Studio	No	No	No	SP[50]	SP[50]	Yes	Yes	Yes	Yes	Yes	Yes	Yes[51]	Yes	Yes
p. r.	Bakery, Retail	No	No	No	No	No	Yes	Yes	Yes[10]	Yes	Yes	Yes	No[51]	Yes	PUD
q. s.	Registered Marijuana Dispensary	No	No	No	No	PB[58]	No	PB58	No	No	No	PB[58]	PB[58]	No	No

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
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	No	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes
b. Automobile oriented fast order food service establishment	No	No	No	No	No	SP	SP	No	SP	No	SP	No	SP	No
c. Drive in bank and other retail or consumer service establishment where motorist does not have to leave his or her car	No	No	No	No	No	No	SP	SP[13]	SP	SP	SP	No	SP	No
d. Outdoor amusement park, outdoor sports facility conducted for profit	No	No	No	No	No	No	No	No	No	No	SP	No	SP	No
e. Open air or drive in theatre or other open air place of entertainment	No	No	No	No	No	No	No	No	No	No	Yes	No	Yes	No
f. Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailer, motorcycles, conducted partly or wholly outdoors	No	No	No	No	No	No	SP	No	No	No	SP	No	SP	No
g. Automobile service station where no major repairs are made [32]	No	No	No	No	No	SP	SP	SP[13]	SP	No	Yes	SP	Yes	SP
h. Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles	No	No	No	No	No	No	SP	No	No	No	SP	SP	SP	No
I. Place for exhibition, lettering or sale of gravestones	No	No	No	No	No	SP	SP	No	No	Yes	Yes	No	Yes	No
4.37 Light Industry, Wholesale Business and Storage														
a. Assembly or packaging of articles [33]	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes[14]	Yes	Yes
b. Manufacturing, processing, assembly and packaging the following: [34]														
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	No	Yes	Yes	Yes	Yes	Yes

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
2. Food products, including bakery, confectionery and dairy products	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
3. Drugs	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
4. Electrical, electronic and communication instruments	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
5. Engineering, laboratory and scientific instruments, temperature controls	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
6. Jewelry, insignia, emblems and badge, lapidary, scale models, dolls, costume jewelry and costume novelties	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
7. Lamp shades except of glass or metal	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
8. Leather goods, excluding footwear and saddlery	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
9. Medical and dental instruments and supplies, optical instruments and lenses	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
10. Paper and paperboard products [35]	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
11. Pens and mechanical pencils	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
12. Plaster of Paris or papier mache products	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
13. Office machines, including cash registers, computing machines and typewriters, scales and balances	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
14. Umbrellas, parasols and canes	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
15. Watches, clocks, watchcases, clockwork mechanisms	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
c. Bottling of beverages	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
d. Distribution center, parcel delivery center, delivery warehouse	No	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes
e. Laundry, dry cleaning plant	No	No	No	No	No	No	No	No	No	SP	Yes	SP	Yes	Yes

		Open Space	Res A 1&2	Res B	Res C, C-1, C-1A 2, 2A, 2B, 3, 3A, 3B	Off 1, 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
f.	Printing, binding, publishing and related arts and trades	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
g.	Auto body or paint shop [36]	No	No	No	No	No	No	No	No	No	SP	Yes	SP	Yes	No
h.	Automotive repair garage not including auto body or paint shop [37]	No	No	No	No	No	SP	SP	SP[13]	SP	SP	Yes	SP	Yes	SP
i.	Food Commissary	No	No	No	No	No	No	No	No	No	SP	Yes	Yes	Yes	Yes
j.	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	No	SP	Yes	Yes[14]	Yes	Yes
k.	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	No	Yes	Yes	Yes[14]	Yes	Yes
l.	Open lot storage of new building materials, machinery, and new metals, but not including junk, scrap metal, rags, waste paper and similar materials [38]	No	No	No	No	No	No	No	No	No	SP	SP	SP	Yes	SP
m.	Open lot storage of coal, coke, sand, or other similar material, or such storage in silos or hoppers [39]	No	No	No	No	No	No	No	No	No	No	SP	No	Yes	No
4.38	**Heavy Industry**														
a.	Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts [38]	No	No	No	No	No	No	No	No	No	No	No	No	SP	No
b.	Rendering or preparation of grease, tallow, fats and oils, manufacture of shortening, table oil, margarine and other food oils, but not including garbage, dead animals, offal or refuse reduction	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No
c.	Stone cutting, shaping, and finishing, in completely enclosed buildings	No	No	No	No	No	No	No	No	No	No	No	SP	Yes	SP

	Open Space	Res A 1&2	Res B	Res C, C-1, C-1A, 2, 2A, 2B, 3, 3A, 3B	Off 1 2A,2, 3,3A	Bus A-1, A-2, A-3[1]	Bus A,A-4	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C
d. Textile mill, except mill for processing of jute, burlap or sisal	No	No	No	No	No	No	No	No	No	No	No	SP	Yes	No
e. Manufacturing, processing, assembly, packaging or other industrial operation without limit as to category or product, but the following are expressly prohibited [40]	No	No	No	No	No	No	No	No	No	SP	SP[52]	Yes[14]	Yes	SP
1. Acid Manufacture	No	No	No	No	No	No	No	No	No	No	No	No	No	No
2. Cement, lime or gypsum manufacture	No	No	No	No	No	No	No	No	No	No	No	No	No	No
3. Explosives or fireworks manufacture	No	No	No	No	No	No	No	No	No	No	No	No	No	No
4. Glue manufacture	No	No	No	No	No	No	No	No	No	No	No	No	No	No
5. Incineration or reduction of garbage, offal or dead animals [41]	No	No	No	No	No	No	No	No	No	No	No	No	No	No
6. Petroleum refining	No	No	No	No	No	No	No	No	No	No	No	No	No	No
7. Smelting of zinc, copper, tin or iron ores	No	No	No	No	No	No	No	No	No	No	No	No	No	No
8. Stockyard or abattoir	No	No	No	No	No	No	No	No	No	No	No	No	No	No
f. Open lot storage of second hand lumber or other used building material [38,42]	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No
g. Open lot storage of junk, scrap, paper, rags, unrepaired or unclean containers, or other salvage articles [38]	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No

4.40 FOOTNOTES TO THE TABLE OF USE REGULATIONS

1. All uses except residential uses in Section 4.31 (a)-(h) and (i) 3 shall be subject to the following limitations:
    a. Permitted nonresidential uses must be located in a building containing the above enumerated residential uses;
    b. Permitted nonresidential uses may not occupy more than 40%(forty percent) of the Gross Floor Area in the building; all remaining GFA must be devoted to permitted residential uses.
    c. The permitted nonresidential uses may only be located on the first floor or basement of the building.
    d. No accessory parking shall be provided for any nonresidential use.
2. Provided that in Residence A districts the exterior design of the structure is not changed.
3. Planning Board Special Permit for developments specified in Section 11.12.
4. Deleted
5. Planning Board special permit for dwellings specified in Section 4.26.
6. No in the Office 1 District.
7. Subject to the following provisions:
    (a) Hotels and motels shall be prohibited in Residence C or Residence C-1 districts;
    (b) Hotels and motels shall be permitted as of right in Residence C-3A districts and in Residence C-2, 2A, 2B, and 3 districts where at least fifty (50) [percent of the area of the lot upon which the hotel or motel is located, and the point of entry from a street for all vehicular access to the hotel or motel, is located within the Harvard Square Overlay District the Central Square Overlay District or the Massachusetts Avenue Overlay District.
    (c) Hotels or motels shall be permitted by special permit from the Board of Zoning Appeal (BZA) in Residence 2, 2A, 2B, and 3 districts, where paragraph (b) above does not apply. In granting such special permit the BZA shall find that the proposed location and its surrounding neighborhood is predominately institutional or commercial in use, and specifically not a low-density residential area. The Board shall further find that the physical development of the site for hotel use will be similar to, and compatible with, the existing (or potential) site development pattern on surrounding sites for other uses permitted in the applicable zoning district or districts; and that the operation of the hotel or motel, with regard to delivery of goods, the kind and volume of vehicular trips to and from the site, and the numbers of people visiting the site on foot, among other factors, is compatible with the use of adjacent properties for uses permitted in the applicable zoning district or districts. In making these findings the Board shall consider the following, among other considerations:
        1. The scale of the building in the immediate neighborhood;

2. The extent of non-residential development in the neighborhood, including the size of buildings, the specific uses, the kind and number of vehicular trips generated by those uses;
3. The density of residential use on adjacent lots and within the immediate neighborhood;
4. The details of operation of the proposed hotel or motel use including the kinds and number of vehicle trips to the site, including service trips;
5. The extent of access to arterial streets that customarily accommodate or provide direct service to non-residential uses;
6. The nature of side development on adjacent sites including setbacks from property lines, location and quantity of vehicular parking, the presence of accessory activities such as loading facilities, waste storage facilities, mechanical service equipment, landscaped green spaces, etc.

8. No towers in Industry A-1 Districts.
9. Yes in a Residence C-3A District subject to the limitations specified in Section 5.31.
10. Except in a Business B District, this use shall be subject to the limitations specified in Section 4.27.
11. The Following provisions, which modify the Table of Use Regulations, shall apply to certain uses and development in the Open Space District.
    1. The establishment or development in an Open Space district of these uses, and those enumerated in Paragraph (b) below, shall be reviewed in accordance with the requirements of Section 4.25
    2. The following modifications to the Table of Use Regulations shall apply:
        a. Except that in the Open Space district a yacht, rowing or similar club or association, related to recreational boating use on a lake or river, shall be permitted by special permit. [Section 4.33h(1)]
        b. Provided, however, that the theater or hall for public gathering is operated under the aegis of a nonprofit agency or organization and is open to the general public. [Section 4.35h]

    In an Open Space district the following Commercial Recreation uses only shall be permitted, by Special Permit: a golf course; yacht club or marina; boat docks, ticket offices and other support facilities for ferry services, boat rentals and boat cruises services. [Section 4.35i]
12. Yes in an Office 2 District provided that the establishment is located within a building principally containing uses listed in Subsection 4.34 and that the total gross floor area of all establishments included under items 4.35e and 4.35f in this table do not exceed ten (10) percent of the gross floor area of the building. However, this ten (10) percent floor area limitation shall not apply to a cafeteria or other eating/drinking facility which is accessory to permitted uses in a building or associated group of buildings in the same ownership and which is intended primarily for employees of those uses and their guests.
13. No in the Business B-1 and Business B-2 Districts.

14. Board of Zoning Appeal special permit in the Industry B-2 District.
15. Provided that in Residence A districts the exterior design of the structure is not changed.
16. See also Section 4.26.
17. Provided that in the Residence A districts the exterior design of the structure is not changed unless a special permit is granted by the Planning Board.
18. Where not an accessory use, and no repairs, servicing, or sale of gasoline is carried out.
19. Unless explicitly stated to the contrary elsewhere in this Ordinance, all bulk, height, yard, lot area, setback, open space, parking, sign and building coverage requirements shall be considered reasonable regulations under Section 3, Chapter 40A, G.L., and shall apply to the uses in this Subsection 4.33a.
20. Noncommercial research facilities shall include laboratories and other research facilities or educational institutions which supply services for a fee to persons other than enrolled students. No manufacturing shall be permitted on the premises unless the noncommercial research facility is located within a district that would customarily permit such manufacturing under the provisions of Subsection 4.37 or 4.38 of the Table of Use Regulations.
21. May include related teaching facilities and offices for its medical staff not to exceed twenty-five (25) percent of the gross floor area of the hospital.
22. Where facilities are primarily used by faculty and students and where the public is admitted on payment of a fee.
23. 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, except in Industrial districts as permitted elsewhere in this Ordinance.
24. Provided that the establishment is located in a structure also containing retail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet gross floor area.
25. Provided that at least fifty (50) percent of such merchandise is sold at retail on the premises and that all display and sales are conducted within a building.
26. Provided that only nonflammable solvents are used for cleaning and not more than nine (9) persons are employed.
27. Provided that no alcoholic beverages are sold or consumed on the premises. Such establishments shall not exceed two thousand five hundred (2,500) square feet in the Industry A-1 districts.
28. Such establishments shall not exceed two thousand five hundred (2,500) square feet in Industry A-1 districts.
29. Provided that, in Business A and B zones, all animals are kept indoors and that no noise or odors are perceptible from adjoining lots.
30. Conducted entirely within a building and provided no major repairs are made.

31. Where not more than twenty-five (25) percent of the floor area is used for assembling, packaging, or storage of merchandise.
32. Provided that in Business and Industry C districts all lubrication and repairs are carried out within the building and further provided that in Industry C districts, the service station will be located within or attached to a parking garage or other structure as an accessory use.
33. Provided that no such article exceeds two hundred (200) pounds in weight and provided that no manufacturing or processing is carried out.
34. Provided that the following restrictions shall apply.
    (a) in Industry A, A-1, A-2, and B-2 districts any fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.
    (b) in Industry A, A-1, A-2, B-2 and C districts no process shall involve coating with rubber,
    (c) all dust, fumes, odors, smoke or vapors are effectively confined to the premises or disposed of so as to avoid air pollution and,
    (d) any noise, vibration or flashing is not normally perceptible without instruments at a distance of fifty (50) feet from the premises in Industry A-1 districts, at a distance of one hundred (100) feet from the premises in Industry A, A-2, B-2, and Industry C districts or at a distance of five hundred (500) feet from the premises in Industry B and B-1 districts.
35. Provided that such products are made from purchased paper or purchased paperboard and that there is no manufacture or process of pulp, waste paper or waste paper products.
36. Provided that all work is carried out inside the building.
37. Provided that in Business, Industry A-1 and Industry C districts all servicing and repairs are carried out inside the building.
38. Provided that the area so used is surrounded by a six foot high wall or tight fence.
39. Provided that all dust incident to storage or handling is effectively confined to the premises or so disposed of so as to avoid air pollution and that the area so used is surrounded by a six foot high wall or tight fence.
40. Subject to the Building Department and Health Department regulations and further provided that
    (a) all dust, fumes, odors, smoke or vapor are effectively confined to the premises or so disposed of as to avoid air pollution, and
    (b) any noise, vibration or flashing are not normally perceptible without instruments at a distance of five hundred (500) feet from the premises, fifty (50) feet from the premises in an Industry A-1 district or one hundred (100)

feet from the premises in an Industry A-2, Industry B-2 or an Industry C district.

41. Except such processing as may be conducted by the City of Cambridge.

42. Storage of flammable liquids or gas permitted by the Building Code.

43. Except that in Residence C and C-1 districts this use shall be subject to the regulations of Section 4.50, Institutional Use Regulations.

44. Unless explicitly stated to the contrary elsewhere in this Ordinance, all bulk, height, yard, lot area, setback, open space, parking, sign and building coverage requirements shall be considered reasonable regulations under Section 3, Chapter 40A, G.L., and shall apply to all uses and facilities which have educational purposes and which are protected by said statute.

45. This use designation shall include all uses and facilities listed in Subsection 4.56(c)4, 5, and 6.

46. Any dormitory, fraternity, or sorority which is not exempt by statue shall not be allowed in the Office 1 district and shall require a special permit from the Board of Zoning Appeal in the Office 2 and Industry B districts. Such uses shall only be permitted as part of a planned unit development (PUD) in the Industry C district.

47. Local government shall include all nonresidential facilities and activities of the City of Cambridge, the Cambridge Housing Authority, Cambridge Redevelopment Authority and their component agencies, but shall not include public schools.

48. This use designation shall include facilities for cultural and ethnic heritage appreciation.

49. But not including a tower facility as a principal use, serving multiple operators, or as a freestanding structure on a lot.

    In reviewing a special permit application for mobile communications facilities in particular, the Board of Zoning Appeal shall consider the following in reaching its determination:

    1. The scope of or limitations imposed by any license secured from any state or federal agency having jurisdiction over such matters.

    2. The extent to which the visual impact of the various elements of the proposed facility is minimized:

        (1) Through the use of existing mechanical elements on a building's roof or other features of the building as support and background,

        (2) Through the use of materials that in texture and color blend with the materials to which the facilities are attached, or

        (3) Other effective means to reduce the visual impact of the facility from off the site.

    3. Where it is proposed to erect such a facility in any residential zoning district, the extent to which there is a demonstrated public need for the facility at the proposed locations, the existence of alternative, functionally suitable sites in nonresidential locations, the character of the prevailing uses in the area, and the prevalence of other, existing mechanical systems and equipment carried on or above the roof of nearby structures. The Board of Zoning Appeal shall grant

a special permit to erect such a facility in a residential zoning district only upon a finding that nonresidential uses predominate in the vicinity of the proposed facility's location and that the telecommunication facility is not inconsistent with the character that does prevail in the surrounding neighborhood.

In granting a special permit the Board of Zoning Appeal shall set forth in its decision under which circumstances or procedures, if any, the permittee shall be allowed to replace and upgrade its equipment without the necessity of seeking a new special permit.

50. Subject to the requirements of Section 4.28.

51. Permitted in the Industry B-1 district as the use would be permitted as of right or by special permit in the Business B district subject to the following limitations:

(a). The retail use is located on the ground floor or in the basement of a building containing other uses,

(b) The retail use constitutes no more than 25% of the GFA of the building in which it is located, exclusive of GFA devoted to parking uses,

(c) The retail use fronts on a public street and has a direct public access to that street, and

(d) No separately leased establishment may exceed 10,000 square feet in GFA.

52. Uses so permitted in existence as of July 1, 1988 may continue and expand, within the dimensional limits of Section 5.34, without the granting of a special permit.

53. No in Business C-1 districts.

54. Any dimensional or other relief from the provisions of this Ordinance required to construct or locate a municipal library use shall be permitted by grant of a special permit from the Planning Board. In granting such a special permit, where the library is proposed to be located within an Open Space zoning district, the Planning board shall, in addition to the criteria set forth in Section 10.43, find that there will be no substantial reduction in the recreational and/or open space use, excluding parking areas and roadways. Where the Board does find there will be a substantial reduction in the recreational and/or open space use the special permit shall be granted upon assurance by the City Manager that he will offset such reduction by increased recreational and/or open space uses at another location, subject to necessary appropriations.

55. The provisions of Article 5 and Article 6 of this Ordinance shall not apply to the construction or location of a municipal police or fire station.

57. Subject to the provisions of Section 22.70.

58. Notwithstanding anything to the contrary set forth elsewhere in this Zoning Ordinance, a Registered Marijuana Dispensary shall be permitted by special permit from the Planning Board only within the Medical Marijuana Overlay Districts pursuant to the requirements of Section 20.700.

4.50 INSTITUTIONAL USE REGULATIONS

4.51 *Legal Authority.* In accordance with Chapter 565 of the 1979 General Court, and as amended by Chapter 387 of the Acts of 1980, the use of land for institutional purposes in residentially zoned districts which require a lot of one thousand two hundred (1,200) square feet or more per dwelling unit shall be governed by the provisions of this Section 4.50.

4.52 *Purpose.* It is the purpose of this Section 4.50 to protect lower density residential neighborhoods from unlimited expansion of institutional activities, to reduce pressures for conversion of the existing housing stock to nonresidential uses, to minimize the development of activities which are different from and incompatible with activity patterns customarily found in lower density residential neighborhoods and to provide a framework for allowing those institutions which are compatible with residential neighborhoods to locate and expand there. This Section 4.50 is intended to accomplish these purposes in a manner consistent with the findings and objectives of the Community Development Department's *Cambridge Institutional Growth Management Plan (1981).*

4.53 *Approach.* This Section 4.50 establishes special use regulations for institutional activities in the Residence A-1, A-2, B, C and C-1 zoning districts. These regulations encompass the full range of institutional uses. Each use is regulated based on its expected physical impacts on nearby residences, on the existing or recent use of the lot or structure proposed for such use, and on the location of the lot either within or outside of an area in which there has already been extensive institutional development.

4.54 *Institutional Overlay District.* The designation Institutional Overlay District is hereby established on the Zoning Map as provided for in Subsection 3.12. An Institutional Overlay District delimits an area where there has been extensive contiguous development of institutional use types subject to regulation under this Section 4.50. Institutional Overlay Districts are defined in order to identify areas where prior development patterns create a precedent for more flexible institutional use regulation than in areas where non institutional uses predominate. The conditions regarding development of new or expanded institutional uses under Subsections 4.55 and 4.56 are determined in part by whether a lot is located inside or outside an Institutional Overlay District. The boundaries of these districts are drawn based on several physical factors; consequently, for purposes of definitional clarity, they encompass areas both inside and outside zoning districts subject to use regulation under this Section 4.50. Regardless of the location of an Institutional Overlay District boundary, the special institutional use regulations of this Section 4.50 shall only apply within the Residence A-1, A-2, B, C and C-1 districts. The following Institutional Overlay Districts are hereby established on the Zoning Map.

4.54.1 The Harvard, Radcliffe, Lesley District

4.54.2 The Episcopal Divinity School District.

4.54.3 The Observatory Hill District.

4.54.4 The Mount Auburn Hospital District

4.54.5 The Shady Hill School, and Buckingham, Browne, and Nichols School District.

4.54.6 The Matignon School District

4.54.7 The Cambridge Street Health Center District

4.54.8 The Massachusetts Institute of Technology District.

4.55 *Existing Lot Status.* The institutional use of land or structures for each category of institutional activity in a Residence A-1, A-2, B, C and C-1 district shall be governed by the Table of Institutional Use Regulations in Subsection 4.56. The institutional use regulation in the table shall be the same in the aforementioned five (5) zoning districts, but shall differ according to: (1) the applicable use category, (2) the location of the lot in relation to the Institutional Overlay Districts, and (3) the status of the lot in relation to its existing or recent use. If two or more of the lot status types listed below would pertain to the proposed development of an institutional use, then the more restrictive designation among the types of lot status for the use would apply. The column heading in Subsection 4.56 refers to the types of lot status listed in Subsection 4.55.1 and applies to institutional development whether by conversion of an existing structure or lot or by new construction or new use of a lot.

4.55.1 The Existing Lot Status pertaining to the proposed institutional development shall be defined according to one of the following three types:

(1) A lot which contains a residential use listed in Subsection 4.31, or which is vacant and which within the twenty-four (24) month period prior to the date of permit application, but subsequent to March 23, 1980, contained such residential use;

(2) A lot which contains any use other than those residential and institutional uses listed in Subsection 4.31 or 4.33, or which is vacant and did not within the twenty-four (24) month period prior to the date of permit application, but subsequent to March 23, 1980, contain a use listed in Subsection 4.31 or 4.33; or

(3) A lot which contains an institutional use listed in Subsection 4.33, or which is vacant and which within the twenty-four (24) month period prior to the date of permit application, but subsequently to March 23, 1980, contained such institutional use.

4.56 TABLE OF INSTITUTIONAL USE REGULATIONS

Use Categories	Inside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)	Outside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)
a. Religious Purposes						
1. Place or Worship	SP[4]	Yes	Yes	No	SP	Yes
2. Rectory, parsonage	SP[4]	Yes	Yes	No	SP	Yes
3. Convent, monastery	SP[4]	Yes	Yes	No	SP	Yes
4. Social or recreational center	SP[4]	Yes	Yes	No	SP	SP[5]
5. Other use with religious purposes	SP[4]	Yes	Yes	No	SP	Yes
b. Use of Land or Structure for Educational Purposes on Land Owned or Leased by the Commonwealth or any of its Agencies, Subdivisions or Bodies Politic	Yes	Yes	Yes	Yes	Yes	Yes
c. Use of Land or Structure for Educational Purposes on Land Owned or Leased by Entities not included in Subsection 4.56b						
1. Pre-school, day care center or kindergarten	SP[4]	Yes	Yes	No	SP	Yes
2. Primary School	SP[4]	SP	Yes	No	SP	SP[5]
3. Secondary School	SP[4]	SP	SP	No	No	No
4. College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	SP[4]	SP	SP	No	No	No[6]
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high Intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety.	SP[4]	SP	SP	No	No	No
6. Other College or university facility [1]	SP[4]	SP	Yes	No	No	No[6]
7. Vocational or other schools	SP[4]	SP	Yes	No	SP	SP[5]
8. Dormitory, resident fraternity or sorority	SP[4]	SP	SP	No	No	No[6]
d. Non-Commercial Research Facilities						
1. Laboratory or other research facility customarily involving research with radioactive materials, controlled substances, high intensity electromagnetic radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	SP[4]	SP	SP	No	No	No
2. Private library, study center or other research facility	SP[4]	SP	Yes	No	SP	SP[5]
e. Health Care Facilities						
1. Hospital	SP[4]	SP	SP	No	No	No
2. Infirmary	SP[4]	SP	Yes	No	SP	SP[5]
3. Nursing or Convalescent home	SP[4]	SP	Yes	No	SP	SP[5]

Use Categories	Inside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)	Outside Institutional Overlay Districts Existing Lot Status (1)	(2)	(3)
4. Clinic not affiliated with any other institution	SP[4]	SP	Yes	No	SP	SP[5]
5. Clinic affiliated with a hospital or an accredited university medical school	SP[4]	SP	SP	No	No	No[6]
6. Clinic connected to a community center	SP[4]	SP	Yes	No	SP	SP[5]
7. Other health care facility	SP[4]	SP	Yes	No	SP	SP[5]
f. Social Service Facilities						
1. Social service center	SP[4]	Yes	Yes	No	SP	SP[5]
2. Community Center	SP[4]	SP	SP	No	No	No[6]
g. Local Government [2]						
1. Administrative office	SP[4]	SP	SP	No	No	No[6]
2. Fire or police station	SP[4]	SP	Yes	No	SP	SP[5]
3. Museum	SP[4]	SP	Yes	No	SP	SP[5]
4. Municipal service facility	SP[4]	SP	SP	No	No	No
5. Public park, playground, or public recreation building	SP[4]	Yes	Yes	SP[4]	Yes	Yes
6. Municipal Library	Yes[8]	Yes[8]	Yes[8]	Yes[8]	Yes[8]	Yes[8]
h. Other Governmental Facility	Yes	Yes	Yes	Yes	Yes	Yes
i. Other Institutional Uses						
1. Club, lodge, or other fraternal or sororal meeting facility	SP[4]	SP	Yes	No	SP	SP[5]
2. Museum or noncommercial gallery [3]	SP[4]	Yes	Yes	No	SP	SP[5]
3. Cemetery	SP[4]	Yes	Yes	No	Yes	Yes
4. Institutional use not listed in any other category	SP[4]	SP	SP	No	SP	SP[5]

FOOTNOTES TO TABLE OF INSTITUTIONAL REGULATIONS

1. Other college or university facility shall include administrative offices, faculty and staff offices, teaching and research facilities not included in Subsection 4.56c(4) or c(5), libraries, museums, dining halls and service facilities including facilities listed in Subsection 4.56c(4) which are not accessible to the general public.
2. Local government shall include all nonresidential facilities and activities of the City of Cambridge, the Cambridge Housing Authority, Cambridge Redevelopment Authority and their component agencies, but shall not include public schools.
3. This use designation shall include facilities for cultural and ethnic heritage appreciation.
4. The Board of Zoning Appeal shall grant a special permit for this use only if the applicant demonstrates that he will act to replace indefinitely the dwelling units removed from the lot or converted to institutional use with an equivalent number of units, not previously on the housing market, at another location or locations within the City of Cambridge, before the units are removed or converted, and only if the

applicant adequately provides at his own expense for the relocation of the occupants of the existing units to comparable units within the City of Cambridge. In every case, this replacement housing shall include units suitable for and available to low and moderate income households in an amount equal to ten (10) percent of the total number of units to be replaced. The remaining replacement units shall be comparable to the units removed. Comparability shall be determined by dwelling unit mix in terms of number of bedrooms, special facilities (such as handicapped access or common areas), amenities, including those existing in the surrounding neighborhood and range of price/rent levels. The Board of Zoning Appeal may require that the applicant submit whatever evidence it deems necessary to determine that the replacement units will be comparable and the applicant is bound to provide such units. Otherwise the special permit will not be issued. Replacement units shall be available for occupancy before the existing dwelling units are removed or converted and shall remain available as low and moderate income and comparable units unless otherwise authorized by the Board of Zoning Appeal. No building or demolition permit for the proposed institutional development shall be issued until the replacement units are available for occupancy and the occupants of the existing units have been relocated.

5. This use is allowed as of right if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56, otherwise a special permit from the Board of Zoning Appeal shall be required. Such special permit shall be granted only if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the *Cambridge Institutional Growth Management Plan.* The Board may require the applicant to submit whatever documentation it deems necessary, to assist it in making said determination.
6. This use may be allowed upon issuance of a special permit by the Board of Zoning Appeal if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56 or if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the *Cambridge Institutional Growth Management Plan.* The Board may require the applicant to submit whatever documentation it deems necessary to assist it in making said determination.
7. Subject to the provision of Section 11.20.
8. Any dimensional or other relief from the provisions of this Ordinance required to construct or locate a municipal library use shall be permitted by grant of a special permit from the Planning Board. In granting such a special permit, where the library is proposed to be located within an Open Space zoning district, the Planning Board shall, in addition to the criteria set forth in Section 10.43, find that there will be no substantial reduction in the recreational and/or open space use, excluding parking areas and roadways. Where the Board does find there will be a substantial reduction in the recreational and/or open space use the special permit shall be granted upon assurance by the City Manager that he will offset such reduction by

increased recreational and/or open space uses at another location, subject to necessary appropriations.

4.57 *Special Permit Criteria.* The Board of Zoning Appeal shall grant a special permit for a use in Subsection 4.56 only if it determines that the benefits of the proposed use at that location will outweigh it detriments. In addition to any particular determinations which must be made under footnotes 4, 5, or 6 of said Subsection and Subsection 10.43, "Special Permit Criteria", the Board shall consider and address the following factors as appropriate:

Benefits

1. The building design or site plan would be compatible with the neighborhood.
2. The institution would be accessible to or primarily oriented toward neighborhood residents.
3. The institution would fulfill an identified neighborhood need.
4. The institution would fulfill an identified citywide need.
5. Institutional use would be particularly appropriate on the lot given previous use of the lot.
6. Institutional use would be particularly appropriate on the lot given institutional use of adjacent or nearby lots.
7. Residential development would not be feasible or reasonably practical on the site.
8. The proposed institutional use would create a stronger buffer or a more gentle transition between residential and nonresidential areas.
9. The proposed institutional use would result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.

Detriments

1. Development of the institutional use would substantially contravene the objectives of the *Cambridge Institutional Growth Management Plan*.
2. The intensity of the institutional use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, etc.
3. The activity patterns, including pedestrian and vehicle travel to and from the institution would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.
4. Development of an institutional use would eliminate existing dwelling units.
5. Development of an institutional use would eliminate nonresidential services or activities which are beneficial to the neighborhood.

4.58 *Special Permit Procedures.* Applications for a special permit from the Board of Zoning Appeal under Subsection 4.56 shall be subject to the general procedural requirements specified in Article 19.000.

4.58.1 Applications shall include all of the following and shall be submitted in triplicate.

1. A completed Special Permit Application form.

2. A completed Property Ownership Certificate.
3. An accurately scaled map showing existing conditions on the lot(s) on which the institutional development is proposed. Said map shall indicate property lines, existing structures and major landscaped features including trees in excess of three inch caliper, parking areas and driveways.
4. A description of the current use of said lot(s) or of the use within the previous twenty-four (24) months if the lot or structures are vacant.
5. A written description of the proposed use of the lot including the intensity of use, expected activity patterns, and probable users.
6. A statement of how the anticipated physical attributes of the use will be similar to or different from those predicted for that category of use generally in the *Cambridge Institutional Growth Management Plan*.
7. If germane to the proposal, a plan for replacing dwelling units to be displaced by the institutional use as required by footnote 4 of Subsection 4.56.
8. A list of any zoning violations which would customarily necessitate variances from the requirements of this Ordinance.

4.58.2 No application shall be accepted by the Board of Zoning Appeal until all of the information required in this Subsection 4.57 is submitted. Any changes in the application following submittal, other than those requested by the Board of Zoning Appeal, or its agent, shall require resubmittal of an application for a special permit. During the course of the special permit application, the Board of Zoning Appeal may require the applicant to provide any additional information which it deems is necessary and reasonable to determine that criteria of Subsection 4.57 will be satisfied.

ARTICLE 5.000 DEVELOPMENT STANDARDS

Text current through Ordinance #1372 of June 15, 2015.

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 and except in the Cambridge Center MXD District which shall be governed by the requirements of Section 14.30.

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 used 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, the minimum distance between such buildings shall not be less than the sum of the heights of the buildings divided by six, or ten feet, whichever is greater. In determining compliance with this section, portions of buildings exempted by Section 5.23 shall not be counted in computing building height.

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 or development parcel shall be changed in size, shape, or ownership so that the dimensional requirements or off street parking and loading requirements prescribed in this Ordinance are no longer satisfied. This paragraph shall not apply where a portion of the lot or development parcel is acquired for a public purpose. This paragraph shall not apply to townhouse development, as governed by Section 11.10.

5.20 STANDARDS FOR DIMENSIONAL REGULATIONS

5.21 *Lot area and width*

5.21.1 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 the

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 (30) percent of the lot width, except that each side yard shall be a minimum of seven feet, six inches (7' 6").

5.21.2 No building shall be erected on a lot which does not have at least twenty (20) feet of frontage on a street. This paragraph does not apply to townhouse developments. This requirement shall not be applicable in the Cambridge Center MXD District.

5.22 *Private Open Space*

5.22.1 Private open space shall be provided on every lot used for residential purposes except for those in the Cambridge Center MXD District, and shall be a percentage of the lot area as set forth in Section 5.31. An area designated as private open space must have both a width and a length of at least fifteen (15) feet, except for balconies, and may not have a slope greater than ten (10) percent. With the exception of balcony areas, private open space shall be accessible to all occupants of a building; not less than one half of the required private open space shall be provided at ground level or within ten (10) 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 buildings, which are not used as walkways or corridors, and which have both a width and a length of at least six (6) feet and a minimum area of seventy-two (72) square feet, may be calculated as private open space, not to exceed twenty-five (25) percent of the total private open space.

5.22.2 Where nonresidential and residential uses are mixed in a building, the required minimum private 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.

5.22.3 Special Requirements in Residence A-1, A-2, B, C, and C-1

At least fifty (50) percent of the required Private open space in these districts shall meet all of the requirements of Section 5.22.1 above. At least fifty (50) percent of the required Private open space shall meet the definition of Permeable Open Space and shall not be subject to the dimensional limitations of Section 5.22.1 as applied to Private open space.

5.23 *Height Exceptions*. The provisions of this Ordinance governing the height of buildings and structures in all districts shall generally not apply to (a) 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, (b) to domes, towers, or spires above buildings if such features are not used for human occupancy and occupy less than ten (10) percent of the lot area, (c) to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten (10) percent of the lot area, (d) to Wind Turbines, subject to the requirements and limitations set forth in Section 22.70 and (e) to elements of a Solar

Energy System, as defined in Section 22.60 of this Zoning Ordinance, that would ordinarily be located on a rooftop where they would have direct exposure to sunlight.

However, building elements enumerated in (a) above shall be limited in height where they are placed on a building located in a non-residential district, which district abuts a Residence A-1, A-2, B, C, C-1, C-1A, C-2, C-2A, C-2B district. In these instances the following height limitations shall apply to those building elements:

1. The elements must be below one or more forty-five (45) degree bulk control planes. Each bulk control plane shall begin, in the vertical dimension, at the maximum height limit permitted in the non-residential zoning district. In the horizontal dimension, the plane shall begin at the residential/non-residential zoning district line: however, where that line lies within a street, the plane shall begin at the front lot line, located nearest the zoning district line, of the lots on which the building is sited. Thereafter the bulk control plane shall rise from its beginning over the non-residential zoning district. (*See illustrative figure 5.23*)

2. The limitations in Paragraph 1 above may be waived by special permit from the Planning Board upon a finding by the Board that the additional height is necessary. In making that determination the Planning Board shall consider the special and unique requirements of the use that the elements are serving, any special constraints imposed by the site upon which the building is located, the nature and character of development in the adjacent residential district, and the extent to which successful efforts are made to minimize the visual and acoustical impact of the elements on neighbors.

5.24 *Yards*

5.24.1 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. Objects or structures intended exclusively for bicycle parking meeting the requirements of Article 6.000, 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. In addition, objects or equipment located in a required yard that are necessary for or appurtenant to a Public Bicycle-Sharing Station shall not be considered obstructions. Open or lattice enclosed fire escapes for emergency use only are permitted to encroach on yard areas.

5.24.2 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one half (3 1/2) feet and which are part of a building not more than thirty-five (35) feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) 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.

5.24.3 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.

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

(1) "H" is the height of the building. "L" is the length of the 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 (40) feet or less in height the denominator in the yard formulas in the Tables in Section 5.30 may be increased by two subject to the minimum yard requirements set forth in footnotes a, b and c of Tables 5-1 and 5-2.

(2) 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, (H_1, H_2, etc.) times the length of each roof level (L_1, L_2, etc.) and dividing the sum by the sum of the length of the levels (L_1, L_2, etc.) (see formula below)

$$\text{AVERAGE HEIGHT} = \frac{(H_1 \times L_1) + (H_2 \times L_2)}{L_1 + L_2}$$

(3) 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 (setback_1 x facing area_1) + (setback_2 x facing area_2) MUST EQUAL OR EXCEED the product of (single plane setback) x (single plane facing area)

5.25 *FAR Exceptions for Parking and Loading Facilities*

5.25.1 Loading Facilities. Areas used for off-street loading purposes shall be exempt from the requirements as to Floor Area Ratio but shall conform to all other requirements of the district in which it is located.

5.25.2 Parking Facilities in Structures. The floor area of an underground parking garage and the floor area of the underground portion of a structure devoted in whole or in part to parking automobiles, shall not be counted as Gross Floor Area and shall be exempt from the requirements as to floor area but shall conform to all other requirements of the district in which it is located. All other parking in structures shall be subject to the requirements as to Floor Area Ratio.

5.25.21 Area of Parking Facility**.** For the purposes of this Section 5.25 the area of parking in a structure shall include all parking spaces, access drives, aisles and other elements of the parking facility and shall include any portion of a parking facility located at grade beneath a building but not otherwise enclosed.

5.25.22 Definition of Underground*.* For the purposes of this Section 5.25 only, "underground " shall mean either of the following:

(1) The location of the entire parking facility below the finished grade of the ground abutting the structure, or the underground portion thereof, which grade is maintained naturally without any structural support. No more than two access drives, which in combination total no more than 30 feet in width, shall be permitted to be above the finished grade and still be considered to be located underground.

(2) The location of a portion of the facility above finished grade to the following extent: (1) the mean height of that portion of the parking facility above finished grade around the entire perimeter of the facility does not exceed four (4) feet, which grade is maintained naturally without any structural support (in no case, however, shall the height above mean grade for that portion of the facility facing a public street exceed four feet), and (2) the roof or top of the facility shall be either set beneath other, non-parking facility portions of the structure, landscaped or otherwise finished to serve as a pedestrian plaza, open space amenity, recreation area or pedestrian circulation. The height above mean grade shall be measured to the roof of the facility, or to the ceiling should the facility be set entirely below other non-parking elements of a building.

5.25.3 Exemption for Existing Parking Facilities. Structured parking facilities in existence on or before September 15, 2000, or constructed and occupied at a later date pursuant to a building or special permit in conformance with all provisions of Chapter 40A issued prior to the effective date of the provisions of this Section 5.25, shall not be subject to the requirements as to Floor Area Ratio.

5.25.4 Exceptions to the Provisions of this Section 5.25

5.25.41 Exemption for Residential Parking Spaces. Notwithstanding the provisions of Section 5.25.2 above, the following structured parking located above ground, accessory to a residential use, shall not be calculated as part of the Gross Floor Area on the lot:

(1) One parking space located within a townhouse unit or a one, two or three family dwelling.
(2) A freestanding parking structure containing no more than one parking space per dwelling unit up to a maximum of three parking spaces on a lot containing a one, two or three family dwelling.

(3) One parking space per dwelling unit, up to a maximum of fifteen (15) spaces, for multifamily dwellings.

5.25.42 Where an above ground parking facility in a structure is proposed to be constructed (a) in the 100-year flood plain, identified as the Zone A flood hazard area (See Section 11.70), or as determined by credible evidence and calculations from a registered professional engineer or (b) on a contaminated site that is listed by the Massachusetts Department of Environmental Protection under the Massachusetts Contingency Plan (310 CMR 40.00) with a Release Tracking Number and has been tier classified, the Planning Board may grant a special permit to waive the limitations of this Section 5.25 so that the parking facility is not subject to the requirements in this Ordinance as to Floor Area Ratio provided only the minimum number of parking spaces required for the uses on the site are provided. In granting such a special permit, the Planning Board shall find the following:

(1) Where in a flood hazard area, the construction of a parking facility underground is (a) not technically feasible due to the requirements of the Massachusetts Wetlands Protection Act (M.G.L. ch. 131, s.40, (b) would require construction that would violate requirements or limitations of the Massachusetts Wetlands Protection Act, (c) would, in the view of the Cambridge Conservation Commission, seriously compromise the wetlands protection objectives of the Massachusetts Wetlands Protection Act), and (d) would result in costs of construction that are significantly greater than would otherwise be typical for the location were it not in a flood hazard area; or

(2) Where the site is contaminated, the construction of a parking facility underground (a) would, in the opinion of a Licensed Site Professional, pose significant risks to public health or the environment through disturbance of hazardous materials and could not be reasonably mitigated in accordance with state and federal regulations, (b) require construction that is prohibited by state or federal regulations related to hazardous wastes, and (c) would result in costs of construction that would render the project financially unfeasible; and

(3) The above ground facility is designed so as to reduce its actual or perceived bulk through, among other possible techniques, limiting the number of parking spaces it contains, placement of portions of the facility below grade where feasible, or its location relative to actively occupied portions of the construction. Construction above grade is discouraged that would increase the amount of impervious area on the lot.

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, private open space and off street parking are satisfied for all dwelling units (in existence and proposed) in the dwelling after the conversion or enlargement.

5.27 *Calculation for lot in two or more zoning districts.* The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this Subsection 5.27.

5.27.1 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

$$\text{Max \# dwelling units} = \frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted.

5.27.2 The maximum gross floor area shall be the sum of the total allowed gross floor area in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

Maximum Gross Floor Area = (Lot area in district 1 x district 1 FAR) + (Lot area in district 2 x district 2 FAR)

5.28 *Special Dimensional Standards Applicable to Dwellings*

5.28.1 Dwellings in Non Residential Districts. A dwelling shall be subject to the dimensional standards generally applicable in the district set forth in the Tables of Dimensional Requirements in Section 5.30, except as provided for below.

a. 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-2B district, except that the height limitation on lots abutting Hampshire Street shall be sixty-five (65) feet.

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

c. 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.

5.28.2 *Conversion of Non Residential Structures to Residential Use*

Where it is proposed to convert an existing principal use structure, designed and built for non residential use, to residential use (excluding Transient Accommodations and Trailer Park or Mobile Home Park listed in Section 4.31 (i-j)), the dimensional standards generally applicable in the district as set forth in the Tables of Dimensional Requirements in Section 5.30 and other applicable regulations in this Ordinance, including permitted uses, Section 4.30 – Table of Use Regulations, shall apply. However, where some or all of those requirements cannot be met, including any use, dimensional or procedural requirement that may apply in the base district, the following provisions shall apply to such conversion after issuance of a special permit by the Planning Board. The provisions in this Section 5.28.2 shall apply in all zoning districts with the exception of districts with an Open Space designation.

Intent of this Section:

(a) To allow the economic reuse of buildings that may be substantially out of compliance with the dimensional requirements of the zoning district within which they are located, especially as they are converted to residential use.

(b) To encourage the preservation of buildings of historic or cultural significance by providing opportunities for reuse of the structures.

(c) To establish a framework of development standards and criteria within which existing non-residential buildings that are out of scale and character with surrounding residential uses can be converted to housing of an appropriate style and density while limiting potential negative impacts on neighbors.

5.28.20 *Allowed Uses*

The Planning Board may permit uses not otherwise allowed in the base zoning district, subject to the following conditions and limitations:

(a) The permitted uses shall be limited to the following:

(1) All residential uses listed in Section 4.31 (a-h), but specifically excluding Transient Accommodations and Trailer Park or Mobile Home Park listed in Section 4.31 (i-j).

(2) The following institutional uses: Religious uses (4.33.a); Public or non-profit educational uses (4.33.b.1); Private preschool, day care, kindergarten (4.33.b2); Local government or other government facility (4.33.f, 4.33.g); Private museum, library, non-commercial gallery (4.33.h.2).

(3) The following office uses: Office of an accountant, attorney, or other non-medical professional (4.34.b); Real estate, insurance or other agency office (4.34.c); General office use (4.34.d).

(4) Any uses allowed as accessory uses to the permitted principal uses.

(b) All permitted non-residential uses shall be limited to the ground floor or basement of the building. The Planning Board may permit non-residential uses to occupy other floors of the building only after determining that the location and design of such spaces, including access and egress, will not impact the privacy or security of residential occupants. However, the total floor area occupied by non-residential uses shall not exceed the floor area of the ground floor and basement.

(c) The Planning Board shall determine that any proposed non-residential uses are generally compatible with residential uses in the area, including the dwelling units located within the same building, and will not cause harm or nuisance to surrounding uses.

(d) The Planning Board shall determine that by permitting non-residential uses, there will be a compensating reduction in the number of dwelling units that would otherwise be

permitted, and that the proposed non-residential uses will balance the potential adverse impacts of additional residential units, such as demand for nighttime parking.

5.28.21 *Gross Floor Area*

The Gross Floor Area permitted shall be that which is the result of the application of the FAR permitted in the district in which the structure is located, or the existing Gross Floor Area of the structure itself, whichever is greater. However, the Planning Board may permit additional Gross Floor Area to be added to the non residential structure without limit provided all construction creating additional Gross Floor Area occurs within the physical limits of the existing structure. Where it is proposed to add Gross Floor Area above what would normally be allowed in the zoning district, the Planning Board shall determine that such additional floor area is necessary to accommodate a reasonable arrangement and layout of residential units within the existing structure.

If Gross Floor Area is added to an existing structure such that the resulting Gross Floor Area is greater than twice what would be allowed under normal zoning district regulations (including the Inclusionary Housing provisions of Section 11.200 if applicable), then half the amount of Gross Floor Area added to the existing structure such that it exceeds twice the normal district limit shall be deducted from the total Gross Floor Area of the structure for the purpose of calculating the maximum permissible number of dwelling units under Subsection 5.28.22 below.

For projects of at least 30,000 square feet or twenty (20) dwelling units for which the total Gross Floor Area is greater than twice what would be allowed under normal zoning district regulations (including the Inclusionary Housing provisions of Section 11.200 if applicable), no more than seventy percent (70%) of the project's total Gross Floor Area shall be occupied by living space within private dwelling units, and the remaining Gross Floor Area shall be occupied by common areas such as hallways, stairways, lobbies, fitness/recreational spaces, common storage areas, above-grade parking facilities, laundry or other resident services, or approved non-residential uses.

5.28.22 *Dwelling Units*

The number of dwelling units permitted shall be the number of dwelling units allowed under normal zoning district regulations (including the Inclusionary Housing provisions of Section 11.200 if applicable).

However, the Planning Board may permit a greater number of dwelling units, with the maximum permissible number of units determined by dividing the Gross Floor Area of the structure as permitted in Section 5.28.21 above, after subtracting any Gross Floor Area occupied exclusively by non-residential uses as permitted under Section 5.28.20, by 1,100 square feet for the first ten (10) units and by 1,900 square feet for any additional units.

If a portion of the dwelling units meet the definition of Elderly Oriented Housing (notwithstanding the number of such units within the building), the Planning Board may

permit the number of units to exceed the allowed maximum only for the specific purpose of accommodating such units, which may be smaller than conventional housing units.

5.28.23 *Yard Requirements*

The required yards shall be those of the structure existing at the time of the conversion to residential use. However, any construction occurring outside the limits of the existing structure shall be subject to the yard requirements of the district in which the structure is located.

5.28.24 *Maximum Height*

The maximum height shall be that height permitted in the district in which the structure is located, or the building height, whichever is greater. However, any construction that occurs outside the existing limits of the structure, other than construction exempt from the height limit as set forth in Section 5.23, shall be subject to the maximum height limit of the district in which the structure is located.

5.28.25 *Private Open Space Requirements*

The Private open space requirement shall be that required in the district in which the structure is located, except as modified herein.

The dimensional and locational limitations for Private open space set forth in Section 5.22 shall not apply; any combination of at-grade private open space and decks and balconies at other levels shall be permitted as shall walks intended for non vehicular use. However, in every case where those requirements of Section 5.22 waived by this Paragraph (a) are not met, all portions of the surface of the lot shall be Green Area as defined in Article 2.000 that are (1) not covered by the building or (2) devoted to the minimum area necessary to provide at grade, conforming parking spaces and the minimum necessary circulation and driveways for no more than one parking space per dwelling unit. The amount of Private open space required may be reduced by the Planning Board should the Board find that full compliance cannot reasonably be expected given the existing development of the lot and the provision of parking necessary to serve the dwelling units.

However, where open space requirements are not met, the Applicant shall explore the use of portions of the interior of the building to provide recreational opportunities not possible on the exterior.

5.28.26 *Conforming Additions*

Conforming additions to such non-residential structures shall be permitted without reference to the limitations set forth in Section 8.22 for such additions to non-conforming structures.

5.28.27 *Required Parking*

Off-street parking shall be provided as required in the Schedule of Parking and Loading Requirements, Section 6.36. In instances where 6.36 does not apply due to the proposed use not being allowed in the base zoning district, required off-street parking for approved residential uses shall be provided at a rate of one space per dwelling unit, and required off-street parking for non-residential uses shall be determined by the Planning Board after reviewing the requirements for that use within other zoning districts.

5.28.28 *Criteria for Approval of a Special Permit*

In acting upon this special permit, the Planning Board shall consider the standards and criteria set forth in Sections 10.43, 10.47 and 10.47.1 of this Ordinance in addition to the following review standards.

5.28.28.1 *Criteria Applicable to All Projects*

(a) Provision of Parking. Where it is proposed to add dwelling units above the limits established in the base zoning regulations, the Board shall evaluate the impact of increased numbers of dwelling units above that normally permitted in the district on the demand for on-street parking by residents and visitors to the proposed building, particularly in neighborhoods where off street parking is limited.

In reaching a determination, the Board may require that the Applicant provide elements of a Parking Analysis as set forth in Section 6.35.3 of the Zoning Ordinance. Where a project is subject to additional criteria as specified in Section 5.28.28.2 below, a Parking Analysis shall be required to be included with the Special Permit Application.

(b) Privacy Considerations. Where significant variations from the normally required dimensional standards for the district are proposed, the Board shall evaluate the impact on residential neighbors of the new housing use and any other proposed use as it may affect privacy. The location and size of windows, screening elements, decks, entries, security and other lighting, and other aspects of the design, including the distribution of functions within the building, shall be reviewed in order to assure the maintenance of reasonable levels of privacy for abutters. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters as a result of the location, orientation, and use of the structure(s) and its yards as proposed.

(c) Reduction in Private Open Space. Where it is proposed to reduce the amount of on-site Private Open Space below that required in the applicable district, the Board shall evaluate the proposal in light of the following:

(1) The extent to which screening and buffering from neighbors will be accomplished

(2) The quality and viability of the proposed open spaces as they are designed

(3) The tradeoff in benefits and negative impacts of the loss of green space in order to provide the required amount of parking, including consideration of the feasibility of alternate parking arrangements that might produce additional green area, such as placing some or all parking within the structure

(4) The availability of common recreational spaces within the building to compensate for the loss of usable outdoor open space

(d) Community Outreach. The Planning Board shall consider what reasonable efforts have been made to address concerns raised by abutters and neighbors to the project site. An applicant seeking a special permit under this Section 5.28.2 shall solicit input from affected neighbors before submitting a special permit application. The application shall include a report on all outreach conducted and meetings held, shall describe the issues raised by community members, and shall describe how the proposal responds to those issues.

5.28.28.2 *Additional Criteria Applicable to Larger Projects*

Where the proposed project includes more than 10,000 Gross Square Feet or more than ten (10) dwelling units, and the proposed Gross Floor Area or number of dwelling units is above the maximum allowed under base zoning regulations, the Board shall evaluate the proposal in light of the following:

(a) The implications of the size or number of additional dwelling units on the anticipated demand for parking. In order to assist the Planning Board in evaluating parking impacts, an applicant for a special permit shall be required to submit a Parking Analysis, as set forth in Section 6.35.3 of the Zoning Ordinance, as part of the special permit application.

(b) The appropriateness of the proposed layout of floor space within the building for a multifamily residential use, with attention to the typical range of unit sizes and types that would be expected for housing in the neighborhood. Considerations may include the suitability of proposed unit configurations for a variety of households, the extent to which unusual unit sizes or shapes may impact parking or overall quality of life for neighbors, and the availability of customary amenities for residents such as storage, utilities, common rooms and recreational facilities.

(c) The potential mitigating effects of the proposed occupancy of dwelling units. For instance, units designed for elderly residents or live/work spaces for professionals or artists may provide desirable housing options for Cambridge residents with fewer adverse impacts on parking or neighborhood character.

5.30 DISTRICT DIMENSIONAL REGULATIONS

5.30.1 Rules for Applying Certain Provisions of the Tables of Dimensional Requirements

5.30.11 FAR and Height. Where two numbers appear in Column (1) – Maximum Ratio of Floor Area to Lot Area and Column (6) Maximum Height in Feet, the first number shall apply to all permitted uses in the district except Residential Uses, Section 4.31 a-h, and Dormitory (but excluding resident fraternity or sorority) Uses, Section 4.33 b(7), both of which shall be governed by the second number.

5.30.12 Calculation of Permitted Gross Floor Area on a Lot

Where two numbers regulate the permitted FAR on a lot, the Gross Floor Area of any uses proposed on the lot shall be determined by the following formula:

Gross Floor Area Permitted = $[(A \times FAR_1) \times \text{Lot Area}] + [(B \times FAR_2) \times \text{Lot Area}]$

Where A equals the percentage of Gross Floor Area in the building to be used for nonresidential use(s), and

Where B equals the percentage of Gross Floor Area in the building to be used for residential and dormitory use(s), and

Where A + B = 100% (or 1.0) or less, and

FAR_1 equals permitted FAR for nonresidential uses, and

FAR_2 equals permitted FAR for residential and dormitory uses.

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: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-1. Table of Dimensional Requirements - Residential Districts

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet: Front	Side	Rear	(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
Res. A-1	0.5	8,000	6,000	80	25	15(sum of 35)	25[c]	35	50%
Res. A-2	0.5	6,000	4,500	65	20	10 (sum of 25)	25[c]	35	50%
Res. B	0.5 [j]	5,000	2,500[j]	50	15	7'6" (sum of 20)	25[c]	35	40%
Res C.[i]	0.6	5,000	1,800	50	$\frac{H+L}{4}$[a]	$\frac{H+L}{5}$ (min. 7'6" sum of 20)	$\frac{H+L}{4}$[c]	35	36%
Res. C-1	0.75	5,000	1,500	50	$\frac{H+L}{4}$[a]	$\frac{H+L}{5}$ (n)	$\frac{H+L}{4}$[c]	35	30%
Res. C-1A	1.25	5,000	1,000	50	10	$\frac{H+L}{7}$ (l)	$\frac{H+L}{5}$ (l)	45	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-2B	1.75	5,000	600	50	$\frac{H+L}{4}$[a][k]	$\frac{H+L}{5}$[k]	$\frac{H+L}{4}$[c][k]	45	15%
Res. C-2A	2.5	5,000	300	50	$\frac{H+L}{5}$[b][g]	$\frac{H+L}{6}$[g]	$\frac{H+L}{5}$[c]	60	10%[h]
Res. C-3	3.0	5,000	300	50	$\frac{H+L}{5}$[b]	$\frac{H+L}{6}$	$\frac{H+L}{5}$[c]	120	10%
Res. C-3A	3.0[d]	5,000	300	50	$\frac{H+L}{5}$[b][e]	$\frac{H+L}{6}$[f]	$\frac{H+L}{5}$[c]	120	10%
Res. C-3B	3.0/4.0	5,000[m]	300	50	10	none	none	120	10%

2. Footnotes

(a) Measured from the centerline of the street, but in no case may a building be nearer the street than ten (10) feet.

(b) Measured from the centerline of the street, but in no case may a building be nearer the street line than five (5) feet

(c) In no case may a building be nearer the rear lot line than twenty (20) feet in Residence C-2, C-2B, C-2A, C-3, C-3A, C-3B districts. In Residence C and C-1 districts, no building may be nearer the rear lot line than twenty (20) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds 100 feet, up to a maximum of thirty (30) feet. In Residence A-1, A-2, and B districts, no building may be nearer the rear lot line than twenty-five (25) feet plus one additional

foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty-five (35) feet. For purposes of this Footnote C, the lot depth shall be that distance measured along a line perpendicular to the front lot line and extending to that point on the rear lot line most distant from the front lot line.

(d) The maximum ratio of floor area to lot area for buildings containing principal uses specified in Section 4.34 shall not exceed 1.25.

(e) For buildings subject to the floor area ratio limitation specified in footnote (d) above, the minimum front yards may be reduced to no less than five (5) feet measured from the street line.

(f) For buildings subject to the floor area ratio limitation specified in footnote (d) above, the minimum side yards may be reduced to no less than five (5) feet measured from the street line.

(g) In no case may a building on any lot which abuts or is separated only by a public or private way from a Residence A-1 and A-2, B, C, C-1, C-2, or C-2B district be nearer the street line or side line of the lot than the minimum front and side yard requirements for the residential district which said lot abuts or from which it is separated by a way. However, such increased setback requirements shall only apply to any part of a building which is located within one hundred and twenty five (125) feet of a Residence A-1, A-2, B, C, C-1, C-2, or C-2B district.

(h) The minimum ratio of private open space to lot area required for a lot which abuts/or is separated only by a public or private way from a Residence A-1, A-2, B, C, C-1, C-2 or C-2B district shall be equal to the amount of private open space required in the residential district which said lot abuts or from which it is separated by a way.

(i) The dimensional requirements of the Residence C-1 district as detailed in this Section 5.31 shall apply in the Residence C district for structures in existence as of December 1, 1986 under the following limitations and conditions:

(1) Any increase in floor area or numbers of units, provided all construction occurs within the limits of the existing structure: or

(2) For any construction without limit as to cost (notwithstanding any contrary provisions of Section 8.23) of a nonconforming structure destroyed or damaged by fire or other catastrophe provided the structure as restored shall not be greater in lot coverage or volume, or shall not extend further into required yards, than the original structure; all other provisions of Section 8.23, however, shall continue to apply.

(j) Applicable to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five thousand (5,000) square feet, the applicable Maximum Ratio of Floor Area to Lot Area shall be 0.35 for all permitted residential uses and the Minimum Lot Area for Each Dwelling Unit shall be four thousand (4,000) square feet. However, for any lot in existence as of June 30, 1995 that is subsequently subdivided into two or more lots, the total amount of gross area and number of units on the subdivided lots, in total, shall at no time exceed that

permitted by this footnote (j) on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the gross floor area and dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this footnote (j) shall prohibit the subdivision of a Townhouse Development conforming at the time of its construction, as permitted in Section 11.10.

(k) Yard Requirements in the Residence C-2B District

1) Setbacks - In the Residence C-2B District, buildings shall comply with these yard requirements by being set back above and below ground.

2) Green Area - general

Two of the yards on a lot shall consist exclusively of green area as defined in section 2.000. Contrary to the provisions of said definition, hard surfaced walks and terraces shall not exceed twenty-five (25) percent of the area of each yard. At a minimum, green area setback shall consist of permanently maintained densely planted trees and shrubs that may be expected to form within three (3) years after the time of planting a continuous unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed.

(3) Lots with more than four yards. If the shape of a lot creates a situation where there are more than four yards, this green area requirement shall apply to half of the yards, rounded up in the instance of an odd number of yards.

(4) Lots in two or more zoning districts. Where a zoning district boundary line or lines split a lot, a lot partially in the Residence C-2B district shall comply with provisions elsewhere in this zoning ordinance with regard to lots in two or more zoning districts, except that the setback and green area requirements of this footnote shall apply to all parts of the lot regardless of zoning district.

(5) Lots abutting more restrictively zoned districts. When any lot abuts a more restrictively zoned district or districts, all yards abutting the more restrictively zoned district)s) shall be designated as yards required to comply with the green area requirements of this footnote. This provision shall apply to that quantity of abutting yards numbering up to and including the maximum number of green area yards required by this footnote. The total number of green area yards required on a lot shall not be changed by the provisions of this subsection (5).

(6) Pedestrian and vehicular access.

(a) When a yard used to satisfy the Green Area Open Space requirement of this footnote is a front yard, the Green Area Open Space may be interrupted by not more than one path for pedestrian access to the

building. Said pedestrian path shall be constructed perpendicular to the lot line and shall not be more than eight (8) feet wide. The green area yard may also be interrupted by not more than one driveway constructed perpendicular to the lot line and which is not more than twelve (12) feet wide.

(b) The sum of the width of the said pedestrian path and driveway may not exceed the setback provided by the smallest of the yards provided on the lot.

(c) The areas allowed to be used for access under this subsection (6) shall be counted as part of the twenty-five (25) percent of the total required green area which is allowed to be use for hard surfaced walks and terraces for the front yard in which the access areas are constructed.

(7) Townhouse Development When a lot is used for townhouse development, the provisions of this footnote shall apply to the lot before subdivision into townhouse lots. Subdivision into townhouse lots shall be done in such a manner as to not affect the application of this footnote to the entire unsubdivided lot. In particular, the pedestrian path and driveways allowed.

(l) These requirements may be reduced to a minimum required setback of ten (10) feet with the grant of a special permit from the Planning Board provided that the yard is suitably landscaped to effectively buffer the building walls from abutting lots.

(m) For purposes of calculating FAR and for no other purpose, notwithstanding the definition of Lot in Article 2.000, a Lot in the Residence C-3B district may contain non-contiguous parcels provided that all parcels are held in identical ownership, are all located within the Residence C-3B district of any abutting Business B district, and further provided that development on any contiguous portion of the lot does not exceed an FAR of 4.0.

(n) In a Residence C-1 District, no building plane (excluding projections as permitted by Section 5.24.2) may be nearer than seven feet, six inches (7’6”) to a side lot line.

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 (15) feet. A vacant lot or lot occupied by a building set back more than twenty-five (25) feet in a Residence A-1 district and more than twenty (20) feet in a Residence A-2 district shall be considered as though occupied by a building set back twenty-five (25) feet and twenty (20) 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 the 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 (10) feet. A vacant lot or a lot occupied by a building set back

more than fifteen (15) feet shall be considered as though occupied by a building set back fifteen (15) feet.

(c) In a Residence C, C-1, C-2, C-2A, C-2B, C-3, or C-3A 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 of 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 thereof.

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: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-2. Table of Dimensional Requirements - Office Districts

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet: Front	Side	Rear	(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
Office 1	0.75	5,000	1,200	50	$\frac{H+L}{4}$ [a]	$\frac{H+L}{5}$	$\frac{H+L}{4}$ [c]	35	15%
Office 2A	1.25/1.5	5,000	600	50	$\frac{H+L}{4}$ [a]	$\frac{H+L}{5}$	$\frac{H+L}{4}$ [c]	60/70	15%
Office 2	1.50/2.0	5,000	600	50	$\frac{H+L}{4}$ [a]	$\frac{H+L}{5}$	$\frac{H+L}{4}$ [c]	70/85 [d]	15%
Office 3	2.0/3.0	5,000	300	50	$\frac{H+L}{5}$ [b]	$\frac{H+L}{6}$	$\frac{H+L}{5}$ [c]	90/120	10%
Office 3A	2.0/3.0	5,000	300	50	$\frac{H+L}{5}$ [b]	$\frac{H+L}{6}$	$\frac{H+L}{5}$ [c]	90/120	10%

2. Footnotes

(a) Measured from the centerline of the street, but in no case may a building be nearer the street line than ten (10) feet.

(b) Measured from the centerline of the street, but in no case may a building be nearer to the street line than five (5) feet.

(c) In no case may a building be nearer the rear lot line than twenty (20) feet.

(d) deleted

5.33 *Business Districts*

1. The following dimensional requirement, set forth in Table 5-3 and modified elsewhere in this Ordinance, shall be applicable to development in business districts: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-3 Table of Dimensional Requirements - Business Districts

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet: Front	Side	Rear	(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
Bus. A	1.0/1.75	none	600	none	none	none	$\frac{H+L}{5}$ [a]	35/45 to 65 [b]	none
Bus.A-4	1.0/1.75 [p]	5,000	600	50	H+L/4 [p]	H+L/5 [p]	H+L/5 [p]	35 [p]	none
Bus. A-1	1.0/0.75	none	1200	none	none	none	$\frac{H+L}{5}$ [a]	35	none
Bus. A-2	1.0/1.75	none	600	none	5 [m]	10 [i]	20 [j]	45 [k]	none
Bus. A-3	0.75 [f]	5,000	1,500	50	H+L [h]/4	H+L/5	H+L [a]/4	35	30%
Bus. B	2.75/3.0	none	300	none	none	none	none	80	none
Bus. B-1	1.50/3.25	none	300	none	none	none [e]	none [e]	55/90 [c]	(d)
Bus. B-2	1.50/3.0	none	300	none	none	none [e]	none [e]	45	(d)
Bus. C	1.25/2.0	none	500	none	none	none	20 [j]	55 [g]	none
Bus. C-1	2.75/3.0 [n]	none	450 [n]	none	none	none [o]	20 [j]	50 [g][l]	none

2. Footnotes

(a) In no case may a building be nearer the rear lot line than twenty (20) feet.

(b) As set forth in Section 5.28.1.

(c) The cornice line of the principal front wall plane facing Massachusetts Avenue shall not exceed fifty-five (55) feet in height at the front lot line. Portions of buildings in excess of this height shall be set back behind a thirty-five (35) degree bulk control plane beginning at an elevation fifty-five (55) feet above the Massachusetts Avenue front lot line. The cornice line of the principal front wall plane facing Green street shall not exceed thirty (30) feet in height at the front lot line. Portions of building in excess of thirty (30) feet shall be set back behind a forty-five (45) degree bulk control plane beginning at an elevation thirty (30) feet above the Green Street front lot line. No building or portion of a building within forty-five (45) feet of the Green Street front lot line shall exceed forty (40) feet in height.

(d) Open space requirements for a lot shall be determined by the mix of uses on the lot. Where one hundred (100) percent of the principal uses on a lot are residential uses listed in Subsections 4.31 a, b, d, e, and g, an area equivalent to fifteen (15) percent of the lot area shall be reserved as private open space. Where one hundred (100)

percent of the principal uses on the lot are other uses, an area equivalent to fifteen (15) percent of the lot area shall be reserved as publicly beneficial open space. Where development on a lot contains both the aforesaid residential uses and other uses, an area equivalent to fifteen (15) percent of the lot area shall be devoted to both types of open space in relative proportion to the gross floor areas occupied by residential uses and other uses. The amount of each type of open space shall be determined by the formulae below. The results of said formulae notwithstanding, a minimum of fifteen (15) percent of the area of that portion of a lot within forty-five (45) feet of a front lot line facing Green Street shall be devoted to landscaped green space as specified in Subsection 4.27.3. Where more than fifty (50) percent of the area of that portion of a lot is devoted to landscaped green space, as specified in Subsections 4.27.2 and 4.27.3, none of such green space shall be counted in determining compliance with this Subsection 5.332d. Where fifty (50) percent or less of the area of that portion of a lot is devoted to landscaped green space, such area may be counted in determining compliance with this Subsection 5.33 2d.

(1) Minimum required total area reserved for both types of open space = lot area multiplied by .15.

(2) Share of development devoted to residential uses = gross residential floor area divided by gross floor area of entire development.

(3) Minimum required private open space associated with residential use = total open space required multiplied by residential share.

(4) Share of development devoted to other uses = other gross floor area divided by gross floor area of entire development.

(5) Minimum required publicly beneficial open space = total open space requirement multiplied by other use share.

(e) Where any lot abuts a residential district, buildings above and below ground shall be set back a minimum of twenty (20) feet from the zoning district boundary line, notwithstanding anything to the contrary provided in Article 6.000 of this Ordinance. Said setback shall consist exclusively of landscaped green area as defined in Article 2.000. Where the zoning district boundary line splits a lot the minimum twenty (20) foot setback shall be measured from the lot line(s) located in the residential district. At a minimum green area setback shall consist of permanently maintained, densely planted trees and shrubs that may be expected to form within three (3) years after time of planting a continuous, unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements of this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed.

(f) Subject to the provisions of Footnote 1 in Section 4.40 – Footnotes to the Table of Use Regulations.

(g) Thirty-five (35) feet [or height permitted in the abutting residential district, but in no case higher than fifty-five (55) feet] within fifty (50) feet of a residential district line.

Where the zoning district boundary splits a lot the fifty (50) feet shall be measured from the lot lines located in the residential district. The height, however, may exceed thirty-five (35) feet provided the building is set back a minimum distance equal to two-thirds (2/3) the height.

(h) Measured from the centerline of the street but in no case may a building be nearer the street than ten (10) feet.

(i) However, for the side yard of any lot abutting another lot (where that lot does not abut Massachusetts Avenue and where all or a majority of it is located in a residence district) no building shall be set nearer than twenty feet to (1) either the residence/Business A-2 zoning district line where the lot line is located in the BA-2 District or (2) the side lot line itself where that lot line is located in the residence district. Nevertheless, the provisions of the following paragraph shall continue to apply.

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 no less than the required side yard setback shall be provided. In the case that any portion of a side wall of the existing building contains windows or is set back form the property line, then a building hereafter erected on the lot adjacent to such an existing building shall be set back from the side lot line as required.

(j) Or two-thirds (2/3) of the height of the rear wall whichever is greater; however in the Business C and Business C-1 districts no rear yard shall be required where the rear lot line abuts a lot all of which lies in a business or industrial district.

(k) Provided however that any portion of a building having a height greater than thirty-five (35) feet shall be set back of a bulk control plane rising at an angle of forty-five (45) degree from the plane of the principal front wall and rear wall planes beginning at a height of thirty-five (35) feet.

Where the parcel has frontage on two or more streets, this setback plane provision shall apply only to the front wall plane facing the principal abutting arterial street and to the opposite wall plane facing either a side or front property line.

In addition to the above provisions, that portion of a building located within fifty (50) feet of a residential zoning district line shall be limited to thirty-five (35) feet where the maximum height permitted in the residential district is thirty-five (35) feet or less.

(l) The maximum height of a building may be increased to sixty (60) feet provided the average height of the building is fifty (50) feet (excluding any portion of the building devoted to parking which is not covered with building included in gross floor area). The heights of the several parts of the building shall be such that the volume of building exceeding fifty (50) feet in height shall be equal to or less than the volume of space lying between the fifty (50) foot height and portions of building less than fifty (50) feet in height, as illustrated below:

Volume 1 (area of a building at a single height - 1 above fifty feet x the difference between height - 1 and fifty feet) + Volume 2 (area of building at a single height - 2 above fifty feet x the difference between the height - 2 and fifty feet) MUST EQUAL OR BE LESS THAN THE SUM OF Volume 1' (area of building at a single height - 1' below fifty feet x the difference between height 1' and fifty feet) + Volume 2' (area of building at single height - 2' below fifty feet x the difference between height - 2' and fifty feet).

(m) Or the setback of the principal front wall plane of any adjacent building facing the same street, whichever is less.

(n) Of the total FAR permitted on the lot the maximum ratio of floor area to lot area for permitted principal uses other than residential uses specified in Section 4.31 shall not exceed 2.75. The maximum ratio of floor area to lot area for permitted residential uses specified in Section 4.31 shall be 2.5 as of right; it may be increased to 3.0 and lot area per dwelling unit decreased to three hundred (300) after the issuance of a special permit by the Planning Board provided the following conditions are met:

1. At least seventy-five (75) percent of the gross floor area on the lot is devoted to residential uses specified in Section 4.31.
2. All parking on site is covered and enclosed.
3. Fifteen (15) percent or more of the lot is green area or other open space acceptable to the Planning Board.
4. The building shall be subject to mandatory design review.

(o) H+L/6 for all buildings having fifty (50) percent or more of their gross floor area devoted to residential uses specified in Section 4.31 where the side lot line abuts or is within fifty (50) feet of a lot residentially used, the majority of which lies in a residential district.

(p) For development in which all parking is provided entirely below grade, the following dimensional modifications shall be allowed:

(i) FAR may be increased to 2.0

(ii) Front, Side and Rear yard requirements shall be modified to a minimum of ten (10) feet. Sites with two front yards that have a radiused front yard where two streets intersect may be considered as if the adjoining property lines are projected to intersect. Projecting bays and roof decks which are located on portions of a building below thirty-five (35) feet in height shall be eligible for the setback exception allow in Section 5.24.2 even if the structure itself if greater than 35 feet in height.

(iii) Building height for a residential or mixed-use structure may be increased to a maximum of forth-four (44) feet. However, for any portion of a structure that abuts a lot in a residential district, the height of the building shall not exceed thirty-five (35) feet within fifteen (15) feet of the lot line.

3. deleted

4. deleted
5. deleted
6. deleted
7. deleted
8. 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 any Business district except the Business A-3 district. .

5.34 Industrial Districts

1. The following dimensional requirements, set forth in Table 5-4 and modified elsewhere in this Ordinance, shall be applicable to development in industrial districts: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-4 Table of Dimensional Requirements - Industrial Districts

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet			(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
					Front	Side	Rear		
Ind. A-1	1.25/1.50	5,000	700	50	0	0[b]	0[b]	45	none
Ind. A-2	2.75/4.0	5,000	none	50	0	0[b]	0[b]	70	none
Ind. A	1.25/1.50	none	none	none	none	none	none	45[d]	none
Ind. B-1	1.5/3.0	5,000	none	50	0	0	0	60/70	none
Ind.B-2	0.75	5,000	1,200	50	15	0[b]	0[b]	35	none
Ind. B	2.75/4.0[e]	none	none	none	none	none	none	120	none
Ind. C	1.0	20,000	none	100	0	0[b]	0[b]	45	none

2. Footnotes

(a) deleted.

(b) A side yard setback of $\frac{H+L}{7}$ and a rear yard setback of $\frac{H+L}{5}$ shall be required only for residential uses in new structures and for nonresidential uses abutting residences, residential or open space districts or public parks and recreation areas. These requirements may be reduced to a minimum required setback of ten (10) feet on special permit, provided that the yard is suitably landscaped to effectively buffer building walls from abutting lots.

(c) Thirty-five (35) foot height limit within one hundred (100) feet of a residential structure less than thirty-five (35) feet in height or a residential district.

(d) One hundred and thirty (130) feet by special permit for buildings related to storage and processing of materials permitted in Section 4.37m.

(e) Except that within the area bounded by Binney Street on the north, a line one hundred and fifty (150) feet easterly of Cardinal Medeioros Avenue on the west, Broadway on the south, and the railroad right of way on the east, the FAR may be increased to 3.2 for non-residential uses for an addition to a building in existence as of June 1, 2001 provided that for each four hundred and fifty (450) square feet of GFA added above an FAR of 2.75 one existing parking space is permanently eliminated.

5.35 *Open Space Districts*

1. The following dimensional requirements, set forth in Table 5-5, shall be applicable to development in an open space district: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-5 Table of Dimensional Requirements - Open Space Districts

(1)	Maximum Ratio of Floor Area to Lot Area:	.25
(2)	Minimum Lot Size:	43,560 square feet
(3)	Minimum Lot Width:	150 feet
(4)	Minimum Yard:	
	(a) Front	25 feet
	(b) Side	15 feet
	(c) Rear	25 feet
(5)	Maximum Height:	35 feet
(6)	Minimum Ratio of Private Open Space to Lot Area:	60%

5.40 TRANSITIONAL 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 (50) 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 Office, Business or Industrial districts no building shall be erected within ten (10) feet of the side lot line of any abutting lot, all or the major portion of which is in a Residence district.

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

5.50 SPECIAL DIMENSIONAL REGULATIONS

5.51 *Lot Size Requirements for Elderly Oriented Housing.* The required number of square feet of lot area per dwelling unit in elderly oriented housing or for each living space in elderly oriented congregate housing is decreased to one half (1/2) the number of square feet of lot area per dwelling unit customarily required in Section 5.30 of this 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.

5.53 In Residence A-1 and Residence A-2 districts, only one structure containing a principal use shall be allowed on a lot.

In Residence B districts only one structure containing a principal residential use shall be allowed on a lot except as set forth below:

1. More than one structure containing a principal residential use shall be allowed on a lot provided all portions of all structures are located no farther than seventy-five (75) feet from any street line to which the lot abuts. However, those elements of a structure that are permitted to extend into required yards as set forth in Section 5.24.2, may extend in a similar manner beyond the seventy-five foot limit.
2. By special permit from the Planning Board provided the Board finds
   (a) that development in the form of two or more structures on the lot will not significantly increase or may reduce the impact of the new construction should it occur in a single structure; or
   (b) That two or more structures may provide identifiable benefits beyond that provided should all construction be in a single structure. In making its findings the Board shall consider the impact of the new construction on the following:
      (1) the extent to which the preservation of a large contiguous open space in the rear of the lot or series of adjacent lots is achieved through the provision of a rear yard setback significantly greater than that required and through the dedication of that rear yard as Green Area, as defined in this Ordinance,
      (2) incentives for the location of buildings and parking facilities in the front half of a lot in a pattern compatible with the development pattern prevailing in the neighborhood,
      (3) the extent to which two or more structures provides an enhanced living environment for residents on the lot,
      (4) incentives to retain existing structures on a lot, particularly any structure determined to be a Preferably Preserved Significant structure by the Cambridge Historical Commission,
      (5) the opportunities presented to reduce the visual impact of parking from the public street and from adjacent lots,
      (6) The increased opportunities to reduce the height and bulk as new construction is deeper into a lot or closer to structures on abutting lots.

   In Residence A-1, A-2 and B districts there shall be no limit on the number of those structures on a lot that contain principal nonresidential uses exclusively, provided all other requirements of this Zoning Ordinance are met.

5.54 *Special Regulations for Municipal Elementary and Middle ("K-8") Schools*. The following regulations shall apply to the reconstruction, alteration or expansion of existing municipal K-8 school uses. The regulations of this Section shall apply where development is proposed on lots where the existing and proposed principal use is a municipal K-8 school; however, such lots may include other uses customarily associated with a

municipal K-8 school such as public recreation, public open space, community center, pre-school and after school programs or municipal library. Where a regulation in this Section 5.54 contradicts any regulation set forth elsewhere in the Zoning Ordinance, including the requirements of Article 8.000, the regulations of this Section 5.54 shall apply.

5.54.1 The following modifications to the dimensional, parking and other requirements applicable in the zoning district as set forth in Paragraphs (a-f) below shall be permitted upon issuance of a Building Permit by the Commissioner of Inspectional Services, subject to the limitation set forth in Paragraph (g) below:

(a) The maximum permitted Floor Area Ratio shall be the existing Floor Area Ratio for all buildings on the lot at the time of application for a Building Permit, or the maximum Floor Area Ratio allowed under the applicable zoning district regulations, whichever is greater.

(b) Areas located atop the roof of a building that are used as a playground or outdoor educational space for school-related activities shall not be included in the calculation of Gross Floor Area or Floor Area Ratio on the lot, provided that the space is substantially open to the sky (structures covered with web or netting shall not be considered enclosures).

(c) For any new structures, additions to an existing structure, or portions of a structure that are demolished and reconstructed in a residential zoning district, the minimum yard requirements otherwise applicable in the district shall not apply, provided that no new structure may be nearer than ten (10) feet to any public street or nearer than fifteen (15) feet to any other abutting lot line; however, for portions of a lot located within an Open Space zoning district, the minimum yard requirements in the base zoning district shall apply. For existing portions of a structure which are neither demolished nor expanded, the required yards shall be those of the structure existing at the time of application for a Building Permit.

(d) For any new structures, additions to a structure, or portions of a structure that are demolished and reconstructed in a residential zoning district, the maximum building height shall be forty-five (45) feet, or the maximum height allowed under zoning district regulations, whichever is greater; however, for portions of a lot located within an Open Space zoning district, the maximum height in the base zoning district shall apply. For existing portions of a structure which are neither demolished nor expanded, the height of the existing structure shall be permitted.

(e) The minimum required number of off-street motor vehicle parking spaces shall be the number of legally existing off-street parking spaces on the lot or the minimum number of off-street parking spaces required by Article 6.000, whichever is fewer. Where existing parking spaces are proposed to be reconstructed or relocated, those spaces shall conform to the location, design and layout requirements of Article 6.000.

(f) The minimum required number of off-street loading bays shall be the number of legally existing off-street loading bays on the lot or the minimum number of off-street loading bays required by Article 6.000, whichever is fewer. Where loading bays are proposed to be reconstructed or relocated, those loading bays shall conform to the location, design and layout requirements of Article 6.000.

(g) The provisions set forth in Paragraphs (a-f) above shall apply only if there is no net reduction in the area of Public Recreational Open Space on the lot. For the purposes of this Section 5.54, Public Recreational Open Space shall be defined as any contiguous outdoor space having both a width and length of at least twenty-five (25) feet that is available for customary recreational use by the general public and that meets the definition of Public Open Space as set forth in Article 2.000 of this Zoning Ordinance. Notwithstanding anything to the contrary in the definition of Public Open Space, areas beneath unenclosed structures that are accessory to outdoor public recreational uses, such as play structures, shading devices or player dugouts, may be counted as Public Recreational Open Space. Public Recreational Open Space may be altered or relocated on the lot, provided that the total area of space meeting the definition herein is not decreased.

5.54.2 Where it is proposed to reconstruct, alter or expand an existing municipal K-8 school use, any dimensional, parking or other zoning requirements, including those set forth in Section 5.54.1 above, may be waived upon the granting of a special permit by the Planning Board, subject to the conditions and limitations set forth below.

(a) The Floor Area Ratio on the lot shall not exceed the existing Floor Area Ratio on the lot, except that the Planning Board may approve an increase in Floor Area Ratio to 1.25 for any portion of the lot located within a residential zoning district (but excluding portions of the lot located within an Open Space zoning district).

(b) For portions of a lot located within an Open Space zoning district, the minimum yard requirements in the base zoning district shall continue to apply to any new buildings or additions to buildings.

(c) In a residential zoning district, the maximum height of any new building or addition to a building shall not exceed fifty-five (55) feet, except that the Planning Board may approve heights of up to sixty-five (65) feet for portions of a building located at least fifty (50) feet from any lot line. In an Open Space zoning district, the height of any new building or addition to a building shall not exceed the maximum height allowed in the base zoning district.

(d) The minimum off-street parking requirement shall not be waived except upon issuance of a special permit for Reduction in Required Parking under Section 6.35.1. The Planning Board may approve a reduction in the number of required loading bays upon finding that the proposed loading bays are sufficient to serve the school use. New parking spaces and loading bays shall conform to the location, design and layout requirements of Article 6.000.

(e) The net area of Public Recreational Open Space on the lot, as defined in Subsection 5.54.1, Paragraph (g) above, shall not be reduced by more than ten percent (10%) of the existing area. In approving any net reduction in Public Recreational Open Space, the Planning Board shall make a determination that the proposed Public Recreational Open Space shall provide benefits to the general public that are at least commensurate with the existing Public Open Space on the lot.

(f) In addition to the General Special Permit Criteria set forth in Section 10.43 and the Citywide Urban Design Guidelines set forth in Section 19.30, the Planning Board shall make a determination that the proposed changes to the lot have been designed to minimize or mitigate adverse impacts on neighboring residential properties. In making this finding, the Planning Board shall consider the following:

(i) Arrangement of building height and bulk within the lot.

(ii) Access and egress for pedestrians, bicycles and motor vehicles, including pick-up and drop-off areas for buses and cars.

(iii) Location and screening of functions such as parking, loading, trash handling and mechanical equipment.

(iv) Current impact of existing buildings and existing patterns of use on the site.

ARTICLE 6.000 OFF STREET PARKING AND LOADING REQUIREMENTS AND NIGHTTIME CURFEW ON LARGE COMMERCIAL THROUGH TRUCKS

Text current through Ordinance #1372 of June 15, 2015.

6.10 INTENT AND APPLICABILITY
6.20 OFF STREET PARKING REGULATIONS
6.30 PARKING QUANTITY REQUIREMENTS
6.40 DESIGN AND MAINTENANCE OF OFF STREET PARKING FACILITIES
6.50 PARKING PLAN INFORMATION REQUIREMENTS
6.60 PURPOSE AND INTENT OF LOADING REQUIREMENTS
6.70 APPLICATION OF LOADING REQUIREMENTS
6.80 REQUIRED AMOUNT OF LOADING FACILITIES
6.90 LOCATION AND LAYOUT OF LOADING FACILITIES
6.100 BICYCLE PARKING

6.10 INTENT AND APPLICABILITY OF PARKING, BICYCLE PARKING AND LOADING REQUIREMENTS

6.11 *Intent.* It is the intent of this Article 6.000 to reduce traffic congestion, noise, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking, bicycle parking and loading and restrictions on the use of City street during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposed of the The Zoning Act, Section 2A of Chapter 808, and Article 1.000. Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the city.

The number of parking and loading spaces required herein varies according to type, location and intensity of development in the different zoning districts, and to proximity of public transit facilities. This Article 6.000 requires development of adequate parking facilities to meet the reasonable needs of all building and land users without establishing regulations which unnecessarily encourage automobile usage. The parking and bicycle parking standards contained herein are intended to encourage public transit, bicycle usage and walking in lieu of automobiles where a choice of travel mode exists. It is also the purpose of this Article to allow flexibility in providing required parking through shared or off site arrangements in order to accommodate the automobile in the urban environment in a less disruptive way. Development regulations and design standards have been established to reduce hazard to pedestrians on public sidewalks, to ensure

the usefulness of parking, bicycle parking and loading facilities, and where appropriate, to avoid potential adverse impacts on adjacent land uses, and to enhance the visual quality of the city.

6.12 Applicability. The off street parking and loading provisions of this Article 6.000 shall apply as follows:

(a) For new structures erected and new uses of land established or authorized after the effective date of this Article 6.000 or any amendment thereto, as well as for external additions of Gross Floor Area to existing structures for any use, accessory off street parking and loading facilities shall be provided as required by the regulations for the districts in which such structures or uses are located.

In the case of an addition of Gross Floor Area to an existing structure (lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto), which addition contains nonresidential uses, off street parking and loading facilities shall only be required when the total of such additions occurring from the effective date of this Article 6.000 or any amendment thereto increases the Gross Floor Area of the existing structure by fifteen (15) percent or more. If such an increase occurs, additional off street parking or loading facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

(b) When the intensity of an existing use within any existing structure (or lot in the case of 6.36.7 l and m and 6.36.8 f and g) is increased through addition of dwelling units, floor area, seating capacity or other units of measurement specified in Section 6.30 or Section 6.60 (but not including any uses in a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above), off street parking and loading facilities shall be provided as required for such increase in intensity of use.

However, a nonresidential use lawfully established prior to the effective date of this Article 6.000 or any amendment thereto shall not be required to provide off street parking and loading facilities for such increase unless and until the aggregate increase in units of measure shall equal fifteen (15) percent or more of the units of measurement existing upon said effective date. If such an increase occurs, additional off street parking or loading facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

(c) When the use of an existing structure (but not including the use of a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above) is changed to a new nonresidential use, off street parking and loading facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36 and the schedule of loading requirements in Subsection 6.60. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto, additional off street parking and loading

facilities shall be required only to the extent that the required amount for the new nonresidential use would exceed the amount required for the previous use if said previous use were subject to the schedule of parking and loading requirements.

In either case, the first four (4) spaces required need not be provided.

(d) When the nonresidential use of an existing structure is changed to a residential use, off street parking facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.

(e) *Bicycle Parking.* Bicycle parking shall be provided according to the requirements set forth in Section 6.100. Wherever the term “parking” is used in this Zoning Ordinance without specific reference to bicycles, such term shall refer to parking for motor vehicles and not bicycles.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto and the nonresidential use of the structure is proposed to be changed to an Affordable Housing Project as herein defined, additional off street parking facilities shall be required as provided above, except that for that portion of the Project consisting of Affordable Units additional off street parking shall be provided at the rate of 60% of the parking otherwise required in Section 6.36.

For purposes of this Section 6.12 (d) an Affordable Housing Project shall be a residential development in which at least fifty percent (50%) of the dwelling units are considered Affordable Units for occupancy by Eligible Households as defined in Section 11.200 of the Zoning Ordinance.

6.13 *Scope of Off Street Parking Regulations.* All accessory parking facilities shall conform to all regulations set forth in this Article governing the use, design and operation of such facilities. However, the provisions of this Article 6.000, notwithstanding, any special parking requirements for townhouse developments specified in Section 11.10, for planned unit developments specified in Article 13.000, for projects in the Mixed Use Development District specified in Article 14.000 or for special permits specified elsewhere in this Ordinance shall be applicable for those projects.

6.14 *Restoration.* When an existing structure or use is restored and resumes operation after being destroyed or damaged by fire, explosion, or other catastrophe, off street parking, bicycle parking and loading facilities shall be provided at least equivalent to that in existence at the time of such destruction or damage. If the extent of such damage is such that the cost of restoration is fifty (50) percent or more of the replacement value of the structure or use, then parking, bicycle parking and loading facilities meeting the requirements of this Article 6.000 shall be provided. However, in no case shall it be necessary to replace or continue any parking, bicycle parking or loading facilities which were in excess of those required by the schedules of parking and loading requirements for equivalent amounts of new uses or construction.

6.15 *Existing Parking Facilities.* Accessory off street parking facilities established after March 15, 1961, shall not hereafter be reduced below - of if already less than, shall not be

further reduced below - the minimum requirements under the provisions of this Article 6.000. Accessory off street parking facilities in existence as of March 15, 1961 shall only be required if such facilities have been used to satisfy parking requirements after March 15, 1961.

6.16 *Dedicated Off Street Parking Facilities.* 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 structures or uses to meet the requirements for which they were originally provided.

6.17 *Compatibility with the E.P.A. Clean Air Regulations* In addition to the regulations contained in this Article, all off street parking facilities must comply with restrictions contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United State Environmental Protection Agency to the extent the same are in force and effect.

6.18 *Compatibility with Handicapped Access Rules.* In addition to the regulations contained in this Article 6.000, all off street parking facilities must comply with the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts" to the extent the same are in force and effect.

6.20 OFF STREET PARKING REGULATIONS

6.21 *Use.* All accessory parking facilities provided in accordance with this Article shall be maintained exclusively for the parking of motor vehicles so long as the use exists which the facilities were designed to serve. Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind, with the exception of emergency service when needed.

6.22 *Location.* All accessory off street parking facilities shall be located in accordance with the provisions of subsections 6.22.1, 6.22.2 and 6.22.3. For purposes of this Section 6.22 lot shall also mean the Development Parcel of any Planned Unit Development regulated by the provisions of Article 12.000 and Article 13.000 without regard to a lot or lots that may initially constitute the Development Parcel or any lot or lots created within the Development Parcel subsequent to the approval of the PUD by the Planning Board.

6.22.1 Accessory off street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions:

(a) (1) said other lot is contiguous to the lot on which the use being served is located; or

(2) said other lot is within three hundred (300) feet of the lot on which the use being served is located and the use being served is nonresidential; or

(3) said lot is within three thousand (3000) feet of the lot on which the use being served is located, such use is an institutional use listed in Subsection 6.36.3b and said use is located within a five acre area containing one or more lots, contiguous except for streets, owned by a single institution; and

(b) said lot is not now and was not within the past five (5) years the location of a preferably preserved significant building (as defined in the General Ordinances of Cambridge) as determined by the Cambridge Historical Commission.

(c) however, no off site accessory parking facilities shall be allowed to meet the requirements for Subsection 6.36.5h “Theatre or hall for public gatherings”.

6.22.2 The Board of Zoning Appeal may grant a special permit for off site accessory parking not allowed in Subsection 6.22.1 (a) provided that convenient and safe access from the parking facility to the use being served is provided in accordance with the following conditions:

(a) No off site accessory parking facility may be located on a lot which has a more restrictive zoning classification than the lot on which the use being served is located.

(b) Off site accessory parking facilities shall be located within four hundred (400) feet of the lot being served for residential uses and within one thousand (1000) feet of the lot for other uses.

6.22.3 [PARAGRAPH DELETED]

6.22.4 Accessory off street parking spaces required under the provisions of this Article 6.000 need not be in the City of Cambridge.

6.22.5 Distance Measurements For Parking Facilities. In all cases where distance measurements between a lot and off site parking facilities or other specified area are specified in this Article 6.000, such distance shall be measured as a straight line from the nearest point for the lot on which the off site accessory parking is located, to the nearest transit station entrance, or to the nearest street line or other boundary of another specified area.

6.23 *Control of Off Site Parking Facilities.* Where accessory parking facilities are allowed on land other than the lot on which the use being served is located said other land shall be in identical ownership or binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings or to the special permit granting authority, that the off site parking will continue to be available for the period during which the use or uses that the parking serves may be expected to be in existence. Such commitments shall be evidenced by negotiated lease agreement, recorded covenant or comparable legal instrument. Such instrument shall be duly recorded at the Middlesex County Registry of Deeds and certification of such recording provided to the Superintendent of Buildings or the special permit granting authority.

6.30 PARKING QUANTITY REQUIREMENTS

6.31 *Required Amount of Parking.* Off street parking facilities shall be provided for each use of a lot or structure in the amount specified in the schedule of parking requirements contained in Subsection 6.36. Said schedule specifies the amount of accessory off street parking required for each type of land use listed in “Table of Use Regulations” in this Ordinance. The amount of required parking is also based on the intensity of development permitted in the district in which the use is located.

6.31.1 The schedule of parking requirements in Subsection 6.36 specifies the unit of measure requiring the provision of one parking space. Square footage requirements are geared to gross floor area. Each unit of measure, however, shall specifically not apply to any Gross Floor Area devoted to parking facilities, which shall not require the provision of any accessory parking.

6.31.2 In general the schedule in Subsection 6.36 specifies a minimum requirement, but in some instances a maximum amount of parking is stipulated [Example: for a general office use (6.36.4 d) in a Business C district, the minimum requirement is one space per 800 square feet of gross floor area and the maximum is one space per 400 square feet of gross floor area.] Where there are two such listings the first is the minimum requirement and the second is the maximum limitation. Relief from both the minimum parking requirement and maximum parking limitation may be obtained only after the grant of a special permit as provided in Section 6.35 below. With the grant of a special permit the maximum parking limitation may be exceeded provided, however, that the provisions with regard to gross floor area as set forth in Section 6.31.3 are met.

6.31.3 Any parking spaces provided in excess of the maximum requirements specified in Section 6.36 shall be counted in determining Gross Floor Area. In such cases a proportional share of the entire parking facility (not only the area of the spaces) shall be credited toward Gross Floor Area. The area counted as Gross Floor Area shall be determined by multiplying the total area of the parking facility by the percentage that the proposed number of spaces exceeds the maximum allowed number of spaces.

6.31.4 For uses not listed in Subsection 6.36, the Board of Zoning Appeal shall determine the required amount of parking if it issues a use variance for such use.

6.31.5 All commercial uses shall also be required to provide a parking space for each commercial vehicle customarily used in conjunction with the operation of such use at such location.

6.32 *Parking Exemptions*

6.32.1 *Small Business.* The minimum amount of parking required by Subsection 6.36 Schedule of Parking and Loading Requirements shall be waived for any nonresidential use in an office, business, or industrial district if such use would require four (4) or fewer spaces. However, such nonresidential use shall be located in a building or row of attached buildings which contains a total of ten thousand (10,000) square feet or less of gross floor area devoted to nonresidential use.

6.32.2 *Institutions.* Where an institution provides dormitory, fraternity, faculty, employee or other 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, similar educational areas or dining facilities normally used by such residential occupants. In order to qualify for such deduction, the institutional applicant shall submit to the Building Department the institution's current residential parking plan clearly indicating the location of all existing and proposed residential parking facilities available at the institution.

6.33 *Computation.* Where a building or lot is used by two or more activities that fall into different classes of use in Subsection 6.36, the off street parking required shall be the sum of the requirements for each individual use. Required parking spaces for accessory uses shall be determined in the same manner as for principal use. Where the computation results in a fractional number, only a fraction of one half or more shall be counted as one. Where the computation of required parking for a building with more than one class of use results in multiple fractional numbers, such fractions shall be carried to the final sum.

6.34 *Parking Space Size Allocation.* In all parking facilities required to have five or more spaces, a combination of regular and compact spaces may be provide; however, no more than fifty (50) percent of the required spaces shall be designed for compact cars (as specified in Subsection 6.42). All off street parking facilities shall contain spaces designed for handicapped access. The number of such spaces shall be determined by the requirements of the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts."

6.35 *Relief from Parking Requirements.* Any required amount of parking may be reduced by issuance of a special permit from Board of Zoning Appeals, as provided below. However, handicapped parking required by Subsection 6.34, and commercial vehicle parking required by Subsection 6.31.5 shall not be reduced from the original requirement. Bicycle parking requirements may not be modified pursuant to this Section 6.35, and may be modified only as allowed in Section 6.100. The parking maximum limitation may be exceeded only with the grant of a special permit from the Planning Board, as provided below, subject to the provisions with regard to Gross Floor Area as provided in Section 6.31.3.

6.35.1 Reduction of Required Parking. Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

(1) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.

(2) The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.

(3) Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.

Example: Office and Theatre uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theatre requires a minimum of one hundred (100). Seventy-five (75) percent of the lesser minimum requirement is seventy-five (75) (75% of 100). Therefore seventy-five (75) spaces can be shared but twenty-five (25) (100-25) would still be required, making the total amount or required parking for both uses (150 + 25) one hundred and seventy-five (175).

(4) Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and

(5) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.

(6) The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.

For a project seeking a reduction in required off-street parking for residential uses, a Parking Analysis shall be required as part of the Special Permit Application as set forth in Section 6.35.3.

6.35.2 Exceeding Maximum Allowed Parking. Any maximum allowed amount of parking may be exceeded only upon issuance of a special permit from the Planning Board. Any parking area in excess of the maximum limitation will have an impact on calculation of gross floor area as provided at Section 6.31.3. The Planning Board shall grant a special permit to allow exceedance of a maximum limitation only upon making the following determinations:

(1) Reasonable parking and transportation demand management measures are being implemented to reduce the need for the additional off street parking;

(2) The additional spaces reflect parking demand that exceeds that which is common for this use as categorized in Section 6.36, owing to unique characteristics of the users or the activity that result in a high level of automobile parking demand;

(3) The additional parking demand cannot reasonably be accommodated through contract or other arrangement making use of available off-site parking;

(4) The additional parking will provide positive environmental or other benefits to the users of the lot, to the neighborhood and the City which outweigh adverse effects, after consideration of the following: congestion, traffic increases on residential streets, danger to public safety or deterioration of travel conditions for pedestrians, cyclists or users of public transit.

In its decision the Planning Board shall cite evidence supporting its determinations, and may impose such conditions as are necessary to mitigate all negative impacts on the neighborhood and the environment which would otherwise result from the greater allowed amount of parking.

6.35.3 *Parking Analysis*

6.35.31 The purpose of a Parking Analysis is to provide quantitative data to assist a special permit granting authority in considering certain projects. A Parking Analysis shall be submitted where it is specifically required by any provision of this Zoning Ordinance. A special permit granting authority may also request that elements of a Parking Analysis be provided when considering a project that proposes a deviation from parking requirements specified in the Zoning Ordinance or an increase in development density above the maximum allowed as-of-right under base zoning regulations.

6.35.32 Where a Parking Analysis is specifically required by any provision of this Zoning Ordinance, the proponent shall first consult with the Traffic, Parking and Transportation Department to determine the scope and methodology of such an analysis. The results of the Parking Analysis shall be included in any Special Permit Application for the project.

6.35.33 For residential projects, a Parking Analysis shall include some or all of the following, with the specific type and level of analysis to be determined by the Traffic, Parking and Transportation Department based on the relevant characteristics of the proposal:

(a) Estimates of the project's parking demand, as evidenced by vehicle ownership rates and peak parking occupancy data for comparable nearby residential projects, resident parking permit and motor vehicle registration data for the area, and/or other indicators of parking demand. These estimates should account for daytime and nighttime parking. Estimates may account for differences in parking demand given the occupancy of units, such as owner-occupied vs. rental units, market-rate vs. below-market-rate units, or elderly-oriented vs. conventional units. Estimates may also account for anticipated vacancy rates.

(b) Maps showing the distance to alternate transportation options in the area, including MBTA rapid transit stations and bus routes, bike facilities, and car-sharing services.

(c) Studies of on-street parking capacity and utilization in the vicinity of the project. Such studies should be conducted at night, and should account for the normal activity hours of other land uses in the area.

(d) Where applicable, inventories and peak occupancy data for nearby off-site parking that will be available to the project's residents or visitors, either on a round-the-clock basis or by way of a shared use arrangement. Private, off-site parking shall only be applicable to the analysis if a long-term leasing arrangement is proposed to be made.

Shared parking arrangements should be studied thoroughly to determine the minimum amount of parking required to satisfy the demand from all proposed land uses during any given time period.

(e) A description of measures that will be implemented to reduce demand for private automobile use, such as the availability of car-sharing programs and/or incentives for residents or employees to walk, bicycle, or use public transportation, and estimates of the anticipated impact of those measures on parking demand.

6.36 *Schedule of Parking and Loading Requirements.* Off street parking shall be provided as shown in the following table. Where one entry is given in the table, it is the minimum requirement. All square foot measurements refer to gross floor area unless specified otherwise. The abbreviation “d.u.” means dwelling unit. The abbreviation n/a means not applicable. In cases where a requirement is expressed in number of seats, twenty (20) square feet of public floor area shall equal one seat if there are no fixed seats. One column of the table contains the loading requirement standard applicable under Section 6.80 for each use and two columns refer to the Long-Term Bicycle Parking and Short-Term Bicycle Parking requirements applicable under Section 6.107 for each use.

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
6.36.1	**Residential Uses**							
a.	Detached dwelling occupied by not more than one family	1 per d.u.	1 per d.u.	1 per d.u.	1 per d.u.	n/a	R1	R1
b.	Two family dwelling	1 per d.u.	1 per d.u.	1 per d.u.	1 per d.u.	n/a	R2	R2
c.	Existing one-family detached dwelling converted for two families	1 per d.u.	1 per d.u.[1]	1 per d.u.[1]	1 per d.u.[1]	n/a	R1	R1
d.	Townhouse development[2]	1 per d.u.[3]	1 per d.u.[3]	1 per d.u.	1 per d.u.	n/a	R2	R2
e.	Elderly oriented housing, elderly oriented congregate housing	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	n/a	R3	R3
f.	Existing dwelling converted for elderly oriented congregate housing	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	1 per 2 d.u.'s[4]	n/a	R3	R3
g.	Multifamily dwelling	n/a	1 per d.u.[3]	1 per d.u.	1 per d.u.	n/a	R2	R2
h.	Existing dwelling converted for more than two families	n/a	1 per d.u.[1]	1 per d.u.[1]	1 per d.u.[1]	n/a	R2	R2
i.	Transient and nonfamily accommodations							
	1. Tourist house in an existing dwelling	n/a	1 per d.u. + 1 per 4 guest rooms	1 per d.u. + 1 per 4 guest rooms	1 per d.u. + 1 per 4 guest rooms	n/a	R5	R5
	2. Hotel	n/a	1 per 2 sleeping rooms[5]	1 per 2 sleeping rooms[5]	1 per 2 sleeping rooms[5]	E	R5	R5
	3. Motel	n/a	1 per motel unit[5]	1 per motel unit[5]	1 per motel unit[5]	E	R5	R5
	4. Lodging House	n/a	1 per 4 bedrooms + one	1 per 4 bedrooms + one	1 per 4 bedrooms + one	E	R4	R4
j.	Trailer park or mobile home park	n/a	1 per d.u.	1 per d.u.	n/a	n/a	R2	R2
6.36.2	**Transportation, Communication & Utility Uses**							
a.	Bus or railroad passenger station	n/a	1 per 300 sq. ft.	1 per 500 sq. ft.	1 per 900 sq. ft.	n/a	N5	N3
b.	Automobile parking lot or parking garage for private passenger cars	n/a	n/a	n/a	n/a	n/a	P	P
c.	Railroad freight terminal, railroad yards and shops	n/a	n/a	n/a	1 per 2400 sq. ft.	A	N5	N5
d.	Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses; parking lot for trucks	n/a	n/a	1 per 2000 sq. ft.	1 per 2400 sq. ft.	A	N5	N5

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
e. Radio and television transmission station, including towers	n/a	1 per 600 sq. ft. of office space	1 per 800 sq. ft. of office space	1 per 1000 sq. ft. of office space	A	N5	N5
f. Radio and television studio	n/a	1 per 600 sq. ft.	1 per 800 sq. ft.	1 per 1000 sq. ft.	D	N1	N5
g. Telephone exchange, transformer station, substation, gas regulator, or pumping station	n/a[6]	1 per 600 sq. ft. of office space	1 per 800 sq. ft. of office space	1 per 1000 sq. ft. of office space	A	N5	N5
6.36.3 Institutional Uses							
a. Religious Purposes							
1. Place of worship	1 per 5 seats or 100 sq. ft. of public floor area[7]	1 per 8 seats or 100 sq. ft. or public floor area[7]	1 per 15 seats or 300 sq. ft. of public floor area[7]	1 per 20 seats or 400 sq. ft. of public area[7]	F	N5	N3
2. Rectory, parsonage	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	n/a	R1	R1
3. Convent, monastery	1 per 4 sleeping rooms	1 per 4 sleeping rooms	1 per 4 sleeping rooms	1 per 4 sleeping rooms	n/a	R4	R4
4. Social or recreation center	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1500 sq. ft.	1 per 2000 sq. ft.	F	N5	N3
5. Other use with religious purposes	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1500 sq. ft.	1 per 2000 sq. ft.	F	N5	N3
b. Educational Purposes							
1. Preschool, day care center kindergarten	3 per 2 instructional rooms, or 1 per 5 seats in the main auditorium, whichever is greater				F	E1	E1
2. Primary School	3 per 2 instructional rooms, or 1 per 5 seats in the main auditorium, whichever is greater				F	E1	E1
3. Secondary School	5 per instructional room or 1 per 5 seats in the main auditorium, whichever is greater				F	E1	E1
4. College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis.	n/a	1 per 5 seats or 100 sq. ft. public floor area	1 per 15 seats or 300 sq. ft. public floor area	1 per 20 seats or 400 sq. ft. public floor area	F	E2[15]	E3[15]

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high intensity electromagnetic radiation or chemical or biological processes which could entail a high level of danger to the public health.	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	F	E2	E2
6. Other college or university faculty							
a. Dining halls, canteens and similar eating facilities	1 per 20 seats	1 per 20 seats	1 per 40 seats	1 per 60 seats	E	E2	E3
b. Administrative faculty and staff offices, teaching facilities, libraries, museums, service facilities and facilities not specified in 6.36.3-4, 5, or 8.	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 600 sq. ft 1 per 300 sq. ft	1 per 1000 sq. ft 1 per 500 sq. ft	1 per 1800 sq. ft. 1 per 1200 sq. ft.	F	E2	E2
7. Vocational or other schools	n/a	6 per instructional room	6 per instructional room	6 per instructional room	F	E1	E1
8. Group residential and related facilities							
a. Dormitories	n/a	1 per 4 beds + 1	1 per 8 beds + 1	1 per 8 beds + 1	E	R4	R4
b. Fraternities and sororities	n/a	1 per 2 beds	1 per 4 beds	1 per 4 beds	E	R4	R4
c. Non-Commercial Research Facilities							
1. Laboratory or other research facility customarily involving research with radioactive materials, controlled substances, radiation or chemical or biological processes potentially entailing a high level of danger to the public health and safety	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F	N2	N5
2. Private library or study center	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 600 sq. ft.	1 per 1200 sq. ft.	F	N5	N3
3. Other noncommercial research facilities	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F	N2	N5
d. Health Care Facilities							
1. Hospital	n/a	1 per 3 beds plus 1 per emergency or outpatient examining table, bed or facility	1 per 4 beds plus 1 per emergency or outpatient examining table, bed or facility	1 per 5 beds plus 1 per emergency or outpatient examining table, bed or facility	E	N3	N4
2. Infirmary	n/a	1 per 6 beds	1 per 8 beds	1 per 10 beds	E	N3	N4

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
3. Nursing home, convalescent home	n/a	1 per 6 beds	1 per 8 beds	1 per 10 beds	E	N3	N4
4. Clinic not affiliated with any other institution	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E	N3	N3
5. Clinic affiliated with a hospital or accredited university medical school	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E	N3	N3
6. Clinic connected to a community center	1 per 300 sq. ft.	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E	N3	N3
7. Other health care facilities	n/a	1 per 300 sq. ft.	1 per 400 sq. ft.	1 per 500 sq. ft.	E	N3	N3
e. Social Service Facilities							
1. Social service center	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 1800 sq. ft.	F	N5	N3
2. Community center	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 1800 sq. ft.	F	N5	N3
3. Community residence	n/a[6]	n/a[6]	n/a[6]	n/a[6]	E	R4	R4
4. Personal Care lodging house	n/a	n/a[6]	n/a[6]	n/a[6]	E	R4	R4
f. Local government							
1. Administrative office	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F	N1	N3
2. Fire or police station	2 per engine company for fire; 1 per 600 sq. ft. 1 per 300 sq. ft. for police	2 per engine company for fire; 1 per 600 sq. ft. 1 per 300 sq. ft. for police	2 per engine company for fire; 1 per 800 sq. ft. 1 per 400 sq. ft. for police	2 per engine company for fire; 1 per 1000 sq. ft. 1 per 670 sq. ft. for police	n/a	N3	N5
3. Library or museum	1 per 600 sq. ft.	1 per 600 sq. ft.	1 per 1000 sq. ft.	1 per 800 sq. ft.	F	N5	N3
4. Municipal service facilities	1 per 2 employees	1 per 2 employees	1 per 2 employees	1 per 2 employees	A	N1	N3
5. Public parks, playgrounds or public recreation building	0	0	0	0	n/a	N5[15]	N3[15]
g. Other governmental facilities	n/a	n/a	n/a	n/a	n/a	N3	N5
h. Other institutional uses							
1. Club, lodge or other fraternal or sororal meeting facility	1 per 6 members based on maximum rated capacity	1 per 6 members based on maximum rated capacity	1 per 8 members based on maximum rated capacity	1 per 10 members based on maximum rated capacity	F	N5	N3

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
	2. Museum or noncommercial gallery (including facilities for cultural and ethnic heritage appreciation)	600 sq. ft.	600 sq.. ft.	1000 sq. ft.	1800 sq. ft.	F	N5	N3
	3. Cemetery	0	0	0	0	n/a	N5	N5
	4. Other institutional use	n/a[6]	n/a[6]	n/a[6]	n/a[6]	F	n/a[6]	n/a[6]
6.36.4	**Office and Laboratory Use**							
a.	Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d) n/a	n/a	1 per 300 sq. ft. 1 per 150 sq. ft.	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 500 sq. ft. 1 per 330 sq. ft.	F	N1	N5
b.	Office of an accountant, attorney, or other nonmedical professional person n/a	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	F	N1	N5
c.	Real estate, insurance or other agency office n/a	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	F	N1	N5
d.	General office use n/a	n/a	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 500 sq. ft.	F	N1	N5
e.	Bank, trust company or similar financial institution	(ground floor) n/a	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 530 sq. ft.	F	N1	N3
		(upper floor)	11 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	F	N1	N5
f.	Technical office for research development laboratory or research facility subject to the restrictions in Section 4.21(m)	n/a	1 per 1050 sq. ft.[8] 1 per 525 sq. ft.	1 per 1050 sq. ft.[8] 1 per 525 sq. ft.	1 per 1340 sq. ft.[8] 1 per 670 sq. ft.	F	N2	N5
6.36.5	**Retail Business and Consumer Service Establishments**							
a.	Store for retail sale of merchandise							
	1) Establishment providing convenience goods[12]	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	B	N4	N1
	2) Other retail establishments	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 500 sq. ft.	1 per 900 sq. ft. 1 per 600 sq. ft.	B	N4	N2
b	Place for the manufacturing, assembly or packaging of consumer goods	n/a	1 per 800 sq. ft.	1 per 1200 sq. ft.	1 per 1600 sq. ft.	A	N5	N5

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
c.	Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self service laundry or other similar establishment	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D	N4	N2
d.	Hand laundry, dry cleaning or tailoring shop	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	D	N4	N2
e.	Lunchroom, restaurant, cafeteria	1 per 5 seats[9] n/a	1 per 10 seats[9] 1 per 2.5 seats	1 per 15 seats[9] 1 per 5 seats	1 per 10 seats	C	N3	N1
f.	Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided.							
	1) Lunchroom, restaurant or cafeteria	n/a	1 per 5 seats[9] 1 per 2.5 seats	1 per 10 seats[9] 1 per 5 seats	1 per 15 seats[9] 1 per 10 seats	C	N3	N1
	2) Bar Saloon, or other establishment serving alcoholic beverages but which is not licensed to prepare or serve food	1 per 5 seats[9] n/a	1 per 10 seats[9] 1 per 2.5 seats	1 per 15 seats[9] 1 per 5 seats1 per 10 seats	1 per 10 seats	C	N3	N1
g.	Bar or other establishment where alcoholic Beverages are sold or consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	n/a	1 per 5 seats 1 per 2.5 seats	1 per 10 seats 1 per 5 seats	1 per 15 seats 1 per 10 seats	C	N3	N1
h.	Theatre or hall for public gathering	n/a	1 per 5 seats 1 per 2.5 seats	1 per 10 seats 1 per 5 seats	1 per 15 seats 1 per 10 seats	F	N5	N1
i.	Commercial recreation	n/a	1 per 6 persons based on maximum permitted capacity	1 per 6 persons based on maximum permitted capacity	1 per 6 persons based on maximum permitted capacity	F	N4	N1
j.	Mortuary, undertaking or funeral establishment	n/a	4 per chapel, parlor or reposing room	4 per chapel, parlor or reposing room	4 per chapel, parlor or reposing room	F	N4	N2
k.	Printing shop, photographer's studio	1 per 500 sq. ft. n/a	1 per 700 sq. ft. 1 per 250 sq. ft.	1 per 900 sq. ft. 1 per 350 sq. ft.	1 per 600 sq. ft.	F	N4	N2
l.	Animal Services							

	Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
	1) Veterinary establishment, kennel	n/a	1 per 300 sq. ft. 1 per 150 sq. ft.	1 per 400 sq. ft. 1 per 200 sq. ft.	1 per 500 sq. ft. 1 per 330 sq. ft.	F	N3	N3
	2) Pet shop or similar establishment	n/a	1 per 500 sq. ft. 1 per 250 sq. ft.	1 per 700 sq. ft. 1 per 350 sq. ft.	1 per 900 per 1 per 600 sq. ft.	F	N4	N2
m.	Sales place for new and used cars, vehicle rental agencies	n/a	1 per 1000 sq. ft. 1 per 500 sq. ft.	1 per 1400 sq. ft. 1 per 700 sq. ft.	1 per 1800 sq. ft. 1 per 1200 sq. ft.	C	N5	N5
n.	Office including display or sales spaces of a wholesale jobbing or similar establishment	n/a	1 per 600 sq. ft. 1 per 300 sq. ft.	1 per 800 sq. ft. 1 per 400 sq. ft.	1 per 1000 sq. ft. 1 per 670 sq. ft.	C	N1	N5
o.	Fast Order Food Establishment	n/a	n/a[6]	n/a[6]	n/a[6]	C	N3	N1
p.	Art/Craft Studio[13]	n/a	1 per 1000 sq. ft.	1 per 1000 sq. ft.	1 per 1000 sq. ft.	n/a	N1	N5
6.36.6	**Open Air or Drive In Retail and Service**							
a.	Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden	n/a	1 per 330 sq. ft. 1 per 170 sq. ft.	1 per 450 sq. ft. 1 per 230 sq. ft.	1 per 600 sq. ft. 1 per 400 sq. ft.	D	N4[15]	N2[15]
b.	Automobile oriented fast order food service establishments	n/a	n/a[6]	n/a[6]	n/a[6]	C	N3[15]	N1[15]
c.	Drive in bank and other retail or consumer service establishment where motorist does not have to leave his car	n/a	n/a[6,10]	n/a[6,10]	n/a[6,10]	D	N1[15]	N5[15]
d.	Outdoor amusement park, outdoor sports facility conducted for profit	n/a	n/a[6]	n/a[6]	n/a[6]	n/a	N4[15]	N1[15]
e.	Open air or drive in theatre or other open air place of entertainment	n/a	n/a	1 per 2000 sq. ft. of lot area	1 per 2000 sq. ft. of lot area	n/a	N4[15]	N1[15]
f.	Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobile, trailers, motorcycles, conducted partly or wholly outdoors	n/a	1 per 1000 sq. ft. of sales area	1 per 1400 sq. ft. of sales area	1 per 1800 sq. ft. of sales area	C	N5[15]	N5[15]
g.	Automobile service station where no major repairs are made	n/a	2 spaces per bay but not less than 1 space[10]	2 spaces per bay but not less than 1 space[10]	2 spaces per bay but not less than 1 space[10]	D	N5[15]	N5[15]
h.	Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles	n/a	n/a[6,10]	n/a[6,10]	n/a[6,10]	D	N5[15]	N5[15]

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
i.	Place for exhibition, lettering or sale of gravestones	n/a	1 per employee plus 1 per establishment	1 per employee plus 1 per establishment	1 per employee plus 1 per establishment	D	N5[15]	N5[15]
6.36.7	**Light Industry, Wholesale, Business and Storage**							
a.	Assembly or packaging of articles	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
b.	Manufacture, processing, assembly and packaging the following:							
	1. Clothing but not the manufacture of the cloth or other material of which the cloth is made	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	2. Food products, including bakery confectionery and dairy products	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	3. Drugs	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	4. Electrical, electronic and communication instruments	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	5. Engineering, laboratory and scientific instruments, temperature controls	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	6. Jewelry, insignia, emblems and badges, lapidary, scale models, dolls, costume jewelry and costume novelties	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	7. Lamp shades except of glass or metal	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	8. Leather goods, excluding footwear and saddlery	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	9. Medical and dental instruments and supplies, optical instruments and lenses	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	10. Paper and paperboard products	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A.	N5	N5
	11. Pens and pencils	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	12. Plaster of paris or paper mache products	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5

Land Use Category		Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
	13. Office machines, including cash registers, computing machines and typewriters, scales and balances	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	14. Umbrellas, parasols and canes	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
	15. Watches, clocks, watchcases, clockwork mechanisms	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
c.	Bottling of beverages	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
d.	Distribution center, parcel delivery center, delivery warehouse	n/a	1 per 1600 sq. ft.	1 per 2000 sq. ft.	1 per 2400 sq. ft.	A	N5	N5
e.	Laundry, dry cleaning plant	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
f.	Printing, binding, published and related arts and trades	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
g.	Auto body or paint shop	n/a	2 per bay	2 per bay	2 per bay	A	N5	N5
h.	Automotive repair garage	n/a	2 per bay	2 per bay	2 per bay	A	N5	N5
i.	Food commissary	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
j.	Wholesale business and storage in roofed structure, but not including wholesale storage of flammable liquid, gas or explosives	n/a	1 per 1600 sq. ft.	1 per 2000 sq. ft.	1 per 2400 sq. ft.	A	N5	N5
k.	Storage warehouse, cold storage plant, storage building	n/a	1 per 1600 sq. ft.	1 per 2000 sq. ft.	1 per 3000 sq. ft.	A	N5	N5
l.	Open lot storage of new building materials, machinery and new metals	n/a	1 per 1600 sq. ft. lot area.	1 per 2000 sq. ft. lot area.	1 per 3000 sq. ft. lot area	A	N5[15]	N5[15]
m.	Open lot storage of coal, coke, sand or other similar material, or such storage in silos or hoppers	n/a	1 per 1600 sq. ft. lot area	1 per 2000 sq. ft. lot area	1 per 3000 sq. ft. lot area	A	N5[15]	N5[15]
6.36.8	**Heavy Industry**							
a.	Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts	n/a	n/a	n/a	n/a[6]	A	N5	N5

Land Use Category	Open Space, Res A-1, A-2, Res B	Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3[14], Ind A-1, Ind B-2, Ind C	Bus. C, C-1, Ind A, Off 2, 2A, Res C-2, C-2A, Res C-2B, Bus A (res)A-4	Ind B-1, Res C-3, C-3A, C-3B, Off 3-A, 3, Bus B, Ind A-2, Ind B, Bus B-1, B-2	Loading Facility Category	Long-Term Bicycle Parking (6.107.2)	Short-Term Bicycle Parking (6.107.3)
b. Rendering or preparing of grease, tallow, fats, and oils, manufacturing or shortening, table oil, margarine and other food oils, but not including garbage, dead animals, offal or refuse reduction	n/a	n/a	n/a	1 per 2000 sq. ft.	A	N5	N5
c. Stone cutting, shaping, and finishing, in completely enclosed buildings	n/a	1 per 1600 sq. ft.	1 per 2000 sq. ft.	1 per 3000 sq. ft.	A	N5	N5
d. Textile mill, except mill for processing of jute, burlap, or sisal	n/a	n/a	n/a	1 per 2000 sq. ft.	A	N5	N5
e. Manufacturing, processing, assembly, packaging or other industrial operation, but the following are expressly prohibited 1. Acid manufacture 2. Cement, lime, gypsum manufacture 3. Explosives or fireworks manufacture 4. Glue manufacture 5. Incineration or reduction of garbage, offal or dead animals 6. Petroleum Refining 7. Smelting of zinc, copper, tin or iron ores 8. Stockyard or abattoir	n/a	1 per 1200 sq. ft.	1 per 1600 sq. ft.	1 per 2000 sq. ft.	A	N5	N5
f. Open lot storage of second hand lumber or other used building material	n/a	1 per 1600 sq. ft. of lot area	1 per 2000 sq. ft. of lot area	1 per 3000 sq. ft. of lot area	n/a	N5[15]	N5[15]
g. Open lot storage of junk, scrap, paper, rags, unrepaired or unclean containers or other salvage articles	n/a	1 per 1000 sq. ft. of lot area	1 per 2000 sq. ft. of lot area	1 per 3000 sq. ft. of lot area	n/a	N5[15]	N5[15]

Parking Table Footnotes

1. Required parking may be reduced if a special permit is granted by the Board of Appeals upon determination that the criteria of Subsection 6.35 will be satisfied.
2. See also Section 11.16.
3. Special permit granting authority may require visitor spaces in excess of the minimum requirement.
4. The requirement for elderly oriented housing may be reduced below the requirement specified in the table but not below one space per four dwelling units.
5. Additional parking spaces shall be provided for public restaurants in excess of two thousand (2000) square feet for a hotel or motel containing up to one hundred (100) rooms, in excess of five thousand (5000) square feet for one containing between one hundred and one (101) rooms and two hundred and fifty (250) rooms, and eight thousand (8,000) square feet in one containing more than two hundred and fifty (250) rooms. The number of such spaces shall equal fifty (50) percent of the requirement for such uses specified in Subsection 6.36.5. Additional parking spaces shall also be provided for function rooms in an amount equal to one space per three hundred (300) square feet of floor area contained in such rooms.
6. The amount of parking and bicycle parking required for this use shall be at the discretion of the special permit granting authority. In making its determination of required parking, the Board shall consider the size of the staff customarily occupying the premises, the nature of the client, resident, or customer population and the extent to which additional off street parking will be detrimental to the physical character of the neighborhood.
7. The required number of spaces shall be reduced by not more than fifty (50) percent if the place of worship is located within five hundred (500) feet of any public parking facility or any other parking facility where an equivalent number of spaces are available without charge during the time of services.
8. The requirement for areas devoted to fabrication shall be based on the parking requirement for the applicable industrial use category listed in Subsection 6.36.7 or 6.36.8.
9. This requirement shall not apply to accessory employee cafeterias.
10. A queue line for five (5) cars shall be provided for each window, bay, or other service providing unit. Such unit shall not block any parking spaces and shall be in addition to other applicable requirements.
11. A queue line for three (3) cars or comparable loading or live parking area shall also be provided for dropping off and picking up students.
12. Providing that the establishment is located in a structure also containing nonretail uses, and that no establishment shall exceed two thousand five hundred (2,500) square feet of gross floor area.
13. In Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28.
14. No accessory parking or loading shall be required for any permitted nonresidential use in Business A-3 district.
15. Also see Subsection 6.107.4 regarding bicycle parking for Open-Air Uses.

6.37 *Bicycle Parking. Refer to Section 6.100.*

6.40 DESIGN AND MAINTENANCE OF OFF STREET PARKING FACILITIES

6.41 *Purpose.* The regulations governing the design and maintenance of off street parking facilities are intended to protect the health, safety and welfare of the users of the parking facility and of abutting properties, including pedestrians and motorists. Therefore, the regulations herein provide for internal and perimeter landscaping, planting, walls, fences and other improvements to reduce noise, glare or reflection from autos, lights, fumes and the like, and minimum standards for parking space and aisle dimensions to ensure safe traffic circulation within the parking facility and from entrances and exits.

6.42 *Dimensions for Off Street Parking Spaces.* The minimum dimensions for off street parking spaces, exclusive of drives and maneuvering spaces, shall be as follows:

Space	Equivalent 90° Width	Equivalent 90° Depth	Vertical Clearance	Minimum Angel of Parking	Width of Aisles
Regular	8 1/2 feet	18 feet	7 1/2 feet	60°	22 feet
Compact Car	7 1/2 feet	16 feet	7 1/2 feet	60°	20 feet
Handicapped	12 feet	18 feet	7 1/2 feet	60°	22 feet

6.43 *Access for Off Street Parking Facilities.* Off street parking facilities shall have maneuvering areas and appropriate means of vehicle access to a street and shall be so designed as not to constitute a nuisance, hazard, or unreasonable impediment to traffic.

6.43.1 All parking spaces within the Business B-1 and Business B-2 districts shall be both covered and enclosed. All vehicle access for office and retail uses in those districts shall be from Massachusetts Avenue or from a side street perpendicular to it that will allow traffic flow toward Massachusetts Avenue. The open area of any lot in the Business B-1 and Business B-2 districts devoted to vehicular movements such as driveways shall be not more than the minimum necessary for vehicular access to covered and enclosed parking.

6.43.2 The layout of parking spaces shall permit entering and exiting without moving any other vehicles parked in other spaces except where more than one space is provided for any dwelling unit, such spaces may be located in tandem to the required parking spaces for that dwelling unit.

6.43.3 Curb cuts for off street parking facilities shall comply with the following standards:

(a) In Residential districts, the maximum width of a curb cut shall be twenty (20) feet at the street line.

(b) In Open Space, Business, Office and Industrial districts, the maximum width of a curb cut shall be thirty (30) feet.

(c) No more than one curb cut per lot for lots with less than one hundred (100) feet of frontage shall be allowed. A maximum of one curb cut for every one hundred (100) feet of street frontage or portion thereof shall be allowed for lots having frontage in excess of one hundred feet.

6.43.4 Driveways for off street parking facilities shall comply with the following standards:

(a) The minimum width for a one way driveway shall be ten (10) feet.

(b) No driveway curb cut shall be located closer than twenty five (25) feet to a street intersection or within fifteen (15) feet of a crosswalk.

(c) The grade and design of any driveway providing access to an off street parking facility shall permit a clear view, to the driver of any car exiting from the facility, of traffic on the street and of pedestrians.

6.43.5 The Board of Zoning Appeal may grant a special permit modifying the provisions of this subsections 6.43 in accordance with the following conditions:

(a) The provisions for layout of parking spaces in paragraph 6.43.2 may be modified where there is a valet parking arrangement for an off street parking facility.

(b) The maximum curb cut width specified in paragraphs 6.43.3 (a) and 6.43.3 (b) may be modified if the Board determines that an increased curb cut width would facilitate traffic and safety.

(c) The maximum of one curb cut for every one hundred (100) feet of street frontage as required in paragraph 6.43.3 (c) may be modified if the Board determines that traffic and safety would be facilitated by exceeding this maximum.

(d) The distance of driveways from street corners or crosswalks as required in paragraphs 6.43.4 (b) may be modified if the Board determines that an alternate arrangement would better facilitate traffic and safety.

6.43.6 The Board of Zoning Appeal may grant a special permit authorizing owners of adjacent properties to establish common driveways under mutual easements but such special permit shall not become effective until an appropriate easement has been duly recorded at the Middlesex County Registry of Deeds.

6.44 *Layout of Off Street Parking Facilities.* Any parking facility located within a structure, unless it is completely underground, must conform to the yard requirements for the zoning district in which it is located. On grade, open parking spaces may be located in required yards only as provided in this Subsection 6.44.

6.44.1 Setbacks for on grade open parking facilities shall be provided as follows:

(a) No on grade open parking space shall be located within ten (10) feet of that portion of a building wall containing windows of habitable or occupiable rooms at basement or first story. However, on grade open parking spaces serving one, two, or three family dwellings may be located within five (5) feet of that portion of such building wall.

(b) Except for one, two, or three family dwellings existing at the time of the effective date of this Ordinance or amendment thereto, no on grade open parking space or driveway shall be located within five (5) feet of any side or rear property line.

(c) No on grade open parking space shall be located within a required front yard setback

(d) The area between the required parking setback line and the building or lot line shall be landscaped and maintained in accordance with the requirements of Subsection 6.48.

(e) No on grade open parking shall be allowed in a Residence C-2A district within one hundred and twenty five (125) feet of a Residence A-1, A-2, B, C, C-1, C-2, or C-2B District.

(f) In an Industry C district, no parking lot shall be located within fifty (50) feet of a residential district or within twenty five (25) feet of an open space district, a park or public recreation area or the right of way of a designated parkway.

(g) The Board of Zoning Appeal may grant a special permit to allow for modification of the requirements in 6.44.1 (a) or (b) if site specific factors favor such modification.

6.44.2 All roads, streets, alleys, sidewalks and other public rights of way and all landscaped areas shall be protected from vehicular overhang by wheel bumpers, curbs or other suitable method except those off street parking facilities provided for one, two or three family dwellings.

6.44.3 Off street parking facilities shall be marked so as to indicate clearly the space to be occupied by each vehicle, in accordance with the dimensions specified in Subsection 6.42 and including directional arrows and traffic signs as necessary for traffic control. Such markings shall be maintained so as to be plainly visible.

6.45 *Drainage, Surfacing, and Maintenance.* All sections of off street parking facilities which are not landscaped according to the requirements of Subsection 6.48 shall be graded, surfaced (preferably with durable pervious paving materials such as modular paving blocks, bricks or similar materials), and maintained to the satisfaction of the Superintendent of Buildings to the extent necessary to prevent nuisance of dust, erosion, or excessive water flow onto any public way or onto another lot.

6.45.1 A parking space for a one, two, or three family dwelling may consist of two parallel paved strips, each at least eighteen (18) feet long separated by a landscaped area.

6.45.2 Off street parking areas shall be kept plowed, clean and free from rubbish and debris. All fences, barriers, walls, landscaping and lighting shall be maintained and kept repaired or replaced with facilities satisfying the requirements of this Section 6.40.

6.46 *Lighting.* Off street parking facilities which are used at night shall be provided with adequate lighting installed and maintained in such a manner so as not to reflect or cause glare on abutting or facing residential premises nor to cause reflection nor glare which adversely affects safe vision of operators of vehicles moving on nearby streets. A recommended standard for lighting is a minimum intensity of one (1) foot candle on the entire surface of the parking facility.

6.47 *Screening.* Off street parking facilities containing five or more spaces and not in a structure shall be effectively screened from abutting streets and lots. However, such screening shall not obstruct vehicle sight distances, entrances and exits.

6.47.1 Screening shall consist of one or a combination of the following:

(a) A strip at least five (5) feet in width of densely planted shrubs or trees which are at least two (2) feet high at the time of planting and are of a type that may be expected to form, within three (3) years after time of planting, a continuous, unbroken, year round visual screen.

(b) A wall, barrier, or fence of uniform appearance. Such wall, barrier, or fence may be opaque or perforated provided that not more than fifty (50) percent of the face is open. The wall, barrier or fence shall be at least four (4) feet and not more than six (6) feet in height.

6.47.2 The screening as required in this Subsection 6.47 shall be located so as not to obstruct vehicle sight distances, entrances and exits. Such screening shall not be higher than two (2) feet within thirty (30) feet of an intersection or ten (10) feet of a driveway. In no case shall the screening of parking facilities from abutting streets exceed four (4) feet in height.

6.47.3 Every effort shall be made to retain existing trees. Removal of any tree exceeding six (6) inch caliper to accommodate construction of a parking facility is discouraged.

6.47.4 Perimeter landscaping required for screening may include any landscaped yard area otherwise required.

6.47.5 Screening shall be continuously maintained so as to effectively serve the purpose for which it is intended. No advertising devices of any kind shall be allowed on screening.

6.47.6 Screening shall be continuous except for required access.

6.47.7 In residential districts, any on grade, open parking area located in a front yard shall provide a visual definition of the front lot line and separation of public from private space in keeping with the appearance and character of the existing streetscape. Such definition shall be achieved by using a change of ground materials at the front lot line and by installing at least one of the following: fences, plantings, walls, or stone monuments which mark the transitions from street or sidewalk to residential lot.

6.47.8 Screening requirements may be waived in the following cases:

(a) If said parking facility is already effectively screened by an existing building, wall, fence, or hedge on an adjoining lot and within five feet of the common property line, screening shall not be required so long as such adjoining screening is maintained.

(b) If said parking facility is already effectively screened by a natural terrain feature, railroad tracks, or change in grade.

(c) If said parking facility abuts another parking facility under different use or ownership, a landscaped planting strip at least five (5) feet in width may be used in lieu of screening along the common property line.

6.48 *Landscaping.* For the purpose of this Section 6.40, landscaping shall consist of any of the following or combination thereof: grass, ground covers, shrubs, vines, hedges, or trees; and nonliving durable material commonly used in landscaping, such as but not limited to rocks, pebbles or wood chips, but excluding asphalt or concrete. Required screening elements as specified in Subsection 6.47.1(a) and (b) may be allowed in perimeter landscaped areas.

6.48.1 On grade, open parking facilities which contain five (5) or more parking spaces shall be landscaped in accordance with the following requirements:

(a) At least five percent of the interior area of the parking facility shall be landscaped. This does not include the perimeter planting provided for beautification or to satisfy screening requirements.

(b) Each planting area shall be at least twenty five (25) square feet in area and have no dimension less than five feet.

(c) Each planting area shall contain at least one tree and the facility as a whole shall contain at least one tree for every ten parking spaces.

(d) Trees used to satisfy parking lot landscaping requirements shall be a minimum of three (3) inch caliper at planting and shall be suitable for location in parking lots. Recommended species are listed in Section 11.16.4(4)(b).

(e) Existing trees shall be preserved wherever possible.

(f) Existing and new trees shall be protected by bollards, high curbs or other barriers sufficient to minimize damage.

(g) Extensive unbroken paved areas in large on grade open parking facilities shall not be permitted. In parking lots containing twenty five (25) or more spaces, a row shall contain no more than fifteen contiguous parking spaces without a densely planted landscaped buffer of at least the dimensions of one space.

6.48.2 No regular certificate of occupancy shall be issued unless an inspection by a representative of the Inspectional Services Department establishes that the landscaping meets the requirements provided herein. Pending issuance of a regular certificate of occupancy, a temporary certificate may be issued for such period as the Superintendent of Buildings may designate but no longer than one year.

6.49 *Design of Bicycle Parking spaces. Refer to Section 6.100.*

6.50 PARKING PLAN INFORMATION REQUIREMENTS

6.51 Any application for a building permit for construction of a new building or for an alteration of an existing building increasing the gross floor area or intensity of use, (as specified in Subsection 6.12b), or for a certificate of occupancy where no building permit is required, shall be accompanied by one or more plans - drawn to scale and fully dimensioned - showing any parking, bicycle parking and/or loading facilities to be provided.

6.52 Every such plan for a proposed new, altered, or expanded use which provides five or more parking spaces shall indicate thereon the location of and provision for:

(1) parking spaces and access routes (6.34 and 6.40)

(2) curbing and wheel stops (6.44.2)

(3) pavement markings (6.44.3)

(4) surfacing (6.45)

(5) screening and landscaping (6.47 and 6.48)

(6) lighting (6.46)

(7) drainage (6.45)

(8) loading areas (6.60)

(9) other pertinent data reasonably required by the Superintendent of Buildings or his designee.

6.52.1 Every such plan for a proposed new, altered, or expanded use which provides two or more Bicycle Parking Spaces as required in Section 6.100 shall provide a plan or plans drawn at a scale of 1 inch = 10 feet or closer which indicates the location and dimensions of Bicycle Parking Spaces, including the following information:

(1) classification of Long-Term Bicycle Parking Spaces and Short-Term Bicycle Parking Spaces (6.102)

(1) clear spacing around Bicycle Racks or interior dimensions of Bicycle Lockers (6.105)

(2) access routes (6.106)

(3) total area (indicated via shading or hatching) dedicated exclusively to bicycle parking that shall be exempt from Gross Floor Area calculations

(4) other pertinent data reasonably required by the Superintendent of Buildings or his designee.

6.53 The Superintendent of Buildings may forward a copy of the plan indicating off street parking and loading arrangements to the Community Development Department and the Department of Traffic and Parking for review and comment. The departments must return the plan to the Building Department with written approval or recommended modifications within a period not to exceed five (5) business days from the date of receipt.

6.54 Any land use involving a fleet of vehicles for operation of the use shall be required to provide information demonstrating provision of space for such fleet before issuance of an occupancy permit for said use.

6.55 In the event that the plan for off street parking and loading arrangements requires a special permit or variance, an applicant for such approvals shall submit the following information to the permit or special permit granting authority to assist in their determination:

(1) A written statement describing in detail the parking generating characteristic of the land use.

(2) A plan drawn to scale showing the various uses within respective floor areas of the building of structure.

(3) The number of employees during largest work shift.

(4) The number of customers, patrons or other visitors expected to be served.

(5) Any other statements to show the actual extent of off street parking space required or generated by particular use.

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 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, for the activities described in Subsection 6.12(b) and (c), or for the development of a land use, shall be approved, unless it indicates 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, only the additional gross floor area shall be counted in computing the off street loading requirements.

6.73 Where a building or lot is used by two activities that fall into different loading facility categories under Subsection 6.36, the facilities required shall be the sum of the requirements for the individual loading facility categories, including fractional requirements as specified in Subsection 6.74 of the different categories. Where a building or lot is used by three or more activities that fall into different loading facility categories under Subsection 6.36, the facilities required shall be one half the sum of the requirements for the individual loading facility categories, including fractional requirements as specified in Subsection 6.74 for the different categories.

6.74 The required amount of loading facilities required to serve an institutional use listed in Subsection 6.36.3b may be calculated in aggregate for a use or uses on a lot and any lot contiguous thereto. However, such institutional use shall be located within a five (5) acre area containing one or more lots, contiguous except for streets, owned by a single institution.

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

6.80 REQUIRED AMOUNT OF LOADING FACILITIES

6.81 Off street loading facilities shall be provided based on the category of land use and the area of that use.

6.82 The loading facility category shall be as listed in Subsection 6.36. The required number of loading bays shall be determined by the schedule in Subsection 6.83.

6.83 Minimum Number of Off Street Loading Bays

Gross Floor Area (in thousands of square feet)

Loading Facility Category	Area at which First Bay is Required	Area at which Second Bay is Required	Incremental Area for which Each additional Bay is Required Beyond the Second
A	5	40	50
B	10	20	50
C	10	25	40
D	10	40	50
E	10	100	100
F	10	100	200

6.90 LOCATION AND LAYOUT OF LOADING FACILITIES

6.91 Where a building or lot contains uses requiring compliance with loading facility categories C, D, E, and F, the first required bay shall be no less than ten (10) feet in width, thirty (30) feet in length and fourteen (14) feet in height. Each additional required loading bay for categories C, D, E, and F and any loading bay required by categories A and B shall be no less than ten (10) feet in width, fifty (50) feet in length, and fourteen (14) feet in height, such requirements to be exclusive of drives and maneuvering space.

6.92 All loading bays, drives, and a maneuvering space shall 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 thirty (30) feet.

6.93 Off street loading bays may be enclosed in a structure and must be so enclosed if located within fifty (50) 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 install in a manner that will prevent direct light from shining onto any street or adjacent property.

6.94 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.

6.95 Loading facilities shall not be reduced in total extent of usability after their installation, except when such reduction is in conformity with the requirements of the 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.

6.96 Adoption of the Recommendations of the Regional Truck Study dated September 2001.

All trucks 2.5 tons or more in gross weight traveling on streets under the control and jurisdiction of the City of Cambridge are prohibited from using any City streets between the hours of 11:00 p.m. and 6:00 a.m., except for the following signed and designated truck routes or except when a local delivery or pick-up requires traveling off of the following signed and designated truck routes:

Brattle Street between Massachusetts Avenue and Eliot Street;

Eliot Street between Brattle Street and Mount Auburn Street;
Mount Auburn Street between Eliot Street and Massachusetts Avenue;
the entirety of JFK Street

the entirety of Main Street

the entirety of Galileo Galilei Way;

Binney Street between Galileo Galilei Way and Land Boulevard;

the entirety of First Street;
Cambridge Street between First Street and the O'Brien Highway;

Broadway between Galileo Galilei Way and the Longfellow Bridge; and

Vassar Street between Main Street and Massachusetts Avenue.

In addition, the following signed and designated Hazardous Materials (HAZMAT) routes shall be open to Hazardous Material carriers at all times:

the entirety of River Street; and

the entirety of Western Avenue.

All trucks 2.5 tons or more in gross weight traveling on the following streets under the control and jurisdiction of the City of Cambridge are prohibited from using them at all times, except for a delivery or pick-up on these streets:

the entirety of Putnam Avenue;

the entirety of Cardinal Medeiros Avenue; and

the entirety of Warren Street.

Nothing herein shall affect in any way restrictions on trucks currently in effect. Nothing herein shall affect the use of roadways under the control and jurisdiction of the Metropolitan District Commission or any state numbered routes, including the following:

the entirety of Massachusetts Avenue (Route 2A);

the entirety of Peabody Street (Route 2A);

the entirety of the O'Brien Highway (Route 28);

the entirety of Concord Parkway (Route 2);

the entirety of the Alewife Brook Parkway and a portion of Concord Avenue designated as Routes 2, 3 & 16;

the entirety of the Fresh Pond Parkway (Routes 2, 3 & 16);

the entirety of Memorial Drive (Routes 2 & 3);

the entirety of Land Boulevard;

the entirety of Aberdeen Avenue (Route 16); and

portions of Huron Avenue and Mount Auburn Street designated as Route 16.

6.100 BICYCLE PARKING

6.101 *Purpose.* In order to support the ongoing viability of bicycle travel as a transportation option that mitigates the impacts of automobile use, the following regulations are provided to ensure that secure, conveniently accessible bicycle parking is provided in adequate quantity to serve new development and land uses throughout the city.

6.102 *General Terms and Standards for Bicycle Parking*

6.102.1 *Definition and Use.* Bicycle parking, as the term is applied in this Zoning Ordinance, shall refer to 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.

6.102.2 Bicycle parking serving a principal use in accordance with this Article shall be maintained exclusively for the parking of bicycles, and not for the storage of other objects unrelated to bicycle use or for other purposes, so long as the use exists which the facilities were designed to serve. Bicycle parking facilities designed in accordance with this Article shall

be available for use at all times when the associated principal use is in operation, except when access may be restricted for necessary maintenance from time to time.

6.102.3 Wherever else in this Zoning Ordinance the term “parking” is used without specific reference to bicycle parking, such term shall refer only to parking for motor vehicles and not to bicycle parking.

6.102.4 *Bicycle Parking Spaces.* A Bicycle Parking Space shall be defined as an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting upon a stable surface, without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles or other objects to access the space.

6.102.5 *Types of Bicycle Parking.* Bicycle Parking Spaces may be classified as Long-Term or Short-Term depending on their characteristics as set forth below.

a. *Long-Term Bicycle Parking* shall be located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft. Long-Term Bicycle Parking shall be intended primarily to serve residents, employees or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed. Long-Term Bicycle Parking may be provided within the following types of facilities:

(i) Enclosed spaces within a building, such as bicycle rooms or garages.

(ii) Bicycle sheds, covered bicycle cages, or other enclosed structures designed to provide secure and fully covered parking for bicycles.

(iii) Bicycle lockers, or fixed-in-place containers into which single bicycles may be securely stored and protected.

(iv) Weather-protected bicycle parking spaces that are monitored at all times by an attendant or other security system to prevent unauthorized use or theft.

b. *Short-Term Bicycle Parking* shall be located in a publicly accessible space near pedestrian entrances to the uses they are intended to serve. Short-Term Bicycle Parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to a few hours to a particular use; however, it may serve other bicycle users as needed. Short-Term Bicycle Parking may be provided adjacent to public streets and sidewalks, or in some cases within the public right of way, as set forth further below in this Section.

6.103 *Applicability of Bicycle Parking Requirements*

6.103.1 Bicycle parking requirements shall apply to the following projects, except where exempted by Subsection 6.103.2 below:

a. The construction of a new building or establishment of a new open-air use on a lot.

b. An increase of at least fifteen percent (15%) in the number of residential dwelling units on a lot or in the amount of non-residential Gross Floor Area on a lot from the time of adoption of this Section 6.100.

c. The conversion of existing Gross Floor Area to a new category of non-residential use, where such conversion results in at least a fifteen percent (15%) increase in the total number of bicycle parking spaces that would be required for the entire building by this Section 6.100.

6.103.2 Notwithstanding the requirements in 6.103.1 above, bicycle parking shall not be required for the following:

a. Detached one-family or two-family dwellings as set forth in Section 4.31, Paragraphs (a-c) of this Zoning Ordinance.

b. The enlargement, expansion or conversion of an existing building, where the difference between the bicycle parking required for the proposed building and the bicycle parking that would be required for the existing building (under this Section 6.100) equals fewer than two (2) bicycle parking spaces.

c. The enlargement, expansion or conversion of an existing building resulting in a dwelling containing three (3) or fewer dwelling units.

6.103.3 Where bicycle parking requirements are applicable pursuant to this Section, they shall be applied to the entirety of any use that is established, expanded or enlarged within a building or on a lot, and not only to the incremental increase in the intensity of such use.

6.104 *Location of Bicycle Parking*

6.104.1 *Long-Term Bicycle Parking* shall be provided within the building containing the use or uses that it is intended to serve, or within a structure whose pedestrian entrance is no more than two hundred feet (200') from a pedestrian entrance to such building. Long-Term Bicycle Parking serving multiple uses or buildings may be pooled into a single area, enclosure or facility. Where Long-Term Bicycle Parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier shall be provided to prevent damage to bicycles by other vehicles.

6.104.2 *Short-Term Bicycle Parking* shall be located in one of the two following ways:

a. *Private Lot*. Short-Term Bicycle Parking on a private lot shall be located within fifty feet (50') feet of a pedestrian entrance to the building or buildings containing the use or uses it serves. For buildings or uses requiring more than eight (8) Short-Term Bicycle Parking Spaces, some of the required spaces may be located at a greater distance from the entrances, so long as eight (8) Short-Term Bicycle Parking Spaces are available within fifty feet (50') of any entrance.

b. *Public Contribution*. If Short-Term Bicycle Parking cannot be reasonably provided on the lot, a property owner may satisfy the requirements for Short-Term Bicycle Parking by providing funds for the installation of bicycle parking on public land. The City shall determine the location and design of such bicycle parking, which may include permanent bicycle racks, seasonal bicycle corrals or other facilities, and may vary from the standards set forth in this Section 6.100. The City shall have the right to install bicycle parking on the sidewalk adjacent to the lot, or may choose to retain the funds

provided in a Public Bicycle Parking Fund to support the installation or replacement of public bicycle parking at a future time. In either case, prior to issuance of a Certificate of Occupancy, the property owner shall enter into an agreement with the City which sets forth the cost of installing the required number of Bicycle Parking Spaces, which shall be the amount of funds provided by the owner, the timing by which payments are made, and each party's responsibilities for ongoing maintenance of the facilities, if applicable.

6.105 *Design and Layout of Bicycle Parking*. Required bicycle parking shall be provided in some combination of Bicycle Racks or Bicycle Lockers according to the standards set forth below. Other design options may be allowed pursuant to Section 6.108 further below.

6.105.1 *Bicycle Racks.* Long-Term Bicycle Parking or Short-Term Bicycle Parking requirements may be satisfied by the installation of Bicycle Racks which meet the design and layout standards set forth in this Subsection. Installers of Bicycle Racks may consult the *City of Cambridge Bicycle Parking Guide*, 2008 or later version, for illustrations of acceptable Bicycle Rack design and layout.

a. A Bicycle Rack shall mean a fixed-in-place stand, solidly anchored to the ground or other fixed object, which allows a bicycle to lean against it in an upright position with both wheels on a level surface. A bicycle shall make contact with the stand at two (2) points along the length of the bicycle and shall allow one or both wheels to be locked to the stand by way of a cable, chain, U-lock or shackle. Types of permissible Bicycle Racks include, but are not necessarily limited to, those commonly known as "Inverted U-shape," "Swerve" and "Post-and-Ring" racks. Stands commonly known as "Wave Racks" do not meet the standards for Bicycle Racks set forth herein.

b. Each Bicycle Rack, if designed to the spacing requirements set forth herein, may provide up to two Bicycle Parking Spaces, with one Bicycle Parking Space provided on each side of the Bicycle Rack. If a Bicycle Rack meets the spacing requirements on one side of the stand but not the other (as may be the case where a Bicycle Rack is attached to a wall), then it may provide one Bicycle Parking Space,

c. A single interconnected structure may provide parking for more than two bicycles, in which case the term Bicycle Rack as applied in this Ordinance shall refer to any vertical element of the structure upon which one or two bicycles may be secured and which otherwise meets the layout standards set forth herein.

d. To provide adequate space to store and remove a standard bicycle, there shall be at least three feet (3') clear horizontal distance from the center point of the Bicycle Rack in a direction perpendicular to the length of the bicycle, and at least four feet (4') clear horizontal distance from the center point of the Bicycle Rack in each direction parallel to the length of the bicycle.

e. Where twenty (20) or more Bicycle Parking Spaces are required, at least five percent (5%) of the required spaces must provide an additional two feet (2') of space parallel to the length of the bicycle to accommodate tandem bicycles or bicycles with trailers.

f. Bicycle Racks shall generally be arranged either in rows (where bicycles are parked side-to-side) or in alignment (where bicycles are parked end-to-end). Where Bicycle Racks are arranged in rows, they shall be spaced at least three feet (3') apart on-

center. Where Bicycle Racks are arranged in alignment, they shall be spaced at least eight feet (8') on-center.

g. In addition to the requirements set forth herein, all Bicycle Racks shall conform to any applicable federal, state or local requirements for accessibility by disabled persons.

6.105.2 *Bicycle Lockers.* Long-Term Bicycle Parking or Short-Term Bicycle Parking requirements may be satisfied by the installation of Bicycle Lockers which meet the design and layout standards set forth in this subsection.

a. A Bicycle Locker shall mean an enclosed, lockable structure which a single user may open and close for the purpose of storing one or more bicycles. Although a Bicycle Locker is allowed to store more than one bicycle, for the purpose of meeting the requirements of this Section 6.100, a single-use Bicycle Locker may provide only one Bicycle Parking Space. A lockable structure may provide more than one Bicycle Parking Space only if it contains Bicycle Racks designed in accordance with the requirements of 6.105.1 above.

b. A Bicycle Locker shall be secured by means of a lockable door or an object inside the Bicycle Locker to which the bicycle frame and one or both wheels may be secured by way of a cable, chain, U-lock or shackle.

c. A Bicycle Locker must allow for a bicycle to stand upright within the locker without requiring the use of a kickstand.

d. To accommodate a standard bicycle, a Bicycle Locker must provide an interior space at least two feet (2') in width and six feet (6') in length. However, as provided in 6.105.1(d) above, where twenty (20) or more Bicycle Parking Spaces are required, at least five percent (5%) of the required spaces must accommodate an additional two feet (2') of bicycle length to accommodate tandem bicycles or bicycles with trailers.

e. In addition to the requirements set forth herein, all Bicycle Lockers shall conform to any applicable federal, state or local requirements for accessibility by disabled persons.

6.105.3 *Unacceptable Bicycle Parking Designs.* Bicycle Parking Spaces shall not be deemed to meet the requirements of this Section 6.100 if any of the following are true:

a. Bicycles must be stored lying down or require a kickstand to remain upright.

b. Bicycles must be "hung" with one or both wheels suspended in the air.

c. Bicycles must be lifted off of the ground or floor without any physical assistance provided.

Otherwise, flexibility in the design of bicycle parking shall be allowed pursuant to the provisions for modification by special permit as set forth in Section 6.108 below. Such modifications shall allow for consideration of new or innovative technologies that provide equal or greater convenience and accessibility to bicyclists when compared to facilities designed according to the *Bicycle Parking Guide* standards.

6.106 *Access Standards for Bicycle Parking*

6.106.1 *Primary Access.* All Bicycle Parking Spaces must be accessible by way of at least one clear, stabilized-surface access route. Such access route shall connect to the Bicycle Parking Spaces from any point or points along the public right of way from which bicyclists

would be reasonably expected to approach the site, and shall meet the following additional requirements:

a. The primary access route must be at least five (5) feet in width.

b. If there is a change in grade from the public right-of-way to the Bicycle Parking Spaces, then the primary access route must have a slope no greater than five percent (5%), or may have a slope of no greater than eight percent (8%) if level landings are provided at every thirty (30) feet of linear distance; or access may be provided by means of an elevator with minimum interior dimensions of eighty (80) inches by fifty-four (54) inches.

c. The primary access route must not require lifting bicycles over any steps or stairs.

d. All access routes must be clear of obstructions, which shall include Bicycle Parking Spaces, motor vehicle parking spaces and loading spaces; however, doors or gates that must be opened to access the Bicycle Parking Spaces shall not be considered obstructions so long as they may be conveniently opened and closed by bicycle users.

e. All access routes, along with the Bicycle Parking Spaces themselves, must be appropriately lighted to allow for safe nighttime use.

6.106.2 *Additional Access.* So long as there is at least one primary access route meeting the requirements set forth in Section 6.106.1 above, Bicycle Parking Spaces may be accessed secondarily by routes that do not meet those exact requirements, such as parking garage entrance ramps or stairways with adjacent flat stairway channels along at least one edge of the stairway. However, all access routes must be clear of obstructions as set forth in 6.106.1(d) above.

6.107 *Required Quantities of Bicycle Parking*

6.107.1 *Minimum Number of Bicycle Parking Spaces.* The required quantities of Long-Term Bicycle Parking Spaces and Short-Term Bicycle Parking Spaces shall be calculated by independently applying the minimum rates set forth in the Schedule of Long-Term Bicycle Parking Requirements and the Schedule of Short-Term Bicycle Parking Requirements below. Each rate shall be multiplied by the intensity of the applicable land use or uses, measured in Gross Floor Area, number of dwelling units, or other specified unit of measurement. Wherever the application of such rate results in a fractional value, such fraction shall be considered one required Bicycle Parking Space. The total number of Bicycle Parking Spaces required shall be the sum of the required Long-Term Bicycle Parking Spaces and Short-Term Bicycle Parking Spaces. Any Bicycle Parking Space that meets the requirements for both Long-Term Bicycle Parking and Short-Term Bicycle Parking may contribute to the minimum requirement for one type or the other, but not both.

6.107.2 *Schedule of Long-Term Bicycle Parking Requirements.* Minimum rates of Long-Term Bicycle Parking shall apply to specified categories of land use as set forth below. For specific land uses, the following categories are cross-referenced in the Schedule of Parking and Loading Requirements set forth in Section 6.36 of this Zoning Ordinance. In the case of any inconsistency between the list of included uses as set forth below and the categorization set forth in Section 6.36, the categorization in Section 6.36 shall control.

Category	Included Residential Uses	Min. Long-Term Bicycle Parking Rate
R1	Single-family dwellings, existing single-family dwellings converted for two families, two-family dwellings, rectory or parsonage	No minimum
R2	Townhouse dwellings, multifamily dwellings, trailer park or mobile home park	1.00 space per dwelling unit for the first twenty (20) units in a building; 1.05 spaces per dwelling unit for all units over twenty (20) in a building
R3	Elderly oriented housing, elderly oriented congregate housing	0.50 space per dwelling unit
R4	Group housing, including: lodging houses, convents or monasteries, dormitories, fraternities and sororities	0.50 space per bed
R5	Transient accommodations, including: tourist houses in an existing dwelling, hotels, motels	0.02 space per sleeping room

Category	Included Non-Residential Uses	Min. Long-Term Bicycle Parking Rate
N1	Offices, including: medical, professional, agencies, general, government; radio/television studios, arts/crafts studios	0.30 space per 1,000 square feet
N2	Technical offices, research facilities	0.22 space per 1,000 square feet
N3	Hospitals and clinics; veterinary clinics; public safety facilities; restaurants and eating establishments	0.20 space per 1,000 square feet
N4	Retail stores, consumer service uses, commercial recreation and entertainment	0.10 space per 1,000 square feet
N5	Transportation and utility uses; religious and civic uses; manufacturing, storage and other industrial uses, auto-related uses	0.08 space per 1,000 square feet
E1	Primary or secondary schools, vocational schools	0.30 space per classroom or 0.015 space per auditorium seat, whichever is greater
E2	College or university facilities (excluding residences)	0.20 space per 1,000 square feet
P	Automobile parking lots or parking garages for private passenger cars	1.00 space per 10 motor vehicle parking spaces

6.107.3 *Schedule of Short-Term Bicycle Parking Requirements.* Minimum rates of Short-Term Bicycle Parking shall apply to specified categories of land use as set forth below. For specific land uses, the following categories are cross-referenced in the Schedule of Parking and Loading Requirements set forth in Section 6.36 of this Zoning Ordinance. In the case of any inconsistency between the list of included uses as set forth below and the categorization set forth in Section 6.36, the categorization in Section 6.36 shall control.

Category	Included Residential Uses	Min. Short-Term Bicycle Parking Rate
R1	Single-family dwellings, existing single-family dwellings converted for two families, two-family dwellings, rectory or parsonage	No minimum
R2	Townhouse dwellings, multifamily dwellings, trailer park or mobile home park	0.10 space per dwelling unit on a lot
R3	Elderly oriented housing, elderly oriented congregate housing	0.05 space per dwelling unit

Category	Included Residential Uses	Min. Short-Term Bicycle Parking Rate
R4	Group housing, including: lodging houses, convents or monasteries, dormitories, fraternities and sororities	0.05 space per bed
R5	Transient accommodations, including: tourist houses in an existing dwelling, hotels, motels	0.05 space per sleeping room

Category	Included Non-Residential Uses	Min. Short-Term Bicycle Parking Rate
N1	Convenience and food stores, restaurants and eating establishments, theaters and commercial recreation	1.00 space per 1,000 square feet
N2	Retail stores and consumer service establishments	0.60 space per 1,000 square feet
N3	Passenger transportation; religious and civic uses; government offices, medical offices and clinics, agency offices, banks (ground floor only); veterinary clinics	0.50 space per 1,000 square feet
N4	Hospitals and infirmaries	0.10 space per 1,000 square feet
N5	Non-passenger transportation and utility uses; laboratories and research facilities; general, professional and technical offices; radio/television and arts/crafts studios; manufacturing, storage and other industrial uses; auto-related uses	0.06 space per 1,000 square feet
E1	Primary or secondary schools	1.70 space per classroom or 0.085 space per auditorium seat, whichever is greater
E2	College or university academic or administrative facilities	0.40 space per 1,000 square feet
E3	College or university student activity facilities	1.00 space per 1,000 square feet
P	Automobile parking lot or parking garage for private passenger cars (6.36.2 b)	No additional requirement for Short-Term Bicycle Parking; however, if motor vehicle parking is provided on an open lot, then required Long-Term Bicycle Parking Spaces may be converted to Short-Term Bicycle Parking Spaces.

6.107.4 *Open-Air Uses.* For any use that occupies land that is open to the air and not enclosed within a building, the minimum parking rate for the extent of such open-air use shall be applied per 3,000 square feet of land area instead of per 1,000 square feet of Gross Floor Area. For such uses, the combined sum of required Long-Term Bicycle Parking Spaces and Short-Term Bicycle Parking Spaces may be provided as Short-Term Bicycle Parking Spaces.

6.107.5 *Permitted Flexibility.* The quantities of Long-Term Bicycle Parking and Short-Term Bicycle Parking may be adjusted as-of-right in the following ways:

a. For non-residential uses, up to twenty percent (20%) of the required number of Long-Term Bicycle Parking Spaces or four (4) spaces, whichever is greater, may be converted to Short-Term Bicycle Parking Spaces.

b. For residential uses requiring four (4) Long-Term Bicycle Parking Spaces or fewer, the required Long-Term Bicycle Parking Spaces may be designed to meet the requirements for Short-Term Bicycle Parking Spaces, so long as they are covered to

be protected from precipitation and are located on the same lot as the residential uses they serve.

6.108 *Modification of Requirements by Special Permit*

6.108.1 Any requirement set forth in this Section 6.100 may be modified upon the granting of a special permit by the Planning Board. Given that community standards for bicycle use and bicycle parking have evolved and may continue to evolve in the future, the intent of this provision is to provide a mechanism for the review and approval of alternative technologies and methods for providing bicycle parking that may provide equal or greater benefits to bicycle users but may not conform to the exact requirements set forth in this Section.

6.108.2 *Bicycle Parking Plan Requirements.* When seeking a special permit pursuant to this Section 6.108, the Applicant shall provide a Bicycle Parking Plan as part of the Special Permit Application. Such plan shall include the proposed quantities and locations of bicycle parking facilities as well as exact details and specifications of the design and layout of proposed Bicycle Parking Spaces. The Bicycle Parking Plan shall include a narrative listing the requirements that are proposed to be modified and explaining how the Bicycle Parking Plan would benefit from such modifications. The Bicycle Parking Plan may also include quantitative analyses of expected bicycle usage for the proposed land uses.

6.108.3 *Findings and Approval.* Upon granting a special permit to modify any requirements of this Section 6.100, the Planning Board shall make a general determination that the proposal is consistent with the purpose of this Section 6.100 and that the Bicycle Parking Plan proposes a quantity, design and arrangement of bicycle parking that will serve bicycle users in a way that is sufficiently comparable, given the circumstances of the specific project, to the bicycle parking that would be required under the regulations of this Section 6.100. The Planning Board shall also make specific determinations applicable to the modifications being sought as set forth below:

a. Where an alternative design or layout of Bicycle Parking Spaces is proposed, the Planning Board shall determine that such design or layout shall be durable and convenient for the users whom it is intended to serve. Where new technologies are proposed, the Board may require that the Applicant demonstrate such technologies for review by City staff.

b. Where modifications to the location or quantity of bicycle parking is proposed, the Planning Board shall determine that the Bicycle Parking Plan will satisfactorily serve the needs of all expected users, based on quantitative and/or qualitative evidence provided by the Applicant. Such a modification may be appropriate for a campus master plan or other large development site within which bicycle parking is planned comprehensively across an area instead of on a specific site-by-site basis.

ARTICLE 7.000 SIGNS AND ILLUMINATION

Text current through Ordinance #1372 of June 15, 2015.

7.10 SIGNS
7.20 ILLUMINATION
7:30 SEVERABILITY

7.10 SIGNS

7.11 *Findings and Purpose*

7.11.1 Findings

This Article is based upon the following findings:

A. The City of Cambridge has been and is now taking appropriate action, through exercise of its zoning and other municipal authority, to improve the aesthetics and physical appearance of the City by means including the regulation of signs.

B. The regulation of signs is necessary in order to preserve and enhance the substantial governmental interests of the City of Cambridge in its natural, scenic, historic, cultural, and aesthetic qualities.

C. There is a substantial governmental interest in enhancing the physical appearance of all parts of the City of Cambridge, including residential, commercial, and industrial areas.

D. Regulating signs will improve the City's appearance; make the City's commercial, residential, and industrial areas more attractive for commercial and residential uses and commercial development; and enhance the economic climate of the City.

E. The regulations set forth in this Article will directly advance the public interest in aesthetics and other qualities of life by preserving and enhancing the appearance of residential, commercial and industrial buildings and areas; preserving and enhancing the appearance of public streets, parks and other public properties; and minimizing the intrusiveness of sign structures.

F. Nonconforming off-premise signs, which traditionally have been used primarily to advertise commercial goods and services not available on the same premises, have a significantly greater adverse aesthetic impact than on premises signs because of their larger sizes, greater heights, less attractive appearances, and/or more intrusive locations.

G. The public interest is served by use of signs by businesses and services to identify their premises, or the products or services there available, or to display noncommercial messages.

H. The City finds that it is in the City's interest to require removal of certain nonconforming signs after the grace period provided by Section 7.18 has expired.

I. The City in enacting this ordinance does hereby adopt the findings, conclusions, and recommendations of the Planning Board in its report dated March 7, 1991.

7.11.2 Purposes

The purposes of this Article are to preserve and enhance the substantial interests of the City of Cambridge in the appearance of the City; to preserve and enhance the public interest in aesthetics; to preserve and increase amenities of the City; to control and reduce visual clutter and blight; and to carry out the authority conferred by General Laws Chapter 40A.

7.12 *Applicability*

A. General Applicability

No signs or advertising devices of any kind or nature shall be erected or maintained on any premises or affixed to the inside or outside of any structure to be visible from the outside of any structure except as specifically permitted in this Article 7.000.

B. MXD District

The provisions of this Section 7.10 shall not be applicable in the MXD District, Article 14.000 of this Ordinance, during the life of the Kendall Square Urban Renewal Plan, as amended.

C. Signs in the Public Way

Signs and banners located entirely within a public way are not subject to the provisions of this Article 7.000 except as may be specifically provided for elsewhere in this Article 7.000.

7.13 *Definitions*

7.13.1 Sign. Sign 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 the nature of, an advertisement, announcement, or direction and which is designed to be seen from the outside of a building.

7.13.2 Types of Signs:

A. 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.

B. 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.

C. 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 is 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.

7.13.3 Illumination:

A. Natural - natural or ambient light.

B. 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.

C. 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.

D. Indirect - placement of the artificial light device such that the source of light cannot be seen from a public way.

7.13.4 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.

7.13.5 Sign Frontage:

The length of a building, or the length of a separate and distinct first 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.

7.13.6 Establishment, Ground Floor:

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.

7.14 *Calculations of Area and Height of Signs*

A. For a free-standing sign or sign attached to a building, the area of the sign 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.

B. For a sign painted upon or applied to a building, the area of the sign 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.

C. For all signs, where a color or graphic pattern constitutes a Corporate or Brand Identification (by custom, contract or practice) as illustrated in advertising or in sign or building designs employed at multiple locations, the full extent of that background color or graphic pattern shall be calculated as part of the sign area when it is associated with any logo, lettering, or other graphic element constituting a sign.

D. Where the sign consists of individual letters or symbols attached to or painted on a surface, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all letters and symbols.

E. Only one face of a two-sided sign shall be counted in computing the area of a sign, provided the sign faces are parallel and of equal size.

F. The height of a sign shall be the vertical distance between the top of a sign and the mean grade of the ground adjoining that portion of the building to which the sign is attached; or that ground within ten feet of a free-standing sign.

7.15 *General Limitations for All Signs Permitted in the City of Cambridge*

A. Signs shall be stationary and may not contain any visible moving or moveable parts.

B. All lighting shall be indirect, continuous, and installed in a manner that will prevent direct light from shining onto any street or adjacent property. Flashing or intermittent light creating flashing, moving, changing or animated graphics is prohibited, except that a warning sign, a device intended to tell the time and temperature, or official traffic and directional signs may have intermittent illumination.

C. No illumination shall be permitted after 11 P.M. in any Residence A, B, C, or C-1 district.

D. No sign, portion of a sign, or structural support for such sign may extend above the lowest point of the roof of a building, except that for one-story buildings having a continuous parapet above the lowest point of the roof, signs may be placed below the highest point of such parapet rather than below the lowest point of the roof.

E. Except as may be provided elsewhere in this ordinance for temporary signs, all signs shall be permanently mounted on a building or structure or permanently implanted in the ground. All graphic images on a sign shall be of durable material.

7.16 *Permitted Signs*

The signs and advertising devices which are permitted in the City of Cambridge are set out below.

7.16.1 Exempt, Temporary and Noncommercial Signs

The following signs shall be exempt from restrictions as to type, location, height, and size of signs or limitations as to the total area of signs permitted on a lot or business, as those limits are set forth in Section 7.16.2. Except as otherwise noted, such signs shall be naturally or externally illuminated only and shall be subject to all other provisions of this Article 7.000.

7.16.11 Exempt Signs

A. In all districts:

1. Signs not visible from a public way. (All illumination permitted.)
2. Official traffic and directional signs, including bus and shuttle schedules. (All illumination permitted.)
3. Other signs in the public way.
4. Signs necessary for public safety and convenience not exceeding six (6) square feet per sign face, provided such signs contain no advertising.
5. Flags of a city, state or country.
6. Memorials such as grave stones and corner stones.

7. Historical site plaques installed or approved by a public Agency or duly established historical society.
8. Window display of merchandise or signs incidental to such display.
9. Signage necessary or appurtenant to the placement or operation of a Public Bicycle-Sharing Station (All illumination permitted.)

B. In business, office and industrial districts:

1. Permanent nonilluminated signs behind the glass of a window above the ground floor, provided:
   (a) The total area of the sign(s) does not exceed 20% of the area of the glass of the window;
   (b) The window is part of the premises to which the sign is accessory;
   (c) The sign consists of individual letters or symbols affixed to the window or mounted on a clear, transparent background;
   (d) The individual symbols or letters do not exceed 6" in height.
2. Permanent nonilluminated signs mounted on awnings on the ground floor of a building provided:
   (a) The total area of the sign does not exceed 2 square feet and the height of individual symbols or letters does not exceed 6";
   (b) The sign consists of individual letters or symbols affixed to the fabric of the awning;
   (c) No other graphic material appears on the awning.

7.16.12 Temporary Signs

A. One for sale or for rent sign not exceeding six (6) square feet in residential districts or twenty (20) square feet in nonresidential districts and advertising only the premises on which the sign is located.

B. Building contractor's, promotional, leasing and other similar signs maintained on a lot during construction on that lot not exceeding in total area that area permitted by the application of the formula: one (1) square foot for each linear foot of sign frontage on the lot (after construction), or one hundred (100) square feet in business, office and industrial districts or twenty (20) square feet in residential districts, whichever is smaller. However, where a specific sign dimension is mandated by any city, state, or federal subsidy or support program providing assistance to the construction on the lot, which sign is greater in area than would be permitted in this paragraph, then the larger sign shall be permitted.

C. Temporary signs of a noncommercial nature, including political signs of any kind, not exceeding twenty (20) square feet in area.

D. In business, office, and industrial districts, temporary signs pertaining to special sales or events lasting no more than fifteen days, affixed to the inside of windows, provided that their total area does not exceed 30% of the area of the window glass to which they are affixed.

7.16.13 Non Commercial Signs

In all districts, noncommercial signs which contain only noncommercial messages, including political messages of any kind, may be displayed, provided the sign does not exceed ten (10) square feet in area. This Section 7.16.13 shall not limit the effect of Section 7.17 on the display of noncommercial messages on permitted signs.

7.16.2 All Other Permitted Signs

7.16.21 Signs in Residence Districts

A. Identification Sign for Residential Uses:

Total Area of Signage Permitted per Lot: as permitted below.

Maximum Permitted

Area of sign:	1 sq. ft./dwelling unit to a maximum of 10 sq.ft./dwelling
Number of signs:	One (1)/dwelling
Height of sign:	4 ft. if free standing; 10 ft. if on a building
Location:	On building or a minimum of 3 feet from street line if free standing.
Illumination:	Natural or external lighting only
Limitations:	For the display of street number, name of occupant of the premises, and/or identification of an accessory professional office or other permitted accessory uses including customary home occupation.

B. Identification Sign, Bulletin Board or Announcement Board for Permitted Nonresidential Uses Other than Permitted Hotel and Office Uses.

Maximum Permitted

Area of sign:	One at 10 sq. ft., one at 20 sq. ft.
Number of signs:	Two/building
Height of sign:	4 ft. if free standing
Location:	On building or minimum of 1/2 the depth of required front yard if free standing
Illumination:	Natural or external lighting only

C. Signs for Lawfully Maintained Nonconforming Uses.

Total Area of Signage Permitted per Lot: One (1) sq. ft. for each linear foot of sign frontage on the lot or 10 sq. ft. per ground floor establishment, whichever is less. However, individual signs shall be further limited as set forth below.

Maximum Permitted

Area of sign:	10 sq. ft.

Number of signs:	One per ground floor establishment plus one per building
Height of sign:	20 ft. if attached to building, 4 ft. if free- standing
Location:	On building or 1/2 depth of required front yard if free standing
Illumination:	Natural or external lighting only

D. Permitted Hotel and Office Use:

Total Area of Signage Permitted Per Lot: One (1) sq. ft. for each linear foot of sign frontage on the lot or 200 sq. ft. per building, whichever is less.

Maximum Permitted

Area of sign:	As permitted in Section 7.16.22
Number of signs:	As permitted in Section 7.16.22
Height of sign:	As permitted in Section 7.16.22
Illumination:	Natural or external lighting only

7.16.22 All Business, Office, and Industrial Districts

Total Area of Signage Permitted per Lot: One and a half (1 1/2) sq. ft. for each linear foot of sign frontage on the lot for sign frontage located one hundred (100) feet or less from the street line; provided that the total area of all signs on the exterior of the building, including free standing signs, shall not exceed one (1) square foot for each linear foot of sign frontage; or two (2) sq. ft. for each linear foot of sign frontage on the lot for sign frontage located more than one hundred feet from all street lines from which the sign frontage is visible. However, signs shall be further limited as set forth below.

A. Free Standing Signs:

Maximum Permitted

Area of sign:	30 sq. ft.
Number of signs:	Two, provided the total area of all such signs shall not exceed 30 sq ft. on any lot.
Height of sign:	15 ft.
Illumination:	Natural or external lighting only

B. Projecting Signs:

Maximum Permitted

Area of sign:	13 sq. ft.
Number of signs:	One (1)/ground floor establishment, plus one (1) for any public building entrance not serving a ground floor establishment

Height of sign:	20 ft., provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less
Illumination:	Natural or external lighting only

C. Wall Signs:

Maximum Permitted

Area of sign:	No individual sign may exceed sixty (60) sq. ft. in area. However, for any building or ground floor establishment having a sign frontage less than sixty (60) ft., the maximum area of any individual sign shall be the product of the formula: sign frontage x one (1) sq. ft.
Number of signs:	Not Limited
Height of sign:	20 ft., provided it is below the sill line of the second floor windows or the lowest point of the roof, whichever is less

Illumination:

1. Natural or external lighting;
2. Exposed neon or gas ultra-violet tube type lighting behind the glass of windows, not exceeding five (5) sq. ft. in area;
3. Other internal illumination including any other exposed neon type lighting not included in (2) above under the following conditions:
   a. Either the vertical or horizontal dimension of the sign does not exceed thirty (30) inches; and
   b. The sign:
      (1) is located behind the glass of a window, or
      (2) is mounted such that the sign face does not extend more than two (2) inches beyond the plane of that portion of the building façade to which the sign is attached, or if extending more than two (2) inches beyond the plane of the building, only that portion of the sign face consisting of letters and numerals is illuminated, or
      (3) consists of independent, individual letters or graphic symbols mounted directly to the surface of the building facade to which the sign is attached or is mounted on an unilluminated raceway or channel which is then directly attached to the building facade.

D. Special Use Signs:

1. Wall and Free Standing Signs Accessory to Theaters and Cinemas.

   A wall or free standing sign accessory to a theater or cinema which announces the current program at the theater or cinema shall not be subject

to the limitations of paragraphs A or C above or of Section 7.16.3, paragraphs A and B, provided the following conditions are met.

(a) The maximum area does not exceed one hundred (100) square feet for all signs not meeting the requirements of paragraphs A and C of this Section 7.16.22.

(b) If internally illuminated, the maximum area shall be limited to forty (40) square feet for a single theater, plus an additional twenty (20) square feet for each additional theater served by the same sign, up to the maximum permitted in paragraph (a) above.

(c) The maximum height of the free standing sign shall not exceed twenty (20) feet.

(d) The total area of all signs on the lot shall not exceed the Total Area of Signage Permitted per Lot as limited in this Section 7.16.22.

2. Wall signs for Hotels and Motels. One or more wall signs accessory to a hotel or motel not exceeding two hundred (200) square feet in total area or one hundred (100) square feet for any individual sign shall not be subject to the limitations of paragraph C above or of Section 7.16.3, paragraphs A and B, provided the following conditions are met.

(a) If internally illuminated, the sign shall consist of independent letters or graphic symbols mounted directly to the surface of the building to which the sign(s) is attached.

7.16. 23 Special Sign Provisions for Non-Profit Theaters, Other Performance Spaces, Museums, Galleries, Libraries and Cinemas.

Notwithstanding the limitations of Sections 7.16.21 and 7.16.22 above and Section 7.16.3 below, additional signs shall be permitted on lots containing a theater, performance space, museum, library or art gallery owned and operated by a non-profit institution (which institution is granted the educational and religious exemption provided in Section 3 of Chapter 40A) or municipality for the purpose of identifying current and future educational programs, lectures, performances, and exhibits open to the public occurring in those facilities, subject to the following limitations and conditions:

A. The signs may be any combination of wall, projecting or freestanding signs.

B. The signs shall not be subject to the Area of Sign, Height of Sign and Number of Signs limitations found in Sections 7.16.21, 7.16.22 and Section 7.16.3.

C. The signs shall be made of cloth, canvas or other similar flexible material and may only be naturally or externally illuminated.

D. A freestanding sign may not be higher than 25 feet. Signs on a building wall may not be higher than fifty feet.

E. Any individual sign shall be temporary in nature and removed at the conclusion of the event for which it provided notice; at a minimum, however, such signs shall be replaced at intervals not to exceed one year.

F. The maximum area of individual Freestanding or Projecting Signs shall be 50 square feet; the maximum area of individual Wall Signs shall be 200 square feet.

G. The total area of signs permitted on the lot shall be determined by the following:

(a) In non-residential districts the total area of signs on a lot shall be subject to the limitations for Total Area of Signs Permitted Per Lot as set forth in Section 7.16.22 for signs on the outside of the building (and shall be inclusive of any other signs on the lot not employing the provisions of this Section 7.16.23).

(b) In residential districts, the total area of signs on the lot shall be limited by the application of the formula of one square foot of sign for each linear foot of Sign Frontage on the lot for that portion of a building containing the eligible activity (and shall be inclusive of any other signs on the lot not employing the provisions of this Section 7.16.23).

H. All other provisions of this Article 7.000 shall continue to apply.

7.16.3 Application of Sign Frontage Formula

Where the total permitted area of all signs on a lot or building is determined by the product of the formula: sign frontage x one (1), one and one half (1.5), or two (2) sq. ft., the following rules shall apply.

A. The total area of signs accessory to a ground floor establishment shall not exceed that determined by the application of the sign frontage formula to that ground floor establishment. Where two ground floor establishments occupy the same sign frontage the total permitted area of signs shall be shared equally by the two establishments.

B. The total area of all signs on any single building wall shall not exceed that determined by the application of the formula to the sign frontage for that wall; provided, a wall having no sign frontage may share the sign area permitted on any wall of the building having sign frontage.

7.16.4 Sign Area For Lots Having No Buildings

In any district where the number or area of signs permitted on a lot is determined by the number of buildings located on said lot, one building shall be assumed to be present for the purposes of Section 7.10 for any use not contained within a building.

Where the total area of signs permitted on a lot is determined by the application of the sign frontage formula, a maximum of 30 sq. ft. of signs shall be permitted on any lot having no sign frontage.

7.16.5 Signs Permitted in Planned Unit Development Districts

The sign requirements of the base zoning district shall apply, except that when business, office or industrial uses are authorized by the Planned Unit Development special permit the requirements of Section 7.16.22 shall apply to those portions of the Planned Unit Development containing those uses, in lieu of the base district requirements.

7.17 *Noncommercial Messages*

Any sign permitted under this Article may contain, in lieu of or in addition to any other copy, any noncommercial message.

7.18 *Noncomforming Signs*

7.18.1 Signs Required to be Removed

The following nonconforming signs shall be removed within four (4) years from June 10, 1991, or the first date that the sign became nonconforming, whichever is later:

A. Signs located on rooftops.
B. Free standing signs in excess of thirty (30) square feet in area.
C. Wall signs in excess of sixty (60) square feet in area.
D. Projecting signs in excess of ten (10) square feet in area.

7.18.2 Other Signs

A. Nonconforming signs not covered by Section 7.18.1 above may be altered, provided the basic supporting structure is not altered and further provided that any alterations made to a sign within the past three (3) years do not exceed fifty (50%) percent of the current replacement value of the sign.

B. Notwithstanding the limitations of Section 7.18.2 A above, where it is proposed to replace an existing sign where the ground floor establishment or the building as a whole contains a total area of legal nonconforming signs exceeding the maximum permitted under this Article 7.000, said new sign may be installed and may contain an area of six (6) square feet or that area permitted by the application of the formula: One (1) sq. ft. x sign frontage of the ground floor establishment, to the establishment to which the sign is accessory, whichever is greater; provided, the total area of signs accessory to the ground floor establishment or the building is not increased and all other size limitations for signs are met.

7.19 *Community Development Department Certification*

All proposals for signs exceeding twenty-five (25) square feet in area shall be submitted to the Community Development Department for certification. The applicant for such a sign certification shall submit all information necessary for the Department to review the proposed sign for conformance to the requirements of this Article 7.000. The Department shall, within ten (10) business days, provide the applicant with a certification that the proposed sign conforms to the requirements of Article 7.000 or shall notify the applicant that the requirements have not been met. Said certification shall accompany the application for a building permit for the sign to the Inspectional Services Department.

7.20 ILLUMINATION

In Residence A, B, C, and C-1 districts no outdoor floodlighting or decorative lighting, except lighting primarily designed to illuminate walks, driveways, outdoor living areas, or outdoor recreational facilities, and except temporary holiday lighting in use for not 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.

7.30 SEVERABILITY

The City by enacting this Article intends to regulate signs in order to carry out and achieve the findings and purposes of this Article. The City also wishes to require removal of certain non conforming signs to the maximum extent lawfully possible and in accordance with the effective date and removal schedule set forth in Section 7.18.1. Therefore, should any part of the City's Ordinance be declared invalid by a court of competent jurisdiction, then it is the specific intent of the City that the remainder of the Ordinance not specifically declared invalid shall continue in full force and effect as if and when originally enacted by the City.

ARTICLE 8.000 NONCONFORMITY

Text current through Ordinance #1372 of June 15, 2015.

8.10 EXISTING BUILDINGS
8.20 NONCONFORMANCE

810 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 said 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 as permitted in Subsections 8.22.1 and 8.22.2 below. Such a permit, either a building permit in the case of the construction authorized in Section 8.22.1 or a special permit in the case of construction authorized in Section 8.22.2. may 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 structure or use.

8.22.1 The following alterations, reconstructions, extensions, and/or enlargements of nonconforming structures, which do not result in a use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent than the existing use, or which are undertaken to accommodate a new conforming use, shall be permitted after the issuance of a building permit by the Superintendent of Buildings. Any change, extension or alteration of a nonconforming use shall be subject to the provisions of Subsection 8.22.2.

a. Conforming construction to a structure located on a lot that is nonconforming due to its lot size or lot width and where only that lot width and/or lot size is nonconforming, but which structure meets the requirements of Section 5.21.1.

b. Conforming construction where only the requirements of Article 6.000 are nonconforming and where no change to those elements regulated by Article 6.000 are required or proposed.

c. Construction occurring entirely within a structure, including structural changes, provided there is no increase in an existing or creation of a new violation of the requirements of Article 5.000.

d. Relocation, enlargement, or addition of windows, doors, skylights, or similar openings to the exterior of a building provided that the facade of the building upon which such relocation, enlargement, or addition is occurring (1) conforms to the yard requirements of Article 5.000, or (2) faces a street.

e. Demolition of a structure or portions of a structure that (1) reduces the extent of an existing nonconformity, or that (2) does not increase or otherwise affect any existing nonconformity, and that (3) does not create a new zoning violation.

f. Conforming additions, under Article 5.000, to a structure not conforming to the requirements of Article 5.000 provided that no nonconforming element or aspect of the nonconforming structure is extended or increased and further provided that the nonconforming structure is not thereby increased in area or volume by more than ten (10) percent since the structure first became nonconforming.

g. Repair, reconstruction, or replacement of any lawfully established nonconforming portions of a building including but not limited to porches, decks, balconies, bay windows and building additions, provided that the repair, reconstruction or replacement does not exceed the original in footprint, volume, or area, and further provided that the area and/or volume of said portions of the building do not exceed twenty-five (25) percent of the area or volume of the entire building.

h. 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, but no other requirements of Article 5.000 including FAR, in the following cases:

    1. A dormer or addition to the second story that does not extend horizontally beyond the vertical walls of the existing first story of the structure.

    2. A dormer on the third story no longer than fifteen (15) feet that does not extend horizontally beyond the vertical walls of the existing second story nor above the existing ridge line provided that the total linear length of all dormers on the third story of the building, after the issuance of the permit authorized by this Subparagraph h 2, does not exceed fifteen (15) feet.

i. Any construction, alteration, reconstruction, extension or enlargement otherwise permitted in paragraphs (a) through (h) above where the lot is also nonconforming due to the presence of more than one structure containing a principal residential use

as prohibited in Section 5.53; or any conforming construction where only the requirements of 5.53 are nonconforming.

8.22.2 The following changes, extensions, or alterations of a pre-existing nonconforming structure or use may be granted in the following cases after the issuance of a special permit. 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, not otherwise permitted in Section 8.22.1 above, or the enlargement (but not the alteration) of a nonconforming use, provided any alteration or enlargement of such nonconforming use or 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 or use is located and provided such nonconforming structure or use not be increased in area or volume by more than twenty-five (25) 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 nonresidential use by any use permitted as of right in a Business or Industrial District in Article 4.000 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, not otherwise permitted in Section 8.22.1 above, 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 of 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 (25) percent since it first began to be nonconforming.

8.22.3 Any alteration or enlargement of a nonconforming structure or of a nonconforming use not otherwise permitted in Section 8.22.1 and 8.22.2 above shall be a 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 (50) 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. If a nonconforming structure or use shall have been destroyed, damaged, or caused to be moved as the result of a public taking, said structure or use may be relocated or reconstructed on the lot or on an abutting lot in the same ownership, provided that said relocation or reconstruction does not result in the enlargement of the

nonconforming use or structure. 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 (50) 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 (30) 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 operation 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

Text current through Ordinance #1372 of June 15, 2015.

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 therefore.

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 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 (1) Criminal Penalty. 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 three hundred dollars for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

(2) Noncriminal Disposition. Whoever violates any provision of this ordinance may be penalized by a non-criminal disposition as provided in G. L. c. 40, Section 21D. For purposes of this section, the Commissioner of Inspectional Services and his or her designee shall be the enforcing officer. The penalty for each violation shall not exceed three hundred dollars. Each day's violation shall constitute a separate violation.

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 of 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 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 substitute use is permitted in Article 4.000 as a matter of right in the 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

Text current through Ordinance #1372 of June 15, 2015.

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 up to seven 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 bona fide 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 10.20 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, including 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 sixty-five (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. Each decision of the Board shall be made within one hundred (100) days after the date of the filing of an appeal, application or petition, except in regard to special permits, as provided in Section 10.42.

10.20 APPEALS

10.21 Any party specified in Section 8, Chapter 40A, G.L., aggrieved by reason of his inability to obtain a permit or enforcement action or 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 (30) days after the decision which is being appealed, the aggrieved person may file with the City and the Board of Zoning appeal, a notice of appeal specifying the ground 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 office 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 (20) days after such decision is filed with the City Clerk.

10.30 VARIANCES

10.31 A variance from the specific requirements of this Ordinance, including variances for use, may be authorized by the Board of Zoning Appeal with respect to particular land or structure. 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 structure 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. The Board shall also take into account the potential impact of the development to be authorized by the variance on Registered Solar Energy Systems as defined in Section 22.60 of this Zoning Ordinance.

10.33 A variance shall be granted only after a public hearing for which notice has been given by publication and posting as provided in Section 11, Chapter 40A, G.L., and by the installation of on-site notification panels as required in Section 10.42.1. 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 (20) 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 applications 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 (20) 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 (20,000) square feet.

(c) A change involving a nonconforming use of an existing building or building with a gross floor area in excess of two thousand (2,000) square feet or a floor area ratio more than fifty (50) 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 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.

10.34 In granting a variance the Board may attach such conditions, safeguards, and limitations of time, use and other development features, such as those listed in Section

10.44, as are determined necessary to protect the surrounding neighborhood including the continued existence of any particular structure, 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.

10.35 If the rights authorized by a variance are not exercised within one year of the date of granting of such variance, they shall lapse and may be reestablished only after notice and new hearing pursuant to this Section 10.30.

10.40 SPECIAL PERMITS

10.41 *Granting Authority.* Special permits may be granted for 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.* A special permit shall only be issued following a public hearing held within sixty-five (65) 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 (35) 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 (35) day period has expired without receipt of the report, whichever is earlier. Failure by a special permit granting authority to take final action upon an application for a special permit within ninety (90) days following the date of public hearing on said application shall be deemed to be a grant of the permit applied for.

10.42.1 Additional Notification Requirements. Any applicant for a variance or special permit shall be required to erect and maintain in legible condition one or more public notification panels at the site for which the variance or special permit relief is requested. The required panels shall be secured by the applicant from the Department of Inspectional Services for those permits issued by the Board of Zoning Appeal and shall be secured from the Community Development Department for those permits issued by the Planning Board. The location of any required panel shall be located on a site plan included in the application documents, which location or locations shall be subject to the approval of those respective departments; the mechanics of its installation shall be described in those application documents. The following requirements shall apply:

(a) Location and Number. Panels shall be securely mounted on the subject lot at the street line or within the property, but in any case not more than twenty (20) feet from the street line. However, wherever located, the panel(s) shall be visible, easily identifiable, and legible to persons passing by on the public street, without the necessity of trespass onto private property. For lots having street frontage of two hundred (200) feet or less, one panel shall be installed, One additional panel

shall be installed for each additional five hundred (500) feet of street frontage. The panels shall be exempt from any applicable limitation on accessory signs set forth in Article 7.000.

(b) Schedule and Duration. The required panels shall be installed as required in this Section 10.42.1 not less than fourteen (14) days before the date of the public hearing. They shall be maintained in legible condition until a Notice of Decision has been filed with the City Clerk by the permit or special permit granting authority. Panels that are stolen, destroyed, or rendered illegible shall be promptly replaced, and panels shall be promptly removed after the Notice of Decision has been filed.

(c) Contents of Panels. The text of the panel shall generally contain the name of the petitioner; a description of the area or premises; street address or other information adequate to identify the location or area subject of the permit petition; the date, time and place of the public hearing; the subject matter of the hearing; the nature of the action or relief requested; the place where the full application may be inspected; case number of the application; the place where written comments may be directed; the phone number of the municipal agency or contact person where further information may be obtained. Reasonable modifications of the text requirements of this paragraph c shall be permitted to enable the most important information to be provided in the most legible form.

(d) Graphic and Construction Standards. Panels shall not be less than eighteen (18) inches by twenty-four (24) inches in dimension; they may be larger. No text on the panel shall be smaller than 12 point type. Panels shall be made of materials adequately weather resistant and durable for the time they are required to be posted.

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 occupant 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, and

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

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) Limitations of size, number of occupants, method or time or operation, or extent of facilities.

(e) Requirement 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 Any development application requiring a special permit from the Planning Board that contains elements requiring a special permit from the Board of Zoning Appeal may be allowed by the Planning Board within the scope of the Planning Board special permit and shall not require a separate application to the Board of Zoning Appeal.

10.46 *Expiration.* A special permit granted under this section shall lapse within two years, not 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 a permit for construction, if construction was not begun by such date except for good cause.

10.47 *Procedure for Townhouses and Multifamily Dwellings.* An application for a special permit for a townhouse development or for a multifamily dwelling required by Section 4.31 shall also meet the requirements of this Subsection 10.47. Where this Subsection and Subsection 10.42 are in conflict, this Subsection shall control.

10.47.1 Applications for special permits shall be accompanied by three copies of a development plan containing the following graphic and written information:

(1) An accurately scaled map showing the existing conditions on the parcel on which development is proposed and on lots abutting or directly across any street from said parcel. Said map shall indicate property lines, existing structures and all trees in excess of 3" caliper.

(2) Information concerning current land use of said parcels (including the number of existing dwelling units).

(3) Photographs showing conditions on the development parcel at the time of application and showing structures on abutting lots.

(4) A site plan of the development parcel, drawn to scale, showing proposed lot subdivision, if any, the location of proposed buildings, retained and proposed vegetation, location of parking spaces, driveways, proposed curb cuts and walkways, proposed treatment of the perimeter of the parcel including techniques and materials used (screens, fences, walls) and the location of required private open space.

(5) Front, side and rear elevations for each structure on the lot indicating building height and heights of buildings on abutting lots.

(6) Quantitative data on the proposed development including floor area ratio, floor area per unit, number of bedrooms and the amount of private open space allocated to each unit and reserved for common use of the residents.

(7) A list of any zoning violations which would customarily require variances from the requirements of this Ordinance.

(8) A Tree Study, certified complete by the City Arborist, as required by the Tree Protection Ordinance of the City of Cambridge, Chapter 8.66.

10.47.2 No application shall be accepted by the Planning Board until all of the information required in Subsection 10.47.1 is completed and included in the development plan. Any changes in the development plan by the applicant following submittal of the application, other than those which might be negotiated at the pubic hearing, shall require resubmittal of an application for a special permit.

10.47.3 Upon receipt of the application and development plans, the Planning Board shall transmit forthwith one copy of the plan to the Traffic Department. Within forty-five (45) days of receipt of the plan, the Traffic Department shall review said plan and submit a report and recommendation on the development proposal to the Planning Board. The Planning Board shall not render any decision on an application for a special permit for a townhouse development or for a multifamily dwelling subject to those requirements until said report has been received and considered or until the forty-five (45) day period has expired without the receipt of such report, which ever is earlier.

10.47.4 Criteria for approval of Townhouses and Multifamily Dwellings. In reviewing applications for townhouse developments and multifamily dwelling, the special permit granting authority shall consider and address the following site plan criteria as applicable:

(1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.

(2) New buildings should be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

(3) The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to occupants of the development.

(4) Parking areas, internal roadways and access/egress points should be safe and convenient.

(5) Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.

(6) Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.

10.47.41 Additional Criteria for Townhouses and Multifamily Dwellings in Industry A and A-2 districts, Industry B, B-1 and B-2 districts, and the Industry C district. In addition to the criteria set forth in Section 11.47.4 above, the following shall be considered by the Planning Board in these industrial districts:

(1) On balance the location is appropriate for the proposed residential uses, because:

(a) Residential use at the proposed location will not preempt space particularly suitable for nonresidential uses; and

(b) Existing or anticipated uses on nearby premises will not make residential use inappropriate because of external impacts such as noise, glare, odors or safety concerns; and

(c) The proximity of the proposal to other residential development or reasonably anticipated residential development in the future, helps to establish an amount of housing sufficient to ensure a viable, supportive and healthy residential environment; or

(d) The proposal will act as a transition to neighboring residential districts and uses; or

(e) The proposal is of sufficient scale to create its own supportive residential environment.

(2) The proposed design includes amenities appropriate to provide a supportive service environment for the anticipated residential uses.

(3) Other potential benefits can be identified, including:

(a) The proposed residential use may make feasible the preservation of an historic structure;

(b) The proposed residential use and nearby commercial uses are linked through work/live arrangements or in other ways.

10.48 As expressly authorized in Section 9 of the Zoning Act M.G.L., Ch 40A, the following Special Permits, which authorize increases in the permissible density of population or

intensity of a particular use in the proposed development, shall be subject to the provisions of Section 11.200 of this Ordinance.

Section 6.35	Reduction in required parking for nonresidential development
Section 20.108	Divergence from dimensional requirements, North Massachusetts Avenue Overlay District
Section 20.54.2(2)	Additional height, Harvard Square Overlay District
Section 20.54.4(2)	Waiver of parking and loading requirements, Harvard Square Overlay District
Section 20.54.5(b)	Exemption from yard requirements, Harvard Square Overlay District
Section 20.63.5	Parkway Overlay District
Section 20.63.7	Divergence from dimensional requirements, Parkway Overlay District
Section 20.95.1	Maximum Floor Area Ratio
Section 20.95.2	Maximum Permitted Height
Section 20.95.34	Waiver of Yard Requirements
Section 20.95.4	Dwelling Unit Density
Section 20.304.2(b),(c)	Additional height, Central Square Overlay District
Section 20.304.4	Waiver of setback requirements, Central Square Overlay District
Section 20.304.6	Waiver of parking requirements, Central Square Overlay District
Section 17.13.1(b)	Additional FAR, Special District I
Section 17.17	Transfer of Development Rights, Special District I
Article 13.000	PUD Districts, all permits.

10.49 Any special permit authorizing new construction or substantial rehabilitation of a building totaling 25,000 square feet or more shall be subject to the provisions of Section 22.20 of the Zoning Ordinance.

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 upon 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 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

Text current through Ordinance #1372 of June 15, 2015.

11.10 TOWNHOUSE DEVELOPMENT
11.20 DELETED
11.30 FAST ORDER FOOD ESTABLISHMENTS
11.40 DELETED See Article 22.70
11.50 DELETED See Article 20.000
11.60 DELETED See Article 20.000
11.70 DELETED See Article 20.000
11.80 EMPLOYMENT PLAN COMPLIANCE PROCEDURE
11.90 DELETED
11.100 DELETED See Article 20.000
11.200 AFFORDABLE HOUSING REQUIREMENTS
11.300 DELETED See Article 20.000
11.400 DELETED See Article 20.000
11.500 PLANNING OVERLAY REQUIREMENTS
11.700 DELETED See Article 20.700

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 development designs that are compatible with traditional neighborhood development patterns and sensitive to existing streetscapes, to encourage a townhouse pattern of development where higher densities are permitted and to discourage the demolition of existing residential structures as well as the excessive infill of townhouses on lots already containing residential structures.

Provisions for the townhouse development use are intended to overcome obstacles to the development of one and two family townhouses, by providing special incentives where appropriate. This section provides guidelines for both as of right and townhouse developments which require special permit review. The distinction allows for expeditious review and approvals for smaller scale infill townhouse developments, while ensuring detailed examination of the site and building plans for larger developments and consideration of their neighborhood impacts.

11.12 *Applicability of Regulations.* The development standards specified in this Section 11.10 are applicable only to townhouse developments and do not change the development standards for other uses in the Residence, Office and Business, and Industry A-1 districts. Townhouse developments which meet the requirements specified in Sections 11.14, 11.15, and 11.16 shall be allowed in Residence B, C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B, Office and Business and Industry A-1 districts as follows:

11.12.1 Construction of a townhouse development containing six (6) or more dwelling units in a Residence B district and Residence C district shall require a special permit.

11.12.2 Construction of a townhouse development containing twelve (12) or more dwelling units in a Residence C-1, Residence C-1A, Office 1, Office 2, Business A-1, Industry A-1 or Business A-3 district shall require a special permit.

11.12.3 Construction of a townhouse development in a Residence B, C, C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains fewer units than specified in Section 11.12.1 or 11.12.2 shall require a special permit if both of the following conditions pertain to the development:

(1) another permit for townhouse development has been granted within the twelve (12) month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;

(2) the townhouse development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to the threshold specified in Section 11.12.1 or 11.12.2.

11.12.4 Construction of all townhouse development in Industry A and A-2 districts, Industry B, B-1 and B-2 district, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exist:

1) The development exceeds fifty thousand (50,000) square feet of gross floor area;

2) The lot area per dwelling unit proposed is less than one thousand two hundred (1,200) square feet in an Industry C district six hundred (600) square feet in an Industry A district, or three hundred (300) square feet in an Industry A-2, Industry B, or Industry B-1 district; or

3) Twelve units or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet or a Residence A-1, A-2, B, C, or C-1 district.

11.12.5 Where a townhouse development is constructed on two or more abutting lots, the requirements applicable to the development shall be determined as if the parcel were a single lot.

11.12.6 Where a townhouse development is constructed on a lot or lots with other buildings existing prior to such development, the dimensional requirements of this Section 11.10 shall apply to those structures or portions of structures on the lot(s) which constitute the townhouse development.

11.12.7 Where a townhouse development is proposed on a lot on which a preferably preserved significant building, as determined by the Cambridge Historical Commission under the provisions of the Demolition Ordinance #965, has been demolished within the five (5) years immediately preceding the application for a building permit or a special permit or where such building is proposed to be demolished to permit the

townhouse development under the provisions of this Section 11.10, the provisions of Subsections 11.14, 11.15, and 11.15.1 - 11.15.4 shall not apply; the townhouse development shall in such circumstances be subject to the dimensional requirements normally applicable in the district.

11.13 *Special Permit Granting Authority.* The Planning Board shall be the special permit granting authority for any townhouse development included in Section 11.12.1, 11.12.2, or 11.12.3. The Board of Zoning Appeal shall be the special permit granting authority for special permits required by Sections 11.15.5, 11.16.2, and 11.16.4 for any townhouse development which does not require a special permit from the Planning Board.

11.14 *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 five thousand (5,000) square feet and must include an individual dwelling, together with front and rear yards or rights to yards in common areas.

11.15 *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 the initial subdivision of the townhouse parcel into individual 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 the subsequent subdivision into individual lots. The required minimum lot size for a townhouse development shall conform to the existing regulations for the district in which the townhouse development is constructed.

However, modifications to the townhouse development after a subdivision plan has been recorded in the Registry of Deeds shall be subject to the dimensional standards as set forth in this Section 11.15 applied to the individual lot lines of the subdivided lots; modifications that do not so conform may be permitted as set forth below:

a. For any townhouse development, after issuance of a building permit, projecting eaves, chimneys, bay windows, and balconies that do not project more than three and one half (3 1/2) feet.

b. For any townhouse development for which a special permit has been granted by the Planning Board, modifications specifically enumerated in the special permit. For those modifications not so enumerated, or where the special permit fails to specifically enumerate allowed modifications, after issuance of a new special permit (a Major Amendment to the original special permit) by the Planning Board to allow the proposed modification(s).

c. For any townhouse development originally constructed as of right, after issuance of a special permit by the Board of Zoning Appeal.

Where a special permit is required in paragraphs b. and c. above, all owners of lots that together constitute the original townhouse development parcel shall receive notice of the special permit public hearing, in the manner provided for in Chapter 40A for parties of interest; such owners shall be considered parties in interest, however, only as they are so defined in Section 11, Chapter 40A.

11.15.1 Minimum Lot Width. In a townhouse development there shall be no minimum lot width, except that in Residence B, Residence C, and Residence C-1 districts the minimum lot width applicable in the district shall apply.

11.15.2 Maximum Floor Area Ratio. In a townhouse development, the maximum permitted floor area ratio in districts where townhouse developments are permitted shall be as normally applicable in the district.

11.15.3 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 thirty (30) feet. Any part of a townhouse structure which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) foot cornice line on any facade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty-five degree (45°) angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane.

However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty-five (35) feet.

11.15.31 In any zoning district that limits building height to thirty-five (35) feet or less, the maximum permitted height in a Townhouse Development shall be thirty-five (35) feet.

11.15.32 In all other districts the maximum permitted height in a townhouse development shall be four habitable stores and the maximum height of the cornice line shall be thirty (30) feet. Any part of a townhouse structure which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) cornice line on any façade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty-five (45) degree angle. However, portions of the building may rise above the imaginary inclined plane provided the are of those portions above the inclined plane projected into the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane.

However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty-five (35) feet.

11.15.4 Yard Requirements. The yard requirements in the district shall be applicable for each townhouse development.

11.15.5 Minimum Private Open Space. In a townhouse development the minimum ratio of private open space as defined in Article 2.000 to lot area shall be twenty-five (25) percent or that amount required in the district, whichever is greater.

(1) The minimum dimension of any area counted toward required private open space shall be fifteen (15) feet. A ten (10) foot minimum open space dimension may be allowed on special permit by the Special Permit Granting Authority upon its determination that the peculiarities of the parcel warrant such a reduction, that the smaller dimension will result in a superior site design, and that the total amount of private open space will not be reduced.

(2) Where it is proposed to subdivide a townhouse development in accordance with the requirements of Section 11.14 then the minimum ratio of private open space to subdivided lot area shall be that required for the Townhouse Development as a whole.

Where the townhouse development is not to be subdivided into individual lots and therefore the private 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 joint ownership by a group of townhouse owners such as a cooperative or an association, then the minimum ratio of private space to the total lot area in the townhouse development shall be that required in this Section 11.15.5.

11.16 *Parking Standards for Townhouse Development*

A Townhouse Development shall be subject to the requirements of Article 6.000 except as they may be modified below.

11.16.1 One off street parking space per dwelling unit in a townhouse development shall be provided unless a special permit is granted in accordance with Section 11.16.2(4) below.

11.16.2 Required parking spaces may be located as follows:

(1) Within the townhouse structure or a separate structure on the parcel.

(2) On a lot in accordance with the requirements of Sections 6.20 and 6.40.

(3) On lots not more than two hundred (200) feet away from the building to be served subject to the conditions set forth in Sections 6.20 and 6.40.

(4) On street in the vicinity of the townhouses if the special permit granting authority determines that the lack of off street parking for the townhouse development will not unreasonably reduce the quantity of on street parking in the area. Applicants for an exception from off street parking shall submit a report on parking usage and availability in the vicinity of the development with their permit application.

11.16.3 Landscaping of On Grade Open Parking

(1) On grade open parking areas should be arranged and landscaped to properly screen cars from adjacent properties as well as from streets and sidewalks and to diminish the negative environmental impacts of multiple automobiles parked on site in residential neighborhoods.

(2) Twenty-five (25) percent of the area devoted to on grade open parking shall be landscaped. The area devoted to on grade open parking shall be that portion of the lot containing parking spaces, driveways, and landscaped area located between or adjacent to parking spaces and drives. No portion of the lot required as a setback between a parking space and a building or a lot line shall be counted in computing the twenty-five (25) percent landscaping requirement.

(3) Where more than one “area devoted to on grade open parking” exists within a townhouse development twenty-five (25) percent of each such area shall be landscaped.

(4) For every two (2) on grade open parking spaces or fraction thereof there shall be a minimum of one three (3) inch caliper tree located within the area devoted to on grade open parking.

(a) The special permit granting authority may grant a special permit for a reduction of this planting requirement upon its determination that such a reduction will not prevent suitable screening of on grade parking and will result in a superior site plan. Any reduction shall require a special permit.

(b) The trees required for the landscaping of on site parking areas - whether such trees are coniferous or deciduous, flowering or nonflowering - should be tolerant to urban environmental conditions; able to screen parking areas by virtue of their size, form, density of foliage and spread; and easy to maintain. A suggested list of trees which meet these criteria is:

Deciduous. Botanical name (common name)

Acer platanoides (Norway Maple); Acer rubrum (Red Maple); Acer saccharum (Sugar Maple); Carpinus betulus (European Hornbeam); Fraxinus americana (White Ash); Ginkgo biloba (Ginkgo); Gledistsia triacanthos inermis (Thornless Honey Locusts); Liquidambar styraciflua (Sweet Gum); Liriodendron tulipfera (Tulip Tree); Platanus occidentlis (Syamore); Quercus coccinea (Scarlet Oak); Quercus palustris (Pin Oak); Quercus rubra (Red Oak); Tilia cordate greenspire (Littleleaf Linden); Tilia europea (Common Linden).

(5) On grade open parking areas located in front of the townhouse structure(s) shall maintain the visual definition of the front lot line and separation of public from private space in keeping with the appearance and character of the existing streetscape. Such definition shall be achieved by using a change of ground materials at the front lot line and by installing at least one of the following: fences, plantings, walls, or stone monuments which mark the transition from street or sidewalk to residential lot.

11.17 Additional Requirements

(1) Fences may not exceed four (4) feet in height in any front yard unless otherwise permitted by the special permit granting authority.

(2) Any townhouse unit directly abutting a street or streets shall have a principal entrance on a facade facing a street unless otherwise permitted by the special permit granting authority.

11.30 FAST ORDER FOOD ESTABLISHMENTS

11.31 In considering applications for Special Permits for Fast Order Food Establishments and Automobile Oriented Fast Order Food Service Establishments, the Board of Zoning Appeal shall find, in addition to the other criteria specified in Section 10.40, that the following requirements are met:

(a) the operation of the establishment shall not:

(1) create traffic problems,

(2) reduce available parking,

(3) threaten the public safety in the streets and sidewalks, or

(4) encourage or produce double parking on the adjacent public street(s),

(b) the physical design, including color and use of materials, of the establishment shall be compatible with and sensitive to the visual and physical characteristics of other buildings, public spaces and uses in the particular location;

(c) the establishment fulfills a need for such a service in the neighborhood or in the city;

(d) the establishment will attract patrons primarily from walk in trade as opposed to drive in or automobile related trade; however, should the Board specifically find that the district or area within which the establishment is proposed to be located does not have significant pedestrian traffic, this requirement need not be met.

(e) the establishment shall, to the greatest extent feasible, utilize biodegradable materials in packaging the food and in the utensils and other items provided for consumption thereof;

(f) the establishment shall provide convenient, suitable and well marked waste receptacles to encourage patrons properly to dispose of all packaging materials, utensils and other items provided with the sale of food; and

(g) the establishment complies with all state and local requirements applicable to ingress, egress, and use of all facilities on the premises for handicapped and disabled persons.

11.32 Establishments seeking to relocate their operations inside the boundary line of the zoning district in which the establishment is located shall not be required to obtain a special permit if both of the following conditions will be met.

11.32.1 The new site shall be within five hundred (500) feet of the original site of the establishment.

11.32.2 There will be no increase in the gross floor area of the establishment at the new site.

11.33 A Special Permit issued for a Fast Order Food Establishment hereunder may be utilized only by the owner or operator of such establishment as described in the application documents or as those documents may be modified by the conditions of the Special Permit as granted.

In granting a Special Permit under this Section 11.30 the Board shall specifically detail in its decision the kind of Fast Order Food for which the Permit is granted and shall also identify those other aspects of the establishment as outlined in the application documents for which alterations will require the issuance of a new Special Permit.

11.40 DELETED (See Article 22.70)

11.50 DELETED (See Article 20.000)

11.60 DELETED (See Article 20.000)

11.70 DELETED (See Article 20.000)

11.80 EMPLOYMENT COMPLIANCE PROCEDURE

11.81 *Purpose.* As specified in Section 1.30, one of the purposes of this Zoning Ordinance is encouragement of the most appropriate use of land throughout the City, including appropriate economic development. Through amendments to this Ordinance and by related actions the City has established a program for promoting new economic development activity in underutilized, industrially zoned districts. As part of its economic development program, the City seeks to promote development which will provide expanded job opportunities for unemployed and underemployed citizens of Cambridge. It is the purpose of this Section 11.80 to ensure that, prior to initiating construction of new employment generating land uses, development entities demonstrate that they have considered and responded to the *"Cambridge Citizens Employment Plan."*

11.82 *Applicability.* The provisions of this Section 11.80 shall apply to new economic development activity in the Alewife Revitalization District and the South Cambridgeport Revitalization Area and in other major economic revitalization areas designated by City Council through amendments to this Subsection 11.82. The Alewife Revitalization District shall be that area contained within the comprehensive Alewife Area rezoning amendment ordained on June 16, 1980. The South Cambridgeport Revitalization Area shall be that area contained within the comprehensive South Cambridgeport Rezoning Amendment as ordained by City Council on February 10, 1992. For purposes of this Section 11.80, the following shall be considered new economic activity:

11.82.1 Construction of any new building which will be a principal use under Subsections 4.31i-2 (hotel/motel), 4.34 (office and laboratory), 4.35 (retail business and consumer service),

4.36 (drive-in retail and service), 4.37 (light industry, wholesale business and storage) and 4.38 (heavy industry) of the table of use regulations.

11.82.2 Expansion or alteration of an existing building occupied by a principal use included in one of the use categories listed in Subsection 11.82.1, provided that such expansion or alteration will increase the gross floor area of the building by five thousand (5000) square feet or more.

11.83 *Employment Opportunity Certification.* When applying for a building permit for applicable development as specified in Subsection 11.82, the applicant for such permit shall file with the Superintendent of Buildings a certification from the City Manager, or his designee, that the applicant has prepared and filed with the City a statement indicating how the proposed development will comply with the most recently adopted *Cambridge Citizens Employment Plan.*

11.200 INCENTIVE ZONING PROVISIONS AND INCLUSIONARY HOUSING PROVISIONS

Purposes. The purposes of this Section 11.200 are to promote the public health, safety and welfare by encouraging the expansion and upgrading of the City's housing stock while accommodating the expansion of housing and commercial opportunities in the City; to provide for a full range of housing choices throughout the city for households of all incomes, ages and sizes in order to meet the City's goal of preserving diversity; to mitigate the impacts of commercial and residential development on the availability and cost of housing and especially housing affordable to low and moderate income households; to increase the production of affordable housing units to meet existing and anticipated housing and employment needs within the City; to provide a mechanism by which commercial and residential development can contribute in a direct way to increasing the supply of affordable housing in exchange for a greater density or intensity of development than that otherwise permitted as a matter of right; and to establish standards and guidelines for the use of such contributions from the application of incentive zoning and inclusionary housing provisions.

11.201 *Definitions*.

Affordable Housing Trust shall mean the entity established by Chapter 482 of the Acts of 1991.

Affordable Unit shall mean any dwelling unit for which the rent (including utilities) does not exceed thirty (30) percent of the income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal housing program designed to assist low and moderate income households.

Converted Dwelling Unit shall mean a dwelling unit that has been converted from a non-housing use to a housing use in connection with the construction of an Inclusionary Project.

Developer shall mean any individual, corporation, business trust, estate trust, partnership or association, or any other entity or combination thereof.

Eligible Household shall mean any household whose total income does not exceed eighty (80) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.

Median Income shall mean the income set forth in or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974 or such other equivalent income standard as determined by the Board of Trustees of the Affordable Housing Trust Fund.

Middle Income Household shall mean any household whose total income exceeds that of an Eligible Household as defined in this Section 11.200 but does not exceed one hundred twenty (120) percent of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust.

Mixed Use Development shall mean a development that contains a combination of residential development and any other use.

Incentive Project shall mean any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses as listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-1 (Hotel or motel), 4.32 f (Radio and television studio), 4.33b(5) (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56(c) 4, 5, and 6), 4.33c (Noncommercial Research Facility), 4.33d (Health Care Facilities), 4.33e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail and Consumer Service Establishments), 4.36 (Open Air or Drive In Retail Service), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean (1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, or (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.

Inclusionary Project shall mean any residential or mixed use development containing or creating ten or more new or converted dwelling units, including phased projects; or where fewer than ten new or converted dwelling units are created including phased projects, a residential development containing 10,000 square feet or more of gross floor area, in which case each 1,000 square feet shall be considered a dwelling unit.

Phased Project shall mean any residential or mixed use development or developments at one site or two or more adjoining sites in common ownership or under common control within a period of five years from the first date of application for any special or building permit for construction on the lot or lots, or within the twelve months immediately preceding the date of application for any special or building permit, where a total of no less than ten new or converted units are built.

Residential Development shall mean single, two family and multi-family homes, townhouse development, elderly oriented congregate housing and lodging and rooming house dwellings as set forth in Section 4.31 a-h, and i(3).

Voluntary Inclusionary Project shall mean any residential or mixed use development containing less than ten new or converted dwelling units, including phased projects where the developer chooses to comply with the provisions of Section 11.203.2.

11.202 ***[INTENTIONALLY DELETED]***

11.203.1 *Housing Contribution.* The developer or owner of an Incentive Project shall make a Housing Contribution in accordance with this Section 11.203.1.

1. Calculation of Housing Contribution. The Housing Contribution shall be calculated by multiplying the Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project by the Housing Contribution Rate effective at the time the Superintendent of Buildings issues the first building permit for the Incentive Project. If a building permit is not required, the Housing Contribution Rate shall be the rate effective at the time the Housing Contribution is provided.
2. *Housing Contribution Rate.* The Housing Contribution Rate effective on September 28, 2015 shall be twelve dollars ($12.00) per square foot of Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project. The effective rate shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index (CPI) Housing Index for Boston-Brockton-Nashua, MA-NH-ME-CT or similar index to reflect changes in dollar values over time; however, annual decreases in CPI shall not cause the contribution rate to be decreased. In addition, on September 28 each year from 2016 to 2018, inclusive, the Housing Contribution Rate shall increase by one dollar ($1.00). The table below sets forth the Housing Contribution Rate over time.

Effective Date	Housing Contribution Rate
September 28, 2015	$12.00 per square foot.

3. *Timing of Payment.* The developer or owner of an Incentive Project shall provide the Housing Contribution to the Managing Trustee of the Affordable Housing Trust or its designee, who shall certify to the Superintendent of Buildings that the requirements of this Section are met prior to issuance of a certificate of occupancy for the Incentive Project. If the Gross Floor Area of an Incentive Project is subsequently increased accommodating uses that qualify as Incentive Project uses, then notwithstanding the size of the increase, a Housing Contribution

calculated in the manner set forth in this Section shall be provided for every square foot of that increase.

4. *Reevaluation of Housing Contribution Rate.* The City shall initiate a reevaluation of the Housing Contribution Rate and any other aspect of these Incentive Zoning Provisions at an interval of no less than three (3) years from the time the rate was last amended by the City Council. Such reevaluation shall include a report provided to the City Council reviewing economic factors including but not limited to development activity, commercial rents per square foot, employment growth, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, and prices for dwelling units, and the nexus between Incentive Projects and housing.

11.203.2 *Requirements for Inclusionary Housing.* The provisions of this Section 11.200 shall apply to any Inclusionary Project and may be applied to any Voluntary Inclusionary Project. These provisions shall apply with respect to developments in all zoning districts of the city except those governed by the provisions of Article 15.000.

(a) Any Inclusionary Project shall provide 15% percent of the total number of dwelling units up to the maximum allowed as of right as Affordable Units. Where the application of that formula results in a fractional dwelling unit, a fraction of one half of a dwelling unit or more shall be considered as one Affordable Unit. Each Affordable Unit shall meet the standards established in Section 11.204.

(b) To facilitate the objectives of this Section 11.200, modifications to the dimensional requirements in any zoning district, as set forth in Section 5.30, shall be permitted as of right for an Inclusionary Project, as set forth below:

(i) The FAR normally permitted in the applicable zoning district for residential uses shall be increased by thirty (30) percent for Affordable Units as set forth in Section 11.203.2 (a) above, and at least fifty percent of the additional FAR should be allocated for the Affordable Units. In a Mixed Use Development, the increased FAR permitted in this paragraph (i) may be applied to the entire lot; however, any gross floor area arising from such increased FAR shall be occupied only by residential uses, exclusive of any hotel or motel use.

(ii) The minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to permit up to two additional units on the lot for each one Affordable Unit required in Section 11.203.2 (a) above. The additional units on a lot permitted by this paragraph (ii) shall not be considered in determining the threshold by which a special permit is required in Section 4.26 - Multifamily Special Permit Applicability and Section 11.10 - Townhouse Development of the Zoning Ordinance.

(c) For any Inclusionary Project that includes a total number of dwelling units that exceeds the maximum allowed as of right, the number of affordable units shall be no less than 15% percent of the total number of dwelling units in the project; however, the number of additional units permitted under Section 11.203.2 (b) (ii) above shall not be further increased.

(d) For any Voluntary Inclusionary Project that proposes to provide one Affordable Unit, the provisions of Section 11.203.2 (b) (i) and (ii) may be applied after the issuance of a special permit from the Planning Board. In issuing a special permit the Planning Board shall find that the additional dwelling units or gross floor area permitted will not create a development significantly different in scale, density, or placement on the lot than can be found on adjacent lots or in the surrounding neighborhood; or if the development is significantly more dense, larger in scale or closer to the lot lines than can be found on adjacent lots, the Board shall find that the size or shape of the lot, the characteristics of development on abutting lots, and the nature of the design proposed on the subject lot mitigate any negative impact that such additional development may impose. In making its findings the Planning Board shall consider the other kinds of dimensional relief that the development may require and the extent to which such relief varies from the requirements of the zoning district.

(e) Affordable Units required by this Section 11.203.2 shall be provided on-site. However, approval for alternate means of compliance may be granted by the Planning Board in certain exceptional circumstances. In granting such approval, the Planning Board must find that the property owner has demonstrated that building the required affordable units on-site would create a significant hardship. A significant hardship shall be defined as being of such significance that the property can not physically accommodate the required affordable units and/or related requirements, such as height, setbacks, or parking. To have such a request considered, the burden of proof shall be on the property owner, who must make full disclosure to the Planning Board of all relevant information. Any request for alternate means of compliance shall be reviewed by the Affordable Housing Trust, which shall then forward its recommendation on the request to the Planning Board. The Affordable Housing Trust's recommendation shall be based upon whether the alternate means of compliance shall be of comparable value to the affordable unit that would have otherwise been provided in a comparable Inclusionary Project. The Planning Board's approval of the request shall be based upon the Affordable Housing Trust's recommendations, and the demonstration of hardship made by the property owner. The Planning Board may, in its sole discretion, use other information to determine the validity of the property owner's request. Approval of alternate means of compliance shall be only for payment of a sum equivalent to the value of the provision of an on-site Affordable Unit, which payment shall be made to the Affordable Housing Trust.

11.204 *Standards for Construction and Occupancy of Affordable Units*.

The following standards are intended to provide guidance to the Board of Trustees of the Trust in making any report it may make to a special permit granting authority in connection with a special permit application and to the Developer of any Inclusionary Project or Voluntary Inclusionary Project. In granting any special permit the special permit granting authority may allow for deviations from, or further define, these standards consistent with the purpose of this Section 11.200.

(a) To ensure livability, Affordable Units in an Inclusionary Project shall be generally comparable in size and materials to the other units in the overall project and consistent with local needs for affordable housing as approved by the Trust

For Inclusionary Projects or Incentive Projects where appropriate exteriors of affordable units shall closely resemble the exteriors of other units in a project, and shall be reasonably distributed throughout the project.

(b) The Affordable Units shall, to a reasonable extent, serve eligible households of diverse incomes, including very low income, and diverse sizes throughout the city.

(c) The Affordable Units shall be subject to deed restrictions providing that they shall:

1) be occupied by eligible households.

2) be conveyed subject to restrictions, which to the extent legally possible shall guarantee the permanent availability of the Affordable Units to eligible households. Such restrictions shall include but not be limited to limited equity deed restrictions. In general, to meet this requirement, affordable rent levels shall be maintained for a minimum of 50 years from the date of initial occupancy in accordance with current practices of the City. With for-sale units, the City's current system of deed restrictions controlling resale prices shall be observed.

3) to the extent possible, give preference to eligible households who are Cambridge residents.

4) be rented or sold to Eligible Households, using marketing and selection guidelines customarily employed by the Community Development Department in selecting tenant and homeowner households under other City, state or federal housing assistance programs.

(d) The rental or ownership of affordable units shall mirror the project as a whole. For example, affordable units should be sold, not rented, where a majority of units will be offered for sale.

(e) The affordable units shall be affordable to households having a target income of 65% of the area median income, or if the household has access to a rent subsidy, a lower income. The Trust shall have the discretion to approve a mix of higher and lower rents or sale prices, the average of which approximates an affordable price for a household at the target income level.

(f) The intent of the Inclusionary Housing provisions is that the Affordable Units required hereunder not use public funds to create; these provisions however, are not intended to discourage the use of public funds to generate a greater number of affordable units than are otherwise required.

(g) One parking space for each Affordable Unit in an Inclusionary Project shall be provided. If there is fewer than one parking space provided for each unit in the development, then the number of parking spaces provided for the Affordable Units shall be in the same proportion as the number provided to the market rate units. If there is no parking fee for the market rate units in an Inclusionary Project, then there

shall be no parking fee for the Affordable Units. If there is a parking fee for the market rate units in an Inclusionary Project subject to Section 11.200, then the maximum parking fee for the Affordable Units shall not exceed the lesser of the following:

1) That fee which is in the same proportion of parking fee to rent as for those market rate units of equivalent size to the Affordable Units and having the lowest rent in the Inclusionary Project, or

2) That fee which, when combined with the maximum rent permitted of an Affordable Unit as defined in Section 11.201, does not exceed thirty three (33) percent of the Eligible Household's income.

11.205 *Affordable Housing Trust.*

Pursuant to the provisions of Chapter 482 of the Acts of 1991, an Affordable Housing Trust Fund was established. To facilitate the implementation of the provision of this Section 11.200, the Affordable Housing Trust Fund receives funds generated by this Section 11.200 and specifically Section 11.203.1(a), as well as other funds generated from other sources.

11.205.1 Uses of the Affordable Housing Trust. The Trust property may be made available for, but shall not be limited to, the following uses.

1. Creation of new rental or ownership Affordable Units for Eligible Households and Middle Income Households. To encourage the development of Affordable Units through a variety of means, including, but not limited to, the provision of favorable financing terms or direct write down of costs for either non-profit or for- profit developers or to subsidize the purchase of sites, existing structures, or affordable units within a larger development..

2. Multifamily Rehabilitation Programs. To finance the substantial rehabilitation of deteriorated properties in a manner that preserves the affordability of units through interest rate subsidies, loan guarantees or write down of project costs. Multifamily housing owned by nonprofit entities that ensure maximum long-term affordability shall receive priority-funding consideration.

3. Limited Equity Cooperative or Condominium Conversion. For acquisition and rehabilitation of potential cooperatives or condominiums through low interest blanket loans, share loans or direct cost write down.

4. Preservation of existing affordable housing. To provide acquisition and/or financing assistance to preserve affordability of existing housing at risk of losing its affordability.

11.205.2 Administration of the Affordable Housing Trust and its Activities. The Trust property may be made available to fund reasonable administrative expenses necessary to support Trust activities, including but not limited to consulting services such as legal, appraising or engineering, as well as other project related expenses. The Community Development Department shall provide the Board of Trustees with technical and administrative assistance.

11.205.3 Board of Trustees of Affordable Housing Trust. The City Manager shall appoint and chair a nine (9) member Board of Trustees of the Affordable Housing Trust. The Board of Trustees shall be composed of representatives from different sectors of the community with housing policy, and may include members of City Boards and agencies, nonprofit housing organizations and community representatives. The trustees, with concurrence of the City Manager, shall establish regulations for the operations of the Trust and Board of Trustees, and procedures for the implementation of this Subsection 11.205.

1) The Board of Trustees shall manage and administer the Affordable Housing Trust Fund including the disbursement of all funds, units and land conveyed to the City of Cambridge.

2) The Board of Trustees shall review and approve or disapprove proposals submitted for use of the Housing Trust Fund. The Board shall develop policies and standards appropriate to and consistent with the Incentive Zoning and Inclusionary Housing provisions, section 11.200.

3) The Board shall explore the feasibility of and assist in the establishment of new programs designed to meet Cambridge affordable housing needs. These programs may include a city wide Land Bank program and Home Mortgage Pool.

4) The Board of Trustees shall provide assistance and necessary reports where appropriate to any special permit granting authority authorized to issue a special permit for any development making use of funds from the Affordable Housing Trust or subject to any provisions under this Section 11.200.

11.206 *Enforcement*

The Community Development Department shall certify in writing to the Superintendent of Buildings that all conditions of this Section 11.200, including any conditions that may be established by the special permit granting authority in issuing a special permit under this Section 11.200, have been met before issuance of the first building permit for any Incentive Project, Inclusionary Project, or Voluntary Inclusionary Project. Before the issuance of the first Certificate of Occupancy for such development the Trust shall certify in writing to the Superintendent of Buildings that all documents have been filed and actions taken that are necessary to fulfill the conditions of this Section 11.200 and any special permit authorized herein.

11.500 PLANNING OVERLAY REQUIREMENTS

Purpose. The purpose of this section is to provide temporarily for review of large scale development in order to ensure conformance with the Cambridge Growth Policy Document, “Towards a Sustainable Future: and guarantee that the city infrastructure can support potential increases in traffic.

11.501 *Term of Effect.* The provisions of this Section 11.500 apply to any building permit granted between Wednesday, July 1, 1998 and Monday, February 12, 2001, inclusive.

11.502 *Applicability.* The provisions of this Section 11.500 apply to all new construction of 50,000 square feet or more of gross floor area or new construction of a parking facility which will cause such facility to have a net increase of more than 150 in the number of

nonresidential parking spaces, involving a change of category of use, such categories being defined as those numbered and bolded in Section 4.30 of this Ordinance. The provisions of this section also apply to any project that will bring the total construction on the lot, or an abutting lot or lots that are or have been in common ownership at any time since May 1, 1998, to 50,000 square feet of more gross floor area during the effective period of this section. This section shall not apply to any housing projects with a substantial component of affordable units (defined as more than 25% of units affordable by households making 110% or less of median income). The provisions of this section apply to all zoning district in the City without exception.

11.503 *The Planning Overlay Special Permit*

11.510 A Planning Overlay Special Permit shall be required from the Planning Board for all projects subject to this Section 11.502. The Planning Board may request reports from the Community Development Department, Conservation Commission, Historical Commission or other pertinent boards and commissions regarding compliance with Growth Policies 13, 27, 39, and 66 as set forth in Section 11.512. Before a building permit for a project to which paragraph 11.502 applies can be issued, the project must receive a "Planning Overlay Special Permit." The application for the Planning Overlay Special Permit may be simultaneous with the application to the Planning Board for other special permits. No application for this permit will be accepted unless it is accompanied, at a minimum, by the following documents:

(a) The information required by the Large Project Submittal Requirements as described in Paragraph 1.45 of this Ordinance.

(b) A traffic study certified as being done in a complete and reliable manner by the Traffic, Parking and Transportation Department. The required traffic study shall include information on Parking Transportation Demand Management measures, which may mitigate projected traffic impacts. Such certifications must be issued or denied within twenty-one (21) days of its request and must only certified the methodology used, not necessarily the accuracy of the data.

Any applicant who has been granted a special permit prior to the effective date of this amendment must apply for a "Planning Overlay Special Permit" by no later than 60 (sixty) days after the issuance of the original special permit.

11.511 *Criteria for Special Permit*

A. In granting a planning overlay special permit the Planning Board will ensure that the project conforms with the following growth policies as set forth in the Cambridge Growth Policy Document, "Towards a Sustainable Future":

Growth Policy #13. A pace of development or redevelopment should be encouraged that permits the maintenance of a healthy tax base, allows for adjustment and adaptation to changing economic conditions, and is consistent with the City's urban design and other physical development objectives yet does

not unreasonably disrupt the daily activities of the city's neighborhoods and residents or overburden the city's water and sewer infrastructure.

Growth Policy #27. Where possible, construct new affordable housing that fits neighborhood character. In existing residential neighborhoods housing should be built at scale, density, and character consistent with existing development patterns. Permit reconstruction of affordable housing (defined as more than 50% of units rented or owned by households at 80% or less than median income) that serves a wide range of incomes and groups at previous nonconforming density where reconstruction is less expensive than rehabilitation. Emphasize construction of affordable housing designed for families with children.

Growth Policy #39. Development patterns in all nonresidential areas must be planned to minimize negative impact on abutting residential neighborhoods.

Growth Policy #66. New open space facilities, including larger ones for organized activities, should be considered for those private developments where the size of the development, the amount of and area and/or the ownership patterns provide the flexibility to accommodate such a facility without loss of economic value for other uses.

B. Additionally, the Planning Board shall, before issuing a special permit, find that the project will have no substantial adverse impact on city traffic. In determining whether there is a substantial adverse impact, the Planning Board shall apply criteria for measuring traffic impact based on the best available measures of traffic volumes and level of service, as recommended by the Traffic, Transportation and Parking Department. These criteria shall be updated as new data on existing traffic volumes and level of service are compiled.

11.512 *Enforcement.* The Superintendent of Buildings will require certification from the Planning Board that it has issued a special permit to the applicant to which paragraph 11.502 applies before issuing a building permit to that applicant.

11.513 *Expiration.* A Planning Overlay Special Permit will expire one (1) year if construction on the project has not begun and no extension has been granted by the Planning Board. Such extension may only be granted for good cause. If expiration takes place the Superintendent of Buildings will revoke any building permit granted under the special permit effective the date of expiration.

ARTICLE 12.000 PLANNED UNIT DEVELOPMENT

Text current through Ordinance #1372 of June 15, 2015.

12.10 STATEMENT OF PURPOSE
12.20 AREA OF APPLICABILITY
12.30 REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATIONS
12.40 ENFORCEMENT
12.50 GENERAL DEVELOPMENT CONTROLS

12.10 STATEMENT OF PURPOSE

This Article of the Zoning Ordinance of the City of Cambridge is hereby adopted to encourage the construction of Planned Unit Developments. The Planned Unit Development districts and uses created herein are intended to provide greater opportunity for the construction of quality developments on large tracts of land by providing flexible guidelines which allow the integration a variety of land uses and densities in one development.

12.20 AREA OF APPLICABILITY

A Planned Unit Development shall be allowed by Special Permit in PUD districts so designated from time to time on the zoning map and shall be regulated by the general development controls set forth in Section 12.50 and by the specific development controls for the individual PUD district in which the project is located. Planned Unit Development Districts shall be overlay districts on the zoning map and, for any land within a PUD district, a developer may choose to conform either to all the controls which govern the base district or to all the PUD development controls and process.

12.30 REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATIONS

12.31 *Review Scope.* An application to construct a Planned Unit Development must be reviewed in a manner which is consistent with the procedures set forth in this Section 12.30 and those procedures required by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.

12.32 *Constitution of Review Authority.* The Planning Board shall review and approve or disapprove all applications for Special Permits to construct Planned Unit Developments. In reviewing an application for a Special Permit for a Planned Unit Development, the Planning Board may also seek the professional opinion of the staff of city departments, including but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department, and School Department.

12.33 *Pre-application Conference.* A developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Planning Board prior to submitting an application for the Special Permit.

12.33.1 The purpose of the Pre-Application Conference shall be to familiarize both the developer and the Planning Board with each other's intentions with respect to the PUD. Although a Pre-Application Conference shall not be required, this preliminary meeting between the Planning Board and the developer is desirable since it should help clarify many procedural and policy issues.

12.33.2 At the Pre-Application Conference, the Planning Board shall familiarize the developer with the process for obtaining a Special Permit for a PUD and explain to him issues that should be considered in planning the project. The developer may discuss his range of options concerning development and inform the Planning Board of his development concept. Any statement made by either the Planning Board or the developer concerning potential disposition of a Special Permit application of the final form of the development shall not be legally binding.

12.33.3 The developer shall not be required to present any written or graphic materials at the Pre-Application Conference. The Planning Board shall make available to the developer at this time any forms required for application for a Special Permit for a PUD.

12.34 *Development Proposal.* A developer who wishes to apply for a Special Permit for a PUD must submit to the Planning Board a Development Proposal completed on the appropriate forms which may be obtained from the Planning Board at the Pre-Application Conference or from the Community Development Department.

12.34.1 The written and graphic information specified in Section 12.34.3 and on the appropriate forms must be submitted for the entire proposed project. A copy of the Development Proposal shall remain open to the public during the application process and shall be located in the Community Development Department.

12.34.2 The purpose of the Development Proposal shall be to provide the Planning Board with an opportunity for in-depth substantive review of the PUD before final designs are developed.

12.34.3 The Development Proposal shall include written and graphic materials in the appropriate number as specified by the Planning Board.

(1) Written materials shall include, but not be limited to, the following:

(a) legal description of the total development parcel proposed for development including exact location and a statement of present and proposed ownership;

(b) statement of development concept, including the planning objectives and the character of the development to be achieved through the PUD;

(c) development schedule indicating the appropriate date when construction of the PUD can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development;

(d) statement of intentions regarding the future selling or leasing of all or portions of the PUD, such as land area, dwelling units, and public facilities;

(e) statement of financing plan, including projected sources and amounts of funds;

(f) statement of how utilities and other public works will be provided, including design standards;

(g) the impact of the development on existing city services outside the development.

(2) Quantitative data including:

(a) parcel size;

(b) proposed lot coverage of structures;

(c) floor area ratio;

(d) total amount of private open space, both private and public;

(e) total number and type of dwelling units by number of bedrooms;

(f) projected rent levels or selling price by unit size;

(g) approximate gross residential densities;

(h) total amount in square footage of nonresidential construction by type of use;

(i) economic feasibility or market analysis including projected market area and proposed rent levels for commercial development;

(j) number of parking spaces to be provided by use;

(k) total length of streets to be conveyed to the city government;

(l) total length of streets to be held as private ways within the development;

(m) total length by type of other public works to be conveyed to the city government;

(n) number and types of public facilities.

(3) Graphic materials shall include, but not be limited to, the following:

(a) map of existing site conditions, including contours, water course, floor plains, unique nature features, existing vegetation, soil types, existing buildings;

(b) map of existing land use;

(c) existing and proposed lot lines;

(d) location and size of gross floor area of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, and nonresidential structures by use;

(e) location and size in square feet of all private open space and areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;

(f) the existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and all points of access to existing public rights of way;

(g) proposed pedestrian circulation system;

(h) existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;

(i) general landscaped plan indicating the treatment of materials used for private and common open spaces;

(j) description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape;

(k) proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls.

12.34.4 When applying for a Special Permit to construct a PUD, a developer must pay for all expenses incident to advertising for public hearings that may be incurred by the Planning Board.

12.35 *Review of Development Proposal.* Within sixty-five (65) days of the date of receipt of a complete application for a Special Permit to construct a PUD, the Planning Board shall hold a public hearing. The purpose of the public hearing shall be to solicit public opinion concerning the Development Proposal.

12.35.1 Between the date of submission of the application for a Special Permit to construct a PUD and the public hearing concerning the Development Proposal, the Planning Board may submit the Development Proposal for review to city departments, including but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department. Any city department desiring to comment on the Development Proposal shall submit comments in writing to the Planning Board within sixty (60) days of the date of receipt of the application for a Special Permit or no later than five (5) days before the date of the public hearing. All written comments shall be made a part of the application for a Special Permit and shall remain on public record.

12.35.2 Within twenty-one (21) days after the public hearing, the Planning Board shall make a determination concerning the Development Proposal. If the Planning Board approves the Development Proposal or conditionally approves the Development Proposal with recommendations for modifications, then the developer must submit a Final Development Plan as specified in Section 12.36. If the Planning Board disapproves the Development Proposal then the application for a Special Permit to construct a PUD shall be denied. If the Planning Board makes no decision within the specified time limit, then the Development Proposal shall be considered approved and the developer shall prepare a Final Development Plan.

12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

(1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;

(2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;

(3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:

(a) quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;

(b) traffic flow and safety;

(c) adequacy of utilities and other public works;

(d) impact on existing public facilities within the city; and

(e) potential fiscal impact.

12.36 *Final Development Plan.* The purpose of the Final Development Plan shall be to set forth in final form the specifics of the proposed development proposal and to allow review for any additional items not present in the Development Proposal.

12.36.1 The developer shall submit a Final Development Plan to the Planning Board, no later than fifty-nine (59) days after the Public Hearing concerning the Development Proposal. Failure to submit a Final Development Plan within the specified time period shall result in the termination of the application for a Special Permit to construct a PUD.

12.36.2 The Final Development Plan shall consist of final versions of all statements and graphics presented in the Development Proposal and must contain any revisions which are required by the Planning Board at the time of conditional approval of the Development Proposal.

12.36.3 The Planning Board shall hold a public hearing to consider the Final Development Plan no later than sixty-nine (69) days after the public hearing concerning the Development Proposal. The purpose of the public hearing shall be to solicit public opinion on the Final Development Plan with emphasis placed on reviewing modifications made to the Development Proposal.

12.36.4 The Planning Board shall make the decision to approve or disapprove the application for a Special Permit to construct a Planned Unit Development no later than ninety (90) days after the public hearing concerning the Development Proposal Approval of the Final Development Plan shall be granted only upon determination by the Planning Board that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 and contains any revisions to the Development Proposal required by the Planning Board. If the Planning Board grants the Special Permit with conditions, the conditions must be agreed to in writing by the developer before the Special Permit is granted. The Planning Board shall make its final decision in writing and shall specify its reason for not granting a Special Permit to construct a PUD. If the Planning Board makes no decision within the specified time limit, then the Final Development

Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

12.37 *Amendments to Final Development Plan.* After approval of the Final Development Plan by the Planning Board, the developer may seek amendments to the Final Development Plan, only if he encounters difficulties in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other complications.

12.37.1 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.37.2 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.37.3, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Section 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.

12.37.2 Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

12.37.3 Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

12.40 ENFORCEMENT

12.41 *Commencement of Construction.* The developer shall begin construction of the PUD within twelve (12) months of the date of the granting of the Special Permit to construct a PUD. The Planning Board may grant in writing an extension of this time period of up to twelve (12) months upon determination of good cause by the developer. If the developer fails to commence construction of the PUD within the specified time, the Special Permit shall lapse.

12.41.1 If the PUD is to be developed in stages, then the developer must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.

12.42 The Planning Board, or its Designee, shall periodically monitor the construction of the PUD, with respect to start of construction and development phasing. If the Planning Board, or its designee, finds that either the developer has failed to begin development within the specified time period or that the developer is not preceding in accordance with the approved development phasing, with respect to either timing or construction of an approved mix of project elements, then the Planning Board shall review the PUD

and may extend the time for start of construction or the length of time needed to complete a phase, revoke the Special Permit, or recommend that the developer amend the Final Development Plan subject to procedures specified in Section 12.37. If the Planning Board revokes the Special Permit for the PUD then the Final Development Plan shall be null and void.

12.50 GENERAL DEVELOPMENT CONTROLS

12.51 *Applicability and Conformance with Existing Policy Plans.* The following regulations in this Section 12.50 shall control development within each PUD district. Each development proposal for a PUD shall, to the extent feasible, be made to conform to existing policy plans established by the Planning Board or City Council from time to time for the specific area of the city in which the PUD is located.

12.52 *PUD Development Parcel Size.* The minimum size of a development parcel for a planned unit development shall be as indicated in each planned unit development's individual regulations; however the Planning Board may, at its discretion, allow development parcels containing less than the minimum parcel size required but at least five times the minimum required area for a lot in the base zoning district in which the development would be located. The Planning Board shall permit a development parcel containing less than the minimum parcel size required only upon its written determination that public review and approval of such a small development is necessary for accomplishing the planning objectives of the PUD district in which the development is located.

12.53 *Standards for Construction of Roadways.* All new roadways within a PUD shall be constructed in conformance with standards established by the Department of Traffic and Parking.

12.53.1 Any existing private way or subsequently constructed private way in a PUD may be accepted by the City as a public way only if it meets the Minimum Standards for Acceptance of Existing Private Ways as Public Ways as adopted by the Planning Board.

12.53.2 The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "*Recommended Practices for Subdivision Streets"* prepared by the Institute of Traffic Engineers (1965).

12.54 *Standards for Construction of Utilities and Public Works.* All improvements to the site which include the installation of utilities, public lighting, sewers, and other public works shall be constructed according to criteria established by the Public Works Department, Water Department, Electrical Department, the Planning Board and other appropriate departments. If the developer provides public works, roadways, and utility improvement to the site, the Planning Board may require the developer to post a performance bond.

12.55 *Landscaping.* All open areas within a PUD which are not used as driveways, walkways, or parking lots shall be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, and benches.

Wherever possible, deciduous trees should be planted along new and existing streets. Plazas, arcades, malls, and similar manmade developments shall be counted as landscaped area. In addition, landscaping within a PUD shall conform to any landscaping criteria or requirements which may be adopted by the Planning Board or City Council from time to time, except that any PUD development prior to the establishment of formal landscaping regulations shall not have to conform to them. Outdoor lighting shall be considered in a landscaping plan and shall be designed to complement both manmade and natural elements of the PUD.

12.56 *Environmental Performance Standards.* All uses in the PUD district shall conform to all applicable federal, state and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.

ARTICLE 13.000 PLANNED UNIT DEVELOPMENT DISTRICTS

Text current through Ordinance #1372 of June 15, 2015.

13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS
13.20 PUD-1 DISTRICT: DEVELOPMENT CONTROLS
13.30 PUD-2 DISTRICT: DEVELOPMENT CONTROLS
13.40 PUD-3, and PUD3A DISTRICTS: DEVELOPMENT CONTROLS
13.50 PUD-4, PUD4A, PUD 4B and PUD4C DISTRICTs: DEVELOPMENT CONTROLS
13.60 deleted
13.70 PLANNED UNIT DEVELOPMENT IN THE NORTH POINT RESIDENCE DISTRICT
13.80 PLANNED UNIT DEVELOPMENT 5 DISTRICT

13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS

13.11 *Purpose*. The PUD-KS district is intended to provide for the creation of a mixed-use district of high quality general and technical office and retail activity, with a significant component of residential use. The creation of a large public park is desired. The PUD-KS district permits larger scale development and supporting commercial activities close to Kendall Square and the major public transit services located there. It encourages strong linkages between new development at Kendall Square, the East Cambridge riverfront, and the PUD-KS area and the neighborhoods of eastern Cambridge, facilitated in part by a strong retail presence along Third Street. Development in the PUD-KS district should be generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines.

13.12 *Uses Allowed in a PUD-KS District*. The uses listed in this Section 13.12, alone or in combination with each other, shall be allowed upon permission of the Planning Board. The amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.10.

13.12.1 Residential Uses

(1)Townhouse Development. Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a Planned Unit Development in a PUD-KS district.

(2) Multifamily dwellings.

13.12.11 Transient Residential Uses

For the purposes of this Section 13.10, the following Transient Residential Uses shall be considered non-residential uses

(1) Hotels or motels

13.12.2 Transportation, Communication, Utility and Institutional Uses. All uses listed in sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district. Telephone exchange use set forth in 4.32 g (1) shall be permitted provided that any facility having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

13.12.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.12.4 Retail Business and Consumer Service Establishments. The following retail uses shall be permitted, provided that the total amount of retail GFA in the District does not exceed 70,000 square feet and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines.

(1) Stationery and office supply store.

(2) Printing and reproduction service establishment, photography studio.

(3) Other store for retail sale of merchandise located in a structure primarily containing non-retail use provided no manufacturing, assembly or packaging occur on the premises.

(4) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 e, f, and g.

(6) Theater or hall for public gatherings.

13.12.5 Institutional Uses. All uses listed in Section 4.33 f and g.

13.12.6 Other Uses. Any use not listed in subsections 13.12.1 through 13.12.4, otherwise allowed in a Business B District may be allowed by the Planning Board only upon written determination by the Board that such use is consistent with the objectives of the PUD-KS district and the policies and guidelines set forth in the ECaPS Plan.

13.13 *District Dimensional Regulations*.

13.13.1 Permitted FAR. In the PUD-KS District the maximum ratio of floor area to Development Parcel shall be 3.0, subject to the further use limitations set forth below in Section 13.13.11.

13.13.11 Limitations on Non-Residential Development. In the PUD-KS District all non-residential uses shall be further limited as set forth below. Where the amount of non-residential Gross Floor Area (GFA) is limited to a percentage of the total GFA authorized, the calculation shall be based on GFA authorized exclusive of any GFA that may be constructed as a result of the application of the FAR bonuses permitted in Section 11.200 or any GFA devoted exclusively to structured parking.

(1) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of less than five acres, the total GFA devoted to non-residential uses shall not exceed ten (10) percent of the total GFA authorized in a PUD for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall apply to each Development Parcel individually. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan.

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

(2) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of more than five (5) acres, the total GFA devoted to non-residential uses shall not exceed sixty (60) percent of total GFA authorized, inclusive of any GFA otherwise exempt from the provisions of the Cambridge Zoning Ordinance in a PUD for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan.

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

At least ninety-five (95) percent of the authorized non-residential GFA must be located on the portion of said lot or lots having an Office 2 base district designation.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) the Planning Board may in its discretion approve a Final Development Plan providing GFA in excess of sixty (60) percent of the authorized GFA in the PUD provided it is conclusively demonstrated to the Planning Board that all residential GFA required to be developed on such lot or lots in their entirety, by this Paragraph, has already been constructed.

(3) For the entire PUD-KS district, the first 50,000 square feet of retail and customer service uses authorized in total in all approved PUDs shall not be counted toward the non-residential GFA limitations of Paragraphs (1) and (2) above provided the GFA is located on the ground floor of a multistory building, fronts on and has a public entrance onto Third Street, Broadway, or a public park, and for each individual establishment the GFA does not exceed 10,000 square feet.

13.13.2 Minimum Development Parcel Size. The minimum size of a Development Parcel within the PUD-KS shall be the greater of (1) 40,000 square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. A Development Parcel within the PUD-KS may contain noncontiguous lots elsewhere in the PUD-KS district or within a contiguous PUD district. There shall be no specified minimum lot size for lots located within a Development Parcel.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creating a Development Parcel meeting the size requirements of this Section 13.13.2, the Planning Board may in its discretion approve a PUD application having a smaller Development Parcel size.

13.13.3 Residential Density. For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.13.4 Maximum Building Height.

13.13.41 The maximum height permitted in the district shall be sixty-five (65) feet except as it may be further limited or permitted below. The permitted heights are further illustrated on the Building Height Regulation Map for the PUD-KS, Map 13.11.

(1) Additional Building Height to Eighty-Five Feet. The maximum height shall be eighty-five (85) feet in the areas described below:

(a) An area bounded by the centerlines of Fifth Street, Monroe Street, Third Street and Potter Street.

(b) An area bounded by the centerline of Potter Street and its northwesterly extension; then the centerline of the former Sixth Street (the MXD district boundary line); then a line northeasterly of, parallel to and two hundred (200) feet distant from the northeasterly sideline of Broadway; then a line northwesterly of, parallel to, and three hundred (300) feet distant from the northwesterly sideline of Third Street, to the point of beginning.

(2) Additional Building Height to One Hundred and Twenty Feet. The maximum height shall be one hundred and twenty (120) feet in that area bounded by areas described in Paragraph (1) above; then the centerline of Third Street; then a line northeasterly of, parallel to, and one hundred (100) distant from the northeasterly sideline of Broadway; then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning.

(3) Additional Building Height to One Hundred and Eighty Feet with Portions to Two Hundred and Fifty Feet. The maximum height shall be one hundred and eighty (180) feet in that area bounded by the area described in Paragraph (2) above; then the centerline of Third Street; then the centerline of Broadway; and then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning. However, portions of buildings may rise above one hundred and eighty (180) feet to no more than two hundred and fifty (250) feet provided the area of all floorplates of portions of buildings above 180 feet do not exceed ten percent of the total area of the Development Parcel.

(4) Portions of Buildings limited to Forty-five Feet. Notwithstanding the provisions of Paragraphs (1) – (3) above, any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 45 feet only if for each floor above 45 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 45 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 45 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum

height permitted in Paragraphs (1) – (3) above or any variation between the two provisions.

13.13.42 The Planning Board shall not approve any Final Development Plan in the PUD-KS District not in conformance with the regulations of Section 13.13.4 above. In the portion of the PUD-KS that allows buildings to 200 feet or more, the Planning Board may approve a building up to 250 feet if other buildings or portions of buildings in that portion of the Development Parcel are no higher than one hundred and fifty (150) feet.

13.13.43 In evaluating a development proposal providing building height in excess of one hundred and twenty (120) feet, the Planning Board shall give consideration to evidence presented on the following:

(a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent than if the building height did not exceed one hundred and twenty (120) feet;

(b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;

(c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;

(a) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(b) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

(c) The additional height permits accommodation of GFA transferred from the Eastern Cambridge Development Rights Transfer Donating District.

13.13.5 Other Dimensional Requirements. There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no minimum required front, rear and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such lot sizes and building setbacks.

13.14 *Open Space*. The following Open Space requirements shall be met on each Development Parcel.

(1) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (1) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of that portion of the Development Parcel.

(2) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (2) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the

aggregate equal at least Forty-two (42) percent of the area of that portion of the Development Parcel, subject to the further limitations set forth in Section 13.14.1 below.

Owners of adjacent Development Parcels may collectively provide the required open space by easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity. In that event each Development Parcel shall, for purposes of this Section 13.10 be deemed to include that portion of such open space as the owners shall allocate to it in chosen legal instrument.

All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.14.1 Required Public Open Space. For that open space required in Section 13.14, Paragraph (2) above, the required open space shall consist in part of a contiguous 7.5 acre Public Open Space to be located in the northwest quadrant of the PUD-KS district as further described and located in the Eastern Cambridge Plan. The Public Open Space shall be under the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD special Permit and when conveyed to the City shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creation of a 7.5 acre park, the Planning Board may at its discretion approve a Final Development Plan providing a contiguous Public Open Space of less than 7.5 acres. In approving such a Final Development Plan the Planning Board shall find that a smaller facility continues to meet the objectives of the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines,

13.14.2 The Planning Board shall encourage development that is located adjacent to a Public Open Space to be physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, and similar techniques.

13.15 *Perimeter and transition*. Any part of the perimeter of a PUD-KS which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Developments in the PUD-KS district should provide integrated pedestrian circulation systems, with particularly strong linkages among the riverfront, Kendall Square, and the Eastern Cambridge neighborhoods.

13.17 *Parking and Loading Requirements*. Development the PUD-KS District shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified by this Section 13.17.

13.17.1 Off street parking facilities shall be provided as follows:

(1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.

(2) Public Assembly: Number of seats requiring one space: 15.

(3) Institutional: 1 space per 1,800 square feet.

(4) Retail (except as noted in Section 13.17.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet

13.17.2 Ground Floor Retail and Customer Service Uses. Retail and customer service uses fronting on and having a public entrance onto a public street or a public open space, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to Section 13.17.1 above.

13.18 Traffic Mitigation Measures. In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan approval, a commitment to a Transportation Demand Management Program consistent with the reduce parking mandated in this PUD. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the Eastern Cambridge Plan, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.19 *Relationship to MBTA Urban Ring Transportation Planning Project*. In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.110 Residential Uses Abutting Binney Street. Where any Development Proposal locates residential dwellings along Binney Street, the Planning Board shall, in approving a Final Development Plan containing such residential units, be satisfied that the negative impacts of truck and other heavy vehicular traffic on Binney Street will be adequately mitigated for the residents of the proposed dwelling units. Such mitigation shall be achieved through the location of the buildings within the Development Parcel

and the distribution of activities within those buildings; the provision of setbacks, landscaping and similar kinds of buffers; the inclusion of non-residential uses at the ground floor; the employment of construction techniques to minimize the transmission of sound and vibrations; and/or through the employment of any other appropriate measures.

13.20 PUD-1 DISTRICT: DEVELOPMENT CONTROLS

13.21 *Purpose.* The PUD-1 district is intended to provide the opportunity for a medium density mixed use development with commercial, office, and a variety of residential uses.

13.22 *Uses Allowed in a PUD-1 District.*

13.22.1 The following uses alone or in combination with other uses shall be allowed upon permission of the Planning Board:

(1) All Residence Uses specified in Section 4.31

(2) All Institutional, Transportation, Communication, and Utility Uses specified in Sections 4.32 and 4.33

(3) All Office and Laboratory Uses specified in Section 4.34

(4) All Retail Business and Consumer Service Establishment uses specified in Section 4.35

13.22.2 Any other use, alone or in combination with other uses, contained in Article 4.000 may be allowed by permission of the Planning Board only if a substantial public benefit can be demonstrated by the applicant.

13.23 *District Dimensional Regulations.*

13.23.1 The maximum ratio of floor area to total area of the development parcel shall be 3.0.

13.23.2 The minimum size of the development parcel for PUD shall two and one half (2 1/2) acres. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.23.3 For the purpose of computing residential density, the minimum land area for each dwelling unit shall be six hundred (600) square feet. Residential density shall be computed based on the entire development parcel.

13.23.4 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no minimum required front, rear, and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such building setbacks.

13.24 *Height.*

13.24.1 The maximum height of any building shall be sixty (60) feet, except as modified by sections 13.24.2 and 13.24.3, below.

13.24.2 The maximum allowable height may be increased to one hundred and ten (110) feet upon permission of the Planning Board, if the Planning Board finds that provision of any of the following amenities provides substantial public benefits:

(1) open space or recreational facilities dedicated to public use;

(2) walkways or similar facilities which enable the public to have access through the PUD to existing areas of unique natural or man-made value;

(3) development design, which enhances any unique natural or man-made features of the site or abutting areas;

(4) pedestrian malls, arcades, decks, bridges, or similar facilities within the interior of the PUD which are designed to appeal to the general public;

(5) designs for residential development which are intended to appeal to a family population;

(6) provision of residential development for a mixture of economic groups utilizing federal, state, or private programs conditional upon the provision of appropriate legal assurance, that a mixed income development will be implemented;

(7) other amenities that the developer may propose which the Planning Board feels provide unique advantages to the general public or which contribute to achieving city development goals;

provided, however, that the Planning Board shall not approve any Final Development Plan in which 20 (twenty) percent or more of the land area of the development parcel is covered with buildings or parts of building not exempted by Section 5.23 in excess of eighty (80) feet in height or in which five (5) percent or more of the land area of the development parcel is covered with such buildings or parts thereof in excess of 100 (one hundred) feet in height. Notwithstanding the foregoing, the Planning Board, in its discretion, may accept for review an application for a Special Permit based on a Development Proposal which deviates from the aforesaid provisions of this Section 13.24.2, provided that the Final Development Plan is in conformity with such provisions.

13.24.3 In evaluating a Development Proposal providing height in excess of sixty (60) feet, the Planning Board shall give consideration to evidence presented on the following:

(a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent than it the building height did not exceed sixty (60) feet;

(b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;

(c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;

(d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(e) that the orientation and location of the proposed structure shall not otherwise diminish the health and safety of the Harvard Square area.

13.25 *Private open space.* The minimum ratio of private open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be fifteen (15) percent, except as modified below.

13.25.1 The Planning Board may reduce the private open space requirement if the development is located adjacent to a public open space and if the development is physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

13.25.2 Private open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs, developed for recreational or leisure usage, and pedestrian ways such as bridges, decks arcades, loggias, and gallerias as specified by the Planning Board.

13.26 *Perimeter and Transition.* Any part of the perimeter of a PUD-1 which fronts on an existing street or public open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.27 *Parking and Loading Requirements.* Development in a PUD-1 district shall conform to the Off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.27.

13.27.1 Off street parking facilities shall be provided as follows:

(1) Residence: Minimum number of spaces per group of dwelling units: 10 per 10

(2) Public Assembly: Number of seats requiring one space: 15.

13.27.2 Institutional, Retail and Office: Number of Square Feet of Gross Floor Area Requiring One Space:

(1) Institutional: 1,800 square feet

(2) Retail and Office:

Ground Floor: 900 square feet

Other Level: 1,800 square feet

13.30 PUD-2 DISTRICT: DEVELOPMENT CONTROLS

13.31 *Purpose.* The PUD-2 district is intended to encourage a medium density residential and office development with some supporting retail uses along the riverfront in East Cambridge. It is also intended to encourage an active, high quality development substantially in accordance with the Development Policies outlined in the 1978 East Cambridge Riverfront Plan.

13.32 *Uses Allowed in a PUD-2 District.* The uses listed in this Section 13.32 alone or in combination with each other shall be allowed upon permission of the Planning Board.

Residential uses are preferred. Development of about four hundred (400) new dwelling units in this district is encouraged.

13.32.1 Residential Uses.

(1) Multifamily dwellings.

(2) Hotels or Motels.

13.32.2 Transportation, Communication, Utility Uses and Institutional Uses. All uses listed in Sections 4.32 and 4.33 which are allowed or conditionally allowed in the base zoning district.

13.32.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.32.4 Retail Business and Consumer Service Establishments.

(1) Store for retail sale of merchandise located in a structure primarily containing non-retail uses, provided that no such establishment shall exceed two thousand five hundred (2500) square feet gross floor area and that no manufacturing, assembly or packaging occur on the premises.

(2) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar service establishment.

(3) Restaurants or other eating and drinking establishments listed in Subsections 4.35e, f, and g.

(4) Theater or hall for public gatherings.

(5) Printing shop, photographer's studio.

13.32.5 Other Uses. Any use not listed in Subsections 13.32.1, 13.32.4 shall be allowed only upon the written determination by the Planning Board that such use is compatible with the development policies for “The Front” district specified in the East Cambridge Riverfront Plan and is necessary to support the predominant uses in the PUD-2 district.

13.33 *District Dimensional Regulations.*

13.33.1 The maximum ratio of floor area to total area of the development parcel shall be 3.0; however, the maximum ratio for a planned unit development in which seventy-five (75) percent or more of the gross floor area of development will be devoted to multifamily dwellings or townhouses shall be 4.0.

13.33.2 The minimum size of a development parcel shall be one acre (43,560 square feet.) A development parcel within the PUD-2 district may contain noncontiguous lots elsewhere in this PUD district or within a contiguous lots elsewhere in this PUD district or within a contiguous PUD district. There shall be no minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.33.3 For the purpose of computing residential density, the minimum land area for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.33.4 There shall be no minimum width for the development parcel. Buildings on parcels abutting the Cambridge Parkway should be setback from the Parkway Street line. There shall be no minimum required front, rear and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such building setbacks. A variety of setbacks along Cambridge Parkway and crenellated facades are encouraged along the riverfront rather than a continuous, unbroken building mass.

13.34 *Height.*

13.34.1 The maximum height of any building shall be one hundred twenty (120) feet.

13.34.2 A variety of building heights ranging between five (5) and twelve (12) stories are encouraged within the district.

13.34.3 In order to assure that adequate sunlight reaches public open space along the riverfront, building planes facing or generally oriented toward the riverfront should be stepped back in such a way as to minimize the shadows that are cast on the river side of the Cambridge Parkway.

13.35 *Private open space.* The minimum ratio of private open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent except as modified below.

13.35.1 The Planning Board may reduce the private open space requirement if the development is located adjacent to a public open space and if the development physically and functionally integrated with the open space by means of buildings orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

13.35.2 Private open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board.

13.35.3 Private open space at the ground level should be located and designed to complement and to be connected with existing and planned public open space in the district. Private open space oriented toward Cambridge Parkway and the riverfront park between Cambridge Parkway and Commercial Avenue is preferred for development parcels abutting those areas. In approving a final development plan, the Planning Board may specify certain landscaping and other site design details to assure that that the development will be compatible with public improvements in the PUD-2 district and with the development policies outlined in the East Cambridge Riverfront Plan.

13.36 *Parking and Loading Requirements.* Development in a PUD-2 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.36.

13.36.1 Off street parking facilities shall be provided as follows:

(1) Residence: Minimum number of spaces per group of dwelling units: 10 per 10

(2) Public Assembly: Number of seats requiring one space: 15

13.36.2 Institutional, Retail and Office: Number of Square Feet of Gross Floor Area Requiring One Space:

(1) Institutional: 1,800 square feet.

(2) Retail and Office:

Ground Floor: 900 square feet

Other Level: 1,800 square feet

13.36.3 On grade parking, not enclosed in a structure, may be constructed in the PUD-2 District only under the following conditions:

(1) On an interim basis in anticipation of later construction of structured parking provided that there is compliance with each of the following:

(a) the future parking structure will be constructed within the District but it may be located either on or off of the lot;

(b) construction of the future parking structure will commence within three years of the date of permit application for development on the lot;

(c) such future parking structure may be constructed and/or operated by the applicant or by any public or private entity;

(d) the future parking structure will contain sufficient spaces reserved for users of the lot to meet the parking requirements for the lot specified in Subsections 13.36.1 and 13.36.2; and

(e) binding commitments shall exist to guarantee, to the reasonable satisfaction of the Planning Board that requirements (a) through (d) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, performance bond, or comparable legal instrument.

(2) On a permanent basis on the lot for visitors parking or for such other limited uses as the user of the lot deems appropriate provided that no more than ten (10) percent of the spaces required by subsections 13.36.1 and 13.36.2 or twenty (20) spaces, whichever is greater, shall be allowed on grade under this Section 13.36.3(2).

13.36.4 The parking requirements specified in this Section 13.36 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in a public or pooled private parking facility located within the District. The total number of parking spaces leased and

constructed for the planned unit development shall be as least equivalent to the requirements specified in subsections 13.36.1 and 13.36.2.

13.40 PUD-3 AND PUD 3A DISTRICTS: DEVELOPMENT CONTROLS

Unless otherwise indicated in this Section 13.40, the following provisions apply equally to all PUD-3 districts.

13.41 *Purpose.* The PUD-3 districts are intended to provide for the creation of a high quality general and technical office environment which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront. The PUD 3A District specifically is intended to permit larger scale development along the Binney Street corridor, consistent with the scale of development permitted in the abutting PUD-3 District, which also creates large areas of contiguous Public Open Space in the PUD 3A district or in adjacent PUD Districts in order to create a better transition from neighborhoods to commercial areas. As required by Section 13.48 and 13.59, any Final Development Plan for a Development Parcel in a PUD-3A District containing increased density and heights as described in Sections 13.43.1(2) and 13.44.4 shall minimize noise from rooftop mechanical equipment; contain environmentally sustainable buildings; promote pedestrian usage of the sidewalks, an improved pedestrian environment, pedestrian connections to public transit, and a sense of neighborhood continuity by providing an interesting, lively, and active presence at street level, by requiring a mix of residential, retail, and other uses as part of the Final Development Plan and by providing attractive exterior through-block connector space; provide parking which is primarily located underground and is maintained at lower ratios than customarily required by the Zoning Ordinance, so as to eliminate surface parking lots and promote public transportation and other parking and traffic demand measures which will reduce automobile trips; be consistent with the *Eastern Cambridge Design Guidelines* dated October 15, 2001; and preserve certain existing structures which add to the character of the neighborhood. Any such Final Development Plan encompassing land area in excess of 10 acres is expected to be constructed over a lengthy period of time of up to 20 years. By meeting these requirements and providing large areas of contiguous Public Open Space, a Final Development Plan in the PUD 3A district meeting these requirements will promote the goals of the *Eastern Cambridge Planning Study* dated October 2001 and the public health, safety, and welfare.

13.42 *Uses Allowed in the PUD-3 Districts.* The uses listed in this Section 13.42, alone or in combination with each other, shall be allowed upon permission of the Planning Board. Office and laboratory uses are preferred.

13.42.1 Residential Uses

(1) Townhouse Development. Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a Planned Unit Development in a PUD-3 district.

(2) Multifamily dwellings.

(3) Hotels or motels.

13.42.2 Transportation, Communication, Utility Uses and Institutional Uses**.** All uses listed in sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

13.42.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.42.4 Retail Business and Consumer Service Establishments.

(1) Stationery and office supply store.

(2) Printing and reproduction service establishment, photography studio.

(3) Other store for retail sale of merchandise located in a structure primarily containing nonretail use, provided that no such establishment shall exceed two thousand, five hundred (2,500) square feet gross floor area (except in a PUD-3A district, where such establishments shall not exceed 12,000 gross square feet), and that no manufacturing, assembly or packaging occur on the premises.

(4) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 e, f, and g.

(6) Theater or hall for public gatherings, including Performing Arts Centers as hereinafter defined.

(7) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

13.42.5 Other Uses. Any use not listed in subsections 13.42.1 - 13.42.5 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3 district and is necessary to support the predominant uses in the district. Certain additional uses may be permitted in the PUD-3A district as set forth in Section 13.59.

13.42.6 “Performing Arts Center” means one or more buildings on the same or adjacent lots used exclusively for the production, creation, performing, presentment, screening, development or viewing of at least three distinct forms of theatrical, musical, cinematic, dance, oratorical and other performing arts, to be viewed or experienced in at least three distinct venues within such building or buildings, together with such uses customarily accessory thereto, such as, but not limited to, stage, backstage, rehearsal or practice, classroom, storage, mechanical, dressing room, green room, lobby shop and/or store, ticketing, restaurant and/or lounge, and accessory office uses.

13.43 *District Dimensional Regulations.*

13.43.1 (1) PUD-3 District: The maximum ratio of floor area to the total area of the Development Parcel shall be 3.0 for Residential Uses, 4.31 a-h, and Dormitory Uses, Section 4.33 b (7), and 2.0 for all other permitted uses.

A portion or portions of the existing or former Broad Canal without reference to ownership may be counted in calculating the area of the Development Parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.

(2) PUD-3A District: The maximum ratio of floor area to total area of the Development Parcel shall be 1.25 except that the Planning Board may approve a Final Development Plan with a maximum FAR exceeding 1.25 but not to exceed a maximum FAR of 3.0 where the Final Development Plan meets the requirements of Section 13.59. Pursuant to Sections 13.59.4 and 13.59.9, certain building areas may be excluded from Gross Floor Area for purposes of calculating such FAR.

13.43.11 Notwithstanding any other provision of the Zoning Ordinance, including the definition of Gross Floor Area in Article 2.000, the Gross Floor Area of a Performing Arts Center in the PUD-3 District shall include only publicly accessible, above grade, circulation, performance, and amenity spaces as measured from the interior face of walls of each space provided that all other dimensional requirements, limitation on the permitted number of seats, or other requirements imposed under a PUD-3 District Special Permit, as amended, have been found by the Planning Board to have been satisfied.

13.43.2 The minimum size of the Development Parcel for a PUD shall be two (2) acres. A Development Parcel within the PUD-3 may contain noncontiguous lots elsewhere in this PUD district or within adjacent PUD districts.

A Development Parcel within the PUD-3A District may contain noncontiguous lots elsewhere in one or more of the PUD-3A District, the PUD-4C District and, solely for the purpose of including lots to be dedicated to Public Open Space, the PUD-2 District subject to the provisions of Section 13.59.

There shall be no specified minimum lot size for lots located within a Development Parcel. Planning Board approval of all proposed lots located within a Development Parcel shall be required.

13.43.3 For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire Development Parcel.

13.43.4 There shall be no minimum width for the Development Parcel and no minimum width for lots located within the Development Parcel. There shall be no other minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel. The Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal should be set back or so designed as to provide a pedestrian pathway along the canal's edge.

13.43.41 In a PUD-3A District, there shall be a setback of ten (10) feet from the streetline of Binney Street at and above a point between 78 and 85 feet above grade (the exact location of such point to be determined by the Planning Board in its review of the Development Proposal and Final Development Plan). Up to one-third of façade length on a cumulative basis may be exempted from this requirement.

13.44 *Height.*

13.44.1 In the PUD-3 District the maximum height of any building shall be two hundred and thirty (230) feet, except as modified in Section 13.44.2.

13.44.2 In the PUD-3 District the Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the Development Parcel is covered with such buildings or parts of buildings not exempted by Section 5.23 in excess of one hundred and twenty (120) feet in height or in which fifteen (15) percent or more of the land areas of the Development Parcel is covered with such buildings or parts thereof in excess of two hundred (200) feet in height. Notwithstanding the foregoing, the Planning Board, in its discretion, may accept for review an application for a Special Permit based on a Development Proposal which deviates from the aforesaid provisions of this Section 13.44.2, provided that the Final Development Plan is in conformity with such provisions. Lower buildings or building elements are encouraged closer to the Charles River while taller buildings or building elements are encouraged closer to Kendall Square.

13.44.3 In the PUD-3 District, in evaluating a Development Proposal providing building height in excess of one hundred and twenty (120) feet, the Planning Board shall give consideration to evidence presented on the following:

(a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent that if the building height did not exceed one hundred and twenty (120) feet;

(b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;

(c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;

(d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

13.44.4 In the PUD-3A District, the maximum height of any building shall be one hundred twenty (120) feet, except that the Planning Board may approve a Final Development Plan with a building height within the PUD-3A District of one hundred forty (140) feet subject to the requirements of Section 13.59.

13.45 *Open Space.* The minimum ratio of open space to the total area of the Development Parcel as defined in Article 2.000 and Section 5.22 shall be fifteen (15) percent except as modified below.

13.45.1 The Planning Board may reduce the open space requirement if the development is located adjacent to a Public Open Space and if the development is physically and functionally integrated with the Public Open Space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors, or if the development provides for contiguous Public Open Space as described in Section 13.59.

13.45.2 Open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board.

13.46 *Perimeter and transition*. Any part of the perimeter of a PUD which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3 districts should provide integrated pedestrian circulation systems, particularly strong linkages between the riverfront and Kendall Square. Development in the PUD-3A District should enhance the pedestrian experience along Binney Street. See Section 13.59.3

13.47 *Parking and Loading Requirements.* Development in the PUD-3 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.47. In the PUD-3A district these provisions shall be further modified by Section 13.59 for any development subject to the provisions of Section 13.59.

13.47.1 Off street parking facilities shall be provided as follows:

(1) Residence: Minimum number of spaces per group of dwelling units: 10 per 10.

(2) Public Assembly: Number of Seats requiring one space: 15.

13.47.2 Institutional, Retail and Office: Number of Square Feet of Gross Area Requiring One Space:

(1) Institutional: 1,800 square feet

(2) Retail and Office:

Ground Floor: 900 square feet

Other level: 1,800 square feet.

13.47.3 The parking requirements of this Section 13.47, and as modified in Section 13.59 for development subject to the provisions of Section 13.59, may be satisfied anywhere on the Development Parcel, notwithstanding anything to the contrary contained in Article 6.000.

13.48 Where indicated in this Section 13.40, the provisions of Section 13.59 shall apply equally in the PUD-3A District. The Planning Board shall include in any Special Permit conditions that require ongoing compliance with any and all applicable provisions of Section 13.59.

13.50 PUD-4, PUD-4A, PUD-4B and PUD-4C DISTRICTS: DEVELOPMENT CONTROLS

Unless otherwise indicated in this Section 13.50, the following provisions apply equally to all PUD-4 Districts.

13.51.1 Purpose. The PUD-4, PUD-4A and PUD-4B districts are intended to provide the opportunity for creation of a highly active, medium density commercial and residential area with a mix of retail, office and residential uses. Development in the PUD-4, PUD-4A and PUD-4B districts shall be generally consistent with the policy objectives set forth in the Eastern Cambridge Planning Study dated October 2001 and the guidance provided in the Eastern Cambridge Design Guidelines dated October 15, 2001 and with the East Cambridge Riverfront Plan dated October 15, 2001. The PUD-4A and 4B districts specifically are intended to encourage a mix of uses with a substantial component of housing, with the housing, where possible, located within the development parcel adjacent to the existing residential neighborhood. In the PUD-4A District reuse of existing historic industrial structures for mixed residential, retail and office uses is encouraged. It is the intent of these Districts to encourage an active urban setting around the Lechmere Canal and along public and private streets both during and after customary business hours. Ground floor building spaces oriented toward the Lechmere Canal and public streets should primarily contain retail or consumer service office uses to the extent possible. Extensive ground level building frontage along the Lechmere Canal developed to institutional or office uses is not encouraged.

13.51.2 Purpose. The PUD-4C District is intended to provide for the creation of quality development that enhances the pedestrian experience along Binney Street, creates a transition between commercial development along the Binney Street corridor and residential neighborhoods to the north, and creates large areas of contiguous Public Open Space in the PUD-4C District or in adjacent PUD Districts. As required by Section 13.59, any Final Development Plan in a PUD-4C District containing increased density and heights as described in Sections 13.53.1(4) and 13.54.4 shall minimize noise from rooftop mechanical equipment; contain environmentally sustainable buildings; promote pedestrian usage of the sidewalks and pedestrian connections to public transit, and a sense of neighborhood continuity by providing an interesting, lively and active presence at street level, by requiring a mix of residential, retail and

other uses as part of the Final Development Plan and by providing attractive exterior through-block connector space; provide parking which is primarily located underground and is maintained at lower ratios than customarily required by the Zoning Ordinance, so as to eliminate surface parking lots and promote the use of public transportation and other parking and traffic demand measures which will reduce automobile trips; be consistent with the Eastern Cambridge Design Guidelines dated October 15, 2001; and preserve certain existing structures which add to the character of the neighborhood. Any such Final Development Plan encompassing land area in excess of 10 acres is expected to be constructed over a lengthy period of time of up to 20 years. By meeting these requirements and providing large areas of contiguous Public Open Space, an approved Final Development Plan in the PUD 4C district will promote the goals of the Eastern Cambridge Planning Study dated October 2001 and the public health, safety and welfare.

13.52 *Uses Allowed in PUD-4 Districts.* The uses listed in this Section 13.52, alone or in combination shall be allowed. However, the amount and extent of uses may be further regulated and limited in each PUD district as set forth elsewhere in this Section 13.50.

13.52.1 Residential Uses. All uses listed in Section 4.31 a-h, and i2.

13.52.2 Transportation, Communications and Utility Uses and Institutional Uses**.** All uses listed in Sections 4.32 and 4.33, which are allowed or conditionally allowed in the applicable base zoning districts.

13.52.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.52.4 Retail Business and Consumer Service Establishments**.** All uses listed in Section 4.35.

13.52.5 Open air or Drive in Retail and Service Uses.

(1) sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or warehouse;

(2) open air place of entertainment;

(3) automobile service station where no major repairs are made provided that all lubrication and repairs are carried out within the building and further provided the service station will be located within or attached to a parking garage or other structure as accessory use.

13.52.6 Other Uses. Any use not listed in Subsections 13.52.1 - 13.52.5 shall be allowed only upon written determination by the Planning Board that such use is (1) compatible with the Lechmere Canal and Square district in the East Cambridge Riverfront Plan dated May, 1978 and the policy objectives set forth in the Eastern Cambridge Plan dated October 2001 and the guidance provided in the Eastern Cambridge Design Guidelines dated October 15, 2001 and (2) necessary to support the predominant uses in the PUD-4 districts.

Certain additional uses may be permitted in the PUD-4C as set forth in Section 13.59

13.53 *District Dimensional Regulations.*

13.53.1 Maximum Floor Area Ratio. The maximum ratio of floor area to the total area of the Development Parcel shall be as set forth below. For purposes of this Section 13.53.1, residential use shall mean those uses set forth in Section 4.31 a-h.

(1) PUD-4 District: 2.0 for all uses, or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater.

(2) PUD-4A District: 2.5 for all uses, or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater. In no case, however, may non-residential uses, including hotels and motels, exceed fifty (50) percent of the total GFA authorized by a PUD special permit.

(3) PUD-4B: For all uses an FAR twice that permitted for non-residential uses in the applicable base zoning district (i.e. 2.0 in the Business A District; 2.5 in the Industry A-1 district). In no case, however, may the GFA of the non-residential uses, including hotels and motels, authorized by a PUD special permit exceed that resulting from the application of the non-residential FAR permitted in the applicable base zoning district to the PUD parcel area (i.e. 1.0 in a Business A district and 1.25 in an Industry A-1 district).

(4) PUD-4C District: 1.25 for all uses, except that the Planning Board may approve a Final Development Plan with a maximum FAR exceeding 1.25 but not to exceed a maximum FAR of 3.0 where the Final Development Plan meets the requirements of Section 13.59. Pursuant to Sections 13.59.4 and 13.59.9, certain building areas may be excluded from Gross Floor Area for purposes of calculating such FAR.

13.53.2 Minimum Development Parcel. The minimum size of the Development Parcel for a PUD shall be twenty-five thousand (25,000) square feet. A Development Parcel within the PUD-4 districts may contain non-contiguous lots elsewhere in any one of the PUD-4 districts or within a contiguous PUD district.

For a Development Parcel within the PUD-4C District that is subject to the provisions of Section 13.59, the minimum size shall be two (2) acres and may contain non-contiguous lots elsewhere in the PUD-4C District, the PUD-3A District, and, solely for the purpose of including lots to be dedicated to Public Open Space, the PUD-2 District.

There shall be no specified minimum lot size for lots located within a Development Parcel. Planning Board approval of all lots located within a Development Parcel shall be required.

13.53.3 Dwelling Unit Density. For the purpose of computing residential dwelling unit density, the minimum land area for each dwelling unit shall be four hundred and fifty (450) square feet. Residential density shall be computed based on the entire Development Parcel. Wherever a residential FAR of 3.0 is permitted, the Planning Board may increase the dwelling unit density to one unit per three-hundred (300) square feet of land area.

13.53.4 Other Dimensions. There shall be no minimum width for the Development Parcel and no minimum width for lots within the Development Parcel. There shall be no minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel. The Planning Board shall approve all such building setbacks.

Any development subject to the provisions of Section 13.59 shall be subject to the following setback requirements:

(1) Four (4) feet from the Rogers Street streetline for any building facing Rogers Street Park (see Section 13.59).

(2) Eight (8) feet for the first two stories and four (4) feet above the second story, measured from the northerly street line of Binney Street between Second Street and Third Street.

13.54 *Maximum Height.* The maximum height for any building shall be as set forth below:

(1) PUD-4 district: Eighty-five (85) feet.

(2) PUD-4A district: Sixty-five (65) feet except as provided for below:

(a) Alterations and additions within the footprint of any building or group of abutting buildings existing on the site at the time of the application for a PUD special permit may exceed sixty-five feet but may be no higher than the highest portion of the existing buildings within the Development Parcel.

(b) Building height shall be thirty-five (35) feet in that area bounded by the centerline of Cambridge Street; then by a line easterly of, parallel to and one hundred (100) feet distant from the westerly boundary line of the PUD-4A; then the centerline of O'Brien Highway; then the westerly boundary line of the PUD-4A, to the point of origin.

(3) PUD-4B district: Sixty-five (65) feet except that between Thorndike Street and Bent Street building height shall be forty-five (45) feet within 200 feet of the easterly sideline of Second Street.

(4) PUD-4C District: Forty-five (45) feet north of the northerly sideline of Rogers Street (subject to the limitation on buildings set forth in Section 13.59 below, where applicable) and Sixty-five (65) feet south of the northerly sideline of Rogers Street, except the Planning Board may

approve a Final Development Plan with the following building heights, subject to the provisions of Section 13.59:

(a) In the block bounded by Binney Street, Third Street, Rogers Street and Second Street:

(i) A building height of eighty-five (85) feet for a building devoted primarily to residential uses north of the northerly sideline of Binney Street and within seventy-five (75) feet of the easterly sideline of Third Street; and

(ii) A building height of seventy-eight (78) feet within one hundred and thirty–eight (138) feet of the northerly sideline of Binney Street, exclusive of the area described in Paragraph (i) above.

(b) In the block bounded by Binney Street, Sixth Street, Rogers Street, and Fifth Street: a building height of seventy-five (75) feet.

In approving heights in a PUD development the Planning Board shall be guided by the intent of this Section 13.50 to provide transitions in height between the higher density development along First and Binney Streets and lower density development and lower height along Second Street adjacent to the residential neighborhood.

13.55 *Open Space***.** The minimum ratio of open space to the total area of the Development Parcel shall be twenty (20) percent except as modified below. The open space may be any combination of Useable, Permeable, Green Area or Publicly Beneficial Open Space as defined in Article 2.000 and further regulated in Section 5.22 of the Ordinance.

13.55.1 The Planning Board may reduce the open space requirement if the development is located adjacent to a Public Open Space and if the development is physically and functionally integrated with that Public Open Space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors. The open space requirement may also be reduced to the extent that the Planning Board finds that such reduction facilitates preservation and reuse of existing historic structures, facilitates the conversion of such structures to residential use, or otherwise advances the urban design objectives as they apply to a PUD's specific location. The Planning Board also may reduce the open space requirement if the Final Development Plan conforms to the requirements and limitations of Section 13.59, as applicable.

13.55.2 Open space may include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and gallerias as permitted by the Planning Board.

13.55.3 Open space at the ground level held in private ownership to serve the needs of residents and employees of buildings within the PUD should be located and designed to complement and to be connected with existing and planned Public Open Space in the district. In approving a Final Development Plan, the Planning Board may specify certain landscaping and other site design details to assure the PUD will be compatible with public improvement in the districts and with the development policies outlined in the East Cambridge Riverfront Plan dated May, 1978 and the Eastern Cambridge Planning Study dated October 2001.

13.56 *Perimeter and Transition.* Any part of the perimeter of a planned unit development which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping and screening.

13.57 *Parking and Loading Requirements*. Development in the PUD-4 districts shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified by Section 13.57.1 - 3 below. In the PUD-4C District these provisions shall be modified by the parking provisions of Section 13.59 for any development subject to the provisions of Section 13.59.

13.57.1 Off street parking facilities shall be provided as follows:

(1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.

(2) Public Assembly: Number of seats requiring one space: 15.

(3) Institutional: 1 space per 1,800 square feet.

(4) Retail (except as noted in Section 13.57.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet

13.57.2 Ground Floor Retail and Customer Service Uses. Retail and customer service uses fronting on and having a public entrance onto First Street, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to Section 13.57.1 above.

13.57.3 The parking requirements specified in this Section 13.57 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in the public or pooled private parking facilities located within the Districts. The total number of parking spaces leased and constructed for the planned unit development shall be at least equivalent to the requirements specified in Article 6.000. The parking requirements specified in this Section 13.57, as may be modified in Section 13.59 below for applicable development

also may be satisfied anywhere on the Development Parcel, notwithstanding anything to the contrary contained in Article 6.000.

13.58 *Relationship to MBTA Urban Ring Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.59 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-3A and PUD-4C Districts.*

Where compliance with the provisions of this Section 13.59 is required by certain provisions of Sections 13.40 and 13.50, the Planning Board shall approve a Final Development Plan only after finding that in addition to all other applicable requirements the following requirements have been met. The Planning Board shall, in addition, include conditions in the approval of the Final Development Plan that will ensure ongoing compliance with these requirements.

13.59.1 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new structures in the approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.

At a minimum, any noise or vibration shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line and buildings shall comply with the City of Cambridge Noise Ordinance.

In order to enforce these requirements, the applicant shall provide, in addition to the Noise Mitigation narrative required as part of Article 19.000 review, acoustical reports prepared by a professional acoustical engineer as described below:

(1) Prior to and as a condition of the issuance of the first certificate of occupancy for a new building, an acoustical report, including field measurements, demonstrating compliance of such building with all applicable noise requirements; and

(2) Prior to obtaining any building permit to add any equipment having a capacity greater than 5 horsepower to the rooftop, a narrative report demonstrating that there will be continued compliance with all applicable noise requirements after such addition, and upon completion of such addition and as a condition to operation thereof, an acoustical report, including field measurements, demonstrating such compliance.

13.59.2 *Sustainability.*

All new structures within a Final Development Plan shall be planned, designed and constructed to be eligible to achieve at least the level “Silver” using the applicable LEED Rating System of the United States Green Building Council in effect on January 1, 2009 (or any higher standard to which new buildings in the City of 50,000 square feet or more are made subject by City Ordinance). An applicant subject to this requirement shall provide to the Planning Board as part of its application for final approval under Article 19.000 for any new building in an approved Final Development Plan a completed LEED scorecard, with supporting documentation, demonstrating that the new building will meet the requirements of this section.

13.59.3 Active Uses and Pedestrian Activity.

The Final Development Plan shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, portions of the ground floors of buildings in locations such as the ones enumerated below, or comparable locations, shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, at least 20,000 square feet shall be developed Active Uses.

13.59.31 Definition of Active Uses. For purposes of this Section 13.59, “Active Uses” means:

(1) Retail sales and services listed in Sections 4.35 and 4.36;

(2) Restaurants, and establishments where alcoholic beverages are sold and consumed, listed in Section 4.35;

(3) Mixed-Mode Transportation Hub, which shall mean a facility which shall include a bicycle storage and bicycle service facility, convenient access to a “car-sharing” program, and a shuttle bus stop and a protected waiting area for shuttle buses to public transit facilities; and

(4) Other uses which the Planning Board determines meet the goals of this Section 13.59.3.

13.59.32 Location of Active Uses.

While Active Uses are desirable and encouraged at many locations throughout a Development Parcel located in a PUD-3A or PUD-4C district, potential locations of Active Uses of particular merit include the following locations for the portion of the Development Parcel within the PUD-3A District:

(1) Portions of buildings and sites adjacent to the intersection of Binney Street and Second Street (including a “Mixed-Mode Transportation Hub,” as defined above); and

(2) Portions of buildings and sites facing First Street across from the Triangle Park (as defined below).

Potential locations of Active Uses of particular merit include the following location for the portion of the Development Parcel within the PUD-4C District:

(3) Portions of buildings and sites adjacent to the intersection of Binney Street and Third Street.

The Planning Board shall have flexibility in approving the actual location of Active Uses in the Final Development Plan. In order to preserve such flexibility, all ground floor space in an approved Final Development Plan, whether or not in one of the potential locations for Active Uses described above, shall contain design features which could accommodate future Active Uses.

13.59.33 Building and Site Design Requirements for Active Uses and Open Spaces.

(1) Each Active Use shall have at least one entrance from the sidewalk separate from the principal entrance of the building.

(2) Where the length of a commercial building's primary façade exceeds 135 feet, loading, service, and garage ramp areas shall occur behind no more than one third (1/3) of ground level façade length facing a park. Along the remaining two-thirds (2/3) of ground level façade length, transparent glazing shall make up at least 40% of ground-level façade area, and areas of opaque wall may extend no more than 25 feet horizontally. Notwithstanding these design requirements, it is preferred that parking entries and service facilities not be located within that portion of a building facing Rogers Street Park.

(3) In order to provide open and inviting public access between buildings and sidewalks, a Final Development Plan shall contain attractive exterior through-block connector space in the block bounded by Binney Street, Second Street, Rogers Street and Third Street (where that area is encompassed by the Development Parcel) and shall provide for the expansion and enhancement of the existing through-block connector in the block bounded by Binney Street, Second Street, Linskey Way and Third Street (where that area is encompassed by the Development Parcel). Exterior connector space shall be open to the public at all times.

(4) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout the Development Parcel in any approved Final Development Plan.

13.59.34 Required Marketing Plan.

An approved Final Development Plan shall include a marketing and merchandising plan to be implemented over the life of the permit in order to recruit users and otherwise use diligent efforts to cause ground floor areas of buildings and adjacent sites as approved in the Final Development Plan to be occupied by Active Uses. Among other things, the marketing plan shall (1) set forth target uses and users (and shall particularly target local and/or independent retailers), (2) designate an individual responsible for implementing the plan who shall serve as a point of contact with the Community Development Department (through its Economic Development Division),

(3) describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances, and (4) include a street activation plan.

The Planning Board shall require in its conditions of approval an annual reporting to the Community Development Department, until the later of three years after full occupancy of all required Active Use space and ten years after the issuance of the first building permit for a building in the Final Development Plan, regarding the ongoing efforts on the part of the Permittee to comply with such plans. The Permittee shall revise the marketing and management plan as necessary to achieve full occupancy of all required Active Use space within a reasonable period of time.

13.59.4 Required Housing.

The Final Development Plan shall provide for at least 220,000 square feet of gross floor area to be devoted to residential uses. The residential units shall contain at least 47,000 square feet of Gross Floor Area of housing affordable to middle income households whose total income does not exceed one hundred twenty (120%) percent of the median income for the Boston Standard Metropolitan Statistical Area and at least 33,000 square feet of Gross Floor Area of housing affordable to low and moderate income households whose total income does not exceed eighty (80%) percent of the median income for the Boston Standard Metropolitan Statistical Area.

The residential uses shall be constructed in accordance with the following schedule:

(1) Construction of the first 70,000 square feet of Gross Floor Area of required residential uses must commence prior to the issuance of a building permit allowing non-residential Gross Floor Area in excess of 767,000 square feet of non-residential Gross Floor Area in the aggregate.

(2) Construction of the remaining 150,000 square feet of Gross Floor Area of required residential uses shall commence no later than the later of (a) issuance of a building permit allowing non-residential Gross Floor Area in excess of 1,000,000 square feet of non-residential Gross Floor Area in the aggregate or (b) eight years after the grant of a Special Permit approving a Final Development Plan.

The required 220,000 square feet of Gross Floor Area devoted to residential uses shall be excluded from Gross Floor Area for the purposes of calculating Floor Area Ratio (FAR). The required residential Gross Floor Area shall not be subject to the provisions of Section 11.200 of the Zoning Ordinance. The required residential Gross floor Area shall specifically not be eligible for the FAR and dwelling unit bonuses set forth in Section 11.203.2.

Notwithstanding the exclusion of the 220,000 square feet of Gross Floor Area to be devoted to residential uses from the provisions of Section 11.200, the required low and moderate income units shall be constructed, marketed and administered in conformance with the requirements, policies and procedures established by the City for units otherwise subject to Section 11.200.

Residential Gross Floor Area approved in the Final Development Plan exceeding 220,000 square feet of Gross Floor Area shall be subject to the FAR limitations of the PUD Districts and shall be subject to the provisions of Section 11.200.

13.59.41 Incentive Zoning Provisions**.**

A PUD Final Development Plan subject to the provisions of this Section 13.59 shall provide to the Cambridge community significant material benefits in the form of, among other things, a significant component of housing serving households with a wide range of incomes at least equivalent to the housing which would have been provided pursuant to Sections 11.203.1 and 11.203.2, as well as providing the land for two large public parks and the funds to design and construct improvements thereon, an active program to establish and support retail activities within the development, donation of an existing building to the City of Cambridge with a preference for its use for municipal or community use, and measures to monitor and manage noise generation within the development; therefore, any such Final Development Plan shall not be subject to the requirements of Section 11.203.1 and 11.203.2 of the Zoning Ordinance.

13.59.5 Parking.

The approved Final Development Plan shall provide for parking for non-residential uses in new buildings at a ratio no greater than .9 spaces per 1,000 feet of Gross Floor Area for retail and office uses (including technical office and laboratory uses). The Planning Board may allow, consistent with the provisions of Section 6.35, parking at a ratio which is less than 1 space per dwelling unit for any residential use. All parking for nonresidential uses shall be underground structured parking, provided that a Development Parcel may contain on grade parking equal in number to 5% of the parking otherwise required for the uses in the Final Development Plan (but in no event more than 60 spaces). In its approval of a Final Development Plan, the Planning Board may approve the location, layout and design of parking spaces which deviate from the requirements of Article 6.000 of this Ordinance.

13.59.51 Interim Use of Surface Parking

On an interim basis in anticipation of later construction of underground structured parking sufficient to meet all parking requirements, on grade open parking shall be allowed in a Development Parcel subject to the following conditions:

(1) The future underground parking structure will be constructed within the Development Parcel but it may be located either on or off of the lot which it will serve;

(2) Construction of the replacement subsurface parking structure will commence within four years of the date of certificate of occupancy for the building initially served by on grade parking;

(3) The future subsurface parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building; and

(4) Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (1) through (3) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.59.52 Accessory Parking for Uses Outside the Development Parcel

The Planning Board may approve in the Final Development Plan underground structured parking spaces as replacements for pre-existing spaces that will be displaced by improvements contemplated by such Final Development Plan.

In addition, notwithstanding any provisions of the Zoning Ordinance to the contrary, in the event that any pre-existing accessory off-street parking facilities located in a Development Parcel, that are serving a pre-existing use located outside the Development Parcel (whether within or outside the applicable PUD district), are proposed to be eliminated or displaced in accordance with the Final Development Plan, such pre-existing off-street parking may be relocated by Special Permit granted by the Planning Board to the owner of the off-site use. In granting such Special Permit, the Planning Board may grant deviations from the requirements of Article 6.000 of this Ordinance for the number, location, layout and design of the relocated parking spaces

13.59.6 Consistency with Design Guidelines.

The Final Development Plan shall be generally consistent with the guidance provided in the Eastern Cambridge Design Guidelines dated October 15, 2001, provided that in the event of any conflict between such Design Guidelines and this Ordinance, the provisions of this Ordinance shall govern. Application of such Design Guidelines may vary within the context of specific building proposals in a way that, nevertheless, respects the intent of such Design Guidelines and this Ordinance. Accordingly, variations from the Design Guidelines may be approved so long as it is demonstrated that the alternate approach serves as well or better the objectives of the PUD-3A and PUD-4C Districts or creates positive design opportunities not envisioned in the Design Guidelines. In granting approval under Article 19.000 for all buildings in a Final Development Plan subject to this Section 13.59, the Planning Board may approve buildings for which physical design information is presented in conceptual form, subject to later design review and approval by the Planning Board and a finding that final design of such buildings is consistent with such Design Guidelines as aforesaid, and such other design goals as are set forth in this Ordinance and the Special Permit approving such Final Development Plan.

13.59.7 Preservation.

In the event that all or any portion of a lot listed below is included in a Final Development Plan, the exterior of the currently existing structure thereon shall not be

demolished but shall be preserved in place for adaptive re-use during its useful life (or relocated, as noted):

(1) 140-146 Sixth Street (The building at the corner of Sixth Street and Rogers Street on Tax Parcel 28-23)

(2) 213 Binney Street (The building on the corner of Binney Street and Fifth Street on Tax Parcel 28-23 but not including the building on such Tax Parcel known as 126 Rogers Street)

(3) 161 First Street (excluding three story rear addition) (Tax Parcel 16-20)

(4) 41 Linskey Way (Also known as 219 Second Street) (Building may be moved to another location, in compliance with all applicable laws) (Tax Parcel 15-11)

13.59.8 Letter of Commitment.

Issuance of any base building permit or certificate of occupancy for any building in the Final Development Plan shall be conditioned upon certification by all relevant departments of the City to the Superintendent of Buildings that the Project is proceeding in accordance with all provisions of that certain “Letter of Commitment” dated February 9, 2009.

13.59.9 Required Public Open Space Features.

Where compliance with this Section 13.59 in required by any provision of Sections 13.40 and 13.50 of the Zoning Ordinance, the following Public Open Space to be dedicated to the City of Cambridge shall be required in the approved Final Development Plan:

(1) In the block bounded by Rogers Street, Third Street, and Second Street (Tax Parcels 16-25, 16-27 and 16-1), a Public Open Space no less than two (2) acres in size in the aggregate (Rogers Street Park).

(2) In the block bounded by Land boulevard, First Street, Binney Street and Monroe Street Extension (Tax Parcel 11-32) and the block bounded by Land Boulevard, First Street and Munroe Street Extension (Tax Parcel 11-46), a Public Open Space no less than 0.30 acres in size in the aggregate (Triangle Park).

13.59.91 Timing of the Permanent Dedication of Required Public Open Space.

The required Public Open Space shall be permanently dedicated to the City of Cambridge by a legal device or instrument acceptable to the City, with all buildings and foundations removed, and in an environmental condition consistent with all federal, state and local laws, rules, and regulations for all uses to which Public Open Space is intended to be put, including, but not limited to (in the case of the Rogers Street Park), unrestricted excavation for purposes of construction of recreational

buildings and facilities and landscaping, and (in the case of the Triangle Park), unrestricted excavation for purposes of construction and installation of sidewalks, poles, walls, fences, landscaping and similar site improvements. The open space shall be dedicated to the City on the following schedule:

(1) In the case of the Rogers Street Park, no later than the issuance of the first certificate of occupancy for the first non-residential building constructed in the approved Final Development Plan.

(2) In the case of the Triangle Park, no later than the issuance of certificates of occupancy for non-residential buildings in the Final Development Plan that in the aggregate of such building construction contain at least 700,000 square feet of Gross Floor Area.

The dedication of the required Public Open Space shall be accomplished by transfer of ownership of the required lots to the City in fee simple absolute, subject to encumbrances acceptable to the City which do not interfere with the use of the land for its intended purposes such as subsurface utility easements. If the City does not accept such transfer of ownership, then the Permitee, or its successors and assigns, shall hold the land as Public Open Space available to the public in perpetuity for all uses and activities identified in the definition of Public Open Space in this Zoning Ordinance. The development of the Public Open Space, whether or not ownership is transferred to the City, shall be designed and its use shall be programmed and controlled by the City of Cambridge. No building other than any building constructed by the City ancillary to the use of the site shall be constructed on the lots so dedicated as Public Open Space. The Gross Floor Area of any such buildings shall be excluded from Gross Floor Area for purposes of calculating Floor Area Ratio.

13.59.10 Donation of an Existing Building with a preference for its use for Municipal or Community Uses.

Any Final Development Plan shall provide for the transfer of ownership to the City of Cambridge of the existing building and lot identified as 101 Rogers Street (also known as 117 Rogers Street and as the Foundry Building) (Tax Parcel 27-82), with a preference for its use for municipal or community uses as generally set forth in Section 4.33 of the Table of Use Regulations, at least 10,000 square feet of which shall be devoted to educational, cultural or institutional uses listed in Section 4.33 of the Table of Use Regulations, at a time and in a form acceptable to the City. Such transfer shall include the full development rights attendant to such lot at an FAR of 3.0 as generally permitted within the applicable PUD. Upon the execution of such transfer of ownership, the PUD Permittee shall be entitled to 43,684 square feet of additional Gross Floor Area for non-residential or residential development within the approved Final Development Plan above that otherwise permitted through application of the FAR limitations set forth in the PUD-3A and 4C Districts, and if ownership of a portion of up to 5,254 square feet of the lot identified as 249 Third Street (Tax Parcel 27-76) is transferred to the City of Cambridge, upon the execution of such transfer of

ownership, the PUD Permittee shall be entitled to additional Gross Floor Area, as well, equal to the product of 3 times the number of square feet of such portion of such lot. Such Gross Floor Area may be included in the approved Final Development Plan, notwithstanding that such approval may precede the actual transfer of the property to the City.

13.60 deleted

13.70 PLANNED UNIT DEVELOPMENT IN THE NORTH POINT RESIDENCE DISTRICT.

13.71 *Purpose*. This Section 13.70 is intended to provide the opportunity to create a new residential neighborhood from an area now primarily industrial in character. Retail and office uses and community services are encouraged as part of that neighborhood to serve the residential community and stimulate activity in the area for extended hours throughout the day. Significant new public open space to serve the residents of the district and the general public is desired. It is also intended that development in the PUD in the North Point Residence District will be generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and guidance provided in the Eastern Cambridge Design Guidelines.

13.72 *Applicability*. A special permit for a Planned Unit Development may be granted by the Planning Board in the North Point Residence District in accordance with the requirements of Sections 12.30 and 12.40, and the development controls specified in Section 12.50 and this Section 13.70. All references to and requirements for a PUD district in those sections shall also apply to a Planned Unit Development in the North Point Residence District.

13.73 *Use Regulations*. Any use permitted in Article 16.000 - North Point Residence District may be allowed by the Planning Board, but subject only to the requirements and limitations of this Section 13.70. Other uses, not permitted in Article 16.000 but permitted in a Business B District, may be allowed by the Planning Board upon a written determination that such use is compatible with and advances the policy objectives of the Eastern Cambridge Plan and that it is necessary to support the predominant residential use in the PUD in the North Point Residence District. However, except as set forth in Section 13.73.0 below, non-residential uses may not constitute more than thirty-five (35) percent of the total authorized Gross Floor Area within any Development Parcel, exclusive of both Gross Floor Area devoted to parking facilities and the additional Gross Floor Area (GFA) that may be constructed as a result of the application of FAR bonuses permitted in Section 11.200.

13.73.0 *Special Permit for Non-residential Uses.* The Planning Board may permit up to one hundred (100) percent of the total authorized Gross Floor Area within a Development Parcel to consist of non-residential uses if there is only one (1) building proposed to be located within the Development Parcel.

13.73.1 Special Provisions Related to Permitted Retail Uses.

The total Gross Floor Area for retail and consumer service establishments authorized by the Planning Board in all approved PUDs within that portion of the PUD in the North Point Residence District located west of Charlestown Avenue shall not exceed 75,000 square feet or 25,000 square feet for that portion of the PUD located east of Charlestown Avenue, unless a finding is made by the Planning Board that additional retail use will better serve the objectives of this Section 13.70 and the objectives of the Eastern Cambridge Plan. All retail and consumer services establishments shall be subject to the following limitations:

(i) In no instance shall any individual retail or consumer service establishment exceed 10,000 gross square feet unless the Planning Board determines in writing that establishments of a greater size better support and serve the residents within the PUD district and better advance the policy objectives set forth in the Eastern Cambridge Plan and the guidance proved in the Eastern Cambridge Design Guidelines.

(ii) No off street parking is provided except that the Planning Board, in approving a Final Development Plan, may explicitly permit accessory off street parking not to exceed one space per two thousand (2,000) square feet of Gross Floor Area approved for retail and consumer service establishments, provided that mitigating measures are included to ensure that the goals of the district will be met.

(2) The initial 50,000 square feet of retail and consumer service establishments authorized in total in approved PUDs shall be exempt from any limitations as to non-residential Gross Floor Area as set forth in Section 13.73.1 above subject to the following limitations:

(i) The GFA is located on the ground floor and fronts on and has a public entry onto a publicly accessible street.

(ii) The establishment is located within the 500-radius described in Section 13.74.11 below.

13.73.2 Limitations on Telephone Exchange Uses. Where the floor area of any such use exceeds 400 square feet, the use shall only be located within 250 feet of the Boston/ Somerville/Cambridge municipal boundary line and west of Charlestown Avenue.

13.74 Dimensional Requirements.

13.74.1 Floor Area Ratio (FAR) Limitation. The maximum ratio of Gross Floor Area to the total area of the Development Parcel, which area shall be calculated in accordance with Section 13.74.2 below, shall be 2.4 except as modified by Sections 13.74.11 – 13.74.12 below. Any GFA contained within the head house or transit station serving the MBTA Green Line, excluding any GFA occupied by private retail, office, or other uses, shall not be subject to the FAR limitations set forth in this Section 13.74.1.

Where a Development Parcel encompasses lots to which different FAR and non-residential use limitations apply, the FAR and non-residential use limitation regulations shall be used only to determine the total amount of GFA permitted including the GFA devoted to residential and non-residential uses. Those FAR and non-residential use regulations shall not regulate or limit the distribution of the authorized GFA or uses within the Development Parcel as a whole. That distribution shall be determined by the Planning Board in its approval of the Final Development Plan.

13.74.11 Additional FAR for Proximity to Transit. For any portion of a Development Parcel located within a 500-foot radius of a point defined as the intersection of the centerline of McGrath and O'Brien Highway and the northerly extension of the centerline of First Street, the permitted FAR shall be 3.0. That portion of said Development Parcel shall be permitted to use up to 35% of the allowable FAR for non-residential uses. The portions of the development parcel outside the 500-foot radius shall be subject to the limitations of Sections 13.74.1 and 13.74.12. The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius; provided that the Planning Board may allow such additional GFA to be located outside of the 500-foot radius upon determining that such relocation of GFA would further the establishment of an active retail plaza near Lechmere Station. (See Map 13.81)

13.74.12 Additional FAR for Increased Residential Use. For those portions of the PUD district not located within the 500-foot radius described in Section 13.74.11, the FAR permitted in Section 13.74.1 may be increased according to the schedule set forth below as the proportion of GFA devoted to residential uses increases, as proposed in the application for a PUD special permit and approved by the Planning Board.

Proportion of Residential GFA Proposed and Approved	Permitted FAR
All residential	3.0
No less than 90%	2.9
No less than 85%	2.8
No less than 80%	2.7
No less than 75%	2.6
No less than 70%	2.5
No less than 65%	2.4

To attain the increase in FAR, the proposed development must attain the percentage thresholds indicated above. There shall be no partial application of the gradations noted above.

13.74.2 Minimum Development Parcel Size. The minimum size of the Development Parcel shall be the larger of (1) one hundred thousand (100,000) square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel provided that clause (2) shall not apply to a lot or combination of lots owned by The Commonwealth of Massachusetts or a department thereof as of June 1, 2001. The area of a

development parcel may include land dedicated (after adoption of this Section 13.70 and prior to the issuance of any building permit for work under a PUD special permit under this Section 13.70) by the owner or former owner of the land, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to public use, or public open space.

13.74.21 Where the Development Parcel required in Section 13.74.2 is greater than 100,000 square feet, the applicant may at his own discretion designate a portion of Development Parcel as a Master Plan Area, within which area physical information may be presented in a more generalized way, subject to more detailed approval by the Planning Board at a time and in a manner determined by the Board in its PUD special permit decision. Within the Master Plan Area location of streets and public parks, the quantities of proposed land uses, general building envelopes, locations and heights shall be indicated in sufficient detail that the Planning Board can reasonably assess the impact of the Master Plan and its general consistency with the objectives of the PUD district and the guidance provided in the Eastern Cambridge Design Guidelines.

13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as provided herein and as further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

(1) Maximum Building Height of One Hundred and Fifty (150) Feet. The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning at the intersection of the Boston and Cambridge municipal boundary line and the centerline of Charlestown Avenue, then southwesterly to the centerline of Monsignor O'Brien Highway, then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line 200 feet northwesterly of and parallel to northwesterly sideline of Charlestown Avenue, then northeasterly by a line 200 feet northwesterly of an parallel to the northwesterly sideline of Charlestown Avenue to Reference Line #1 (see Section 13.74.34), then northwesterly by Reference Line #1 to its intersection with a line that is 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south then westerly by a line 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south to a point that is the intersection of a line which is 525 feet easterly of and parallel to the northerly extension of the centerline of Second Street, then northerly by a line which is 525 feet easterly of and parallel to northerly extension of the centerline of Second Street, to a point that is the intersection of a line that is 100 feet northerly of and parallel to Reference Line #1, ten westerly by a line 100 feet northerly of and parallel to Reference Line #1 to the intersection of a line that is, the northerly extension of the centerline of Second Street, then northerly by a line that is the northerly extension of Second Street to its intersection with the Cambridge and Somerville municipal boundary line, then the Cambridge/Somerville/Boston municipal boundary line to the point of origin.

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described areas:

(a) That area bounded by a line beginning at the centerline of Monsignor O'Brien Highway at the boundary of the area described in 13.74.3(1)(b) above; then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line which is 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue, then northeasterly by a line 325 feet northwesterly of and parallel to then northwesterly sideline of Charlestown Avenue to Reference Line #1 at the boundary of the area described in 13.74.3(1)(b) above, then southeasterly by the boundary of the area described in 13.74.3(1)(b) above then southwesterly by the boundary of the area described in 13.74.3(1)(b) to the point of beginning.

(b) That area bounded by a line beginning at the boundary of the area described in 13.74.3(1)(b) above at the intersection of a line that is the northerly extension of the centerline of Second Street and a line that is 100 feet north of and parallel to Reference Line #1, then easterly and southerly by the boundary of the area described in 13.74.3(1)(b) above to the intersection of Reference Line #1, then westerly by Reference Line #1to the intersection of Special Zoning District 1 zoning district boundary line, then northwesterly by the Special District 1 zoning district boundary to the Cambridge and Somerville municipal boundary line, then easterly by the Cambridge and Somerville municipal boundary line to the boundary of the area described in 13.74.3(1)(b) above, then southerly by a line that is the centerline extension of Second Street and the westerly boundary of the area described in 13.74.3(1)(b) above to the point of beginning.

13.74.31 Portions of Buildings Limited to Sixty-five Feet. Except within the area described in Section 13.74.3(1)(a), any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 65 feet only if for each floor above 65 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 65 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 65 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted by Section 13.74.3, or any variation between the two provisions.

13.74.32 Additional Height to Two-hundred and Twenty Feet. The Planning Board may in its discretion permit no more than seven residential buildings (in addition to those permitted in Section 13.74.33 below) and one commercial building to exceed a height of one hundred and fifty (150) feet up to a maximum height of two hundred and twenty (220) feet in that portion of the PUD in the North Point Residence District west of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet, provided that portions of such buildings may be located in other municipalities and, as to the portion(s) in another municipality only, governed by the zoning regulations of the other municipality.

(2) When approving the building heights permitted under this Section 13.74.32, the Planning Board shall determine that portions of any such buildings above sixty-five feet are appropriately separated from each other.

13.74.33 Additional Height to Two-hundred and Fifty Feet. The Planning Board may in its discretion permit no more than two residential buildings to exceed one hundred and fifty feet in height up to a maximum height of two hundred and fifty (250) feet in that portion of the PUD in the North Point Residence District east of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet.

13.74.34 Description of Reference Lines. Reference Line #1 and Reference Line #2 shall be as described herein:

(1) Reference Line #1 is that line which is the northwesterly extension of the centerline of North point Boulevard that, at its intersection with Reference Line #2, is deflected south by 22* degrees and continues thereafter to its intersection with the Special District 1 zoning district boundary line. **(*scrivener's error corrected 2/14/11)**

(2) Reference Line #2 is that line which is northwesterly of, parallel to, and nine hundred (900) feet distant from the northwesterly sideline of Charlestown Avenue.

13.74.35 Waiver of Height Limitations

In order to provide a limited level of flexibility in developing a comprehensive plan for currently vacant or underdeveloped parcels of land in North Point, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan in which one or more buildings or portions of buildings, no higher than one hundred and fifty (150) feet, do not conform to the height limitations set forth in Section 13.74.3 above, subject to the following limitations and conditions.

(1) The building or portion of a building does not extend more than 100 feet into the adjacent, more restrictive height band as set forth in Section 13.74.3 and illustrated on Map 13.71.

(2) The building or portion of a building extending into the more restrictive height band does not exceed the height limit established in the less restrictive height band from which it is being extended.

(3) Such extensions are limited in nature, not inconsistent with the objective of establishing the height band provisions of Section 13.74.3, and are generally consistent with the Eastern Cambridge Design Guidelines.

(4) Other buildings proposed can be demonstrated to be lower than might otherwise be required should the height waiver not be granted by the Planning Board.

(5) The applicant can demonstrate to the satisfaction of the Planning Board that the requested deviations from the height provisions of Section 13.74.3 are reasonable in the context of the proposed Final Development Plan as a whole and permit an organization of buildings, streets, opens space and other features of the Final Development Plan that better serve the public interest and the

objectives of the PUD than might otherwise be the case with strict adherence to the height limits established in Section 13.74.3

13.74.36 In the event that two or more height limitation provisions (as set forth in Sections 13.74.3 (1) and (2), 13.74.31, and 13.74.35 above) apply to a single parcel of land defined and approved by the Planning Board as part of a Master Plan and intended to be developed singly and separate from other approved parcels in the Master plan and located within 700 feet of the northwesterly sideline of Charlestown Avenue and within 400 feet south of Reference Line #1, the total allowable massing of a structure on that parcel, as limited in the Master Plan, may be distributed and allocated across the entire parcel without regard to the restrictions set forth in the above referenced Sections to the extent that it furthers the purpose of this Section 13.70 and provided that neither the maximum allowable height applicable on the parcel by the above referenced Sections nor the maximum allowable square footage at the parcel are exceeded. Such redistribution of height may be approved by the Planning Board as part of any design review of individual buildings in the manner set forth in the approved Master Plan.

13.74.4 Other Dimensional Requirements. There shall be no specified minimum lot size for lots located within a Development Parcel. There shall be no minimum lot area per dwelling unit requirement. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District. The Planning Board shall approve all proposed building setbacks and lot configurations.

13.75 *Open Space*. Any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on every Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of such Development Parcel. Owners of adjacent Development Parcels may collectively provide such open space by dedication, easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity, in which event each such development parcel shall, for purposes of this Section 13.70 be deemed to include such portion of such open space as such owners shall allocate to it in such legal instrument. This open space requirement shall be subject to the following provisions.

(1) All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.75.1 Required Public Open Space. Any approved Planned Unit Development whose Development Parcel consists in part or entirely of a lot or combination of lots (a) in existence as of June 1, 2001, (b) held in common ownership, and (c) is at least 250,000 square feet in size shall be obligated to allocate a portion of its open space requirement as set forth in Section 13.75 above as Public Open Space meeting the requirements set forth in Section 13.75.11 below. This obligation shall remain with such lot or combination of lots in its entirety, notwithstanding any subdivision or change of ownership that may occur after June 1, 2001. In each instance where such a lot or combination of lots, or a portion thereof, is included within a development parcel, the PUD special permit shall only be granted if it is established to the satisfaction of the Planning Board that the Public Open Space required in this Section 13.75.1 can be provided even if its location is on a portion of the lot or combination of lots not included within the Development Parcel under review.

13.75.11 Requirements of the Public Open Space. The required Public Open Space shall consist of a contiguous parcel of land of at least two and one half (2.5) acres in size at a location and designed in a manner consistent with the Eastern Cambridge Plan. As defined, the Public Open Space shall be within the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. The Planning Board in its conditions shall establish the time by which the facility shall be completed. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD Special Permit and when conveyed to the city shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

Only one facility of 2.5 acres or greater shall be required within the North Point PUD District. Once the Public Open Space obligation has be met, any remaining open space required for any PUD need only be consistent with the requirements of Section 13.75 and the applicable guidelines of the Eastern Cambridge Plan. The required facility shall be created according to the following rules.

(1) Where the Development Parcel includes a lot or combination of lots defined in 13.75.1 above where that lot or combination of lots is at least 250,000 square feet in area but less than ten acres, and where the development parcel encompasses a portion of the site of the required Public Open Space as illustrated in the Eastern Cambridge Plan, the open space required in the PUD shall be allocated in the approved Final Development Plan in part or in full at the proposed location of the Public Open Space.

(2) Where the PUD Development Parcel includes all or a portion of a lot or combination of lots with an area greater than 10 acres, the PUD Final Development Plan shall be required to create in its entirety a 2.5-acre Public Open Space consistent with the Eastern Cambridge Plan; if development of a 2.5-acre Public Open Space has previously occurred in whole or in part, that portion of the Public Open Space not designated in any previously approved PUD shall be provided.

13.76 *Parking and Loading Requirements*. Off-street parking and loading requirements shall be the same as currently specified in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified below.

13.76.1 Parking facilities may be located on the lot they serve or may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the PUD in the North Point Residence District.

13.76.2 Parking and loading requirements shall be as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Uses: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(4) Retail and Consumer Services: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

13.76.21 Notwithstanding the provisions of Section 13.76.2 above, the total number of parking spaces serving non-residential uses in the PUD in the North Point Residence District shall not exceed 2,500 spaces, allocated to each Development Parcel at the rate of 1.2 spaces per 1,000 square feet of land in the Development Parcel.

13.77 *Approval of Roadway Plan.* No Final Development Plan shall be approved by the Planning Board without Planning Board approval of a Roadway Plan. The Planning Board shall not approve a Roadway Plan (which shall include all proposed roads, streets, driveways and other motor vehicle circulation routes) as part of the Final Development Plan unless the Planning Board finds that the impact of traffic projected to use the approved roadways is consistent with the objective of the PUD in the North Point Residence District to limit the extent of single occupancy vehicle access to the district and is consistent with the traffic findings required in Section 19.20 – Project Review Special Permit.

Notwithstanding the provisions of Section 6.22.4, all accessory parking for development approved in a Final Development Plan shall be provided within the approved PUD area unless the Planning Board specifically allows accessory parking at other locations, consistent with all other provisions of Article 6.000.

13.78 *Other Provisions*

13.78.1 Signs. The sign regulations of Article 7.000 applicable to Retail, and Office Districts shall be applicable in the District.

13.78.2 Perimeter and Transition. Any part of the perimeter of a planned unit development which fronts on a public open space for not less than two hundred and fifty (250) feet or is immediately adjacent to and within three hundred (300) feet of the Charles River shall be so designed as to complement and harmonize with adjacent land uses (existing or proposed) with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.78.3 Traffic Mitigation Measures. In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan Approval, a commitment to a Transportation Demand Management program consistent with the reduced parking mandated in this Section 13.70. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the Eastern Cambridge Plan, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.78.4 Relationship to MBTA Urban Ring Transportation Planning Project. In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.79 *Development Flexibility: Additional Permitted FAR and Height*

Notwithstanding any other provisions of this Section 13.70, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan that exceeds (1) the FAR limits otherwise required and (2) the proportion of non-residential GFA otherwise required subject to the following limitations and conditions:

13.79.1 Previously Issued Planned Unit Development Special Permits

The mix of uses, Gross Floor Area, and other dimensional characteristics of any existing construction authorized by the grant of a PUD Special Permit, issued before the adoption of this amended Section 13.70, shall be permitted by this Section 13.70. Such mix of uses, GFA, and dimensional characteristics may be reauthorized by any subsequent PUD Special Permit issued for the same Development Parcel under procedures established in this Section 13.70.

13.79.2 Additional Gross Floor Area for Above Ground Structured Parking

The Planning Board may permit additional Gross Floor Area for the exclusive use of structured accessory parking located above grade subject to the following limitations. It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical, visual and aesthetic barrier between occupied space (particularly housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein, and adjacent bridge structures abutting the North Point Residence District. In permitting such above ground structured parking, it is expected that the authorized structures will be architecturally and visually well integrated with the development as a whole and not in themselves negatively impact the quality of the development.

(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, the Boston municipal boundary line or Charlestown Avenue (the Gilmore Bridge), but in no case may it extend further than one hundred and ninety-five (195) feet from the lot line between (A) either property used for active rail use as of January 1, 2012 or Charlestown Avenue (the Gilmore Bridge) and (B) property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality.

(2) The facility shall have a height no greater than twenty-five (25) feet unless the Planning Board specifically authorizes a greater height.

(3) The design of the garage shall be of a quality comparable to that of other, non-parking structures in the PUD.

(4) The structure shall be screened with active uses to the maximum extent possible, but at least where it is likely to be viewed from the principal pedestrian pathways within the PUD.

(5) The applicant shall provide to the Planning Board a study prepared by an acoustical engineer outlining the anticipated impact of the proposed development plan on the abatement of sound transmission from the adjacent rail yards to areas within the PUD area and in the residential East Cambridge neighborhood south and west of Msgr. O’Brien Highway.

13.79.3 Additional Gross Floor Area for Non-residential Uses

The Planning Board may permit additional Gross Floor Area for permitted non-residential uses subject to the following limitations:

(1) The additional non-residential GFA authorized shall not exceed that resulting from the application of an FAR of 0.26 and it shall be in addition to and not a substitute for the residential uses required in Section 13.74.1. In no case, however, shall the total authorized GFA for the approved PUD exceed an FAR of 2.66. The provisions of Section 13.74.11 (Additional FAR for Proximity to Transit) may continue to apply but in no case may the FAR permitted in that section exceed 3.0.

(2) No additional parking shall be provided for this additional authorized non-residential GFA. The parking supply upon which that determination is made shall be that supply permitted by the Planning Board for the development and mix of uses permitted in Section 13.74.1.

(3) The applicant shall demonstrate through the Project Review Special Permit process, Section 19.20, that the project with the additional non residential GFA shall not create a more adverse impact upon traffic than the quantity and mix of development permitted in Section 13.74.1. It is anticipated that such a standard shall be met through limitations as to the uses permitted in the additional GFA and through the provision of permanent transit enhancement improvements above those required to be provided to gain approval of the GFA and use mix permitted in Section 13.74.1. In no case, however, shall the additional non-residential FAR permitted in this Section 13.79 be granted by the Planning Board unless the relocation of the MBTA Green Line Station at Lechmere is a part of the PUD application and the Planning Board is satisfied that its construction at a new North Point location will occur prior to the occupancy of any element of the project utilizing the additional non-residential GFA.

(4) To be assured that the transportation related behavior of residents and commercial tenants predicted to occur in the Traffic Study to be conducted under Section 19.20 is borne out in fact as structures are occupied, the Planning Board may require monitoring of actual traffic generation by those residents and employees actually occupying the site. In its decision the Planning Board may establish criteria and procedures for the timing of such subsequent monitoring of traffic generation, including but not limited to the proportion of total development that is occupied, the length of time such buildings have been fully occupied, and the mix of uses in place.

13.79.4 Provision of Public Benefits

In reviewing any application for additional Gross Floor Area as authorized in Sections 13.79.2 and 13.79.3 above, the Planning Board may consider demonstrated efforts on the part of the applicant to provide permanently affordable housing for middle income households having an income at or below one hundred and twenty (120) percent of the median income for households in the Boston Standard Metropolitan Statistical Area, in

addition to those affordable units otherwise required in Section 11.200 and (2) to facilitate the provision of a public sports facility.

13.710 Monitoring of Compliance with PUD Conditions

The Planning Board shall establish in its Decisions the details for monitoring of the project and its performance, as it is implemented phase by phase. In anticipation of such conditions, the applicant shall provide in the application a proposed plan for such long-term monitoring and review.

13.80 PLANNED UNIT DEVELOPMENT 5 DISTRICT.

13.81 *Purpose*. The PUD-5 District is intended to provide for Kendall Square's continued prominence as a world-renowned center of innovation and a vibrant neighborhood through the creation of a mixed-use district of high quality general and technical office and laboratory uses with significant retail activity proximate to the MBTA station. The PUD-5 District helps organize placement of commercial and institutional buildings and establishes an additional mixed-use development containing a significant residential component to support the burgeoning residential corridor along Third Street and the strong links to existing neighborhoods and the riverfront. The PUD-5 District allows for continued support of the academic mission at MIT and encourages connective links, physical and otherwise, between the Institute and adjacent neighborhoods.

The PUD-5 District responds to the Kendall Square planning process and is intended to be a smart-growth, transit-oriented district and therefore allows for replacing surface parking lots with larger scale development in Kendall Square and the major public transit services located there. The PUD-5 District encourages low parking ratios, shared parking strategies, the use of public transportation and improved pedestrian and bicycle environments. The PUD-5 District furthers the City's goals for sustainable development through buildings and sites that are planned, designed and constructed in a sustainable way so as to minimize adverse environmental impacts as they are initially constructed and as they are occupied and operated over the course of their useful lives.

The PUD-5 District promotes the creation of a strong retail corridor along Main Street and the enhancement of Broad Canal Way. Combined, this new public crossroads will have broad appeal as a desirable destination during and beyond the traditional workday by providing a critical mass of diverse restaurants, shops, entertainment and programming. The ground floor space will engage pedestrians and provide a variety of indoor and outdoor gathering spaces, including retail that can address the needs and reflect the creativity of the local community.

13.81.1 Establishment and Scope of Subdistricts within the PUD-5 District.
The PUD-5 District shall be divided into a series of Subdistricts as described below for the purpose of defining requirements that may not apply to the District as a whole. All provisions of the PUD-5 shall apply equally to each Subdistrict, except as provided for elsewhere in Section 13.80.

13.81.2 Description of the Subdistricts within the PUD-5 District.

13.81.2.1 The Third Street Transition Subdistrict is the area bounded by the northern sideline of Lot # 31 on Assessor's Map 14 running to the centerline of Third Street, then the centerline of Third Street running southerly to the centerline of Broadway, then the centerline of Broadway and Main Street running from Third Street to a point in the centerline of Main Street that is consistent with the point of intersection that the eastern sideline of the above-referenced Parcel would have with the centerline of Main Street if such sideline continued in a straight line to the centerline of Main Street, then the eastern sideline of the above-reference Parcel northerly from the centerline of Main Street to the northern sideline of the above-referenced Parcel.

13.81.2.2 The Main Street Subdistrict is the area bounded by the point in the centerline of Main Street that is consistent with the point of intersection that the eastern sideline of Lot #15 on Assessor's Map 46 would have with said centerline if said eastern sideline were continued in a straight line to said centerline, then southerly by the eastern boundary of said Parcel to a line 150 feet north of and parallel to the property lines of lots abutting the northern sideline of Memorial Drive, then westerly by said line to the centerline of Wadsworth Street, then the centerline of Wadsworth Street running north from Memorial Drive, then the centerline of Amherst Street running west from Wadsworth Street, then the centerline of Hayward Street running north from Amherst Street to its intersection with a line 400 feet to the south of and parallel to the Main Street front property lines of lots abutting Main Street and located between Ames and Hayward Streets, then centerline of Ames Street from the parallel line to Main Street, then the centerline of Main Street, but excluding Lot #14 on Assessor's Map 48 (and the portion of Main Street immediately abutting the northern sideline of Lot #14 on Assessor's Map 48).

13.81.2.3 The Transitional Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the intersection with Amherst Street to a line 400 feet to the south and parallel to the Main Street front lot lines of properties abutting Main Street and located between Ames and Hayward Streets, then westerly by said line to the centerline of Hayward Street, then the centerline of Hayward Street running south toward Amherst Street and then the centerline of Amherst Street running west to Ames Street.

13.81.2.4 The Memorial Drive Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the northern sideline of Memorial Drive, then the centerline of Amherst Street running east toward Wadsworth Street, then the centerline of Wadsworth Street running south to its intersection with a line 150 feet north of and parallel to the lot lines of the parcels abutting the northerly boundary of Memorial Drive, then easterly along said line to the easterly boundary of Lot #15 on Assessor's Map 46, then southerly along said easterly boundary to the northern edge of the DCR right of way along Memorial Drive, then westerly by the northern sideline of Memorial Drive.

13.82 *Uses Allowed in the PUD-5 District*. The uses listed in this Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses. All uses listed in Section 4.31(d-g) and (i)(2).

13.82.2 Transportation, Communication and Utility Uses. All uses listed in Sections 4.32, except for railroad freight terminal, railroad yard and shops (4.32c), truck or bus terminal yard or building for storage or servicing of trucks, trailers or buses, or parking lot for trucks (4.32d), and helipad or airport (4.32h).

13.82.3 Institutional Uses. All uses listed in Section 4.33.

13.82.4 Office and Laboratory Uses. All uses listed in Section 4.34.

13.82.5 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.

13.82.6 Open Air or Drive in Retail & Service. All uses listed in Sections 4.36a. (Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden) and 4.36e. (Open air theatre or other open air place of entertainment), but not including drive in theatres.

13.82.7 Light Industry, Wholesale Business and Storage. All uses listed in Sections 4.37(a), (b), (c) and (f).

13.82.8 Other Uses. Any use not listed in subsections 13.82.1 - 13.82.7 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-5 District and is consistent with the predominant uses in the PUD-5 District.

13.83 *Floor Area Ratio; Gross Floor Area.*

13.83.1 Maximum Floor Area Ratio. The maximum total Floor Area Ratio (FAR) of the PUD-5 District shall be 3.9 for all permitted uses. The FAR of any given Development Parcel may exceed the limitation set forth above as long as the overall FAR in the PUD-5 District for such uses does not at any time exceed the limitation set forth above.

13.83.2 Floor Area Ratio and Gross Floor Area Exemptions. Notwithstanding anything appearing in this Section 13.83 or otherwise contained in the Zoning Ordinance to the contrary, the following shall not be counted as Gross Floor Area for the purposes of calculating the allowable FAR for the PUD-5 District or the Gross Floor Area limitations set forth further below:

a. The Gross Floor Area of any first floor or areas situated no more than one (1) floor below grade of a building devoted to the retail uses identified in Sections 13.82.5 and 13.82.6, constructed or, if located in an existing building, substantially renovated, after

the adoption of Section 13.80, provided, however, that in the event that the average size of individual retail uses located in the PUD-5 District exceed 5,000 square of Gross Floor Area, the portion of any individual retail use exceeding 5,000 square feet (or 10,000 square feet for a grocery, market or pharmacy retail use) shall be counted as Gross Floor Area for the purposes of calculating allowable FAR. The floor area of any grocery, market or pharmacy uses shall not be included in calculating the average size of individual retail uses for the purposes of this Section 13.82.3.a.

b. The area of any public transportation facility directly providing public transportation services that is owned or controlled by a public transportation agency.

c. The Gross Floor Area of any residential and institutional dormitory uses constructed in any of the Main Street, Transitional Height and Memorial Drive Height Subdistricts after January 1, 2013, but only to the extent that such Gross Floor Area, when taken together with the aggregate Gross Floor Area of all other residential and institutional dormitory uses then-situated within said Subdistricts, exceeds the total amount of Gross Floor Area devoted to such uses within said Subdistricts as of January 1, 2013.

d. Fifty percent (50%) of the Gross Floor Area devoted to Innovation Office Space (as defined in Section 13.89.3), up to an amount equal to twenty percent (20%) of the total office space remaining in the PUD-5 District.

13.83.3 Gross Floor Area Limitations.

a. Definition of New Gross Floor Area. For purposes of this Section 13.80, “New Gross Floor Area” shall mean an amount of square feet of Gross Floor Area in excess of the amount of Gross Floor Area in existence in the PUD-5 District as of January 1, 2013. For example, if an existing building in the PUD-5 District containing 50,000 square feet of Gross Floor Area is demolished and a building containing 55,000 square feet of Gross Floor Area is constructed in its place, 5,000 square feet of Gross Floor Area would be considered New Gross Floor Area.

b. Plan Requirements.

i. Existing Uses. As part of the first application for a PUD special permit under the provisions of this Section 13.80, such existing Gross Floor Area for the entire PUD-5 District shall be identified as to quantity, type of use and location and such enumeration shall thereafter serve as the basis from which to administer this Section 13.83.3.

ii. Conceptual Development Plan. A Development Proposal shall include, in addition to the required site plans for development within that particular Development Parcel, a conceptual plan depicting the range of potential building sites elsewhere in the PUD-5 District and indicating the potential size and use (or alternate uses) of future development on those sites. The purpose of this plan is to place the Development Proposal in context with existing and potential future

development and to illustrate how the remaining allowed development within the District may be distributed in the future. The conceptual development plan shall be expected to evolve over time. With each subsequent Development Proposal within the PUD-5 District, a revised conceptual plan shall be submitted. Revisions to a conceptual plan shall not require amending any previously approved PUD Special Permit, but shall not be effective to waive or modify any of the specific conditions contained in a previously approved PUD Special Permit. The Conceptual Development Plan may also incorporate the Conceptual Open Space Plan required in Section 13.87.2.

c. Commercial Limitation. No more than an aggregate of 980,000 square feet of New Gross Floor Area of the types of uses listed in Sections 13.82.4-13.82.7 shall be permitted in the PUD-5 District.

Notwithstanding anything in this Ordinance to the contrary, a building shall not be considered to be a “commercial building” if institutional uses occupy in excess of seventy-five percent (75%) of the Gross Floor Area of the building, excluding the Gross Floor Area of any retail contained therein, for the purposes of Sections 13.88 and 13.89.4.

13.84 *Parcel and Lot Requirements.*

13.84.1 Parcel and Lot Size. The minimum size for a Development Parcel for a PUD in the PUD-5 District shall be 25,000 square feet. There shall be no minimum lot size for lots within a Development Parcel in the PUD-5 District.

13.84.2 Lot Width. There shall be no minimum width for a Development Parcel and no minimum width for lots located within a Development Parcel.

13.84.2 Minimum Lot Area Per Dwelling Unit. There shall be no required minimum Lot Area per dwelling unit in the PUD-5 District.

13.85 *Setbacks*. Except as provided below, there shall be no minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel.

13.85.1 New commercial buildings along Main Street, Third Street and Broadway containing uses set forth in Sections 13.82.4 -13.82.7 above in the PUD-5 District must be set back sixteen (16) feet from the Street Line of Main Street, Third Street and Broadway at and above a point eighty-five (85) feet above mean grade. Up to one-third of the façade length on such a street, on a cumulative basis, may be exempt from this requirement.

13.85.2 New buildings constructed in the Third Street Transition Sub-District must be set back from the portion the easterly boundary of the Sub-District situated within 120 feet of the northerly Street Line of Main Street (the “Limited Setback Boundary”) (a) a distance of at

least twenty (20) feet, running parallel from the Limited Setback Boundary, and (b) thirty-six (36) feet for any portions of the building that exceed a height of eighty-five (85) feet above mean grade, running parallel from the Limited Setback Boundary.

13.86 *Height.*

13.86.1 In the Third Street Transition and the Main Street Subdistricts, the maximum height of any building shall be 250 feet, except as permitted by Section 13.86.1.1.

13.86.1.1 The Planning Board may approve Final Development Plans that result in no more than one new building exceeding 250 feet up to 300 feet in height in the Third Street Transition Subdistrict and one additional building up to 300 feet in height in the Main Street Subdistrict; provided that:

a. the use of any occupiable space situated above 250 feet in height shall be limited to residential and/or institutional dormitory uses, and

b. within a residential building, Middle Income Units (as defined below) shall occupy an aggregate Gross Floor Area equal to at least twenty-five percent (25%) of the total residential Gross Floor Area (excluding any Gross Floor Area occupied by institutional dormitory uses) in the portions of the building that exceed 250 feet in height. Such Middle Income Units shall be evenly distributed throughout the residential building in a manner approved by the Planning Board, in consultation with City staff, in the Final Development Plan for a Development Parcel, in order to ensure that the Middle Income Units are of an appropriate location, size, configuration and quality for households intended to occupy such units.

   For the purposes of this Section 13.86.1.1, Middle Income Units shall be defined as residential dwelling units for which:

   i. the occupancy is restricted to households whose total income exceeds 80% but does not exceed 120% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and

   ii. the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other equivalent standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.

13.86.2 In the Transitional Height Subdistrict, the maximum height of any building shall be 200 feet. Notwithstanding the above, if at least 50% of the area of the ground floor footprint of a building is located within the Main Street Subdistrict, a portion of the building at the

higher height may extend into the Transition Height Subdistrict, but by no more than 50 feet.

13.86.3 In the Memorial Drive Height Subdistrict, the maximum height of any building shall be 150 feet.

13.87 *Open Space*.

13.87.1 Minimum Open Space. The minimum overall percentage of Publicly Beneficial Open Space of the total area of the PUD-5 District shall be fifteen percent (15%). The percentage of Publicly Beneficial Open Space provided in any given Final Development Plan for a Development Parcel may be less than 15% as long as the overall ratio in the PUD-5 District is not less than 15%. In the event that a Development Parcel provides less than 15% open space, the Final Development Plan for the Development Parcel shall identify the Publicly Beneficial Open Space in the PUD-5 District that shall equal or exceed 15% of the total area of the PUD-5 District.

13.87.2 Conceptual Open Space Plan. A Development Proposal shall include a conceptual plan depicting the size, layout and configuration of Publicly Beneficial Open Space within the PUD-5 District upon completion of the proposed building(s) in the Development Parcel. This conceptual plan shall indicate the Publicly Beneficial Open Space that exists in the PUD-5 District as of the time of the submission of the Development Proposal, that will be constructed as part of the Development Proposal, and that are planned for elsewhere in the PUD-5 District. The conceptual open space plan shall be expected to evolve over time as some portions of Publicly Beneficial Open Space may be relocated or reconfigured as part of future Development Proposals. With each subsequent Development Proposal within the PUD-5 District, a revised conceptual open space plan shall be submitted. Revisions to a conceptual open space plan shall not require amending any previously approved PUD Special Permit, but shall not be effective to waive or modify any of the specific conditions contained in a previously approved PUD Special Permit. The Conceptual Open Space Plan may be presented jointly with the Conceptual Development Plan required in Section 13.83(b)(ii).

13.88 Parking and Loading Requirements. Development in the PUD-5 District shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.88.

13.88.1 With regard to uses contained within new commercial buildings, provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.88 may be satisfied (a) anywhere in the PUD-5 District or, if located outside of the PUD-5 District, within 2,000 feet of the use being served, notwithstanding anything to the contrary contained in Article 6.000 and (b) in total or in part by a lease agreement between the developer and the City, other public entity or private owner or consortium for use of parking spaces in the public or pooled private parking facilities within said area.

13.88.2 All parking provided within an approved PUD shall be considered collectively accessory to all approved uses within the PUD, including any uses outside of the Development Parcel that may be approved by the Planning Board. Notwithstanding anything to the contrary in Article 6.000, this Ordinance shall not restrict the management and assignment of parking spaces in a way that will most efficiently utilize the existing and proposed parking spaces to serve all approved uses. As an exception to this rule, all parking spaces (whether existing or proposed) to be included within an institutional parking pool shall be distinctly identified, and shall not be used for any other uses except in ways that are explicitly approved by the Planning Board in issuing a PUD Special Permit Decision.

13.88.3 Minimum Parking. In approving a Final Development Plan for a Development Parcel, the Planning Board may waive any minimum parking requirements applicable in the zoning district, with the exception that parking for residential uses shall not be less than 0.5 parking spaces per dwelling unit. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces. The Planning Board shall specify a minimum parking requirement for a PUD based on review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, including the Shared Parking Study as required further below, and with the guidance of City agencies.

13.88.4 Maximum Parking. Maximum allowed parking for a PUD shall be limited by applying the rates set forth below to each use within the PUD and taking the summation of the result for all uses. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.

a. Maximum of 0.9 spaces per 1,000 square feet of Gross Floor Area for office uses, excluding technical office (Section 4.34(a-e)).
b. Maximum of 0.8 spaces per 1,000 square feet of Gross Floor Area for laboratory use and technical office uses (Section 4.34(f)).
c. Maximum of 0.75 spaces per residential dwelling unit (Section 4.31(d-g)).
d. Maximum of 0.5 spaces per 1,000 square feet of retail (Sections 4.35 and 4.36).
e. Maximum of 1 space per 4 sleeping rooms for hotel use (Section 4.31(i)(2)).

13.88.5 Shared Parking Study. A Development Proposal for development in the PUD-5 District shall include an analysis of anticipated parking demand for all uses in the development throughout the course of a typical day and week. This analysis may identify opportunities for reducing the total amount of parking required to serve all uses through the sharing of parking spaces by multiple uses. Based on this analysis, the Planning Board may approve a reduced minimum or maximum parking requirement upon finding that the approved amount of parking will be sufficient to serve all permitted uses.

13.88.6 Design, Dimensional, and Other Requirements of Provided Parking and Loading Facilities

a. Except as provided herein, all parking for new non-residential and non-institutional uses shall be underground structured parking. Notwithstanding this underground parking requirement, parking for all uses in the Third Street Transition Subdistrict may be in above-ground structured parking provided such structured parking is consistent with the existing structured parking in the Subdistrict.
b. In its approval of a Final Development Plan, the Planning Board, in consultation with City staff (including the Traffic Parking and Transportation Department), may approve (i) the location, layout and design of parking spaces that deviate from the requirements of Article 6.000; (ii) the location, width and layout of curb cuts serving the Development Parcel that deviate from the requirements of Section 6.43; and (iii) a small number of on-grade parking and loading spaces to be used for, among other things, handicap parking, short-term loading, use by food trucks and other short-term or special purposes.

13.88.7 Temporary On-Grade Open Parking for Commercial Uses

On an interim basis in anticipation of later construction of underground or other structured parking sufficient to meet all parking requirements of a new commercial use constructed on a Development Parcel, on-grade open parking shall be allowed within the PUD-5 District to serve such a use subject to the following conditions:

a. The future underground parking structure will be constructed within the PUD-5 District, but it may be located either on or off of the lot which it will serve;
b. Construction of the replacement subsurface parking structure is anticipated to commence within four (4) years of the date of certificate of occupancy for the building initially served by on grade parking;
c. The future subsurface parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building; and
d. Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (a) through (c) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.88.8 Pre-Existing Parking Spaces

a. The Planning Board, after consultation with City staff, may approve in a Final Development Plan, underground or structured parking spaces as replacements for pre-existing accessory parking spaces that will be displaced by improvements contemplated by such Final Development Plan, provided that such spaces are serving pre-existing commercial uses that are not proposed to be substantially altered. The Planning Board shall approve such replacement spaces upon determining that they were legally permitted under the applicable zoning regulations when the pre-existing use was established and that the traffic generated by the pre-existing use shall not be increased as a result. If such pre-existing spaces have been guaranteed to a third party by virtue of the terms of a

duly executed lease, license or other legally binding written agreement that exists as of January 1, 2013, the Planning Board may include conditions to its approval that would take effect upon the expiration of the third party's pre-existing use and occupancy of building, pursuant to the existing agreement (as such agreement may be extended and/or renewed from time to time).

b. Where any pre-existing accessory off-street parking spaces located in a Development Parcel that are serving a pre-existing use located outside the Development Parcel (whether within or outside the PUD-5 District) are proposed to be eliminated or displaced in accordance with the Final Development Plan for that Development Parcel, such pre-existing off-street parking may be relocated to a Parcel other than the Development Parcel by Special Permit granted by the Planning Board to the owner of the off-site use after consultation with City staff, provided, however, that such use is permitted on such other Parcel either as-of-right or by virtue of zoning relief granted for such Parcel by the Planning Board or the Board of Zoning Appeals, as the case may be. In granting such Special Permit, the Planning Board may grant deviations from the requirements of Article 6.000 of this Ordinance for the number, location, layout and design of the relocated parking spaces.

c. Such replacement or relocated accessory parking spaces for pre-existing uses shall not count toward the maximum parking permitted under this Section 13.88.

13.88.9 The Planning Board, in its approval of a Final Development Plan for a Development Parcel, may waive any requirements for the amount, location and design of loading facilities within a Development Parcel, and may permit loading facilities to be shared across various uses and lots within the PUD-5 District.

13.88.10 The quantity, design and location of bicycle parking shall comply with the provisions set forth in Article 6.000 of this Ordinance.

13.89 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-5 District.* The Planning Board shall approve a Final Development Plan only after finding that in addition to all other applicable requirements the following requirements have been met. The Planning Board shall, in addition, include conditions in the approval of a Final Development Plan that will ensure ongoing compliance with these requirements.

13.89.1 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new or substantially altered structures (i.e., alterations to an existing structure or building the cost of which exceeds fifty percent (50%) of the assessed value of such building or structure) in an approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.

At a minimum, any noise or vibration emanating from new commercial or substantially altered (as defined in this Section 13.89.1) commercial buildings shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet

from the source lot line and shall comply with the provisions of the City of Cambridge Noise Ordinance applicable to Commercial Areas (as such term is defined in the Noise Ordinance).

In order to enforce these requirements, the applicant shall provide, in addition to Noise Mitigation narrative required as part of Article 19.000 review, acoustical reports prepared by a professional acoustical engineer as described below:

a. Prior to and as a condition of the issuance of the first certificate of occupancy for a new or substantially altered commercial building, an acoustical report, including field measurements, demonstrating compliance of such building with all applicable noise requirements; and
b. Prior to obtaining any building permit to add any equipment having a capacity greater than five (5) horsepower to the rooftop, a narrative report demonstrating that there will be continued compliance with all applicable noise requirements after such addition, and upon completion of such addition and as a condition to operation thereof, an acoustical report, including field measurements, demonstrating such compliance.

13.89.2 Required Housing.

At least 240,000 square feet of New Gross Floor Area in the aggregate must be devoted to residential uses in the PUD-5 District. Prior to the issuance of a building permit allowing construction of New Gross Floor Area for commercial uses in excess of 600,000 square feet in the aggregate, the Developer must demonstrate that construction of a minimum of 240,000 square feet of New Gross Floor Area of residential use has commenced, a full building permit has been issued for the construction of such residential use and that the construction of such square footage is being continuously and diligently pursued. The required residential Gross Floor Area shall be subject to the provisions of Section 11.200 of the Zoning Ordinance. Except as otherwise set forth herein, a Final Development Plan shall be subject to the requirements of Section 11.203.1 (Requirements for Incentive Zoning Contributions) and 11.203.2 of the Zoning Ordinance (Requirements for Inclusionary Housing), provided, however, in the Third Street Transition Subdistrict, subject to the provisions of Section 11.203, the percentage shall be increased to eighteen percent (18%).

13.89.3 Innovation Space. A Development Proposal containing at least 200,000 square feet of new Office Uses shall include a plan for Innovation Office Space meeting the requirements of this Section 13.89.3.

13.89.3.1 Required Space. For a Development Proposal containing new Office Uses, Innovation Office Space within the PUD-5 District must occupy Gross Floor Area equal to, or in excess of, the amount of Gross Floor Area that is five percent (5%) of the New Gross Floor Area approved in the Final Development Plan for Office Uses. Existing Gross Floor Area within the PUD-5 District may be used to meet this requirement. Where at least 40,000 square feet of Innovation Office Space is required, Innovation Office Space may be distributed in separate buildings, provided, however, that each

separate “unit” of Innovation Office Space, contains at least 20,000 square feet. If less than 40,000 square feet of Innovation Office Space is required to be contained in the PUD-5 District, the Innovation Office Space must be contained in a single building. Developers of properties within the PUD-5 District may collaborate with property owners in adjacent zoning districts in the Kendall Square area to develop joint Innovation Office Space Plan. In such a case, the total square footage of joint Innovation Office Space must be large enough to satisfy the sum of the requirements, if any, for such participating developers and zoning districts.

13.89.3.2 Characteristics. For the purposes of this Section 13.89.3, the required Innovation Office Space shall have the following characteristics:

a. Durations of lease agreements (or other similar occupancy agreements) with individual business entities shall be for periods of approximately one (1) month.
b. No single business entity may occupy more than 2,000 square feet or 10% of the entire Innovation Office Space required to be provided in the PUD-5 District, whichever is greater.
c. The average size of separately contracted private suites may not exceed 200 square feet of GFA.
d. Innovation Office Space shall include shared resources (i.e., co-working areas, conference space, office equipment, supplies and kitchens) available to all tenants and must occupy at least 50% of the Innovation Office Space.
e. Individual entities occupying Innovation Office Space may include small business incubators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrication or production of experimental products.

13.89.3.3 Variations. In approving a Final Development Plan or a Minor Amendment to a Final Development Plan, the Planning Board may allow variations in the specific standards and characteristics set forth Sections 13.89.3.1 and 13.89.3.2 above, if the Planning Board finds that the Innovation Office Space, as proposed, will be consistent with the purposes of these standards and characteristics.

13.89.4 Sustainability.

New buildings constructed within the PUD-5 District shall comply with the provisions of Section 22.20 of the Ordinance. Notwithstanding the above, new commercial buildings containing uses identified in Sections 13.82.4 and 13.82.7 and new residential buildings identified in Section 13.82.1, shall comply with LEED Gold level criteria. In connection with the submission requirements of Section 22.24.2.a., the developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method. New institutional buildings will meet LEED Gold level criteria, unless the technological specifications of a proposed specialized research facility are such that the developer can demonstrate the impracticability of achieving the LEED Gold level criteria or the inordinate impact achieving the LEED Gold level would have on such specialized research facility. New buildings in the PUD-5

District must incorporate an integrated design approach and incorporate the best practices for meeting sustainability in the following five (5) areas:

a. Energy and Emissions; Steam. Each new building must conserve building energy and, to the extent applicable, reduce carbon/GHG emissions. The Developer, with each Development within the PUD-5 District, must evaluate the potential for on-site energy generation or the construction of co-generation facilities within the PUD-5 District that will serve the new building and other buildings located within the PUD-5 District. A Development Proposal for a commercial building shall include a study, prepared by the Developer, considering the feasibility of connecting the building identified in the Development Proposal to the existing district steam system.
b. Urban Site and Landscaping; Water Management. The Developer, for each new building, must explore opportunities for (i) potable water use reductions, (ii) storm water management using open spaces, (iii) the incorporation of indigenous vegetation and (iv) storm water for irrigation purposes. At a minimum, all new buildings within the PUD-5 District must meet the Department of Public Works' standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph.
c. Healthy Living & Working. Each new building must provide people with access to daylight and enhance the visual and thermal comfort of people living and working within the PUD-5 District.
d. Transportation. The Final Development Plan for the PUD-5 District must encourage multimodal transportation, provide facilities for cyclists and provide an infrastructure to support alternative energy vehicles.
e. Promotion of Sustainability Awareness. New buildings within the PUD-5 must be designed to incorporate features that demonstrate other sustainability strategies.
f. Cool Roofs. All new buildings approved in the District after January 1, 2013, must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance), high-albedo "white" roofs or a functionally equivalent roofing system.
g. Monitoring. All new buildings approved in the PUD-5 District after January 1, 2013, shall track and report energy use to the City using EnergyStar, Labs21, LEED-EBOM or a substantially similar mechanism. Such reporting shall occur at the end of the first year of occupancy of the building, then once annually during the first five (5) years of occupancy, and once every five (5) years thereafter. Failure to provide such reports to the City shall not constitute a failure of condition of any PUD-5 Special Permit.
h. In connection with the approval of a Final Development Plan or in connection with the granting of a Special Permit pursuant to Article 19 of the Ordinance, the Planning Board may grant dimensional and other zoning relief in order to permit the construction of a co-generation facility or other energy systems that allow developments to develop shared solutions to minimize energy usage.

13.810 *Other Provisions*.

13.810.1 Active Uses and Pedestrian Activity.

Final Development Plans for commercial uses shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, portions of the first floors of commercial buildings in locations enumerated below shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, a total of at least seventy-five percent (75%) of the aggregate New Gross Floor Area of the Activation Space situated within a commercial building in the PUD-5 District shall be devoted to Active Uses. For the purposes of this Section 13.810.1, the term “Activation Space” shall mean the portions of the first floors of commercial buildings immediately abutting Main Street, Broadway and the Broad Canal, situated between the Principal Front Wall Plane of such building along said Main Street and Broadway and along the northerly and easterly boundaries of the Third Street Transition Subdistrict along Broad Canal Way and the line that is situated twenty (20) feet from said Principal Front Wall Plane. Notwithstanding the above, the Planning Board, in approving a Final Development Plan for a new building, may, in consultation with City staff, grant a reduction of the required minimum total area of Active Uses within the Activation Space of the new building, where such reduction is necessitated by site conditions or other complications.

Definition of Active Uses. For purposes of this Section 13.810.1, “Active Uses” means:

(1) Retail business and consumer service establishments listed in Section 4.35;
(2) Institutional uses that are generally open to the public, such as museums and exhibition spaces;
(3) Uses listed in Section 13.82.6; and
(4) Other uses which the Planning Board determines meet the goals of this Section 13.810.1.

The definition of “Active Uses” shall specifically exclude lobbies or other spaces that serve an accessory function to upper-story office or laboratory uses.

Building and Site Design Requirements for Active Uses and Open Spaces.

(1) Active Uses shall have one or more entrance(s) from the sidewalk or plaza separate from the principal entrance of the building for non-retail uses.
(2) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout each Development Parcel in any approved Final Development Plan.

Prior to submitting any application for a special permit in the PUD-5 District, the applicant shall engage the services of a consultant or other party with retail expertise to advise the applicant in connection with retail and other Active Uses to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the applicable special permit application.

13.810.2 Contribution to Community Fund.

Upon the Planning Board's approval of the first Final Development Plan for a Development Parcel within the PUD-5 District, the permittee shall contribute to a Community Fund, established by the City Manager, an amount equal to $10.00 multiplied by the number of square feet of new gross floor area for the commercial uses identified in section 13.82.4 and 13.82.7 (an amount, a "Fund Contribution Payment"). The City shall use the funds contributed by the developer pursuant to this Section 13.810.2.

Notwithstanding the above, the permittee shall, within ninety (90) days of the adoption of this Section 13.80, make a payment of $2,500,000 to the City as a deposit against future Fund Contribution Payments. On the earlier to occur of the issuance of the first Final Certificate of Occupancy for a new commercial building within the PUD-5 District or three (3) years from the date of the adoption of Article 13.80, the permittee shall make a payment of $2,500,000 to the City as an additional deposit against future Fund Contribution Payments. Following the payment of the second deposit the permittee shall not be required to make any further Fund Contribution Payments until such time as the City has issued Final Certificates of Occupancy for new commercial buildings containing 500,000 square feet of Gross Floor Area, in the aggregate.

13.810.3 Planning and Zoning Studies; Design Guidelines. In its review and approval of a Final Development Plan for a Development Parcel, the Planning Board shall consider all future planning and zoning studies and design guidelines adopted by the Planning Board for a geographic area containing the Development Parcel.

13.810.4 Letter of Commitment. The Letter of Commitment dated April 8, 2013, by the Massachusetts Institute of Technology shall be binding upon the Massachusetts Institute of Technology and its successors and assigns. The issuance of any building permit or certificate of occupancy authorized by a Planned Unit Development Special Permit issued pursuant to this Section 13.80 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the aforementioned Letter of Commitment are continuing to be met.

ARTICLE 14.000 MIXED USE DEVELOPMENT DISTRICT: CAMBRIDGE CENTER

Text current through Ordinance #1372 of June 15, 2015.

14.10 SCOPE AND INTENT
14.20 USE REGULATIONS
14.30 INTENSITY OF DEVELOPMENT REQUIREMENTS
14.40 OPEN SPACE REQUIREMENTS
14.50 VEHICULAR ACCESS, PARKING AND LOADING
14.60 SIGNS
14.70 SPECIAL PROVISIONS
14.80 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS

14.10 SCOPE AND INTENT

14.11 *Scope.* This Article regulates development within the Cambridge Center Mixed Use Development (MXD) District, located within the Kendall Square Urban Renewal Project Area, as shown on the Zoning Map, as amended.

14.12 *Intent.* The purpose of the District is to allow a diversity of land uses in close proximity, within a limited area; to promote a balance of land uses; to facilitate development proposals responsive to current and future market conditions; to facilitate integrated physical design; and to encourage interaction among activities located within the District.

14.13 *Approach.* This Article is designed to fulfill the above purposes of the Cambridge Center MXD District by establishing controls which will facilitate development while protecting the public interest; by setting regulations which limit the aggregate amount of development within the District and set other district wide requirements while permitting flexible development scale and configuration on individual lots within the District; by allowing a broad set of land uses within the District; and by encouraging development of appropriate density for each class of land use.

14.20 USE REGULATIONS

14.21 *Permitted Uses.* The following uses, except as explicitly prohibited are permitted in the Cambridge Center MXD District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 14.23.

14.21.1 Light Industry

(1) Manufacturing: fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use) without limit as to category or product.

(2) Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other nonwholesale uses. Development on any lot in the district shall not be devoted exclusively to wholesale uses.

(3) Printing, binding, or related establishment.

(4) Storage warehouse, cold storage building, as an accessory use only and not exceeding twenty thousand (20,000) square feet, but not including storage or bailing of junk scrap metal, rags, paper or other waste materials and not including outside storage of products or materials.

14.21.2 Office Uses and Biotechnology Manufacturing Uses

(1) Business or professional offices.

(2) Bank, trust company, or other financial institution

(3) Research and development office.

(4) Research, experimental and testing laboratory.

(5) Radio or television studio.

(6) Manufacturing of biotechnology and pharmaceutical products, including

(a) Fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use).

(b) Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other nonwholesale uses.

(c) Storage warehouse, cold storage building, as an accessory use only.

14.21.3 Retail and Consumer Service Establishments

(1) Store for retail sale of merchandise, but not a sales place for automobiles or trucks.

(2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.

(3) Fast order food establishment only if (i) it is not located in a separate structure, (ii) it does not exceed three thousand (3,000) square feet of gross floor area, (iii) there will be no more than fifteen (15) such establishments within the District (a maximum of eight (8) of which shall be located in the Ames Street District and a maximum of seven (7) of which shall be located in the portions of the District outside of the Ames Street District) and (iv) it is granted a Special Permit, as provided in Section 10.40 and 11.30.

(4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pick up establishment, self-service laundry, shoe repair or tailoring shop, or photography studio.

(5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.

(6) Automobile service station, provided that it is located within or attached to a parking garage or other structure as an accessory use, that no major repairs are made on the premises, and that all lubrication and repairs are carried out within the building.

14.21.4 Residential Uses

(1) Multifamily dwelling

(2) Hotel or Motel

14.21.5 Entertainment and Recreational Uses

(1) Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.

(2) Recreation facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.

(3) Hall, auditoriums and similar spaces used for public gatherings.

(4) Park or playground

14.21.6 Institutional Uses

(1) Religious purposes

(2) Educational purposes exempt by statute

(3) Library or museum as an accessory use only.

(4) Governmental offices and facilities, including post office, fire station and police station.

(5) Clinic licensed under Section 51, Ch. 111, General Laws but not a hospital licensed under said Chapter.

14.21.7 Transportation, Communication and Utility Uses

(1) Bus, subway or railroad passenger station.

(2) Automobile parking lot or parking garage.

(3) Distribution center, parcel delivery center or delivery warehouse as accessory uses only.

(4) Telephone exchange, as an accessory use.

(5) Radio or television transmission station.

(6) Transformer station, substation, gas regulator station, or pumping station and related utility uses designed primarily to serve development within the District.

14.22 *Multiple Uses in the Same Structure.* Within the District there shall be no restriction on combining different categories of use within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Zoning Ordinance.

14.23 *Environmental Protection Standards.* No activity shall be permitted in the District unless it shall be in conformity with the following standards for environmental protection.

14.23.1 All dust, fumes, odors, smoke or vapor shall be effectively confined to the premises or so disposed of as to avoid air pollution.

14.23.2 Any noise, vibration or flashing shall not be normally perceptible without instruments at a distance of one hundred (100) feet from the premises.

14.23.3 All development proposals shall comply with Federal and State air pollution and water pollution control regulations, the City of Cambridge Ordinances, and other applicable environmental laws.

14.23.4 Except during construction activity on the lot all refuse and other waste materials shall be stored within buildings prior to collection and disposal.

14.30 INTENSITY OF DEVELOPMENT REQUIREMENTS

14.31 *Applicability.* The amount and density of development within the Cambridge Center MXD District shall be governed by the provisions of this Section 14.30.

14.32 *District Development Limitations.* There shall be limitations on the overall amount of development within the District as specified below.

14.32.1 The aggregate gross floor area (GFA) of development in the District shall not exceed three million, one hundred thirty three thousand (3,133,000) square feet, providing that any development in excess of two million eight–hundred and thirty three thousand (2,833,000) shall occur only within the area designated on the Zoning Map as the "Ames Street District", and two hundred thousand (200,000) square feet that shall be limited to residential uses as permitted in Section 14.21.4(1). Sixty thousand (60,000) squre feet of such aggregate GFA of 3,133,000 shall be allowable only by special permit pursuant to Section 14.72. The two hundred thousand (200,000) square feet of GFA restricted to housing uses, however, may only be used in that portion of the MXD district located between Main Street and Broadway. Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross Floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as to Floor Area Ratio and shall not be included in the calculation for Gross Floor Area on a lot.

14.32.2 In addition to the aggregate GFA limitation establishment in Section 14.32.1, the cumulative GFA for each of the use groups shall not exceed the respective amounts

stated below, except as provided in Subsection 14.32.2(5). Cumulative GFA for a use group is at any time the sum of GFA (as defined in Article 2.000 of this Ordinance) of all portions, occupied or to be occupied by uses within such use group, of all building (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future.

(1) Industrial uses permitted by Section 14.21.1 of this Article: Cumulative GFA=770,000 square feet.

(2) Office Uses and Biotechnology Manufacturing Uses permitted by Section 14.21.2 of this Article: Cumulative GFA=1,665,000 square feet.

Aggregate GFA within the District authorized by a variance issued by the Board of Zoning Appeal to exceed the District Development Limitation of Section14.32 shall not be counted by the Superintendent of Buildings for any purpose in determining the aggregate GFDA within the District or compliance with the intensity of development requirements of Article 14.00. The Superintendent of Buildings shall maintain a separate record of any development within the area of the MXD district designated on the Zoning Map as the “Ames Street District.” Development after September 30, 2010, within the area of the MXD District designated on the Zoning Map as the “Ames Street District” shall be allocated first to the increment of allowable GFA in the MXD District between two million, eight-hundred and thirty three thousand (2,833,000) and three million, one hundred thirty three thousand (3,133,000) square feet, and then to any remaining GFA under two million, seven hundred and seventy three thousand (2,773,000) as authorized by the District Development Limitations of Section 14.32.

Issuance of any base building permit or certificate of occupancy for any building in the Ames Street District utilizing any part of the 2010 Additional GFA shall be conditioned upon certification of all relevant departments of the City to the Superintendent of Buildings that the project is proceeding in accordance and compliance with all provisions of that certain “Letter of Commitment” dated August 2, 2010 given by the property owner of the Ames Street District to the City of Cambridge pertaining to the utilization of the 2010 Additional GFA. Development allowed by special permit under Section 14.72 shall be allocated to the increment of allowable GFA in the MSC District under two million, eight hundred and thirty three thousand (2,833,000) as authorized by the District Development Limitation of Section 14.32, and not to the increment between two million, eight hundred and thirty three thousand (2,833,000) and three million, one hundred thirty three thousand (3,133,000).

(3) Retail and consumer service uses permitted by Section 14.21.3 of this Article: Cumulative GFA=150,000 square feet.

(4) Residential uses permitted by Section 14.21.4 of this Article:

(a) Multifamily housing: Cumulative GFA=300,000 square feet

(b) Hotel/Motel: Cumulative GFA=440,000 square feet

(5) Entertainment, recreation, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office and biotechnology manufacturing uses, retail, consumer service and hotel/motel uses exceeding the cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=973,000 square feet.

14.32.3 Any construction or change of use within the District which would cause aggregate or cumulative GFA limitations of subsections 14.32.1 and 14.32.2 to be exceeded shall not be allowed.

(1) Compliance with this Section 14.32.3 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a building permit and at the time of issuance of a certificate of occupancy under Section 9.20 of this Ordinance.

(2) The Superintendent of Buildings shall maintain a record of the aggregate GFA within the District and a record of cumulative GFA for each use group specified in Section 14.32.2. These records shall be adjusted as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and upon receipt of a certificate from Cambridge Redevelopment Authority as to an outstanding contract (including option) for the construction of a building.

(3) In determining cumulative GFA for a building containing uses in more than one use group, spaces to be utilized by users in more than one of the use groups, such as lobbies, interior courts, elevator shafts and basement storage areas shall be apportioned to each use group in proportion to the share of space that use groups will occupy within the building.

(4) Each applicant for a building permit or a certificate of occupancy shall submit to the Superintendent of Buildings information, including the following, as appropriate to the application, in order to determine compliance with this Section 14.32 and to demonstrate that the proposed construction and/or occupancy will not violate or be inconsistent with any outstanding contract or deed:

(a) measurement of total gross floor area of the building or building additions;

(b) in a building containing uses in more than one use group, the measurement of gross floor area(s) by use group, for spaces to be devoted exclusively to uses in such group and the measurement of gross floor area of spaces to be shared by users in more than one use group;

(c) measurement of gross floor areas of renovations or use changes within existing buildings;

(d) measurement of future development commitments or limitations on the lot specified in deed restrictions, covenants or comparable legal instruments.

14.32.4 Applicability of Section 19.20 for Residential Uses. Notwithstanding the provisions of Section 19.22 (1), a structure, any portion of which contains residential uses as set forth in Section 14.21.4 (1) above, shall be subject to the provisions of Section 19.20 – Project Review Special Permit. In addition, notwithstanding the provisions of Section 19.22(1), any development within the area designated on the Zoning Map as the "Ames Street District" utilizing the 2010 Additional GFA under Section 14.32.3(2) above shall be subject to the provisions of Section 19.20-Project Review Special Permit, with the exception of Section 19.21.1.

14.33 *Lot Density Limitation.* In addition to the aggregate and cumulative GFA limitation established in Section 14.32, there shall also be a density limitation for each lot within the District. The following floor area ratios (as defined in Article 2.000) for each lot shall not be exceeded, except as provided in Section 14.33.6. The area of the lot to be counted in determining FAR shall include land dedicated by the owner or former owner of the lot as public open space under Section 14.42.

14.33.1 Industrial and Wholesale uses: FAR 4.0

14.33.2 Office Uses and Biotechnology Manufacturing Uses: FAR 8.0

14.33.3 Retail and Consumer Services uses: FAR 5.0

14.33.4 Residential uses:

(1) Multifamily housing: FAR 4.0

(2) Hotel/Motel: FAR 6.0

14.33.5 Other uses: FAR 4.0

14.33.6 If development on a lot is to include activities in more than one of the use groups above, the maximum FAR for the lot shall be the FAR for the use group containing the largest proportion of space on the lot.

14.34 *Building Height Limitation.* The maximum building height in the District shall be two hundred and fifty (250) feet. This requirement 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 (10%) of the lot area, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent (10%) to the lot area.

14.40 OPEN SPACE REQUIREMENTS

14.41 *Definition of Open Space.* For purposes of this Section 14.40, open space shall mean a portion of 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, recreational or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public, but may include a limited proportion of space so located and

treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or neighbors or a general appearance of openness. Open space shall include parks, plazas, lawns, landscaped areas, decorative plantings, pedestrian ways listed in Section 14.45, active and passive recreational areas, including playgrounds and swimming pools. 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 open space.

14.42 *District Public Open Space Requirement.* A minimum of one hundred thousand (100,000) square feet within the District shall be reserved or designated as public open space. No development shall be allowed which would reduce public open space in the District below one hundred thousand (100,000) square feet. Public open space shall be open space reserved for public use and enjoyment as guaranteed through one or more of the following:

14.42.1 Retention by the Cambridge Redevelopment Authority;

14.42.2 Dedication to and acceptance by the City of Cambridge or other public entity;

14.42.3 Easements or deed restrictions over such land sufficient to ensure its perpetual reservation for public open space purposes.

14.42.4 Dedication, by covenant or comparable legal instrument, to the community use of the residents, lessees and visitors to the District for reasonable amounts of time on a regular basis;

14.42.5 Lease agreements of ninety-nine (99) years or longer from the private developer or owner to the City or other public entity.

14.43 *Lot Minimum Open Space Requirement.* The minimum amount of open space to be provided on each lot within the District shall be as shown on Table 1, subject to the reduction provided in Section 14.44. When development on a lot includes uses in more than one of the use categories in Table 1, the requirement for each use category shall be calculated and totaled to determine a total requirement for the lot. Some or all of this required open space may be designated and also serve as public open space, if reserved by one of the methods specified in Section 14.42.

Table 1: MXD Minimum Open Space Requirements

User Group	Required Open Space (number of sq. ft. of open space required for each 100 sq. ft. of gross floor area in the use group)
Light Industrial and Wholesale Uses allowed by Section 14.21.1	5
Office Uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	8
Retail and Consumer Service Establishment Uses allowed by Section 14.21.3	10
Residential Uses allowed by Section 14.21.4	
Multifamily housing	15
Hotel or Motel	10
Other uses allowed by Section 14.21.5, 14.21.6, & 14.21.7	8

14.44 *Reduction of Required Lot Open Space.*

14.44.1 Eligibility for Reduction. The minimum amount of open space required for a lot by Section 14.43 may be reduced if at least twenty (20%) percent of the total perimeter boundary of the lot abuts public open space reserved under Section 14.42, and if at least one major pedestrian entrance to the principal building will abut and provide direct access to said open space.

14.44.2 Amount of reduction. The allowed percentage reduction of required open space shall be determined by dividing the length of the lot's common boundary on the public open space by length of the total boundary of the public open space.

14.44.3 Public Open Space in Common Ownership Located Directly Across a Private Way. Public Open Space held in common ownership with the lot for which open space is required, located within the District and directly across a private way from said lot, shall be counted toward satisfaction of the lot minimum open space requirements of Section 14.43. The perimeter of such public open space, less the boundary that abuts the private way, shall count toward the “total perimeter boundary of the lot” under Section 14.44.1 and “the length of the lots’ common boundary on the public open space” under Section 14.44.2. The perimeter of such public open space, including the boundary that abuts the private way, shall count toward the “total boundary of the public open space” under Section 14.44.2.

14.45 *Pedestrian Ways.*

14.45.1 Pedestrian ways listed and defined below may be counted toward the open space requirement determined in Section 14.43 and 14.44 in the proportions specified in Table 2. In calculating the open space reduction in said table, all of the area of the pedestrian way located within the lot boundary and one half (1/2) the area of such ways over streets of service drives adjoining but outside the lot shall be counted.

Table 2: Open Space Substitutions for Constructing Pedestrian Ways

Pedestrian Way	For each lineal foot of pedestrian way provided, the following amounts of open space may be deducted from the lot's open space requirement
Open Pedestrian Bridge	30 sq. ft.
Raised Pedestrian Deck	50 sq. ft.
Enclosed Pedestrian Bridge	40 sq. ft.
Elevated Pedestrian Bridge	120 sq. ft.
Shopping Arcade	20 sq. ft
Elevated Shopping Way	50 sq. ft.
Through Block Arcade	40 sq. ft.

14.45.2 The pedestrian ways listed in Table 2 shall be designed to provide for public access and shall have the following meanings:

(1) An open pedestrian bridge is a continuous open bridge having a minimum width of 6 (six) feet and spanning a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots.

(2) A raised pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least eight (8) feet above the mean elevation of the lot and which extends over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have direct pedestrian access from abutting buildings, shall provide seating facilities and shall be landscaped including one tree, of at least three and a half (31/2) inch caliper, per five hundred (500) square feet of pedestrian deck.

(3) An enclosed pedestrian bridge is a continuous, enclosed space having a minimum width of eight (8) feet which spans a street, pedestrian way, access or service road or open space, making connections within a lot or between two adjacent lots. At least fifty (50%) percent of the surface area along its facades shall consist of transparent materials.

(4) An elevated shopping bridge is a continuous, enclosed space which spans a street, pedestrian way, access or service road or open space, making connection within a lot or between two adjacent lots. Such a shopping bridge shall have a minimum width of thirty-six (36) feet and a maximum width of forty-eight (48) feet,

with retail uses as allowed in Section 14.21.3 along one or both sides of a pedestrian circulation route with a minimum width of twelve (12) feet. Such shopping bridge shall connect, at a minimum, at both ends to other internal or external pedestrian ways.

(5) A shopping arcade is a continuous, covered, but not necessarily enclosed, space which extends along the front facade of a building facing a street or pedestrian way within the District, and having retail uses as permitted in Section 14.21.3 accessible from it. It shall have a minimum continuous width, unobstructed, except for building columns, of at least twelve (12) feet, and also have a minimum continuous height of twelve (12) feet. Such shopping arcades shall have access from the abutting street or pedestrian way, having its floor at the same level and continuous with the sidewalk or other abutting pedestrian way. It shall be open to the public at all hours.

(6) An elevated shopping way is a continuous, enclosed space which extends along the front facade of a building facing a street or a pedestrian way and which has a minimum width of twelve (12) feet. It shall be located on the second level of the building and have a minimum continuous height of twelve (12) feet. It shall be open to the public for a minimum of twelve (12) hours daily, on weekdays, and shall have fronting retail uses as permitted in Section 14.21.3.

(7) A through block arcade is a covered space which provides a connection through a building and connects streets, open spaces, pedestrian ways, or any combination of the above, and is directly accessible to the public. A through block arcade shall have a minimum area of at least two thousand (2,000) square feet and a minimum width at any point of twenty (20) feet. A through block arcade shall have openings at the face of the building for entrance at least twelve (12) feet in width and ten (10) feet high. At least fifty (50%) percent of its aggregate interior frontage shall be retail use as permitted in Section 14.21.3. Vertical circulation elements, columns, pedestrian bridges and balconies are permitted obstructions provided they do not cover in the aggregate more than fifteen (15%) percent of the floor area of the arcade.

14.45.3 The minimum height of any pedestrian way above the surface of a public way over which it is constructed shall be fourteen feet (14'-0").

14.50 VEHICULAR ACCESS, PARKING AND LOADING

14.51 *Access.* Buildings erected in the Cambridge Center MXD District need not be located on lots which have frontage on a street. However, provisions for access to all buildings by emergency and service vehicles in lieu of public street access shall be made possible by the layout and design of driveways, interior service roads, or pedestrian and bicycle circulation corridors not normally open to vehicular traffic to the reasonable satisfaction of the City of Cambridge Fire Department, and the Cambridge Traffic Department.

14.52 *Parking Requirements.* Off-street parking requirements for the Cambridge Center MXD District shall be as follows:

14.52.1 No on grade, open parking areas shall be allowed in the District except as provided for in Section 14.524.

14.52.2 Each development shall provide enough parking spaces either on or off the lot within the District to satisfy the requirements of Table 3. If a development includes more than one category of use, then the number of spaces required for the development shall be the sum of the requirements for each category of use. Where the computation of required spaces results in a fractional number, only a fraction of one half or more shall be counted as one.

Table 3 MXD District Parking Requirements

Use	Minimum number of spaces
Light Industrial uses allowed by Section 14.21.1	1/1750 sq. ft.[1]
Office uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	1/2000 sq. ft.
Retail and consumer establishment allowed by Section 14.21.3	1/1000 sq. ft.
Residential uses allowed by Section 14.21.4	
Multifamily residences	1 dwelling unit
Hotels or Motels	1/1.75 sleeping rooms
Public assembly uses allowed by Sections 14.21.3(2), 14.21.3(3), and Section 14.21.5 (restaurants, entertainment and recreation facilities)	1/15 seats or 1/300 sq. ft.[2]
Other uses allowed by Section 14.21.6 and 14.21.7	1/1800 sq. ft.

1. All space measurements are in terms of square feet of gross floor area.
2. For assembly spaces having no fixed seating.

14.52.3 The parking requirement specified in Table 3 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in a public or pooled private parking facility located within the District. The total number of parking spaces leased and constructed within the district for development on a lot shall be at least equivalent to the Table 3 requirement.

14.52.4 On grade parking, not enclosed in a structure, may be constructed in the MXD District only under the following conditions.

(1) On an interim basis in anticipation of later construction of structured parking provided that there is compliance with each of the following:

(a) the future parking structure will be constructed within the District but it may be located either on or off the lot;

(b) construction of the future parking structure will commence within three years of the date of permit application for development on the lot;

(c) such future parking structure may be constructed and/or operated by the applicant or by an public or private entity;

(d) the future parking structure will contain sufficient spaces reserved for users of the lot to meet the parking requirements of the lot specified in Table 3; and

(e) binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that requirements (a) through (d) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, performance bond, or comparable legal instrument.

(2) On a permanent basis on the lot for visitors parking or for such other limited uses as the user of the lot deems appropriate, provided that no more than ten (10%) percent of the spaces required by Table 3 or twenty-five (25) spaces, whichever is lesser, shall be allowed on grade under Section 14.52.4(2).

14.52.5 Regulations governing the layout and design of parking facilities in Article 6.000 of this Ordinance shall not be applicable in the MXD District. This Article 14.000 sets no such regulations for the MXD District.

14.53 Loading Requirements. It is the intent of this Section that sufficient offstreet loading facilities be constructed within the District to meet the needs of users located there. The requirements of Article 6.000 shall not apply in the MXD District.

14.53.1 All buildings in the MXD District shall provide the number of bays required in Table 4 unless they qualify for one or one or more of the exemptions below:

(1) In buildings with uses in more than one use group under Section 14.21, the loading bay requirements for that use consuming the most gross floor area shall be first computed and required. Only fifty (50%) percent of the floor area of the other uses shall be counted in determining the additional loading requirements.

(2) Where there are contractual arrangements for sharing loading and service facilities with other users in the District for a period of ten (10) years of more, a fifty (50%) percent reduction in the loading bay requirements computed in Subsection 14.53.1 or 14.53.1(1) shall be allowed. Such contractual agreement shall be guaranteed to the satisfaction of the Superintendent of Buildings by covenant, deed restriction, or comparable legal instrument.

Table 4 **MXD Off-Street Loading Requirements**
(Number of bays required by gross floor area or use)

GROSS FLOOR AREA BY USE

(1) Use	Up to 25,000 sq. ft.	25,001 - 40,000 sq. ft.	40,001 - 100,000 sq. ft.	100,001 - 200,00 sq. ft.	Over 200,000 sq. ft. for each additional 150,000 sq. ft.
–					
Light Industrial Uses allowed by Section 14.21.1	1		2	3	1
Office Uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	0	1	1	2	1
Retail and consumer service establishments allowed by Section 14.21.3	1	1	2	4	1
Residential uses allowed by Section 14.21.4					
Multifamily residences	0	1	1	2	1
Hotels and motels	1	1	1	2	1
Public assembly uses allowed by Sections 14.21.3(2), 14.21.3(3) and 14.21.5 (restaurants, entertainment and recreational facilities)	0	1	1	2	1
Other uses allowed by Section 14.21.6 and 14.21.7	0	0	1	2	1

14.53.2 Regulations governing the location, layout and design of loading facilities, specified in Section 6.90 of this Ordinance shall not be applicable in the he MXD District. This Article 14.000 establishes no such regulations for the MXD District.

14.60 SIGNS

During the life of the Kendall Square Urban Renewal Plan as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District.

14.70 SPECIAL PROVISIONS

14.71.1 Special Provisions Applicable within the Ames Street District *Applicability*. The provisions set forth in this Section 14.71 shall apply solely within the Ames Street District. Where this Section 14.71 specifies some standards or makes some other requirement contrary to the standards or requirements set forth elsewhere in this Article 14.00 or in the Ordinance, the provisions of this Section 14.71 shall control.

14.71.2 Lot Density Limitation. Notwithstanding the Lot Density Limitations in Section 14.33, there shall be no maximum floor area ratio for Multifamily dwelling uses. However, the District Development Limitations in Section 14.32 shall continue to apply.

14.71.3 Lot Minimum Open Space Requirement. So long as the District Public Open space Requirement in Section14.42 is met, and there exists within the Ames Street District a minimum of fifty-three thousand (53,000) square feet of public open space (as defined in Section 14.42), the Lot Minimum Open Space Requirements in Section 14.43 shall be inapplicable within the Ames Street District.

14.71.4 Parking. The minimum number of spaces for multifamily residential uses shall be 0.50 per dwelling unit.

14.71.5 Loading Requirements. Where there are contractual arrangements for sharing loading and service facilities with other users in the Ames Street District for a period of ten (10) years or more, a sixty percent (60%) reduction in the loading bay requirements computed in Subsection 14.53.1 or 14.53.1(1) shall be allowed. Such contractual agreement shall be guaranteed to the satisfaction of the Superintendent of Buildings by covenant, deed restriction, easement or comparable legal instrument.

14.72 *Special Provisions Applicable Outside the Ames Street District*

14.72.1 Applicability. The provisions set forth in the Section 14.72 shall apply solely within the portion of the MXD District consisting of lots fronting on Main Street that are not within the Ames Street District as such District is constituted as of October 1, 2014. Where this Section 14.72 specifies some standards or makes some other requirement contrary to the standards or requirements set forth elsewhere in this Article 14.000 or in the Ordinance, the provisions of this Section 14.72 shall control.

14.72.2 Purpose and Intent**.** In furtherance of the intent provided in Section 14.12, and in response to the Kendall Square planning process, the purpose and intent of this Section 14.72 is to provide an incentive for improvements that will remedy a gap in the urban street edge, promote retail and other ground floor activity to increase public engagement, reduce parking utilization levels and enhance sustainability, and upgrade design to current standards, in keeping with Kendall Square's identity as a world-renounced research center and a vibrant neighborhood.

14.72.3 Special Permit. Where improvements are proposed to be constructed on any lot within the portion of the MXD District fronting on Main Street and not within the Ames Street District as such District is constituted as of October 1, 2014, and release of an open space covenant by the City will be necessary to accommodate such improvements, the Planning Board may grant a special permit allowing improvements containing incremental square footage of not more than 60,000 square feet of GFA within the limits of Section 14.32 in excess of the square footage of improvements located on such lot as of October 1, 2014. In granting such special permit, the Planning Board shall find the following:

(1)The lot upon which such improvements are proposed contained, as of October 1, 2014, no portion of a building located so as to create a street edge along any part of the Main Street frontage of such lot; and the proposed improvements will remedy that condition by including the establishment of a street edge in keeping with the urban nature of the areas, on at least a portion of the Main Street building façade.

(2) The ground level of the proposed improvements fronting on Main Street will be designed to enhance public access and interaction.

14.72.4 Retail and Consumer Services Uses. If retail or consumer services uses are a part of any improvements authorized by special permit under this Section14.72, the Gross Floor Area of any first floor or areas situated no more than one (1) floor below grade of such improvements devoted to such retail or consumer services uses shall be

excluded form calculations of Gross Floor Area and FAR for all purposed of this Article 14.000 and the Ordinance, provided that the portion of any individual retail or consumer services use exceeding 5,000 square feet (or 10,000 square feet for a grocery, market or pharmacy retail use) shall be counted as Gross Floor Area for the purposes of calculating allowable FAR.

14.72.5 Parking and Loading. The improvements authorized by special permit under this Section 14.72 shall not require vehicle parking or loading facilities by reason of the incremental development authorized, and no additional parking spaces shall be provided by reason of improvements located on such lot beyond the number of parking spaces provided as of October 1, 2014.

14.72.6 Bicycle Parking. Additional bicycle parking shall be provided as required in Section 6.100 to the extent of the incremental development authorized by special permit under this Section 14.72, provide that any such spaces may be located anywhere on the lot or in such other location as the Planning Board may in its discretion approve.

14.72.7 Open Space. The Lot Open Space Requirements in Section 14.43 shall be inapplicable on any lot on which improvements are authorized by special permit under this Section 14.72, and the Planning Board may in its discretion waive any other open space requirement applicable to such lot under this Ordinance. Any ground floor publicly accessible feature, if so determined by the Planning Board, shall be excluded from calculations of Gross Floor Area and FAR for all purposes of this Article 14.000 and the Ordinance. The Planning Board may grant a special permit for improvements to be located within the area of the open space covenant that would need to be released by the City notwithstanding that such open space covenant may not have been released prior to issuance of such special permit.

14.72.8 Sustainable Design and Development. The incremental development authorized by special permit under this Section 14.72 shall comply with the green building requirements of Section 22.20, provided that the Planning Board may in its discretion vary or waive any such requirements.

14.72.9 Project Review. Incremental development authorized by special permit under this Section 14.72 shall be subject to project review by the Planning Board under the provisions of Section 19.20.

14.72.10 Incentive for Housing Development. The incremental development authorized by special permit under this Section 14.72 shall be considered an Incentive Project pursuant to Section 11.200.

14.72.11 Contribution to Community Fund. Upon issuance of a Final Certificate of Occupancy for the incremental development authorized by special permit under this Section 14.72, the permittee shall contribute to a Community Fund, established by the City Manager, an amount equal to $10.00 multiplied by the number of square feet of new gross floor area for office and biotechnology manufacturing uses identified in Section 14.21.2 contained in such incremental development.

14.72.12 Public Benefits. The public benefits to be provided by a development for which a special permit may be granted under this Section 14.72, including those provided in Sections 14.72.10 and 14.72.11, shall be deemed to satisfy any future requirements

for public benefits that may be adopted with respect to the MXD District or any portion thereof that may include any lot eligible for such special permit, including without limitation any other funding requirement or exaction, any requirements to provide innovation or other space or services, or any limitations relating to the progress or sequence of development of residential or other space, none of which shall apply thereto.

14.72.13 Letter of Commitment. The Letter dated March 26, 2015, by Richard McKinnon on behalf of the Whitehead Institute and received by the City Council as Communication #5 of March 30, 2015, and attached "Design Narrative/Zoning Guidelines" Memorandum prepared by Andy Pecora of Tsoi/Kobus & Associates, shall be binding upon the Whitehead Institute and its successors and assigns. The issuance of any building permit or certificate of occupancy authorized by a special permit issued pursuant to this Section 14.72 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the aforementioned Letter are continuing to be met.

14.80 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS

Where this Article 14.000 specifies some standard or makes some other requirement contrary to a requirements elsewhere in this Ordinance, the provisions of this Article 14.000 shall control.

ARTICLE 15.000 CAMBRIDGEPORT REVITALIZATION DEVELOPMENT DISTRICT

Text current through Ordinance #1372 of June 15, 2015.

15.10 SCOPE AND INTENT
15.20 USE REGULATIONS
15.30 INTENSITY OF DEVELOPMENT REQUIREMENTS
15.40 OPEN SPACE REQUIREMENTS
15.50 PARKING AND LOADING REQUIREMENTS
15.60 SIGNS
15.70 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS
15.80 PUBLIC BENEFITS
15.90 SUSTAINABILITY REQUIREMENTS
15.100 CONSISTENCY WITH LETTER OF COMMITMENT

15.10 SCOPE AND INTENT

15.11 *Scope.* This Article regulates development within the Cambridgeport Revitalization Development District, located as shown on the Zoning Map as amended.

15.12 *Purpose.* The purpose of the District is to implement the Blue Ribbon Committee Report dated December, 1986 adopted by the Cambridge City Council February 9, 1987; to allow a diversity of land uses in close proximity within a limited area; to provide a transition from the existing Cambridgeport residential neighborhoods to the business oriented uses in the District; and to encourage interaction among activities located within the District; to provide for mixed income residential uses as an extension of the existing Cambridgeport residential neighborhood.

15.13 *Approach.* This Article is designed to fulfill the above purpose of the Cambridgeport Revitalization Development District by establishing controls which will facilitate development while protecting the public interest; by setting regulations which limit the aggregate amount of development within the District by setting other district wide requirements while permitting flexible development scale and configuration on individual lots within the District; by requiring a minimum of residential development and encouraging additional residential development within the District and by allowing mixed uses within the District.

15.20 USE REGULATIONS

15.21 *Permitted Uses.* The following uses are allowed in the Cambridgeport Revitalization Development District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 15.23.

15.21.1 Light Industry

(1) Manufacturing and fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use) as permitted in Section 4.37 a and b.

Development on any lot in the district shall not be devoted exclusively to wholesale uses.

(3) Printing, binding, or related establishment, as permitted in Section 4.37f.

(4) Storage warehouse, cold storage building, as permitted in Section 4.37k, but as an accessory use only and not exceeding twenty thousand (20,000) square feet, (GFA), but not including storage or bailing of junk, scrap metal, rages, paper or other waste materials and not including outside storage of products or materials.

(5) Automotive repair garage as permitted in Section 4.37h, provided the use is contained within a building having other uses (including among other uses permitted, accessory parking) and further provided that the garage occupy no more than twenty percent (20%) of the area of the building.

15.21.2 Office Uses

(1) All uses permitted in Section 4.34.

(2) Radio or television studio as permitted in Section 4.32f.

15.21.3 Retail and Consumer Service Establishments

(1) Store for retail sale of merchandise.

(2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.

(3) Fast order food establishment subject to the Special Permit requirements of Section 11.30, unless such use is enclosed in a structure principally containing other uses and is included in a “food court” or similar specialized area.

(4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, and shoe repair or tailoring shop, or photography studio.

(5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.

(6) Automobile service stations where no major repairs are made.

15.21.4 Residential Uses

(1) One and two family dwellings.

(2) Townhouse development.

(3) Multifamily dwelling.

(4) Hotel or motel.

15.21.5 Entertainment and Recreational Uses

(1) Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.

(2) Recreation facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.

(3) Hall, auditoriums and similar spaces used for public gatherings.

(4) Park or playground.

15.22 *Multiple Uses in the Same Structure.* Within the District there shall be no restriction on combining different categories of use within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Zoning Ordinance.

15.23 *Environmental Protection Standards.* No activity shall be permitted in the District unless it shall be in conformity with the following standards for environmental protection:

15.23.1 All dust, fumes, odors, smoke or vapor shall be effectively confined to the premises or so disposed of as to avoid air pollution.

15.23.2 Any noise, vibration or flashing shall not be normally perceptible without instruments at a distance of one hundred (100) feet from the premises.

15.23.3 All development proposals shall comply with Federal and State air pollution and water pollution control regulations, the City of Cambridge Ordinances, and other applicable environmental laws.

15.23.4 Except during construction activity on the lot, all refuse and other waste materials shall be stored within buildings prior to collection and disposal.

15.24 *Required Retail Uses on Massachusetts Avenue.* For any building directly facing or abutting Massachusetts Avenue, a minimum of seventy-five percent (75%) of the linear ground floor frontage along Massachusetts Avenue, to a minimum average depth of forty (40) feet from the Massachusetts Avenue building façade, shall be occupied by Retail and Consumer Service uses as permitted by Subsection 15.21.3 or Entertainment and Recreational Uses as permitted by Subsection 15.21.5. This requirement shall apply in addition to the Use Limitations and Restrictions for the Central Square Overlay District set forth in Subsection 20.304.5.

15.24.1 *Marketing of Required Retail Space.* As of January 1, 2012, where it is proposed to create new retail space as required in Section 15.24, the proponent shall include a marketing plan for such retail space as part of the Submittal for any Project Review procedure that may be required in accordance with Section 15.36. At a minimum, such a marketing plan shall (1) set forth target uses and users (and shall particularly target local and/or independent retailers), (2) designate an individual responsible for implementing the plan who shall serve as a point of contact with the Community Development Department (through its Economic Development Division), and (3) describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances. Subsequent to completing all project review procedures,

the proponent shall periodically consult with the Economic Development Division on the implementation of the marketing plan and shall, at a minimum, submit any further modifications or clarifications of the plan to the Economic Development Division for review. The Community Development Department shall certify to the Inspectional Services Department that this requirement has been met prior to issuance of a Certificate of Occupancy for the required retail space.

15.30 INTENSITY OF DEVELOPMENT REQUIREMENTS

15.31 *Applicability.* The amount and density of development within the Cambridgeport Revitalization Development District shall be governed by the provisions of this Section 15.30.

15.32 *District Development Limitations.* There shall be a limitation on the amount of all development within the District and a minimum requirement of residential (excluding hotel and motel uses) development within the District, both as specified below.

15.32.1 The aggregate of all development in the District shall not exceed (i) one million eight hundred twenty thousand (1,820,000) square feet of gross floor area (GFA) in nonresidential buildings (which term for the purpose of this Article shall exclude parking facilities and portions of the buildings containing parking facilities and shall include buildings and portions of buildings containing hotel and motel uses and (ii) seven hundred twenty-five thousand (725,000) square feet of GFA in residential buildings.

Aggregate GFA development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all such nonresidential buildings (i) which are then located in the District and (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits.

15.32.2 As an incentive for the maximum allowable density as provided in Subsection 15.32.1 there is a minimum requirement of residential (excluding hotel and motel uses) development within the District of four hundred (400) dwelling units as set forth in Section 15.32.5. One hundred (100) dwelling units shall be made available for a period not less than thirty (30) years for families having an income of eighty percent (80%) or less of the median family income for the Metropolitan Boston Statistical Area adjusted for family size (hereinafter identified as low income units) and an additional fifty (50) units shall be made available for a period not less than thirty (30) years for occupants meeting the income limits established from time to time by the Massachusetts Housing Finance Agency for first time homebuyers, adjusted for family size (hereinafter identified as moderate income units). A minimum of two hundred and fifty (250) of the required dwelling units shall be located West of Sidney Street.

Notwithstanding the exclusion set forth in Section 11.202.2, the provisions of Section 11.200 of this Ordinance shall apply to any development in the District that is approved after January 1, 2012, except for those provisions that relate to authorizations for an

increase in permissible density or intensity of use in Section 11.203.2(b) and (c), which shall not be available beyond the overall limitations for GFA established for the District by this Section 15.000.

15.32.3 Retail and consumer service establishments as permitted in Section 15.21.3 (excluding uses accessory to and within hotels and other accessory uses such as newsstands and cafeterias serving primarily occupants of the development within the District) and entertainment uses as permitted in Section 15.21.5(1) shall be limited to a maximum of one hundred and fifty thousand (150,000) gross square feet. Any such uses that are required by Section 15.24 shall be exempt from this limitation.

15.32.4 Any construction or change of use within the District which would cause aggregate or cumulative GFA or dwelling unit limitations of Subsections 15.32.1, 15.32.2, and 15.32.3 to exceeded shall not be allowed.

(1) Compliance with this Section 15.32.4 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a certificate of occupancy under Section 9.20 of this Ordinance.

(2) The Superintendent of Buildings shall maintain a record of the aggregate GFA of nonresidential buildings within the District, a record of the cumulative number of dwelling units in the District, the GFA of such dwelling units and a list of the units designated to satisfy the requirements of Section 15.32.2. These records shall be updated as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and may relied on by any interested party to determine compliance with the provisions and requirements of this Article.

(3) Prior to the issuance of any building permits the Superintendent of Buildings shall on the basis of information submitted with the building permit application determine whether the minimum required residential development and the minimum required publicly beneficial open space are capable of being developed within the District.

In no case, however, shall the Superintendent of Buildings issue a building permit increasing the aggregate gross floor area of all buildings in the District beyond 1,000,000 square feet unless there exists at least one hundred ten (110) dwelling units of which at least twenty-seven (27) are low income dwelling units, and at least sixty thousand (60,000) square feet of area have been reserved or designated as publicly beneficial open space in partial satisfaction of the requirements of Section 15.40; nor shall the Superintendent of Buildings issue a building permit increasing the aggregate gross floor area of nonresidential buildings in the District beyond 1,850,000 square feet unless there exist at least four hundred (400) dwelling units of which at least one hundred (100) are low income units and at least fifty (50) are moderate income units.

(4) The application for a building permit or a certificate of occupancy shall be accompanied with the following information submitted to the Superintendent of Buildings, as appropriate to the application, in order to determine compliance with this Section 15.32.

(a) measurement of total gross floor area of the new nonresidential buildings or building additions to nonresidential buildings;

(b) measurement of gross floor areas of renovations or use changes within existing buildings;

(c) the total number of dwelling units in the new building, building addition or renovated building, the gross floor area of such units, and the number of such units being dedicated to families having an income maximum specified in Section 15.32.2;

(d) the aggregate or cumulative gross floor area of all nonresidential buildings located within the District;

(e) the aggregate or cumulative number of dwelling units located within the District, the aggregate or cumulative gross floor area of units and the aggregate or cumulative number of such units dedicated to families having an income maximum specified in Section 15.32.2;

(f) the development site(s) set aside for compliance with minimum residential development required pursuant to Section 15.32.2;

(g) the aggregate or cumulative gross floor area devoted to retail and consumer service establishments as permitted in Section 15.21.3 (but excluding accessory uses such as newsstands and cafeterias serving primarily occupants of the development within the District) and entertainment uses as permitted in Section 15.21.5(1);

(h) the aggregate total publicly beneficial open space provided in conformance with the requirements of Section 15.40.

15.32.5 Notwithstanding the provisions of Subsection 15.32.1, development in the District shall not exceed one million and seven hundred and fifty thousand (1,750,000) square feet of GFA in nonresidential buildings and four hundred (400) dwelling units, without first submitting a development plan of the District to the Planning Board and obtaining the approval of the Planning Board of the further proposed development within the District or any portion thereof. The development plan shall show the approximate location of all existing and proposed buildings, the aggregate GFA thereof, and the uses thereof; and all streets, parking facilities, the number of parking spaces thereof, curb cuts, offstreet loading areas and publicly beneficial open spaces within the District. There shall be submitted with the development plan sufficient additional information to enable the Planning Board to determine whether the existing improvements and uses thereof comply within the requirements of this Article at the time that such development plan is submitted. The development plan shall be accompanied by a traffic report containing such information as may be necessary to determine whether or not the provisions of subparagraph (v) of this Subsection 15.23.5 have been satisfied. In considering the development plan the Planning Board shall conform to all requirements of procedure applicable to requests for special permits (including requirements for public hearing and notice) pursuant to this Ordinance. The Planning Board shall approve any

development plan under the provisions of this Subsection 15.32.5 if the following requirements are met:

(i) The improvements and the uses thereof existing at the time of the submittal of any development plan and the proposed improvements and uses thereof as depicted on the development plan shall be in conformity with the provisions of this Article;

(ii) There shall have been constructed a minimum of two hundred (200) dwelling units conforming to the provisions of Subsection 15.32.2 which include seventy-five (75) low income dwelling units;

(iii) There shall have been dedicated and installed at least one hundred thousand (100,000) square feet of publicly beneficial open space conforming to the provisions of Subsection 15.41;

(iv) The improvements existing at the time of the submittal of any development plan shall have been constructed substantially in accordance with design guidelines (including without limitation any restrictions on building heights) agreed to between the City and owner as may be amended pursuant to the Development Consultation Procedure; and

(v) Implementation of traffic mitigation measures which have as a standard the maximum generation of one thousand seven hundred (1,700) two way (inbound and outbound) vehicular trips at PM peak hour from all development within the District measured in accordance with the traffic mitigation agreement between Cambridge Community Development Department and owner as may be amended pursuant to the Development Consultation Procedure; to the extent that the total PM peak hour two way vehicle trip generation for all development with the District measured at the time of the submission of development plan pursuant to this Subsection 15.32.5 exceeds one thousand five hundred (1,500) trips but is less than the maximum one thousand seven hundred (1,700) trips, additional gross floor area shall be permitted up to the maximum limit of one hundred and fifty thousand (150,000) square feet pursuant to such traffic mitigation agreement.

15.33 *Building Height Limitation.* The maximum building height within one hundred (100) feet of the easterly sideline of Brookline Street south of Franklin Street shall be forty (40) feet. The maximum building height within two hundred twenty-five (225) feet of the easterly sideline of Brookline Street north of Franklin Street shall be eighty (80) feet. The maximum building height north of Green Street shall be eighty (80) feet, except that east of Blanche Street the height may be increased to ninety-five (95) feet provided that for at least two-thirds of the Massachusetts Avenue frontage of any building, there shall be a cornice line at or below sixty-five (65) feet, above which any taller portions of the building shall step back at least fifteen (15) feet from the Massachusetts Avenue facade. The maximum building height within two hundred (200) feet westerly of the westerly sideline of Sidney Street and within two hundred (200) feet northerly of the northerly sideline of Pacific Street shall be one hundred and five (105) feet. The remaining portion of the District shall have a maximum building height of seventy (70) feet except that buildings or portions thereof shall be allowed to exceed such seventy (70) feet maximum building height to the following extent. Easterly of Sidney Street up to one million ninety thousand (1,090,000) gross square

feet of building area within not more than five (5) buildings or portions thereof may exceed the seventy (70) feet height limitation to the maximum building height of one hundred and sixty (160) feet and one of such buildings or portions thereof shall be permitted to the maximum building height of two hundred and five (205) feet if it is located easterly of Landsdowne Street.

15.34 *Maximum Floor Area Ratio Requirements*

For the area west of Sidney Street the following aggregate FAR limitations shall be in effect:

(1) For the subarea bounded by Sidney, Franklin, Brookline, and Pacific Streets, the maximum aggregate FAR shall be 3.0 except that for the portion of the subarea within one hundred and seventy-five (175) feet of the easterly sideline of Brookline Street the maximum aggregate FAR shall be 1.5.

(2) For the subarea bounded by Sidney, Green, Brookline, and Franklin Streets the maximum aggregate FAR shall be 3.0 with the following exceptions:

(a) for the portion of the subarea within 100 feet of the easterly sideline of Brookline Street, the maximum aggregate FAR shall be 2.0.

(b) renovation of the existing building in the block (commonly known as the Fenton Shoe Building) shall be permitted to exceed the 3.0 aggregate FAR limitation, to no more than 4.4.

As used herein, the term “aggregate FAR” shall mean the ratio of Gross Floor Area of all structures within the applicable subarea (or portion thereof) to the total area of all lots within the applicable subarea (or portion thereof).

15.35 *Dimensional Requirements.* There shall be no minimum lot size in the District. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District.

15.36 *Project Review.* All development occurring after January 1, 2012 within the Cambridgeport Revitalization Development District shall be comply with the applicable project review requirements set forth in Article 19.000 of the Zoning Ordinance. The Cambridgeport Revitalization Development District shall be considered an area of special planning concern and a district in which the Project Review Special Permit provisions set forth in Section 19.20 are applicable, notwithstanding anything to the contrary in Section 19.22. All development within the District must comply with the Procedures specified in Article 19.000 except as herein modified:

(1) the Planning Board shall conduct the Development Consultation Procedure in lieu of the Community Development Department;

(2) the Large Project Procedure (Section 19.43.3) shall be modified so that the required consultation session shall occur within fourteen (14) days of the

submission of the required documents and the required written comments shall be issued within fourteen (14) days of that session;

(3) the Submittal Requirements for any project review procedure shall, in addition to those detailed in the applicable Sections of Article 19.000, include the following:

(a) a schematic master development plan of the entire district with anticipated phasing as it is known at the time of submission;

(b) details of the design of at least sixty thousand (60,000) square feet of publicly beneficial open space, to be provided for review prior to the issuance of building permits for nonresidential development exceeding nine hundred and fifty thousand (950,000) square feet;

(c) details of the design of the one hundred thousand (100,000) square feet of publicly beneficial open space required under Section 15.32.5, to be provided or reserved prior to the issuance of building permits for nonresidential development exceeding one million five hundred thousand (1,500,000) square feet;

(d) a status report on the implementation of and effectiveness of the traffic mitigation measures in place including those counts of traffic generated within the District at intervals required under the Traffic Mitigation Agreement.

15.37 For those portions of the District along Massachusetts Avenue located within the Central Square Overlay District, notwithstanding anything set forth in Section 20.300, the Large Project Review shall be undertaken by the Planning Board. Where applicable, the Planning Board shall be guided by the objectives and criteria contained in the publications “Central Square Action Plan”, City of Cambridge, November 1987, and “Central Square Development Guidelines”, June 1989, and by any additional relevant zoning or planning studies subsequently undertaken by or on behalf of the City. To the extend any provision in these documents is in conflict with the Design Guidelines for the Cambridgeport Revitalization Development District (“CRDD”), the Planning Board shall determine which guideline is most appropriate to be considered in the Large Project Development Consultation.

15.40 PUBLICLY BENEFICIAL OPEN SPACE REQUIREMENT

15.41 *Public Open Space Requirement.* As an incentive for the maximum allowable density as provided in Subsection 15.32.1 there is a requirement that a minimum amount of one hundred thousand (100,000) square feet within the District be permanently reserved or designated (without reference to location) as publicly beneficial open space accessible at ground level as set forth in Section 15.32.5. No development shall be allowed which would permanently reduce publicly beneficial open space in the District below one hundred thousand (100,000) square feet. A minimum of fifty thousand (50,000) square feet of contiguous publicly beneficial open space shall be located west of Sidney Street. The initial location of the required publicly beneficial open space shall be guaranteed through one or more of the following.:

15.41.1 Dedication to and acceptance by the City of Cambridge or other public entity;

15.41.2 Easements or deed restrictions over such land sufficient or ensure that reservation for public open space purposes for at least seventy-five (75) years or longer to the the City or other public entity;

15.41.3 Lease agreements of seventy-five (75) years or longer to the City or other public entity;

15.41.4 Dedication, by covenant or comparable legal instrument, enforceable by the City and binding on the owner for seventy-five (75) years or longer.

15.41.5 Compliance with this provision shall be determined as satisfying the requirements of Section 19.59 of this Ordinance.

15.50 PARKING AND LOADING REQUIREMENTS

15.51 *Parking and Loading requirements.* Off Street parking and loading requirements for the Cambridgeport Revitalization Development District shall be the same as set forth in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to Residence C-3, Office 3, Business B and Industry B Districts.

15.51.2 The parking requirement may be satisfied in total or in part by a pooled private or public parking facility located anywhere within the District.

15.51.3 For any development that is approved in the District after January 1, 2012, the provisions of Section 6.37 pertaining to Bicycle Parking requirements shall apply regardless of whether the automobile parking requirements for the development are fulfilled with newly-constructed or pre-existing parking spaces.

15.60 SIGNS

The sign regulations of Article 7.000 applicable to Office and Industrial Districts shall be applicable in the Cambridgeport Revitalization Development District.

15.70 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS

Where this Article 15.000 specifies some standard or makes some other requirements contrary to a requirement or standard established elsewhere in this Ordinance including any dimensional limitations contained in Article 20.300, the provisions of this Article 15.000 shall control.

15.80 PUBLIC BENEFITS

The obligations to limit development to the aggregate gross floor area set forth in Section 15.32.1, to provide residential development pursuant to Section 15.32.2 and to create publicly beneficial open space pursuant to Section 15.41 , and to conform to the requirements set forth in this Article 15.000 and all other applicable requirements set forth elsewhere in the Zoning Ordinance shall satisfy the obligations to provide public benefits, linkage payments or hereinafter required in the City of Cambridge.

15.90 SUSTAINABILITY REQUIREMENTS

15.91 Green Building Standards. Any new building that is approved in the District after January 1, 2012 and that is subject to the provisions of Section 22.20 of the Ordinance shall required to meet the requirements of the most current applicable LEED building rating system at the level 'Gold' or better. Additionally, the submission requirements under Section 22.20 for each new building shall include a Statement of Energy Design Intent produced through the Energy Star Target Finder tool, or comparable method.

15.92 *Energy Monitoring.* All new buildings approved in the District after January, 2012 shall track and report energy use to the City using EnergyStar, Labs21, LEED-EBOM or a comparable mechanism. Such reporting shall occur on an annual basis beginning at initial building occupancy, then once every five (5) years thereafter.

15.93 *Cool Roofs.* All new buildings approved in the District after January 1, 2012 must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance) or high albedo "white" roofs.

15.100 CONSISTENCY WITH LETTER OF COMMITMENT

The Letter of Commitment dated February 25, 2013, by Forest City Commercial Group shall be binding upon Forest City Commercial Group and its successors and assigns. The issuance of any building permit or certificate of occupancy for new development occurring after January 1, 2012 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the Letter of Commitment dated February 25, 2013 by Forest City Commercial Group are continuing to be met.

ARTICLE 16.000 NORTH POINT RESIDENCE, OFFICE AND BUSINESS DISTRICT

Text current through Ordinance #1372 of June 15, 2015.

16.10 SCOPE AND INTENT
16.20 USE REGULATIONS
16.30 ENVIRONMENTAL PROTECTION STANDARDS
16.40 DIMENSIONAL REGULATIONS
16.50 PARKING LOADING REQUIREMENTS
16.60 SIGNS
16.70 EASTERN CAMBRIDGE DESIGN GUIDELINES
16.80 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS

16.10 SCOPE AND INTENT

16.11 *Scope.* This Article regulates development within the North Point Residence District (the "District"), located as shown on the Zoning Map, as amended.

16.12 *Intent.* The purpose of the District is to limit as of right development due to limited road access and general traffic concerns. The intent of this Article 16.000 is to provide for use development of the area into a residential community with limited retail and office uses at a modest density through the provisions of this Article or at a higher density through the PUD process provided in Section 13.70.

16.20 USE REGULATIONS

16.21 *Permitted Uses.* The following uses are allowed in the District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 16.22. The provisions of Section 4.50 et seq. shall not apply to institutional uses permitted within the District pursuant to Section 16.21.5.

16.21.1 Residential Uses, Section 4.31. The following residential uses shall be permitted.

(1) One and two family dwelling (Sections 4.31 a, b, and c).

(2) Townhouse development (Section 4.31.d).

(3) Elderly congregate housing (Sections 4.31 e and f).

(4) Multifamily dwelling (Section 4.31.g and h).

16.21.2 Office and Laboratory Uses, Section 4.34.

The following office and laboratory uses shall be permitted provided they are in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed office use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry us, Section 4.38. In permitting such office and

laboratory uses, additional Gross Floor Area up to 10% of the existing Gross Floor Area in the building shall be permitted provided the total FAR does not exceed 1.0.

(1) Office of a physician, dentist or other medical practitioner not located in a clinic listed in Subsection 4.33d, as an accessory use occupying not more than twenty-five (25) percent of the aggregate gross floor area of all buildings on a lot, excluding from that calculation any Gross Floor Area devoted to parking facilities (Section 4.34.a).

(2) Office of an accountant, attorney, or other nonmedical professional person (Section 4.34.b).

(3) Real estate, insurance or other agency office (Section 4.34.c).

(4) General office use (Section 4.34.d).

(5) Bank, trust company or similar financial institution (Section 4.34.e).

(6) Technical office for research and development, laboratory and research facility (Section 4.34.f),

16.21.3 Retail and Consumer Service Establishments (Section 4.35).

The following uses shall be permitted provided they are located on the first floor of the structure, front on a public way, and occupy no more than 10 (10) percent of the total Gross Floor Area of the structure in which they are located, excluding from that calculation any Gross Floor Area devoted to parking facilities located in the structure.

(1) Store for retail sale of merchandise [Section 4.35 a(1) and (2)].

(2) Eating and /or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary. (Sections 4.35 e, f, g).

(3) Fast order food establishment subject to the Special Permit requirements of Section 11.30 (Section 4.35.q).

(4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, shoe repair or tailoring shop, or photography studio (Section 4.35 c, d, and similar establishments).

(5) Bank, trust company or similar financial institution located on the first floor (Section 4.34.e).

16.21.4 Utilities, Section 4.32.g(1) and Section 4.32.g (2) by special permit subject to the following provisions:

Any Telephone Exchange use [Section 4.32.g (1)] proposed having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed office use or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any

light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

16.21.5 Institutional Uses.

(1) All uses permitted in Sections 4.33 a, b, c, d, e, f, and g.

(2) All uses permitted in Section 4.33 h, 1 or 2.

(3) Any institutional use not referred to in subparagraphs (1) and (2) above, but only by special permit from the Planning Board pursuant to Section 10.40.

16.21.6 Bus, Transit or Railroad Passenger Station, Section 4.32 a

Any such facility operated by the Commonwealth of Massachusetts or any of its agencies, subdivisions, or bodies politic.

16.30 Environmental Protection Standards. No activity shall be permitted in the District unless it shall conform to the following standards for environmental protection:

16.31 All dust, fumes, odors, smoke or vapor shall be effectively confined to the premises or disposed of in compliance with applicable environmental laws.

16.32 Any noise, vibration or flashing shall not be normally perceptible without instrument measurement at a distance of one hundred (100) feet or more from the premises.

16.33 All development proposals shall comply with the Federal and State air pollution and water pollution control regulations, City of Cambridge Ordinances, and other applicable environmental laws.

16.34 Except during construction activity on the lot, all refuse and other waste materials shall be stored within buildings prior to collection and disposal.

16.40 Dimensional Regulations

16.41 Lot Density Limitation. For each lot within the District, a permitted floor area ratio (as defined in Article 2.000) of 1.0 is hereby established for each lot, and shall not be exceeded. The area of the lot to be counted in determining the floor area ratio shall include land dedicated (after adoption of this Article 16.000) by the owner or former owner of the lot, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to the public use, or public open space.

16.42 Building Height Limitation. The maximum building height for all buildings within the District shall be forty (40) feet.

16.43 Open Space. Publicly beneficial open space, as defined by this ordinance, shall be provided on every lot and shall in the aggregate equal at least twenty 920) percent of the area of such lot.

16.44 Other Dimensional Regulations. The minimum lot area per dwelling unit requirement in the District shall be six hundred (600) square feet. There shall be no requirement with respect to minimum lot width. Minimum front, side or rear yards shall be as required in the Residence C-2 District. The minimum lot area shall be twenty thousand (20,000) square feet.

16.50 Parking and Loading Requirements

16.51 Parking and Loading Requirements. Off-street parking and loading requirements shall be the same as currently specified in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified below.

16.51.1 Parking facilities may be located on the lot they serve or, by special permit from the Planning Board under Section 10.40 or Section 13.70, may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the North Point Residence District. The Planning Board shall not withhold a special permit permitting such a pooled parking facility so long as the limitations of the maximum amount of parking provided in this Section 16.50 are observed with respect to all affected lots, in the aggregate.

16.51.2 Minimum and Maximum Parking Requirements: Accessory off street parking shall be provided as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Use: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(4) Retail and Consumer Service Uses: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

All other uses shall be subject to the requirements of Article 6.000

16.51.21 Notwithstanding the provisions of Section 16.51.2 above, the total number of parking spaces serving non-residential uses in the North Point Residence District shall not exceed 2,500 spaces, allocated to each lot in the district at the rate of 1.2 spaces per 1,000 square feet of lot area.

16.60 Signs

16.61 The sign regulations of Article 7.000 applicable to Retail, Office and Industrial Districts shall be applicable in the District.

16.70 Eastern Cambridge Design Guidelines. In reviewing any special permit that may be required for development in the North Point Residence District, the permit granting authority shall find that any development proposal is generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines. Any development permitted as-of-right is encouraged to be consistent with these Guidelines.

16.80 Inapplicability of Certain Other Regulations

16.81 Where this Article 16.000 specifies some standard or establishes some other requirement contrary to or inconsistent with a requirement elsewhere in this Ordinance, the provisions of this Article 16.000 shall control.

ARTICLE 17.000 SPECIAL BUSINESS, OFFICE AND INDUSTRIAL DISTRICTS

Text current through Ordinance #1372 of June 15, 2015.

17.10 SPECIAL DISTRICT 1
17.20 SPECIAL DISTRICT 2
17.30 SPECIAL DISTRICT 3
17.40 SPECIAL DISTRICT 4 AND 4A
17.50 SPECIAL DISTRICT 5
17.60 SPECIAL DISTRICT 6
17.70 SPECIAL DISTRICT 7
17.80 SPECIAL DISTRICT 8 AND 8A
17.90 SPECIAL DISTRICT 9
17.100 SPECIAL DISTRICT 10
17.200 SPECIAL DISTRICT 11
17.300 SPECIAL DISTRICT 12
17.400 SPECIAL DISTRICT 13
17.500 SPECIAL DISTRICT 14
17.600 SPECIAL DISTRICT 15

17.10 SPECIAL DISTRICT 1

17.11 *Scope.* This Section 17.10 regulates development within the Special District 1 at Monsignor O'Brien Highway as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.10, all requirements of and regulations applicable to the Industry A-1 District shall apply equally to the Special District 1.

17.12 *Permitted Uses.* Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 1 with the exception of the following:

(1) The following uses shall be permitted by special permit from the Board of Zoning Appeal:

a. Hotel and Motel Uses, Section 4.31 i (2)

b. Car washing establishments using mechanical equipment for the purposes of cleaning automobiles and other vehicles, Section 4.36 h.

(2) The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.13 *Dimensional Regulations*

17.13.1 Maximum FAR

(1) The maximum FAR for any lot in the district shall not exceed 3.0 as of right for Residential Uses, Section 4.31 a-h, and 1.50 for all other permitted uses;

(2) The maximum FAR for any lot northeasterly of Monsignor O'Brien Highway may be increased by special permit from the Planning Board to 3.5 for Residential Uses,

Section 4.31 a-h, provided the requirements and conditions of Section 17.17.4 d and e are met.

17.13.2 Building Height Limitation. The maximum height permitted in the district shall be eighty-five (85) feet except as modified below:

(1) For lots lying northeasterly of Monsignor O'Brien Highway, the maximum height may be increased to one hundred and twenty (120) feet provided no portion of the building rises above a forty-five (45) degree bulk control plane beginning at an elevation of eighty-five (85) feet above the O'Brien Highway front lot line and rising thereafter in a northeasterly direction.

(2) Notwithstanding the provisions of this Subsection 17.13.2 above no building may exceed thirty-five (35) feet within fifty (50) feet of the Special District 1/Residence C-1 zoning district line, or where the zoning district line splits a lot, within fifty (50) feet of the lot line located in the residential district.

17.13.3 Minimum Yard Requirements. Only the following yard requirements shall apply in the Special District 1.

a. Front Yard - a minimum three feet, measured from the property line, shall be required at the Monsignor O'Brien Highway lot line; no front yard shall be required however for any structure in existence as of May 1, 1989.

b. Side Yard - None

c. Rear Yard - None

d. Notwithstanding the requirements of Paragraphs a - c above all buildings shall be set back a minimum of twenty (20) feet from any Special District/Residence C-1 district line; said setback shall consist exclusively of landscaped green area as defined in Article 2.000. Where the zoning district line splits a lot the setback shall be measured from the lot lines located in the residential district.

17.13.4 Residential Density. The minimum lot area per dwelling unit shall be three hundred (300) square feet.

17.14 *Off Street Parking and Loading Requirements*

17.14.1 Minimum Parking Requirements. Off street parking and loading requirements shall be as specified in Article 6.000 for uses in Business B, Industry B and Residence C-3 zoning districts.

17.14.2 Maximum Parking Requirements. The maximum accessory parking permitted for all nonresidential uses shall be 4.5 spaces for each one thousand (1,000) square feet of lot area. Notwithstanding the provisions of Section 6.31.3, accessory parking provided to meet the requirements of Section 17.14 shall not exceed that number permitted in this Section 17.14.2 under any circumstances.

17.15 *Special Development Standards*

All buildings constructed in the Special District 1 shall meet the following requirements.

17.15.1 Building Facades. Building facades should be designed so as to enhance the visual quality of the district. The following standards shall apply:

(1) A principal building entrance shall face Monsignor O'Brien Highway;

(2) Building facades and roof lines shall be articulated and expanses of unbroken wall planes shall be limited to thirty-five (35) linear feet for those facades facing public open spaces and/or public roadways;

(3) Ground floor levels shall include a minimum of thirty (30) percent transparency (non-reflective glass) to enliven and enrich the public environment where such levels contain active gross floor area (i.e. habitable space occupied by persons throughout the day) as defined in Article 2.000.

17.15.2 Tree Planting. At least one street tree, having a minimum caliper of three(3) inches, shall be located in the front yard provided along Monsignor O'Brien Highway, for each twenty-five (25) feet of frontage on the Highway. Where sufficient front yard is not provided said trees may be located within the public right of way consistent with the requirements for street tree planting established by the City of Cambridge.

17.15.3 Siting of Parking Areas. Parking areas shall not be located in the front yard required for any lot in the district. Enclosed parking facilities are encouraged. On grade open parking areas shall be located behind the building or buildings served or arranged in such a way as to minimize their visibility from public ways. Where enclosed, or structured parking is provided, the structure shall be finished in materials equal in quality to that used on the principal structures on the site to which the parking facility is accessory.

17.15.4 Mechanical Equipment and Refuse Storage Areas:

(1) No refuse storage areas nor mechanical equipment areas shall be located in a front yard within the district. Where such areas are outside a building they shall be screened from view from street and parking areas, residential districts and open space areas, by a six (6) foot high, durable nonliving barrier (or earth berm) planted with at least one shrub or vine for each ten (10) feet of barrier towards the abutting property.

(2) Mechanical equipment on the roof of any building shall be permanently screened from view from the ground.

17.16 Special District 1 shall be considered an area of special planning concern and shall be subject to the Development Consultation Procedure, Section 11.40.

17.17 *Transfer of Development Rights.* Notwithstanding the limitations of Article 2.000 with regard to the definition of "lot" and "owner", the Planning Board may be special permit authorize the transfer of some or all of the allowed gross floor area, as determined by Section 17.13.1 above, from one or more lots (donating lots) to one or more to other lots (receiving lots) anywhere within the Special District 1 without regard to location of the lot or lots or their ownership, provided the following conditions are met or findings made:

(1) The receiving lot and donating lot in combination are at least twenty thousand (20,000) square feet in area.

(2) The receiving lot is located northeasterly of Monsignor O'Brien Highway.

(3) The development plans for both the donating and receiving lots meet the intent and requirements of this Section 17.10 as a whole and this Subsection 17.17 and are both subject to the special permit authorization and such conditions as may be attached thereto.

(4) The resulting development on both, or the several, lots provides a superior site and building design than might occur without the special permit authorization. Among the conditions which may be reviewed by the Planning Board in reaching such a finding are the following:

a. reduction in density of development is achieved on lots adjacent to residential uses or zoning districts;

b. An increase in open space and green area is achieved adjacent to residential uses and zoning districts;

c. Active gross floor area uses are located at the base and perimeter of the buildings constructed on the site (sites) where visible from public streets or residential uses;

d. Overall reduction in the bulk of the building(s) is achieved through location of some or all of the required parking below grade;

e. Parking located above grade is screened from view from public streets and residential uses by active gross floor area uses;

f. Improved building design is achieved through the use of quality masonry materials and other quality details as well as an improved pedestrian environment along major public streets.

(5) All site and building designs shall be subject to binding design review by the Planning Board.

17.20 SPECIAL DISTRICT 2

17.21 *Scope.* This Section regulates development in Special District 2 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided this Section 17.20, all requirements of and regulations applicable to the Residence B District shall apply equally to the Special District 2.

17.22 *Purpose***.** It is the intent of this Special District 2 to encourage the establishment of residential uses in the district in a form and density compatible with the adjacent residential neighborhood. However, given the significant presence of nonresidential uses in the district, provision is made for the conversion of those existing nonresidential uses to other nonresidential uses more compatible with the residential neighbors, with the intent that all nonresidential uses will, over time, be replaced with permitted residential use.

17.23 *Use Regulations.* The uses allowed in the Residence B district shall be equally allowed in Special District 2 except as modified by the following provisions.

17.23.1 Additional Permitted Residential Uses. Multifamily Dwelling, Section 4.31.g shall be permitted, subject to the special permit requirements for Townhouse development in a Residence B District.

17.23.2 Permitted Non Residential Uses.

17.23.21 The following nonresidential uses, not otherwise permitted in a Residence B District, shall be permitted as of right in this Special District 2 provided the conditions set forth in Section 17.23.22 are met. Nevertheless, for purposes of the Zoning Ordinance, Special District 2 shall be considered a residential district.

(a) Section 4.34 – Office and Laboratory Use, Paragraph a (medical professional), Paragraph b (nonmedical professional), Paragraph c (agency office), Paragraph d (general office).

(b) Section 4.35 – Retail Business and Consumer Service Establishments, Paragraph q (arts and crafts studio).

(c) Section 4.36 - Open Air or Drive-In Retail and Service, Paragraph a (sale of flowers, garden supplies, and commercial greenhouses).

17.23.22 The above nonresidential uses shall be permitted to occupy a nonresidential building in existence as of September 1, 1998 provided the current use of the building, if occupied, is any use described in Section 4.34 (office and laboratory use), Section 4.35 (retail business and consumer service establishment), Section 4.36 (open air and drive-in retail and service), Section 4.37 (light industry) or Section 4.38 (heavy industry). Where the building is unoccupied it may be so occupied with permitted nonresidential uses provided the building has not been occupied by a residential use in the five years immediately preceding the time of application for a certificate of occupancy for the new nonresidential use.

17.24 *Dimensional Requirements.* The dimensional requirements of the Residence B district shall apply to the Special District 2, except as modified by the provisions set forth below.

17.24.1 Maximum FAR.

1. The FAR applicable in the Special District 2 shall be 0.50.

2. Notwithstanding the limitations of Paragraph (1) above, where it is proposed to reuse a nonresidential structure in existence as of September 1, 1998 for permitted residential uses, the following Gross Floor Area shall be permitted.

    1. The Gross Floor Area that is the result of the application of the FAR generally permitted in the district, or the existing Gross Floor Area of the structure itself, whichever is greater.

2. Additional Gross Floor Area may be added to the nonresidential structure without limit provided all construction creating additional Gross Floor Area occurs within the limits of the existing structure.

3. Where it is proposed to demolish an existing nonresidential structure that has a Gross Floor Area greater than that permitted by the application of an FAR of 0.50 for the purpose of converting the site entirely to permitted residential uses, the total Gross Floor Area contained in the nonresidential structure shall be permitted in the new residential structures up to a maximum FAR of 0.50.

17.24.2 Minimum Lot Area for Each Dwelling Unit.

1. The Minimum Lot Area for Each Dwelling Unit shall be two thousand and five hundred (2,500) square feet.

2. Where it is proposed to reuse a nonresidential structure in existence as of September 1, 1998 for permitted residential uses, the number of units permitted in the structure shall be that number permitted in Paragraph (1) above or that number of units which is the Gross Floor Area of the structure as permitted in Section 17.24.1(2) above divided by one thousand and two hundred (1,200) square feet, whichever is greater.

3. Where it is proposed to demolish an existing nonresidential structure that has a Gross Floor Area greater than that permitted by the application of an FAR of 0.50 for the purpose of converting the site entirely to permitted residential uses, the number of units permitted in the new structures shall be the Gross Floor Area of the structures as permitted in Section 17.24.1(3) above divided by one thousand and eight hundred (1,800) square feet.

17.24.3 Other Dimensional Requirements.

1) The provisions of Section 5.53 related to multiple buildings on a lot in Residence B districts shall not apply in Special District 2.

2) Where it is proposed to convert an existing nonresidential structure to residential use, and where that structure covers fifty (50) percent or more of its lot, the Minimum Ratio of Private open space to Lot Area may be reduced to the ratio existing on the site at the time of conversion, if any. However, if the land area required for provided parking outside the building, including required setbacks is less than the area of land that has no structure on it, the remainder of the open land shall have any paving material (asphalt, concrete, or gravel) removed, topsoil of a minimum two foot depth shall be added, and the space shall be landscaped with trees, shrubs, and/or grass up to the maximum percentage of the lot required to be Private open space in the Ordinance.

3) The maximum building height shall be forty (40) feet with a cornice height not to exceed thirty (30) feet. However, any portion of a building located fifty (50) feet or less from the boundary of any other zoning district with a maximum building

height of thirty-five (35) feet or less or from the sideline of a street shall have a maximum height of thirty-five (35) feet.

4) Additional Special Permit Criteria. In evaluating applications for Multifamily or Townhouse Special Permits in Special District 2, in addition to the existing criteria set forth in Section 10.47.4, the Planning Board shall also consider as a criterion the development of residential units of various sizes and with various numbers of bedrooms, with specific attention to three and more bedroom units, with the overall goal of providing dwelling units suitable for diverse household sizes.

17.25 Protection of the Linear Park Open Space*.* Any fences within the building setback of the Linear Park Open Space will be such that sight lines are minimally obstructed. Examples of conforming fences are wrought iron, wire, or chain link. Examples of non-conforming fences are board, stockade, or concrete walls.

17.30 SPECIAL DISTRICT 3

17.31 *Scope and Purpose.* This Section 17.30 regulates development in Special District 3 as shown on the Zoning Map of the City of Cambridge, as amended.

It is the intent of this Special District 3 to permit a modest level of residential and nonresidential development in the District consistent with the public interest in protecting regulated wetlands where they occur within the district; maintaining flood storage capacity in the district consistent with federal regulations; minimizing the amount of additional traffic passing through congested intersections on arterial streets, and on local, neighborhood streets, that could provide access to the district; limiting stormwater runoff onto property located outside the district ensuring adequate visual buffers and screening of buildings and parking facilities from adjacent public parks and recreation facilities; minimizing the disturbance of existing soil within the district to limit dispersal and exposure to possible harmful residual substances in the soil; and in enhancing the parkway character of the Parkway Overlay District.

17.32 *Use Regulations.* The following uses are allowed in the Special District 3.

17.32.1 Permitted Residential Uses*.*

Section 4.32 – Residential Uses, Paragraphs a-l

17.32.2 Permitted Nonresidential Uses.

Section 4.34 – Office and Laboratory Use, Paragraphs a-f

Section 4.33 – Institutional Uses, all uses.

Section 4.35 – Retail Business and Consumer Service Establishments, Paragraph a, c, d, e, f,(1), q, and r provided that no individual retail establishments exceeds one thousand and two hundred (1,200) square feet in gross floor area, except that a single retail establishment containing a grocery store or supermarket may total no more than fifty-five thousand (55,000) square feet provided that nothing in this section alters any other limitations as set forth in this district.

17.32 *Dimensional Requirements.* The following dimensional requirements shall apply in Special District 3.

17.33.1 Total Gross Floor Area Permitted

17.33.11 *Total Development Permitted.* The total Gross Floor Area (GFA) permitted in Special District 3 shall be seven hundred, eighty two thousand and five hundred (782,500) square feet, exclusive of Gross Floor Area occupied by the MBTA Red Line transit station and any structure in existence at the time of adoption of this Section 17.30 that is used exclusively for residential use. Total Gross Floor Area in the District is at any time the sum of the Gross Floor Area of all structures then located in the District (excepting the above described structures and those other structures required to be demolished prior to the issuance of a certificate of occupancy for any newly constructed building in the district) and those which are being constructed or may be constructed in the District pursuant to a then effective building permit. At no time may a building permit be issued for any structure that would result in the above Gross Floor Area limit for all structures in the District (excepting the above described structures and those other structures required to be demolished prior to the issuance of a certificate of occupancy for any newly constructed building in the District) being exceeded. Development within the District shall be further regulated as set forth below.

17.33.12 Allocation of GFA to Lots in Existence as of the Date of Adoption of this Section 17.30. In allocating the total permitted GFA within the district, each lot in existence as of the date of adoption of this Section 17.30 shall be allocated a minimum gross floor area equal to the allocation of a Floor Area Ratio of 0.45 to the lot area. No building permit shall be issued for any lot that would require the reduction of GFA allocated to any such existing lot below that which is allowed by the application of the FAR of 0.45 without the written consent by the owner of such existing lot. Future subdivision of any existing lot shall be permitted, but in no event shall the amount of GFA permitted on the original existing lot as set forth in this Section 17.33.12 be increased by such subdivision. For the purposes of this Section 17.33.12, a lot may consist of parcels of land held in separate ownership but developed as a single zoning lot.

17.33.13 Maximum Floor Area Ratio. There shall be no FAR limit with regard to the amount of GFA on any single lot within the District, subject to the total development limits set forth in Sections 17.33.11 and 17.33.12 above. Additional GFA above that permitted by the application of an FAR of 0.45 to any lot, may be constructed on any lot to the extent that the total amount of development (GFA) at the time within the entire Special District 3 is less than that permitted in Section 17.33.11 above.

17.33.2 Minimum Lot Area of Each Dwelling Unit. The minimum Lot Area per Dwelling Unit shall be two thousand and five hundred (2,500) square feet.

17.33.3 Minimum Lot Size and Minimum Lot Width.

1. The minimum lot size shall be twenty thousand (20,000) square feet.

2. There shall be a minimum width of one hundred (100) feet.

17.33.4 Minimum Yard Requirements. There shall be no minimum yard requirements in the district except as set forth below.

1. For those portions of a lot abutting Alewife Brook Parkway and Whittemore Avenue a minimum front yard setback of twenty-five (25) feet shall be required and it shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of necessary driveways crossing the yard in a generally perpendicular manner to provide access to other portions of the lot.

2. For those portions of a lot abutting Rindge Avenue, any Open Space District, and any public park or recreation area, a minimum yard setback from that property line of fifty (50) feet shall be required. The first twenty-five (25) feet from the lot line of that required setback shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of necessary driveways crossing the yard in a generally perpendicular manner to provide access to other portions of the lots. Notwithstanding any provision of Article 6.000, accessory parking, circulation and loading facilities shall be allowed within the second twenty-five (25) feet of the required setback where such setback is a front yard.

3. Notwithstanding the minimum yard requirements set forth in Paragraphs (1) and (2) above, the following yard setbacks shall be required for that portion of any new structure containing residential use; or for any new structure containing nonresidential uses that is within one hundred (100) feet of a lot containing a public park, recreation area, or a structure containing a residential use, or a residential or open space zoning district line: a side yard of (H+L)/7 and a rear yard of (H+L)/5.

4. Notwithstanding the minimum yard requirements set forth in Paragraph (1) above with respect to Whittemore Avenue, the buildings located on Whittemore Avenue existing at the time of adoption of this Section 17.30 shall be deemed to be in compliance with the minimum yard requirements of this Section 17.33.4. However, any alteration, reconstruction, extension, or structural change of such buildings shall be subject to the minimum yard requirements of Section 17.33.4 in the following circumstances:

   (a) The height or footprint of the existing building is increased or extended;

   (b) The installation of any loading bay or installation of any mechanical equipment on the roof that is otherwise exempt from the height limit or prohibited from any required yard; or

   (c) The demolition and reconstruction of more than twenty-five (25) percent of the area or volume of that portion of a building within the minimum yard required in Section 17.33.4.

17.33.5 Maximum Height. The maximum height in Special District 3 shall be fifty-five (55) feet except as modified below.

1. For that portion of a structure exceeding thirty-five (35) feet in height, a setback shall be required from any public park or recreation area equal to one and a half (1.5) feet for every foot of building height.

2. A maximum height of seventy (70) feet shall be permitted within the following area bounded by:

   (a) A line parallel to and abutting the southerly façade of the structure known as the MBTA Red Line east headhouse;

   (b) A second line perpendicular to Line (a) and proceeding north from a point on line (a) one hundred and twenty (120) feet easterly of the southwesterly corner of the MBTA headhouse;

   (c) A third line proceeding in a westerly direction that is perpendicular to Line (b) and parallel to and three hundred and twenty (320) feet northerly of Line (a); and

   (d) The centerline of Alewife Brook Parkway.

17.34 *Parking and Loading Requirements.* The requirements of Article 6.000 shall apply in Special District 3 except as modified below.

17.34.1 Minimum Off Street Accessory Parking Requirements. There shall be no minimum parking requirement for any use within Special District 3.

17.34.2 Maximum Off Street Accessory Parking Requirements

1. No more than one thousand (1,000) parking spaces shall be permitted within Special District 3. That number may be increased by one paring space for each parking space, accessory to uses located within Special District 3 and in existence as of the date of adoption of this Section 17.30, that is removed permanently from Lots 7, 62, 70, 72, and 73 as shown on Assessor's Plat numbered 187, and Lots 25, 28, 29, 55, and 121 on Assessor's Plat numbered 188; the area occupied by such removed parking space shall remain unused or converted to any permitted residential use.

2. Parking facilities may be located in whole or in part in one or more pooled parking facilities located anywhere within Special District 3.

17.35 *Required Open Space.* Any combination of Private open space, Publicly Beneficial Open Space, or Green Area Open Space shall be provided on every lot and shall in the aggregate equal to at least twenty (20) percent of the area of such lot. Owners of lots within Special District 3 may pool such open space at any location within the District provided its permanency is guaranteed by dedication, easement, deed restriction covenant or comparable legal instrument. The surface area of the body of water known as Jerry's Pond shall not be included within the required open space.

17.36 *Other Regulations*

17.36.1 Limitations on Construction Below Existing Grade. No portion of a building or structure, including parking structures, shall be located below the existing mean grade of the ground adjacent to the proposed building or structure prior to construction except as may be required to reasonably accommodate necessary utility systems and building foundations (e.g. elevator shafts, foundation pilings, etc.).

17.36.2 Limitations on Storm Water Runoff Beyond Property Lines. No net increase in the peak runoff rate of storm water beyond any property line shall be permitted as a consequence of any construction on a lot consistent with the state Department of Environmental Protection Stormwater management Policy. Property owners within the Special District may combine lots, retention areas and drainage facilities in meeting this requirement. Conformance with this requirement shall be certified by a engineer registered in the Commonwealth and competent to make such certification.

17.36.3 Access to Harvey Street. No building, structure, parking facility or access road within Special District 3 may have access to Harvey Street except as may be necessary for emergency vehicles.

17.36.4 Pedestrian and Bicycle Connections. Notwithstanding the provisions of Section 17.33.11, no building permit shall be issued that allows the total amount of development in the District (GFA) to exceed seven hundred and seven thousand and five hundred (707,500) square feet until a pedestrian and bike connection has been constructed, or the property owner has guaranteed such construction in a manner satisfactory to the City of Cambridge and prior to the issuance of any certificate of occupancy for space constructed pursuant to such building permit, within the District between the Linear Park and Whittemore Avenue in the vicinity of Madison Avenue, to a standard comparable to the improvements in the Linear Park and the Minuteman Bikeway.

17.36.5 *Area of Special Planning Concern*. Special District 3 shall be considered an area of Special Planning Concern. All development within the District shall comply with the Development Consultation Procedures as specified in Section 11.40, except as modified below:

1. The Planning Board shall conduct the Large Project Procedure in lieu of the Community Development Department.

2. The Large Project Procedure shall be modified so that the Community Development Department shall have ten (10) business days to certify that an application is complete, ten (10) business days from certification to hold a public meeting, and ten (10) business days thereafter to make a report.

3. In reviewing a proposal the Planning Board shall be guided by the provisions of the Design Guidelines for Special District 3.

17.36.6 *Traffic Study.* Before issuance of any building permit for construction of GFA within Special District 3, a Traffic Study shall be prepared and made available to the Planning Board for the Large Project Procedure. The traffic study may be prepared for the total amount of development allowed in the District when the first building permit is requested and shall be applicable to all future building permits issued in the district except that traffic data shall be updated at least every five (5) years after the initial submission of the study whenever a new building permit is sought. The Traffic Study shall include the following elements.

1. A Transportation Demand Management Plan, which at a minimum shall include a program to subsidize transit passes for employees at the site in the amount of at least fifty (50) percent of the cost of such passes; joining the Alewife Transportation Management Association (TMA); provision of secure indoor bicycle parking, showers, and lockers/changing rooms; and reservation of ten (10) percent of available parking spaces for ridesharing commuters.

2. Data, which at a minimum, shall include current traffic volumes, projected future trip generation, distribution of trips on area roadway network, evaluation of roadway operations and safety, and identification of traffic operation and safety improvements.

3. A commitment to implement the provisions of the Transportation Demand Management Plan and a commitment of the proponent to work in a cooperative manner to assist the City in implementing a neighborhood protection plan including reasonable traffic mitigation measures such as institution of one way streets, traffic calming, signal timing changes and other traffic control measures and initiatives which may affect traffic flows relating to development in the District.

4. A procedure by which implementation of the recommendations in the plan will be periodically monitored and reported to the Planning Board.

17.37 *Certification.* Before issuance of any building permit for new Gross Floor Area within Special District 3 the following certifications shall be made to the Superintendent of Buildings. In making an application for a building permit the applicant shall provide all information necessary to determine whether the requirements of this Section 11.70 with regard to limitations on GFA are being met.

1. Certification from the Planning Board that the Large Project Procedure has been held.

2. Certification from the Conservation Commission that the requirements of the state Wetlands Act with regard to flood storage retention and peak storm water runoff have been met, or alternatively, delivery of an outstanding Order of Conditions issued under the Wetlands Act.

3. Certification from the Community Development Department and the Department of Traffic, Parking and Transportation, in consultation with the Planning Board, that the Traffic Study has been prepared.

4. Certification by the Community Development Department that all other requirements of the District have been met.

5. Failure to issue such certification, or notice that the requirements have not been met, within twenty-five (25) days of application for a building permit shall be deemed to be positive certification.

17.38 *Exemption from Section 11.500*. Section 11.500 of the Zoning Ordinance, adopted as Ordinance #1209, shall not apply to any construction in Special District 3 as regulated by this Section 17.30.

17.40 SPECIAL DISTRICT 4 AND 4A

17.41 *Scope and Purpose.* This Section 17.40 regulates development in Special Districts 4 and 4A as shown on the Zoning Map of the City of Cambridge, as amended.

It is the intent of these Special Districts 4and 4A to permit an appropriate level of residential and nonresidential development in the Districts consistent with the public interest in protecting regulated wetlands where they occur; maintain in flood storage capacity consistent with federal, state and local regulations; restoring areas currently developed to urban uses to their natural state in order to eliminate harmful impacts on sensitive wetlands environments; limiting the extent of land covered by impervious surfaces; and minimizing the amount of additional traffic passing through congested intersections on arterial and neighborhood streets. Further enhancement of the parkway character of Concord Turnpike is also intended.

Except as herein provided, all requirements of and regulations applicable to the Office 2 district shall apply equally to Special Districts 4 and 4A.

Except as noted, the provisions of this Section 17.40 shall apply equally to Special District 4 and Special District 4A.

17.42 *Dimensional Requirements*

17.42.1 Total Development Permitted

17.42.11 Special District 4. Other than as may be temporarily allowed in Section 17.46.1, the Gross Floor Area (GFA) permitted in Special District 4 shall be nine hundred thousand (900,000) square feet, exclusive of GFA occupied by structured parking not otherwise exempt as set forth in Section 5.25. An additional four hundred thousand (400,000) square feet of GFA shall be permitted for the exclusive use of structured parking not otherwise exempt from the calculations as to GFA, as set forth in Section 5.25. The permitted GFA shall be further limited by the requirements of Section 17.45 below. There shall be no maximum FAR limit imposed on any lot within the Special District 4. The provisions of Section 5.25.42 shall not apply in this Special District 4.

17.42.12 Special District 4A. The maximum permitted FAR shall be 1.14 for all nonresidential uses and 1.5 for Residential Uses, Section 4.31 a-h and Dormitory Uses, Section 4.33.b.7.

17.42.2 Yard Requirements. The minimum yards required in the Districts may be waived by the Planning Board by Special Permit. In no case, however, shall the front yard required in the Parkway Overlay District, Section 11.60, be waived.

17.42.3 Maximum Height. The maximum height in the Districts shall be sixty (60) feet except that it may be increased to eight-five (85) feet for nonresidential uses and ninety (90) for residential uses, by special permit from the Planning Board. The special permit shall be granted where the applicant demonstrates to the satisfaction of the Board that the additional height will better serve the objectives of this Section 17.40 to increase

the amount of open space in the district and to limit the extent to which building and other hard surfaces cover the ground.

17.43 *Parking and Loading Requirements.* The requirements of Article 6.000 shall apply in the Districts except as modified below.

17.43.1 Maximum Off-Street Accessory Parking Permitted in Special District 4. No more than one thousand and fifty-two (1052) parking spaces shall be permitted within Special District 4 and in no event shall the number of surface parking spaces in the district exceed the amount that existed at the time of enactment of this Section 17.40. Notwithstanding the provisions of Article 6.000, one thousand and fifty-two (1052) parking spaces shall be the maximum required for any amount of development in Special District 4, up to the nine hundred thousand (900,000) square feet of GFA (exclusive of GFA occupied by structured parking) permitted in Special District 4, or such temporary exceedance of that GFA limit as may be allowed by Section 17.46.1.

17.44 *Permanent Natural Areas in Special District 4.* No building construction, other than restoration following catastrophe, whether consisting of GFA or not, or construction associated with the provision of parking access to parking that is not accessory to a recreational use permitted in an Open Space zoning district, shall be permitted in the large Wetland Area described in Section 17.44.1 and the Little River Area described in Section 17.44.2. These areas consist substantially of natural wetland, and their associated uplands, or areas abutting the Little River that were formerly natural wetlands and uplands and which are intended to be preserved or restored as natural areas and open space by the provisions of Special District 4. Where buildings or parking facilities exist in these areas at the time of adoption of this Section 17.40, no expansion of the footprint of the buildings of their GFA and no expansion of the area devoted to parking facilities and access to them shall be permitted.

The MDC Parking Facility Area described below in Section 17.44.3 lies outside Special District 4 in an Open Space zoning district but provides accessory parking for uses located within Special District 4. Provisions in Section 17.45 are designed to facilitate the restoration of this area to its natural state as part of the Alewife Reservation.

17.44.1 Large Wetland Area

The Large Wetland Area shall be that area bounded on the northwest and west by the Belmont-Cambridge municipal boundary line; on the northeast by the northeastern lot line of lot #157, the northwesterly lot line of Lot #268, the southwesterly lot line of Lot #269, and the southwesterly lot line of Lot #270 (all of which lot lines constitute the Special District 4A zoning district boundary line) to its intersection with a line parallel to and 880 feet southeasterly of the Belmont-Cambridge municipal boundary line; on the southeast by a line parallel to and 880 feet southeasterly of the Belmont-Cambridge municipal boundary line; and on the south by the Special District 4 – Open Space zoning district line and the Special District 4-Special District 4A zoning district line. All lots are located on Assessor's Plat #267(1).

17.44.2 Little River Area

The Little River Area shall be that area located generally south of Acorn Park Road that is bounded on the north by the centerline of Acorn Park Road and on the west, south and east by the Special District 4 – Open Space zoning District line. The area encompasses all of Lots #260, 197, 258, and 259, located on Assessor's Plat #267(2).

17.44.3 MDC Parking Facility Area

This area is located within the Alewife Reservation and is designated as an Open Space zoning district on the City of Cambridge Zoning Map. It currently contains nonconforming accessory parking spaces that serve uses located in Special District 4.

The MDC Parking Facility Area shall be that area bounded on the west by the easterly lot line of Lot #258 and its southerly extension on Assessor's Plat #267(2), which is the Special District 4 – Open Space zoning district line; on the north by the Arlington – Cambridge municipal boundary line; and on the south by the centerline of the channel of the Little River.

17.45 *Allocation of Permitted Gross Floor Area in Special District 4.* No building permit, special permit or Certificate of Occupancy shall be issued for construction in Special District 4 that will result in a total amount of GFA in the Special District 4 district exceeding four hundred and sixteen thousand (416,000) square feet for all uses including structured parking, except as permitted below.

17.45.1 Phase One: Total Gross Floor area exceeding four hundred and sixteen thousand (416,000) square feet in the District. A building or special permit may be issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than four hundred and sixteen thousand (416,000) square feet but in no case more than nine hundred and sixteen thousand (916,000) square feet for all uses including structured parking, but no case more than six hundred and sixty-six thousand (666,000) square feet for all uses exclusive of structured parking, provided the following requirements are met:

(a) All leases, licenses, rental agreements or agreements of any other description, between the Metropolitan District Commission (or any successor owner of the MDC Parking Facility Area) and the property owner/applicant, its affiliates, or their tenants for principal or accessory parking in the MDC Parking Facility Area described in Section 17.44.3 above are permanently terminated prior to or simultaneously with the issuance of a Certificate of Occupancy for new GFA whether for structured parking or otherwise, and provided that such parties shall not thereafter enter into any subsequent lease, license, rental agreement, or agreements of any other description for the same purposes in the MDC Parking Facility Area. Any owner of property in Special District 4 seeking a Certificate of Occupancy of new GFA that will result in the total amount of GFA in the district exceeding four hundred and sixteen thousand (416,000) square fee shall as a

condition of such certificate be required to certify, in a form satisfactory to the City of Cambridge, that all leases, licenses, rental agreement, or agreements of any other description for principal or accessory parking held by said property owner/applicant, its affiliates or their tenants have been so terminated as required by the Paragraph (a).

(b) The owner applying for any building permit or special permit shall prepare a plan for the restoration of the MDC Parking Facility Area and the Little River Area such that at least ninety (90) percent of the area will consist of Green Area Open Space as defined in this Ordinance. Such Plan shall be prepared by the owner, and approved by the Planning Board, prior to the issuance of any building permit for any development authorized under this Section 17.45.1. The owner of property shall actively seek approval for the design and implementation of said Plan from the Cambridge Conservation Commission, with respect to those areas under the Commission's jurisdiction and of the Metropolitan District Commission with respect to the MDC Parking Facility Area.

(c) The owner shall bear the cost of restoration of the MDC Parking Facility Area. The owner shall post a bond or other instrument satisfactory to the City of Cambridge with the Cambridge Conservation Commission in an amount equal to the estimated cost of restoration of the MDC Parking Facility Area as proposed in the plan required in Condition (b) above prior to the issuance of the first Certificate of Occupancy for any permitted structures authorized by this Section 17.45.1. Said bond shall be in force and effect until the area is restored or the construction authorized in Section 17.45.22 – Phase Three has been granted a final Certificate of Occupancy.

(d) For the purposes of Condition (a) above, Certificate by the Office of the City Solicitor that the lease or leases have been terminated shall be determined in establishing compliance with that requirement. For the purposes of Condition (b) above, approval of the restoration plan by the Cambridge Conservation Commission, the Metropolitan District Commission, or the Cambridge Planning Board, as necessary, shall be determinative in establishing compliance with that requirement. For the purposes of Condition (c) above, Certification by the Cambridge conservation Commission that the bond has been properly posted shall be determinative in establishing compliance with that requirement.

17.45.2 Phases Two and Three: Total Gross Floor Area exceeding eight hundred and fifteen thousand (815,000) square feet in the District.

A building or special permit may be issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than nine hundred and sixteen thousand (916,000) square but in no case more than one million and three hundred thousand (1,300,000) square feet subject to the following provisions:

17.45.21 Phase Two

A building or special permit may issued for construction in Special District 4 that will result in a total amount of GFA in the district greater than nine hundred and sixteen thousand (916,000) square feet but in no case more than one million and two hundred and fifty thousand (1,250,000) square feet for all uses including structured parking, but in no case more than eight hundred and fifty thousand (850,000) square feet for all uses exclusive of structured parking, provided the following requirements are met:

a. Those existing buildings within the Little River Area identified as Buildings 1-5 on May 17.41 shall be demolished provided that the demolition shall not be required for any building for which demolition approval is permanently refused on historic or other statutory grounds by a local, state or federal agency of competent jurisdiction.

   However, in the event that the demolition of one or more buildings is not allowed by the lawful action of a local, state or federal agency, the owner shall be obligated to demolish any other buildings required to be demolished in Section 17.42.2 and shall restore to its natural state all portions of the Little River Area not occupied by buildings required to remain, as required in Section 17.42.2.

   The owner shall restore, and bear the full cost thereof, at least fifty (50) percent of area within the Little River Area consistent with the plan for the restoration of that area required to be prepared in Condition (b) of Section 17.45.1. The required demolitions and restoration shall be complete prior to the issuance of a final Certificate of Occupancy for the nonstructured parking portion of the authorized construction.

b. The MDC Parking Facility Area shall have been restored to the plan identified in Section 17.45.1(b) above, or the applicant shall demonstrate to the satisfaction of the conservation commission that the restoration could not occur prior to the issuance of any final Certificate of Occupancy for any construction authorized by this Section 17.45.21. If the MDC has not authorized the applicant to restore the MDC Parking Facility Area within six (6) months following the applicant's written request for such authorization, the applicant may pay to the City of Cambridge the amount of the bond or other instrument, and the applicant shall have no further obligations with respect to the restoration of the MDC Parking Facility Area.

17.45.22 Phase Three

Any subsequent new construction for any use beyond that authorized in Section 17.45.21 – Phase Two above shall be permitted provided the total GFA permitted in Special District 4 shall not exceed nine hundred thousand (900,000) square feet, exclusive of GFA occupied by structured parking plus four hundred thousand (400,000) square feet of GFA exclusively for use as structured parking, provided the following conditions are met:

a. The conditions set forth in Section 17.45.21 – phase Two have been met.

b. All remaining buildings in the Little River Area shall have been demolished and the entire area restored to a natural state by the owner pursuant to the restoration plan required in Condition (b) of Section 17.45.1 above prior to the issuance of the Final Certificate of Occupancy for any construction permitted by this Section 17.45.22.

17.46 Other Provisions

17.46.1 Total Gross Floor Area Temporarily Exceeding one million and three hundred thousand (1,300,000) Square Feet.

In the event that demolition of structures and restoration of their sites to a natural state as required in Section 17.45.2 above cannot reasonably occur before the issuance of any interim Certificate of Occupancy for any new construction permitted in Section 17.45.2, the total GFA permitted in Special District 4 may temporarily exceed one million, three hundred thousand (1,300,000) square feet, or any intermediate threshold established in this Section 17.40, for that period necessary to secure the demolition of the existing structures located in the Little River Area and the required restoration of a portion of or the entire area thereafter. No final Certificate of Occupancy for any construction authorized in 17.45.22 – Phase Two shall be issued until all requirements of Section 17.45.22 have been met.

17.46.2 Measurement of Compliance.

Nothing in this Section 17.40 shall prevent the Planning Board, when issuing a special permit for any construction within the Special District 4, from establishing as a condition of the permit further monitoring and management provisions that will assure complete compliance within the requirements of this Section 17.40.

17.50 SPECIAL DISTRICT 5

17.51 *Scope*. This Section 17.50 regulates development within the Special District 5 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.50, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District 5.

17.52 *Permitted Uses.* Uses permitted in the Office 2 District shall be equally allowed in the Special District 5 with the exception of the following:

a. The following additional uses shall be permitted:

(1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

(2) Retail, Business and Consumer Service Establishments, Section 4.35 a and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of

the building in which they are located, or twenty-five thousand (25,000) square feet, whichever is less.

(3) Residential Uses Section 4.31 a-h shall be permitted as of right.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.53 *Dimensional Regulations.* The following Dimensional Regulations shall apply to all development proposals within the district.

17.53.1 Maximum FAR. The FAR applicable on any lot in the district shall not exceed 1.25 for all permitted uses. However, the applicable FAR may be increased by an additional 0.75 to a maximum of 2.0, by special permit from the Planning Board, for permitted residential uses, excluding hotels and motels, and for dormitory uses, Section 4.33 b(7).

17.53.2 Building Height Limitations. The maximum height for permitted uses shall be eighty-five (85) feet and may be increased to one hundred (100) feet for all permitted uses excluding hotels and motels after the issuance of a special permit from the Planning Board.

17.53.3 Front Yard Requirements.

a. The minimum front yard setback from Memorial Drive for the principal front wall plane for any structure shall be twenty-five (25) feet, measured from the street line. The required front yard setback shall apply to any portion of a structure below ground as well as those portions of a structure above ground.

b. The required Memorial Drive front yard shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one twenty-four (24) foot driveway for each one hundred (100) feet of lot frontage, or fraction thereof, located so as to provide the most direct access to parking facilities located elsewhere on the site. It is preferred that all vehicular access be provided from other than Memorial Drive.

c. The Memorial Drive front yard shall contain at least one three and one-half (3 1/2) to four (4) inch caliper tree for every twenty-five (25) linear feet of street frontage.

d. All other yards shall conform to the requirements of the Office 2 District, except that there shall be no front or side yard setback requirements for the existing building that lies adjacent to the northwest sideline of the Main Line railroad right of way as shown on Assessor's Plat #64.

17.54 *Off Street Parking and Loading Requirements*

17.54.1 Off street parking and loading requirements shall be as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.54.2 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the

District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33 b(7), one parking space for each twelve (12) beds.

17.54.3 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.60 SPECIAL DISTRICT 6

17.61 *Scope* This Section 17.60 regulates development within the Special District 6 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.60, all requirements of and regulations applicable to the Residence C-3 District shall apply equally to the Special District 6.

17.62 *Permitted Uses.* Uses permitted in the Residence C-3 District shall be equally allowed in the Special District 6 with the exception of the following:

a. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) Hotel and Motel uses, Section 4.31 i (2).

17.63 *Dimensional Regulations*

17.63.1 Yard Requirements. There shall be no minimum yard requirements for structures within the Special District 6.

17.63.2 Maximum Height. The maximum height permitted in the district shall be one hundred (100) feet except as permitted or further restricted below:

a. In that portion of the district lying southwesterly of a line, which line is the southeasterly projection of a line one hundred feet northeasterly of and parallel to the southwesterly sideline of Reardon Street the maximum height shall be sixty (60) feet

b. The maximum height may be increased above one hundred (100) feet to a maximum of one hundred and eighty (180) feet in that portion of the district lying northeasterly of the line described in Paragraph a above and between the centerline of Vassar Street and the centerline of the main line railroad right of way after the issuance of a special permit by the Planning Board, provided that portions of buildings exceeding one hundred (100) feet but not exceeding one hundred and eighty (180) feet in height contain no more than 165,000 square feet of gross floor area, in total for the entire district.

c. In granting a special permit for additional height the Planning Board shall consider the following:

1. The height of the other buildings or portions of buildings constructed in the district is reduced to significantly below the one hundred (100) foot height permitted as of right.
2. In the vicinity of Fort Washington buildings are constructed below the one hundred (100) foot height permitted or green space is created so as to increase the views from Fort Washington across the MIT campus to the river and to the Boston skyline beyond.
3. The view corridors along residential Cambridgeport streets, such as Erie and Pacific Streets, are uninterrupted by buildings, wherever possible.
4. Green space is created in the district at grade where it can be visible to the general public.
5. The buildings are distributed in the district so as to create a visual penetration as viewed from the residential Cambridgeport neighborhood to the MIT campus and to the River Beyond.

17.64 *Off Street Parking and Loading Requirements*

Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Residence C-3 District except as provided below.

17.64.1 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33 b(7) one parking space for each twelve (12) beds.

17.64.2 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.70 SPECIAL DISTRICT 7

17.71 *Scope.* This Section 17.70 regulates development within the Special District 7 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.70, all requirements of and regulations applicable to the Business B District as modified by the Central Square Overlay District shall apply equally to the Special District 7.

17.72 *Additional Permitted Uses*

a. The following uses shall be permitted as of right:

Assembly or packaging of articles (Section 4.37a) and manufacture, processing, assembly and/or packaging of specified articles and products (Section 4.37 b, 1-15) shall be permitted on any lot on which any one or combination of the above uses has been established on or before January 1, 1991 and which uses remain

in continuous operation thereafter. Once said industrial uses have been discontinued on the lot, the lot shall only be used for those uses permitted in the Business B District.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.73 *Dimensional Regulations*

17.73.1 Maximum FAR. The maximum FAR for any lot in the district shall not exceed 3.0 for Residential Uses, Section 4.31 a-h, and Dormitory Uses, Section 4.33 b(7) and 2.0 for all other permitted uses.

17.73.2 Additional Height. The maximum height permitted in the district may be increased to one hundred (100) feet by special permit from the Planning Board; all other height limitations imposed by the Central Square Overlay District shall apply.

17.74 *Off Street Parking and Loading Requirements*

17.74.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.74.2 Minimum Parking Requirement. The minimum parking requirement shall be one space for two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

17.74.3 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each one thousand (1,000) square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.80 SPECIAL DISTRICT 8 AND SPECIAL DISTRICT 8A

17.81 *Special District 8*

17.81.1 Scope. This Section 17.81 regulates development within the Special District 8 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.81, all requirements of and regulations applicable to the Industry A-1 District shall apply equally to the Special District 8.

17.81.2 Permitted Uses. Uses permitted in the Industry A-1 District shall be equally allowed in the Special District 8 with the exception of the following:

a. The following additional uses shall be permitted as of right:

(1) Dormitory and resident fraternity or sorority, Section 4.33 b (7).

(2) Residential uses, Section 4.31 a-h.

(3) Heavy Industry, Section 4.38 e, but only if the specific use has been established on a lot on or before January 1, 1991 and which use shall remain in continuous operation thereafter. Once said industrial use has been discontinued, the lot shall only be used for those uses otherwise permitted in this Special District 8.

b. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) All Retail, Business and Consumer Service Establishments Section 4.35 with the exception of 4.35 a (1) and 4.35 b-e.

17.81.3 Dimensional Regulations. The dimensional requirements of the Industry A-1 district shall apply the Special District 8 except as provided below:

17.81.31 Maximum FAR. The FAR applicable on any lot in the district shall be increased to 1.75 for permitted dormitory uses.

17.81.32 Building Height Limitations. The maximum height permitted in the district shall be sixty (60) feet for all uses except as modified by the provisions of Sections 17.81.32.1 and 17.81.5.

17.81.32.1 For all uses, the maximum height shall be further limited as follows:

(a) Any portion of a building exceeding a height of sixty (60) feet shall be set back a minimum of twenty (20) feet from the adjacent front property lines on all abutting streets.

(b) Height shall be limited to forty-five (45) feet in that area defined by a line one hundred (100) feet distant from and parallel to all front and side property lines of Fort Washington Park, lot #72, Assessor's Plat #66, to the extent that the described area is within the Special District 8.

(c) Height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of the existing Residence C-1 District.

17.81.33 Yard Requirements. A minimum five (5) foot front yard setback shall be required for all development in the district.

17.81.33 Restrictions in Required or Provided Front Yard Setbacks. That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 17.81.33 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot. For all other streets the

provisions of this subsection 17.81.33 shall apply only to the required front yard setback.

17.81.34 Residential Density. The minimum lot area per dwelling unit shall be six hundred and fifty (650) square feet.

17.81.4 *Off Street Parking and Loading Requirements*

17.81.41 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the applicable base zoning district except as provided below.

17.81.42 Minimum Parking Requirement. The minimum parking requirements shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit and for dormitory uses, Section 4.33 b.(7) one parking space for each twelve (12) beds.

17.81.43 Maximum Parking. The maximum parking permitted for uses in the district shall be one parking space for each six hundred and fifty (650) square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provision of Section 6.31.3; however the Planning Board may permit by special permit the number of parking spaces to exceed the maximum allowed under this Section 17.81.43 provided the number of parking spaces authorized by special permit does not exceed that number which would be permitted on the lot if the maximum parking ratio of 650 were applied to the maximum gross floor area permitted on the lot, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

17.81.44 No special permit shall be issued in this district which permits the total number of parking spaces on a lot to exceed (a) that number permitted in Section 17.81.43 for development authorized by the special permit plus (b) any additional parking present on the site before the date of application for uses not located on the lot, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the zoning district applicable to such uses.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 17.81.44.

17.81.5 *Transfer of Development Rights and/or Additional Height to secure Publicly Accessible Open Space.*

Transfer of permitted Gross Floor Area between two or more lots that may not be contiguous or held in common ownership shall be permitted in Special Districts 8, 8A, 9, and 10 pursuant to the provisions of Section 21.30 of the Zoning Ordinance.

Additional height to accommodate such transferred GFA shall also be permitted subject to the limitations set forth in Section 21.30.

17.82 *Special District 8A*

17.82.1 Scope. This Section 17.82 regulates development within the Special District 8, as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section17.82, all requirements of and regulations applicable to the Residence C-1A District shall apply equally to the Special District 8A.

17.82.2 Permitted Uses. Use permitted in the Residence C-1A district shall be equally allowed in the Special District 8A subject to the following additions and limitations.

17.82.21 Retail, business and Consumer Service Establishments Section 4.35a(1) and 4.35 b-e shall be permitted as of right provided they are located in a building with other permitted uses, are located on the first floor or the basement of the building, do not exceed twenty-five (25) percent of the total Gross Floor Area of the building in which they are located. No individual establishment may exceed two thousand and five hundred (2,500) gross floor feet in area.

17.82.22 The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32b.

17.82.3 Dimensional Regulations. The dimensional requirements of the Residence C-1A district shall apply in the Special District 8A district except as provided below:

17.82.31 Maximum FAR. The FAR applicable on any lot in the district shall not exceed 0.75 for permitted nonresidential uses, 1.50 for permitted residential uses, and 1.75 for permitted dormitory uses.

17.82.32 Building Height Limitations. The maximum height permitted in the district shall be sixty (60) feet for all uses except as the permitted height may be modified by the provisions of Section 17.82.32.1 below.

17.82.32.1 For all uses, the maximum height shall be further limited as follows:

(a) Any portion of a building exceeding a height of sixty (60) feet shall be set back a minimum of twenty (20) feet from the adjacent front property lines on all abutting streets.

(b) Maximum height shall be limited to forty-five (45) feet in that area defined by a line one hundred (100) feet distant from and parallel to all front and side property lines of Fort Washington Park, lot #72, Assessor's Plat #66.

(c) Maximum height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of a Residence C-1 district.

17.82.33 Yard Requirements.

17.82.33.1 Restrictions in Required or Provided Front Yard Setbacks. That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicle use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 17.82.33.1 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot. For all other streets the provisions of this subsection 17.82.33.1 shall apply only to the required front yard setback.

17.82.33.2 Where lots abut the railroad right of way, there shall be no minimum yard requirement for that yard abutting the right of way.

17.82.34 Residential Density. The minimum lot area per dwelling unit shall be six hundred and fifty (650) square feet.

17.82.4 Off Street Parking and Loading Requirements.

17.82.41 Off street parking and loading requirements shall be as specified in Article 6.000 for the applicable base zoning district except as provided below.

17.82.42 Minimum Parking Requirement. The minimum parking requirements shall be as provided in Section 17.81, for those uses permitted in this Section 17.82.

17.82.5 Interim Non-Residential Uses.

17.82.51 Any use allowed in Special District 8 may be allowed in the Special District 8A district on an interim basis by Special Permit from the Planning Board subject to the following conditions and limitations:

(a) The authorized use is located in a nonresidential building in existence as of June 1, 2001.

(b) A Special Permit under this section has been applied for by no later than January 1, 2003.

(c) The use is authorized for a period not to exceed seven years in total from the date at which a final Certificate of Occupancy for the authorized nonresidential use is issued by the Superintendent of Buildings.

(d) All nonresidential use on the site shall cease after expiration of the period granted by the special permit for the authorized nonresidential use. Thereafter the site shall only be use for residential uses.

(e) In no case may any special permit under this Section 17.82.5 authorizing an interim nonresidential use be granted after January 1, 2005.

(f) In granting a special permit under this Section 17.82.5 the Planning Board shall determine that the proposed nonresidential use will not unreasonably negatively impact the use of adjacent property for permitted residential uses.

17.82.6 Additional FAR and Uses to Secure Near-Term Housing Construction

17.82.61 The Planning Board may issue a special permit to permit a mixed-use development containing residential dwelling units and nonresidential uses, subject to the following provisions, limitations and restrictions.

(a) The application for the special permit is accepted by the Planning Board on or before January 1, 2005.

(b) The subject lot contains nonresidential GFA at the time of application for a special permit, in a building in existence as of June 1, 2001.

(c) The total FAR for the authorized development does not exceed 1.50.

(d) The development may contain a any use permitted in Special District 8.

(e) At least one third of the authorized GFA is devoted to residential use with fifty (50) percent of the housing units (representing 50% of the residential GFA) affordable. Affordable units in excess of the number required under the inclusionary zoning provisions of the Cambridge Zoning Ordinance may be devoted to middle income housing using up to one hundred and twenty (120) percent of HUD median area incomes as a guideline for eligibility.

(f) All dimensional requirements of the Special District 8A are met unless the Planning Board, as part of the special permit, waives those provisions. In no case, however, may the height limits applicable in the SD-8A be waived.

(g) No Final Certificate of Occupancy may be granted for any nonresidential GFA unless construction of the authorized residential portion of the development is complete.

(h) In approving the development plan, the Planning Board shall determine that the housing uses are appropriately located to reinforce existing housing development and buffer that existing housing from nonresidential use on the subject lot and from other nonresidential development elsewhere within the SD-8A.

17.90 SPECIAL DISTRICT 9

17.91 *Scope*. This Section 17.90 regulates development within the Special District 9 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.90, all requirements of and regulations applicable to the Residence C District shall apply equally to the Special District 9.

17.92 *Purpose*. This section 17.90 is intended to:

(a) promote in this portion of Cambridgeport significant housing development that becomes integrated with the existing neighborhood physically, architecturally, and socially;

(b) address current housing needs in Cambridge, especially the need for units affordable for households with children; and

(c) provide significant incentives for developing housing affordable by persons of low and moderate income, in accordance with Chapter 40A, Section 9 of the General Laws, while balancing the goals of affordability and low density.

17.93 *Use Regulations.* The uses allowed in the Residence C district shall be allowed except as may otherwise be permitted in Section 17.97 below. Use variances are hereby expressly prohibited, Section 10.31 notwithstanding.

17.94 *Dimensional Requirements*

The dimensional requirements of the Residence C district, as set forth in Section 5.31 shall apply in the Special District 9.

17.95 *Additional Use and Gross Floor Area Provisions for Existing Nonresidential Uses and Structures.*

(A) It is the intent of this Section 17.97 to encourage a gradual evolution of nonresidential uses in this Special District 9 now heavily nonresidential in character, from those least in harmony with the adjacent residential neighborhood and the residential uses ultimately desired in the district, to those nonresidential uses most compatible with residential uses and ultimately to residential uses exclusively. Therefore, in the Special District 9 the following additional uses not otherwise permitted in a Residence C District shall be permitted as of right, provided the conditions set forth below are met. Notwithstanding the provisions of Section 10.31, no variance for use shall be permitted in this Special District 9. For the purposes of Article 8.000 this Special District 9 shall continue to be considered a residential district and therefore Section 8.22, Paragraphs a and b shall not apply.

(1) All uses in Section 4.34, Office and Laboratory Uses, shall be permitted but only if the following conditions are met:

a. The building thereon, (or that portion of the building proposed to be reused) is vacant and not occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

(2) All uses in Section 4.35, Retail Business and Consumer Service Establishments, Paragraphs a, c and d shall be permitted, but only if the following conditions are met:

a. The use existing at the time of application for a Certificate of Occupancy for the proposed new use, or that first legally established use immediately preceding the application for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is any retail business and Consumer Service Establishment, Section 4.35; or any light Industry, wholesale business and storage use, Section 4.37; or any heavy industry use, Section 4.38; and

b. The use shall occupy only that gross floor area meeting the use limitations of Paragraph a above.

(3) All uses in Section 4.37, light industry, wholesale business, and storage, Paragraphs a and b shall be permitted, but only if the following conditions are met:

a. The use existing at the time of application for a Certificate of Occupancy for the proposed use, or that first legally established use immediately preceding the application for a Certificate of Occupancy for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38; and

b. The use shall occupy only that gross floor area meeting the Use Limitations of Paragraph a above.

(B) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a residential use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that residential use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.97.

(C) Notwithstanding the provisions of (A) (1) - (3) above, in any structure containing a use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.97.

(D) For structures satisfying the requirements of (B) above, in existence as of January 1, 1991 the maximum gross floor area on a lot devoted to nonresidential uses shall be limited by an FAR of .9.

17.96 *Nonconforming Structures*

Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within this Special District 9 which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;

(b) The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 17.98, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

17.97 *Standards for Issuance of Special Permit.* In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

1. The proposed development is consistent with the following goals and objectives:
   - To encourage mixed use development compatible with the Cambridgeport residential neighborhood with housing uses strongly encouraged along Brookline Street and over to Sidney Street;
   - To promote street and sidewalk improvements to create a unified image and improve the physical and visual environment and tie the existing nonresidential district to the existing residential neighborhood; and
   - To promote strong visual and pedestrian connections between the residential neighborhood and the MIT campus and the Charles River.
2. The development is consistent with the provisions of the South Cambridgeport Development Guidelines;
3. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
4. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

17.98 *Transfer of Development Rights and/or Additional Height to Secure Publicly Accessible Open Space*

Transfer of permitted Gross Floor Area between two or more lots that may not be continuous or held in common ownership shall be permitted in Special Districts 8, 8A, 9, and 10 pursuant to the provisions of Section 21.30 of the Zoning Ordinance.

17.100 SPECIAL DISTRICT 10

17.101 *Scope.* This Section 17.100 regulates development within the Special District 10 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.100, all requirements of and regulations applicable to the Residence C District shall apply equally to the Special District 10. The provisions of this Section 17.100 are not severable and if a court declares any such provision invalid then this Section 17.100 shall cease to operate in its entirety.

17.102 *Purpose* . This Section 17.100 is intended to:

(a) promote in this portion of Cambridgeport significant housing development that becomes integrated with the existing neighborhood physically, architecturally, and socially;

(b) address current housing needs in Cambridge, especially the need for units affordable for households with children; and

(c) provide significant incentives for developing housing affordable by persons of low and moderate income, in accordance with Chapter 40A, Section 9 of the General Laws, while balancing the goals of affordability and low density.

17.103 *Use Regulations.* The uses allowed in the Residence C district shall be allowed except as may otherwise be permitted in Section 17.107 below. Use variances are hereby expressly prohibited, Section 10.31 notwithstanding.

17.104 *Dimensional Requirements*

The dimensional requirements of the Residence C District as set forth in Section 5.31 shall apply in the Special District 10.

17.105 *Additional Use and Gross Floor Area Provisions for Existing Nonresidential Uses and Structures.*

(A) It is the intent of this Section 17.107 to encourage a gradual evolution of nonresidential uses in this Special District 10 now heavily nonresidential in character, from those least in harmony with the adjacent residential neighborhood and the residential uses ultimately desired in the district, to those nonresidential uses most compatible with residential uses and ultimately to residential uses exclusively. Therefore, in the Special District 10 the following additional uses not otherwise permitted in the Residence C District shall be permitted as of right, provided the conditions set forth below are met. Notwithstanding the provisions of Section 10.31, no variance for use shall be permitted in the Special District 10. For the purposes of Article 8.000 the Special District shall continue to be considered a residential district and therefore Section 8.22, Paragraphs a and b shall not apply.

(1) All uses in Section 4.34, Office and Laboratory Uses, shall be permitted but only if the following conditions are met:

a. The building thereon, (or that portion of the building proposed to be reused) is vacant and not occupied by a residential use in the five years immediately preceding the time of application for a Certificate of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

(2) All uses in Section 4.35, Retail Business and Consumer Service Establishments, Paragraphs a, c and d shall be permitted, but only if the following conditions are met:

a. The use existing at the time of application for a Certificate of Occupancy for the proposed new use, or that first legally established use immediately preceding the application for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is any retail business and Consumer Service Establishment, Section 4.35; or any light Industry, wholesale business and storage use, Section 4.37; or any heavy industry use, Section 4.38; and

b. The use shall occupy only that gross floor area meeting the use limitations of Paragraph a above.

(3) All uses in Section 4.37, light industry, wholesale business, and storage, Paragraphs a and b shall be permitted, but only if the following conditions are met:

a. The use existing at the time of application for a Certificate of Occupancy for the proposed use, or that first legally established use immediately preceding the application for a Certificate of Occupancy for a proposed new use should the premises be vacant (provided that the previous use was in operation within the two years immediately preceding the application for a Certificate of Occupancy), is light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38; and

b. The use shall occupy only that gross floor area meeting the Use Limitations of Paragraph a above.

(B) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a residential use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that residential use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.

(C) Notwithstanding the provisions of Paragraphs (A) (1) - (3) above, in any structure containing a use which is less than fifty (50) percent of the total gross floor area of the building within which it is located, that use may be replaced by any one of the permitted uses in Paragraphs (A) (1) - (3) above, which use shall thereafter be subject to all of the provisions of this Section 17.107.

(D) For structures satisfying the requirements of (B) above and in existence as of January 1, 1991, the maximum gross floor area on a lot may be increased by an amount equal to twenty-five (25) percent of the gross floor area present on the lot on January 1, 1991.

17.106 *Nonconforming structures.*

The provisions of Section 17.98, Special District 9, shall apply equally to this Section 17.108, Special District 10.

17.107 *Standards for Issuance of Special Permits.* In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

1. The proposed development is consistent with the following goals and objectives:
   - To encourage mixed use development compatible with the Cambridgeport residential neighborhood with housing uses strongly encouraged along Brookline Street and over to Sidney Street;
   - To promote street and sidewalk improvements to create a unified image and improve the physical and visual environment and tie the existing nonresidential district to the existing residential neighborhood; and
   - To promote strong visual and pedestrian connections between the residential neighborhood and the MIT campus and the Charles River.
2. The development is consistent with the provisions of the South Cambridgeport Development Guidelines;
3. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
4. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

17.108 *Transfer of Development Rights and/or Additional Height to Secure Publicly Accessible Open Space.*

Transfer of permitted Gross Floor Area between two or more lots that may not be contiguous or held in common ownership shall be permitted in Special Districts 8, 8A, 9, and 10 pursuant to the provisions of Section 21.30 of the Zoning Ordinance.

17.200 SPECIAL DISTRICT 11

17.201 *Scope.* This Section 17.200 regulates development within the Special District 11 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.200, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District 11.

17.202 *Permitted Uses*. Uses permitted in the Office 2 District shall be equally allowed in the Special District 11 with the exception of the following:

a. The following additional uses shall be permitted:

(1) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

(2) Retail, Business and Consumer Service Establishments, Section 4.35 a and b as would otherwise be permitted in a Business B District, provided such uses are in a building containing uses permitted in an Office 2 District and do not exceed in area an amount equal to ten (10) percent of the gross floor area of the building in which they are located, or twenty five thousand (25,000) square feet, whichever is less.

(3) Residential Uses Section 4.31 a-h shall be permitted as of right.

b. The following uses shall be prohibited:

Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.203 *Dimensional Regulations.* The following Dimensional Regulations shall apply to all development proposals within the district.

17.203.1 Maximum FAR

a. The FAR applicable on any lot in the district shall not exceed 1.25 for all permitted uses. However, the applicable FAR may be increased by an additional 0.75 to a maximum of 2.0, by special permit from the Planning Board, for permitted residential uses, excluding hotels and motels, and for dormitory uses, Section 4.33 b(7).

b. In that part of Special District 11 lying southeast of Vassar Street, the maximum FAR for all uses shall be increased to 1.7.

17.203.2 Building Height Limitations. The maximum height for permitted uses shall be eighty-five (85) feet and may be increased to one hundred (100) feet for all permitted uses excluding hotels and motels after the issuance of a special permit from the Planning Board.

17.203.3 Front Yard Requirements.

a. The minimum front yard setback from Memorial Drive for the principal front wall plane for any structure shall be twenty-five (25) feet, measured from the street line.

The required front yard setback shall apply to any portion of a structure below ground as well as those portions of a structure above ground.

b. The required Memorial Drive front yard shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one twenty-four (24) foot driveway for each one hundred (100) feet of lot frontage, or fraction thereof, located so as to provide the most direct access to parking facilities located elsewhere on the site. It is preferred that all vehicular access be provided from other than Memorial Drive.

c. The Memorial Drive front yard shall contain at least one three and one-half (3 1/2) to four (4) inch caliper tree for every twenty-five (25) linear feet of street frontage.

17.204 *Off Street Parking and Loading Requirements*

17.204.1 Off street parking and loading requirements shall be as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.204.2 Minimum Parking Requirement. The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit, and for dormitory uses, Section 4.33 b(7), one parking space for each twelve (12) beds.

17.204.3 Maximum Parking. The maximum accessory parking permitted for all uses in the district shall be one parking space for each six hundred and fifty (650) square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

17.300 SPECIAL DISTRICT 12

17.301 *Scope*. This Section 17.300 regulates development in Special District 12 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.300, all requirements of and regulations applicable to the Residence C-2B District shall apply equally in Special District 12.

17.302 *Dimensional Modifications Permitted*. The following dimensional modifications to the Residence C-2B district shall be permitted or further required in Special District 12.

a. The maximum FAR shall be 1.0.

b. The Minimum Lot Area Per Dwelling Unit shall be 800 square feet.

c. The maximum height shall be thirty-five (35) feet in that portion of the district located south of Hingham Street and that portion of the district north of Hingham Street located within one hundred (100) feet of the westerly sideline of Banks Street.

d. The Minimum Ratio of Private open space shall be thirty (30) percent.

17.303 *Dimensional and Use Modifications*. The following further modifications to the regulations applicable to the Residence C-2B district, as modified in Section 17.302 above, shall be permitted, subject to compliance with the provisions of Section 17.305 below.

17.303.1 Permitted Uses. All uses permitted in the Residence C-2B district shall be allowed in Special District 12 including but not limited to residential housing for faculty, staff, employees, and students of educational, religious and charitable institutions in single-family, two-family and multi-family structures and accessory uses thereto. Dormitory uses shall be permitted; however, no other uses serving educational, religious and charitable institutions as set forth in Section 4.33 shall be allowed, except as otherwise allowed in this Section 17.300.

17.303.2 Building Height Limitations. The maximum height permitted shall be sixty-five (65) feet except as further regulated below:

a. No building may be higher than thirty-five (35) feet on land shown as Lots #103, 104, 105 and 106 on Assessors Plat #130, and

b. No building may be higher than thirty-five (35) feet within forty-five (45) feet of the westerly sideline of Banks Street.

17.303.3 Yard Requirements. In lieu of the provisions of Table 5-1 – Table of Dimensional Requirements – Residential Districts, the following Minimum Yard requirements shall apply. Any formulas set forth in Table 5-1 to determine minimum yard requirements shall not apply.

(a) The minimum yard on Memorial Drive shall be ten (10) feet.

(b) The minimum yard on Western Avenue shall be ten (10) feet.

(c) The minimum yard along that portion of the easterly boundary of Special District 12 determined by the easterly sidelines of Lots # 103 and 106 on Assessors Plat 130 shall be fifteen (15) feet.

(d) No minimum yard shall be required along Akron Street.

(e) The minimum yard on Banks Street shall be ten (10) feet.

(f) The minimum yard on the southerly side of Hingham Street shall be ten (10) feet.

(g) The minimum yard on the northerly side of Hingham Street shall be thirty (30) feet within one hundred (100) feet of the westerly sideline of Banks Street, and thereafter 10 feet.

(h) The requirements of Table 5-1, Footnote (k) shall not apply in the Special District 12.

17.303.4 Minimum Lot Area Per Dwelling Unit. The minimum Lot Area Per Dwelling Unit shall be 300 square feet. Permitted dwelling units may be located anywhere

within the District and shall not be otherwise restricted as to lot area per dwelling unit requirements.

17.303.5 Total Development Permitted. The aggregate of all development in Special District 12 shall not exceed 172,950 square feet of Gross Floor Area. If the property owner is in compliance with the provisions of a letter of commitment dated October 27, 2003, given by the property owner of land in Special Districts 12, 13 and 14 to the City of Cambridge pertaining to the development of the property owner's land in Special Districts 12, 13 and 14 ("Letter of Commitment"), the aggregate of all development in Special District 12 shall not exceed 224,835 square feet of Gross Floor Area. Such development may be located anywhere in the district without reference to FAR or any other Gross Floor Area limitation.

17.303.6 Minimum Ratio of Private open space to Lot Area. The required Private open space in the district may be any combination of Useable, Green Area, Permeable or Public Open Space and shall be required for all uses permitted in the district.

17.303.7 Parking. Except as otherwise provided in this Section 17.303.7, all requirements of Article 6.000 shall apply in Special District 12, except that with regard to the provisions of Section 6.22 – Location of accessory off street parking facilities, any accessory parking required by Article 6.000 to serve development constructed within Special District 12 shall be located within Special District 12. Provided it is located within Special District 12, said parking may be located on any lot without reference to the locational limitations of Section 6.22. All such parking shall be deemed institutional; provided, however, that one parking space shall be provided for each affordable housing unit constructed within Special District 12. In addition, all parking existing on October 27, 2003 on property in Special District 12 owned by any educational, religious or charitable institution shall be deemed institutional parking and shall be an allowed use. Off street loading facilities are not permitted for development in Special District 12. Up to four access drives may be provided to underground parking facilities.

For any development subject to the special permit provisions of Section 19.20 or 19.50, any provision of Sections 6.31.3, 6.35.2 and 6.40 – Design and Maintenance of Off Street Parking Facilities may be waived within the scope of those special permits in order to facilitate the location of significant portions of parking within the district in below grade facilities or to provide surface parking for residents in dwelling not conveniently served by an underground parking facility.

17.303.8 Multiple Buildings. Notwithstanding the provisions of Section 5.13, where multiple buildings are built on any Lot in Special District 12, the minimum distance required between buildings shall be 15 feet. Buildings that are connected below grade by tunnels or by underground parking structures shall be considered multiple, freestanding and unattached buildings for the purposes of Section 5.13 and this Section 17.303.8.

No building may be built on the land shown as Lots # 103, 104, 105, and 106 of Assessors Plat 130, that has a horizontal dimension (length or width) at grade

greater than 75 feet, and each building shall be physically separated from adjoining buildings on such land by at least 15 feet. Project Review pursuant to the provisions of Article 19.000 shall not limit the number or location of buildings on such land if such buildings comply with the foregoing provisions of Section 17.303.

The formula set forth in Section 5.13 to determine minimum distance between buildings shall not apply.

17.304 *Mechanical Equipment*. The HVAC equipment and exhaust or intake vents located in and serving buildings or underground garages serving buildings in Special District 12 constructed after October 27, 2003 shall be designed or screened so that they are not visible to a pedestrian standing in the public way, and so that they comply with governmental laws regulating noise.

17.305 *Procedural Requirements*. A Building Permit for any structure complying with the dimensional and other provisions of Section 17.303 above shall be issued if the conditions in this Section 17.305 have been met.

17.305.1 Prior to the issuance of the first Building Permit within the Special District 12, a site plan ("Site Plan") shall be submitted to the Superintendent of Buildings indicating the location of any required open space and the location of proposed buildings and accessory parking. The Site Plan shall, in both graphic form and text, indicate how the requirements of this Section 17.300 and the provisions of the "Letter of Commitment" shall be met including all dimensional and use requirements. After review by the Community Development Department, the Superintendent of Buildings shall certify that the Site Plan as submitted conforms to these provisions and will permit the fulfillment of all requirements of Section 17.300.

17.305.2 The Site Plan may be modified by the owner from time to time, provided, however, that any change shall require a recertification from the Superintendent of Buildings. In all instances that the Site Plan is modified, the development shall continue to conform to all requirements of this Section 17.300 and the "Letter of Commitment".

17.305.3 "Letter of Commitment". Prior to the issuance of any Building Permit or Certificate of Occupancy in Special District 12 and after review by the Community Development Department, the Superintendent of Buildings shall certify that construction is proceeding in accordance with all provisions of the "Letter of Commitment".

17.305.4 In the event that the development rights and uses in Special District 12 as set forth in the Site Plan required in Section 17.305.1 above are reduced before they can be fully utilized, through an amendment or other change to the Zoning Ordinance of the City of Cambridge, the easement to the City of Cambridge for a Public Open Space in conformance with the provisions of the "Letter of

Commitment" shall not be granted, or if granted previously, shall terminate automatically upon the effective date of such amendment or change to the Zoning Ordinance. Thereafter the requirement for the provision of an open space shall be voided and the site may be developed subsequent to and in accordance with the provisions of the change or amendment of the Zoning Ordinance.

17.306 Other Provisions. The following additional provisions shall apply.

(a) Special District 12 shall be considered an Area of Special Planning Concern, subject to the Development Consultation Procedure specified in Section 19.40.

(b) Development in Special District 12 utilizing the use and dimensional provisions of Section 17.303 above shall not be subject to the provisions of Section 11.200 of the Zoning Ordinance.

(c) Nothing in Article 19.000 shall prohibit the submission of a request for a single Project Review Special Permit containing construction in both this Special District 12 and Special District 14.

17.307 *Inapplicability of Certain Other Regulations*. Where this Section 17.300 specifies some standard or makes some other requirements contrary to a requirement elsewhere in this Ordinance, the provisions of this Section 17.300 shall control.

17.400 SPECIAL DISTRICT 13

17.401 *Scope*. This Section 17.400 regulates development in Special District 13 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.400, all requirements of and regulations applicable to the Residence C-2 District shall apply equally in Special District 13.

17.402 *Permitted Uses*. All uses permitted in the Residence C-2 District shall be allowed in Special District 13, and in addition Power Plant use for the non-nuclear production, generation and distribution of electricity or steam, Section 4.32 g shall be permitted. The Power Plant use shall be permitted as of right provided such use occurs within structures in existence as of October 27, 2003. Location of the Power Plant use in a new structure shall be permitted only after the issuance of a Special Permit from the Planning Board.

17.402.1 Parking. Except as otherwise provided in this Section 17.400, all requirements of Article 6.000 shall apply in Special District 13, except that with regard to the provisions of Section 6.22 – Location of accessory off street parking facilities, any accessory parking required by Article 6.000 to serve development constructed within Special District 13 shall be located within Special District 13. Provided it is located within Special District 13, said parking may be located on any lot without reference to the locational limitations of Section 6.22. All such parking shall be deemed institutional. In addition, all parking existing on October 27, 2003 on

property in Special District 13 owned by any educational, religious or charitable institution shall be deemed institutional parking and shall be an allowed use.

17.403 *Dimensional Limitations*. All dimensional requirements of the Residence C-2 District shall apply in Special Districts 13 except as provided in this Section 17.403:

17.403.1 Maximum FAR. The maximum FAR shall be 1.5 but shall be increased by special permit from the Planning Board to 2.0 for residential uses and dormitories.

17.403.2 Maximum Height. The maximum height shall be limited to sixty-five (65) feet, except that within ninety (90) feet of the westerly sideline of Blackstone Street and within two hundred and forty-five (245) feet of the southerly line of Western Avenue the height shall be limited to forty-five (45) feet. The height of structures in existence in Special District 13 as of October 27, 2003 shall be deemed conforming.

17.403.3 Yard Requirements. The minimum requirement for all yards shall be five (5) feet. The required yards for structures in existence as of October 27, 2003 shall be the yards existing at that time. Any new construction shall be subject to the yard requirements of the Residence C-2 district; the yards for new construction, however, may be reduced to not less than five (5) feet after the issuance of a Special Permit from the Planning Board. In addition, the minimum distance between multiple buildings on a lot, as set forth in Section 5.13, may be reduced to not less ten (10) feet by special permit from the Planning Board.

17.403.4 Mechanical Equipment. The HVAC equipment and exhaust or intake vents located in and serving buildings or underground garages serving buildings in Special District 13 constructed after October 27, 2003 shall be designed or screened so that they are not visible to a pedestrian standing in the public way, and so that they comply with governmental laws regulating noise.

17.404 *Inapplicability of Certain Other Regulations.* Where this Section 17.400 specifies some standard or makes some other requirements contrary to a requirement elsewhere in this Ordinance, the provisions of this Section 17.400 shall control.

17.500 SPECIAL DISTRICT 14

17.501 *Scope*. This Section 17.500 regulates development in Special District 14 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.500, all requirements of and regulations applicable to the Residence C-1 District shall apply equally in Special District 14.

17.502 *Subdistricts*. Special District 14 shall consist of three subdistricts as described below. Except as noted, all provisions of Special District 14 shall apply equally to all subdistricts.

a. The Athens Terrace Subdistrict shall be that portion of Special District 14 located north of Grant Street.

b. The Grant Street Subdistrict shall be that portion of Special District 14 that lies within ninety (90) feet of the southerly sideline of Grant Street.

c. The Cowperthwaite Subdistrict shall be that portion of Special District 14 that lies between the Grant Street Subdistrict and Cowperthwaite Street.

17.503 *Permitted Uses*. All uses permitted in the Residence C-1 District shall be allowed in Special District 14 including but not limited to residential housing for faculty, staff, employees, and students of educational, religious and charitable institutions in single-family, two-family, three-family and multi-family structures and accessory uses thereto. No other uses serving educational, religious and charitable institutions as set forth in Section 4.33 shall be allowed, notwithstanding the provisions of Section 4.50, except as otherwise allowed in this Section 17.500. The special permit provisions of Sections 4.26 and 11.10 for Multifamily and Townhouse Development shall not apply.

17.504 *Use and Dimensional Modifications Permitted*. The following modifications to the regulations applicable to the Residence C-1 district shall be permitted in Special District 14.

a. In the Cowperthwaite Subdistrict, Dormitories, Section 4.33 (b) (7) shall be permitted; Section 4.50 limitations shall not apply.

b. In the Cowperthwaite Subdistrict the following dimensional limitations shall apply:

(i) The maximum FAR shall be 1.0.

(ii) The maximum height shall be forty-five (45) feet.

(iii) The minimum Lot Area per Dwelling Unit shall be 800 square feet.

(iv) The minimum Private open space shall be fifteen (15) percent.

c. In the Grant Street Subdistrict the following dimensional limitations shall apply:

(i) The maximum FAR shall be 1.0.

(ii) The minimum Lot Area per Dwelling Unit shall be 1200 square feet.

(iv) The minimum Private open space shall be fifteen (15) percent.

d. In the Athens Terrace Subdistrict the following dimensional limitations shall apply:

(i) The minimum Lot Area per Dwelling Unit shall be 1200 square feet.

(ii) The minimum Private open space shall be fifteen (15) percent.

17.505 *Other Use and Dimensional Modifications*. The following modifications to the regulations applicable to the Residence C-1 district, as modified by Section 17.504 above, shall be permitted, subject to compliance with the provisions of Section 17.506 below.

17.505.1 Maximum FAR. The maximum FAR shall be 3.0 within the Cowperthwaite Subdistrict provided the FAR in the Grant Street Subdistrict does not exceed 0.75 on land under the same ownership. If the property owner is in compliance with the provisions of the “Letter of Commitment” referenced in Section 17.303.5 above, in the Cowperthwaite Subdistrict additional FAR at the rate of 0.9 shall be

permitted, and in the Athens Terrace and Grant Street Subdistricts additional FAR at the rate of 0.225 shall be permitted.

17.505.2 Building Height Limitations.

a. The maximum height permitted shall be fifty-five (55) feet in the Cowperthwaite Subdistrict subject to the further restrictions set forth in Paragraph b below; however no building or portion of a building within 40 feet of the westerly sideline of Banks Street shall be higher than thirty-five (35) feet.

b. Any portion of a building in the Cowperthwaite Subdistrict in excess of forty-five (45) feet shall be set back behind a forty-five degree bulk control plane beginning at a height of forty-five (45) feet above the Cowperthwaite/Grant Street Sudistricts boundary line and rising thereafter toward Cowperthwaite Street.

17.505.3 Minimum Lot Area Per Dwelling Unit. In the Cowperthwaite Subdistrict, each 1,000 square feet of Gross Floor Area shall be considered equivalent to one dwelling unit for purposes of calculating Minimum Lot Area per Dwelling Unit.

17.505.4 Minimum Ratio of Private open space to Lot Area. The required Private open space in Special District 14 may be any combination of Useable, Green Area, Permeable or Public Open Space and shall be required for all uses permitted in the district. In the Cowperthwaite and Athens Terrace Subdistricts, the minimum Private open space requirements of Table 5-1 as modified in Section 17.504 above shall not apply.

17.505.5 Cowperthwaite Minimum Side Yard. The minimum side yard of Cowperthwaite Subdistrict shall be 15 feet, and the minimum front yard shall be 10 feet.

17.505.6 Building Size. Except within the Cowperthwaite Subdistrict, each building in Special District 14 shall be freestanding and unattached to any other building, may contain no more than 5,000 square feet of GFA, and may contain no more than six dwelling units.

17.505.7 Multiple Buildings. Notwithstanding the provisions of Section 5.13, multiple buildings may be built on any Lot in Special District 14, and the minimum distance between buildings shall be 10 feet. Buildings that are connected below grade by tunnels or by underground parking structures shall be considered multiple, freestanding and unattached buildings for purposes of between-building setbacks. The formula set forth in Section 5.13 shall not apply.

17.505.8 Parking Requirements. Except as otherwise provided in this Section 17.505.8, all requirements of Article 6.000 shall apply in Special District 14.

(a) With regard to the provisions of Section 6.22 – Location of accessory off street parking facilities, at least eighty (80) percent of the minimum required accessory parking required by Article 6.000 to serve

development constructed in the Athens Terrace Subdistrict shall be located in that Subdistrict.

(b) For any development subject to the special permit provisions of Section 19.20 or 19.50, any provision of Section 6.22, 6.22.1, 6.22.2 (Location of Parking), 6.31.3, 6.35.2 and Section 6.40 – Design and Maintenance of Off Street Parking Facilities may be waived within the scope of those special permits in order to facilitate the location of significant portions of parking within the district in below grade facilities or to provide surface parking for residents in dwellings not conveniently served by an underground parking facility. Notwithstanding the provisions of Article 6.000, requirements for loading facilities within the Cowperthwaite Subdistrict may be satisfied by providing one loading facility on Cowperthwaite Street, which may be located on abutting private or public ways. All parking provided on property in Special District 14 owned by any educational, religious or charitable institution shall be deemed institutional parking. In addition, all parking existing on October 27, 2003 on property in Special District 14 owned by any educational, religious or charitable institution shall be deemed institutional parking and shall be an allowed use.

17.505.9 Mechanical Equipment. The HVAC equipment and exhaust or intake vents located in and serving buildings or underground garages serving buildings in Special District 14 constructed after October 27, 2003 shall be designed or screened so that they are not visible to a pedestrian standing in the public way, and so that they comply with governmental laws regulating noise.

17.506 *Procedural Requirements*. A Building Permit for any structure employing the use, dimensional, or parking flexibility provided in Sections 17.505 above shall be issued if the following conditions have been met.

17.506.1 Prior to the issuance of the first Building Permit within the Special District 14, a site plan ("Site Plan") shall be submitted to the Superintendent of Buildings indicating the location of the required open space and the general location of proposed buildings and accessory parking. The Site Plan shall, in both graphic form and text, indicate how the requirements of this Section 17.500 shall be met. The Site Plan may be modified from time to time by the owner; provided, however, that any change shall require a re-certification from the Superintendent of Buildings. In all instances that the Site Plan is modified, the development shall continue to conform to all requirements of this Section 17.500.

17.506.2 "Letter of Commitment". Prior to the issuance of any Building Permit or Certificate of Occupancy in Special District 14, after review by the Community Development Department, the Superintendent of Buildings shall certify that construction is proceeding in accordance with all provisions of the "Letter of Commitment".

17.506.3 In the event that the development rights and uses in Special District 14 as set forth in the Site Plan required in Section 17.506.1 above are reduced before they

can be fully utilized, through an amendment or other change to the Zoning Ordinance of the City of Cambridge, the easement to the City of Cambridge for a Public Open Space in conformance with the provisions of the “Letter of Commitment” shall not be granted, or if granted previously, shall terminate automatically upon the effective date of such amendment or change to the Zoning Ordinance. Thereafter the requirement for the provision of an open space shall be voided and the site may be developed subsequent to and in accordance with the provisions of the change or amendment of the Zoning Ordinance.

17.507 *Other Provisions*. The following additional provisions shall apply.

(a) Special District 14 shall be considered an Area of Special Planning Concern, subject to the Development Consultation Procedure specified in Section 19.40.

(b) Development in Special District 14 utilizing the use and dimensional provisions of Section 17.505 above shall not be subject to provisions of Section 11.200 of the Zoning Ordinance.

(c) Nothing in Article 19.000 shall prohibit the submission of a request for a single Project Review Special Permit containing construction in both this Special District 14 and Special District 12.

17.508 Inapplicability of Certain Other Regulations. Where this Section 17.500 specifies some standard or makes some other requirements contrary to a requirement elsewhere in this Ordinance, the provisions of this Section 17.500 shall control.

17.600 SPECIAL DISTRICT 15

17.601 Scope. This Section 17.600 regulates development within the Special District 15 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.600, all requirements of and regulations applicable to the Industrial B District shall apply equally to the Special District 15.

17.602 Purpose. It is the intent of Special District 15 to provide for the creation of a high quality general and technical office environment which enhances the Massachusetts Avenue street front in this area by promoting active uses at the street level, encouraging building heights and massing that are appropriately scaled within the context of surrounding structures, and creating an improved pedestrian environment through the introduction of open space, the creation of pedestrian connections that enhance links between Kendall and Central Squares and the nearby residential neighborhood, and the elimination of surface parking lots.

17.603 Permitted Uses. Uses permitted in the Industry B District shall be equally allowed in Special District 15.

17.604 *Dimensional Regulations*

17.604.1 Maximum FAR. The maximum FAR for any lot in the district shall be 3.5.

17.604.2 Additional Height. The maximum height permitted in the district may be increased to one hundred forty (140) feet by special permit from the Planning Board.

17.605 Criteria for Granting Special Permit. In granting a Special Permit for additional height above one hundred twenty (120) feet, the Planning Board shall give consideration to the following:

1. Only a portion of the building, not to exceed more than thirty percent (30%) of the district, will extend to one hundred forty (140) feet.

2. Portions of the building along Massachusetts Avenue will not exceed 85 feet in height.

3. The additional height will allow for greater opportunities for open space on the site, including plazas, landscaped areas, and pedestrian pathways.

17.606 Parking. Notwithstanding the requirements of Article 6.000, the maximum ratio of off-street parking for all non-residential uses shall be 0.90 spaces per 1,000 square feet of Gross Floor Area. Parking that exceeds this ratio shall require a waiver under the general provisions of Article 6.000.

For any project seeking a special permit from the Planning Board, the Planning Board in its discretion, after review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, and with the guidance of City agencies, may approve a request for reduction in off-street parking that it deems appropriate without requiring a waiver under Article 6.000.

17.607 Design Guidelines. In accordance with the provisions of Section 19.22, any new building construction in this Special District that exceeds the Land Use Thresholds set forth in Section 19.23 is required to obtain a Project Review Special Permit. In addition to the Citywide Urban Design Objectives enumerated in Section 19.30, the Planning Board shall, when making a determination on an application for a Project Review Special Permit in Special District 15, consider the following Design Guidelines:

1. Parking should be located below grade where possible.
2. Vehicular access/egress should not be located on Massachusetts Avenue or Albany Street.
3. Public pedestrian connections are encouraged through the site.

4. Open space in the form of plazas, landscaped areas and pedestrian pathways should be integrated into the site plan so as to benefit building users and the general public.
5. To the extent possible, active uses and transparency is encouraged on the ground floor of new buildings. The ground floor building frontage along Massachusetts Avenue shall create an active street presence with a particular emphasis on retail uses and shall be generally 50% transparent.
6. The applicant should indicate how a proposed building would relate physically to the most current design plans developed by the MBTA for implementation of the Urban Ring transportation project.
7. Attention should be given to walkability, with appropriate sidewalk widths, maintenance of street trees, and other pedestrian friendly amenities.
8. The site massing should include a variety of heights to provide visual interest and break-up building mass.

17.608 Consistency with Letter of Commitment. Prior to the issuance of any building permit or Certificate of Occupancy for any construction authorized by special permit under the provision of this Section 17.600, the Community Development Department shall certify to the Inspectional Services Department that all provisions of the Letter of Commitment dated June 20, 2011 by Novartis are continuing to be met.

ARTICLE 18.000

Text current through Ordinance #1372 of June 15, 2015.

18.10 TRAFFIC MITIGATION REQUIREMENTS
18.20 CONSTRUCTION MANAGEMENT PROGRAM

18.10 *Traffic Mitigation Requirements* Where a Traffic Mitigation Plan is required as a condition of approval of any special permit the plan shall be submitted to the special permit granting authority for review and approval, at a time and in a manner set forth by the special permit granting authority in its Decision. Upon approval of the plan the permittee shall be obligated to thereafter implement the provisions of the plan for as long as the special permit is in force and effect. In developing the plan the permittee shall consider and adopt as appropriate but shall not be limited to the following traffic mitigation techniques:

(1) Join and participate in a Landowners' Transportation Management Association if in operation, and ensure that the following traffic mitigation measures are implemented, maintained and monitored. If such an operation is not in effect, then reasonable efforts shall be undertaken to form such an organization.

(2) Promote the use of public transportation by providing up to date maps, schedules and transit information, establishing an MBTA Pass sales office, educating and strongly encouraging or requiring all tenants to subsidize employee “T” Passes, and making reference to transit facilities and proximity in marketing and advertising materials.

(3) Operate the computer based ride sharing program RideSource from CARAVAN for Commuters, Inc., collect and disseminate ride sharing information, and share information with other tenants, organizations and companies where applicable.

(4) Encourage staggered or flexible work hours for employees of all tenants through the provisions of utilities and open parking facilities during off peak hours and other appropriate means.

(5) Establish parking management techniques such as providing preferential parking spaces and reduced rates for van pools and car pools, and encouraging short term parking when possible.

(6) Consider joint use of parking facilities to maximize effectiveness of parking management programs.

(7) Operate a shuttle system or join with and expanding an existing system, e.g. CambridgeSide Galleria, to serve tenants and make public transit more accessible.

(8) Provide sufficient covered and secure bicycle racks.

(9) Consider cooperating to provide innovative tenant services, such as day care, courier and copy services, shower and locker room facilities, and shuttles to airports.

(10) Work with the Commuter Mobility Manager of the City of Cambridge to facilitate implementation of this traffic mitigation program.

(11) Require that all conditions of an approved plan be made a condition of tenant leases as applicable or appropriate.

18.20 *Construction Management Program.* Where a construction management program is required as a condition of approval of any special permit the applicant shall submit such a program, detailing the construction period impacts anticipated and a program for mitigation of those impacts. The permittee shall be obligated to thereafter implement the provisions of the Plan until a certificate of occupancy has been issued for all development authorized by the Permit. This program will include but not be limited to the following:

Restricting contractor and supplier site access to designated roadways;

Identify construction worker parking areas at sufficient capacity to prevent on street parking. Include a shuttle bus system if needed;

Designating locations for storing construction equipment and materials;

Developing a construction plan which will ensure minimum disruption to street and pedestrian flow and safety; and

Posting of a bond or other surety to ensure the repair of all damage to public property resulting from construction of the project.

ARTICLE 19.000 PROJECT REVIEW

Text current through Ordinance #1372 of June 15, 2015.

19.10 Intent and Purpose
19.20 Project Review Special Permit
19.30 Urban Design Objectives
19.40 Advisory Development Consultation Procedures
19.50 Building and Site Plan Requirements

19.10 Intent and Purpose of Article 19.000

The intent of this Article 19.000 is to establish traffic and urban design standards for development projects likely to have significant impact on abutting properties and the surrounding urban environment.

To realize this intent, Article 19.000 (1) codifies the city's urban design objectives and establishes detailed building and site development standards to regulate new building construction in the city's commercial and high density residential areas, (2) establishes standards by which significant adverse traffic impacts can be measured, and (3) establishes procedures by which individual proposals can be reviewed by the Planning Board, city staff and the general public before a building permit is issued.

The Building and Site Plan Requirements describe the minimally acceptable arrangement of buildings on a lot and as they face the public environment. The Urban Design Objectives establish more general guidelines which, along with the Traffic Impact Indicators, can assist property owners as they consider alternate uses for their property. Where a special permit is required from the Planning Board, the Urban Design Objectives and Traffic Impact Indicators serve as considerations through which the merits of a proposal are judged.

To apply the Building Requirements and Objectives effectively, procedures are established by which public review of new construction can be undertaken. The procedures provide an opportunity for the general public to review and comment on significant new development projects and, where appropriate, they allow the Planning Board, through a special permit process, to establish conditions by which new development can be shaped to serve city urban design objectives more effectively. It is the intent of these procedures to provide a method by which new development proposals can be assessed at an early stage. Such assessment offers the opportunity to explore potential modifications and refinements that would better serve the interests of both the city and the project proponent. Similarly, potential negative impacts can be identified and modifications explored that would reduce or eliminate them.

It is understood that nonprofit educational and religious uses and activities have special use, building and site development requirements and characteristics. Therefore the procedures and standards established in this Article 19.000 are designed to reflect those special circumstances. In reviewing any development proposal of a nonprofit educational or religious organization, the reviewing body shall apply the standards herein contained in

a reasonable manner in light of the special circumstances applicable to nonprofit religious and educational activities.

This Article 19.000 shall apply to any new construction of a building or structure, addition to a building or structure, or a change of use in an existing building undertaken on or after September 15, 2000.

19.20 PROJECT REVIEW SPECIAL PERMIT

19.21 *Purpose.* It is the intent of this Section 19.20 to ensure that new construction or changes of use in existing buildings (1) are consistent with the urban design objectives of the City and (2) do not impose substantial adverse impacts on city traffic. A special permit process is established by which the Planning Board may make such findings.

19.21.1 Purpose of Traffic Impact Review. The Planning Board shall assess the impact of the vehicular service and passenger car traffic and pedestrian and bicycle circulation and expected to be generated by a proposed development project. The procedures and requirements of this Section 19.20 are intended to encourage applicants to adopt a development program that reduces the number of single occupancy vehicles coming to the site. Such a program would encourage pedestrian and bicycle access to the site and throughout the neighboring district and reduce potential negative impacts on abutting properties of the vehicles coming to the site. While the review will focus especially on the impacts affecting abutting properties and the immediate environment, the impacts on streets and locations more distant from the site and on transit and bus facilities serving the site will also be assessed.

19.21.21 Purpose of Urban Design Review**.** The Board shall review the specific design details of buildings and their site layout to ensure that the design of the building and its location on the lot minimize any potential negative impact on abutting properties and on the environment along public streets and sidewalks. Particular attention will be paid to the design of the ground floor; the layout of service facilities including driveways, and parking and loading facilities; the location and screening of mechanical service equipment and waste disposal facilities; landscape amenities; and similar building and site layout details.

19.22 *Applicable Zoning Districts.* The Project Review Special Permit shall apply to construction and changes of use located in the following zoning districts.

(1) All Office, Business, and Industrial Districts, any PUD district, and NP districts, and any Special District for which an office, business or industrial district serves as the underlying base regulation (SD-1, SD-3, SD-5, SD-7, SD-8 and SD-11), but excluding the MXD district.

(2) Residence C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, and any Special District for which any one of these residence districts serves as the underlying base regulation (SD-2, SD-6, SD-12 and SD-13) and SD-14. A Project Review Special Permit in these districts shall be required only where the construction or portion of the construction is located within one hundred (100) feet of a public way unless the uses proposed in the building are subject to the thresholds established in Table 1.

19.23 *Special District Threshold.* A Project Review Special Permit shall be required for new building construction of fifty thousand (50,000) gross square feet or more, in all applicable zoning districts [except that in a Business A, Business A-1, and Business A-2 districts a Project Review Special Permit shall be required for new building construction of twenty thousand (20,000) gross square feet or more], or for building construction of less than fifty thousand square feet [or twenty thousand square feet in the BA, BA-1, and BA-2 Districts] where a Table I threshold has been met, on a lot or combination of contiguous lots held in common ownership at any time after September 15, 2000. Where a mix of uses is proposed the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

Notwithstanding the provisions of this Section 19.23 set forth above, the Project Review Special Permit requirement shall not apply to existing gross floor area on a lot built and occupied prior to the effective date of this Article 19. 000 that is demolished and subsequently rebuilt as part of a building project, provided (1) there is no change of use, (2) the reconstruction commences within two years of the start of demolition of the building, and (3) the standards of Section 19.50 are met.

Where reference is made in this Section 19.23 to Gross Floor Area thresholds as set forth in Table 1, the term shall also encompass any other measure of quantity enumerated in the Table (e.g. dwelling units, beds, acres, parking spaces).

Table 1

Thresholds for Required Traffic Study by Land Use Type

Land Use Category	Threshold
Standard Threshold: All Land Uses Set forth in Tables 4.30 and 4.56 except as enumerated below.	50,000 sf**
Transportation Communication & Utility Uses: Section 4.32	
a. Bus or railroad passenger station	Required
b. Automobile parking lot or parking garage for private passenger cars	150 parking spaces
c. Railroad freight terminal, railroad yards and shops	50 acres
d. Truck or bus terminal, yard or building for storage or servicing of trucks, trailers, or buses; parking lot for trucks	Required
Institutional Uses: Section 4.56 (See also Section 4.33)	

a. Religious purposes	
4. Social or recreation center	40,000 sf
5. Other use with religious purpose	40,000 sf
c. Educational purposes	
1. Preschool, day care center, kindergarten	25,000 sf
2. Primary school	40,000 sf
3. Secondary school	40,000 sf
4.College or university athletic facility, auditorium, theatre, library, museum or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	Creation of 150 new parking spaces or the relocation of 250 existing parking spaces or any combination thereof. [1,2]
5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high intensity electromagnetic radiation or chemical or biological processes which could entail a high level of danger to the public health	
6. Other college or university facility	
Dining halls, canteens and similar eating areas	
Administrative faculty and staff offices, teaching facilities, service facilities, and facilities not specified above	
1.The addition to or relocation of parking spaces in the inventory of institutional parking in existence as of September 15, 2000 (see Section 6.32.2) in association with the construction of a new building.	
2. Relocation shall mean the construction of parking spaces at a new location, where the distance between that entrance at the new location most proximate to the closest entrance at the old location is 1,000 feet or more.	
7. Vocational or other schools	40,000 sf
e. Health Care Facilities	
1. Hospital	35,000 sf
2. Infirmary	25,000 sf
3. Nursing home, convalescent home	250 beds
4. Clinic not affiliated with any other institution	25,000 sf
5. Clinic affiliated with a hospital or accredited university medical school	25,000 sf

6. Clinic connected to a community center	25,000 sf
7. Other health care facilities	25,000 sf
f. Social Service Facilities	
1. Social service center	40,000 sf
2. Community Center	40,000 sf
g. Local Government	
Fire or police station	Not Required
Public parks, playgrounds or public recreation buildings	400 acres
i. Other Institutional Uses	
3. Cemetery	100 acres
4. Other institutional use	40,000 sf
Office and Laboratory Uses: Section 4.34	
a. Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d)	25,000 sf
e. Bank, trust company or similar financial institution	25,000 sf
Retail Business and Consumer Service Establishments: Section 4.35	25,000 sf
Open Air or Drive in Retail and Service: Section 4.36	
a. Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden	25,000 sf
b. Automobile oriented fast order food service establishments	Required
c. Drive in bank and other retail or consumer service establishment where motorist does not have to leave his car	Required
d. Outdoor amusement park, outdoors sports facility conducted for profit	300 seats
e. Open air or drive in theatre or other open air place of entertainment	300 seats
f. Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobile, trailers, motorcycles, conducted partly or wholly outdoors.	25,000 sf
g. Automobile service station where no major repairs are made	5 fueling positions
h. Car washing establishment using mechanical equipment for the purpose of	Required

cleaning automobiles and other vehicles

Light Industry, Wholesale Business and Storage: Section 4.37

g. Auto body or paint shop	25,000 sf
h. Automotive repair garage not including g above	25,000 sf

** Gross Floor Area exclusive of GFA in parking facilities, except as noted.

Mixed Use Formula

Where it is proposed to include a mix of uses in a new development, or substitute a mix of uses for an existing use in an existing building, a special permit shall not be required under the provisions of Section 19.20 if:

$$(GFA \div Threshold_a) + (GFA \div Threshold_b) + (GFA \div Threshold_c) \leq 1$$

Where "GFA" is the proposed Gross Floor Area (or other indicated quantity measure) for a use denoted by a subscript and where "Threshold" is the Threshold for that use in Table 1.

19.23.1 Change of Use in an Existing Building Threshold

19.23.11 In an existing building, the Project Review Special Permit shall be required where the total Gross Floor Area of a new use or uses on a lot exceeds the Gross Floor Area threshold limits set forth in Table 1 for that new use. Where the change is to a mix of uses the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

19.23.2 Incremental Changes on a Lot. Any amount of Gross Floor Area on a lot, subject to this Article 19.000, that is less than those threshold amounts set forth in Table 1 shall be subject to this Section 19.20 only when the sum of the following equals or exceeds the Gross Floor Area thresholds set forth in Sections 19.23 and 19.23.1 above:

(1) The current proposal for new Gross Floor Area on the lot, plus

(2) The Gross Floor Area on the lot developed or changed in use within the preceding five years so as to be subject to this Section 19.20 but for which a Special Permit under this Section 19.20 was not required, plus

(3) Any Gross Floor Area on the lot for which a building permit has been issued but which has yet to be built and occupied and for which a Special Permit authorized by this Section 19.20 has not been issued within the preceding five years.

After the granting of the first special permit under this Section 19.20, a subsequent special permit shall only be required when the total of additional Gross Floor Area or new

uses exceeds the Gross Floor Area thresholds set forth in Sections 19.23 and 19.23.1 above.

19.23.3 Phased Project. Nothing in this Section 19.20 shall prohibit the Planning Board from granting a special permit for a phased project to be built over an extended period of time, which period shall be defined in the permit, provided sufficient information is available in the application to permit the Board to make the findings required.

19.23.4 Special Permit Thresholds Exemptions. Construction of a new building or a change of use that has been granted a Planning Overlay Special Permit (IPOP), under the provisions of Section 11.500 of this Ordinance in effect from July 1, 1998 through October 2, 2000 (Ordinance # 1209 and subsequent amendments), shall not be subject to this Section 19.20. However, any change of use in the authorized building subsequent to occupancy as authorized under the provisions of a Section 11.500 special permit, shall require the issuance of a Project Review Special Permit under this Section 19.20 where the proposed new use exceeds the relevant threshold established in Table 1.

19.24 *Application Procedures.* An application for the Project Review Special Permit shall be made to the Planning Board. The Application shall consist of the following materials:

(1) Planning Board Special Permit Application Form. The application shall include all required plans and narrative statements. The site plan and other plans, elevations and drawings shall clearly show: (1) the access and egress points for all forms of travel to the site, (2) the location of adjacent bus and transit stops, (3) the schematic design of proposed mechanical equipment, and (4) the architectural screening treatment proposed for that mechanical equipment. The proponent shall provide perspectives of the proposed development, including mechanical equipment, from all critical viewpoints.

(2) Traffic Study. Where the use thresholds established in Table 1 are met or exceeded, the application shall include a traffic study with a geographic and functional scope determined by the Traffic, Parking and Transportation Department (TPTD) to be appropriate to the location of the project. In general, the study shall review intersections where the project will have significant and measurable impact. The TPTD shall issue a certification to the applicant within twenty-one (21) days of its submission that the traffic study has been done in a complete and reliable manner. Where that certification is denied, the applicant may revise the information in the traffic study and resubmit it; a certification of the revised study shall be issued or denied by the TPTD within fourteen (14) days of the resubmission of material.

Based on guidelines established by TPTD, the traffic study shall include a narrative discussion of (a) the nature and quantity of vehicles traveling to the site including, in addition to passenger cars, service, delivery and other commercial vehicles, (b) the likely impact of such vehicular traffic on abutters, abutting streets and nearby residential streets, including on-street parking behavior, (c) the physical nature of pedestrian and bicycle access to the site and the quantity of

movements anticipated for each, and (d) an analysis of the crash history at intersections within the study area. The study shall identify parking and transportation demand management measures and other mitigation measures proposed to ameliorate any adverse traffic impacts identified in the study.

(3) Tree Study. A Tree Study, certified complete by the City Arborist, as required by the Tree Protection Ordinance of the City of Cambridge, Chapter 8.66.

(4) Urban Design Objectives Narrative. The application shall include a narrative description of how the proposal addresses each of the seven Urban Design Objectives set forth in Section 19.30. In addition the applicant shall comment specifically on the following: (a) the design and location of proposed mechanical equipment, including HVAC equipment, as well as a strategy for possible future expansion, if relevant, (b) location and operation of trash storage and removal systems, (c) location and operation of loading facilities, (d) measures taken to minimize the negative visual and noise impacts of such facilities on abutters, and (e) the provision in the building and site design to accommodate pedestrian, bicycle and transit access.

(5) Sewer Service Infrastructure Narrative. The application shall include a report by the applicant detailing the anticipated impact of the project on the city's sanitary, stormwater, and combined sewer infrastructure. It shall indicate the adequacy of the preliminary site plan in meeting city, state, and federal requirements or established standards for implementation of best management practices for stormwater management and the likely improvements to infrastructure necessary to accommodate the impacts of the proposed project. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the applicant to make such determination, their anticipated costs, and the schedule for their completion. The applicant shall provide certification that this report has been submitted to the Department of Public Works.

(6) Water Service Infrastructure Narrative. The application shall include a report by the applicant detailing the anticipated impact of the project on the city's water delivery infrastructure and supply. It shall indicate the likely improvements to infrastructure necessary to accommodate the identified impacts. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the applicant to make such determination, their anticipated costs, and the schedule for their completion. The applicant shall provide certification that this report has been submitted to the Water Department.

(7) *Noise Mitigation Narrative*. The application shall include a report detailing how the project shall conform to the requirements of the Cambridge Noise Ordinance. The report shall indicate the approaches to be adopted by the applicant in minimizing the impact of noise from the project on neighbors. When a project

consists entirely or in part of residential uses located in a mixed-use or commercial or industrial area, the narrative shall describe how building materials, building design, building orientation, and site layout are being used to reduce the transmission of noise to the residences from the surrounding environment.

19.25 *Review Criteria.* In granting a special permit under this Section 19.20 the Planning Board shall make the following findings.

19.25.1 Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (3) above the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below.

In areas where the Planning Board determines that area-specific traffic guidelines have been established in the Ordinance, the Board recognizes written agreements between project proponents and the City dealing with transportation mitigation strategies.

19.25.11 Traffic Impact Indicators. In determining whether a proposal has substantial adverse impacts on city traffic the Planning Board shall apply the following indicators. When one or more of the indicators is exceeded, it will be indicative of potentially substantial adverse impact on city traffic. In making its findings, however, the Planning Board shall consider the mitigation efforts proposed, their anticipated effectiveness, and other supplemental information that identifies circumstances or actions that will result in a reduction in adverse traffic impacts. Such efforts and actions may include, but are not limited to, transportation demand management plans; roadway, bicycle and pedestrian facilities improvements; measures to reduce traffic on residential streets; and measures undertaken to improve safety for pedestrians and vehicles, particularly at intersections identified in the Traffic Study as having a history of high crash rates.

The indicators are: (1) Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A. M. and P.M. peak vehicle trips generated; (2) Change in level of service at identified signalized intersections; (3) Increased volume of trips on residential streets; (4) Increase of length of vehicle queues at identified signalized intersections; and (5) Lack of sufficient pedestrian and bicycle facilities. The precise numerical values that will be deemed to indicate potentially substantial adverse impact for each of these indicators shall be adopted from time to time by the Planning Board in consultation with the TPTD, published and made available to all applicants.

19.25.2 Urban Design Findings. The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.

19.30 Citywide Urban Design Objectives

The following urban design objectives are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served. Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 11.50.

Further indicators of conformance with these policy objectives shall be found in planning documents and plans developed for specific areas of the city or the city as a whole, to the extent that they are not inconsistent with the objectives set forth in this Section 19.30. These documents include the *Harvard Square Development Guidelines,* the *Central Square Action Plan,* the *Central Square Development Guidelines,* the *North Massachusetts Avenue Urban Design Guidelines Handbook,* the *University Park at MIT Urban Design Guidelines,* the *North Point Policy Plan and Design Guidelines,* the *Cambridge Institutional Growth Management Plan,* the *East Cambridge Riverfront Plan, the Eastern Cambridge Plan, the Eastern Cambridge Design Guidelines,* the *Alewife Revitalization, Alewife Urban Design Study Phase II* and its Draft update of 1991, and *Toward a Sustainable Future: Cambridge Growth Policy Document*.

19.31 New projects should be responsive to the existing or anticipated pattern of development. Indicators include:

(1) Heights and setbacks provide suitable transition to abutting or nearby residential zoning districts that are generally developed to low scale residential uses.

(2) New buildings are designed and oriented on the lot so as to be consistent with the established streetscape on those streets on which the project lot abuts. Streetscape is meant to refer to the pattern of building setbacks and heights in relationship to public streets.

(3) In mixed-use projects, uses are to be located carefully to respect the context, e.g. retail should front onto a street, new housing should relate to any adjacent existing residential use, etc.

(4) Where relevant, historical context are respected, e.g. special consideration should be given to buildings on the site or neighboring buildings that are preferably preserved.

19.32 Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings. Indicators include:

(1) Ground floors, particularly where they face public streets, public parks, and publicly accessible pathways, consist of spaces that are actively inhabited by people, such as retail stores, consumer service businesses and restaurants where they are allowed, or general office, educational or residential uses and building lobbies. Windows and doors that normally serve such inhabited spaces are encouraged to be a prominent aspect of the relevant building facades. Where a mix of activities are accommodated in a building, the more active uses are encouraged facing public streets, parks and pathways.

In commercial districts, such active space consists of retail and consumer service stores and building lobbies that are oriented toward the street and encourage pedestrian activity on the sidewalk. However, in all cases such ground floor spaces should be occupied by uses (a) permitted in the zoning district within which the building is located, (b) consistent with the general character of the environment within which the structure is located, and (c) compatible with the principal use for which the building is designed.

(2) Covered parking on the lower floors of a building and on-grade open parking, particularly where located in front of a building, is discouraged where a building faces a public street or public park, and publicly accessible pathways.

(3) Ground floors should be generally 25-50% transparent. The greatest amounts of glass would be expected for retail uses with lesser amounts for office, institutional or residential use.

(4) Entries to buildings are located so as to ensure safe pedestrian movement across streets, encourage walking as a preferred mode of travel within the city and to encourage the use of public transit for employment and other trips. Relating building entries as directly as possible to crosswalks and to pathways that lead to bus stops and transit stations is encouraged; siting buildings on a lot and developing site plans that reinforce expected pedestrian pathways over the lot and through the district is also encouraged.

(5) Pedestrians and bicyclists are able to access the site safely and conveniently; bicyclists should have, secure storage facilities conveniently located on-site and out of the weather. If bicycle parking is provided in a garage, special attention must be aid to providing safe access to the facilities from the outside.

(6) Alternate means of serving this policy objective 19.32 through special building design, siting, or site design can be anticipated where the building form or use is distinctive such as freestanding parking structures, large institutional buildings such as churches and auditoriums, freestanding service buildings, power plants, athletic facilities, manufacturing plants, etc.

19.33 The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include:

(1) Mechanical equipment that is carefully designed, well organized or visually screened from its surroundings and is acoustically buffered from neighbors. Consideration is given to the size, complexity and appearance of the equipment, its proximity to residential areas, and its impact on the existing streetscape and skyline. The extent to which screening can bring order, lessen negative visual impacts, and enhance the overall appearance of the equipment should be taken into account. More specifically:

(a) Reasonable attempts have been made to avoid exposing rooftop mechanical equipment to public view from city streets. Among the techniques that might be considered are the inclusion of screens or a parapet around the roof of the building to shield low ducts and other equipment on the roof from view.
(b) Treatment of the mechanical equipment (including design and massing of screening devices as well as exposed mechanical elements) that relates well to the overall design, massing, scale and character of the building.
(c) Placement of mechanical equipment at locations on the site other than on the rooftop (such as in the basement), which reduces the bulk of elements located on the roof; however, at-grade locations external to the building should not be viewed as desirable alternatives.
(d) Tall elements, such as chimneys and air exhaust stacks, which are typically carried above screening devices for functioning reasons, are carefully designed as features of the building, thus creating interest on the skyline.
(e) All aspects of the mechanical equipment have been designed with attention to their visual impact on adjacent areas, particularly with regard to residential neighborhoods and views and vistas.

(2) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged.

(3) Loading docks that are located and designed to minimize impacts (visual and operational) on neighbors.

(4) Stormwater Best Management Practices and other measures to minimize runoff and improve water quality are implemented.

(5) Landscaped areas and required Green Area Open Space, in addition to serving as visual amenities, are employed to reduce the rate and volume of stormwater runoff compared to pre-development conditions.

(6) The structure is designed and sited to minimize shadow impacts on neighboring lots, especially shadows that would have a significant impact on the use and enjoyment of adjacent open space and shadows that might impact the

operation of a Registered Solar Energy System as defined in Section 22.60 of this Zoning Ordinance.

(7) Changes in grade across the lot are designed in ways that minimize the need for structural retaining walls close to property lines.

(8) Building scale and wall treatment, including the provision of windows, are sensitive to existing residential uses on adjacent lots.

(9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night vision, and comfort, while minimizing light pollution.

(10) The creation of a Tree Protection Plan that identifies important trees on the site, encourages their protection, or provides for adequate replacement of trees lost to development on the site.

19.34 Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system. Indicators include:

(1) The building and site design are designed to make use of water-conserving plumbing and minimize the amount of stormwater run-off through the use of best management practices for stormwater management.

(2) The capacity and condition of drinking water and wastewater infrastructure systems are shown to be adequate, or the steps necessary to bring them up to an acceptable level are identified.

(3) Buildings are designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof of a building specifically. The buildings are sited on the lot to allow construction on adjacent lots to do the same. Compliance with Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards is encouraged.

19.35 New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically. Indictors include:

(1) New educational institutional construction that is focused within the existing campuses.

(2) Where institutional construction occurs in commercial areas, retail, consumer service enterprises, and other uses that are accessible to the general public are provided at the ground (or lower) floors of buildings. Where such uses are not suitable for programmatic reasons, institutional uses that encourage active pedestrian traffic to and from the site.

(3) In large, multiple-building non-institutional developments, a mix of uses, including publicly accessible retail activity, is provided where such uses are permitted and where the mix of uses extends the period of time the area remains active throughout the day.

(4) Historic structures and environments are preserved.

(5) Preservation or provision of facilities for start-up companies and appropriately scaled manufacturing activities that provide a wide diversity of employment paths for Cambridge residents as a component of the development; however, activities heavily dependent on trucking for supply and distribution are not encouraged.

19.36 Expansion of the inventory of housing in the city is encouraged. Indicators include:

(1) Housing is a component of any large, multiple building commercial development. Where such development abuts residential zoning districts substantially developed to low-scale residential uses, placement of housing within the development such that it acts as a transition/buffer between uses within and without the development.

(2) Where housing is constructed, providing affordable units exceeding that mandated by the Ordinance. Targeting larger family-sized middle income units is encouraged.

19.37 Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city. Indicators include:

(1) On large-parcel commercial developments, publicly beneficial open space is provided.

(2) Open space facilities are designed to enhance or expand existing facilities or to expand networks of pedestrian and bicycle movement within the vicinity of the development.

(3) A wider range of open space activities than presently found in the abutting area is provided.

19.40 Citywide Advisory Development Consultation Procedures

19.41 *General Purpose*

This Section 19.40 provides the opportunity for City staff and the general public (1) to review and comment on development proposals prior to the formulation of final plans and before the issuance of a building permit and (2) to determine compliance with the zoning requirements applicable to the development. Each application for a building permit for one of the categories of development specified in Sections 19.42 and 19.43 shall be accompanied by a written certification from the Cambridge Community Development Department indicating that the applicant has participated in the Development Consultation

Procedure specified in this Section 19.40, for the proposal for which the permit is being sought. In each instance where the application for a building permit occurs more than six (6) months after the consultation session, the Community Development Department shall additionally certify to the Superintendent of Buildings whether the plans submitted for a building permit are consistent with those reviewed at the consultation session, and if not how they differ. Unless otherwise indicated elsewhere in the Zoning Ordinance, the Community Development Department shall conduct the consultation session. No certification pursuant to provisions of this Section 19.40 shall be deemed to be in lieu of the responsibility of the Superintendent of Buildings to enforce all provisions of the Zoning Ordinance - each Certificate of Compliance is advisory to the applicant and the Superintendent of Buildings.

19.41.1 Purpose of the Small Project Review Procedure. In zoning districts designated as Areas of Special Planning Concern, the advisory Small Project Review is intended to provide an informal forum within which the small details of a proposal can be reviewed by city staff. Small, incremental changes to a building, a streetscape, or a neighborhood can over time significantly alter the character and quality of the urban environment. This procedure provides an opportunity for city staff to influence the design of such small details in order to encourage that the changes are consistent with city urban design objectives, individually and as they accumulate overtime.

19.41.2 Purpose of the Large Project Review Procedure. In zoning districts designated as Areas of Special Planning Concern, the advisory Large Project Review serves the same purpose as the Small Project Review for somewhat larger changes in the environment with somewhat greater impacts on the public realm. The Large Project Procedure provides the opportunity for abutters and the general public, as well as city staff, to review and make comment on the proposal at the consultation session.

19.42 *Small Project Review Procedure*

19.42.1 Applicability of Small Project Review Procedure. For those zoning districts identified in Section 19.46 as Areas of Special Planning Concern, the following types of development proposals shall be subject to the Small Project Development Consultation Procedure (unless the regulations for an individual Area of Special Planning Concern provide for specific exceptions or additional types):

(1) construction of any new building having a gross floor area of less than two thousand (2,000) square feet;

(2) construction of any other new structure having a floor area of less than two thousand (2,000) square feet;

(3) any exterior building alteration increasing gross floor area by one hundred (100) square feet or more

(4) construction of five or more parking spaces, whether on grade or in a structure;

(5) erection of a sign;

(6) any other exterior building alteration facing a street but not including painting, brick repointing or masonry repairs, building cleaning, gutter replacement or similar routine repair, replacement, or maintenance.

19.42.2 Application for a Small Project Review. Prior to application for a building permit, the applicant shall contact the Community Development Department and request a development consultation session. Upon making such a request, the applicant shall present for review such written or graphic materials necessary to give a reasonably complete, though not necessarily detailed, indication of the nature and scope of the development proposal. The consultation session shall occur no later than five working days after the request for such a consultation.

19.42.3 Conduct of the Small Project Review Consultation. In most cases the Community Development Department staff person will complete the review and issue the certification of the compliance with this Section 19.42 at the end of the consultation session. However, if questions arise during the session suggesting the need for advice and assistance of other city departments or others, the development proposal materials may be kept for further review. However, the final staff comments and the issuance of the Certificate of compliance shall be made within five (5) business days of the consultation session.

The failure of the Community Development Department to hold the consultation session or to issue the Certificate of Compliance within the review time periods specified in this Section 19.42.3 shall not prevent an applicant for a building permit from receiving such permit after such time period has expired. The specified review period may be extended by mutual agreement of the applicant and the Community Development Department.

19.43 *Large Project Review Procedure*

19.43.1 Applicability of Large Project Review Procedure. For those zoning districts identified in Section 19.46 as Areas of Special Planning Concern, any development proposal involving the construction of a new building or new structure or an alteration of an existing building or structure that increase the gross floor by two thousand (2,000) square feet but less than twenty-five thousand (25,000) square feet.

19.43.2 Application for a Large Project Review. Prior to application for a building permit, the applicant shall submit the following materials to the Community Development Department for its review. The written and graphic materials listed below shall give a reasonably complete indication of the nature and scope of the development proposal. Each of the following shall be submitted as appropriate to the proposal:

(1) A site plan indicating the general location and boundaries of the lot, major anticipated changes in natural features, existing and proposed buildings, publicly beneficial open space and/or useable beneficial open space and/or private open space, existing and proposed curb cuts, off street parking areas, loading and service facilities, and generalized landscaping scheme or other anticipated treatment of open spaces.

(2) Cross section(s), generalized floor plans and other diagram(s) indicating the anticipated locations of various land uses within the building and on the site and major pedestrian pathways.

(3) Architectural elevations or sketches indicating anticipated facade treatment along public ways including the proposed entrances, fenestration, and signage.

(4) A summary indicating compliance with applicable zoning requirements.

19.43.3 Conduct of the Large Project Review Consultation. Abutters and representatives of various agencies and interest groups shall be invited to participate in a consultation session for Large Project proposals submitted for review in accordance with Section 19.43.2. The Community Development Department shall give notification of any scheduled development consultation to each abutting property owner and to any individual or organization who each year files with the Community Development Department a written request for such notification, or to any other individual or organization the Department may wish to notify.

Within ten (10) business days of submittal of the application documents, the Department will schedule and hold a consultation session with the applicant or his designee and any parties listed in this Section 19.43.3. Within ten (10) days of the consultation session, the Community Development Department shall issue to the applicant written comments on the development proposal as expressed by City staff and others in attendance, which shall constitute the Certificate of Compliance.

The Community Development Department may seek the advice and assistance of other City departments and of the organizations given notice of the consultation procedure in reviewing a development proposal.

The failure of the Community Development Department to hold the consultation session or to issue the Certificate of Compliance within the review time period specified in this Section 19.43.3 shall not prevent an applicant for a building permit from receiving such permit after such time period has expired. The specified review period may be extended by mutual agreement of the applicant and the Community Development Department.

19.43.4 Review Criteria and Required Findings of the Large Project Review Procedure. In reviewing each application, the Community Development Department shall:

(1) Evaluate the proposal for general compliance with zoning requirements, for consistency with City development guidelines prepared for the proposal area, for appropriateness in terms of other planned or programmed public or private development activities in the vicinity and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Department shall consider the proposal in terms of the specific and general impact of the use and/or dimensions proposed therein on the area of special planning concern and on adjacent neighborhoods and shall further take account of the following considerations: scale, bulk, density, aesthetic qualities, land use, traffic impacts and other

functional characteristics; parking and loading; and impact on public services and facilities.

(2) Make recommendations in a written report to the applicant including general approval or disapproval of the proposal and in connection therewith may suggest specific project adjustments and alterations to further the purposes of this Ordinance.

19.45 *Waiver of Procedures.* Where a special permit issued by the Planning Board is required for a proposed development, no separate Small or Large Project Review Procedure shall be required under the provisions of this Section 19.40.

19.46 *Areas of Special Planning Concern.* The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, and the Prospect Street Overlay District.

19.50 Building and Site Plan Requirements

19.51 *Applicability*

19.51.1 Applicable Zoning Districts. This Section 19.50 shall apply in the following zoning districts:

(1) All Office, Business, and Industrial Districts and NP districts, and any Special District for which an office, business or industrial district serves as the underlying base regulation (SD-1, SD-3, SD-5, SD-7, SD-8, and SD-11).

2) Residence C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, and any Special District for which any one of these residence districts serves as the underlying base regulation (SD-2, and SD-6) for a building or portion of a building within one hundred (100) feet of a public street.

19.51.2 Applicable Construction. The building design and site development requirements set forth in this Section 19.50 shall be required for the following construction projects:

(1) Any new building or structure of twenty-five thousand (25,000) gross square feet or more.

(2) Any addition of twenty-five thousand (25,000) gross square feet or more to an existing building or structure.

(3) Any alteration to the elements of a building of twenty-five thousand (25,000) gross square feet or more, or any alteration of its site, that is regulated by this Section 19.50, where the change is undertaken to accommodate a new use or uses or where the change is to a building constructed pursuant to a building permit certified to be in compliance with this Section 19.50 and where (a) the

alterations to accommodate the new use are proposed to the exterior of the building, or on the lot outside the building and (b) those alterations would increase the extent to which the building or lot's physical configuration would violate the requirements set forth in Section 19.50 to a greater extent than the existing configuration.

Where applicable zoning district regulations differ from the requirements of this Section 19.50, the stricter provisions shall apply.

A project that does not comply with the requirements of this Section 19.50 shall not receive a building permit until a Special Permit is granted by the Planning Board. The Planning Board shall grant such special permit only upon finding that the project is consistent with the Urban Design Objectives set forth in Section 19.30. Nothing in this Section 19.50 shall prevent an applicant, not wishing to conform to the requirements of this Section 19.50, from directly seeking a special permit from the Planning Board subject to consistency with Section 19.30.

Any application for a Building Permit for development subject to this Section 19.50 shall be accompanied by a Tree Study, certified complete by the City Arborist, as required by the Tree Protection Ordinance of the City of Cambridge, Chapter 8.66.

19.52 *Heights and Setbacks.* The provisions of this Section 19.52 shall not apply to Special District 8.

(1) For development on a lot abutting a lot in a residential zoning district having a more restrictive height limit, the cornice line of the principal wall plane facing the residential zoning district line shall not exceed by more than twenty (20) feet at any point the maximum height permitted in the residential zoning district. Any portion of the building rising above the cornice line shall be located below a forty-five (45) degree bulk control plane starting at ground level at the zoning district line, subject to the following provisions.

(a) Where the zoning district line lies within a lot, the bulk control plane shall begin at the lot line in the residential zoning district that divides the subject lot (including any intervening lots held in identical ownership but not part of the development lot and such lots located across the street) from another lot in different ownership.

(b) Where the zoning district line occurs within a public street, the provisions of this Section 19.52 shall apply but the bulk control plane shall be measured from the centerline of the street regardless of the location of the zoning district line.

(2) For development on a lot abutting a residential zoning district having more restrictive yard requirements, the yard requirements of the residential district shall apply to any portion of the development rising above the bulk control plane set forth in Paragraph (1) above. As in (1) above, where the zoning district line lies

within a lot, the bulk control plane shall begin at the lot line in the residential zoning district that divides the subject lot (including any intervening lots held in identical ownership but not part of the development lot) from another lot in different ownership. This Paragraph (2) shall not apply where the zoning district line lies within or across a street.

19.53 *Location of Uses*

(1) In mixed-use developments containing a residential component (Section 4.31 – Residential uses, excluding Hotel and Motel use), the housing shall be located on the lot adjacent to existing residential uses located on abutting lots or across a street or shall be located adjacent to an existing abutting residential zoning district, including a district located across a street.

(2) In mixed-use developments containing a retail component (Section 4.35 – Retail Business and Consumer Service Establishments), at least fifty (50) percent of the area devoted to retail uses shall be located fronting onto at least one of the public streets abutting the development. However, in multiple building developments where internal private streets open to the general public are created, retail uses may located on those private streets shall be deemed to meet the requirements of this Paragraph (2).

19.54 *Historic Resources.* No building permit pursuant to a Certificate of Compliance issued for a project subject to this Section 19.50 shall be issued until at least one of the following events has occurred:

(1) The project has received, where applicable, a Certificate of Appropriateness, Hardship, or non-applicability from the Cambridge Historical Commission under the provisions of M.G.L. Chapter 40C and/or Chapter 2.78, Articles I or III, Cambridge city Ordinances, or from a Neighborhood Conservation District Commission under Chapter 2.78, Article III.

(2) Where a building on the site has been determined by the Cambridge Historical Commission to be a Preferably Preserved Significant Building under the provisions of Chapter 2.78, Article II, Cambridge City Ordinances, or the six month demolition delay period has expired.

19.55 *Landscaping*

(1) The area between the principal wall plane of a building and a public street or public park, whether required or provided, shall be devoted to Green Area (as defined in Article 2.000), expansion of the adjacent public sidewalk, park area, or other landscaped area or paved pedestrian area and extending along the entire length of the lot facing the street or park. Areas devoted to motor vehicular use are prohibited from this area with the exception of access drives providing direct access to parking and service facilities located elsewhere on the site and which

shall be limited to a total of thirty (30) feet of width for any individual driveway for each one hundred (100) feet of lot frontage.

Where the front lot width is greater than three hundred (300) feet the provisions of this Paragraph shall only apply to that portion of the front yard extending beyond the side facades of the building, parallel to the front lot line or parallel to the adjacent park lot line, equal in length to the side yard setback(s) that would otherwise be required for the building in the district within which it is located.

(2) The green area required in Paragraph (1) above shall initially be located at the mean grade of the relevant public street or open space at the property line. Beyond that point, a change in grade that can be maintained permanently without structural support shall be permitted.

19.56 *Pedestrian Environment.* The portion of the ground floor of a building (defined as the first floor of a building located either at mean grade or no more than four feet above the mean grade of the building) and the floors above that face and are within one hundred (100) feet of a public street or directly abuts and is within one hundred (100) feet of a public park shall consist of space routinely occupied by people throughout normal business hours engaged in those activities for which the building is principally intended to accommodate, including, but not limited to, retail stores sales areas; consumer service businesses; general, professional and agency offices; institutional offices, classrooms and dormitories; building lobbies, residential units, manufacturing and research and development activities, etc. (but excluding specifically parking and loading facilities), subject to the following requirements.

(1) The actively used area shall have a depth of at least 20 feet, or the depth of the building if less.

(2) The facades shall consist of a minimum twenty-five (25) percent clear glass in total for the façade and at the ground floor subject to the following further provisions.

(a) At the ground floor; the minimum amount of clear glass shall be increased to fifty (50) percent of the area of the façade of the ground floor where retail and office uses are established (Section 4.34 – Office and Laboratory Uses, Paragraphs a-e, and Section 4.35 – Retail Business and Consumer Service Establishments). For purposes of this Section 19.56, the area of the façade of any given floor shall be measured vertically from the finished interior floor to the underside of the structural joists of the floor above.

(b) Where residential and dormitory uses are established, the minimum area of clear glass shall be reduced to twenty (20) percent of the entire façade, with no minimum requirement on the first floor.

(c) No minimum requirement shall be imposed for Theaters (Section 4.35 h), Place of worship [Section 4.56 a (1)], College or university athletic facility, auditorium, and theater facility [Section 4.56 c (4)], Fire and police stations [Section 4.56 g (2)], Municipal service facility [4.56 g (4)], Museum [4.56 g (3)], and Transformer station, substation [Section 4.32 g (2)].

(3) Where retail uses are established, each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;

(4) At least one building entrance shall front on a street where the building abuts a street.

Where a freestanding parking garage is established, the requirements of this Section19.55 shall apply only to the ground floor of the structure. Exempt from this requirement shall be one two-way access drive to accessory parking located elsewhere on the lot and the area necessary to meet the minimum zoning required for loading facilities provided that no more than twenty-five (25) percent of the total length of any one façade is occupied by all such facilities.

19.57 *Parking.* On-grade surface parking shall not be placed in front of the principal front wall plane of a building, extended across the entire width of a lot, unless the parking is screened from view from the public street by other buildings. Where the lot width at the Principal Front Wall Plane of the building is greater than 300 feet, the provisions of this paragraph shall only apply to that portion of the front yard extending beyond the side facades of the building, parallel to the front lot line, equal in length to the side yard setback(s) that would otherwise be required for the building in the district within which it is located.

Where a lot abuts more than two streets, the provisions of this Section 19.57 shall apply to no more than two streets.

19.58 *Mechanical Equipment, Refuse Storage, and Loading Areas.* All mechanical equipment, refuse storage, or loading areas serving the building or its occupants that are (1) carried above the roof, (2) located at the exterior building wall or (3) located outside the building, shall meet the requirements listed below. Mechanical equipment includes, but is not limited to, ventilation equipment including exhaust fans and ducts, air conditioning equipment, elevator bulkheads, heat exchangers, transformers and any other equipment that, when in operation, potentially creates a noise detectable off the lot. The equipment and other facilities:

(1) Shall not be located within any required setback. Where no setback is required, it shall not be located closer than 10 feet to any property line or it shall be entirely contained within the building. This Paragraph (1) shall not apply to electrical equipment whose location is mandated by a recognized public utility.

(2) When on the ground, shall be permanently screened from view from adjacent public streets that are within 100 feet of the building, or from the view from abutting property in separate ownership at the property line. The screening shall consist of densely planted shrubs or trees equal or greater in height at the time of installation than the equipment or facilities to be screened, or a fence of equal or greater height that is comparable in quality to the materials used on the principal facades of the building, with no more than twenty-five (25) percent of the face of the fence open.

When carried above the roof, shall be permanently screened from view, from the ground, from adjacent public streets and any abutting residentially used lot or lots in a residential zoning district. The screening shall be at least 50% opaque, uniformly distributed across the screening surface.

(3) Shall be designed to meet all city, state and federal noise regulations, as applicable, as certified by a professional acoustical engineer if the Department of Inspectional Services deems such certification necessary.

(4) That handle trash and other waste, shall be contained within the building or screened as required in this Section 19.58 until properly disposed of.

19.59 *Open Space.* At least 15% of the lot shall consist of any combination of Green Area or Permeable Open Space as defined in Article 2.000. This requirement may be met on a lot held in the same ownership, provided the Open Space is located within 300 feet of the development lot and does not serve to meet the requirement of this Section 19.59 for any other development.

19.510 *Green Building Requirements.* The requirements of Section 22.20 of this Zoning Ordinance shall be met.

ARTICLE 20.000 OVERLAY DISTRICTS

Text current through Ordinance #1372 of June 15, 2015.

20.10	**TRANSITION OVERLAY DISTRICTS**
20.11	**HAMMOND AND GORHAM STREETS TRANSITION OVERLAY DISTRICT**
20.12	**KIRKLAND PLACE TRANSITION OVERLAY DISTRICT**
20.20	**MIXED USE RESIDENTIAL OVERLAY DISTRICT (MXR)**
20.30	**moved to Article 21.20**
20.40	**EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT (ECHO)**
20.50	**HARVARD SQUARE OVERLAY DISTRICT and HARVARD SQUARE HISTORIC OVERLAY DISTRICT**
20.60	**PARKWAY OVERLAY DISTRICT**
20.70	**FLOOD PLAIN OVERLAY DISTRICT**
20.80	**MEMORIAL DRIVE OVERLAY DISTRICT**
20.90	**ALEWIFE OVERLAY DISTRICTS 1-6**
20.100	**NORTH MASSACHUSETTS AVENUE OVERLAY DISTRICT**
20.200	**PROSPECT STREET OVERLAY DISTRICT**
20.300	**CENTRAL SQUARE OVERLAY DISTRICT**
20.400	**PATHWAY OVERLAY DISTRICT**
20.500	**PORTER SQUARE OVERLAY DISTRICT**
20.600	**BASEMENT HOUSING OVERLAY DISTRICT**
20.700	**MEDICAL MARIJUANA OVERLAY DISTRICT**
20.800	**CAMBRIDGE HIGHLANDS OVERLAY DISTRICT**

[Note: *Institutional Overlay Districts are located in Section 4.50 of the Zoning Ordinance and the Eastern Cambridge Development Rights Transfer Districts are located in Article 21.000]*

20.10 TRANSITION OVERLAY DISTRICTS

These overlay districts are intended to apply special dimensional, use, and other standards to development in areas where abutting zoning districts have significantly different character in one or more use or dimensional aspects. It is intended that the provisions of the overlay district will modify the form, location, and use of buildings such that the use of land in each district will not be unreasonably negatively impacted by the use of land in the adjoining district. The requirements of each overlay district shall apply in addition to the requirements of the pertinent base zoning district; where the base zoning regulations differ from the requirements of the overlay district, the requirements of the overlay district shall apply.

20.11 Hammond and Gorham Streets Transition Overlay District

20.11.1 Establishment and Scope. There is hereby established the Hammond and Gorham Streets Transition Overlay District, which shall be governed by the regulations and

procedures specified in this Section 20.11. These regulations are intended to provide a transition between the character and scale of development existing and permitted in the abutting Residence C-1 district and the institutional development existing and permitted in the base Residence C-3 district. It is the intent of this Section that these regulations shall apply to a single area located at the southerly edge of Hammond Street and Gorham Street, which shall be designated as the "Hammond and Gorham Streets Transition Overlay District" on the Zoning Map of the City of Cambridge established in Section 3.20, and shall be an area as bounded and described in Section 20.11.2 below.

20.11.2 Boundaries of the District.

The boundaries of the district shall be as described below.

a. Southerly, southwesterly, and southeasterly, by a line that is 100 feet distant from and parallel to the southerly and southwesterly centerlines of Hammond, Gorham, and Museum Streets, said line making an arc with a radius of 100 feet as it follows the intersection of Gorham and Museum Streets;

b. Easterly, by the existing boundary lines between the Residence C-3 zoning district and the Residence A-2 zoning district;

c. Northerly, by the centerlines of Hammond, Gorham, and Museum Streets; and

d. Westerly, by the easterly sideline of Oxford Street and its extension northerly to the centerline of Hammond Street.

Affecting lots or portions of lots numbered 2 and 44, as shown on Assessors Plat #148, and lot 41 on Assessors Plat #147.

20.11.3 Applicability. Divergence from the standards established in this Section 20.11 shall be allowed only by issuance of a special permit from the Planning Board as specified in Section 10.45. The Planning Board shall grant such permit upon its determination that the development proposed will better serve the objectives of this Section 20.11 and that the criteria specified in Section 10.43 will be satisfied. The Planning Board may not waive the requirements of the base Residence C-3 district.

20.11.4 Review Process. The Hammond and Gorham Streets Transition Overlay District shall be considered an area of special planning concern. Development proposals listed in Sections 19.42 and 19.43 shall be subject to the Development Consultation Procedure specified in those Sections.

20.11.5 Dimensional Standards

20.11.51 Maximum Height. The maximum height of a building shall be thirty-five feet. However, a building may exceed thirty-five feet in height provided all portions of the building above thirty-five feet in height are located beneath one or more roofs that are visible from Hammond, Gorham, Museum or Oxford Streets, that meet the following requirements:

(a) The slope of the roof or roofs shall be at least 30 degrees**,** as measured from the vertical plane.

(b) The centerline of the sloped roof, being the average distance between the thirty-five foot height and the top of the sloped roof, shall not exceed forty-five feet.

(c) Notwithstanding the above provisions (a) and (b), portions of a building in the Overlay District that are not visible at pedestrian height from Hammond, Gorham, or Museum Streets may exceed thirty-five (35) feet (whether or not they are located under a sloped roof) if they meet the following requirements:

(i) The portions of the building above thirty-five (35) feet are located between one or more sloping roofs that meet the requirements of Paragraphs (a) and (b) above.

(ii) The building height does not exceed the height of the top of any abutting sloped roof.

20.11.52 Minimum Yard Requirement. The minimum front yard at Hammond, Museum, and Gorham Streets shall be fifteen feet, as measured from the street line.

20.11.53 Relocated Buildings. Existing structures may be relocated into the Hammond and Gorham Streets Transitional Overlay District. Such structures shall comply with all provisions of this Section 20.11. However, as set forth below, variations from the requirements of this Section 20.11 shall be permitted for those relocated buildings meeting the following standards.

(a) The structure is at least fifty years old and consists of wood framed construction;

(b) The height above grade of the structure does not exceed by more than ten percent the maximum height specified in Section 20.11.51;

(c) The structure is not wider than fifty feet (measured along a line parallel to the street line on whichever of Hammond Street, Gorham Street, or Museum Street that the structure faces) ; and

(d) The structure does not exceed by more than 10% any of the other dimensional regulations specified in Section 20.11.6.

20.11.6 Special Provisions

20.11.61 Special Dimensional Limitations. A number of special dimensional requirements shall be imposed on buildings in the Hammond and Gorham Streets Transition Overlay District to ensure compatibility of future institutional building and site design with the residential scale of development across these streets. These requirements are subject to the following definitions.

Overlay Design Building Width. A width above grade no greater than forty-five feet measured at the widest point through the building along a line that (i) is parallel to the sideline of the street and that (ii) extends from the two most extreme points on opposite sides of the relevant portion of the building (excluding from that measurement any Permitted Projections).

Overlay Design Front Yard. A front yard that is a minimum of fifty feet measured from the streetline and required of all buildings in the Transition Overlay District except as may otherwise be provided in this Section 20.11.61.

Permitted Projections. (i) Trellises, pergolas, arbors, unenclosed steps, and unroofed porches that do not extend more than ten feet beyond the foundation wall, and (ii) bay windows that do not extend beyond 3.5 feet, cornices, projecting eaves, patios, chimneys, balconies, open fire escapes, and like projections with dimensions that do not exceed four feet beyond the line of the foundation wall.

The following requirements and limitations apply to all buildings in the Transition Overlay District.

(a) A single building or a portion of a building located in the Hammond and Gorham Streets Transition Overlay District facing Hammond, Gorham, or Museum Streets, that is proposed to have a width above grade no greater than the Overlay Design Building Width, may extend into the Overlay Design Front Yard but may not extend into the minimum front yard; however Permitted Projections (other than open fire escapes) may extend into the minimum front yard.

(b) Where more than one portion (excluding any Permitted Projections) of a building, each of which portions (i) is proposed to have a width above grade no greater than the Overlay Design Building Width, and (ii) is proposed to be located in the Overlay Design Front Yard, there shall be at least a minimum of thirty feet distance, measured parallel to the street, between any two said portions (excluding Permitted Projections) of such building that are located in the Overlay Design Front Yard. Permitted Projections are allowed in the courtyard area existing between the portions of the building.

(c) The minimum distance between buildings (excluding Permitted Projections) above grade shall be as set forth in Section 5.13 but not less than twenty-five feet, except that where such area is to be used as a pedestrian access in conformity with Section 20.11.62 (c) below, the minimum distance shall be thirty feet. There shall be at least three strips of land no less than twenty-five feet in width that extend uninterrupted by any building or portion of a building from Hammond, Gorham, or Museum Streets to the southern boundary of the Hammond and Gorham Streets Transition Overlay District. Such land may be used for permitted driveways, pedestrian walkways, green area, or landscaped area. In each instance where a building permit for construction of a new building or construction beyond the existing footprint of a building is sought from the Inspectional Services Department for a building within the Transition Overlay District, a map at a minimum scale of 1” = 50’ shall be included in the set of building plans showing any existing, proposed, or potential locations for the open areas required in this Paragraph (c) and the pedestrian access required in Section 20.11.62 (c) below.

(d) The portions of the buildings located below ground are ignored when applying the dimensional limitations in this Section 20.11.61. Underground parking in the Hammond and Gorham Streets Transition Overlay District is permitted. Buildings in the Hammond and Gorham Streets Transition Overlay District that are not connected at and above ground shall be deemed separate buildings, even if an underground garage connects one or more of them below ground. If permitted by governmental regulations and codes, the air exhaust and intake vents shall be oriented so as not to be pointed toward the area north of Hammond Street.

(e) The HVAC equipment and exhaust or intake vents that are located in and are serving the buildings or underground garages in the Hammond and Gorham Streets Transitional Overlay District shall be designed or screened so that they are not visible to a pedestrian standing in the public way of Hammond or Gorham Streets, and so that they comply with governmental laws regulating noise. Such equipment not serving a building within the Overlay District shall not be located within the district.

(f) The buildings built in the Hammond and Gorham Streets Transition Overlay District shall have at least one entrance facing Gorham or Hammond Streets. Nevertheless, the building may also have one or more additional entrances facing elsewhere that are actually the principal or functioning entrances serving the building.

20.11.62 Pedestrian and Vehicle Access and Accessory Parking.

(a) *Vehicular Access*. Within the Hammond and Gorham Streets Transition Overlay District, no curb cut shall be permitted that provides access to accessory or non-accessory parking and loading facilities within the Hammond Street Transition Overlay District or to such facilities lying outside the Hammond and Gorham Streets Transition Overlay District. However, such curb cuts shall be permitted to provide access for emergency vehicles and to satisfy the requirements of the Americans with Disability Act (“ADA”) or the Massachusetts Architectural Access Board (“MAAB”), including the provision of parking facilities needed to meet accessibility requirements.

(b) *Permitted Parking and Loading*. Within the Hammond and Gorham Streets Transition Overlay District, any on-grade accessory loading facilities shall serve only the buildings within the District, and only parking spaces for emergency vehicles and to meet ADA and MAAB requirements shall be permitted. Underground parking garages and underground loading facilities that are accessory to an institutional use are permitted in the Hammond and Gorham Streets Transition Overlay District if the vehicular access to the garage is from south of the Hammond and Gorham Streets Transition Overlay District.

(c) *Pedestrian Access*. At least two pedestrian walkways not obstructed by buildings shall be maintained within the Hammond and Gorham Streets Transition Overlay District that connect Hammond or Gorham Streets with portions of the Residence C-3 district located south of and outside of the Hammond and Gorham Streets Transition

Overlay District. Such walkways may traverse the strips of land identified in Section 20.11.61 (c), or may be separate pathways.

20.11.7 Applicability of Section 19.50 – Building and Site Plan Requirements.

The requirements of Section 19.50 shall not apply to any construction within the Hammond and Gorham Streets Transition Overlay District.

20.12 Kirkland Place Transition Overlay District

20.12.1 Establishment and Scope. There is hereby established the Kirkland Place Transition Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly side line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot numbered 45 as shown on Assessor's Plat numbered 145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot numbered 45. Thence turning and running southerly along the easterly lot line of lot numbered 45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwesterly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessor's Plat numbered 145.

20.12.2 General Purpose. It is the purpose of this Section 20.12 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.12.2.

20.12.3 Applicability. The Kirkland Place Transition Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 20.12 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 20.12, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance for a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.12 and that the criteria specified in Section 10.43 will be satisfied.

20.12.4 The Kirkland Place Transition Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 19.40.

20.12.5 Use Regulations. Use regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Transition Overlay District.

20.12.6 Dimensional Standards in the Kirkland Place Transition Overlay District

20.12.61 Floor Area Ratio. The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Transition Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

20.12.62 Maximum Height. The maximum height in the Transition Overlay District shall be 35 feet.

20.12.63 Setbacks. Building setbacks in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

20.12.64 Private open space. Open space requirements in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

20.12.65 Nonconforming structures. Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Transition Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, Including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of

materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.20 MIXED USE RESIDENTIAL OVERLAY DISTRICT (MXR)

20.21 *Establishment and Purpose.* There is hereby established the Mixed Use Residential Overlay District as shown on the Zoning Map of the City of Cambridge, as amended. It is the intent of this Overlay District to modify base residential district regulations, where a substantial inventory of non-residential uses already exists, such that: (1) existing non residential activities, compatible with existing and future residential construction, may continue, (2) retail and consumer service uses that might serve as support for existing or future residential construction are permitted, and (3) future residential construction on suitable sites is not inhibited. The Overlay District is intended to facilitate a mixed use environment supportive of housing construction within the district in the future while permitting existing non residential activities to operate and adjust to changing circumstances through limited expansion in built area in ways that will not negatively impact residential activities.

20.22 *Permitted Non-Residential Uses and New Construction.* A use not otherwise permitted in the base residential district may be permitted in the Mixed Use Residential Overlay District where such use is allowed or conditionally allowed in the Industry A-1 district, subject to the following conditions and limitations and the procedures established in Section 20.24 below.

a. The use does not replace an existing residential use or, if the lot or area of a building proposed to be the location a non-residential use is vacant, no residential use had been established at any time in the previous five years.

b. Retail uses, Sections 4.35 and 4.36, shall only be permitted on the first floor and basement of a building, shall be located in a building containing other uses, and may not exceed more than twenty-five (25) percent of the gross floor area of the building in which they are located, or alternately no more than twenty-five (25) percent of the total area of a development proposal or any combination of existing and proposed buildings if so permitted by the Planning Board. No individual retail establishment may exceed 2500 gross square feet in area unless specifically permitted by the Planning Board.

c. Transportation, communication and utility uses, Section 4.32; Office and Laboratory Uses, Section 4.34; Light industry, wholesale business or storage uses, Section 4.37; or Heavy industry uses, Section 4.38 may be permitted in an existing building, or as an addition to an existing building or as new construction on a vacant lot provided the additional gross floor area is to serve uses or operations already in existence in the district.

d. Parking lot or parking garage for private passenger cars, Section 4.32 b shall be prohibited.

20.23 *Dimensional Limitations.* The Gross Floor Area for any non-residential use or combination of non-residential uses on a lot shall be limited by the FAR set forth below for the applicable residential base district.

a. Residence C: 0.6

b. Residence C-1: 0.75

c. Residence C-1A: 1.0

d. Residence C-2: 1.25

e. Residence C-2B: 1.25

f. Residence C-2A: 1.5

g. Residence C-3: 2.0

h. Residence C-3B: 2.0

All other dimensional requirements of the residential district shall continue to apply.

20.24 *Procedures.*

20.24.1 Changes Permitted As-of-Right.

Any structure existing or authorized by permit as of September 15, 2000, which contains a non-residential use not permitted in the residential base district, may be expanded in area to accommodate the existing use in an amount not to exceed, in total for all additions, 15% of the existing Gross Floor Area of the building. In no case, however, may the FAR on the lot after said addition or additions exceed that set forth in Section 20.23 above.

20.24.2 Changes Permitted by Special Permit

All other changes of use, additions to existing buildings, or construction of new buildings permitted in Section 20.22 above, and otherwise not permitted to proceed as-of-right as set forth in Section 20.24.1 above, shall require the granting of a special permit from the Planning Board

20.25 *Criteria for Issuance of a Special Permit.* Designation of the base residential zoning district expresses the policy objective of the City of Cambridge that new construction in the district should principally be for residential use, or for other uses permitted in the residential base district. However, recognizing the present land use character of the area, this Mixed Use Residential Overlay District provides flexibility such that existing non-residential uses may continue to operate without unreasonable regulatory

impediment provided they do not now or will not in the future hinder the expansion or introduction of residential uses to the district. Therefore, in granting a special permit under this Section 20.20, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. The proposed new use or expansion of an existing use will contribute to a physical and use environment that is supportive of residential uses, as for example the introduction of ancillary retail and consumer services;

2. In its operations, scale, building design and location on the lot, the proposed use or new constriction will not significantly impair the health, safety and welfare of current residential occupants of the district or impair the prospects for construction of new residential uses on adjacent lots or within the district, or alternately will positively contribute to the health, safety and welfare of residents in the district;

3. In its design, the new construction could be reasonably converted to residential use in the future;

4. Where it is proposed to construct a building on a vacant lot or where it is proposed to expand an existing facility not used for residential purposes by more than fifteen (15) percent of its existing gross floor area, the lot is not suitable for residential use as indicated by its location and surrounding uses. Where the lot may be suitable for residential use, the proposed construction is to serve an existing operation or enterprise now in the district. That operation or enterprise shall be found to be an important contributor to the Cambridge economy, through the provision of employment, the generation of new ideas, products or processes, and through the potential to expand and grow elsewhere in the city in areas intended for non-residential development;

5. Special attention is paid in the design and layout of the new construction to mitigate or prevent negative impacts on present and future residential uses, including among other measures screening of mechanical equipment for visual or acoustical reasons, location of refuse management systems within the structure, and the location of loading and service delivery systems in the least obtrusive areas of the lot.

20.30 Deleted

20.40 EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT

20.41 *Purpose*. It is the intent of this Section 20.40 to provide an incentive for residential development within the designated ECHO district as an extension of the existing residential neighborhood and to permit housing to be developed in combination with other uses permitted on a lot where a mix of uses is desirable. It is the intent of this Section 20.40 to provide an incentive through additional development potential to convert a lot devoted to non-residential uses to residential use.

20.42 *Applicability*. The ECHO District shall be an overlay district on the zoning map established in Section 3.20. Buildings and land uses shall be controlled by the pertinent regulations within the applicable base zoning districts and any other regulations that may apply in the City of Cambridge Zoning Ordinance, including Section 5.30.12, except as modified by the provisions of this Section 20.40. Except as modified by the provisions of this Section 20.40, the base district regulations shall apply. Where reference is made in this Section 20.40 to residential uses, it shall mean residential uses as set forth in Section 4.31 a-h.

20.43 *Residential Development Density*. The maximum permitted FAR for all residential uses shall be twice the non-residential FAR permitted in the underlying base zoning district, except that for those areas whose underlying base zoning district is Residence C-1 the FAR shall be 0.75. For all areas within the ECHO District, the permitted number of dwelling units on a lot shall be that permitted in the base zoning district. However, where the proposed development has a residential FAR of at least 2.0 the permitted number of dwelling units may be increased but shall not exceed one dwelling unit for every 300 square feet of total lot area.

20.44 *Maximum Height of Buildings and Maximum Permitted Non-Residential FAR*. The following limitations as to height of buildings shall only apply to new buildings or additions to existing buildings. The permitted heights are set forth on the Eastern Cambridge Housing Overlay District Height Limitation Map, Map 20.41. The permitted heights are further described below. Where the maximum height permitted in this Section 20.44 is thirty-five feet, it shall apply to all uses permitted in the applicable base-zoning district. Where the height permitted is greater than forty-five feet, it shall apply only to permitted residential uses. For any location not appearing on Map 20.41 or described below, the permitted heights shall be those permitted in the base zoning district. The FAR set forth below shall apply to non-residential uses. Where no FAR is indicated the non-residential FAR shall be that permitted in the applicable base zoning district.

20.44.1 Maximum Height and Non-Residential FAR in that area between the centerline of Fulkerson Street and the centerline of Third Street.

1. Height of thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
2. Height of forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street. Non-residential FAR of 1.50.
3. Height of fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street. Non-residential FAR of 1.75.

4. Height of sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street. Non-residential FAR of 2.0.

20.44.11 Maximum Height in that area between the centerline of Third Street and the centerline of Second Street.

1. Thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
2. Forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street.
3. Fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street.
4. Sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street.

20.44.2 Maximum Height in that area between the centerline of Fulkerson Street and the centerline of the of the railroad right-of-way.

1. Thirty-five (35) feet: extension of the area described in Section 20.43.1, Paragraph (1) above westerly from the centerline of Fulkerson Street to the centerline of the railroad right of way.
2. Sixty-five (65) feet: from the centerline of Binney Street and the centerline of the railroad right-of-way to a line 100 feet distant from the northerly sideline of Binney Street and 100 feet from the northwesterly sideline of Fulkerson Street to the areas intersection with the area described in Paragraph (1) above.
3. Forty-five (45) feet: extension of the area described in 20.43.1, paragraph (2), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2
4. Fifty-five(55) feet: extension of the area described in 20.43.1, paragraph (3), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2

20.44.3 Maximum Height in that area between the centerline of the railroad right-of way and the centerline of Cardinal Medeiros Way.

1. Eighty-five (85) feet except as described in Paragraph (2) below.
2. Thirty-five (35) feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.

20.44.4 Maximum Height in all areas having a base Residence C-1 zoning district.

1. Thirty-five (35) feet.

20.44.5 Maximum Height at All Other Locations. At all other locations the maximum height permitted shall be the maximum height permitted in the base zoning district for residential uses

20.45 *Eastern Cambridge Design Guidelines*. In reviewing any special permit that may be required for development in the ECHO District, the permit granting authority shall find that the development is generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines. Any development permitted as-of-right is encouraged to be consistent with the Guidelines.

20.46 *Transfer of Development Rights.* Development capacity may be transferred from the areas designated within the ECHO District consistent with the regulations set forth in Section 20.30 of this Ordinance.

20.47 *Non-Conforming Uses*. Notwithstanding any provision of Article 8.000, in the Eastern Cambridge Housing Overlay District, any structure containing a non-conforming use may be altered or enlarged without limit as to percent of enlargement in order to accommodate expansion of that non-conforming use provided the structure or portion of the structure to be altered or enlarged is located within a non-residential base district and further provided that the structure will not be in further violation of the dimensional requirements of this Section 20.40 or any applicable base district.

20.50 HARVARD SQUARE OVERLAY DISTRICT AND HARVARD SQUARE HISTORIC OVERLAY DISTRICT

20.51 *Establishment and Scope.* There is hereby established the Harvard Square Overlay District and the Harvard Square Historic Overlay District which shall be governed by the regulations and procedures specified in this Section 20.50. It is the intent of this section that these regulations will apply to an area described generally as the Harvard Square business district and certain abutting portions of the neighborhoods around it.

20.51.1 The Harvard Square Overlay District shall be that overlay district established on the Zoning Map of the City of Cambridge by Section 3.20. The Harvard Square Historic Overlay District shall be that portion of the Harvard Square Overlay district that is encompassed by any historic district duly established by the City Council under the authority granted by the City of Cambridge by Chapter 40C of the General Laws of the Commonwealth of Massachusetts or any Neighborhood Conservation District established by the City Council under the provisions of chapter 2.78 of the Cambridge Municipal Code. All provisions of the Harvard Square Overlay District and all references to it in this Ordinance shall apply equally to the Harvard Square Historic Overlay District except as set forth below.

20.52 *General Purpose.* It is the purpose of this Section 20.50 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to the Harvard Square area. The regulations contained in said section provide for more careful public scrutiny of development proposals that may alter the established urban form of the Harvard Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Harvard Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.52. The additional flexibility granted to development within the Harvard Square Historic Overlay District is intended to facilitate the protection and enhancement of the historic resources and character of Harvard Square while not unreasonably limiting the opportunities for appropriate contemporary changes to the built environment in the Harvard Square area.

20.53 *General Provisions*

20.53.1 The Harvard Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40 except that any Large Project Review (new buildings of 2,000 square feet or more) shall be conducted by the Harvard Square Advisory Committee using procedures specified in Subsection 20.54.1 of this Section 20.50.

20.53.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Harvard Square Advisory Committee shall be guided by the objectives and criteria contained in the publication *Harvard Square Development Guidelines* [Document complied from the *Guidelines for Development and Historic Preservation as contained in the Final Report of the Harvard Square Neighborhood Conservation District Study Committee*, dated November 29, 2000 and the *Harvard Square Development Guidelines*, 1986], in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.50. These guidelines are also intended to assist in shaping any contemplated physical change within the Harvard Square Overlay District

20.53.3 *National Register and Contributing Buildings*

For the purposes of this Section 20.50 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of the Department of the Interior.

2. A contributing building shall be:

a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of Interior; or

b. A building located outside a National Register District but identified as a contributing building in the *Harvard Square Development Guidelines,* Community Development Department, July 1, 1986.

However, a building shall no longer be considered a contributing building as defined in this Subsection 20.53.3(b) for the purposes of this Section 20.50 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.54 *Detailed Provisions*

20.54.1 Harvard Square Advisory Committee

There shall be established a Harvard Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. *Purpose.* It is the intent of this Subsection 20.54.1 that the Committee shall in its official actions fulfill the following purposes.

a. To establish a formal, ongoing body that will review all major development actions in the Harvard Square Overlay District.

b. To provide a forum within which a wide range of perspectives on development actions can be heard.

c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Harvard Square Overlay District.

2. *Responsibilities.* The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Harvard Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal for which any public agency or private interest may wish to receive advice and recommendations.

3. *Procedures.*

a. Within six (6) months preceding any application for (1) a building permit for any project subject to Large Project Development Consultation Review or (2) a special permit or variance for any project within the Harvard Square Overlay District, the graphic and other material required in Section 19.43.2 – Application for a Large Project Review shall be submitted to the Harvard Square Advisory Committee for their review and comment.

b. Within thirty (30) days of that submittal, [or within up to sixty (60) days with the written consent of the applicant] the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.

c. The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between the public and private objectives or which help to shape the project to better serve these objectives.

d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Zoning Board of Appeal will give due consideration to the report and recommendations of the Advisory Committee. Where the Committee makes recommendations with respect to the granting of special permits and/or variances, and the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)'s decisions were different from the Committee recommendations.

f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

a. *Membership.*

(1) At least one member having recognized qualification as an architect or landscape architect.

(2) One member having recognized qualifications as real estate or development or financial expert.

(3) One member who operates a business within the Harvard Square Overlay District.

(4) Two members owning commercial property within the Harvard Square Overlay District.

(5) Five members representing residents of the five abutting Cambridge residential neighborhoods.

(6) One additional resident to be appointed with should serve at large.

(7) One member representing an institution owning institutional property in the Harvard Square Overlay District.

(8) One member representing the Cambridge Historical Commission.

b. *Terms.* Committee members shall be appointed for terms of three years each. Initial appointment shall, however, be staggered such that four members shall have terms of one year, five members shall have terms of two years, and four members shall have terms of three years each.

20.54.2 Building Height Limitations. The maximum height of buildings in the Harvard Square Overlay District shall be governed by the requirements of this Section 20.54.2;

however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations*. The maximum height of any building shall be sixty (60) feet.
2. *Special Permit for Additional Height*. The maximum allowable height in the Harvard Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board. If a Special Permit is issued portions of the building may extend to eighty (80) feet in height provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet, and that those portions are also set back from one or more forty-five (45) degree sky exposure planes, unless otherwise permitted by the Planning Board. A forty-five (45) degree sky exposure plane shall be an imaginary inclined plane beginning fifty-five (55) feet above any streetline in the districts and rising over one or more lots at a forty-five (45) degree angle.
3. deleted.

20.54.3 Retail, Business, and Consumer Service Establishments (Section 4.35) in Office and Residential Districts.

1. The Planning Board may allow by special permit the retail use of a lot or structure all or partially within the Harvard Square Overlay District and in a base residential or office district where retail uses are not permitted under the provisions of Section 4.30 - Table of Use Regulations; provided, however, that the following conditions are met or findings made:

a. The general purposes of this Section 20.50 are met.

b. The use will be located in a structure in existence as of June 1, 1985 and will not involve significant new construction.

c. The addition of such use(s) will assist in the preservation, rehabilitation and/or restoration of a National Register or contributing building or important open space by increasing the economic feasibility of maintaining such features.

d. The preservation of the buildings and open space identified in (c) above is assured through an approved mechanism for the full period that the special permit is in force and effect.

e. The proposed use will preserve, rehabilitate or restore the outward appearance of the structure or open space.

f. In its operation the use will not, in impact, be significantly different from the uses permitted in the base district.

g. The use is completely contained within the structure.

h. The use will be patronized substantially by pedestrians and will, if required by the Planning Board, function adequately without additional off street parking or loading facilities and will in any case not generate vehicular traffic in quantity and type substantially different from that generated by permitted uses.

i. The applicant can demonstrate a need for the use(s) as a service to adjacent residential communities or to the academic community and can demonstrate that for economic or other reasons the use cannot easily be located in existing business or office districts where the use is permitted. In addition the applicant must demonstrate that either the use has been displaced as result of redevelopment elsewhere in the Harvard Square Overlay District, or that the use is important in its contribution to the variety, continuity, or uniqueness of the Harvard Square Overlay District.

j. The retail use does not take the place of a residential or dormitory use.

k. The following uses listed in Section 4.35 are however specifically prohibited:

4.35e (Lunchroom, restaurant, cafeteria);

4.35f (Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided);

4.35g (Bar or other establishment where alcoholic beverages are sold and where dancing is provided);

4.35j (Mortuary, undertaking or funeral establishment);

4.35l (Veterinary establishment, kennel, pet shop);

4.35m (sales place for new and used cars);

4.35o (Fast Order Food Establishment);

4.35p (Massage establishment).

l. The proposed use is not located in a base Residence C-2B or Office 2 District.

2. In the Office 2 base district the provisions of Section 4.40 - Footnotes to the Table of Use Regulations, footnote 12, shall not apply in the Harvard Square Overlay District.

3. The conditions and required findings mentioned in this Section 20.54.3 are not severable, and if a court declares any such condition or required finding invalid, then this Section 20.54.3 shall cease to operate in its entirety, and no additional special permits shall be issued under its authority.

20.54.4 Parking and Loading Requirements. Uses in the Harvard Square Overlay District which meet the following requirements shall be exempt from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

1. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

2. The use is contained in a new structure or new addition to a structure identified in (1.) above, after the issuance of a special permit by the Planning Board provided:

a. The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot; or a cash contribution is made to the Harvard

Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:

(1) Provision of public parking, preferably for short term users;

(2) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;

(3) Extension throughout the Harvard Square Overlay District of the surface improvements installed by the MBTA as part of the Red Line subway extension(brick sidewalks, light post, street furniture, etc.)

The Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. To the extent practicable the provision of public parking facilities shall be the first priority of any expenditure. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge.

The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.

b. The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met).

c. The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines*.

d. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

e. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

20.54.5 Building Setbacks. Maintenance of the Harvard Square Overlay District's positive diversity of building form and scale and its variety of open spaces, yards and courtyards is encouraged throughout the District. It is therefore desirable to permit design flexibility to allow any physical change in the District to reflect the character of the area within which it is located. To this end any building in the Harvard Square Overlay District shall be exempt from the yard requirements as specified in Section

5.30, (except where such yard abuts a lot, but not a public way, outside the Overlay District) if the following conditions are met:

1. The building existed as of December 15, 1985 or a building permit had been issued by that date, or

2. For any new building in any Business, Office or Residence C-3 base-zoning district, for which a building permit is issued after December 15, 1985, the Planning Board issues a Special Permit exempting the building from yard requirements provided:

a. The design of the new structure shall be in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines.*

b. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

c. No National Register or contributing building previously existed on the site in the preceding five (5) years and which has been so altered as to terminate or preclude its designation or demolished prior to the application.

20.54.6 Maximum Ratio of Floor Area to Lot Area (FAR) in the Harvard Square Historic Overlay District.

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR applicable in the Harvard Square Historic Overlay District shall be as follows: Business B district: 4.0 for all uses except dwellings, 3.0 for dwellings; Office 3 district: 3.0 for all uses; Office 2 district: 2.0 for all uses; Residence C-3 district: 3.0 for all uses; Residence C-2B district: 1.75 for all uses; Residence C-1 district: 0.75 for all uses; Business A district: 1.0 for all uses except dwellings, 1.75 for dwellings.

20.55 *Sign Regulations in the Harvard Square Historic Overlay District*

20.55.1 All provisions of Article 7.000 shall apply in the Harvard Square Historic District, except as modified below. It is the intent of these modifications to allow greater flexibility in the size, location and illumination of signs in order to encourage more thoughtful design of individual signs, to encourage greater respect for the building and visual context within which new signs are erected, and thereby add interest and character to the shopping environment in Harvard Square.

1. In Section 7.16.22 – Signs in all Business, Office and Industrial Districts, Paragraphs A, B, and C shall not apply in office and business base districts. However, no sign on the outside of a building may extend higher than 20 feet above grade.
2. In Section 7.16.3 – Application of the Sign Frontage Formula shall not apply.
3. In the Residence C-2B base district the provisions of Section 7.16.22 shall apply to permitted or legally established nonconforming office and retail uses.

20.60 PARKWAY OVERLAY DISTRICT

20.61 *Establishment and Scope.* There is hereby established a Parkway Overlay District which shall be governed by the regulations specified in this Section 20.60. Within this parkway district is also a subdistrict to be referred to as the Concord Avenue Parkway Subdistrict. It is the intent of this section that these regulations will apply to areas of the city where development is likely to occur near major public open space connectors, especially arterial roadways that could provide such connections.

20.62 *Purpose.* It is the purpose of this Section 11.60 to augment base zoning regulations in designated areas in order to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, to encourage development which will protect and enhance the use and enjoyment of public open space resources. The Parkway Overlay District has been designated specifically for the areas adjacent to arterial roadways located in parklike settings such as the Fresh Pond Reservation. To more fully implement these objectives for a portion of the Parkway Overlay District that includes the Fresh Pond Reservation, this article includes special provisions for the “Concord Avenue Parkway Subdistrict,” which is defined in section 20.69 and is subject to the provisions of that section, as well as the provisions generally governing the Parkway Overlay District. The terms “the district” or “said district” or “the Parkway Overlay District” shall mean both the Parkway Overlay District and the Concord Avenue Subdistrict, unless specifically noted otherwise.

20.63 *Applicability.* The Parkway Overlay District shall be an overlay district on the zoning map established by Section 3.20. The Concord Avenue Parkway Subdistrict shall also be shown on the map established by Section 3.20.

20.63.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 20.60 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from requirements of this Section 20.60, the stricter provisions shall apply.

20.63.2 The requirements of this Section 20.60 shall not apply to Planned Unit Development proposals filed, reviewed and regulated by Articles 12.000 and 13.000; however, said requirements shall apply to other development proposals in a PUD district.

20.63.3 The requirements of this Section 20.60 shall not apply to lots containing one family, two family or three family residences as principal uses.

20.63.4 The requirements of this Section 20.60 shall not apply to construction activities incidental to emergency repairs of public utility facilities.

20.63.5 In reviewing applications for any special permit in the Parkway Overlay District, the Planning Board shall consider compliance with the requirements specified in this Section 20.60, the recommendations made in the Cambridge Community Development Department's 1979 report entitled *Alewife Revitalization*, and the criteria specified in Section 10.43.

20.63.6 Developments that must obtain a special permit under any section of the Zoning Ordinance shall be exempt from the Development Consultation Procedures mandated by Subsection 20.69. Compliance with the regulations and guidelines for the Parkway Overlay District shall be considered in the context of the special permit review.

20.63.7 The development standards specified in this Section 20.60 shall apply to all development within the Parkway Overlay District not exempted by subsections 20.63.2, 20.63.3, and 20.63.4. Divergence from these standards may be allowed only by issuance of a special permit from the Planning Board as specified in Subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

20.64 *Dimensional Standards in the Parkway Overlay District*

20.64.1 *Front Yards*. Front yards should be of sufficient size and appropriately landscaped so as to increase public safety and to positively contribute to the visual and environmental quality of the district. Therefore the following standards shall apply:

1. The minimum front yard setback for the principal front wall plane for any structure shall be twenty-five (25) feet measured from the street line. For corner lots, only the front yard oriented toward Concord Turnpike, Alewife Brook Parkway, Concord Avenue, or Fresh Pond Parkway shall be required to provide this setback. The other front yard shall satisfy the minimum setback specified in Section 5.30 for the base zoning district.

2. Required front yards shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one 24-foot driveway for each one hundred (100) feet of lot frontage or fraction thereof.

3. Front yards shall contain at least one three (3) inch caliper tree for every twenty-five (25) linear feet of street frontage.

4. Front yards may contain fences along front and side lot lines in accordance with the provisions of Subsection 20.65.

20.64.2 Maximum Building Height. The transition from public open spaces to private development should not be abrupt. Therefore, the maximum height of the principal front wall plane of buildings in the Parkway Overlay District shall be fifty-five (55) feet. Portions of buildings may be allowed to extend to eighty-five (85) feet in height provided that those portions in excess of fifty-five (55) feet are set back from the principal front wall plane at least ten (10) feet and that those portions also set back from one or more sixty (60) degree building bulk control planes.

20.64.3 Building Facades. Building facades should be designed so as to enhance the visual quality of the district. The following standards shall apply:

1. Principal building entrances shall face the parkways and boulevards which serve to define the district.

2. Building facades and rooflines shall be articulated and expanses of unbroken wall planes shall be limited to thirty-five (35) linear feet for those facades facing public open space and/or public roadways.

3. Ground floor levels shall include a minimum of thirty (30) percent transparency to enliven and enrich the public environment.

20.65 *Fences.* In order to maintain a feeling of openness, to facilitate pedestrian enjoyment and use, and to maximize scenic views, fences along the front and side lot lines shall comply with the following standards:

1. No fence along a front or side lot line and within twenty-five (25) feet of a public right of way shall be more than four (4) feet in height from the curb level of the street or more than thirty (30) percent opaque.

2. Chainlink and wire fences are prohibited.

20.66 *Parking Standards.* Development in the Parkway Overlay District shall conform to the Off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 20.66.

20.66.1 Curb Cuts. Only one curb cut of a maximum of forty (40) feet shall be permitted per one hundred (100) linear feet of street frontage in the Parkway Overlay District. Wherever possible, curb cuts should be on local streets rather than arterial roadways and in no case shall a curb cut be allowed within one hundred (100) feet of an intersection unless the lot contains less than one hundred and twenty-five (125) feet of street frontage.

20.66.2 Siting of Parking Areas. Parking areas, whether accessory or nonaccessory, shall not be located in the front yard required for any lot in the district. Enclosed parking facilities are encouraged. On grade, open area parking areas shall be located behind the building or buildings served or arranged in such a way as to minimize their visibility from public ways.

20.66.3 General Landscaping of On Grade, Open Parking. Landscaping of parking areas in the district should help to ensure public safety, moderate the microclimate and minimize noise, glare and the unsightly intrusion of automobiles and unbuffered hard surfaces in the area of public open space. Therefore, any on grade open parking area for ten (10) or more cars shall be required to meet the following landscaping standards:

1. On grade, open parking areas shall be arranged and landscaped to properly screen cars from public rights of way and pedestrian ways. Such screening shall consist of a fence or wall not less than fifty (50) percent opaque and not less than four (4) feet in height.

2. At least ten (10) percent of the area devoted to on grade open parking shall be landscaped. The area devoted to on grade open parking shall be that portion of the lot containing parking spaces, driveways and landscaped area located between or adjacent to parking spaces and drives. No portion of the lot required

as a setback between parking spaces and a building or lot line shall be counted in computing the ten (10) percent landscape requirement.

3. Each landscape area shall have minimum dimensions of three (3) feet.

4. Landscaped areas at least six (6) feet in width shall be used to divide parking areas into bays of not more than twenty (20) spaces. Such landscaped areas may be counted as part of the ten (10) percent required landscaped area.

20.66.4 Trees for Landscaping On grade, Open Parking Areas. The landscaping necessary to meet the standards specified in Subsection 20.66.3 shall include trees as follows:

1. For every ten (10) on grade, open parking spaces or fraction thereof, there shall be a minimum of one 3-inch caliper tree located within the area devoted to on grade parking.

2. The trees required for the landscaping of on grade, open parking areas - whether such trees are coniferous or deciduous, flowering or nonflowering - should be tolerant to urban environmental conditions, able to screen parking areas by virtue of their size, form, density of foliage and spread, and easy to maintain. A suggested list of trees which meet these criteria is listed in Subsection 11.16.4 of this Ordinance.

3. Standards of Tree Protection

a. Each tree planted in a paved area shall have minimum of fifty (50) square feet of porous surface area surrounding the tree.

b. Trees which are planted along roadways or in parking lots shall be protected by a curbed planter strip or by precast concrete curbs or railroad ties or by suitably designed concrete, steel or wood bollards placed at least four feet (4') from the tree.

20.67 *Mechanical Equipment and Refuse Storage Areas.*

1. No refuse storage areas nor mechanical equipment areas shall be located in a front yard within the district. Such areas shall be screened from view from street and parking areas, residential districts, open space areas, and designated parkways by a six (6) foot high durable nonliving barrier (or earth berm) planted with at least one shrub or vine for each ten (10) feet of barrier towards the abutting property.

2. Mechanical equipment on the roof of any building shall be permanently screened from view from the ground or other buildings in the area.

20.68 *Development Consultation Procedure.* The Parkway Overlay District shall be considered an area of special planning concern. Except as modified by Subsection 20.68.1, development proposals listed in Subsection 19.42 shall be subject to the development consultation procedure.

20.68.1 Development proposals requiring a special permit or exempted under Subsections 20.63.2, 20.63.3, or 20.63.4 shall not be subjected to the development consultation procedure.

20.68.2 Subsection 19.43.1 notwithstanding, only exterior building alterations increasing gross floor area by one thousand (1000) square feet or more shall be subject to the development consultation procedure.

20.68.3 Subsection 19.42.1(4) notwithstanding, only construction of ten (10) or more parking spaces shall be subject to the development consultation procedure.

20.69 *Concord Avenue Parkway Subdistrict*

For the purposes of providing additional protection to a portion of Concord Avenue that abuts the Fresh Pond Reservation and which serves as a gateway to Cambridge, this section hereby creates a "Concord Avenue Parkway Subdistrict" within the Parkway Overlay District. The subdistrict is that portion of the Parkway Overlay District along Concord Avenue that is bounded on the west by the dividing line between the Residence B district and the Office 2 district, and is bounded on the east by the dividing line between the Business C district and the Office 2 district. This subdistrict includes the following parcels as shown on The City of Cambridge GIS Maps: map 267D, parcel numbers 323, 282, 327, 328, 289, 259, 304, 284, 300, 316, 307, 285, 287, 286, 291, 310, and 311; Map 267E, parcel numbers 234, 277, 261, 283, 270, 269, 288, 289, 17, and 242; and Map 267F, parcels 293, 274, and 301, and includes, but is not necessarily limited to, the following street address on Concord Avenue: 795, 777, 775, 773, 769, 763, 745, 737, 729, 725, 711, 701, 689, 681, 675, 665, 655, 653, 651, 650, 647, 645, 641, 625, 617, 603, and 591.

20.69.1 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, the maximum height for any building or structure within Concord Avenue Parkway Subdistrict shall not exceed fifty (50) feet.

20.69.2 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, any building within the Concord Avenue Parkway Subdistrict greater than twenty-five thousand (25,000) square feet in floor area shall require a special permit under this paragraph. When determining whether to grant a special permit under this paragraph, the Planning Board shall require compliance with the following criteria, in addition to the general special permit criteria set forth in section 10.43:

1. New buildings shall be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.

2. New buildings should be in harmony with the purposes of the Parkway Overlay District as specified in Section 20.62, which are to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, and to encourage development which will protect and enhance the use and enjoyment of public open space resources.

20.70 FLOOD PLAIN OVERLAY DISTRICT

20.71 *Purpose.* It is the purpose of this Section 20.70 to protect the health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, to preserve and maintain the ground water recharge areas within the flood plain, and to provide a mechanism for a comprehensive review of development in the Flood Plain Overlay District and the design and location of flood water retention systems and their relationship to other surrounding development.

20.72 *Establishment and Scope.* There is hereby established a Flood Plain Overlay District which shall be governed by the regulations specified in this Section 20.70. The Flood Plain Overlay District includes all special flood hazard areas designated as Zone A and AE on the Middlesex County Flood Insurance Rate Maps (FIRMs)issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRMs that are wholly or partially within the City of Cambridge are panel numbers 25017C0418E, 25017C0419E, 25017C0438E, 25017C0557E, 25017C0576E, 25017C0577E dated June 4, 2010. The exact boundaries of the District are defined by the special flood hazard area, which is the area subject to flooding by the 1% annual chance flood, also known as the “100-year flood” or “base flood, (Special Flood Hazard area) shown on the FIRMs and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS reports are incorporated herein by reference and are on file with the City Clerk, Inspectional Services Department, Department of Public Works, Community Development Department and Conservation Commission.

20.73 *Applicability.* No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred or otherwise altered in the Flood Plain Overlay District unless a special permit is granted by the Planning Board.

20.73.1 A special permit shall not be required for any activity detailed in 20.73 above on individual lots containing one, two, or three family dwellings in existence as of July 5, 1982 or for the demolition of an existing structure. Nevertheless all other requirements of this Section 20.70 (and especially those criterion detailed in Subsection 20.75) shall be met as applicable.

20.74 *Procedure.* Application for a special permit shall be made on a form prescribed by the Board. In addition to the information required for the submittal, the applicant shall also present the following:

1. A detailed landscape plan drawn to a scale of one inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;

2. Base flood elevation data, where the base flood elevation is not provided on the FIRM;

3. Certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway as specified above in Subsection 20.73 shall not result in any increase in flood levels during the occurrence of the 100-year flood;

4. Such other technical information as necessary to permit the Planning Board to make the findings required in Section 20.75 below;

5. Description of the status of the proposal, pursuant to the requirements of the Massachusetts Wetlands Protection Act, before the Cambridge Conservation Commission, including any Order of Conditions or Determination of Applicability issued; and

6. Four (4) copies of all application materials.

20.74.1 Upon receipt of the application and development plans, the Planning Board shall transmit copies of the plans to the Conservation Commission and the City Engineer. Within forty-five (45) days of receipt of the plans, the Conservation Commission and the City Engineer shall review said plans and submit their respective reports and recommendations to the Planning Board. The Planning Board shall not render any decision on an application for a special permit for development in the Flood Plain Overlay District until said reports have been received and considered or until the forty-five (45) day period has expired without the receipt of such report, whichever is earlier.

20.74.2 *Special Notification Requirements.*

Where in the application it is proposed to alter or relocate a watercourse in a riverine situation, the Planning Board shall notify, in addition to those parties-in-interest required to be notified by Chapter 40A, all adjacent communities to the extent not required in Chapter 40A, the NFIP State Coordinator [Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite, 600-700, Boston, Massachusetts 02114-2104 (or any successor office)] and the NFIP Program Specialist [Federal Emergency Management Agency, Region 1, 99 High Street, 6th floor, Boston, Massachusetts 02110 (or any successor office)].

20.75 *Criteria.* The Planning Board shall grant a Special Permit for development in the Flood Plain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria specified in Section 10.43:

1. No filling or other encroachment shall be allowed in Zone A areas or in the floodway which would impair the ability of these Special Flood Hazard Areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.

2. Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with the following requirements.

3. All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Planning Board may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

4. The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, Wetlands Protection Act, and any other applicable laws.

5. Applicants for development in the Alewife area shall be familiar with area-specific and general city-wide land use plans and policy objectives (e.g. *Concord-Alewife Plan, A Report of the Concord Alewife Planning Study,* November 2005; *Toward a Sustainable Future, Cambridge Growth Policy,* 1993, *Update,* 2007; Section 19.30 - Urban Design Objectives of this Zoning Ordinance) and shall demonstrate how their plan meets the spirit and intent of such documents in conjunction with the requirements of this Section 20.70 - Flood Plain Overlay District and Section 20.90 – Alewife Overlay Districts 1-6.

6. The requirement of Section 20.74(3) has been met.

20.76 *Development Regulations for mobile homes.* The following development regulations apply to the placement of mobile homes within Special Flood Hazard Areas designated as Zone AE on the FIRM, in addition to other requirements of this Section 20.70. All mobile homes shall provide that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and

2. Adequate surface drainage and access for a hauler are provided.

20.76.1 The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, are prohibited in the floodway.

20.77 *Setback Exemptions.* Any required flood water retention systems or related facilities may be permitted to extend into required yard setbacks if deemed appropriate by the Planning Board.

20.78 *Emergency Repairs.* The special permit required in this Section 20.70 shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a city agency, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.

20.79 Any development activity requiring a special permit from the Planning Board under other provisions of this Zoning Ordinance shall incorporate the requirements of this Section 20.70 within the scope of that special permit and shall not require separate application to the Planning Board.

MEMORIAL DRIVE OVERLAY DISTRICT

20.81 *Establishment and Scope.* There is hereby established the Memorial Drive Overlay District which shall be governed by the regulations and procedures specified in this Section 20.80. It is the intent of this section that these regulations will apply to that area abutting Memorial Drive that lies between the Drive and the residential neighborhoods beyond and that has a non-residential or medium to high density residential base zoning designation.

20.82 *Purpose.* It is the purpose of this Section 20.80 to augment base zoning regulations in the District in order to create a more harmonious and consistent character for the development along Memorial Drive and where such development faces or abuts low density neighborhood residential districts; to encourage good building design and site development that enhances amenities available to pedestrians walking along Memorial Drive and the Charles River waterfront; and where commercial uses and higher density residential development abut residential neighborhoods, to ensure that physical changes within the Overlay District are compatible with the scale and character of the abutting neighborhoods; to encourage the retention of existing buildings of historic value; to encourage uses that will serve needs of residents of abutting neighborhoods or those persons enjoying the open space amenities along the Charles River; and to discourage new development inappropriate in both scale and design.

20.83 *Applicability.* The Memorial Drive Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.83.1 The building and land uses within the Memorial Drive Overlay District shall be regulated by the provisions of the applicable base zoning district except as modified by the requirements of this Section 20.80, which shall apply in addition to regulations imposed by the base zoning district designations. Where the base zoning regulations differ from the requirements of this Section 20.80 the stricter provisions shall apply, unless a Special Permit is issued by the Planning Board pursuant to Article 20.88.

20.84 *Dimensional Standards in the Memorial Drive Overlay District*

20.84.1 Maximum Height. The maximum height of any structure in the Overlay District shall be permitted in the applicable base zoning district, except as provided below. Lots abutting Memorial Drive may be subject to further height limitations imposed by Chapter 91 of the Massachusetts General Laws.

20.84.2 For that portion of the Overlay District located north of the centerline of River Street and within ninety (90) feet of Blackstone Street the maximum height shall be forty-five (45) feet where the base district permits heights greater than thirty-five (35) feet.

20.84.3 Minimum Required Front Yard Abutting Memorial Drive. The minimum required front yard for that portion of a lot abutting Memorial Drive shall be twenty-five (25) feet.

20.85 *Restrictions in Required and/or Provided Setbacks.*

20.85.1 That area between the principal wall plane of a building and a public street or public park, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, a park, or other landscaped or paved area devoted exclusively to pedestrian and bicycle use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site, which drives shall be limited as follows:

1. A maximum of one two-way access drive (and curb cut) or two one-way access drives (and curb cuts) from Memorial Drive per lot shall be permitted. The access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and fifteen (15) feet in width for a one-way drive.

2. For portions of lots abutting other streets, a maximum of one access drive (and curb cut) shall be permitted per street, or one access drive (and curb cut) for each four hundred (400) feet of lot frontage, whichever is greater. If only one access drive is provided on a lot, it shall be located on the most minor street according to the hierarchy set forth in Section 20.87.1 below. Each access drive shall not exceed thirty (30) feet in width in non-residential districts and twenty (20) feet in residential districts.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian and bicycle uses shall be located at mean grade of abutting public street or open space at the property line unless an exception is granted under the provisions of Section 20.88 below. Nothing in this Section 20.85.1 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park provided the setback remains essentially at grade.

Where the lot abuts more than two streets, the provisions of this Section 20.85.1 shall apply to no more than two streets. The two streets to which this Section shall apply shall be determined by the street hierarchy set forth in Section 20.87.1 below.

20.85.12 Notwithstanding the provisions of Section 20.85.1 above or any provision of Article 6.000, any on grade open parking facility shall be set back from front lot line by at least ten (10) feet. Such setback shall be landscaped as required in Section 20.85.1 above.

20.86 *Use Provisions.*

20.86.1 Use Restrictions. The ground (first) floor of that portion of a building facing a public street or public park, and located within seventy-five (75) feet of that public street or park, shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), Retail Business (Section 4.35), Institutional (4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;

2. The use shall have a minimum depth of twenty (20) feet;

3. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

4. The use is permitted in the applicable base zoning district or otherwise permitted in this Section 20.80.

20.86.11 The food service establishments permitted in the Office 2 district, pursuant to the provisions of Section 4.40, Footnote 12, shall be subject to the provisions of Section 20.86.2 below. Where the provisions of the two sections differ, the more restrictive shall apply.

20.86.2 Additional Permitted Uses. In any office the following retail uses shall be permitted by Special Permit from the Planning Board: Store for retail sale of merchandise, Section 4.35a, Lunchroom, restaurant, cafeteria, Section 4.35e; establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided, Section 4.35f. Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

a. The retail use shall be located on a lot that abuts Memorial Drive.

b. The principal entrance to the retail use shall be on Memorial Drive.

c. The total Gross Floor Area on the lot devoted to retail uses permitted in this Section 20.86.2 shall not exceed five thousand (5,000) square feet.

d. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 in herein specifically waived.

e. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

20.87 *Design Standards*

20.87.1 Building Facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrians and compatible with the residential neighborhoods in close proximity to the District. The following standards shall apply:

1. A principal, publicly accessible building entrance shall be located on the building façade facing the principal street the lot abuts. Where a building abuts more than one street, a principal, publicly accessible building entrance on each street is encouraged but only one shall be required. That entrance shall face the most important street as determined by the following hierarchy (most important street to the least important street): Memorial Drive, River Street, Putnam Avenue, Pleasant Street, Magazine Street, Blackstone Street and Riverside Road. A principal, publicly accessible entrance serving a separate ground floor establishment shall be deemed to meet the requirements of this paragraph. Nothing in this Paragraph 1 requires generally public access to a building or facility that is customarily accessible to only the inhabitants of the building, its guests and customers.

2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts the street.

3. Facades facing a public street or a public park, designated city landmark building or a building in a local historic district or neighborhood conservation district that is located on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for each separate façade facing a street park or building. That clear-glass requirement shall be increased to fifty (50) percent on the ground floor where retail and office uses are established. However, where a retail establishment abuts more than one street, park or building, only the façade facing the principal street (as set forth in Paragraph 1 above) shall be required to meet the 50% requirement.

20.88 Waiver of Certain Provisions of the Overlay District or its Base Districts

20.88.1 Divergence from the standards specified in Sections 20.86 – 20.87 may be allowed by issuance of a Special Permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will still serve the objectives of this Section 20.80 and that proposed development is consistent with the Section 19.30 – Urban Design Objectives.

20.88.2 In recognition of the preservation, enhancement or creation of the Memorial Drive Overlay District Objectives, the Planning Board may, by Special Permit, allow a reduction in the required front yard setback, on any lot abutting Memorial Drive with an existing building (as of July 1, 2004) exceeding one hundred and twenty (120) feet, to a minimum of five (5) feet with the exception of Memorial Drive, where it may, by Special Permit, allow the reduction in required minimum setback to fifteen (15) feet.

The Planning Board may also, or instead, waive the base zone height limit for any lot abutting Memorial Drive with an existing building (as of July 1, 2004) exceeding one hundred and twenty (120) feet, by Special Permit, allowing height up to one hundred and twenty (120) feet.

20.89 The required yards, permitted Gross Floor Area (GFA) and permitted height for structures in existences as of July 1, 2004 shall be those yards, GFA, or height existing at that time and shall be deemed conforming for the purpose of applying the nonconforming provisions of Article 8.000. Otherwise, for any other provision of the Zoning Ordinance and for any new construction, the dimensional requirements of this Section 20.80 and any applicable base zoning district shall apply.

20.810 *Special Gross Floor Area Provisions in the Office 2 District.* In order to facilitate the rehabilitation of the parkway character of Memorial Drive within the Overlay District, additional Gross Floor Area for residential uses (Section 4.31, Paragraphs a-h) shall be permitted. That additional Gross Floor Area shall be above the Floor Area Ratio limit otherwise set in the applicable base zoning district, subject to the issuance of a Special Permit from the Planning Board and subject to the following conditions and limitations. The additional floor area is intended as an incentive to encourage the construction of additional housing to replace existing automobile-oriented retail uses and site improvements abutting the Drive or the residential neighborhood edge, which have produced an unsightly environment of parking lots, parking garages, driveways, garish signs and featureless facades.

a. These provisions shall only apply to a lot, abutting Memorial Drive, in existence as of July 1, 2004.

b. Up to a maximum of fifty thousand (50,000) square feet of additional GFA shall be permitted subject to the following limitations:

    i. Where development on the lot is at, or exceeds, the maximum GFA permitted on the lot as determined by the existing mix of uses on the lots and the applicable base zoning district regulations (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, a total of fifty thousand (50,000) square feet shall be permitted for additional residential development.

    ii. Where additional GFA is available on the lot under the provisions of the applicable base zoning district (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, only that portion of the fifty thousand (50,000) square feet that exceeds the GFA otherwise available on the lot (exclusive of any bonus GFA permitted in Section 11.200) shall be permitted.

c. The new residential construction shall conform to the Overlay District and any applicable base district regulations with the exception of the GFA limitations imposed in the applicable base zoning district. Notwithstanding the foregoing, for purposes of computing lot area per dwelling unit, the provisions of Article 5.14 shall not apply.

d. In granting the Special Permit the Planning Board shall find that the additional GFA proposed can be reasonably accommodated on the site without significant negative traffic, environmental or other similar impacts while at the same time

significantly improving the impact of all development on the site, particularly along Memorial Drive and the residential neighborhood edge.

Among the visual and urban design improvements demonstrating such improvement are:

i. The elimination of curb cuts on Memorial Drive;

ii. The provisions of landscaping in lieu of parking, driveway and other vehicular paving between the buildings on the site an Memorial Drive or the abutting neighborhood edge;

iii. The elimination of visually intrusive auto-oriented uses such as gas stations etc.

iv. The introduction of building facades that relate positively to the Drive or the abutting neighborhood with ample amounts of glass, places of pedestrian entry etc.

v. The screening of automobile-oriented areas, such as parking garages, with active uses.

20.811 The Memorial Drive Overlay District shall be considered an area of special planning concern subject to the provisions of section 19.40.

20.90 ALEWIFE OVERLAY DISTRICTS 1-6

20.91 *Establishment and Scope*. There are hereby established six Alewife Overlay Districts, which shall be governed by the regulations and procedures specified in this Section 20.90. It is the intent of this section that these regulations will apply to the area at Alewife that has historically developed as a retail and industrial area generally at rather low densities, but which can be expected to develop more extensively and in greater variety of uses in the future.

20.91.1 The Alewife Overlay Districts shall be a series of Overlay Districts established on the Zoning Map of the City of Cambridge by Section 3.20. Provisions of this Section 20.90 and all references to it in this Zoning Ordinance shall apply equally to each of the six Overlay districts except as set forth below.

20.92 *General Purpose*. It is the purpose of this Section 20.90 to augment existing base district zoning regulations to respond to the unique problems and pressures for change in the Alewife area. The regulations contained in this Section 20.90 provide for more careful public scrutiny of future development proposals and provide an opportunity to shape the form and character of that development in ways that will benefit both individual property owners and the general interests of the larger commercial and residential neighborhood as a whole.

These regulations are intended to harness the opportunities presented with the redevelopment of private property in ways that will:

1. Encourage forms of development, mix of uses, and range of improvements that will facilitate and encourage walking, biking and transit use and reduce the growth of auto trips in an area already burdened with regional vehicular traffic passing through to other destinations in the metropolitan region;

2. Preserve and enhance the capacity to store floodwater, recharge groundwater and manage the collection and disposal of stormwater in ways that add to the quality and visual appeal of the built environment as well as to the quality of the water itself;

3. Minimize the negative impact of new development on the adjacent Cambridge Highlands residential neighborhood while introducing new amenities and services that will benefit the residents of that neighborhood;

4. Integrate the entire area through the creation of new pedestrian paths, roadways, green spaces and bridges that will facilitate movement within the several Districts and beyond to the Cambridge Highlands, North Cambridge and Neighborhood Nine neighborhoods and the Fresh Pond Reservation;

5. Introduce a significant component of residential living and support retail services to enhance the area's appeal for all persons who come to work, shop as well as live within the Districts; and

6. Create an identity and sense of place for the Alewife Districts that parallels the development of the historic urban centers that characterize much of Cambridge.

20.93 *General Provisions*

20.93.1 The Alewife Overlay Districts shall be considered areas of special planning concern. Development proposals listed in Subsection 19.42 and 19.43 - Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40.

20.93.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority shall be guided by the objectives, criteria, and guidelines contained in the publication Concord-Alewife Plan in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.90. These guidelines are also intended to assist in shaping any contemplated physical change within the Alewife Overlay Districts. With respect to consistency with the Concord-Alewife Plan, special emphasis shall be placed on preservation of key rights-of-way for infrastructure projects as indicated in the Priority Infrastructure Plan.

20.93.3 Applicability. Buildings and uses within the Alewife Overlay Districts shall be controlled by the pertinent regulations within the applicable base districts, except as modified by

the requirements of this Section 20.90, which shall apply in addition to the regulations imposed by the base district map designations.

20.93.4 Districts. The Alewife Overlay Districts shall be identified in this Section 20.90 by the following names:

1. Alewife Overlay District 1 (Quadrangle Northwest)
2. Alewife Overlay District 2 (Quadrangle Northeast)
3. Alewife Overlay District 3 (Quadrangle Southwest)
4. Alewife Overlay District 4 (Quadrangle Southeast)
5. Alewife Overlay District 5 (Shopping Center)
6. Alewife Overlay District 6 (Triangle)

20.94 *Modifications to Permitted Uses*

20.94.1 Additional Permitted Uses. In any base office or industrial district all uses listed in Section 4.35 - Retail Business and Consumer Service Establishments shall be permitted by special permit from the Planning Board (if not otherwise allowed as of right in the district), subject to the following limitations unless the limitations are specifically waived by the Planning Board upon its finding that the purposes set forth in Section 20.92 above have been met:

1. No individual establishment may exceed 10,000 square feet in area.

2. The retail use shall be located on the first floor or basement of the building in which it is located.

3. The total Gross floor Area devoted to retail uses may not exceed 10% of the Gross Floor Area of the buildings constructed or authorized on the lot.

20.94.11 Modification to Uses Permitted in the IB-2 District. A Distribution Center, Parcel Delivery Center, or Delivery Warehouse – Section 4.37 (d) shall be permitted in the Industry B-2 district only after the granting of a special permit from the Planning Board.

20.94.2 Environmental Limitations. Within the Alewife Overlay Districts 1-6 the following restrictions shall apply.

1. All dust, fumes, odors, smoke, or vapors are effectively confined to the premises or disposed of so as to avoid air pollution.

2. Any noise, vibration, or flashing is not normally perceptible without instruments at a distance of one hundred (100) feet from the premises.

20.95 *District Dimensional Regulations.*

20.95.1 Maximum Floor Area Ratio. The maximum ratio of floor area to the lot area may be increased as set forth below, after the issuance of a special permit from the Planning Board.

1. Quadrangle Northwest District: 1.5 for all uses.

2. Quadrangle Northeast District: 1.5 for all uses.

3. Quadrangle Southwest and Quadrangle Southeast Districts: 1.5 for non-residential uses; 2.0 for residential uses.

4. Shopping Center District: 1.25 for non-residential uses; 2.0 for residential uses. However, Gross Floor Area shall be further limited as set forth below.

(a) No individual retail establishment (Section 4.35 and 4.36) shall have a Gross Floor Area exceeding 50,000 square feet, except in the case of a grocery store or supermarket, which may be as large as 60,000 square feet.

(b) Where the total amount of Gross Floor Area on a lot (which shall be any lot or combination of lots held in common ownership as of January 1, 2006) exceeds 100,000 square feet, the square footage devoted to non-residential uses shall be at a minimum 20% and shall not exceed 50%.

For a lot (which shall be any lot or combination of lots held in common ownership as of January 1, 2006) of ten acres or more, the required non-residential development shall consist of Retail Business and Consumer Service Establishments, Section 4.35, exclusively until at least 225,000 square feet of retail use is located on the lot, after which any non-residential use shall be permitted.

Where a project subject to the provisions of this Paragraph (b) has received a special permit from the Planning Board, the permit decision shall establish how the requirements of this Paragraph (b) are met if a project is constructed in phases over time.

5. Triangle District: 1.75 for non-residential uses; 2.0 for residential uses.

20.95.11 Additional FAR for Public Improvements.

In order to provide an incentive to property owners to protect important segments of future roadways and infrastructure from permanent building construction, the Planning Board, in its review of any Special Permit application, may grant additional FAR above that permitted in Section 20.95.1 above in all Overlay Districts where the proposed development incorporates or provides one or more of the following improvements or property interests in a manner and to an extent determined to be sufficient to significantly advance the objectives of the Concord-Alewife Plan.

1. Construction of a publicly accessible pedestrian bridge connection across the railroad right of way between the Quadrangle Northeast District or that portion of the Quadrangle Southeast District within 300 feet of the railroad right of way and the Triangle District or incorporation of structural elements into a building's design that includes or would permit future construction of such a pedestrian connection, as well as the conveyance (in a form acceptable to the City) of the necessary fee or easement property interests in land that would permit access to such a connection. In this instance the additional FAR, available for any use, shall be 0.25 applied to the entire lot that is the subject of the special permit.

2. Conveyance of fee or easement property interests to the City of Cambridge (in a form acceptable to the City) to permit the future construction of roadway segments, pedestrian paths, the pedestrian bridge referenced above in Paragraph 1, public parks and other publicly accessible open space and recreation features consistent with the Concord-Alewife Plan, which segment,

path, park or open space is identified on the maps entitled Priority Infrastructure Plan and Additional Infrastructure Plan or is otherwise identified by the Planning Board at another location and determined by the Board to be of equal value and consistent with those elements identified on the Map and the objectives set forth in the Plan.

In this instance, the additional FAR shall be equal to the FAR otherwise permitted on the lot as-of-right or by special permit, but shall be applied only to that portion of the lot for which a fee or easement interest is to be conveyed.

20.95.2 Maximum Permitted Height. The maximum height for any building may be increased as set forth below, after the issuance of a special permit from the Planning Board:

1. Quadrangle Northwest District: 55 feet for non-residential uses; 65 feet for residential uses. However, buildings may be as high as 80 feet provided that only the additional residential GFA provided for in Section 20.95.11 above may be located in the part of the building between 65 feet and 80 feet. However, these heights are modified further as set forth below:

(a) For any portion of a building within 100 feet of a residential or Open Space zoning district the maximum height shall be 35 feet; for any portion of a building more than 100 feet from a residential or Open Space zoning district but within 200 feet of those districts, the maximum height shall be 45 feet.

2. Quadrangle Northeast District: 70 feet for all uses. However, these heights are modified further as set forth below:

(a) For residential uses the height may be increased to 85 feet provided the building floorplate above 70 feet is limited to 10,000 square feet or less and those portions of buildings above 70 feet are separated by at least 50 feet.

(b) GFA transferred into this District pursuant to the TDR provisions of Section 21.40 or the additional GFA provided for in Section 20.95.11 above, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 6,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

3. Quadrangle Southwest District: 55 feet for non-residential uses; 65 feet for residential uses. However, buildings may be as high as 80 feet provided that only the additional residential GFA provided for in Section 20.95.11 above may be located in the part of the building between 65 feet and 80 feet. These heights are modified further as set forth below:

(a) For any portion of a building within 100 feet of a residential or Open Space zoning district (but not including the Fresh Pond Reservation Open Space District) the maximum height shall be 35 feet; for any portion of a building more than 100 feet from a residential or Open Space zoning district (but not including the Fresh Pond Reservation Open Space District) but within 200 feet of those districts the maximum height shall be 45 feet.

4. Quadrangle Southeast District: 70 feet for non-residential uses; 85 feet for residential uses. However, these heights are modified further as set forth below:

(a) GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 10,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

5. Shopping Center District: 55 feet for all uses. However, these heights are modified further as set forth below:

(a) For non-residential uses the height may be increased to 70 feet provided the building floorplate above 55 feet is limited to 15,000 square feet or less and those portions of buildings above 55 feet are separated by at least 50 feet; for residential uses the height may be increased to 85 feet provided the building floorplate above 55 feet is limited to 10,000 square feet or less and those portions of buildings above 55 feet are separated by at least 50 feet.

(b) GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 6,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

6. Triangle District: 85 feet for all uses. However, these heights are modified further as set forth below:

(a) For residential uses the height may be increased to 105 feet provided the building floorplate above 85 feet is limited to 10,000 square feet or less and those portions of buildings above 85 feet are separated by at least 50 feet.

(b) Residential GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings up to 125 feet in height provided the floorplate above 105 feet does not exceed 6,000 square feet and portions of buildings greater than 105 feet in height are separated by at least 50 feet.

20.95.21 Permitted Height Within the Parkway Overlay District, Section 20.60.

The provision for heights in Section 20.95.2 above shall be subject to the further height limitations of Sections 20.64.2 and 20.69.1 of the Parkway Overlay District.

20.95.3 Yard Requirements. Except as herein provided in this Section 20.95.3, all development within the Alewife Overlay Districts shall meet the minimum yard requirements of the applicable base zoning district; and in Southwest Quadrangle, Southeast Quadrangle, Shopping Center and Triangle Districts the front yard provisions of the Parkway Overlay District, Section 20.64.1, shall continue to apply.

20.95.31 Minimum Yard Requirements. The yard requirements of the applicable base zoning district shall apply except as modified below.

1. Minimum Front Yard. The minimum front yard requirement in the Quadrangle Northwest, Northeast, Southwest and Southeast Districts shall be fifteen (15) feet (except for portions of lots subject to the Parkway Overlay District, which shall be subject to the minimum front yard provisions of Section 20.60).

2. Any Yard Abutting a Residential or Open Space District. For that portion of a yard in the Quadrangle Northwest and Southwest Districts that abuts a lot in a Residence or Open Space district, that yard shall be a minimum of twenty-five (25) feet and shall be subject to the use restrictions set forth in Section 20.95.32, Paragraph 2 below.

20.95.32 Restrictions in Required or Provided Yards.

1. Required or Provided Front Yards. That area between the principal front wall plane of a building and a street, whether required or provided, shall consist entirely of Green Area or Permeable Open Space extending along the entire length of the lot. Areas devoted to vehicular use are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site, in conformance with the requirements of Article 6.000.

The Open Space shall be located at mean grade of the abutting street but nothing in this Section 20.95.32 shall prohibit customary landscaping features, elements and grading that may vary the grade of the required setback above that of the adjacent street provided the setback area remains essentially at grade.

Where a lot abuts more than two streets the provision of this Section shall apply to no more than two streets.

2. Other Yards. Required Yards in the Quadrangle Northwest and Quadrangle Southwest Districts, as set forth in Paragraph 2 of Section 20.95.31 above, shall consist entirely of Green Area or Permeable Open Space. Areas devoted to vehicular use are prohibited from this area.

20.95.33 Setbacks Applied to at-grade Open Parking Facilities. Notwithstanding the provisions of Section 20.95.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from the front lot line by at least ten feet. Such setback shall be Open Space as required in Section 20.95.32, Paragraph 1 above.

20.95.34 Waiver of Yard Requirements. The yard requirements of the applicable base or Overlay districts may be reduced or waived as set forth below.

1. Side and rear yard requirements of any applicable base zoning district may be waived, subject to the minimum requirements of Section 20.95.31 above, and front yards may be reduced to a minimum of fifteen (15) feet after the issuance of a special permit from the Planning Board (and in the Parkway Overlay District after making the findings required of the Planning Board in Section 20.63.7).

2. In the Shopping Center and Triangle Districts, the front yard requirements of the Parkway Overlay District, Section 20.64.1, and the front yard requirements of the applicable base district and this Section 20.95.3 may be waived entirely by

special permit from the Planning Board for any portion of a lot where the roadbed of the abutting Alewife Brook Parkway is at least six feet above the grade of the lot at the front property line.

3.The Planning Board shall consider the following in making its findings:

a. The objectives of the Concord-Alewife Plan continue to be met.
b. The stormwater management objectives for the area continue to be met both on the site and as the site may be a part of a larger system for managing stormwater runoff.
c. The reduction or waiver of yard requirements provides for more efficient development of land; encourages or facilitates a more logical pattern of buildings, streets, parks and open space; or enhances the urban, pedestrian character of the area as envisioned in the Concord-Alewife Plan.

20.95.4 Dwelling Unit Density. In any instance where the required Minimum Lot Area Per Dwelling Unit in any base district is greater than 600 square feet the Planning Board may issue a special permit to reduce the required Minimum Lot Area Per Dwelling Unit to 600 square feet.

In any instance where additional Gross Floor Area is permitted on a lot as provided for in Section 20.95.11, or Transfer of Development Rights, Section 21.40, the Planning Board may allow additional dwelling units on the lot at the rate of one dwelling unit for each 1,000 square feet of additional Gross floor Area.

20.96 *At Grade Open Space and Permeable Area Requirements.* Each lot shall be required to provide open space located at grade in the quantities set forth below. That open space may be any combination of Green Area, Permeable, Public, Publicly Beneficial, or Private open space as defined in Article 2.000.

In addition, each lot shall provide Permeable Area in quantities set forth below. Permeable Area shall be defined as that at-grade surface of a lot that is fully permeable to the infiltration of water to the soil below and whose subsurface permits the percolation of such surface water to the groundwater without interruption or diversion by any building, pavement, structure, or other manmade element with the exception of incidental utilities.

Nothing in these requirements shall prohibit the same portion of a lot from meeting both the Open Space and the Permeable Area requirements of this Section 20.96

20.96.1 Quantity. The minimum ratio of Open Space and Permeable Area to the total area of the lot shall be fifteen (15) percent for Open Space and twenty-five (25) percent for Permeable Area. The Permeable Area requirement may be reduced as of right with the certification to the Superintendent by the City Engineer that the lot and the development upon it meet the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph as outlined in the publication Proposed Concord – Alewife Area Stormwater Management Guidelines, May 2006, Cambridge Department of Public Works, and upon a finding by the Planning Board pursuant to its review of an

application under the provisions of Section 20.93.2, that such reduction advances the relevant purposes of this Section.

20.96 .2 Pooled Open Space and Permeable Area Requirement.

In order to provide the flexibility to advance the policy objectives of the Concord-Alewife Plan to create a system of parks and pathways throughout the Area, facilitate the storage and management of stormwater runoff, encourage the development of land management practices that facilitate and encourage the recharging of the area's groundwater, and allow multiple owners to cooperate in advancing these objectives to their benefit as well as to the benefit of the general public, the Planning Board may permit by special permit the pooling of Open Space and Permeable Area requirements for one lot on other adjacent or non-contiguous lots, subject to the following requirements:

1. There is no reduction in the total area of required Open Space or Permeable Area unless such reduction is permitted by the Planning Board under the provisions of Section 20.96.3 below.

2. The relocated Open Space or Permeable Area continues to serve, or better serve, the policy objectives of the Concord-Alewife Plan.

3. More useful and better located open space and water management facilities are created, which may, in turn, permit better designed and coordinated development on the affected lots.

20.96 .3 Reduction in Required Open Space. The Planning Board may allow by Special Permit the reduction of required Open Space, or permit such Open Space to be located other than at grade if the applicant can demonstrate that the urban design and stormwater management objectives as set forth in the Concord-Alewife Plan continue to be met, as for example through the use of innovative stormwater management techniques like green roofs.

20.97 *Parking and Loading Requirements.* Development in the Alewife Overlay Districts shall conform to the off street Parking and Loading Requirements set forth in Article 6.000 for the applicable base zoning district, except as modified below.

20.97.1 Setbacks Applied to At-grade Open Parking Facilities. Notwithstanding the provisions of Section 20.95.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from the front lot line by at least ten feet. Such setback shall be landscaped as required in Section 20.95.32, Paragraph 1 above.

20.97.2 Pooled Parking. In order to provide the flexibility to advance the policy objectives of the Concord-Alewife Plan through the creation of more pedestrian friendly development throughout the area, to permit greater permeable land surface to be established, to facilitate environments with greater landscaping and green area including parks and recreation areas, to more efficiently use the supply of parking available in a district where greater use of non-auto forms of transportation are encouraged and less land area devoted to parking use is desired, the Planning Board may, by special permit, allow accessory parking serving one or more lots to be located in whole or in part in pooled parking facilities, or a public parking facility, located anywhere within the Alewife Overlay Districts, notwithstanding the limitations set forth in Section 6.22.1. In granting such a special permit the Planning Board shall consider the following:

1. The facility advances the objective of the Concord-Alewife Plan.
2. A shared facility is established that aids in implementation of effective Transportation Demand Management measures to reduce dependence on the single occupancy automobile.
3. The facility is appropriately located to serve the development it serves.
4. The facility is well designed, does not diminish the pedestrian–friendly quality the area around it, and is otherwise consistent with the urban design objective of the Concord-Alewife Plan.

20.97.3 Waiver of Gross Floor Area Provisions for Parking Facilities – Section 5.25. Because of the unique factors related to flooding and groundwater management in Alewife, the importance of maintaining a high level of permeability, and the difficulty of constructing large areas of building below grade, the Planning Board may by special permit exempt the Gross Floor Area contained in any above ground structured parking facility from the FAR limitations established in this Section 20.90 and any applicable base zoning (such special permit shall supercede the provisions of Section 5.25.42 for any lot within the Alewife Overlay Districts). In granting such a special permit the Planning Board shall consider the following:

1. The facility advances the objective of the Concord-Alewife Plan.
2. A shared facility is established that aids in implementation of effective Transportation Demand Management measures to reduce dependence on the single occupancy automobile.
3. The facility is well designed, does not diminish the pedestrian –friendly quality the area around it, and is otherwise consistent with the urban design objective of the Concord-Alewife Plan
4. The additional bulk of building above grade is well designed and does not have an unreasonably negative impact on its abutters or the public realm.
5. The extent to which the construction of an above grade parking structure facilitates the creation of at grade soil permeability.

20.97.4 Schedule of Parking and Loading Requirements.

Any development seeking one or more special permits allowed in this Section 20.90 shall be subject to the minimum and maximum parking requirements and loading requirements set forth in Column 3 of Section 6.36 – Schedule of Parking and Loading Requirements.

20.98 *Transfer of Development Rights*. The transfer of permitted GFA from a Donating Lot to a Receiving Lot shall be permitted in the Alewife Overlay Districts 1-6, subject to the provisions of Section 21.40 and the dimensional and use provisions of the applicable base zoning districts, as modified by the provisions of Alewife Overlay Districts as set forth in the Section 20.90.

20.99 *Subdivision of Lots*. Where it is proposed to subdivide a lot (after approval by special permit has been granted by the Planning Board for development on that lot) in order to convey to the City of Cambridge an easement or fee interest in property for the purpose of creation of a city or private street, a pedestrian pathway, a pedestrian bridge, bicycle path, open space or park, (or otherwise provided by others as a condition of the issuance of the special permit), such subdivision shall be permitted, notwithstanding any definition of lot or street in this Ordinance or any limitation in applicable base or overlay districts with regard to minimum lot size, required yards or other dimensional, open space or other regulatory requirement or limitation. All dimensional requirements of the Zoning Ordinance and this Section 20.90 shall be

satisfied by the lot as a whole as defined in the application for a special permit and shall be waived with regard to any subsequent subdivided lots.

No development approved by special permit in this Section 20.90 shall be subsequently rendered non-conforming with regard to the dimensional requirements applicable to it as a result of a subdivision of land to create an approved public or private street, park or pedestrian, bicycle or other pathway.

20.910 *Special Provisions Related to Local Government Uses – Section 4.33 (f).* Notwithstanding any provisions of the applicable base district regulations or any provision of this Section 20.90, all uses set forth in Section 4.33 (f) shall be permitted as of right in Overlay Districts 1-4, subject to the following as-of-right dimensional and other requirements.

20.910.1 Maximum Floor Area Ratio. The maximum FAR shall be as permitted in Section 20.95.1 for residential uses.

20.910.2 Maximum Height. The maximum height shall be as permitted in Section 20.95.2 for residential uses, subject to the limitations imposed in the Parkway Overlay District (Section 20.60).

20.910.3 Yard Requirements. The following yard requirements only shall apply.

1. Front Yard. A fifteen foot front yard shall be required.

2. Side and Rear Yards. A ten foot side and rear yard shall be required.

3. Any Yards Abutting a Residential or Open Space District. Any yard abutting a residential or open space district shall be twenty-five feet and shall consist entirely of Green Area or Permeable Open Space.

20.910.4 Required Open Space. The minimum ratio of Open Space to the total area of the lot shall be fifteen (15) percent and shall consist of any combination of Green Area, Permeable, Public, Publicly beneficial or Private open space. The Open Space shall be located at grade.

20.910.5 Permeable Area Requirement. There shall be no Permeable Area requirement provided the City Engineer certifies to the Superintendent of Buildings that the development meets the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph.

20.910.6 The provisions of Section 19.20 and 19.50 shall not apply to these uses.

20.910.6 Other Requirements. All other requirements and procedures of this Section 20.90 and the applicable base zoning district shall continue to apply.

20.920 *Special Provisions Related to Lots of 5,000 Square Feet or Less*. Notwithstanding any provision of the applicable base district regulations or any provision of this Section 20.90, for lots of 5,000 square feet or less in existence as of January 1, 2005 and held in separate ownership from any abutting lot, the following dimensional standards shall apply as of right.

20.920.1 Maximum Floor Area Ratio. The maximum FAR shall be as permitted in Section 20.95.1.

20.920.2 Maximum Height. The maximum height shall be as permitted in Section 20.95.2, subject to the limitations imposed in the Parkway Overlay District (Section 20.60).

20.920.3 Yard Requirements. The following yard requirements only shall apply.

1. Front Yard. A fifteen foot front yard shall be required.

2. Side and Rear Yards. A ten foot side and rear yard shall be required.

3. Any Yards Abutting a Residential or Open Space District. Any yard abutting a residential or open space district shall be twenty-five feet and shall consist entirely of Green Area or Permeable Open Space.

20.920.4 Required Open Space. The minimum ratio of Open Space to the total area of the lot shall be fifteen (15) percent and shall consist of any combination of Green Area, Permeable, Public, Publicly beneficial or Private open space. The Open Space shall be located at grade.

20.920.5 Permeable Area Requirement. There shall be no Permeable Area requirement provided the City Engineer certifies to the Superintendent of Buildings that the development meets the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph to the maximum extent possible.

20.920.6 Other Requirements. All other requirements and procedures of this Section 20.90 and the applicable base zoning district shall continue to apply.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.101 *Establishment and Scope*. There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.

20.102 *Purpose*. It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.

20.103 *Applicability*. The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.103.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the

requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.

20.103.2 *North Massachusetts Avenue Subdistrict.* Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the west, the regulations set forth in Sections 20.103 to 20.109 shall apply except as modified by the regulations set forth further below in Section 20.110.

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

a. The maximum width of the projection does not exceed six (6) feet in length;

b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1 . Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

a. The lot contains a contiguous area that is within the adjoining residential district.
b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.
c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

a. All of the resulting Gross Floor Area will be located on the Business C portion of the lot.

b. All parking required by this ordinance will be located in a below-grade parking facility.

c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15, 000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.

e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

20.105 *Restrictions in Required and/or Provided Setbacks*. That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions*. The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;

2. The use shall have a depth of at least twenty (20) feet;

3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.

4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

20.106. 1 Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22,, for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.

2. The parking is located in a below-grade parking structure.

3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;

2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;

3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

20.108 Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the

objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.109 *Nonconforming structures*. Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;

2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.110 *Standards Applicable in the North Massachusetts Avenue Subdistrict.* Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the west, the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. The area described above shall be referred to as the North Massachusetts Avenue Subdistrict.

20.110.1 *Purpose and Intent.* The purpose of the Massachusetts Avenue Overlay District shall apply equally within the North Massachusetts Avenue Subdistrict. The intent of the North Massachusetts Avenue Subdistrict is to encourage the retention and expansion of pedestrian-friendly ground floor retail and other active non-residential uses on the ground floors of buildings along the Avenue. Additionally, as sites are redeveloped in the future, new buildings and streetscapes should have a scale, urban design, and mix of uses that strengthens the urban character of the Avenue as the principal commercial corridor serving the North Cambridge neighborhood while also respecting the historic characteristics of the Avenue.

20.110.2 *Use Regulations.* In addition to the requirements set forth in Section 20.106, the following regulations shall apply.

20.110.21 *Required Ground Floor Non-Residential Uses*. The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. *Range of Qualifying Uses.* The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:

    a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));

    b. Section 4.35 a (retail sales), c (barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self service laundry or other similar establishment), d (hand laundry, dry cleaning or tailoring shop), e (lunchroom, restaurant, cafeteria), f (restaurant or bar), g (entertainment), h (theater or hall for public gatherings), i (commercial recreation), k (printing shop, photographer's studio), l (veterinary establishment, kennel, pet shop or similar establishment), o (fast order food establishment), q (art/craft studio), r (bakery, retail);

    c. Section 4.36 a (sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden);

    d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).

2. *Minimum Depth.* The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).

3. *Floor Elevation.* The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.

4. *Minimum Linear Frontage.* The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.

5. *Individual Store Size.* Any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which shall include any floor area located below grade.

6. *Minimum Ground Floor Height.* For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.

7. *Maximum Bank Frontage*. No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

20.110.22 *Modifications to Standards.* As set forth below, the Planning Board may grant a special permit to waive certain requirements of Subsection 20.110.21 above. A project receiving a special permit pursuant to this Subsection 20.110.22 shall be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

1. Modifications to the Dimensional Provisions of Subsection 20.110.21

   The Planning Board may approve modifications to the dimensional requirements set forth in Subsection 20.110.21 Paragraphs (2-7) upon making a determination that (a) the proposed modified dimensions do not substantially derogate from the intent of the requirement to provide for a reasonably continuous active ground floor frontage along the public street and (b) the overall floor area of required active non-residential ground floor uses is not substantially reduced and (c) the modifications are the minimum necessary to reasonably accommodate the new construction on the lot.

2. Additional Non-Residential Uses Not Otherwise Permitted in Subsection 20.110.21

   The Planning Board may approve active non-residential ground floor uses not specifically listed in Subsection 20.110.21 Paragraph (1), to the extent permitted in the base zoning district, upon making a determination that an alternate ground floor use will provide services or amenities to the general public and will promote an active, pedestrian-friendly street front consistent with the objectives of this Overlay District and Subdistrict.

20.110.23 In general, it shall not be allowed to construct a new building directly fronting Massachusetts Avenue that cannot meet either the requirements of Section 20.110.21

or the standards by which modifications to that section are permitted by special permit as set forth in Section 20.110.22.

However, the Planning Board may grant a special permit to waive the requirements of Section 20.110.21 to allow the construction of a building substantially or completely devoted to residential or dormitory uses provided the Board determines that all of the following conditions and requirements are met:

(a) the existing site does not currently contain active non-residential uses as listed in Subsection 20.110.21 Paragraph (1), and has not contained such uses within the past five (5) years prior to applying for a special permit;

(b) the provision of active non-residential ground floor uses would be detrimental to abutting properties or to the neighborhood character; and

(c) active non-residential ground floor uses would not be commercially viable at that specific location.

A project that has been exempted from the requirements of Subsection 20.110.21 by special permit as set forth in this Subsection 20.110.23 or by variance shall not be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

20.110.3 *Dimensional Regulations*

20.110.31 *FAR.* Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the North Massachusetts Avenue Subdistrict, provided that such lot has direct frontage onto Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the North Massachusetts Avenue Subdistrict, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

1. *Mixed Use Lots.* The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph 4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.

2. *Other Lots.* The maximum allowed FAR shall be 1.0 for any lot that does not meet the definition of a Mixed Use Lot as set forth in Paragraph (1) above. This shall include any lot that is predominantly non-residential in use or any lot that is predominantly residential or dormitory in use but does not meet the requirements of Subsection 20.110.21, and shall specifically include any lot for which a waiver has been granted as set forth in Subsection 20.110.23.

20.110.32 *Basement Gross Floor Area Exemption.* Notwithstanding any provision of the applicable base zoning district, in the North Massachusetts Avenue Subdistrict the Gross Floor Area of any basement space directly accessed through and serving a

ground floor establishment of any mixed use building facing Massachusetts Avenue shall be exempt from the calculation of FAR on a Mixed Use Lot as set forth in Section 20.110.31 above.

20.110.33 *Floor Area Waiver for Enclosed Bays and Projections.* The following provisions shall apply in place of the provisions set forth in Subsection 20.104.2. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 – Definitions, the floor area contained within enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.
2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.
3. The total floor area of each exempted bay or projection may not exceed thirty-two (32) square feet on any single story of the building. Such limitation is intended to encourage angled or curved bays, although rectilinear bays meeting the above requirements shall also be allowed.

20.110.34 *Maximum Height.* The maximum height of any structure shall be the height applicable in the base district. However, notwithstanding the base district regulations and notwithstanding the general applicability standards set forth in 20.103.1, the maximum height within the North Massachusetts Avenue Subdistrict shall be fifty (50) feet for any mixed use building with direct frontage onto Massachusetts Avenue and located on a Mixed Use Lot as set forth in Section 20.110.31 above. Additionally, the portion of such a mixed use building that faces Massachusetts Avenue shall be exempt from the bulk control plane requirements of Footnote 5.33(k) in the Table of Dimensional Requirements; however, the provisions of Footnote 5.33(k) shall nonetheless apply to rear portions of a building within 50 feet of a residential zoning district line.

20.110.35 *Restrictions in Required and/or Provided Setbacks*. The requirements set forth in Section 20.105 shall apply. However, where a building fronts on more than two streets, the provisions of Section 20.105 shall apply on only two streets. In any case, where a building fronts Massachusetts Avenue, the provisions of Section 20.105 shall apply to the Massachusetts Avenue frontage.

20.110.4 *Design Standards.* Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.

20.110.41 *Building Facades.* The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at

least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.

20.110.42 *Measurement of Building Facades.* For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.

20.110.5 *Parking Exemption for Seasonal Outdoor Seating.* Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.

20.110.6 *Existing and Historic Structures*

20.111.61 The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.

20.110.62 Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection 20.110.31, the Planning Board may grant a special permit to increase the allowed FAR on the portion of the lot within the North Massachusetts Avenue Subdistrict, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure's architecture and setting, (c) introduce uses that are respectful of the structure's historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the North Massachusetts Avenue Subdistrict.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.61: 1991, 1996-2006, 2014-2018, 2020-2024,

2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203, 2210, 2211, 2218, 2222-2224 , 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585,

20.110.63 *Nonconforming Structures.* The provisions of Section 20.109 shall not apply in the North Massachusetts Avenue Subdistrict. Except as otherwise set forth in this Section 20.110, nonconforming structures shall be governed by the regulations set forth in Article 8.000 of the Zoning Ordinance.

20.111 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern*. Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand (2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

20.200 PROSPECT STREET OVERLAY DISTRICT

20.201 Establishment and Scope. There is hereby established the Prospect Street Overlay District which shall be governed by the regulations and procedures specified in this Section 20.200. It is the intent of this section that these regulations will apply to a single area described generally as Prospect Street and certain abutting portions of the neighborhood around it.

20.202 *Purpose*. It is the purpose of this Section 20.200 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the area along Prospect Street and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the street, to ensure that future development and redevelopment is compatible with the character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and of uses which serve the abutting neighborhoods.

20.203 *Applicability*. The Prospect Street Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.203.1 The buildings and land uses within said district shall be controlled by the pertinent regulations of the base zoning district, except as they may be modified by the requirements of this Section 20.200 which shall apply in addition to regulations imposed by the base zoning districts.

20.204 *Dimensional Standards in the Prospect Street Overlay District.*

20.204.1 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are forty-two (42) inches or less in depth and further provided that the following conditions are met:

    a. The maximum width of the projection does not exceed six (6) feet in length;

b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

2. Temporary awnings over entrances, porches, or outdoor eating areas, permanent canopies over building entrances.

20.204.2 Minimum Green Area Open Space in the Prospect Street Overlay District. If such Open Space is not required under the applicable base zoning district for some or all permitted uses, a minimum of 15% Green Area Open Space shall be required. This Green Area Open Space may serve to help meet the requirement for Private Open Space in any applicable base zoning district provided all dimensional standards for Private Open Space are met. Notwithstanding the definition of Green Area Open Space in Article 2.000, Definitions, a paved expansion of three (3) feet wide or less of the adjacent public sidewalk devoted exclusively to pedestrian use, as permitted in Section 20.204.32, may serve to help meet this Green Area Open Space requirement.

20.204.3 Yard Requirements

20.204.31 Minimum Yard Requirements in the Prospect Street Overlay District. If no front yard is required under the applicable base zoning district, the minimum required front yard for that portion of a lot fronting Prospect Street or another street in a business district shall be three (3) feet.

20.204.32 Restrictions in Required and/or Provided Yards. The area between the principal wall plane of a building and a public street, whether required or provided, shall be devoted to any combination of the following: Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or a landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street.

Areas devoted to vehicular use, including canopies over fuel pumps at Automobile Service Stations, are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site. Such drives shall be limited per lot to a maximum of one two-way access drive (and associated curb cut) or two one-way access drives (and associated curb cuts) per lot shall be permitted. Any access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and ten (10) feet in width for a one-way drive.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of abutting public streets at the property line, unless an exception is granted under the provisions of Section 20.208 below. Nothing in this Section 20.200 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park, provided the setback remains essentially at grade.

20.204.33 Notwithstanding the provisions of Sections 20.204.31 and 20.204.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from

front lot line by at least seven (7) feet. Such setback shall be landscaped as required in Section 20.204.32 above.

20.205 *Use Restrictions*

20.205.1 The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following active uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding as a permitted use or activity mechanical rooms, Gross Floor Area in structured parking, and canopies over fuel pumps at Automobile Service Stations. Additionally, such active uses on the ground floor shall meet the following conditions:

a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade; and

b. The use shall have a depth of at least twenty (20) feet.

20.205.2 Where service and repair of cars is permitted in the base district, repair work shall be conducted within a building and parking of vehicles awaiting repair shall be screened from the sidewalk and from neighboring residential development by a fence or vegetation.

20.206 Design Standards

20.206.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply to any building constructed after December 1, 2006; a building constructed before December 1, 2006, which in whole or in part meets the requirements of this Section 20.206.1, shall not be altered so as to increase the degree of non-conformity with this Section.

a. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street; and

b. Facades facing a public right of way, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

c. Where the façade of the ground floor is required to have a minimum of 50% clear glass, that glass shall be distributed on the façade such that at least seventy-five percent of the requirement is located below the midpoint between the finished floor and the underside of the joists above.

d. For the purposes of this Section 20.206.1, the area of the façade of any given floor shall be measured vertically from the finished interior floor to the underside of the structural joist of the floor above.

20.206.2 Landscape. Front yards of buildings shall be landscaped to enhance the pedestrian experience along Prospect Street. To the extent practicable, shade trees should be incorporated along the sidewalk. The following standard shall apply:

For any new development or redevelopment on a lot, an existing or new tree shall be required, on the lot within ten (10) feet of the public sidewalk or in the public sidewalk, for each twenty-five (25) feet of lot frontage along Prospect Street.

20.207 Divergence from Standards

Divergence from the standards specified in Sections 20.204 - 20.206 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.200 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by Prospect Street Design Guidelines and other such guidelines as may be established for the Prospect Street Overlay District. This Section 20.207 is intended for variations from the standards, which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.208 Area of Special Planning Concern

The Prospect Street Overlay District shall be considered an area of special planning concern. Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Prospect Street Overlay District the Large Project Review Procedure shall apply to any development proposal containing Gross Floor Area of two thousand (2,000) square feet or more but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

For parcels that fall within both the Prospect Street Overlay District and the Central Square Overlay District, this Large Project Review Consultation shall be conducted by the Central Square Advisory Committee.

Before issuance of any special permit for development proposed within the Prospect Street Overlay District that is subject to the Large Project Review Procedure or any special permit required in this Section 20.200, Section 11.10 - Townhouse Development, Section 4.26 – Multifamily Special Permit, and Section 19.20 - Project Review, the Planning Board shall determine that the proposal is consist with the Prospect Street Design Guidelines.

20.209 *Prospect Street Design Guidelines*

New buildings and redevelopment of old buildings should contribute to improving the character of Prospect Street. While it is recognized that not every project will meet every guideline, it is expected that new development in the Prospect Street Overlay District should be broadly consistent with the following principles:

1. Street-level facades should include active uses such as residential units and entrances, shops, restaurant, cafes, exhibition space or display windows, or commercial lobbies and front doors.
2. Blank walls should be avoided along the street. Transparent materials and interior lighting should be used to maximize visibility of street level uses.
3. Principal building entrances should be located facing Prospect Street, where appropriate.
4. Buildings should create a consistent street edge, with setbacks used generally for stoops, porches, and front gardens in residential development or for café seating, benches, or small open spaces in commercial development.
5. Awnings and canopies are encouraged to provide shelter and to enliven the ground floor facade.
6. Where appropriate, buildings should be designed with individual units and front doors facing the street, including units on the lower levels of multi-family buildings.
7. Buildings should reflect a rhythm and variation appropriate to the urban context. Facades should be articulated as several smaller masses using different materials or colors, vertical breaks, bays, porches, stoops, and other architectural elements.
8. Variations in height and architectural elements such as parapets, cornices and other details are encouraged to create interesting and varied rooflines and to clearly express the tops of buildings.
9. Where possible, windows should be located facing the street to increase safety.
10. Loading activities should be located on side streets or service alleys, where possible.
11. Buildings should be designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building.
12. Rooftop mechanical equipment should be sited and shielded to limit visual and noise impacts.
13. Storage of trash should be sited and shielded to contain noise and visual clutter.
14. Lighting fixtures in surface parking lots should be designed to minimizing light spillover onto adjacent properties.

20.300 CENTRAL SQUARE OVERLAY DISTRICT

20.301 *Establishment and Scope*. There is hereby established the Central Square Overlay District which shall be governed by the regulations and procedures specified in this Section 20.300. It is the intent of this section that these regulations will apply to a single area described generally as the Central Square business district and certain abutting portions of the neighborhoods around it.

20.302 *General Purpose*. It is the purpose of this Section 20.300 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Central Square. The regulations in said section provide for more careful public scrutiny of development proposals that may alter the established urban form of the Central Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Central Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.300.

20.303 *General Provisions.*

20.303.1 The Central Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedures specified in Article 19.000 except that any Large Project Review (new buildings of two thousand (2,000) square feet or more shall be conducted by the Central Square Advisory Committee using procedures as specified in Subsection 20.304.1 of this Section 20.300.

20.303.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Central Square Advisory Committee shall be guided by the objectives and criteria contained in the publication *"Central Square Action Plan",* City of Cambridge, November 1987, and *"Central Square Development Guidelines"*, July 1989, in addition to the requirements of Section 10.30 - Variances, 10.40 - Special Permits, and Subsection 20.305 of this Section 20.300. These guidelines are also intended to assist in shaping any contemplated physical change within the Central Square Overlay District.

20.303.3 National Register and Contributing Buildings.

For the purpose of this Section 20.300 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.

2. A contributing building shall be

a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or

b. A building located outside a National Register District but identified as a contributing building in the *Central Square Development Guidelines.*

However, a building shall no longer be considered a contributing building as defined in this Subsection 20.303 (2) for the purpose of this Section 20.300 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.304 *Detailed Provisions.*

20.304.1 Central Square Advisory Committee. There shall be established a Central Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. Purpose. It is the intent of this Subsection 20.304.1 that the Committee in its official actions fulfils the following purposes.

a. To establish a formal, ongoing body that will review all major development actions in the Central Square Overlay District.

b. To provide a forum within which a wide range of perspectives on development actions can be heard.

c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Central Square Overlay District.

2. *Responsibilities*. The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Central Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interest may wish to receive advice and recommendations.

3. *Procedures*.

a. Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the Central Square Overlay District, the graphic and other material required in Section 19.43 - Large Project Review Procedure shall be submitted to the Central Square Advisory Committee for their review and comment.

b. Within thirty (30) days of that submittal, (or within up to sixty (60) days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.

c.The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might help to shape the project to better serve these objectives.

d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

Where the Committee makes recommendations with respect to the granting of special permits and/or variances, the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)' decisions were different from the Committee recommendations.

f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

a. *Membership*. Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay District.

(1). One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.

(2). Four (4) members representing the business community in Central Square with diverse representation from property owners, small and large scale merchants and office tenants.

(3).Four (4) members representing residents of the four (4) abutting Cambridge neighborhoods.

b. *Terms*. Committee members shall be appointed for terms of three (3) years each. Initial appointments shall, however, be staggered such that three (3) members shall have terms of two (2) years, and three (3) members shall have terms of three (3) years each.

20.304.2 Building Height Limitations. The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations*. The maximum height of any building shall be fifty-five (55) feet except as further limited below:

(a) Where the lot abuts Bishop Allen Drive or Prospect Street between Bishop Allen Drive and Harvard Street, any portion of the building above forty-five (45) feet shall be set back behind a forty-five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above the front lot lines on Bishop Allen Drive and/or Prospect Street and rising over one or more lots at a forty-five degree (45°) angle.

(b) Where the Residence C-2A district serves as the base district, the maximum height shall be forty-five feet. No additional height shall be

permitted in this district notwithstanding any provision in Paragraph 2 below.

2. *Special Permit for Additional Height*. Additional height may be permitted as follows:

(a) The maximum allowable height in the Central Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

(b) Where the lot abuts Bishop Allen Drive, or Prospect Street where the lot lies in a Business A District, and where the lot lies within a Business A District, any portion of the building above forty-five (45) feet shall be set back behind a forty- five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above (1) the front lot lines on Bishop Allen Drive and/or Prospect Street and (2) any residential zoning district line abutting the Business A District, and rising over one or more lots at a forty-five degree (45°) angle.

3. The bulk control plane restrictions of Paragraphs 1 and 2 above may be waived by the Planning Board upon issuance of a Special Permit.

20.304.3 Floor Area Ratio Limitation. The maximum floor area ratio applicable to any lot in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.3; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive shall apply.

1. *As Of Right Limitation*.

The maximum as of right FAR shall be 3.0 in the Office 3 base zoning district for Residential Uses, Section 4.31 a-h, and 2.0 for all other uses; 3.0 for all uses in the Business B base zoning district; and 2.0 in the Residence C-3 and Residence C-2A base zoning districts.

2. *Special Permit for additional FAR*.

The maximum FAR on any lot in a Residence C-3 or Residence C-2A district may be increased to 3.0 and 2.5 respectively upon issuance of a special permit from the Planning Board.

3. *Special Permit for Additional FAR for Affordable Housing.*

The maximum FAR on any lot in an Office 3 District may be increased to 3.75 upon issuance of a special permit from the Planning Board provided a minimum of twenty (20) percent of the total gross floor area authorized is devoted to affordable housing as defined in Section 11.201. The affordable housing shall conform to the standards of Section 11.204 except that lodging housing or single room occupancy facilities shall be specifically permitted. The additional FAR bonus

permitted in Section 11.203.2, however, shall not apply to developments employing this Section 20.304.3c

20.304.4 Waiver of Setback Requirements. Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts a lot, but not a public way, outside the Overlay District.

20.304.5 *Use Limitations and Restrictions*. In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

1. *Ground Floor Restrictions*.

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail, Business and Consumer Service Establishments (Section 4.35)], but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:

a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.

b. The use shall have a minimum depth of twenty (20) feet.

c. Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.

2. *Prohibited Uses*.

The following uses shall be prohibited in the Central Square Overlay District: (1) Open Air or Drive-In Retail Services, Sections 4.36 b, f, g, h, i,.

3. *Restricted Uses*.

a. Fast Order Food Establishments (Section 4.35 o) shall be limited to fourteen (14) in the Central Square Overlay District; Section 11.33, shall not apply. No special permit or occupancy permit shall be issued which will permit the number of such establishments in the Central Square Overlay District to exceed fourteen (14).

b. Bar or establishment where alcoholic beverages are consumed and where dancing and entertainment is provided, dance hall or similar place of entertainment; Section 4.35 g shall be permitted only if the principal public entrance or entrances are directly from Massachusetts Avenue, Prospect

Street between Massachusetts Avenue and Bishop Allen Drive or Main Street.

4. *Uses permitted by Special Permit*. In addition to those uses currently allowed only by special permit in Section 4.30 - Table of Use Regulations, the following uses shall also require a special permit from the Board of Zoning Appeal: Retail bakery where it is proposed to sell beverages, sandwiches, or similar fast order food as an accessory use provided, however, that the bakery use shall have been in full operation for a minimum of six (6) months prior to the application for a special permit.

5. Retail sale of merchandise (Section 4.35 a (2) [but specifically excluding the sale of any food, liquor or tobacco], Arts and Crafts Studio (Section 4.35 g) and Office Uses (Sections 4.34 a, b, c, and d) shall be permitted in the base Residence C-2A district provided the following conditions are met:

a. The uses are contained in a residential unit and do not occupy more than fifty (50) percent of the premises;

b. No modifications to the exterior of the building or unit are made;

c. Signs shall conform to the limitations of Article 7.000;

d. Retail sale of goods related to the permitted accessory uses may be permitted;

e. The accessory use meets the following requirements:

(1) The residential appearance and character of the district is not altered;

(2) Pedestrian and vehicular traffic is not significantly increased over that which would be generated by the normally permitted accessory uses;

(3) No significant modification to the exterior of the building or units is required;

(4) Signs conform to the limitations of Article 7.000.

20.304.6 Wavier of Parking and Loading Requirements. Uses in the Central Square Overlay District which meet the following requirements shall be exempted from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

1. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

2. The use is contained in a new structure or new addition to a structure identified in (1) above, after the issuance of a special permit by the Planning Board provided:

a. The standards set forth in Section 6.35 of this Zoning Ordinance are met; and

b. The standards set forth in Section 20.305 are met.

c. The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the

objectives and criteria contained in the *"Central Square Development Guidelines".*

20.305 *Standards for Issuance of Special Permits*. In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

1. The proposed development is consistent with the goals and objectives of the Central Square Action Plan:

- encourage responsible and orderly development;
- strengthen the retail base to more completely serve the needs of the neighborhoods;
- preserve the Square's cultural diversity;
- create active people oriented spaces;
- improve the physical, and visual environment;
- provide retail establishments that serve people of diverse economic and social groups who live in the surrounding neighborhoods;
- encourage the development of new mixed income housing; and
- promote compatible retail adjacent to residential uses.

2. The building and site designs are consistent with "Urban Design Plan for Central Square" as outlined in the *"Central Square Action Plan"* and the "*Central Square Development Guidelines"*;

3. The building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity;

4. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

5. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

20.306 *Signs*

20.306.1 Signs shall be permitted as they are allowed in the base zoning districts.

20.306.2 Nonconforming Signs. Notwithstanding the provisions in Article 7.000, Section 7.15 relating to nonconforming signs, any sign nonconforming as to size and having been erected for at least ten (10) years shall be removed where the space to which the sign is accessory is vacant.

20.307 Mass and Main Residential Mixed Income Subdistrict

20.307.1 Establishment and Scope.

There is hereby established within the Central Square Overlay District (and including the rear portions of certain split lots that are partially located with the Central Square Overlay District), the Mass and Main Residential Mixed Income Subdistrict which shall be governed by the regulations and procedures specified in this Section 20.307. These regulations are intended to provide incentives for residential development and provide a transition between the character, uses and scale of Kendall Square, as well as the adjacent Cambridgeport Revitalization Development District, and provide a transition to the abutting residential districts behind Bishop Allen Drive. The subdistrict is within the City's Central Square (C2) Study area and adoption of this Section 20.307 follows extensive planning efforts to encourage residential and ground-floor retail uses and transit-oriented development. The Central Square Study expands on past zoning changes in industrial and commercial zones to encourage housing by offering greater density to incentivize the creation of buffer zones for existing residential neighborhoods adjacent to Central Square. The Mass and Main Residential Mixed Income Subdistrict will also enable the City to respond to the 2014 Central Square Customer Survey by supporting vibrant ground-floor retail and active retail uses at this key intersection in Central Square, adjacent to mass transit. It is the intent of this Section that these regulations will apply to a single area located at the intersection of Main Street and Massachusetts Avenue and bounded and described in Section 20.307.2 below. The Mass and Main Residential Mixed Income Subdistrict will further the objectives of the Central Square Study findings and other planning studies completed by the City for the Central Square area by encouraging housing and requiring both low- and moderate-income affordable housing in amounts above those required by the City's inclusionary housing requirements in Section 11.200.

20.307.2 Boundaries of the District.

The Mass and Main Residential Mixed Income Subdistrict shall be bounded as shown on Map 20.307 and shall include two zones: the Mass Ave Residential Zone and the Bishop Allen Drive Residential Support Zone. The Mass and Main Residential Mixed Income Subdistrict includes lots located within the Business B and Business A base zoning districts, with portions of some lots located within the Residence C-1 district (and not included in the Central Square Overlay District) included in this subdistrict for purposes of clarity with respect to the treatment of these split lots.

The Mass Ave Residential Zone consists of the Mass Ave Height Area and the Columbia/Douglass Street Height Area and affects lots or portions of lots as shown on:

<u>Mass Ave Height Area</u>
Assessors Plat #4772 and Map 91, Lot 190,
Assessors Plat #4776 and Map 91, Lot 195 (the portion of such lot containing Coolidge Place),
Assessors Plat #4759 and Map 91, Lot 111,
Assessors Plat #4752 and Map 91, Lot 102 (portion),
Assessors Plat #4777 and Map 91, Lot 199 (portion), and
Assessors Plat #4715 and Map 91, Lot 53.

Columbia/Douglass Street Height Area
Assessors Plat #4773 and Map 91, Lot 191,
Assessors Plat #4714 and Map 91, Lot 52,
Assessors Plat #4777 and Map 91, Lot 199 (portion),
Assessors Plat #4758 and Map 91, Lot 108,
Assessors Plat #4767 and Map 91, Lot 180,
Assessors Plat #4768 and Map 91, Lot 181,
Assessors Plat #4775 and Map 91, Lot 194,
Assessors Plat #4752 and Map 91, Lot 102 (portion), and
Assessors Plat #4774 and Map 91, Lot 192.

The Bishop Allen Drive Residential Support Zone affects lots or portions of lots as shown on:

Assessors Plat #4750 and Map, 91, Lot 98,
Assessors Plat #4751 and Map 91, Lot 99,
Assessors Plat #4732 and Map 91, Lot 81,
Assessors Plat #4763 and Map 91, Lot 119, and
Assessors Plat #4710 and Map 91, Lot 23.

20.307.3 Applicability.

Except as otherwise noted herein, the provisions of this Section 20.307 shall apply to both zones within the subdistrict.

For developers electing to conform to the provisions of this Section 20.307, any such project shall be referred to herein as a “Residential Mixed Income Project” and, notwithstanding any other provisions of the Ordinance, the use, dimensional, open space, parking, loading and inclusionary housing requirements applicable to a Residential Mixed Income Project shall be as set forth in this Section 20.307. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specifically allowed pursuant to applicable special permit provisions set forth elsewhere in the Ordinance, including the provisions of Section 10.40. Further, the Planning Board may grant any applicable special permit for a Residential Mixed Income Project that would ordinarily be granted by the Board of Zoning Appeal. The Board may grant such a special permit upon its determination that the development proposed will better serve the objectives of this Section 20.307 and that the criteria specified in Section 10.43 specific and all other criteria applicable to the special permit will be satisfied. A Residential Mixed Income Project may contain more than one building constructed as part of a common scheme of development or phased development program.

20.307.4 Review Process.

Projects in the Mass and Main Residential Mixed Income Subdistrict shall be subject to the development review procedures set forth in Article 19.000 and Section 20.304.1.

20.307.5 Use Regulations.

Use regulations of the applicable base zoning designation shall apply to each lot within the Mass and Main Residential Mixed Income Subdistrict, except that Carsharing Spaces provided pursuant to Section 20.307.7 below shall be deemed to be a permitted use. Notwithstanding anything to the contrary contained in the Ordinance, in addition to the uses permitted in the applicable base district, lots within the Mass and Main Residential Mixed Income Subdistrict may be used as accessory parking for any other lot within the subdistrict, subject to the requirements set forth in Section 20.307.7 below.

20.307.6 Dimensional Standards.

20.307.6.1 Floor Area Ratio. The maximum floor area ratio permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except that the maximum floor area ratio applicable to Residential Mixed Income Projects within the Mass Ave Residential Zone shall be 6.5, provided that no increases in development otherwise permitted under this Zoning Ordinance shall cause the FAR on a lot to exceed 6.5, and further subject to compliance with the affordability and unit mix requirements set forth in Section 20.307.8 below. Additionally, notwithstanding anything to the contrary contained in this Zoning Ordinance, the floor area ratio applicable to residential uses shall apply to and include any retail space included within a Residential Mixed Income Project, subject to the exemption for retail spaces less than 1,500 square feet set forth in Section 20.307.9.6 below, such that the provisions of Section 5.30.12 shall not be applicable to Residential Mixed Income Projects within the Mass and Main Residential Mixed Income Subdistrict (i.e. the same floor area ratio will apply to both residential and retail space within a Residential Mixed Income Project).

20.307.6.2 Maximum Height. The maximum height permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except as follows:

a. Within the area shown as the “Mass Ave Height Area” on Map 20.307, building heights up to 195 feet shall be permitted for a Residential Mixed Income Project, provided that only one building within such zone may exceed 80 feet and provided further that buildings in a Residential Mixed Income Project will be restricted to a floor plate size of 10,000 square feet above 80 feet in height.

b. Within the area shown as the “Columbia/Douglass Street Height Area” on Map 20.307, building heights up to 70 feet shall be permitted for a Residential Mixed Income Project.

20.307.6.3 Minimum Yards. Minimum yard requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district; however, notwithstanding any other provisions in the Ordinance, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), the minimum yard requirements for non-residential uses in the Business B zoning district shall apply to all Residential Mixed Income Projects within the Business B district.

20.307.6.4 Private Open Space. Open space requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), except that the applicable Private Open Space requirement under Article 5.000 may be satisfied with any combination of Private Open Space and pedestrian amenities open to the public such as a pedestrian plaza or arcade.

20.307.7 Required Parking.

Required parking and loading in the Mass and Main Residential Mixed Income Subdistrict shall be as required in the applicable base zoning district, except as follows:

a. The minimum required parking for Residential Mixed Income Projects shall be 0.5 parking spaces per residential unit and shall be further subject to waiver/reduction in accordance with the provisions of Section 20.304.6 and Article 6.000. The maximum permitted parking for Residential Mixed Income Projects shall be 0.75 parking spaces per residential unit.

b. No separate off-street parking shall be required for ground-floor retail uses in a Residential Mixed Income Project.

c. Accessory off-street parking facilities for a Residential Mixed Income Project may be located on the same lot as the use being served or on another lot within the Central Square Overlay District, in accordance with the following conditions:

    1. said other lot is contiguous to the lot on which the use being served is located; or

    2. said other lot is within four hundred (400) feet of the lot on which the use being served is located.

d. A Residential Mixed Income Project shall provide, at a minimum, one (1) parking space for every 100 residential units that shall be dedicated for use by a carsharing organization (such as ZipCar or other similar program) (each such parking space will be referred to herein as a “Carsharing Space”). Each Carsharing Space within a Residential Mixed Income Project shall allow the required number of residential parking spaces to be reduced by five (5) spaces, but in no event may there be a total reduction of more than 0.17 spaces per dwelling unit resulting from the application of this Paragraph (d).

e. Loading bays, drives, and a maneuvering space for a Residential Mixed Income Project may be located entirely on the lot or adjacent easement areas with immediate and direct ingress to the building intended to be served.

f. Any tandem parking spaces for two vehicles shall count as two parking spaces within the Mass and Main Residential Mixed Income Subdistrict if such spaces are accessory to a Residential Mixed Income Project, provided that such tandem

parking spaces may not account for more than twenty-five percent (25%) of the required parking.

g. For purposes of Section 6.104.1, the applicable distance for Long-Term Bicycle Parking shall be measured from the lot line of the lot on which the Long-Term Bicycle Parking is located to the lot line of the lot on which the building or project intended to be served is located.

20.307.8 Affordable Housing and Unit Mix Requirements for Residential Mixed Income Projects

20.307.8.1 Additional Inclusionary Housing Requirements. The provisions of Section 11.200 in effect as of the date of adoption of this Section 20.307 shall apply to a Residential Mixed Income Project. However, notwithstanding anything in Section 11.200, the FAR of a Residential Mixed Income Project shall not exceed 6.5. Additionally, a Residential Mixed Income Project shall be subject to the following requirements that may exceed the requirements of Section 11.200:

a. A minimum of seventeen percent (17%) of the total number of units in a Residential Mixed Income Project shall be Affordable Units for low and moderate income households meeting the requirements of Section 11.200 for such Affordable Units.

b. A minimum of three percent (3%) of the total number of units in a Residential Mixed Income Project shall be Middle Income Units as defined in Section 20.307.8.2 below.

c. A minimum of ten percent (10%) of the total number of units in a Residential Mixed Income Project shall be 3-bedroom units.

20.307.8.2 Definitions. For purposes of this Section 20.307.8, the following definitions shall apply:

"Middle Income Unit" shall mean a unit for which the rent (including utilities) does not exceed thirty (30) percent of the income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal housing program designed to assist middle income households, for which the applicable eligible household shall be an Eligible Middle Income Household.

"Eligible Middle Income Household" shall mean any household whose total income does not exceed one hundred twenty percent (120%) of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable housing Trust as defined in Section 11.201.

In no event shall the combined total number of Affordable Units for low and moderate income households together with the Middle Income Units required in Section 20.307.8.1 above be fewer than twenty percent (20%) of the total number of units in a Residential Mixed Income Project.

20.307.9 Local Retail and Street Activation.

In order to effectuate the goals of promoting a vibrant retail environment and street-level activation, any proposed development within the Mass Ave Residential Zone with building frontage along Massachusetts Avenue or Main Street shall include a plan (the "Retail Plan") for encouraging local, independent retail and active street-level uses meeting the requirements of this Section 20.307.9, which Retail Plan shall be submitted for review and approval by the Community Development Department prior to the issuance of a Certificate of Occupancy for a Residential Mixed Income Project. The owner shall use commercially reasonable efforts to ensure that the Retail Plan for any Residential Mixed Income Project meets the goals of this Section 20.307.9 and, taken in its entirety, is reflective of the economic and cultural diversity of the Central Square neighborhood.

20.307.9.1 No banks or financial institutions shall be permitted on the ground floor level within the Mass Ave Residential Zone.

20.307.9.2 The ground floor space in any such building frontage along Massachusetts Avenue or Main Street and extending 30 feet into such building (the "Building Frontage") shall be devoted to retail uses, except for spaces required for accessory uses and other building functions serving the other floors of such building which are typically located at the ground level, including without limitation lobby space, building security, access/egress, mailrooms, mechanical spaces and bicycle parking, which spaces shall be limited to thirty percent (30%) of the total Building Frontage.

20.307.9.3 A minimum of 25% of the retail space required pursuant to Section 20.307.9.2 above shall consist of Independent and Local Retailers. "Independent and Local Retailers" shall include any retail operator which does not own or operate more than 10 retail locations in the Commonwealth of Massachusetts with the same name and retail concept, such determination to be made as of the date of execution of a lease or commencement of ownership of or other right to occupy such retail space.

20.307.9.4 The Retail Plan shall include a proposal for a seasonal public market concept/space (the "Public Market").

20.307.9.5 Retail spaces of 1,500 square feet or less in a Residential Mixed Income Project shall be excluded from the calculation of floor area ratio.

20.307.10 Grandfathered Parking Structures Within the Bishop Allen Drive Residential Support Zone.

Notwithstanding the provisions of Article 8.000, any nonconforming parking structure located in whole or in part within the Bishop Allen Drive Residential Support Zone and which existed at the time of adoption of this Section 20.307 may be continued,

provided that it primarily serves a use permitted in the Mass and Main Residential Mixed Income Subdistrict.

20.307.11 Sustainable Design Requirements for Residential Mixed Income Projects.

Residential Mixed Income Projects in the Mass and Main Residential Mixed Income Subdistrict shall comply with the provisions of Section 22.20 of the Ordinance, provided, however, that any new construction that is part of a Residential Mixed Income Project shall be designed to a minimum standard of LEED Gold. In connection with the submission requirements of Section 22.24.2.a., the developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method.

20.307.12 Design Guidelines Applicable to Residential Mixed Income Projects.

In reviewing any Residential Mixed Income Project subject to a Project Review Special Permit under Article 19.000, the Planning Board shall look to the Central Square Design Guidelines dated February 2013 (updated May 2013) for guidance and direction in assessing the project's conformance with the applicable project review criteria set forth in this Ordinance, provided that in the event of any conflict between such Design Guidelines and this Ordinance, the provisions of this Ordinance shall govern. For a Residential Mixed Income Project proposing a building height exceeding those contemplated in the Central Square Design Guidelines, the Planning Board shall give consideration to the following supplemental guidelines:

a. Consider the variety of vantage points from which tall buildings will be seen, especially from significant public spaces and nearby low-scale residential neighborhoods, as well as city skyline views.

b. Tall buildings should be articulated to avoid a monolithic appearance, and should emphasize slender, vertically-oriented proportions.

c. Avoid broad "slab" volumes that make the building appear bulky and visually dominant. Point towers expressing vertical volumes are preferred.

d. Locate and shape tower elements to minimize shadows on existing or proposed public open space and streets.

e. Configure towers to maximize sky views from public open space and enhance visual connections through sites.

f. Consider variation in forms that present different profiles to different vantage points.

g. If appropriate, step down tall buildings where they interface with adjoining historic buildings.

h. Minimize impacts on the environmental performance and amenity of adjoining residential buildings.

i. Consider the appearance of the building top both by day and night, while demonstrating responsible use of lighting and energy consistent with sustainability requirements.

j. Design buildings to minimize negative wind impacts on streets and public spaces.

20.307.13 Letter of Commitment

The Letter of Commitment dated May 18, 2015, signed by Stephen J. Cusma on behalf of the proponent of the "Mass and Main" Zoning Petition referred to therein as "Normandy/Twining," ("Letter)" shall be binding upon any developer and/or owner of a Residential Mixed Income Project as defined herein. The issuance of any building permit or certificate of occupancy for a Residential Mixed Income Project shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Superintendent of Buildings evidencing that such Residential Mixed Income Project is proceeding in accordance and in compliance with all provisions of the aforementioned Letter.

20.400 PATHWAY OVERLAY DISTRICT

20.401 *Establishment and Scope.* There is hereby established the Pathway Overlay District, which shall be governed by the regulations and procedures specified in this Section 20.400. It is the intent of this section that these regulations will apply to those areas of the city now or formerly railroad rights of way and which are anticipated to be used now or in the future as bicycle and pedestrian commuting and recreational corridors.

20.401.1 The Pathway Overlay District shall be established on the Zoning Map of the City of Cambridge under the provisions of Section 3.20.

20.402 *General Purpose.* It is the purpose of this Section 20.400 to modify existing base district zoning regulations to ensure that (1) the unique opportunities presented by railroad corridors to accommodate recreational bicycle and pedestrian paths are not lost should their railroad function be abandoned, and that (2) the development potential provided by virtue of the provisions of the base zoning district regulations remains available for use beyond the limits of the Overlay District as the ownership of the rights of way may change in the future.

20.403 *General Provisions.* Any portion of a lot encompassed by the Pathway Overlay District shall consist entirely of any combination of Green Area, Permeable, or Public Open Space or any railroad use in existence within the District on or before January 1, 2005 or any other railroad use permitted by the applicable base zoning district. The use, dimensional and other provisions of the applicable base zoning district shall continue to apply, but their application to a lot or portion of a lot in the Pathway Overlay District are required to be consistent with this Section 20.403.

20.403.1 *Reduction in the Required Open Space.* The required area of Open Space may be reduced after the issuance of a special permit from the Planning Board to allow activities and uses, including vehicular access drives and accessory parking spaces, permitted in the base district but in no case shall the construction of a building be

permitted. In granting such reduction the Planning Board shall find that the use or activity proposed will not impair the future opportunity to construct pedestrian and bicycle paths within the Pathway Overlay District nor otherwise derogate from the intent and purpose of the Overlay district.

20.403.2 *Additional Permitted FAR.* Where a fee or easement property interest is conveyed to the City of Cambridge (in a form acceptable to the City and recorded in the Registry of Deeds) for any portion of land within the Pathway Overlay District, for use by the City in the future to construction of a bicycle or pedestrian pathway, the applicable FAR on that portion of land conveyed shall be equal to twice the FAR otherwise permitted on the property as-of-right or by special permit in the applicable base zoning district or Overlay district.

20.500 LESLEY PORTER OVERLAY DISTRICT

20.501 *Establishment and Scope*. There is hereby established the Lesley Porter Overlay District which shall be governed by regulations and procedures specified in this Section. The District encompasses property constituting Lesley University's Porter Square campus and has a Business C District base zoning designation.

20.502 *Purpose*. It is the purpose of this Section to augment existing zoning regulations to respond to issues associated with institutional uses and unique planning opportunities immediately adjacent to Porter Square's MBTA station. These regulations are intended to allow for the establishment of an emerging art district associated with the University, to enhance the vitality of Massachusetts Avenue by encouraging ground floor uses that will serve the needs of abutting neighborhood residents and enhance the established streetscape, to create a more harmonious and consistent character for the development along Massachusetts Avenue and where such development faces or abuts low density residential districts, and to encourage the retention and appropriate reuse of buildings of historic value.

20.503 *Applicability.* The Lesley Porter Overlay District shall be an Overlay District on the Zoning Map of the City of Cambridge established in Section 3.20.

20.503.1 The buildings and land uses within this district shall be controlled by the pertinent regulations of the applicable base Business C zoning district and the Massachusetts Avenue Overlay District, Section 20.100, except as modified by the requirements of this Section 20.500. Where regulations differ among the several applicable zoning districts, the provisions of this Section 20.500 shall apply.

20.503.11 The following terms shall apply in the Lesley Porter Overlay District.

1. Lots located westerly of Massachusetts Avenue shall be known as the *Mt Vernon Lots.*
2. Lots located easterly of Massachusetts Avenue and north of Roseland Street shall be known as the *University Hall Lot.*
3. Lots located easterly of Massachusetts Avenue and south of Roseland Street shall be known as the *Church Lot.*

20.504 *Overlay District Requirements*

20.504.1 Floor Area Ratio Limitations.

1. Institutional Uses.
   Not withstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR permitted in the Lesley Porter Overlay District shall be 2.5 for those lots located easterly of Massachusetts Avenue and 2.0 for those lots located westerly of Massachusetts Avenue for all educational institutional uses set forth in Article 4.33.b (1) as further limited in Section 4.56 c (4) and (6), after the granting of a Special Permit from the Planning Board, subject to the following conditions and limitations:

   a. Notwithstanding the definition of Lot in Article 2.000, a development project in this Lesley Porter Overlay District may consist of non-contiguous lots and lots separated by streets, which lots are held in common ownership. In calculating the gross floor area (GFA) permitted for a development consisting of educational institutional uses, the area of noncontiguous lots held in common ownership within the Overlay District may be combined. For those lots located easterly of Massachusetts Avenue, the resulting permitted Gross Floor Area may be located on the individual University Hall or Church Lots or transferred in part from the University Hall Lot to the Church Lot in an amount not to exceed 25,000 square feet. All transferred Gross Floor Area shall be located below grade.

   b. Any Special Permit issued by the Planning Board in the Lesley Porter Overlay District for increased FAR as permitted in this Section 20.504.1 (1) shall result in a prohibition on dormitory uses on the Mt Vernon and University Hall Lots.

   c. Where, in seeking a special permit under the provisions of this Section 20.504.1, a development project is determined to be subject to the provisions of Section 19.20 – Project Review Special Permit, that project shall be required to submit a Traffic Study as required in Section 19.24, notwithstanding any other provision of Section 19.20.

2. Retail Uses

   For a building abutting Massachusetts Avenue on the University Hall Lot or the Mt. Vernon Lots that is occupied by retail uses set forth in Section 4.35 that are located on the ground (first) floor of that building, which building is otherwise at least 50% occupied by institutional uses, those retail uses shall be exempt from the requirements of FAR and shall not be counted as Gross Floor Area. In no event, however, shall this retail FAR exemption exceed 25,000 square feet of gross floor area in any single building.

The retail enterprises receiving such FAR exemption shall be open to the general public during normal business hours and are expected to provide goods and services of interest to the general public not affiliated with any educational institutional occupant of such building. The institution shall report to Planning Board on the leasing activity in such exempt retail space in its annual "Town Gown Report" presentation to the Board for five years after initial occupancy of the last exempt Gross Floor Area.

20.504.2 Height.

1. Height shall be that permitted in the base Business C zoning district and, notwithstanding other provisions in the Zoning Ordinance, shall be measured from mean grade measured at the perimeter of the lot.

   However, the height of any historic structure (including any building determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission under the provisions of Ordinance No. 965, designated as a landmark pursuant to Chapter 2.78 of the Cambridge Municipal Code or the subject of a Preservation Easement granted to the Cambridge Historical Commission) shall be exempted from the provisions of Sections 5.33.2 and 5.43. All other new construction within the Overlay District, however, shall be subject to these sections.

2. For the Mt Vernon Lots located westerly of Massachusetts Avenue, the maximum height shall be limited to 45 for the lot located north of Mount Vernon Street and forty (40) feet for the lot located south of Mount Vernon Street and shall be measured from grade as provided for in Paragraph 1 above. The 35 foot transition height limit required in Sections 5.33.2 and 5.43 shall continue to apply.

20.504.3 Setbacks, yards

1. Setbacks, except as otherwise provided in Section 20.504.3 (2) below, shall be the same as required in the base zoning district (Business C) for all new construction provided, however, that historic structures (as defined above) shall not be subject to the yard requirements of Sections 5.41 and 5.42, including if all or a portion of such structures is relocated on the same lot in the Overlay District.

2. Church Lot Setbacks.

   a. There shall be a required setback of twenty (20) feet from the side lot line of the Church Lot perpendicular to Roseland Street.

   b. There shall be required a 7.5 foot front yard setback along the Frost Terrace front lot line. Such setback shall not be subject to the surface parking restrictions of Section 6.44.1 or the Massachusetts Avenue Overlay District, Section 20.100.

   c. In granting a special permit for development on the Church Lot the Planning Board shall pay particular attention to the design details of the building wall facing

this lot line and the landscape treatment of the yard provided, as required in Section 20.505 (9) below. In general building walls should not remain uninterrupted for more than thirty (30) feet, with changes in the plane of building wall of up to four (4) feet encouraged.

20.504.4 Parking and Loading

Parking and loading requirements for any educational institutional use contained in the Overlay District may be waived by the granting of a Special Permit from the Planning Board except that any new Gross Floor Area in a building authorized by Special Permit in the Lesley Porter Overlay District that results in the elimination of existing parking spaces on the lots located westerly of Massachusetts Avenue or in the surface parking lot along Roseland Street on the University Hall Lot shall not be permitted unless replacement parking is provided.

Above ground parking structures shall not be permitted in the Overlay District with the possible exception of the area on the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line of Massachusetts Avenue, but only after a determination by the Planning Board that the parking structure will be architecturally and visually well integrated within the overall development. In order to make such a determination the Planning Board must find the following:

1. The parking structure shall contain a principal use other than parking.

2. Portions of the structure containing parking that can be viewed from a public way shall be architecturally treated so as to not appear to be a parking facility.

3. The portion of the structure where parking is located does not have an adverse effect on the architectural character of the proposed building.

4. Portions of the parking structure are located below grade where feasible.

20.504.5 Open Space Requirements

The following Open Space requirements shall apply to those lots or portions of lots located easterly of Massachusetts Avenue. The required Open Space may be any combination of Green Area, Permeable, Public, Private or Publicly Beneficial Open Space.

1. For the Church Lot in the Business C District located south of Roseland Street there shall be a minimum ratio of Open Space to Lot Area of ten (10) percent. For purposes of calculating Open Space under this provision the following requirements shall apply:

a. Open Space shall be located along the Massachusetts Avenue frontage and have a depth of at least twenty (20) feet and shall have a minimum area of 3,000 contiguous square feet;

b. Area that is covered by a portion of a building but is open on three (3) sides with a height of at least twelve (12) feet may be included;

c. Area that is ten (10) feet or more in any direction may be included.

2. For that portion of the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line

of Massachusetts Avenue there shall be a minimum ratio of Open Space of twenty-five (25) percent and contain a minimum of 5,000 contiguous square feet of Open Space.

20.504.51 Special Church Lot and University Hall Lot Provisions.

Where a special permit is required for any development on the Church Lot under the provisions of the Lesley Porter Overlay District, the applicant shall be required to submit as part of that application a plan for providing a portion of the Open Space required in Section 20.504.5 (2) above on the University Hall Lot, particularly focused along the Roseland Street edge. The plan should also include proposed improved pedestrian connections throughout the lot.

The plan as approved by the Planning Board shall be implemented simultaneously with the construction authorized by the special permit for the development on the Church Lot.

20.505 Special Permit Criteria

In granting a Special Permit under this Section 20.500, in addition to the other criteria specified in Section 10.40, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. Contribute to the vitality of Porter Square by concentrating academic activities that will provide publicly accessible uses including arts libraries, galleries and a wide range of activities and classes and that will have positive spillover effects on the retail environment of the Square.
2. Contribute to Porter Square's vitality, identity and sense of place by removing existing on-grade parking lots and constructing new structures that spatially define and enrich Massachusetts Avenue and incorporate active ground floor uses and buffering them from the activity and noise along Massachusetts Avenue.
3. Minimize adverse impacts on abutting low-density housing by appropriately designing and programming new structures' location on the lot, massing, scale, use and operations.
4. Preserve, reuse and highlight historic structures as integral, publicly accessible parts of the overlay district.
5. Provide retail activity that serves local residents' and Lesley community needs, strengthens the corridor's existing retail base and provides a more dynamic, mixed-use image.
6. Minimize vehicular traffic and demand for on street parking in the residential neighborhood by concentrating activity near the T station, maximizing a mix of uses that reinforce each other, and enhance the pedestrian environment.
7. The Open Space along the easterly side of Massachusetts Avenue south of Roseland Street, described in Section 20.504.5 (1), should be inviting and provide places for rest and gathering with an appropriate public art focus.

8. The Open Space along Roseland Street described in Section 20.504.5 (2) should reflect an “urban campus” character, which would include an entry forecourt along the axis of neighboring Frost Street. There shall also be a well-defined walkway through this area that provides pedestrian connections from Roseland Street to Massachusetts Avenue.
9. Where proposed construction abuts existing residential development, special attention should be paid to proposed setbacks, location of open space features, and building design to ensure reasonable compatibility between the scale and extent of new construction and the scale and character of the existing pattern of residential development. Use of variable height and variable setback planes, reduction in the length of continuous building walls, amount of landscaping, etc. should be employed to achieve these objectives.
10. The Board shall consider the impact of the development on residential neighbors as it may affect privacy. Location and size of windows, screening elements, decks, entries and other aspect of the design shall be reviewed to maintain reasonable levels of privacy for abutters. The Board shall also consider the nature of the uses contained in the buildings constructed.
11. Inclusion of physical improvements to the public right of way along Massachusetts Avenue that enhance its quality as a pedestrian environment, retail shopping district and place for meeting and congregating for neighborhood residents and visitors.
12. The adequacy of the proposed construction mitigation plan, as set forth in Section 18.20 of the Zoning Ordinance.

20.506 Consistency with Letter of Commitment

Prior to the issuance of any building permit or Certificate of Occupancy for any construction authorized by special permit under the provisions of this Section 20.500, the Community Development Department shall certify to the Inspectional Services Department that all provisions of the Letter of Commitment dated June 22, 2009 by Lesley University are continuing to be met.

20.600 BASEMENT HOUSING OVERLAY DISTRICT

20.610 Establishment and Scope. There is hereby established the Basement Housing Overlay District which shall be governed by the Regulations and procedures specified in this Section 20.600. The purpose of this Section 20.600 is to allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings that have one or more existing basement level apartment units. Given the increasing expense of unsubsidized rental housing in Cambridge, the shortage of reasonably priced, affordable studio and one bedroom units, and the difficulty this poses for local workers, students and the elderly, it is in the public interest to permit the creation of additional units under circumstances which promote the maintenance and improvement of older buildings, including improved stormwater and wastewater management, and which provide additional housing without building new

structures or increasing the size of existing structures. The corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings wholly or partially on lots with a base district among the Residence C family of use categories (Res. C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B) which because of their age, location, current existence of one or more basement units, and proximity to public transit options, present an ideal set of circumstances for the City to encourage the creation of basement units and thereby explore the desirability and viability of possible expansion of similar development elsewhere in the City.

20.620 *Applicability.* The regulations of this Section 20.600 shall apply within the Basement Housing Overlay District to existing structures designed and built for residential use, which also meet all of the following standards:

a. the structure is located wholly or partially within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;
b. the structure is currently occupied by at least thirty (30) dwelling units;
c. the structure was built before 1930 and its footprint or foundation has not been expanded or altered after the effective date of this Section 20.600 except as may be required and approved as a condition to the grant of a special permit hereunder;
d. the structure currently contains at least one dwelling unit located entirely at the basement level.

Portions of those structures that meet the applicability requirements set forth above that are not located within a Residence C family zoning district would be treated for all dimensional and use requirements as if wholly located within a Residence C family zoning district.

20.630 *Standards.* Where it is proposed to create additional dwelling units by converting existing Gross Floor Area, which is not presently occupied by dwelling units, into dwelling units at the basement level of the existing structure, the dimensional and parking standards generally applicable in any base zoning district shall apply. However, where some or all of those requirements cannot be met, the Planning Board may waive some or all of the dimensional and parking standards generally applicable in the base district upon issuance of a special permit, subject to the following limitations:

a. Where the Floor Area Ratio of the existing structure exceeds the maximum Floor Area Ratio allowed in the base zoning district, the Gross Floor Area of the existing structure shall not be increased.
b. Where the existing structure or lot does not conform to the height, yard, or private open space requirements generally applicable in the district, the Planning Board may approve those dimensional characteristics of the existing building or lot. However, no nonconforming dimensional element or aspect of the existing structure shall be extended or increased, with the exception that the permitted lot area per dwelling unit may be decreased, and incursions into setback areas may be approved by the Planning Board only for the purpose of providing or altering window wells or egress stairs as may be deemed advisable in response to safety and flooding concerns.
c. The number of dwelling units in the existing structure shall not be increased by more than ten (10) units or fifteen percent (15%) of the number of dwelling units in the existing building, whichever is fewer.
d. Newly created dwelling units shall be restricted to studio or one-bedroom apartments only.
e. The Planning Board may reduce or waive the number of accessory off-street motor vehicle parking spaces required by Article 6.000 upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking, based on information provided by the Applicant regarding the availability of alternate transportation options or other factors that would result in a reduced demand for parking. As a condition of a special permit, the Planning Board may

require measures to minimize parking demand generated by the building. The requirements of Article 6.000 may not otherwise be waived.

f. At least one additional secure long-term bicycle storage space shall be created on the lot for each new dwelling unit created under the provisions of this Section. Such bicycle parking spaces shall conform to the design standards of Section 6.49, and the *City of Cambridge Bicycle Parking Guide*, published spring 2008 or later.

20.640 *Conditions for Grant of Special Permit.* Prior to granting a special permit pursuant to this Section the Planning Board shall determine that the proposed conversion of basement space to dwelling units complies with the General Special Permit Criteria set forth in Section 10.43 as well as with the following requirements:

a. Each new unit converted from existing basement space shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures. A special permit granted pursuant to this Section shall be conditioned upon full compliance with all building and sanitary code requirements applicable to basement unitsto be approved by the Commissioner of Inspectional Services at the time of application for a building permit. As a condition of the special permit, the Planning Board may require reasonable measures as are deemed necessary for the adequate privacy and security of the occupants.

b. Buildings must contain, or install, full separation between storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently is separated.

c. Adequate, properly installed, backflow prevention devices that comply with all building code and other applicable requirements must be installed for all newly created units along with any additional measures determined to be advisable by the City Engineer.

d. An application for a special permit pursuant to this Section shall include a report on historical occurrences and future likelihood of basement flooding in the area of the proposed conversion, prepared by a registered professional engineer, with a functional scope determined by the City Engineer to be appropriate to the location of the project. In general, the report shall assess the likelihood of flooding in the basement units by way of sewer system backups or overland flooding and identify proposed mitigation to prevent any such flooding. The Applicant shall obtain approval of the report and proposed mitigation, if any, from the City Engineer prior to submitting a special permit application. As a condition of the special permit, the Planning Board may require preventive measures to safeguard against future flooding in the proposed basement-level units as recommended by the City Engineer.

20.650 *Affordability.* The Inclusionary Housing requirements of Section 11.200 shall apply to any new dwelling units that exceed the threshold for an Inclusionary Project as set forth in Section 11.201. Any project which receives a special permit pursuant to this Section, but does not exceed the threshold for an Inclusionary Project, shall provide no less than one Affordable Unit, as defined in section 11.201 and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204.

20.660 Notwithstanding the base district in which any part of the structure is located, the entirety of any structure that meets the applicability requirements of Section 20.620 and that is in the Basement Housing Overlay District shall be eligible for the special permit created by this Section 20.600. Where any proposed dwelling units in that structure are to be located in any portion of the structure that is in a base zone in which the use would not otherwise be allowed, or would not be allowed without separate approval under Article 8, those dwelling units shall be eligible to be allowed pursuant to a Special Permit under this

Section 20.600 and upon the grant of that Special Permit shall be allowed without need for approval under Article 8 or the grant of any variance or additional zoning approvals.

20.700 MEDICAL MARIJUANA OVERLAY DISTRICTS

20.701 *Purpose*

The purpose of the Medical Marijuana Overlay Districts is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. Given that Registered Marijuana Dispensaries shall be limited in number and strictly regulated by the Massachusetts Department of Public Health, these zoning regulations intend to permit them where there is access to both regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not impact the character of lower-scale residential neighborhoods, business districts and educational institutions.

20.702 *Establishment.* There is hereby established on the Zoning Map of the City of Cambridge the Medical Marijuana Overlay Districts, which shall be defined as follows:

Medical Marijuana Overlay District 1 shall be coterminous with the area encompassed by the Alewife Overlay Districts 2, 4, 5 and 6, having Office 1, Office 2A, Business A and Industry B-2 base zoning designations.

Medical Marijuana Overlay District 2 shall be the area bounded by Monsignor O'Brien Highway to the south and the Cambridge Municipal Boundary on all other sides, commonly referred to as the North Point area, including the North Point Residence Office and Business District, a portion of Special District 1, and a district with an Industry A base zoning designation.

20.703 *Requirements*

20.703.1 *Use.* Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit by the Planning Board, subject to the requirements set forth in this Section.

20.703.2 *Registration.* All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.

20.703.3 *Limitation of Approval.* A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has not been renewed or has been revoked, transferred to another controlling

entity, or relocated to a different site within the Medical Marijuana Overlay Districts, a new special permit shall be required prior to issuance of a Certificate of Occupancy.

20.703.4 *Building.* A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.

20.703.5 *Dimensional Requirements.* Except where it is explicitly stated otherwise in this Section 20.700, a Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the base and overlay zoning districts.

20.703.6 *Parking and Loading.* Notwithstanding anything to the contrary in Article 6.000 of this Ordinance, the required number of parking and bicycle parking (both long-term and short-term) spaces and the required number of loading bays for a Registered Marijuana Dispensary shall be determined by the Planning Board based on the transportation analysis and other information related to operational and security plans provided by the applicant. Except as set forth above, all parking, bicycle parking and loading facilities shall conform to the requirements set forth in Article 6.000.

20.703.7 *Signage.* All signage shall conform to the requirements of Article 7.000 of this Ordinance. The Planning Board may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.

20.704 *Application Requirements.* An application to the Planning Board shall include, at a minimum, the following information:

(a) *Description of Activities:* A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, distribution of educational materials, and other programs or activities.

(b) *Service Area:* A map and narrative describing the area proposed to be served by the Registered Marijuana Dispensary and the anticipated number of clients that will be served within that area. This description shall indicate where any other Registered Marijuana Dispensaries exist or have been proposed within the expected service area.

(c) *Transportation Analysis:* A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.

(d) *Context Map:* A map depicting all properties and land uses within a one thousand-foot (1,000') radius (minimum) of the project site, whether such uses are located in Cambridge or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs.

(e) *Site Plan:* A plan or plans depicting all proposed development on the property, including the dimensions of the building, the layout of automobile and bicycle parking, the location of pedestrian, bicycle and vehicular points of access and egress, the location and design of all loading, refuse and service facilities, the location, type and direction of all outdoor lighting on the site, and any landscape design.

(f) *Building Elevations and Signage:* Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.

(g) *Registration Materials:* Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Planning Board is consistent with the information provided to the Massachusetts Department of Public Health.

20.705 *Special Permit Criteria.* In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in Section 10.43 of this Ordinance, the Planning Board shall find that the following criteria are met:

(a) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.

(b) The site is located at least five hundred feet distant from a school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Planning Board to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary.

(c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.

(d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.

(e) Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

(f) The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

20.800 CAMBRIDGE HIGHLANDS OVERLAY DISTRICT

20.801 *Purpose.* It is the purpose of the Cambridge Highlands Overlay District to modify the base zoning requirements applicable in the Cambridge Highlands neighborhood with the intent of supporting the unique character of that district, which is predominantly modest-sized single-family and two-family homes. Stricter controls are applied to development on larger lots so that they might better fit the established character of the neighborhood.

20.802 *Establishment and Applicability*. There is hereby established on the Zoning Map of the City of Cambridge the Cambridge Highlands Overlay District. Except as set forth in this Section, the requirements applicable in the base zoning district shall apply within the Cambridge Highlands Overlay District.

20.803 *Lot Area Per Dwelling Unit***.** The permitted number of dwelling units on a lot within the Cambridge Highlands Overlay District shall be calculated as follows. A minimum lot area per dwelling unit of two thousand five hundred (2,500) square feet shall apply to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five *thousand (5,000) square feet, the minimum lot area of each permitted dwelling unit shall* be five thousand (5,000) square feet. However, for any lot in existence as of May 5, 2014 that is subsequently subdivided into two or more lots, the total number of units on the subdivided lots, in total, shall at no time exceed that permitted on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this Section shall prohibit the subdivision of a Townhouse *Development* conforming at the time of its construction, as permitted in Section 11.10. Where the base zoning sets forth a more restrictive standard, the more restrictive standard shall apply.

20.804 *Townhouse and Multifamily Special Permit Applicability.* A special permit pursuant to the Procedure for Townhouses and Multifamily Dwellings set forth in Section 10.47 of the zoning Ordinance shall be required for any development resulting in a total of three (3) or more units on a lot that is wholly or partially within the Cambridge Highlands Overlay District.

Text current through Ordinance #1372 of June 15, 2015.

ARTICLE 21.000 TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS

21.10 General Provisions
21.20 Eastern Cambridge Development Rights Transfer Districts (TDD and TRD)
21.30 Special Districts 8, 8A, 9 and 10
21.40 Alewife Overlay Districts 1-6

21.10 TRANSFER OF DEVELOPMENT RIGHTS (TDR) – GENERAL PROVISIONS

21. 11 *Purpose*. It is the intent of this Article 21.000 to establish regulations by which Gross Floor Area (GFA) permitted on one lot or lots, as determined by the zoning district applicable to that lot [the Donating Lot(s)], may be transferred and used on another lot or lots [the Receiving Lot(s)] in the same or different zoning district in order to (i) introduce a level of flexibility into the development of designated areas in the city in ways that construction on one lot at a time cannot accomplish, (ii) allow multiple owners to coordinate development on small lots that may not be contiguous, (iii) facilitate the implementation of urban design and other planning objectives, particularly in contexts where there may be many, small lots and multiple property owners, and (iv) to allow development to respond to market forces and infrastructure patterns in ways that further public transportation and urban design objectives. The restrictions that otherwise apply in the Zoning Ordinance restricting development to a single lot in single ownership shall be modified by the regulations contained in this Article 21.000.

21.12 *Establishment and Scope*. The Transfer of Development Rights may be secured through the provisions of a (1) a Development Rights Transfer Overlay District designated from time to time on the Zoning Map or (2) through the provisions of an Overlay District, having multiple regulatory objectives or through the provisions of a Special District. The Transfer of Development Rights shall be regulated by the general provisions of this Section 21.10 and by specific provisions established for each individual district.

21.13 *Procedure*. The transfer of GFA from a Donating Lot to a Receiving Lot shall be permitted by special permit from the Planning Board and shall be subject to further provisions set forth below in Section 21.13.1. The transfer shall be permitted between contiguous and non-contiguous lots that may be held in common or separate ownership, notwithstanding any definition of lot or owner set forth in Article 2.000 of this Ordinance or elsewhere in the Ordinance.

21.13.1 Special Permit Procedures.

21.13.11 Required Information. In applying for a special permit to permit the transfer of GFA from one or more Donating Lots to one or more Receiving Lots, the following information shall be provided:

1. The location of all Donating Lots and all Receiving Lots.
2. Enumeration of the GFA to be transferred, GFA to be retained on the Donating Lot, and the total GFA to be accommodated on the Receiving Lot; the calculations by which the proposed GFA on all sites has been determined.
3. Schematic development plans showing the proposed development on both the Donating and the Receiving lots.
4. A narrative describing the plan's compliance with all requirements of this Section 21.10 and the specific Transfer of Development Rights provisions of other applicable sections

of the Zoning Ordinance, consistency with any applicable design guidelines and area plan, and with the Citywide Urban Design Objectives, Section 19.30.

5. The schedule by which necessary demolition will take place and authorized construction will commence and be completed. Where it is proposed to occupy transferred GFA before a Donating Lot has been brought into compliance with the requirements of the special permit, the legal instruments proposed by which the requirements applicable to it will be met.
6. The status of leaseholds for tenants in any GFA on a Donating Lots in structures that are required to be demolished or converted to residential uses, and the mechanisms by which those leaseholds will be terminated and the site brought into compliance with the requirements of the special permit.

21.13.12 Special Permit Conditions. The Planning Board shall establish in its Decision granting a special permit under the provisions of this Section 21.10 conditions that address at a minimum, the following:

1. The sequence by which construction and demolition are to occur on both the Donating and Receiving Lots;
2. The binding commitments to be executed if occupancy of new GFA on the Receiving Lot is to occur before demolition of GFA transferred out from the Donating lot or before new on the Donating Lot.
3. The legal instruments by which a proposed park or other public amenity is to be made available to the general public, where applicable.
4. The process by which final development plans are to be approved by the Planning Board.

21.14 *Reservation of Gross Floor Area by Owners of Donating Lots*. To provide flexibility over time in the utilization of GFA available to be transferred, the Planning Board may issue a special permit to permit the reservation of GFA from a Donating Lot to be applied at a later date to a Receiving Lot through a second special permit process. The reservation may be for any length of time acceptable to the Planning Board.

The Board, in granting the special permit, shall approve the permanent development plan for the Donating Lot.

Substantial Use of such special permit, as required in Section 10.46 of the Zoning Ordinance, shall be that date at which it is filed with the Registry of Deeds for Middlesex County.

The Planning Board may establish such conditions as it deems appropriate to ensure that development on the donating lot is consistent with the conditions of the special permit until the development rights are fully utilized on a future receiving lot.

21.15 *Application for a Building Permit*. Prior to issuance of a building permit for any construction on any Donating or Receiving Lot linked through the issuance of a single special permit, the Superintendent of Buildings shall determine, based on information provided with the application (including a certification from the Community Development Department that all conditions of the special permit are met), that all Donating and Receiving Lots continue to be in conformance with the conditions of the special permit, the provisions of this Section 21.10, and the applicable base zoning districts. Among the information to be provided are the following:

1. An identification of all lots subject to the requirements of a single special permit.
2. A list of all building permits issued for those lots since the granting of the authorizing special permit.

3. The GFA existing and authorized on each lot at the time of the application.
4. An enumeration of the GFA authorized on each lot by the Special Permit.

21.16 *Dimensional Limitations*. Except as may be provided elsewhere in the Ordinance in the individual Transfer of Development Rights Districts and Provisions, all development on both Donating and Receiving Lots shall be subject to the dimensional limitations of the applicable base district with the exception of the FAR limitation. On Receiving Lots, Gross Floor Area may be increased above the FAR limit normally applicable to the extent of GFA transferred from Donating Lots by special permit.

21.20 EASTERN CAMBRIDGE DEVELOPMENT RIGHTS TRANSFER DISTRICT (TDD and TRD)

21.21 *Purpose*. It is the intent of this Section 20.30 to (1) reduce the density of development close to the existing residential neighborhoods and (2) encourage housing construction compatible with the existing residential neighborhoods through the transfer of existing or potential development to other locations. It is also intended to facilitate the construction of additional residential, office, research and development, retail, and manufacturing uses in areas of eastern Cambridge that are close to transit services, and on sites now fully developed that can more effectively serve the city's Urban Design Objectives, as set forth in Section 19.30 of the Ordinance, with additional building construction. For the purposes of this Section 20.30, residential use shall be as defined as uses set forth in Section 4.31 a-h

21.22 *Establishment and Scope*. There is hereby established the Eastern Cambridge Development Rights Transfer Districts which shall be governed by the regulations and procedures specified in this Section 20.30. These regulations shall apply to areas described below or as they may be otherwise identified on the Zoning Map, which shall be designated as "Eastern Cambridge Development Rights Transfer Donating District" (TDD) or "Eastern Cambridge Development Rights Transfer Receiving District" (TRD) on the Zoning Map of the City of Cambridge established in Section 3.20.

21.23 *Boundaries of the Districts*.

The boundaries of the districts shall be as described below.

1. The Eastern Cambridge Development Rights Transfer Donating District shall be coterminous with the boundaries of the Eastern Cambridge Housing Overlay District (Section 20.40 below) and the portion of the PUD-4B District located north of Binney Street. The Donating District shall be that area from which Gross Floor Area (GFA) is removed for use on a lot in the Receiving District. A Donating Lot shall be a lot in the Donating District from which GFA is removed.

2. The Eastern Cambridge Development Rights Transfer Receiving District shall be (a) that area bounded by the centerlines of Binney Street to the north, First Street to the east, Main Street to the south, and on the west a line parallel to, easterly of, and one hundred and fifty feet distant from the easterly sideline of Portland Street and Cardinal Medeiros Avenue, and (b) that portion of the Industry B zone located south of Main Street and bounded by the centerlines of Albany Street; Massachusetts Avenue; Windsor Street; a line southerly of, parallel to, and one hundred and fifty feet distant from the southerly sideline of Main Street; a

line easterly of, parallel to and one hundred and fifty feet distant from the southwesterly extension of the centerline of Portland Street north of Main Street; and then Main Street to the point of beginning . The Receiving District shall be that area where GFA from a Donating Lot is used for development. A Receiving Lot shall be a lot in the Receiving District to which GFA is moved.

21.24 *Procedure.* The transfer of GFA from the Donating District to the Receiving District shall be permitted by special permit from the Planning Board and shall be subject to further provisions set forth below in Section 20.36. The transfer shall be permitted between non-contiguous lots that may be held in separate ownership, notwithstanding any definition of lot set forth in Article 2.000 of this Ordinance.

21.25 *Limitations, Requirements, and Conditions Applicable to Lots in the Sending District*

21.25.1 Non Residential Gross Floor Area Available for Transfer from a Lot in the Donating District to Any Lot in the Receiving District.

The total GFA that may be transferred from any Donating Lot to any Receiving Lot shall be the greater of the following:

(1) The total amount of non-residential GFA permitted on a lot in any non-residential zoning district in the Donating District at the time of application to permit the transfer, or

(2) The existing amount of non-residential GFA contained on a lot in any zoning district in the Donating District at the time of application to permit the transfer.

21.25.2 Residual Gross Floor Area Available for Residential Development on a Donating Lot after the Non-residential GFA Transfer has been Authorized.

The total Gross Floor Area available for residential development on any Donating Lot shall be the greater of the following:

(1) The total amount of residential GFA permitted on the Donating Lot after the non-residential GFA has been transferred, including existing residential GFA and residential GFA allowed through the application of the provisions of Section 5.28.2 – Conversion of Non-Residential Structures to Residential Use, where it is proposed to reuse a non-residential structure for residential use, or.

(2) The GFA resulting from an FAR of 0.75 in Residence C-1 base district or 1.25 in any non-residential base district.

21.25.21 Residual Residential Gross Floor Area on a Donating Lot Available for Transfer to a Lot in the Receiving District.

The residential GFA permitted on a lot in any residential or non-residential zoning district as determined by Section 20.34.2 above may be transferred to any receiving lot provided the future residential development potential on the Donating Lot is not reduced below an FAR of 0.75.

21.25.3 Restrictions on the Donating Lot after Transfer is Authorized.

(1) All non-residential GFA existing or permitted under the zoning district regulations applicable on the Donating Lot, whichever is greater, must be transferred, held for future transfer, or abandoned. No non-residential development potential shall remain on the Donating Lot and no use variance may be granted to reestablish non-residential uses after the transfer of GFA has occurred. Any active non-residential use shall be discontinued.

(2) Development on the Donating Lot is limited to residential use or a public park. Where residential development is proposed to be established, the future residential development shall not have an FAR of less than 0.75. All existing gross floor area not redeveloped to residential use shall be demolished where housing is to be established on the site. The entire site shall be cleared if it is to be developed as a public park.

(3) No building or structure determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission, as provided in Ordinance No. 965 of the Ordinances of the City of Cambridge, may be demolished. Any such building required to remain shall be converted to a permitted residential use.

(4) Notwithstanding the provisions of Paragraphs (1) – (3) above, or other provisions of this Section 20.30, the remaining residential GFA on a Donating Lot may contain any office or retail use permitted in the applicable base district up to ten (10) percent of the permitted residential GFA.

21.26 *Dimensional and Use Limitations on the Receiving Lot.*

The GFA transferred from any Donating Lot to a Receiving Lot shall be subject to the following provisions:

(1) The transferred GFA shall not be subject to any FAR or GFA limitations applicable to the receiving lot, including lots which already exceed permitted FAR limits.

(2) Transferred Non-residential GFA may be used for any use permitted on the Receiving Lot. However, where any non-residential use is limited to a maximum percentage of total development on the Receiving Lot or Development Parcel, the transferred GFA shall be subject to that limitation unless the transferred GFA is in addition to, and not a substitute for, the GFA and use limitations otherwise applicable on the Receiving Lot or Development Parcel.

(3) Residential GFA transferred, as permitted in Section 20.34.21 above, shall only be used for residential uses on the receiving lot.

(4) All other dimensional limitations applicable to the receiving lot shall apply to the transferred GFA.

21.30 SPECIAL DISTRICTS 8, 8A, 9 and 10

Transfer of Development Rights shall be permitted in Special Districts 8, 8A, 9 and 10 for the purpose of creating open space facilities, pursuant to the general provisions of Section 21.10 above and the following specific requirements.

21.31 *Transfer of Development Rights and/or Additional Height to secure Publicly Accessible Open Space.*

The Planning Board may permit the transfer of all of the gross floor area permitted as of right or by special permit on one or more Donating Lots located in Special District 8, Section 17.81, or Special Districts 8A, 9 and 10, Sections 17.82, 17.90 and 17.100, to one or more Receiving Lots located in Special District 8 and may permit in conjunction with that transfer an increase in the permitted height on the Receiving Lot for the purpose of creating an open space facility of approximately fifty-nine thousand (59,000) square feet and such other additions to that space or the creation of other such open space facilities as may be offered that are accessible to the general public and designed and intended to be used for active and/or passive recreation. The special permit shall be granted subject to the following requirements:

1. One open space parcel containing an area of approximately fifty-nine thousand (59,000) square feet, as shown on Lots # 48 and 57 on Assessor's Plat # 95, shall be a Donating Lot and must be secured as an open space as required in this Section 21.30 before any other lot may be considered a Donating Lot; other open space parcels within the Special District 8 or Special Districts 8A, 9 and 10 may also be Donating Lots.

2. The FAR on the Receiving Lot does not exceed 2.5 for nonresidential uses or 3.0 FAR for residential and dormitory use.

3. The Receiving Lot for the one hundred three thousand, two hundred fifty (103,250) gross square feet or more of floor area to be transferred is located in Special District 8.

4. The maximum height of any structure on the Receiving Lot may be increased subject to the following limitations:

a. Sixty (60) feet in that area lying between Sidney Street and a line, which line is parallel to, southeasterly of and one hundred (100) feet distant from Sidney Street;

b. Ninety (90) feet in that area lying between the parallel line described in Paragraph (a) above and Albany Street;

c. One hundred (100) feet in that area lying southeasterly of Albany Street.

5. The donating site for an open space contribution of approximately fifty-nine thousand (59,000) square feet is located at 82 Pacific Street as shown on lots # 48 and 57, on Assessor's Plat # 95.

6. Open space facilities shall be under the control of, and be programmed and maintained by the City of Cambridge or its designated agent. Transfer of open space facilities to the City shall be by fee simple conveyance, easement, lease (see Paragraph 8 below) or other legal mechanism, and shall be made as a condition precedent to the issuance of the first building permit for a project on a Receiving Lot which utilizes development rights granted by Special Permit for that project. Special Permits granted under this Section 21.30 shall run with the land.

7. The site is physically suitable for the recreational uses proposed and certified by the City to meet environmental standards such as they are applied to other such open spaces in the City at the time of transfer to the City of Cambridge.

8. If the development rights transferred by the Special Permit to a Receiving Lot are not fully utilized or applied in the construction of a project, the remaining development rights shall remain available for use or application, on a phase by phase basis, on the receiving lot. If development rights are applied by a landowner, on a phase by phase basis, the

donating lot (from which the development rights derive) shall be leased, on a completely "net" basis, by the owner of the donating lot to the City of Cambridge, or its designated agent, until such time as the receiving lot has fully utilized or applied the development rights derived from the donating lot. When those development rights are fully utilized or applied, which shall be determined by the issuance of a certificate of occupancy for any building making use of such rights, fee simple title to the donating lot shall be conveyed to the City of Cambridge or its designated agent; in its decision the Planning Board shall determine if fee simple title shall be conveyed in phases as development rights are utilized or applied or when the entire amount of development rights is fully utilized. If development rights are applied or utilized on a phase by phase basis, and if, because of an amendment or other change in the Zoning Ordinance of the City of Cambridge, the owner of the receiving lot is unable to receive the full benefits of those development rights (in the same manner and to the same extent as if the Zoning Ordinance had not been amended or otherwise changed), the lease of the donating lot to the City of Cambridge shall terminate automatically upon the effective date of that amendment or other change in the Zoning Ordinance.

Any special permit issued under the provisions of this Section 21.30 shall be in force and effect for the length of lease of property for open space purposes as required in this Section 21.30. For the purposes of Section 10.46, the use authorized by any special permit issued under this Section 21.30 shall be deemed to have commenced with the granting of the lease of land for open space purposes as defined in this Paragraph 8.

21.32 *Special Permit Conditions*. In granting a special permit under this Section 17.81.5 the Planning Board shall consider the following:

1. The proposed open space is consistent with the objectives of this Section 21.30 to create a private open space or recreational facility addressing the unmet needs of the adjacent residential neighborhood and those of the new residents of the district and, if one is adopted, is consistent with a plan for the distribution and use of open space in the District.

2. If less than one acre, the open space is clearly an element of a plan to be implemented incrementally created through the issuance of additional special permits, or is clearly acceptable as an independent facility.

1. If it is intended to be a part of a larger facility, the open space is useable on its own, as an independent facility, if intended future special permits are not sought or granted.

21.40 ALEWIFE OVERLAY DISTRICTS 1-6

21.41 *Purpose*. It is the intent of this Section 21.40 (i) to reduce the density of development adjacent to the existing residential neighborhood of the Cambridge Highlands; (ii) to encourage greater development density closer to public transit and to facilitate infrastructure improvements that will make those transit services more widely available in the Alewife Overlay Districts; (iii) to facilitate a more orderly development pattern within the Alewife Overlay Districts, including increasing the opportunities for installation of new circulation pathways for pedestrian, bicycles and vehicles; creation of new public or private open space facilities; and development of new

pedestrian connections from the Quadrangle to the Triangle; (iv) to make additional land surface available for better stormwater management and increased permeability; and (v) to encourage a more attractive pattern of new buildings consistent with the urban design objectives set forth in the Concord-Alewife Plan.

21.42 *Procedure.* The procedures set forth in Section 21.10 above shall apply to this Section 21.20.

21.43 *Limitations, Requirements, and Conditions Applicable Donating Lots.*

21.43.1 Gross Floor Area Available for Transfer from a Donating Lot to a Receiving Lot.

1. Some or all of the Gross Floor area permitted on the Donating Lot, as determined by the applicable base zoning district regulations, any additional development allowed in Section 20.90 by special permit, and by the provisions of Section 5.28.2 as they apply to existing development on the site, may be transferred to a Receiving Lot.

2. Where any legally established Gross Floor Area existing on the lot at the time of application to permit the transfer exceeds that permitted on the lot, that Gross Floor Area shall be available in whole or in part for transfer to the Receiving Lot.

3. Residential Gross Floor Area transferred from a Donating Lot may only be used for residential purposes on the Receiving Lot. Non-residential Gross Floor Area transferred from a Donating Lot may be used for any permitted use on the Receiving Lot.

4. Special Provisions Related to Utility and Railroad Land. As railroad and utility facilities cannot easily be reused for other purposes while the railroad or utility function is active, special limitations shall be imposed for the transfer of any development potential on those sites though the provisions of this Section 21.40. Therefore, Gross Floor Area permitted on a railroad right-of way, railroad freight terminal, railroad yard and shop (Section 4.32 (c)) or utility transformer station, substation, gas regulator station (Section 4.32 (g 2) may not be transferred to any other lot under the provisions of this Section 21.40 unless the Planning Board finds that the donating lot, after the transfer of GFA, will be substantially improved to the benefit of the general public, consistent with the objectives of the Concord-Alewife Plan. In making that finding the Planning Board shall consider the following:

a. Significant portions of the Donating Lot are redeveloped to housing, technical office uses, or permeable open space as set forth in Section 21.43.2 (1) below.

b. Rights of way or construction of pedestrian and bicycle pathways and roadway segments, elements of the pedestrian bridge across the railroad right of way from the Quadrangle to the Triangle, and water retention/detention systems are provided, consistent with the Plan.

c. The additional GFA on the Receiving Lot can be reasonably accommodated in a positive way with regard to management of the additional traffic created and site and building design proposed in the context of the surrounding pattern of development.

d. In other demonstrable ways the objectives of the Plan are advanced to an extent commensurate with the scale of the GFA transfer being requested.

21.43.2 Restrictions on the Use of the Donating Lot after Transfer is Authorized.

1. Where it is proposed to transfer all development allowed on the Donating Lot, the lot shall be thereafter developed in one of the following ways:
    a. As a Public, Green Area, Permeable or Publicly Beneficial Open Space.

b. For any residential use permitted in a Residence C-1 District in a building or buildings meeting all the dimensional requirements of the Residence C-1 District. An FAR of 0.75 shall be authorized on the site, in addition to that authorized for transfer to the Receiving Lot. Such additional FAR, however, shall not be granted for transfers of GFA that only occur within the boundaries of a single Overlay District.

c. Any technical office for research and development, laboratory and research facility, Section 4.34 f, in a building or buildings constructed to meet all the dimensional requirements of the Office 1 District. An FAR of 0.75 shall be authorized on the site, in addition to that authorized for transfer to the Receiving Lot. Such additional FAR, however, shall not be granted for transfers of GFA that only occur within the boundaries of a single Overlay District.

i. Where an existing building has a Gross Floor Area at or below an FAR of 0.75 and is occupied by a Technical office for research and development use, such building and use shall be considered to meet the requirements of this Subparagraph c and the full transfer from the lot of permitted FAR shall be permitted.

2. Where it is proposed to retain some of the development potential on the Donating Lot, either in new construction or in existing buildings, the provisions of the applicable base district and Section 20.90 shall apply to that development.

21.43.3 Dimensional and Use Limitations on the Receiving Lot.

The GFA transferred to a Receiving Lot shall be subject to the following provisions:

1. The transferred GFA shall not be subject to any FAR or GFA limitations applicable to the Receiving Lot, including lots that already exceed permitted FAR limits.

2. Transferred Non-residential GFA may be used for any use permitted on the Receiving Lot

3. Transferred Residential GFA shall only be used for residential uses on the receiving lot.

4. All other dimensional limitations applicable to the receiving lot shall apply to the transferred GFA.

5. The total GFA transferred shall not exceed twenty (20%) percent of the GFA otherwise permitted on the Receiving Lot when the transfer occurs between two or more Overlay Districts.

21.43.4 Location of Donating and Receiving Lots

21.43.41 Transfer of Development Rights within a Single Overlay District. Transfer of GFA shall be permitted within the boundaries of a single Overlay District from any Donating Lot to any Receiving Lot. Where a lot is divided by an Overlay District line, all transferred GFA shall be located within that portion of the lot located within the Overlay District.

21.43.42 Transfer of Development Rights Between Two or More Overlay Districts. Where it is proposed to transfer GFA out of one Overlay District into another the following rules shall apply.

1. Overlay Districts 1 and 3 shall contain only Donating Lots. Gross Floor Area from these Districts may only be transferred to Overlay Districts enumerated in Paragraphs (2) and (3) below.

2. Overlay Districts 4, 5 and 6 shall contain only Receiving Lots and may receive transferred GFA only from Overlay Districts 1 and 3.

3. Overlay District 2 shall contain only Receiving Lots and may receive transferred GFA only from Overlay Districts 1 and 3. However, transferred GFA shall only be permitted if it can be demonstrated to the satisfaction of the Planning Board that there is in place a safe and functional pedestrian connection from Overlay District 2 across the railroad tracts to Overlay District 6; or that the development authorized by a Transfer of Development Rights Special Permit will provide physical elements or property right interests that will facilitate the construction of such a pedestrian connection in the future, to include but not be limited to: fee, easement or other property interest sufficient to permit the construction of a pedestrian bridge and to permit the general public access the facility; construction of elements of the bridge on the site or within buildings to be constructed on the site, or actual construction of the pedestrian connection.

ARTICLE 22.000 SUSTAINABLE DESIGN AND DEVELOPMENT

Text current through Ordinance #1372 of June 15, 2015.

22.10 INTENT AND PURPOSE

22.20 GREEN BUILDING REQUIREMENTS

22.30 GREEN ROOFS

22.40 EXTERIOR WALLS AND INSULATION

22.50 OVERHANGS AND SUN-SHADING DEVICES

22.60 SOLAR ENERGY SYSTEMS

22.70 WIND TURBINE SYSTEMS

22.10 INTENT AND PURPOSE

It is the intent of this Article 22.000 to promote environmentally sustainable and energy-efficient design and development practices in new construction and renovation of buildings in the city. Some of the regulations in this Article include design standards that shall be applied to new construction and renovation projects of a significant size. Other regulations in this Article modify regulations found elsewhere in this Zoning Ordinance in order to encourage the incorporation of specific design features that will improve the sustainability and energy-efficiency of buildings.

22.20 GREEN BUILDING REQUIREMENTS

22.21 Statement of Purpose. This Section 22.20 is adopted to ensure that major new projects and substantially rehabilitated buildings in the City of Cambridge are planned, designed and constructed in a sustainable way so as to minimize adverse environmental impacts as they are initially constructed and as they are occupied and operated over the course of their useful lives. It is the purpose of this Section 22.20 to encourage the reuse of existing buildings and materials; to encourage the conservation of natural resources and reduction of toxins in new construction and substantial rehabilitation of existing buildings through selection of recycled and otherwise environmentally appropriate building materials and methods; to ensure a reduction in the use of energy in both the initial construction of the project and in its daily operation; and to encourage an arrangement of buildings and mix of uses, on individual lots and within the city as a whole, that will foster pedestrian, bicycle, and public transit use in the city. While the provisions of this section apply to projects of 25,000 square feet or larger, developments of all sizes are encouraged to incorporate sustainable design principles. Notwithstanding the provisions of this Article 22.00, the requirements of all local, state and/or federal regulations applicable to a project must be met, particularly the State Building Code, including its energy components.

22.22 Applicability. Any new construction, or any substantial rehabilitation of an existing building for an existing or new use, that totals 25,000 square feet of Gross Floor Area or more and that (1) requires the issuance of a special permit under any provision of this Zoning Ordinance (including but not limited to special permits required in Article 13.000 – Planned Unit Development Districts, Section 19.20 – Project Review Special Permit, and Section 5.28.2 – Conversion of Non-Residential Structures to Residential Use) or (2) is subject to the provisions of Section 19.50 – Building and Site Plan Requirements, shall be subject to the requirements of this Section 22.20.

22.23 **Requirement.** LEED, when used in this Section 22.20, refers to the Leadership in Energy and Environmental Design Green Building Rating System as developed and revised from time to time by the United States Green Building Council (USGBC).

1. *For construction of at least 25,000 square feet of gross floor area but less than 50,000 square feet.*

Such projects shall be required to meet the requirements of the most current applicable LEED building rating system at the level 'Certified' or better.

2. *For construction of 50,000 square feet or more of gross floor area.*

Such projects, shall be required to meet the requirements of the most current applicable LEED building rating system at the level 'Silver' or better.

There shall be a period of twelve months from the time of adoption of a new version of LEED, during which projects shall have the option to file under either the old or newly-adopted version.

22.24 **Procedures.** Any project subject to this Section 22.20 shall comply with the following procedural requirements.

1. *Special Permit Application or Section 19.50 Compliance Documentation.*
   As an element of the application or documentation, the applicant shall submit a completed LEED Project Checklist for the appropriate LEED building standard to demonstrate how the project is anticipated to meet the requirement of Section 22.23 above. The Checklist shall be accompanied by a brief narrative indicating the mechanisms proposed to achieve each of the credits and prerequisites and demonstrating the anticipated methods by which compliance with the requirements of this Section will be achieved at the time of construction of the authorized project. The checklist and narrative shall be accompanied by an affidavit by a LEED-Accredited Professional (LEED-AP) Project Manager or by appropriate consultants stating that to the best of their knowledge, the project has been designed to achieve the requirements of Section 22.23 above.

2. *The following requirements shall apply to all development subject to this Section 22.20:*

   a. Prior to the issuance of the first Building Permit for each authorized building.

      (1) Submittal of an updated LEED checklist and narrative description outlining compliance with the certification level required by Section 22.23 above to the Inspectional Services Department (ISD) and the Community Development Department (CDD). The narrative shall highlight any design changes made subsequent to the Development Consultation or granting of the Special Permit.

      (2) The checklist and narrative shall be accompanied by an affidavit by a LEED-AP Project Manager or appropriate consultants stating that to the best of their knowledge, the project has been designed to achieve the stated credit requirements.

   b. Prior to issuance of the first Certificate of Occupancy for each authorized building.

(1) Submittal of a final LEED checklist and narrative description indicating in detail how the requirements of this Section 22.20 have been met to the Inspectional Services Department (ISD) and the Community Development Department (CDD).

(2) The checklist and narrative shall be accompanied by an affidavit by a LEED-AP Project Manager or appropriate consultants stating that to the best of their knowledge, the project has been designed and constructed to achieve the requirements of Section 22.23 above.

22.30 GREEN ROOFS

22.31 *Purpose.* The purpose of this Section is to remove potential impediments to the development of green roof systems on new and existing buildings by clarifying that such systems should not count against a building's Gross Floor Area, and by providing for limited access and enjoyment of green roofs by occupants of a building.

22.32 ***Functional Green Roof Area*** shall be defined as area atop a roof surface on a building, open to the sky and air, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight. The depth of soil and planted material shall be at least two (2) inches to be considered Functional Green Roof Area. For the purposes of maintaining the plant material, Functional Green Roof Area may be accessible by means of a roof entrance.

22.33 *Floor Area Exemptions for Functional Green Roof Area.*

22.33.1 Spaces meeting the definition of Functional Green Roof Area as defined in Subsection 22.32 above, which are to be accessed only for maintenance purposes and are not intended to be used by building occupants or others, shall be exempt from the calculation of Gross Floor Area of a building.

22.33.2 Spaces meeting the definition of Functional Green Roof Area as defined in Subsection 22.32 above, which are intended to be accessed for use by occupants of the building or others, and which are located above the third floor of the building, may be exempted from the calculation of Gross Floor Area of a building only after the granting of a special permit by the Planning Board. The proponent seeking such a special permit must demonstrate that the Functional Green Roof Area is designed such that the vegetation will withstand the foot traffic associated with its anticipated use. The Planning Board shall also consider the potential visual, noise and privacy impacts of the anticipated use on neighbors. Unless such a special permit is granted, any Functional Green Roof Area located above the third floor of a building that is intended to be accessed for use by building occupants or others shall be counted as Gross Floor Area.

22.34 *Floor Area Exemptions for Patios or Decks Adjacent to Functional Green Roof Area*

22.34.1 In non-residential zoning districts and in Residence C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B zoning districts, where a rooftop surface above the third floor includes Functional Green Roof Area as defined in Section 22.32 above, adjacent open-air outdoor space intended for use by building occupants or other persons that does not meet the definition of Functional Green Roof Area, such as a patio or deck, shall be exempted from the calculation of Gross Floor Area of the building, provided that the total space exempted in such a manner shall not exceed fifteen

percent (15%) of the amount of Functional Green Roof Area on the building and that all such usable outdoor space shall be set back at least ten (10) feet from all outer roof edges.

22.34.2 In residential zoning districts not listed in Section 22.34.1 above, where a rooftop surface above the third floor includes Functional Green Roof Area as defined in Section 22.32 above, adjacent open-air outdoor space intended for use by building occupants or other persons that does not meet the definition of Functional Green Roof Area, such as a patio or deck, may be exempted from the calculation of Gross Floor Area of the building only after the granting of a special permit by the Planning Board. The total space exempted in such a manner shall not exceed fifteen percent (15%) of the amount of Functional Green Roof Area on the building and all such usable outdoor space shall be set back at least ten (10) feet from all outer roof edges. In granting the special permit, the Planning Board shall consider the location and orientation of the patio or deck in relation to adjacent properties and potential visual, noise and privacy impacts of the anticipated use on abutters.

22.40 EXTERIOR WALLS AND INSULATION

22.41 *Purpose.* The purpose of this Section is to remove potential impediments to the construction of exterior walls with additional insulation or wall-based mechanical systems that can improve the energy-efficiency of a building, by exempting the additional gross floor area created by such features from the calculation of a building's total Gross Floor Area.

22.42 *Double-Skin Facades*

22.42.1 A ***Double-Skin Façade*** shall be defined as a multilayer exterior wall system comprising a solid outer wall, a solid inner wall, and a ventilated intermediate air space, intended to improve insulation and manage solar heat gain as an element of a building-wide mechanical system for heating and cooling a building.

22.42.2 *Floor Area Exemption for Double-Skin Façades.* Within an exterior wall system that meets the definition of a Double-Skin Façade as defined in Section 22.42.1 above, the area occupied by the intermediate air space shall be excluded from the calculation of Gross Floor Area on a lot, up to a depth of one (1) foot, provided the space is not to be accessed except for maintenance purposes.

22.43 *Exterior Insulation*

22.43.1 *Floor Area Exemption for Added Exterior Insulation.* Where the thickness of a solid, non-removable exterior wall of a building is greater than six (6) inches, such wall being comprised entirely of structural material, insulating material and interior and exterior finishes, any Gross Floor Area that is further than six (6) inches from the innermost solid plane of the exterior wall may be excluded from the calculation of Gross Floor Area of a building.

22.43.2 *Yard Exceptions for Added Exterior Insulation.* Existing conforming or pre-existing non-conforming buildings or buildings that received a building permit prior to August 2, 2010 that cannot add insulation exterior to the exterior structural wall of the building without intruding into a required setback may encroach or further encroach into the required yard setback through the addition of insulation external to the exterior structural wall of the building, provided that the additional insulation does not increase the thickness of the exterior wall by more than four (4)

inches and that the resulting outermost plane of each exterior wall is no closer than seven feet, two inches (7'-2") to the nearest property line.

22.50 OVERHANGS AND SUN-SHADING DEVICES

22.51 *Purpose.* The purpose of this section is to remove potential impediments to the addition of passive solar shading devices intended to reduce the impact of solar heat gain on a building or lot, by exempting areas underneath such devices from the calculation of Gross Floor Area under certain circumstances.

22.52 *Floor Area Exemption for Sun-Shading Devices.* Areas directly underneath a building overhang, eave, awning or other sun-shading device shall be excluded from the calculation of Gross Floor Area for a lot, provided that the overhang, eave, awning or other sun-shading device extends no more than three (3) feet from the exterior wall plane of the section of the building beneath it, and provided that the ground surface directly beneath the overhang, eave, awning or other sun-shading device meets the definition of Permeable Open Space as defined in Article 2 of this Zoning Ordinance.

22.53 *Floor Area Exemption for Pergolas, Arbors and Trellises.* Ground space directly underneath an outdoor pergola, arbor or trellis structure shall be excluded from the calculation of Gross Floor Area of a lot, provided that the structure is at least 80% open to the air across all horizontal or vertical surfaces, and that any parallel structural support members with a cross-section of greater than one (1) inch by two (2) inches are separated from each other by at least three (3) feet on center. These features may be freestanding or attached to a building.

22.60 SOLAR ENERGY SYSTEMS

22.61 *Purpose.* The purpose of this Section is to define solar energy systems within the zoning ordinance, to provide a mechanism for publicly registering such systems so that nearby developers can be aware of their existence, and to provide limited zoning protections for such systems in some instances where developers of neighboring properties are seeking a special permit or variance.

22.62.1 Solar energy systems are viewed as potentially valuable contributors to meeting the City's objective of encouraging sustainable development and energy conservation. However, the complex nature of urban development in the city limits the extent to which the city's zoning regulations can be employed to guarantee long-term access to sunlight on a wide geographic basis. Therefore, the following provisions are intended to provide limited support for such systems and to raise awareness of their contribution to the objectives of this Article 22.000 on the part of the general public and property owners.

22.62 A ***Solar Energy System*** shall be defined as a device or combination of equipment that converts radiant energy from the sun into heat or electricity that can be used for the purpose of heating indoor spaces, producing hot water, or powering electrical devices.

22.63 A ***Registered Solar Energy System*** shall be defined as a Solar Energy System for which a building permit has been issued, provided that at least one year has passed since the issuance of such permit, and whose sun-exposed elements are at a height no lower than five (5) feet below the maximum height allowed within the base zoning district in which it is located. Such systems

shall be recorded on a public registry of Solar Energy Systems that shall be maintained by the City's Inspectional Services Department and made available to property owners by request.

22.64 *Protection of Registered Solar Energy Systems*. The impacts of a proposed development seeking a special permit or variance on a Registered Solar Energy System shall be considered by the Board of Zoning Appeal or the Planning Board, whichever is applicable, in making its determination, as described in Article 10, Subsection 10.32 and Article 19, Subsection 19.33 of this Zoning Ordinance. No protection shall be provided by this Zoning Ordinance to a Solar Energy System that does not meet the definition of a Registered Solar Energy System.

22.70 WIND TURBINE SYSTEMS

22.71 *Purpose*. It is the intent of this Section 22.70 to permit the limited use of wind turbines throughout the city (a) for the purpose of small scale generation of electricity for on-site consumption as an accessory use to other activities located on the same lot, (b) for the purpose of researching, testing, evaluating, or demonstration of the efficacy in an urban setting of such instruments as a means by which renewable sources of energy might be employed to generate electricity at a larger scale for both a domestic and commercial purposes, and (c) in appropriate locations in non residential districts for the generation of electricity for commercial sale as a principal use. These provisions are intended to ensure that such facilities are well designed, carefully sited, and operated in a manner that will not pose a nuisance or hazard to the general public or nearby neighbors.

22.72 *Wind Turbine Systems Permitted by Special Permit.*

A Wind Turbine System may generally be permitted anywhere in the city after the granting of a special permit from the Planning Board, subject to the conditions and limitations described in this Subsection 22.72. In special cases, there is a limited provision for the permitting of Wind Turbine Systems as-of-right, without the granting of a special permit, as described in Subsection 22.73 below.

22.72.1 Dimensional Limitations.

1. Height. There shall be no maximum height limit for a Wind Turbine, but the permitted height of a Wind Turbine shall be specifically approved by the Planning Board.

2. Setbacks. There shall be no required minimum yard setbacks for a Wind Turbine, but the permitted placement of a Wind Turbine with respect to public street lines and adjacent lot lines shall be specifically approved by the Planning Board. All equipment and structures accessory to the Wind Turbine shall be subject to the yard requirements of the applicable zoning district unless waived by the Planning Board.

22.72.2 Application Material.

At a minimum the special permit application shall contain the following material:

1. Plans of the site showing the location of the Wind Turbine System and its relationship to other uses and buildings on the site, including elevations of Wind Turbines and other features on the site; plans, descriptions, illustrations and/or photographs describing the surrounding uses and physical context in sufficient detail to allow an assessment of the proposal on those

surrounding activities; illustration of the laydown options for maintenance of the equipment; any proposed screening and landscaping.

2. A detailed description of the Wind Turbine System including number, size, materials, noise rating, operational plan, maintenance schedule.

3. A narrative discussion of the extent to which the operation of the proposed Wind Turbine System will generate continuous shadows, intermittent shadows (a.k.a. flicker), and/or noise that may be detected from adjacent properties and from the public street.

4. Photo simulations or other representations, from at least two vantage points (one of which should be from a public street), illustrating the proposal in its physical context.

5. A detailed estimate of the cost of removal of the Wind Turbine System.

22.72.3 Standards for Granting of the Special Permit.

In addition to the limitations requirements described in Section 22.74 below and the criteria established in Section 10.43 of the Zoning Ordinance for the granting of a special permit, the Planning Board shall consider the following specific criteria.

1. The visual impact of the Wind Turbine System on the abutting properties and the neighborhood. In recognition of the fact that a Wind Turbine of any significant size will introduce a physical structure and form not typical of most residential and commercial neighborhoods in the city, the Planning Board shall consider the following when assessing whether a proposal has any unreasonable negative impacts on neighborhood character or adjacent uses:

    a. the size, scale and bulk of the proposed Wind Turbine System in relationship to the scale of typical buildings and other elements in the neighborhood;
    b. the visibility and impact of the proposed Wind Turbine System from important view corridors and viewsheds, with the understanding that reasonable efforts should be made to make the system visually unobtrusive, although in many cases a system may not be reasonably expected to be screened from public view;
    c. the nature of adjacent uses, including the historical and architectural quality of surrounding buildings, the consistency of that architectural character over an extended area, and the extent to which the proposed Wind Turbine System is visually integrated with that character and with the larger urban landscape; and
    d. in the case of building-mounted Wind Turbine Systems, the visual relationship between the system and the architecture of the building upon which it is installed.

2. The extent, frequency and duration of continuous and intermittent shadows and their relationship to interior spaces and places people will regularly occupy. Such impacts should be minimized and directed away from sensitive spaces in residential environments. It shall be the burden of the applicant to demonstrate that there shall be no significant adverse impact on adjacent properties.

3. The extent of detectable noise and vibration impact on neighboring uses.

4. Where a Wind Turbine System is proposed in an Open Space District or near an open space facility, particularly one with a significant natural aspect, the system's impact on any conservation, historic, or recreational value should be carefully analyzed.

5. Other factors with regard to the operational and visual impacts of the Wind Turbine System that may suggest that a time limitation should be imposed on the special permit.

22.73 *Wind Turbine Systems Permitted As-of-right*.

A Wind Turbine System shall be permitted as-of-right, without the granting of a special permit, only if the conditions and limitations of this Subsection 22.73 and the requirements of Subsection 22.74 below are met. Any proposed Wind Turbine System not meeting all of the conditions and limitations of this Subsection 22.73 may be permitted only after the granting of a special permit by the Planning Board, as described in Subsection 22.72 above.

22.73.1 District Limitations.

The Wind Turbine System and all associated monitoring and testing equipment must be located in a Residence C-3, C-3A, C-3B or Special District 6 zoning district.

22.73.2 Use Limitations.

1. The Wind Turbine System must be accessory to an educational use, Section 4.56 c, Paragraphs 4-6, dormitory use accessory to such educational use, Section 4.56 c, Paragraph 8, or museum use, Section 4.56 i, Paragraph 2 where such museum has as its core mission the display, exploration and dissemination of knowledge, scientific principles, and natural phenomena to the general public.
2. The Wind Turbine System shall only be installed for the purpose of advancing the educational and instructional purposes of the institution to which it is accessory and shall not be installed for the specific and principal purpose of generating electricity for sale. However, energy generated by the Wind Turbine System may be used in the operation of the physical plant of the institution to which it is accessory.

22.73.3 Dimensional Limitations.

1. The Wind Turbine must be installed on a building and may not be a freestanding structure.

2. *Height*: The Wind Turbine Height may not extend more than forty (40) feet above the existing height of the portion of the building upon which it is mounted. Such limitation shall apply even if the height of the building is non-conforming and already exceeds the height of structures permitted in the zoning district. The height shall be measured to the highest point of the turbine, including the height of blades when in the vertical position.

3. *Setbacks*. The Wind Turbine shall be subject to the following minimum setbacks, which shall apply regardless of the location of the building upon which the turbine is installed.

    a. No portion of the Wind Turbine may be located nearer than two hundred (200) feet to any structure containing a residential use (exclusive of transient residential uses, Section 4.31 i) that is neither owned nor under the control of the institution erecting the turbine.

    b. The minimum setback of the Wind Turbine from any public street line or from a lot line of a lot not in the ownership of the institution to which the Wind Turbine is accessory shall be a distance equal to the Wind Turbine Height. However, a Wind Turbine with a height of ten (10) feet or less shall have no required minimum setback.

22.73.4 *Time Limitations*

A building permit authorizing the installation of a Wind Turbine System under the provisions of this Subsection 22.73 shall limit said use to a period not to exceed two years unless, prior to expiration of said two years, a request in writing is submitted to the Inspectional Services Department for an extension of the permit for an additional two years. Such extension shall not be unreasonably withheld and may be granted if the conditions and requirements of this Subsection 22.73 and Subsection 22.74 below continue to be met by the Wind Turbine System and no nuisance or hazard has been identified during the previous two years of operation. Such building permit may be extended for additional two year intervals in the same manner.

22.74 *General Limitations and Requirements for Wind Turbine Systems*

22.74.1 In all cases, a Wind Turbine System shall be subject to the following limitations and requirements:

1. The Wind Turbine System shall be free from any appurtenances with the exception of equipment necessary to monitor, regulate, secure, and maintain the system and the electricity it may produce. No sign may be attached to the system with the exception of unobtrusive manufacturer identification and operational guidance informational signs. No cellular or mobile phone equipment may be attached to the system.

2. The Wind Turbine System shall not be independently lighted except as may be required by any local, state or federal regulation.

3. The Wind Turbine System shall be painted in subdued tones of white, black, silver, grey, dark green, brown, blue or similarly subdued, non-reflective color unless otherwise required by local, state and/or federal regulations or allowed by the Planning Board.

4. In operation the Wind Turbine System shall meet the requirements of the Cambridge Noise Ordinance, cumulatively for all equipment installed at a single location. All equipment shall be rated for noise generation so that it can be evaluated prior to installation.

5. The site shall be capable of accommodating the laydown of the Wind Turbine without trespass onto city streets or adjacent lots held in a different ownership.

6. The Wind Turbine System shall be designed and located so as to prevent unauthorized access and otherwise be maintained in a safe operating condition.

7. *Abandonment*. Given the unique safety considerations associated with Wind Turbines, the owner shall be obligated to remove the Wind Turbine System if any one of the following occurs:

    a. abandonment of the Wind Turbine System through disuse for a period of one year;

    b. non-functioning of the Wind Turbine System for more than 100 days, where substantial steps have not been initiated to make necessary repairs; or

c. failure to request an extension of a building permit as required in Subsection 22.73.4 above, or a special permit authorized under Subsection 22.72 above, where that special permit may have been time-limited by the Planning Board.

Upon failure to remove the Wind Turbine System 150 days after any one of these threshold events occurs, the City of Cambridge shall have the authority to enter the property and remove the system at the expense of the owner/operator where it finds that the equipment constitutes a hazard to the general public. At or before issuance of a building permit for the system, the Permittee shall post a bond or other surety in a form and in an amount acceptable to the City that shall cover the cost of removal of the system by the City should that be necessary, such bond amount to be consistent with estimates for removal prepared at the Permittee's expense by a qualified engineer. The surety mechanism shall account for cost of living adjustments over the expected life of the system.

8. A Wind Turbine System principally used for the express purpose of the commercial selling of the energy generated shall be permitted only in non-residential zoning districts. In residential districts, such commercial use ~~is~~ shall not be permitted. However, it is understood that in those residential districts a portion of the energy generated by the system that is not immediately consumed on-site may at times be sold back or credited to the local-serving power utility, consistent with any applicable state or federal law or regulation. Furthermore, a cooperative system serving multiple adjacent properties shall be permitted in residential districts and may share the output of the system without being considered a commercial use.

22.74.2 Waiver of Requirements
When granting a special permit for a Wind Turbine System, the Planning Board may grant a waiver from the general requirement to accommodate laydown of a Wind Turbine without trespass onto city streets or adjacent lots as described in Subsection 22.74.1, Paragraph 5 above. The Planning Board may also grant a waiver of the requirement to post a bond or other surety that shall cover the cost of removal of the Wind Turbine System by the City, as described in Subsection 22.74.1, Paragraph 7 above. The Planning Board may grant such a waiver if the Board finds the requirement to be unnecessary in a given case.

22.75 *Definitions*

22.75.1 *Wind Turbine*. A device that converts wind energy to rotational energy that then drives an electrical generator. A conventional turbine generally consists of a tower or pole, a nacelle body, and a rotor with multiple blades. Variations may include vertical axis turbines and structural elements housing and encapsulating the rotating elements of the turbine. It is anticipated that as testing and experimentation continues the physical form of turbines may become much more varied.

22.75.2 *Wind Turbine System*. A combination of equipment designed to be permanently mounted on a building or freestanding, including Wind Turbines and associated and accessory equipment and structures, necessary to convert wind energy to electricity.

22.75.3 *Wind Turbine Height.* The vertical dimension of a Wind Turbine as measured from ground level in the case of a freestanding turbine, or from the height of the portion of the building upon which it is mounted in the case of a building-mounted turbine, to the highest point of the Wind Turbine, including the height of blades when in the vertical position.