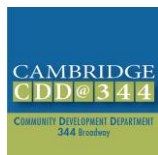




City of Cambridge
Community Development Department

Zoning Basics, Tools, and Strategies

Jeff Roberts, Director of Zoning and Development
Presentation to Climate Resilience Zoning Task Force
February 27, 2019





Zoning

- **What is it good for?**
- **How does it work?**
- **What can you do with it?**



Zoning: What is it good for?



Land Use Regulation

Included	Not included
Type of use (residential, commercial)	Land ownership, tenancy
Size and scale of buildings	Business operations
Intensity of use	Construction methods, materials
Site or building development characteristics	Matters subject to other state or federal regulation (e.g., building codes, licensing, taxation)



The Laws of Land Use

- Different states, different zoning laws
(Massachusetts: M.G.L. Chapter 40A)
- Regulations can serve the public interest while allowing reasonable use of private property

Zoning only sets the rules, property owners decide what to do



Zoning and Planning

What are we thinking about?

- City planning goals (housing, sustainability, economy)
- Impacts on existing uses of land
- Interests of residents, businesses, property owners, others



Not Everything is Zoning!

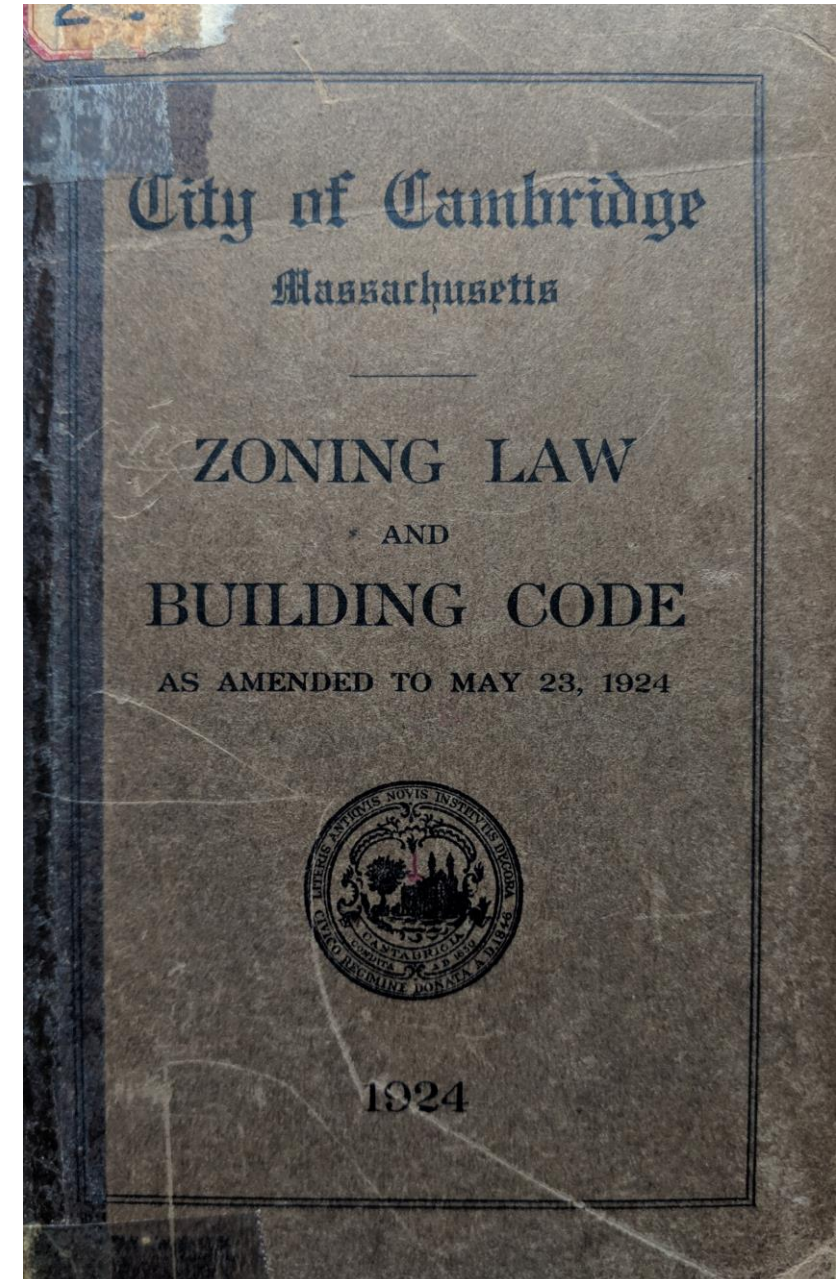
- Building code
- Sanitary code
- Stormwater regulations
- Wetlands permitting
- Business licensing
- Historic protection



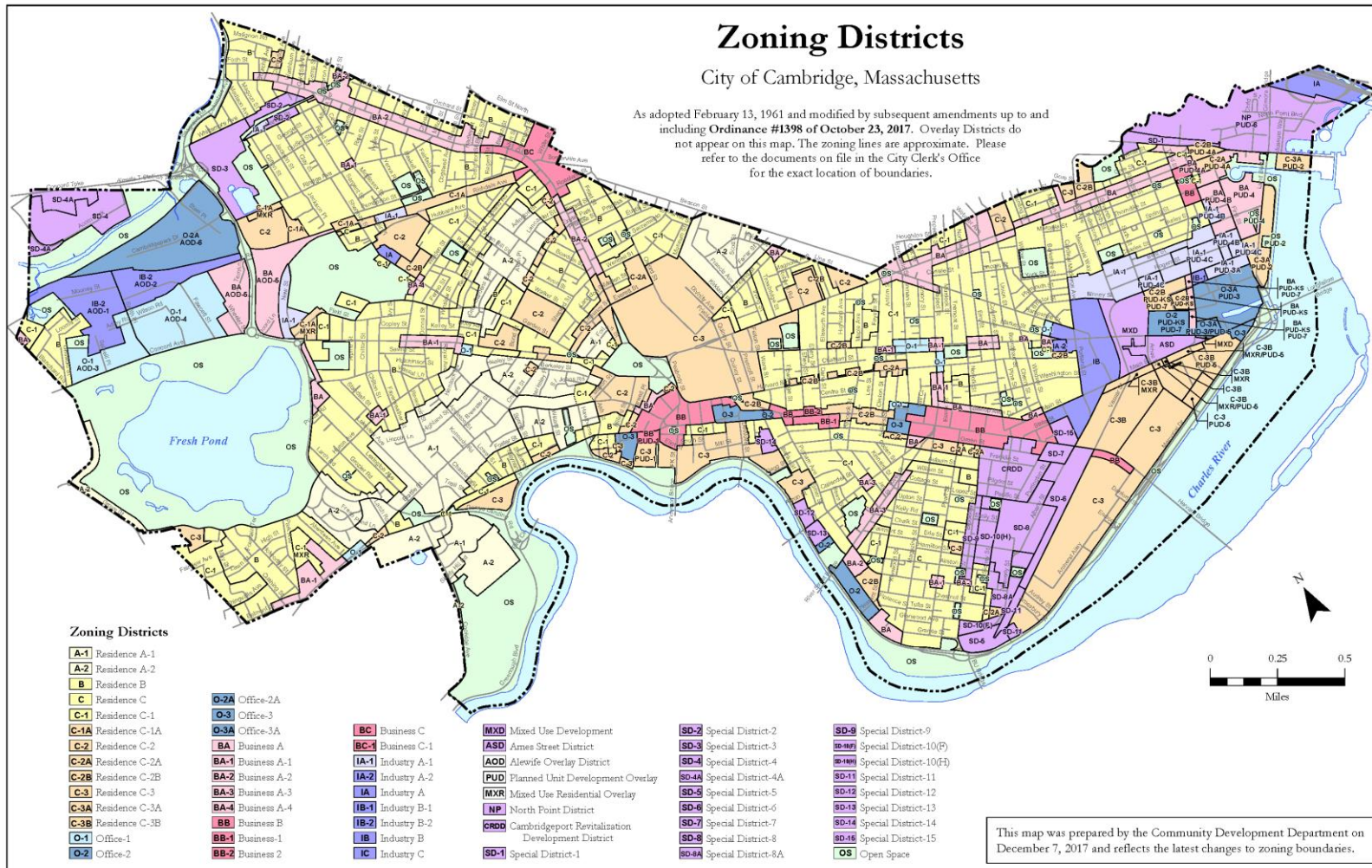
Zoning: How does it work?

Non-Conformance

- Existing use or building may be maintained as it was lawfully permitted
- Zoning applies to a change of use, alteration of a building or site
- Cannot increase an existing non-conformity or introduce a new non-conformity



Zoning Districts

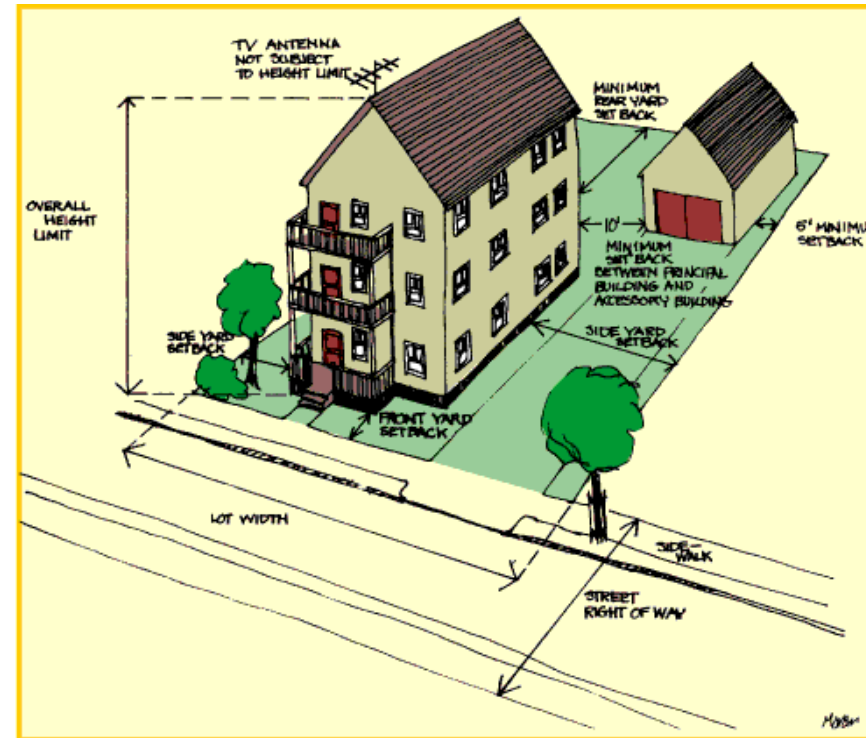
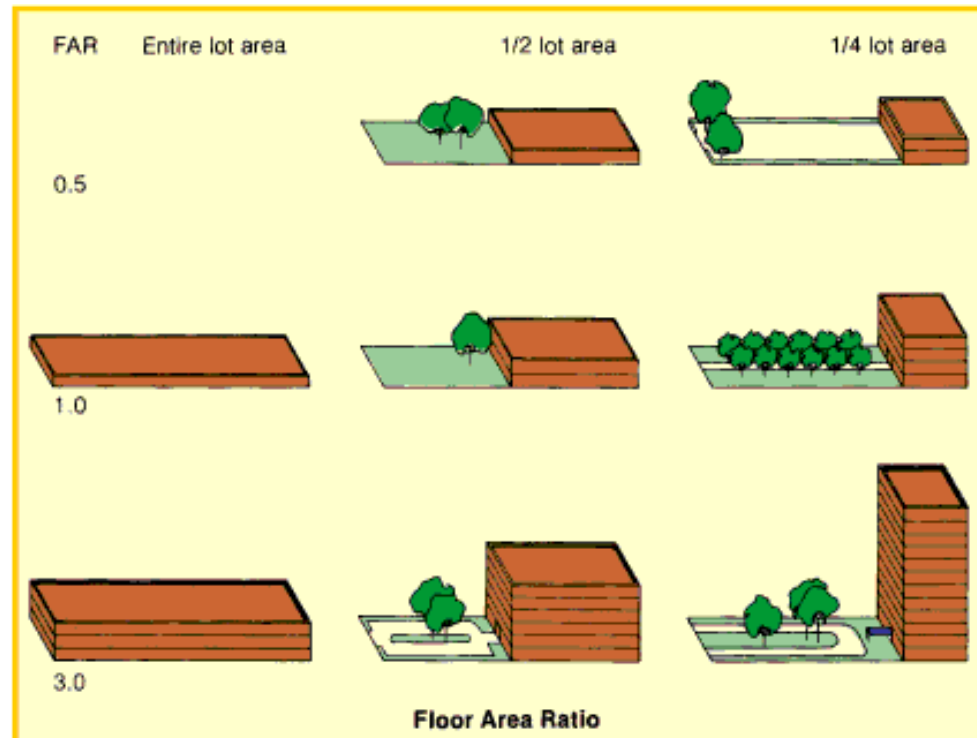


- Every part of the city is in a district
- Districts defined by their land use character –use, scale, intensity
- Range from more restrictive to more permissive
- Rules are uniform across a district

Development Controls

Use type and intensity: height, density (floor area, housing)

Development standards: open space, setbacks, parking





Special Permits and Variances

Special Permit	Variance
Subject to legal appeal	Subject to legal appeal
Requires public hearing, notification, decision	Requires public hearing, notification, decision
Allowed by Zoning Ordinance	Not allowed by Zoning Ordinance
Normally granted if zoning requirements are met, except if not found to be in the public interest due to unique circumstances of the site	Normally not granted unless there is a hardship that justifies special consideration due to unique circumstances of the site



Zoning: What can you do with it?



Zoning: What can you do with it?

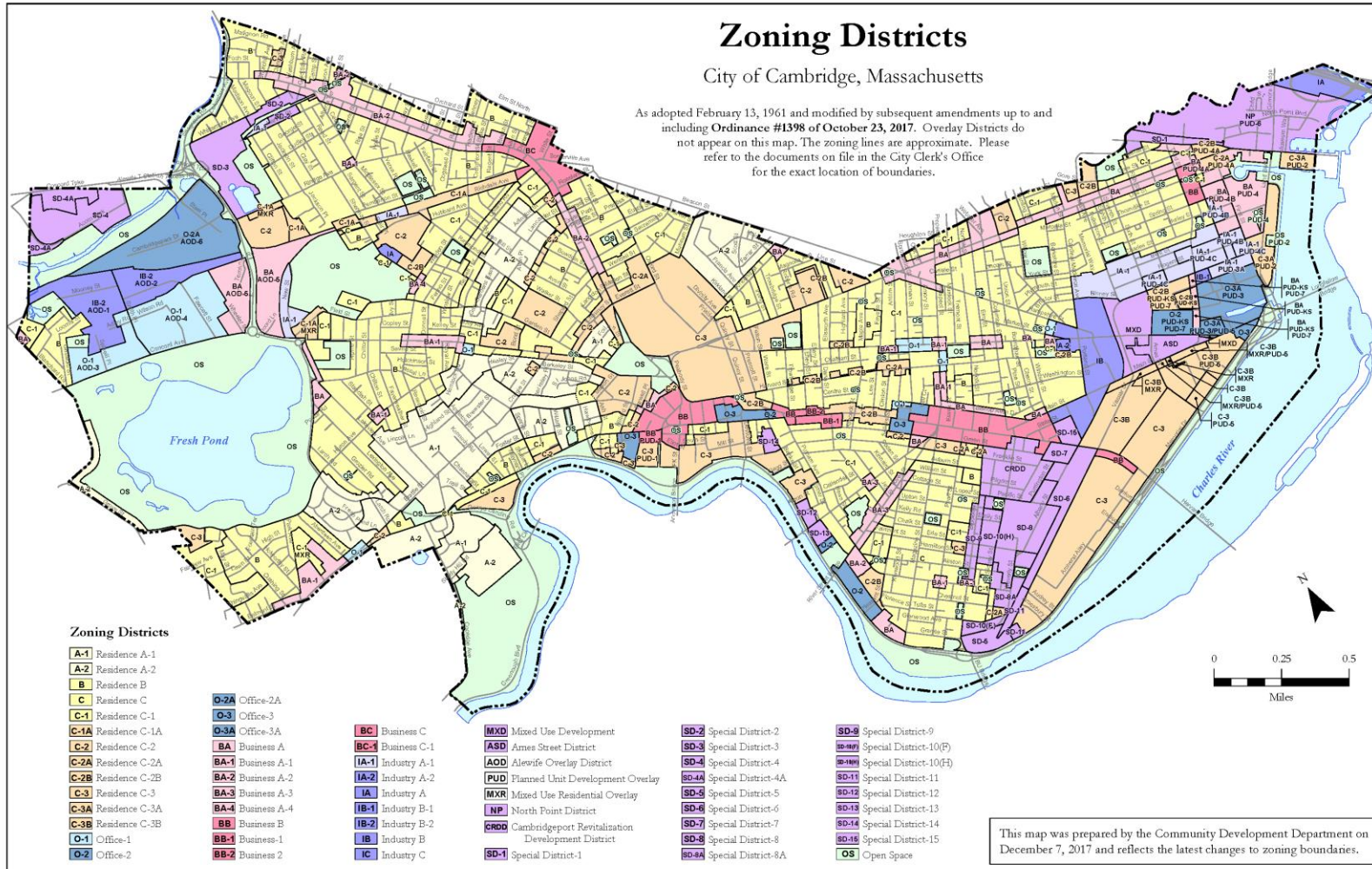
1. Rezone
- 2. Modify development standards**



How to Apply Development Standards

- By Zoning District
- Citywide
- Create Overlay Districts

Development Standards: By Zoning District



“Baseline” approach to zoning

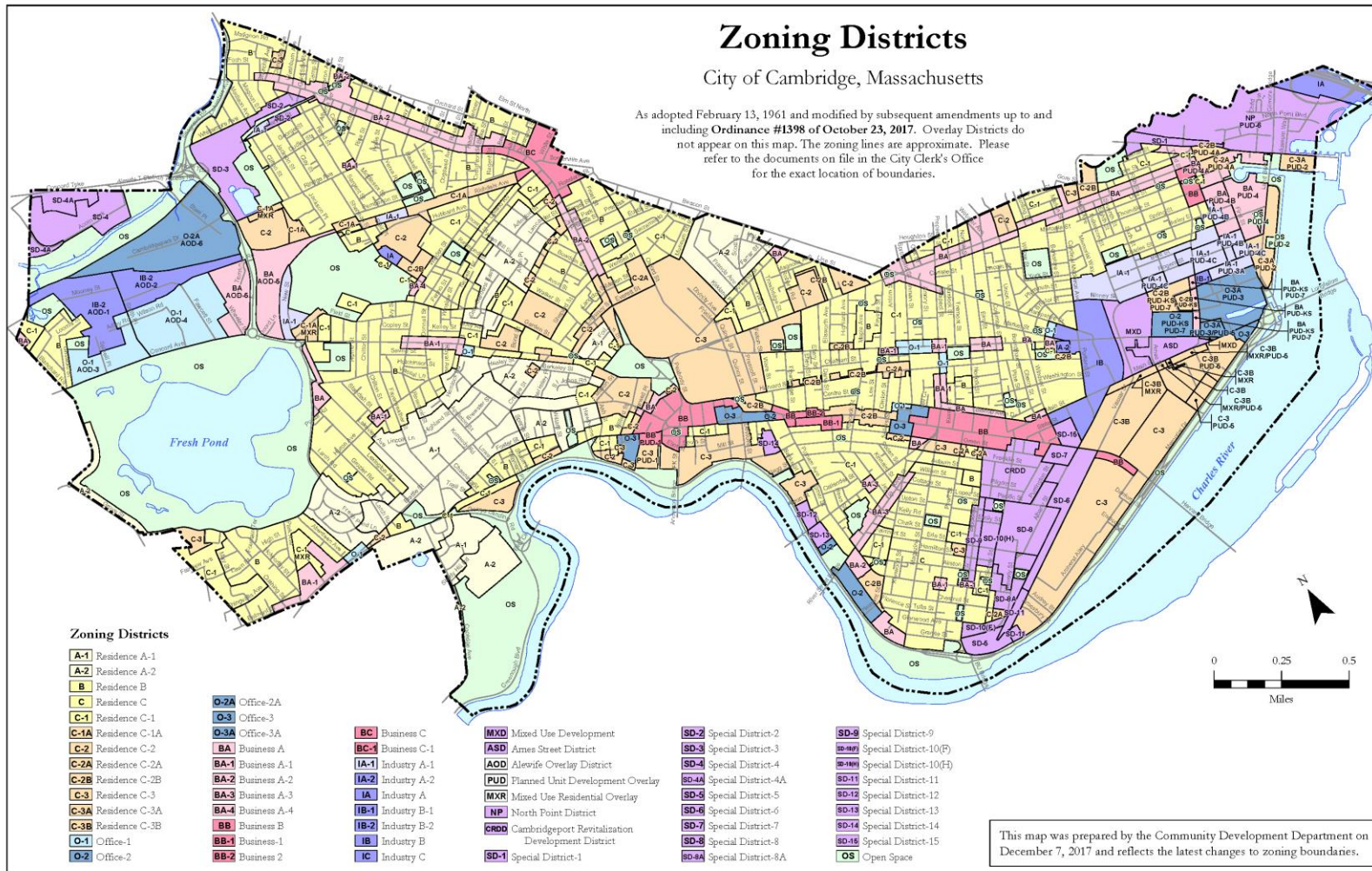
Each district has its own unique set of standards



Development Standards: By Zoning District

Benefits	Drawbacks
Tailored to the land use character of the district (height, scale, density)	Might not be consistent throughout the city
Uniformity across a district	Current district boundaries might not be ideal for a particular standard

Development Standards: Citywide



“Overlay” = rules that modify base zoning

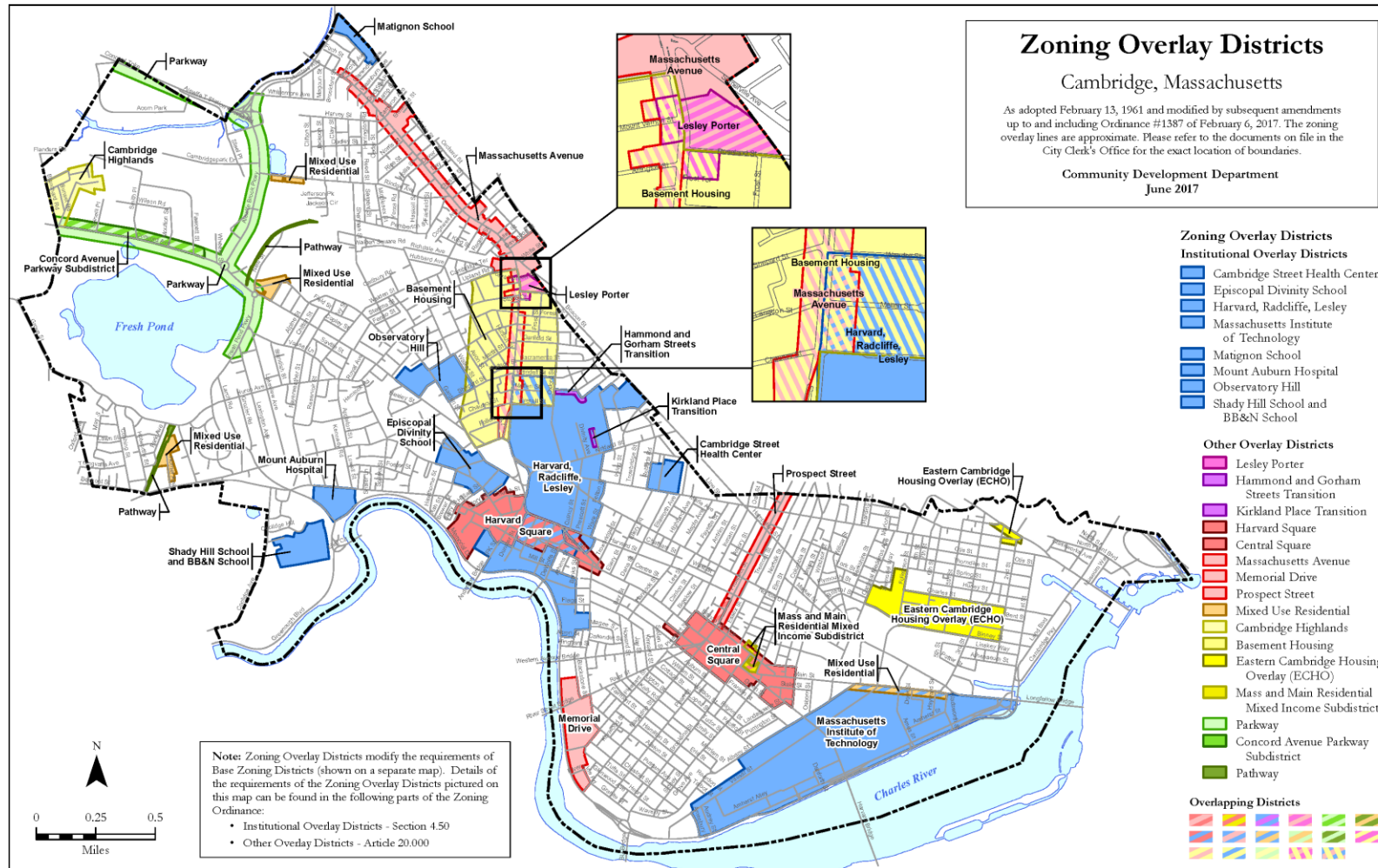
Often applied to particular type of use or project



Development Standards: Citywide

Benefits	Drawbacks
Consistent application of a citywide standard	Can create widespread non-conformity issues
Uniformity across multiple zoning districts	Must be compatible with underlying district regulations

Development Standards: By Overlay District



Modify base zoning in a *specific area*

New boundaries established for a particular use or purpose (e.g., institutional districts)



Development Standards: By Overlay District

Benefits	Drawbacks
Same as citywide overlay, but more customizable/targeted	Confusing to interpret/apply in combination with base zoning
	Must be compatible with underlying district regulations
	Fragmentation creates tension with uniformity



Types of Development Standards

- **Prescriptive**
- **Performance**
- **Discretionary (Review)**
- **Incentives**



Development Standards: Prescriptive

Precise rule, simply stated, administratively applied.

e.g., “Buildings must be set back at least 10 feet from the street.”

Benefits	Drawbacks
Easily understandable	No allowance for flexibility
Straightforward to apply/enforce	Some issues can't be expressed as a simple standards



Development Standards: Performance

Compliance must be demonstrated by analysis/assessment.

e.g., “Buildings must be set back so that shadow is not created over more than 50% of the street.”

Benefits	Drawbacks
More direct in addressing some issues/impacts	Requires more professional expertise
Opportunity to meet standards in different ways	Potential for ambiguity, unforeseen consequences



Development Standards: Discretionary

A board (Planning Board or BZA) determines that criteria are met.

e.g., “In granting a special permit, the Planning Board must find that the front setback is appropriate for the use and compatible with surrounding buildings.”

Benefits	Drawbacks
Case-by-case review allows for input, improvement, mitigation	Discretionary decisions can be challenged
Relies on good judgment	Relies on good judgment



Development Standards: Incentives

More flexibility is allowed if a particular objective is met.

e.g., “Front setbacks may be reduced to 5 feet if they are made accessible to the public.”

Benefits	Drawbacks
Easily understandable	Challenge to agree on balance between incentive and benefit
Encourage “better than the minimum” approach	Doesn’t guarantee a particular outcome



Examples of Development Standards

District Dimensional Standards (Article 5.000)

District-based + Prescriptive

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

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

Sign Regulations (Article 7.000)

Citywide + Prescriptive

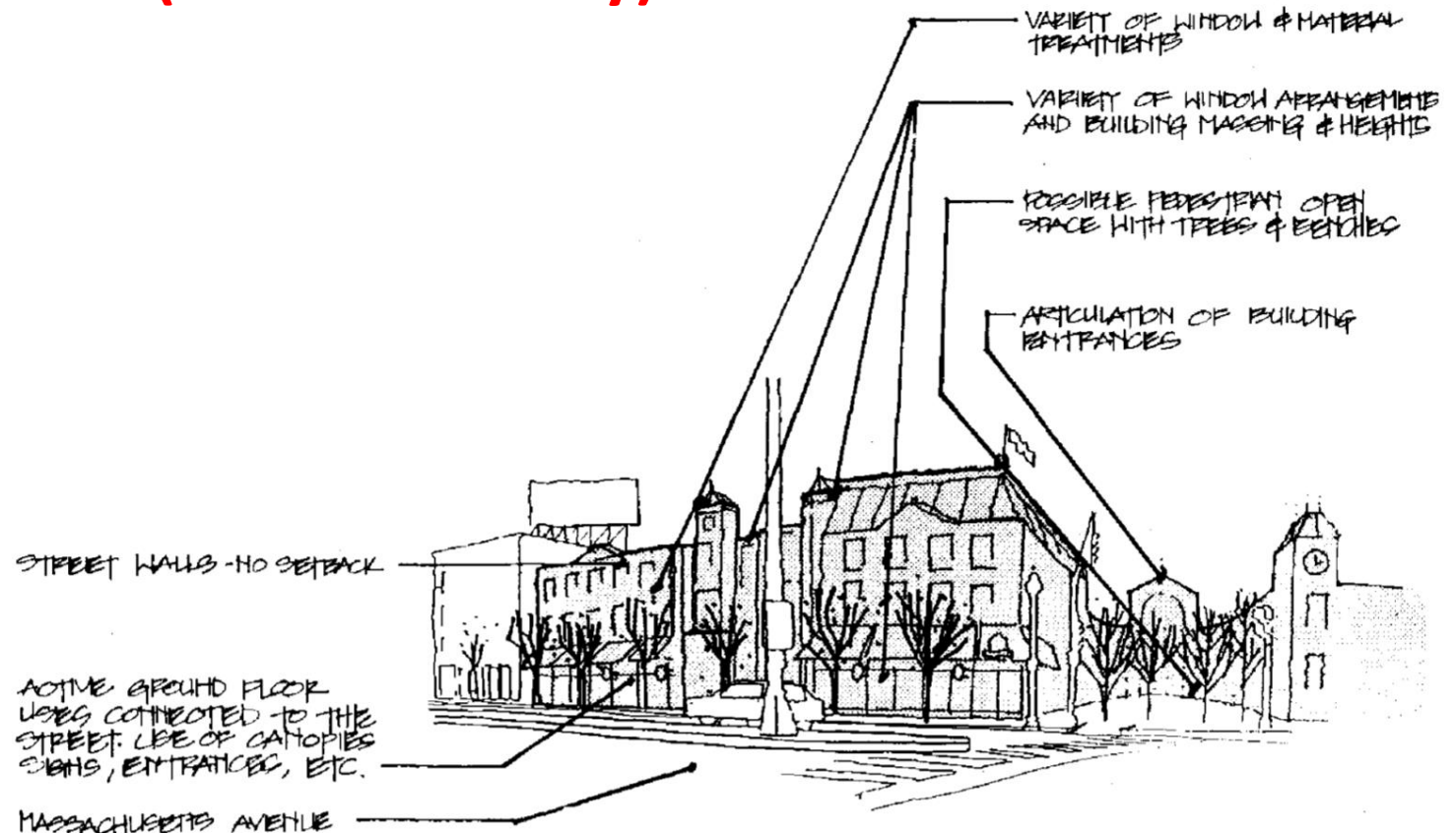
- Height, area, dimensions
- Different in residential and commercial districts



Massachusetts Ave. Overlay (20.100)

Overlay District + Prescriptive (+ Discretionary)

- Active ground floors
- Building facades
- Design guidelines
- Planning Board can modify





Building and Site Plan Requirements (19.50)

Citywide + Prescriptive (+ Discretionary)

- Transition heights/setbacks
- Use orientation
- Historic resources
- Front yard landscaping
- Facades and ground floors
- Parking location
- Mechanicals, trash, loading
- Projects 25,000 SF or larger
- Administrative review
- Planning Board can modify

Green Building Requirements (22.20)

Citywide + Performance

- Projects 25,000 SF or more
- Administratively applied
- Relies on widely used rating systems





Project Review Special Permit (19.20)

Citywide + Discretionary

- Projects 50,000 SF or more (sometimes 20,000 SF or more)
- Planning Board Review
- Transportation Impact Indicators
- Urban Design Objectives

New projects should be responsive to the existing or anticipated pattern of development.

Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.

Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

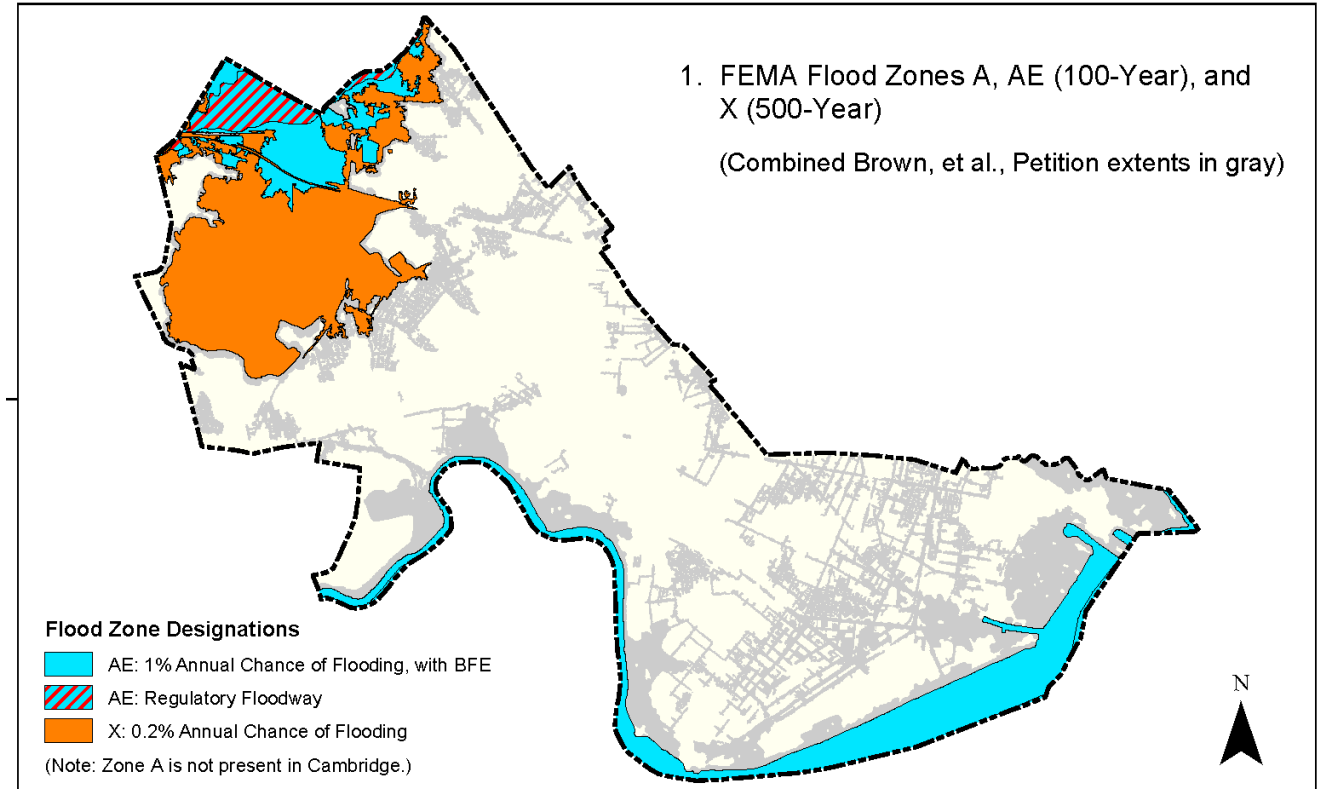
Expansion of the inventory of housing in the city is encouraged.

Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

Flood Plain Overlay District (20.70)

Overlay District + Performance + Discretionary

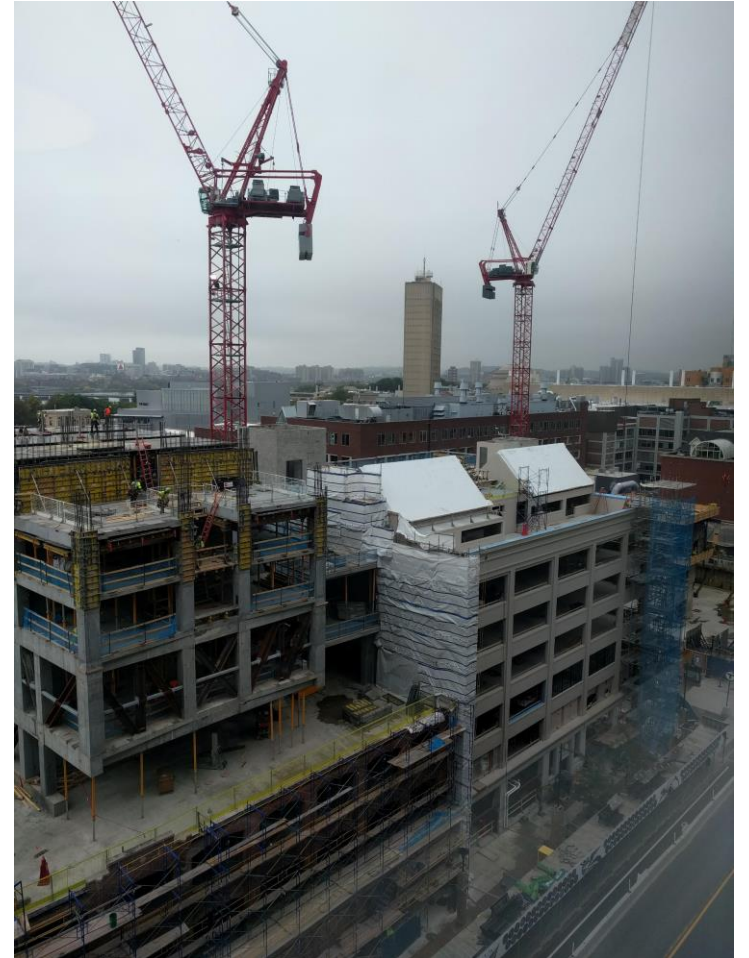
- All activity in the 100-year flood plain (no size threshold)
- Requirements for compensatory flood storage
- Planning Board special permit



PUD / AOD Zoning (12.000, 13.000 / 20.90)

Overlay District + Incentive + Discretionary

- “Two-tier” zoning approach
- Higher density, more flexibility, phased development plans
- Requires:
 - Conformance with area plans
 - Specified public benefits
 - Planning Board review





What type of standard to use?

District-based	Citywide / Overlay
Prescriptive	Performance
Administrative	Discretionary
Mandatory	Incentive

- What types of projects are we trying to influence?
- What choices do we want to encourage/discourage?
- What outcomes can we reasonably expect?



Thank You