

ORDINANCE NO. 985

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND (“THE COMMISSIONERS”), TO AMEND THE CITY’S ZONING ORDINANCE ADOPTED MAY 12, 2003, BY ADDING A NEW SECTION ~~274~~**[275]** ENTITLED “ARCHITECTURAL DESIGN MINIMUM REQUIREMENTS IN THE NC ZONING DISTRICTS.”

WHEREAS, by Ordinance Adopted May 12, 2003, the Commissioners of Cambridge adopted its zoning ordinance; and

WHEREAS, there is a lack of clarity in the existing Zoning Ordinance as it relates to allowable infill construction in the Neighborhood Conservation (NC) zones in the City of Cambridge. In section ~~275~~ **[278 Schedule of Zone Regulations]**, the table requires a minimum building height of “one and ½ stories” and in Article II **[Definitions of Basic Terms]**, Section 9, page 31 under definitions, a “Story, Half” is defined as: “Residence with two levels of living area above ground. The second level (half story) is a portion of the building under a sloping gable, hip or gambrel roof, the wall plates on the exterior walls of which are at least three (3) feet above the floor level of such half-story”; and

WHEREAS, the purpose of this text amendment is to replace the reference to the current minimum requirement of 1-1/2 story residential buildings in NC 2, 3, and 4 **[zoning districts]**. Provide for **[new definitions]** ~~a workable matrix defining standards~~ for 1, 1-1/2, and 2 **[,2½, and 3]** story **[construction]**. ~~single family and duplex dwellings.~~ Provide **[architectural]** design minimums **[requirements]** so new affordable in-fill housing is compatible with existing neighborhoods; ~~and to add clear definitions for 1-1/2 story with unfinished second floor, two, two and ½, and three story construction;~~ and

~~WHEREAS, the objective of this text amendment is to replace the reference to the current minimum requirement of 1-1/2 story residential buildings in NC 2, 3, and 4. Provide for a workable matrix defining standards for 1, 1½, and 2 [ , 2½, and 3] story single family and duplex dwellings. Provide design minimums so new affordable in-fill housing is compatible with existing neighborhoods; and to add clear definitions for 1-1/2 story with unfinished second floor, two, two and ½, and three story construction; and~~

WHEREAS, ~~an~~ additional **[objectives]** ~~benefit~~ of the proposed amendment **[are]** is to provide a framework of design guidelines that achieves the following:

1. Establishes standards that can be met through standard construction materials and practices so that compliance ~~requires~~ **[requiring]** an investment on the part of the builder/developer ~~that~~ does not jeopardize the concept of “affordable workforce housing” and **[infill development.]**
2. Establishes standards reflective of predominant architectural elements found in existing neighborhoods throughout the NC zones.
3. Establishes standards that provide for economical construction, but do not sacrifice elements that will aesthetically improve the neighborhood, and **[that]** strengthens the long term value of the property and the neighborhood.
4. **[Relaxes guidelines and restrictive zoning requirements in the NC zoning district which would mandate standardized and/or repetitive, “factory” style or "row" type housing within existing neighborhoods exhibiting**

**exhibiting such development patterns and in the Maple Street Neighborhood Revitalization District thereby encouraging diversity in the style of housing and streetscape of a neighborhood.]**

~~WHEREAS, the U.S. Department of Housing and Urban Development (HUD) defines "affordable" as housing that costs no more than 30 percent of a household's monthly income. That means rent and utilities in an apartment or the monthly mortgage payment and housing expenses for a homeowner should be less than 30 percent of a household's monthly income to be considered affordable; and~~

WHEREAS, the Commissioners have deemed in the best interest of the City to approve the proposed text amendment by adding Section ~~274~~ **[275]** entitled "Architectural Design Minimum Requirements in the NC Zoning Districts," to the Zoning Code; and

WHEREAS, the Commissioners of Cambridge conducted a public hearing on the proposed amendments on ~~April 13, 2009~~ **[Amendment Date]**; public advertising of said notice having been published in the Star Democrat on ~~March 26~~ and ~~April 2, 2009~~, and the Dorchester Star on ~~March 27~~ and ~~April 3, 2009~~; and

WHEREAS, the Commissioners of Cambridge on ~~APRIL 27, 2009~~, by a vote of 3 in favor, 2 opposed, approved the text amendments as set forth below.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Commissioners of Cambridge that the following Section ~~274~~ **[275]** entitled "Architectural Design Minimum Requirements in the NC Zoning Districts," is hereby approved and added to the Zoning Ordinance of the City of Cambridge:

"Section ~~274~~ **[275]**. Architectural Design Minimum Requirements in the NC Zoning districts.

General Requirements:

*Applicability:*

This section shall apply to ~~residential~~ projects occurring within the Neighborhood Conservation (NC) districts as defined by the City of Cambridge Zoning Ordinance. Projects covered include: new construction and any renovation project that involves exterior alterations to the foot print, **[foundation]** or roof line **[or other significant architectural features of a structure]**. **[This section does not apply to sheds, garages, decks, pools, and work considered to be routine maintenance of an existing structure or structures undergoing rehabilitation as defined herein. Structures located within the City of Cambridge Historic Preservation District which require review by the Historic Preservation Commission or projects subject to review by the Planning and Zoning Commission are exempt from the requirements of this section.]**

*Definitions:*

- a. One (1) story – a dwelling in which all heated living space is located on the first floor. Any space allocated to the upper level shall be unfinished, unheated and not habitable.
- b. One and a half (1½) story – a dwelling in which heated living space is primarily on the first floor. Second level may be unfinished and unheated but ~~suitable~~ and **[adaptable]** for finishing into habitable space.
- c. Two (2) stories – a dwelling in which heated living space is located on a first and second floor. Second floor has full height exterior walls, and is fully finished and heated.
- d. Two and a half (2½) story – same as (c) with a third level within the roof system that may be unfinished and unheated but ~~suitable~~ **[adaptable]** for finishing into habitable space.

- e. Three (3) stories – Same as (c) but with a full third floor with full height exterior walls that is fully finished and heated.
- f. Predominant – A feature is considered predominant when it appears on at least ~~60%~~ **[51%]** of the houses surveyed using the Neighborhood Compatibility Worksheet.
- g. New Construction – A new building that is erected on a vacant lot, including a new foundation. Building may be constructed on or off site.
- h. Exterior Alterations – Any project that involves a change of the building’s footprint through either demolition or addition, or a change in the appearance ~~through the addition or elimination of windows, doors, [of] roof lines or other~~ **[significant] architectural features [as well as foundation improvements to existing structures which change the peak roof height by more than 8" [2'] plus or minus].**
- i. Rehabilitation – Any project that updates and/or improves the condition of a house, and brings it into compliance with current building codes, but does not substantially alter the exterior appearance of the house.
- j. **[Adaptable – having the floor space and area to accommodate permanent stairs to the upper level and where the area under the roof structure has the ability to be converted to living space in compliance with Building Codes.]**

*Neighborhood Compatibility Survey (NCS):*

- a. The Department of Public Works shall provide the owner / builder / developer of the property with a **[Neighborhood Compatibility Worksheet Survey (NCS)]** form and the guide to the ~~Architectural~~ **[Housing] Styles** of Cambridge prior to application being made. The pre-application documents shall be available on the City’s website.
- b. Owner/builder/developer shall conduct a NCS of the properties surrounding the proposed site to determine the prevailing height, massing, **[scale, square footage, architectural details]** and style of construction in the adjoining neighborhood.
- c. The owner/builder/developer shall submit the results of the NCS, ~~along with other~~ supporting documents, [and] ~~with~~ the proposed plans for the project, with a description of how the project is compatible with its surrounding neighborhood.
- d. The Planning ~~[and Zoning Department] Office [Staff,] and the Office of Housing and Community Development~~ **[Building Official, and/or other staff appointed by the Director of Public Works]** shall review and field verify the application documents and provide a staff report that supports **[or rejects]** the application, or makes recommendations for a successful re-submission based on the minimum guidelines listed below. **[At least two (2) signatures shall be required for approving a Neighborhood Compatibility Survey. In the event of a tie, the Director of the Department of Public Works shall cast the deciding vote or appoint a third person to review the NCS.]**

Compatibility Guidelines

- a. Based on the results of the NCS, the new project should meet the predominant setbacks, height, ~~and massing,~~ **[scale and square footage]** prevalent in the neighborhood. ~~Window sizes, styles and patterns should meet the predominant sizes, styles and patterns in the neighborhood, and must comply with building code requirements.~~
- b. Architectural features such as porches, roof pitch, chimneys and trim details should meet the predominant details **[and pattern]** of the neighborhood. Chimneys will be required only for functional purposes. **[Faux chimney structures may be allowed as an architectural feature as part of the compatibility requirement.]**

- c. Consideration will be given to elements that provide added energy efficiency or other means of lowering operating costs for the occupant of the house.
- d. **[Consideration may be given for input from neighborhood associations or organizations that are within the survey area of the proposed construction site.]**

Minimum Design Guidelines

*Foundations*

- a. ~~Crawl space foundations of a minimum 3 courses of block above grade are required, 4 courses above grade for 1-story designs.~~ **[Foundation heights shall be consistent with the neighborhood's pattern of development in the survey area.]**
- b. Slab on grade foundations will be considered if the house is designed for adaptation to applicable accessibility standards as established by code.
- c. **[Excessive or disproportionate foundation heights shall be discouraged as a means of increasing overall roof peak height.]**

*Roof pitch [and height] on the primary structure*

- a. 1 story – minimum roof pitch shall be 8/12.
- b. 1.5, 1½ stories – minimum roof pitch shall be 10/12 to provide for living space in the second floor.
- c. 2 story **[or greater]** – minimum roof pitch shall be 6/12.
- d. Attached garages shall have a roof pitch matching the main house. **[Consideration may be given for other architectural designs which may compliment the structure.]**
- e. Porch covers, dormers and other attachments to the above may be lower.
- f. **[Roof pitch and height of structure as determined through the Neighborhood Compatibility review process shall supercede the requirements for minimum and maximum height as referenced in Section 278 Schedule of Zone Regulations].**

*Setbacks [and Lot Size Requirements]*

- a. Front of main house (excluding front porch) shall align with front corner of neighboring dwellings (excluding front porches). If neighboring dwellings are inconsistent, align with neighbor with the longer setback **[or in a manner consistent with the neighborhood and other planning considerations such as long range transportation improvements that may require additional setbacks].**
- b. **[Consideration may be given for increasing front yard setback for installation of off-street parking in neighborhoods which may present on-street parking concerns. Off-street parking shall comply with Article XVI of the City's Zoning Ordinance.]**
- c. **[To facilitate the goal of neighborhood compatibility, encourage infill development, and streamline the application process, staff may vary zoning setbacks and lot size requirements in NC districts up to 40% without the applicant having to seek a formal variance from the Board of Zoning Appeals. Variances greater than 40% shall be heard by formal appeal to the Board of Zoning Appeals; all appeals fees shall apply. This section shall supercede any conflicting provisions in the zoning ordinance.]**

*Exterior Materials –*

- a. Siding and trim – shall be of durable materials **[and]** in keeping with styles of the surrounding properties **[and shall be consistently applied to the structure. e.g. – mismatched siding materials (part vinyl, part asphalt tile) or styles (part beaded 8", part double 4") will not be permitted.]**
- b. Windows – shall be in keeping with size and style of surrounding properties, and meet building code requirements.
- c. Roofing materials - ~~shall carry a minimum of 25 year warranty and~~ **[shall]** be in keeping with surrounding properties.

*Façade Requirements*

- a. Any front-facing gables shall include a gable overhang of not less than 8".
- b. Front facing gables shall include an attic window, if compatible with surrounding properties **[and/or decorative gable treatments which enhance the streetscape.]**
- c. Front entry porch roof shall be differentiated from the main structure roof.
- d. Front entry porch[(s)] shall be a minimum of 2x the width of the front doorway, including any sidelights, and a minimum of 4 feet deep **[or fully cover the front entry landing area, whichever is greater]**. Porches over 30" in height above grade require railings as ~~dicated~~ [required] by building codes.
- e. **[Front entrance stairways (steps and landings) shall be in keeping with the surrounding properties. Uncovered (no roof structure) pre-cast concrete or lumber entrance stairways shall only be considered when no predominant style is found within the survey area. Partially covered front entry stairways and landings may be considered when designed as an architectural feature of the structure.]**
- f. Any attached front-loading garage or carport shall be set behind the front façade **[of the main structure]** by a minimum of four **[(4')]** feet.

*[Living Area]*

- a. **[Proposed replacement structures shall contain a compatible amount of square footage of living area based on the results of the NCS survey].**

*Relief*

- a. The results of the Neighborhood Compatibility Survey will be given more weight **[as opposed to following the strict interpretation of the guidelines]** if the findings of the survey show that **[adhering to]** ~~following~~ the minimum standards would result in a project that is incompatible with its surroundings; (i.e. a neighborhood dominated by lower pitch roof lines, or a street where covered front porches are not the "norm").
- b. **[Variances of up to ½ story (plus or minus) may be granted in compliance with predominant building heights and/or number of stories in a neighborhood when considering the structure's mass, scale and architectural detail in relation to the surrounding neighborhood. For example, a neighborhood may contain a number of two (2) story structures; however, these structures are smaller in living area and/or narrow by today's construction standard(s). Or older structures may be "L" shaped or unusually configured with more building mass and height located closer to the street. Whereas, a new project proposed for the same neighborhood, consisting of a non-predominant style, (1½ story) would be considered compatible even though its mass and configuration may be located differently on the lot, but other factors are taken into consideration such as scale,**

scale, roof pitch, overall height and other architectural features.]

**c.** [Additionally, in an effort to encourage infill development and neighborhood revitalization, in the Main Street / Maple Street District, additional consideration may be given to a development project which may not strictly adhere to neighborhood compatibility guidelines but will not adversely effect the neighborhood. A neighborhood which has multiple vacant lots and/or dilapidated structures but where the remaining structures are predominantly 2 story, a 1 story structure may be placed as long as it contains architectural features of the survey area. A single story, unarticulated box or modular home, devoid of architectural features will not be allowed. Less emphasis will be placed on strict roof height, number of stories, or specific style and more emphasis should be placed on diversity of style, layout of development, open space and the overall economic health of the neighborhood and the need to encourage housing revitalization.]

**[Notification to the Public and Appeals Process]**

a. [Upon acceptance of a completed application, the Department of the Public Works staff shall prepare a placard describing the nature of the application and post it on the subject property in a conspicuous area. The placard shall state that the public has a right to review the Neighborhood Compatibility application and provide input within five (5) business days. The public and interested parties shall be given notice of the staff decision on Neighborhood Compatibility surveys by posting the results of the survey on the City’s Web site and notification to interested parties. Within five (5) business days upon being provided notice of the decision by staff, interested parties may file an informal administrative appeal to the Planning and Zoning Commission. If an informal appeal is filed, the case shall be heard at the next regularly scheduled public meeting of the Planning and Zoning Commission. No fee is required for the informal appeal. Staff shall give notice of the public meeting to the applicant, the party filing the appeal and to surrounding property owners and the public by posting the notice on the City’s web site and bulletin board and such appeal shall be included on the agenda for the Planning and Zoning Commission. The decision of the Department of Public Work staff or Planning and Zoning Commission may be further appealed to the Board of Zoning Appeals as prescribed by Section 54 of the zoning ordinance. All fees for further appeal shall apply].

AND BE IT FURTHER ENACTED AND ORDAINED that Exhibit A attached hereto entitled “The Housing Styles of Cambridge,” and Exhibit B attached hereto, entitled “Neighborhood Compatibility Worksheet,” are hereby approved and adopted as documentation to be used for completion and approval of applications made pursuant to this Ordinance.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Edwin C. Kinnamon, Clerk

BY: \_\_\_\_\_  
Victoria Jackson-Stanley, Mayor

Introduced the 13<sup>TH</sup> day of ~~APRIL~~, 2009.

Approved the 27<sup>TH</sup> day of ~~APRIL~~, 2009,  
By a Vote of 3 in Favor, 2 Opposed.