

Council Agenda Report

Date: February 6, 2017
Submitted by: Odie Wheeler, Director of Public Works
Prepared by: Pat Escher, City Planner, A.I.C.P.

SUBJECT: Ordinance No. 1091 Text Amendments: (1) to Amend Section 4.4.5 to modify setback/lot minimums; and (2) to Amend Table 3 for minimum lot sizes for the Downtown Waterfront Development District, Neighborhood – Sub – District and (3) to Amend Section 5.2 to require compliance for the subdistrict and include additional language to that section as it relates to the design standards.

Recommendation: That Council:

- A. Introduce Ordinance No. 1091 by reading of title only; and
- B. Open the public hearing and continue to February 27, 2017 for second reading, public hearing and adoption of Ordinance No. 1091.

- I. **Discussion:** Staff brought forth this text amendment to the Planning Commission at the January 3rd and it is now being forwarded to the Council with a unanimous recommendation of approval by the Planning Commission.

These are a series of text amendments to the UDC to facilitate the redevelopment of vacant lots within the Downtown Waterfront Development District, Neighborhood Subdistrict in such a way to preserve the City's unique historic fabric of small lot and house design. These amendments, along with the other amendments we are reviewing tonight will facilitate the redevelopment of these properties, as discussed in the other reports.

Dorchester County took a proactive step in their annual tax sale this past year by selling over 90 properties at a reduced rate in an effort to spur redevelopment of vacant or underutilized lots. As developers began to analyze at some of these lots for redevelopment, there appeared to be language in the UDC that would actively prohibit redevelopment of the lots by linking some of the dimensional requirements of the DWDD Neighborhood Subdistrict to the NC-3 Zone District.

The NC zones are parts of the City that were platted in the mid-twentieth century, as multi-lot subdivisions. For the most part, the lots are of a uniform size, depth and width. The NC-3 Zone District has minimum lot width of 50 feet and minimum lot area of 5,000 sq. ft. These standards, when applied to the historic DWDD Neighborhood Subdistrict, create numerous, substandard non-conforming lots. This circumstance, along with the language in the UDC that states contiguous non-conforming lots under single ownership merge into a single lot has turned out to be problematic. While merging non-conforming lots is a

common practice nationwide, it does not take into consideration Cambridge's unique history as a huge economic force on the Eastern Shore during the early to mid-twentieth century. During this time Cambridge employed over 12,000 people all of whom needed housing and it was built in mass on small lots with compact homes.

The much of the work force housing was created prior to subdivision regulations and are located on some uniquely configured lots and/or particularly narrow lots. Work force housing is found throughout the older sections of the City, but the older, smaller homes are clustered within and around the Pine, High and Washington Streets triangle. This area is of primary concern due to the small lot configurations, which, with the current UDC language are non-conforming and difficult to redevelop.

The DWDD Neighborhood Subdistrict includes the triangular area, known as the Pine Street Historic District, but it extends to other portions of the City that were developed more recently and do not have such dimensional constraints as the aforementioned neighborhood. While addressing the issues with the smaller, historic lot configuration, there is a concern that larger lots in the Neighborhood Subdistrict found elsewhere in the City could potentially be resubdivided into the smaller lots and not be in keeping the neighborhoods' architectural style.

The first two amendments are to be considered in conjunction as they are interrelated and should alleviate much of the complications for the smaller lots, while limiting the resubdivision of the larger lots. Section 4.4.5 applies to the entire Downtown Waterfront Development District, giving direction about building design, heights, and setbacks. Within the Neighborhood Subdistrict the NC-3 Zone District setbacks and NC Architectural Design requirements are referenced. The first amendment proposes to adjust Section 4.4.5 to change the setbacks for the Neighborhood Subdistrict to accommodate smaller residential unit types.

The front yard setback would be variable depending on whether or not there is a sidewalk present and the setbacks of the existing houses would be taken into consideration. The side setbacks would be determined by the building code, with a recommendation minimum of 3 feet. The rear yard would be a minimum of 25 feet, if it can be accommodated, smaller if necessary. The minimum lot width would be 25 feet as found along the historic streets of Pine, High and Washington.

Additionally, within Section 5, Table 3, *Dimensional and Density Requirements*, the NC-3 Zone District are applied to the Neighborhood Subdistrict, which creates many non-conforming lots. The proposed revision to the table would create minimum lot sizes that would accommodate a compact residential unit type and acknowledge the existing lot sizes.

The lot depths vary significantly, so staff selected a minimum depth of 70 feet which would accommodate a 10 front yard setback and a 25-foot rear yard setback.

Furthermore, staff recommends that the Neighborhood Subdistrict and Table 3 contain a restriction on new subdivision that requires *“No lot in the Residential and DWDD Neighborhood Districts shall be created through the resubdivision of an existing lot that has a lot width and area less than 12 percent of the average of the existing lots on the same blockface.”* This is language similar to existing text already within Table 3.

Finally, an amendment to modify Section 5.2 to formally include the DWDD Neighborhood Subdistrict, currently it is just referenced in Section 4.4.5 and to require compliance with these standards for both the NC and the DWDD Neighborhood Districts. These residential zones, while not in the City’s formal Historic District, are historically significant properties and add to the architectural fabric of Cambridge. As the UDC is currently written, these requirements are not required due to the use of the word *“should”* and not *“shall”*. Changing these few words will ensure that the character of the existing streets and neighborhoods will be preserved. Moreover, language has been added to promote aesthetically pleasing architecture in areas that have substandard design.

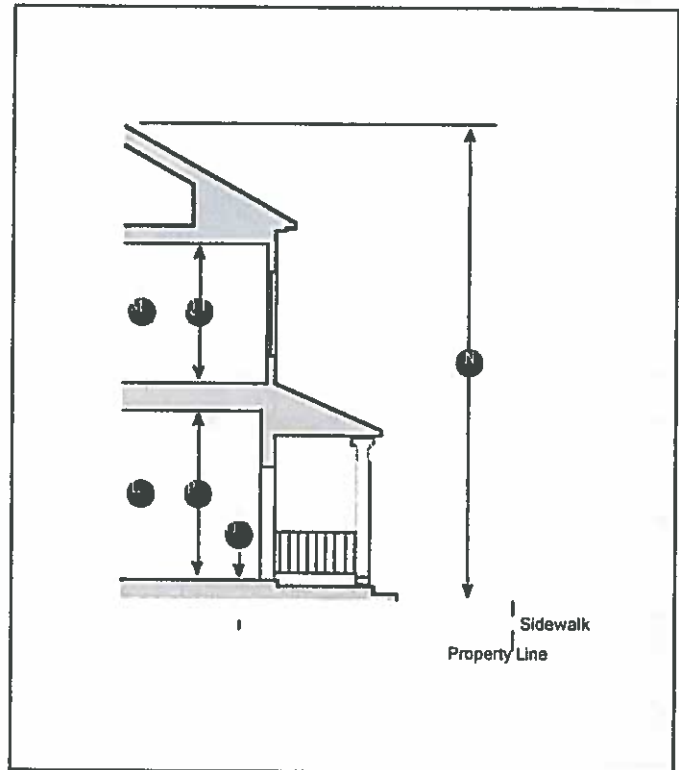
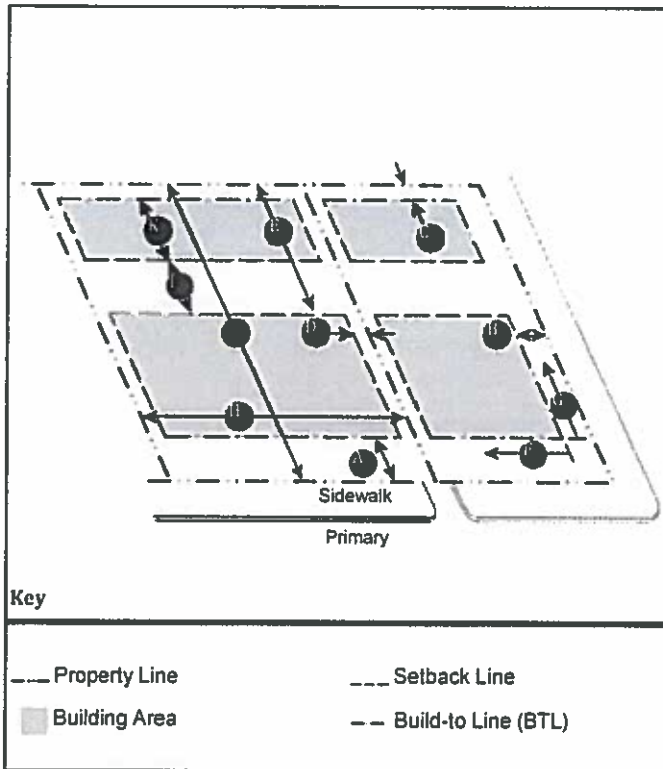
Fiscal Impact: This amendment may facilitate infill development within the Downtown Waterfront Development District.

Approved by: 

§ 4.4 Downtown / Waterfront Development
District, Continued

§ 4.4.5 Development Standards

D. Neighborhood Sub-District Standards



BTL (Distance from Property Line)

Front Street*	Predominate existing setback if sidewalks are present, if no sidewalk, 10-foot setback required
Streets with sidewalks – Block Average	
Streets without sidewalks – 10' min.	
Per Building Code	
Rear to Alley, Ancillary Building	5 Feet
Side Street	Per Building Code
Setback (Minimum Distance from Property Line)	
Side	Per Building Code
Rear, Main Building	25 Feet, where possible And not less than 10'

For residential construction, the standards and procedures of §5.2.1, Architectural Design Requirements in the NC Districts, shall apply.

Building and Lot Form

Primary Street Façade built to BTL	50% min.*
Side Street Façade built to BTL	30% min.*
Lot Width* Max / Min	25 Feet
Lot Depth* Max / Min	Existing Depth
Distance between buildings	Per Building Code
Depth of ancillary building	28' max.*
Footprint of ancillary building	700 sf max.*

Ground Floor

Upper Floor(s)

Per the Table of Permitted Uses
Per the Table of Permitted Uses.

Building Max / Min	2.5 stories and 30' max / 1.5 stories min
Ancillary Building Max.	1.5 stories and 15' max.
Finish Ground Floor Level	18" min. above sidewalk*
First Floor Ceiling Height	10' min. clear
Upper Floor Ceiling Height	8' min. clear
*6" on downslope lots.	

Notes

~~* For all building height standards for All single-family and duplex residential, the standards and procedures of §5.2, Architectural Requirements in the NC Districts, shall apply.~~

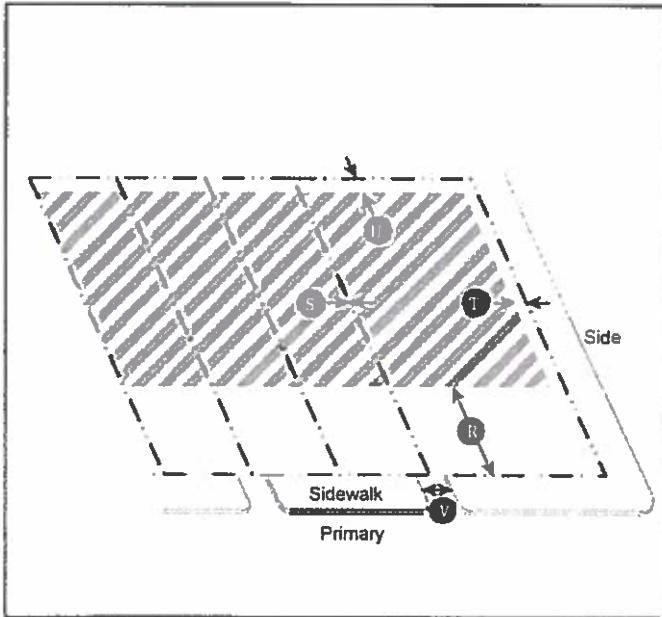
*For residential construction, the standards and procedures of §5.2, Architectural Design Requirements in the NC Districts and the DWDD Neighborhood Subdistrict, shall apply.

~~The requirements for the NC-3 district are set forth in Tables 5 and 6 of this Ordinance.~~

Any house built on a street without a sidewalk shall be required to install a four foot wide minimum sidewalk along the property frontage.

~~* Per requirements for the NC-District as may be modified through application of the standards and procedures of §5.2.1.~~

Neighborhood Sub-District Standards



Key

--- Property Line

▨ Parking Area

Parking

Location (Distance from Property Line)

Front Setback	20'	(R)
Side Setback	0'	(S)
Side Street Setback	5'	(T)
Rear Setback	5'	(U)

Required Spaces

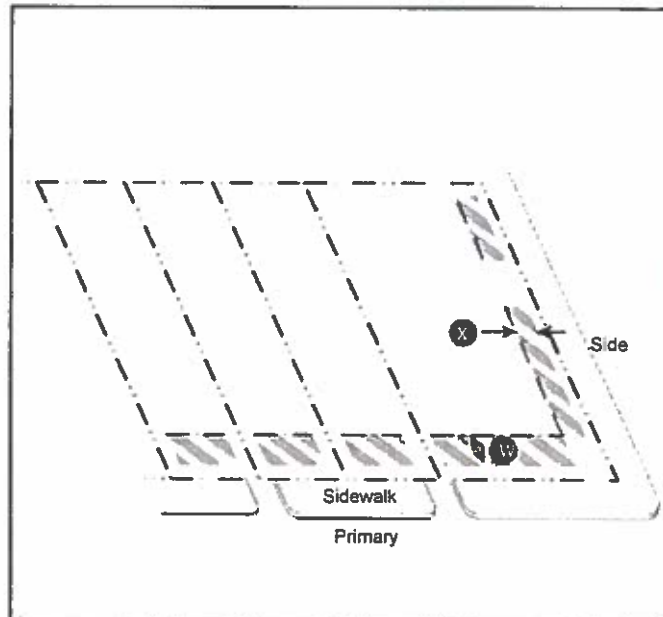
There are no parking requirements in this district, pending the submission of documentation by the applicant to demonstrate that no additional parking is required for the land use and/or that adjacent streets can accommodate the parking needs for the proposed land use.

On lots without alley access, a one-unit ancillary structure up to 400 sf may be built without requiring additional parking.

Notes

Parking Drive Width	11' max.	(V)
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50% of the on-street parking spaces adjacent to lot can count toward parking requirements.



Key

--- Property Line

▨ Encroachment

--- Setback Line

--- Build-to Line (BTL)

Front Yard Encroachments

Location

Front	8' from property line max.	(W)
Side Street	6' from property line max.	(X)

Notes

Porches, Balconies, and Bay Windows may encroach beyond the BTL on street sides, as shown in the shaded areas.

Allowed Frontage Types

Porch

Depth	8' min.
Height	2 stories max.

Common Lawn

Porch Depth	8' min.
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For residential construction, the standards and procedures of §5.2.4, Architectural Design Requirements in the NC and DWDD Neighborhood Districts, shall apply.

Table 3 Dimensional and Density Requirements

Zoning District	Lot Area		Lot Area Per Unit		Lot Width		Lot Depth		Maximum Residential Density Dwelling Units (Per Acre)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
Residential (R) District Lots * †									
Residential Single-Family detached	7,500	10,000	7,500	10,000	50	80	125	190	5.8
Residential, single-family attached	2,000	--	2,500	--	20	--	90	115	8
Residential, duplex	12,500	14,500	6,250	7,250	50	80	125	190	7
Residential, multi-family	2 acres	5 acres	5,400	5,400	100	--	125	--	10
Civic, educational, cultural, religious	20,000	n/a	n/a	n/a	100	--	125	--	--
Institutions for care/ treatment of persons	2 acres	n/a	n/a	n/a	200	--	125	--	n/a
Recreational (excluding parking lots)	2 acres	n/a	n/a	n/a	200	--	125	--	n/a
Institutional (I) Lots									
Civic, educational, cultural, religious	20,000	--	--	--	100	--	125	--	n/a
Institutions for care/ treatment of persons	20,000	--	--	--	100	--	125	--	n/a
Recreational (excluding parking lots)	20,000	--	--	--	100	--	125	--	n/a
Other	20,000	--	--	--	100	--	125	--	n/a
Corridor Mixed Use (CMU) Lots									
Residential Single-Family detached	5,400	7,500	5,400	7,250	50	65	100	125	12
Residential, single-family attached	1,200	--	3,000	--	18	--	60	65	14

Residential, multi-family	20,000	5 acres	1,200	3,500	80	--	125	--	63
Civic, educational, cultural, religious	20,000	--	n/a	n/a	100	--	125	--	--
Institutions for care/ treatment of persons	20,000	--	n/a	n/a	100	--	125	--	n/a
Recreational (excluding parking lots)	20,000	--	n/a	n/a	100	--	125	--	n/a
Commercial, other	5,000	--	n/a	n/a	n/a	n/a	n/a	n/a	--
Downtown/Waterfront Development District									
Core	1,500	12,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a
General	2,500	52,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Center	2,500	7,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Neighborhood (S.F.)	1,750	n/a	n/a	n/a	25	n/a	70	n/a	n/a
Neighborhood (Duplex)	3,500	n/a	n/a	n/a	50	n/a	70	n/a	n/a
Gateway	3,500	10,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Civic	43,560	240,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Industrial (I) Lots									
Contractor yards, small-scale	5,000	--	n/a	n/a	50	--	100	--	n/a
Warehousing, salvage, manufacturing	40,000	--	n/a	n/a	100	--	100	--	n/a
Open Space (OS) Lots									
Agricultural, forestry, other	3 acres	--	n/a	n/a	--	--	--	--	n/a
Other	2 acres	--	n/a	n/a	200	--	--	--	n/a
Resource Conservation (RC) Lots									
Single-family detached	10 acres	--	10 acres	--	--	--	--	--	0.1
Other	5 acres	--	n/a	--	--	--	--	--	n/a

‡ * No lot in the Residential and DWDD Neighborhood & Districts shall be created through the resubdivision of an existing lot that has a lot width and area smaller less than 12 percent of the average of the existing lots on the same blockface.

§ 5.2 Architectural Design Requirements in the NC Districts and the DWDD Neighborhood Subdistrict.

In the NC-1, NC-2, NC-3, NC-4 districts and the DWDD Neighborhood Subdistrict, the regulations and procedures set forth in the Architectural Design Minimum Requirements in the NC Districts and the DWDD Neighborhood Subdistrict shall govern.

§ 5.2.1 Applicability

The Section shall apply to new construction projects within the Neighborhood Conservation (NC) districts and the DWDD Neighborhood Subdistrict, except for sheds, garages, decks, pools and routine maintenance of existing structures or structures undergoing rehabilitation as defined in this section. This section does not apply to projects under review by the HPC.

§ 5.2.2 Definitions

The following terms have the following meanings for this Section.

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.

One and a half (1½) stories – a dwelling in which heated living space is primarily on the first floor. Second level may be unfinished and unheated.

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.

Two and a half (2½) stories – same as above with a third level within the roof system that may be unfinished and unheated.

Three (3) stories – same as above but with a full third floor with full height exterior walls that is fully finished and heated.

Predominant – A feature is considered predominant when it appears on at least 51% of the houses surveyed using the Neighborhood Compatibility Worksheet.

New Construction – A new building that is erected on a vacant lot including a new foundation. Building may be constructed on or off site.

Exterior Alterations – Any project that involves a change of the building's footprint through either demolition or addition or a change in the appearance of roof lines or other significant architectural feature as well as foundation improvements to the existing structures which change the peak roof height by more than two feet (2') plus or minus.

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.

§ 5.2.3 Procedures

- A. Neighborhood Compatibility Survey (NCS): Using the Neighborhood Compatibility Worksheet and the guide to the Housing Styles of Cambridge, available upon request from the office of the Zoning Official, the applicant shall undertake an NCS of the properties surrounding the proposed site to determine the prevailing height, mass, scale, square footage, architectural details and styles of construction in the neighborhood.
- B. The applicant shall submit the results of the NCS, supporting documents and an application for Category 2 site plan per § 3.1.7 to the Zoning Official for review and approval.
- C. Application of the provisions of this section shall be by administrative action by the Zoning Official, except where the project meets the criteria for a Category 1 site plan or major subdivision in which case, the Planning Commission shall be the approval authority. Except where Planning Commission action is thus called for, the procedures and timelines set forth in § 3.1.7 for Administrative Adjustments shall be followed in the public notification, administrative review, decision making on approval or denial, and/or on any appeal related to all new construction projects within the Neighborhood Conservation (NC) districts and the DWDD Neighborhood Subdistrict.
- D. Based on the NCS, the project ~~should~~ shall meet the predominant setback, height, mass, scale, and square footage prevalent in the neighborhood. Where the predominant conditions are at odds with the minimum or maximum lot and bulk requirements set forth in Tables 5 and 6 of this Ordinance, the predominant conditions set forth in an approved NCS shall govern, except that setbacks may not be adjusted under the terms of this section, by more than 20 percent.
- E. Where the Zoning Official determines that public health, safety, and welfare considerations or compliance with the City's adopted Comprehensive Plan compel application of the strict dimensional standards set forth in Tables 5 and 6 or otherwise provided for in this Ordinance, such strict standards shall apply notwithstanding the findings of an NCS.
- F. For development projects that do, or will ultimately, consist of multiple houses in close proximity to each other or where, by virtue of the size of the undeveloped tract or preponderance of vacant lots in the immediate neighborhood, a predominant character is not discernable, the Zoning Official may apply flexibility in the application of the Compatibility Guidelines and in the review of the NCS to bring about a unified settlement pattern in keeping with overall purposes of this Ordinance, within the limitations established in paragraph D above to the greatest extent practicable.

§ 5.2.4 Compatibility Guidelines

- A. General architectural features such as porches, roof pitch, chimneys and trim details ~~should~~ shall 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. Consideration will be given to elements that provide added energy efficiency or other means of lowering operating costs for the occupant of the house.
- B. **Minimum Design Guidelines**
1. Foundations
 - a. 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.
 2. Roof Pitch and Height on the Primary Structure
 - a. ~~1 story – minimum roof pitch of roof shall be 8/12~~
 - b. ~~1 ½ story – minimum roof pitch shall be 10/12~~
 - c. ~~2 story or greater – minimum roof pitch shall be 6/12~~
 - d. Roof pitches shall be similar to the predominate pitch in the neighborhood.
 - e. Attached garages shall have a roof pitch matching the main house. Consideration may be given for other architecture designs that may complement the structure.
 - f. Porch covers, dormers and other attachments to the above may be lower.
 3. Setbacks
 - a. The front of main house (excluding front porch) shall be built to align with front build-to-line of neighboring dwellings (excluding front porches). If such dwellings are inconsistently aligned with respect to the street, then the house shall be aligned with longer setback or in a manner most consistent with the neighborhood.
 - b. Limited consideration may be given to increasing the front yard setback for installation of off-street parking in neighborhoods which may present on-street parking concerns provided the effect of the increased setback is not to distract from neighborhood compatibility.
 4. Exterior Materials
 - a. Siding and trim – shall be of durable materials and be in keeping with the 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") are not to be permitted.

- b. Windows – shall be in keeping with size and type of surrounding properties, and meet City of Cambridge and building code requirements.
- c. Roofing materials – shall be in keeping with the type of surrounding properties and meet City of Cambridge and building code requirements.

5. Façade Requirements

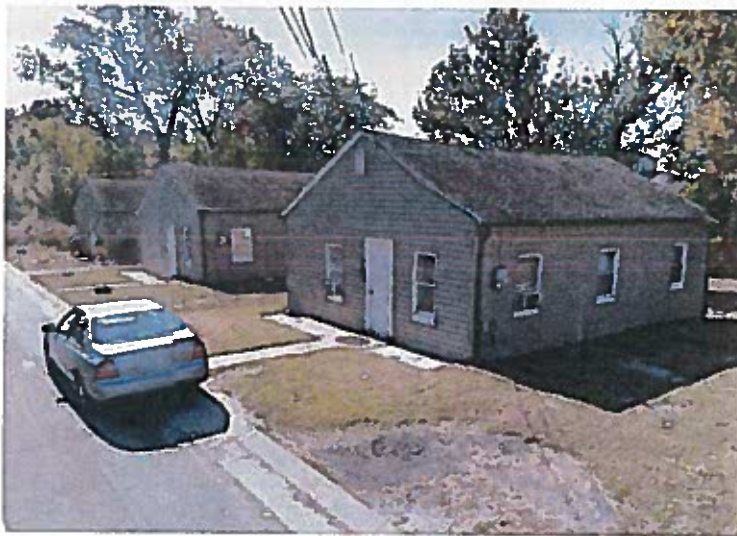
- a. Any front-facing gables shall include gable overhang of not less than eight (8) inches.
- b. Front facing gables shall include an attic window, if compatible with the surrounding properties, and/or decorative gable treatments.
- c. Front entry porch roof shall be differentiated from the main structure roof.
- d. Front entry porches 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 inches in height above the grade require railings as 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 be considered only 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 a structure. Front entrance ramps, as required by the Americans with Disabilities Act, shall be designed in keeping with the neighborhood or to minimize the impact to the streetscape, and shall be built to all applicable codes.
- 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.

6. Streets with Substandard Architecture

- a. Where there are residences with substandard architecture, residential units with acceptable architecture shall determine the materials and style of the new construction. If necessary, examples of acceptable architecture may be on adjacent streets.
- b. Examples of substandard and acceptable architecture below.



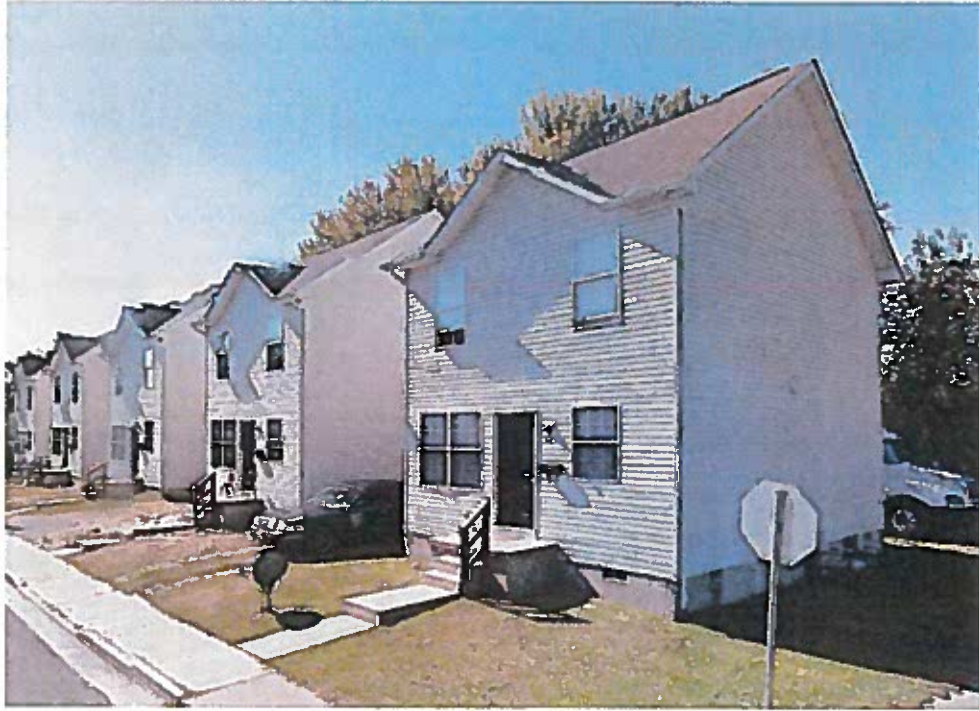
Substandard Architecture



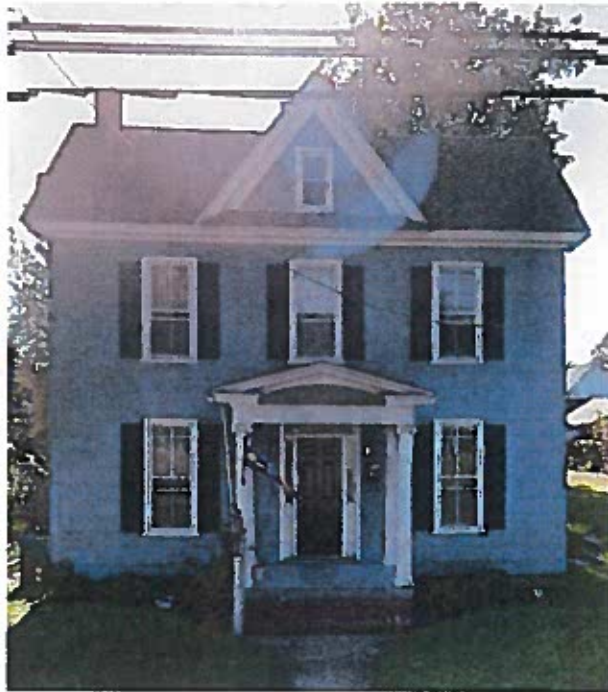
Substandard Architecture



Acceptable Architecture



Substandard Architecture



Acceptable Architecture