

Proposed Amendment to Cambridge Zoning Ordinance  
An Amendment to Restrict Garage Development in Dimensionally Non-Conforming Lots

Reference is made to the Zoning Ordinance of the City of Cambridge, Massachusetts (hereinafter, the "Zoning Ordinance"). The undersigned, all being registered voters of the City of Cambridge, hereby petition the Cambridge City Council to amend the Zoning Ordinance by adoption of the following Amendment as Section 10.60:

10.60 RESTRICTIONS ON THE CONSTRUCTION OF NEW GARAGES ON  
DIMENSIONALLY NON-CONFORMING LOTS

10.61 Notwithstanding any other provisions of this Zoning Ordinance, in the Residential Zone B,

SECTION A. If:

1. There exists a lot (which may be comprised of one parcel or contiguous parcels under one ownership) which is dimensionally non-conforming with the requirements of the Zoning Ordinance because it does not have frontage of fifty feet (50') directly abutting a public way or a private way (hereinafter, a "Non-Conforming Lot");
2. There is one or are more multifamily building or buildings which are over fifty years old (hereinafter, "Existing Buildings") located on such a Non-Conforming Lot;
3. There existed as of December 1, 2015 a garage on such a Non-Conforming Lot;
4. The property owner of the Non-Conforming Lot proposes to demolish the Existing Buildings and replace them with: (a) a multifamily building; (b) a single family building; or (c) a collection of buildings (hereinafter, the "Replacement Buildings");
5. The proposed Replacement Buildings will have gross living area which represents and increase in FAR (floor area ratio) of fifty percent (50%) or more greater than that of the Existing Buildings;

Then, except as set forth in Section B below, the property owner shall not construct on the Non-Conforming Lot any above-ground garage (whether or not such garage has garage

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doors or is open) (hereinafter, a "New Garage") within any part of the Non-Conforming Lot that is within 50 feet (50") of the public way or a private way which it abuts (hereinafter the "Garage Exclusion Zone").

SECTION B.

1. Upon application to the Planning Board, the property owner may apply for a special permit to build a New Garage within the Garage Exclusion Zone. In considering an application, the Planning Board shall start with a rebuttable presumption that on a Non-Conforming Lot a New Garage should not be permitted within a Garage Exclusion Zone. The burden of proof and persuasion shall rest with the property owner to persuade the Planning Board based on reasonable and credible evidence that a proposed New Garage on the Non-conforming Lot would be more in the public interest than disallowing it.
2. During the pendency of such a special permit application, no demolition permit for demolition of Existing Buildings or for demolition of any existing garage on the Non-Conforming Lot that is the subject of the special permit application shall issue.

SECTION C.

1. In the event that this Amendment shall be challenged in a court of competent jurisdiction and such court rules the provisions of Section B of this Section 10.60 of the Zoning Ordinance to be for any reason invalid or unenforceable, then the provisions of Section A of this Amendment shall nonetheless remain in force and any property owner wishing to build a New Garage within the Garage Exclusion Zone of a Non-Conforming lot shall be encouraged to apply for zoning relief through the variance application.

Name	Address	Signature	Date
<u>Peter L. Cohen</u>	<u>11 Donnell St. #1</u>		<u>Jan 6, 2016</u> ✓

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Name Address Signature Date

Mary Tittmann 29 RC Kelley St Mary C Tittmann 1/6/2016 ✓

John Tittmann 29 RC Kelley St John Tittmann JAN 6 20/16 ✓

Richard Freierman 39 RC Kelley St R Freierman 1/6/16 ✓

Symon Gorman 39 RC Kelley St Symon Gorman 1/6/16 ✓

Shelly Frereman 51 Kelley St S Frereman 01/06/16 ✓

Lynn Sheeray 32 Donnell St Lynn Sheeray 1/6/16 ✓

Ricardo Maldonado 32 Donnell Ricardo Maldonado 1/6/16 ✓

David Vogel 15 Beech St David Vogel 1/6/16 ✓

Ellen Ezorsky 15 Beech St Ellen Ezorsky 1/6/16 ✓

Michelle Mentis-Lohen 11 Donnell St Michelle Mentis-Lohen 1/6/16 ✓

Byron Cohen 11 Donnell St Byron Cohen 1/6/2016 ✓

Arlin Kulow 7A Donnell St Arlin Kulow 1/7/2016 ✓

Robert C. Riordan 23 Donnell St Robert C. Riordan 1/7/2016 ✓

Elizabeth Adams 31 Donnell St Elizabeth Adams 1/7/2016 ✓

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✓ Registered voters