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## CITY OF CAMBRIDGE

Community Development Department

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From: Iram Farooq, Assistant City Manager for Community  
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Megan B. Bayer, City Solicitor  
Date: December 11, 2024  
Subject: Response to Policy Order 2024 #141

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### Background

The Ordinance Committee held a public hearing on the Board of Zoning Appeal's (BZA) zoning petition (the "Petition") on October 15 and October 29, 2024. The City Council passed the Petition to a second reading on November 4, 2024. On October 21, 2024, the City Council adopted [Policy Order #141](#), which directs City staff to "work with the Board of Zoning Appeal to clean up language and come back to the Ordinance Committee with clarifications and amendments to requirements related to adding dormers on nonconforming one and two family dwellings."

City staff has provided the following response, which includes recommended changes to the Petition for the purpose of language clarity and consistency, and to improve the overall structure of the zoning text. The changes are shown as markups on the current text of the Zoning Ordinance, so that it remains clear what changes to the current zoning would be enacted. Staff recommends amending the Petition by substitution with the attached text.

The response also includes changes to the Petition that respond to recommendations from the Planning Board from the public hearing held on October 8, 2024. The amended zoning text is intended to be inclusive of all changes suggested thus far, and the City Council may remove lines of text upon further consideration.

### Windows on Dormers

The Petition required 50% window coverage on dormers. To respond to the Planning Board recommendation on window location and the Ordinance Committee's recommendation on lowering the window coverage, CDD staff recommend language changes to specify that windows shall not be located on dormer side walls and that the minimum window coverage be lowered to 30%. A required window coverage of 30% does not preclude construction of dormers

with a higher percentage of coverage, but it does allow for flexibility in cases where an applicant wants less window coverage to aid in energy conservation.

### **Dormer Length and Roof Eaves**

The Petition's language on limiting the maximum length of dormers to half of the roof upon which they are built may leave room for confusion on how to measure a dormer and roof. CDD staff proposes amended language to clarify that measurements shall be taken in linear feet, limited to the façade of the building that the dormer would be located on. As recommended by the Planning Board, the suggested text clarifies that the limitation applies cumulatively to all dormers on that façade. This language aligns with the existing zoning text in terms of measurement units and avoids scenarios in which an applicant could argue that the length of the roof is its entire perimeter and that the maximum dormer length may be concentrated on a single frontage of the building, which does not align with the urban design spirit of the provision to balance the size of dormers with the existing building design.

In the Ordinance Committee discussions, Councillors discussed whether the length limitation is necessary. Representatives of the BZA stated their support for this limitation, but the City Council could delete that provision (by deleting Subparagraph "3" and renumbering subsequent paragraphs) if it does not support this limitation.

CDD staff also proposes language to preserve the existing building's roof eave to respond to a Planning Board recommendation. Additionally, CDD staff proposes minor changes to the Petition's language on requiring a distance of 3'-6" between the existing roof termination and dormers to align with typical zoning language and the [Design Guidelines for Roof Dormers](#).

### **Additions**

The Petition removed language allowing non-dormer additions on second stories on nonconforming buildings, instead focusing only on allowing dormers as-of-right. At the recommendation of the City Council, the suggested zoning text leaves in place the current text allowing non-dormer additions as an option for consideration. CDD staff recommend making non-dormer additions its own subsection under Section 8.22.1 since additions do not fit into the definition of dormers, nor would they meet the dimensional requirements for dormers, and should thus be separate provisions.

**Suggested Substitute Zoning Petition Text**

***Amend Article 2.000 Definitions by adding the following definition:***

***Dormer.*** A roofed projection built out from a sloping roof, containing a window or windows.

***Amend Section 8.22.1 within Article 8.000 Nonconformance to read as follows:***

**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 the second story of a nonconforming one-single-family or two-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~~ provided that the addition ~~to the second story that~~ does not extend horizontally beyond the vertical walls of the existing first story of the structure.
  - i. ~~2. A~~ Addition of a dormer or dormers, as defined in Article 2.000, to a nonconforming single-family or two-family dwelling which may further violate the height, yard, or FAR requirements of Article 5.000 if all of the following conditions are met:
    - 1. The primary face of each dormer shall ~~on the third story no longer than fifteen (15) feet that does not~~ extend horizontally beyond the ~~vertical walls of the existing second story face of the wall below.~~
    - 2. ~~nor~~The height of any dormer shall not extend above the existing roof ridge line.

- ~~3. provided that~~ The total linear length of all dormers on the third-any story of the building, after the issuance of the permit authorized by this Subparagraph h 2, does shall not exceed fifteen (15) feet half of the length of the roof on that same facade, measured in linear feet.
  4. Each dormer shall be set back a minimum of three feet, six inches (3'-6") from the roof at the gable ends.
  5. The primary face of each dormer shall have a minimum of 30% clear window coverage.
  6. Windows shall not be located on side walls of any dormer.
  7. The eave of the existing roof shall be continuous across the length of the wall below any dormer to provide visual separation between the dormer and the existing building.
- ~~h.~~ ij. 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.