

ORDINANCE NO. 1157

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 5.5.1, TABLE 4 OF THE CITY'S UNIFIED DEVELOPMENT CODE ("UDC") FOR THE PURPOSE OF DELETING THE 50-FOOT SETBACK FOR BUILDINGS ALONG U.S. ROUTE 50; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO SETBACK REQUIREMENTS IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 2.2.3 of the Unified Development Code (the "UDC"), the Commissioners of Cambridge are authorized and empowered to amend, supplement, change, modify, and repeal the City of Cambridge's (the "City") zoning regulations and boundaries and change the City's zoning classifications; and

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge, the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, following a public hearing held on August 6, 2019, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners of Cambridge approve a text amendment amending § 5.5.1, Table 4 of the UDC for the purpose of deleting the 50-foot setback for buildings along U.S. Route 50; and

WHEREAS, on September 23, 2019, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on September 1, 2019 and September 8, 2019 in the Star Democrat, a newspaper of general circulation in the City, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 2.2.3.C of the UDC; and

WHEREAS, having considered the recommendations of the Planning Commission and the Department of Planning and Zoning Staff, as well as the comments made during the September 23, 2019 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 5.5.1, Table 4 of the UDC for the purpose of deleting the 50-foot setback for buildings along U.S. Route 50; and

WHEREAS, the Commissioners of Cambridge find that the text amendment set forth herein is necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

SECTION 1. Section 5.5.1, Table 4 of the UDC is amended as shown on Exhibit A attached hereto and incorporated herein by reference as if fully set forth.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the UDC is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. With respect to the substantive provisions of this Ordinance set forth in Section 1 and Exhibit A, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 26th day of August, 2019
Passed the 23rd day of September, 2019
Effective the 3rd day of October, 2019

Table 4 Yard and Bulk Requirements

Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft) ±	Side (ft) ±	Rear (ft)	Height ± (ft)	Building Coverage ± (%)	Impervious Surface Coverage (%)
Residential (R) District Lots ±						
Residential Single-Family detached	15 ft	8 ft	25 ft	33 ft	30%	35%
residential, single-family attached	12 ft	25 ft	50 ft	33 ft	45%	50%
residential, duplex	15 ft	8 ft	25 ft	33 ft	30%	35%
residential, multiple - Family	30 ft	25 ft	50 ft	35 ft	45%	50%
civic, educational, cultural, religious	30 ft	25 ft	30 ft	35 ft	45%	50%
institutions for care/ treatment of persons	30 ft	25 ft	50 ft	35 ft	20%	30%
recreational (excluding parking lots)	30 ft	50 ft	50 ft	35 ft	20%	30%
other	30 ft	25 ft	30 ft	35 ft	30%	35%
Institutional (I) Lots						
civic, educational, cultural, religious	30 ft	25 ft	30 ft	35 ft	45%	50%
institutions for care/ treatment of persons	30 ft	25 ft	30 ft	35 ft	45%	50%
recreational (excluding parking lots)	30 ft	25 ft	50 ft	35 ft	20%	30%
other	30 ft	25 ft	30 ft	35 ft	45%	50%
Corridor Mixed Use (CMU) Lots						
Residential Single-Family detached	15 ft	8 ft	25 ft	33 ft	30%	40%
residential, single-family attached	15 ft	8 ft	20 ft	33 ft	43%	45%
residential, multi-family	15 ft	8 ft	50 ft	50 ft	60%	65%
civic, educational, cultural, religious	15 ft	8 ft	30 ft	35 ft	45%	50%

Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft) <u>1</u>	Side (ft) <u>21</u>	Rear (ft)	Height <u>32</u> (ft)	Building Coverage <u>43</u> (%)	Impervious Surface Coverage (%)
institutions for care/ treatment of persons	15 ft	8 ft	30 ft	35 ft	45%	50%
recreational (excluding parking lots)	15 ft	8 ft	50 ft	35 ft	20%	30%
commercial	15 ft	8 ft	25 ft	50 ft	65%	75%
Other	15 ft	8 ft	20 ft	35 ft	43%	45%
Commercial (C) Lot						
civic, educational, cultural, religious	15 ft	20 ft	20 ft	50 ft	50%	60%
institutions for care/ treatment of persons	15 ft	25 ft	20 ft	50 ft	50%	60%
recreational (excluding parking lots)	15 ft	25 ft	20 ft	50 ft	50%	60%
commercial, all other	15 ft	8 ft	20 ft	50 ft	50%	60%
Industrial (I) Lots						
contractor yards, small-scale	30 ft	15 ft	50 ft	35 ft	65%	75%
warehousing, salvage, manufacturing, industrial, other	50 ft*	50 ft*	50 ft*	50 ft*	65%	75%
Open Space (OS) Lots						
Agricultural, forestry, other	50 ft	50 ft	100 ft	35 ft	20%	30%
all other	50 ft	50 ft	100 ft	35 ft	20%	30%
Resource Conservation (RC) Lots						
residential, single- family detached	100 ft	50 ft	100 ft	35 ft	1%	2%
all other	100 ft	50 ft	100 ft	35 ft	1%	2%

~~1~~ Notwithstanding the requirements of this table, in all cases, the setback from the building to the property line along U.S. Route 50 shall be at least 50 feet.

~~2~~1. For attached units, the entire structure shall be considered a single building with respect to side yard requirements.

~~3~~2. For residential single-family structures with sloped roofs, the mean height of a sloped roof shall be no greater than 28 feet.

~~4~~3. Accessory buildings shall be included in the calculations of maximum building coverage, with the exception of a shed up to 8' X 10' for existing single-family residences, providing the shed meets all other provisions of the UDC including, but not limited to, critical areas and buffers. A shed may be located in the side yard of a corner lot as long as they are set back behind the primary residence and located no closer than six (6) feet from the side property line which contains the side facade of the residence and five (5) feet from the other property line that contains the rear façade of the residence.

*~~5~~4. Requires a 45° or 50° bulk angle pending the site's location.

*~~6~~5. All Industrial building designs shall conform to section 6.4.2. (B), and shall require landscaping within the required setback, regardless of where any parking lot is placed. No less than 50% of the landscaping shall be evergreen plantings.

*~~7~~6. Industrial lots setback shall be reduced to a 15-foot side yard and 30-foot rear yards when those property lines are abutting other Industrial Zoned property.

Date: August 26, 2019

Prepared by: Pat Escher, Division Manager, City Planner, A.I.C.P.

Submitted by: Odie Wheeler, Director of Public Works

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending § 5.5.1, Table 4 of the City's Unified Development Code ("UDC") for the purpose of deleting the 50-foot setback for buildings along U.S. Route 50; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to setback requirements in the City of Cambridge.

Recommendation: That Council

- A. Introduce Ordinance No. 1157 by reading of title only; and
- B. Schedule September 23, 2019 for second reading, public hearing and adoption of Ordinance No. 1146.

DISCUSSION: Staff and the Commission have discussed off and on the 50 setback from Rte. 50. Staff followed up the State Highway Administration to inquire if that was their requirement. They indicated that the 50-foot minimum was not a State requirement and that the State defers to the jurisdiction's requirements

Enforcement Authority: Pat Escher, A.I.C.P., Division Manager – Division of Planning, Housing and Economic Development, Department of Public works

Fiscal Impact: NA

Approved by: Patrick Comiskey, City Manager