

Council Agenda Report

Date: April 23, 2018
Submitted by: Odie Wheeler, Director of Public Works
Prepared by: Pat Escher, City Planner, A.I.C.P.

Subject: Ord. No. 1123 - An ordinance of the Commissioners of Cambridge, Maryland amending §§ 4.2.3 and 4.4.4 of the City's Unified Development Code to provide that an Accessory Dwelling Unit shall not consist of more than 40 percent of the area of the principal unit, contain more than 1,000 square feet or less than 300 square feet or have more than two bedrooms and amending § 9.2 of the UDC to define terms associated therewith; providing that the title of this ordinance shall be deemed a fair summary and generally relating to Accessory Dwelling Units in the City of Cambridge.

Recommendation: That Council

- A. Introduce Ordinance No. 1123 by reading of title only; and
- B. Schedule May 29, 2018 for second reading, public hearing and adoption of Ordinance No. 1123.

DISCUSSION:

This text amendment was heard at the March Planning Commission hearing and generated much discussion. It was agreed that the current limitations of a 700-sq. ft. footprint and the 900-sq. ft. livable area is problematic. There was additional discussion about placing the ADU above an existing conforming accessory structure and perhaps allowing that foot print of that structure to dictate the size of the accessory dwelling unit. Within the staff report for PZ 2018-010, a Special Exception for an ADU, there was a discussion about granting a variance from the UDC requirement that necessitates accessory units to be located in the rear yard. As determined by staff, a corner lots has two front yards and two side yards, with no rear yard. Other jurisdictions' similar interpretations are included in the report.

Discussion Item One: 700 sq. ft. foot print vs 900 sq. ft. livable space:

This topic was discussed at the last meeting and the Commission concurred that this was problematic to have the two competing square footages not and this needed to be rectified. The Commission recommended that the 700-sq. ft. building footprint limitation be removed and that the overall living area should be increased from 900 sq. ft. to 1,000 sq. ft. The Commission based the square footage increase upon the review of an actual application for an ADU, noting this size was appropriate, providing a modest living unit.

Discussion Item Two: An ADU above an existing accessory structure:

Staff created different case scenarios looking at permitted accessory structures and concluded that allowing an existing, conforming accessory structure to determine the footprint of ADU would be problematic, especially on larger lots. The ADU could far exceed the intent of an accessory dwelling unit and could potentially be a small residential unit, if the conforming accessory structure footprint would be used.

The intent of an ADU is to allow for a reasonable amount of livable habitable area for one or two people to live in conjunction with the home owner occupied residential structure. (which is either the ADU or the primary residence) Staff’s research of other jurisdictions revealed that some jurisdictions have very restrictive square footages – 300 sq. ft. maximum; other jurisdictions allow for up to 1,500 sq. ft. and others do not limit the size, just require that they are clearly ancillary to the primary residence.

As demonstrated by PZ 2018-010, a Special Exception application for an Accessory Dwelling Unit above an ancillary structure, 1,000 sq. ft. allows for a small unit with two bedrooms and a reasonable amount of living area. Additionally, an ADU is further limited by the 40% maximum of the primary structure and the overall 35% rear yard coverages. The Commission concurred that an ADU, even located above a complying accessory structure, needs to be limited to the 1,000 sq. ft.

Discussion Item Three/Four: Corner lots, yard determination and location of accessory dwelling units:

There was discussion regarding corner lots, how front yards are determined and the location of an accessory dwelling unit/structure. When reviewing plans, staff has considered a corner lot containing two front yards and two side yards. Staff provided examples below, showing that other jurisdictions align with this interpretation. After reviewing the examples, the Commission concurred with staff and recommended that the corner lot definition and the pictorial examples be included in to the UDC.

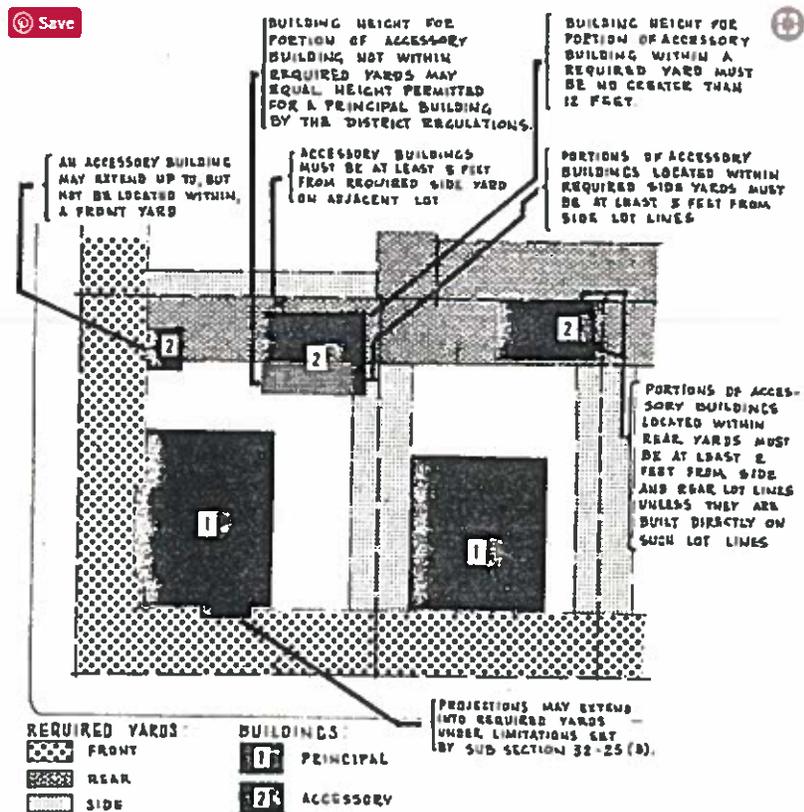
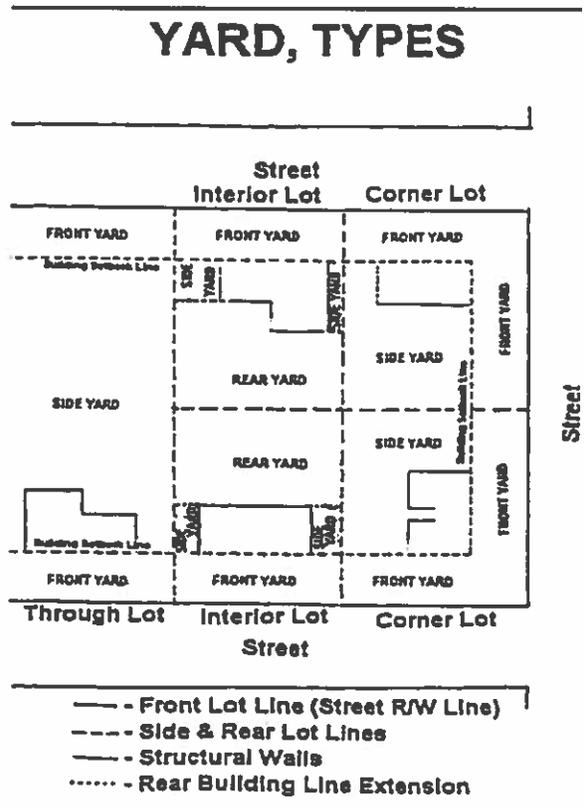
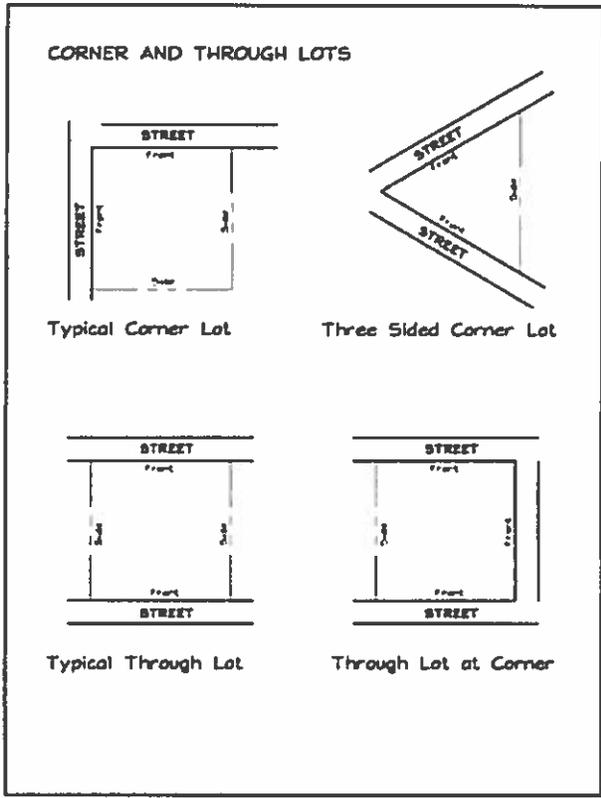
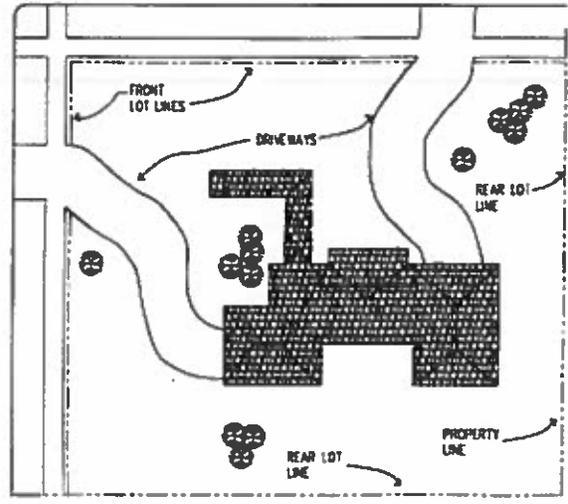


Figure 22



Eagle County, CO

REAR LOT LINE FOR CORNER LOT USING TWO STREET ACCESSES



REAR LOT LINE FOR CORNER LOT USING ONE STREET ACCESS

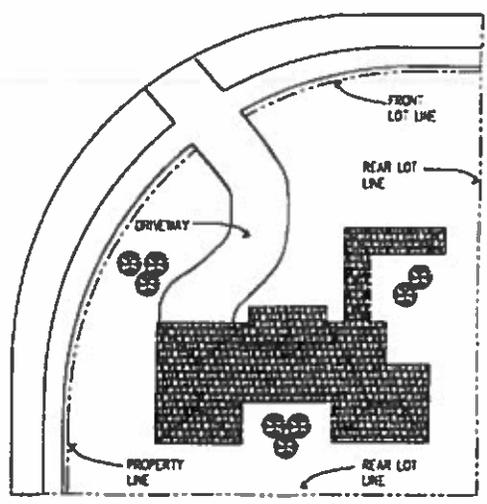
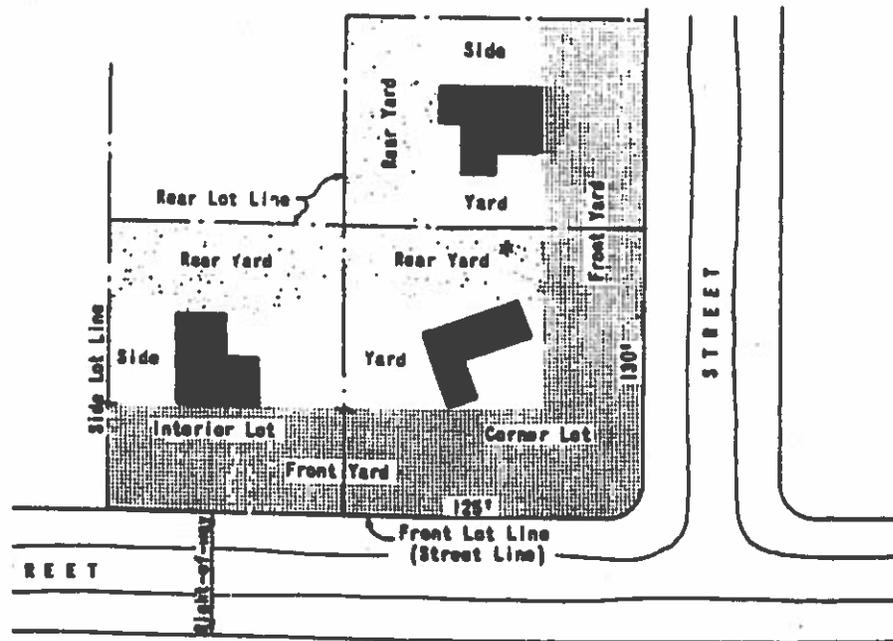


ILLUSTRATION 3
LOT LINES AND YARDS



Town of Easton, MD – Corner Lot Definition

Lot, corner – A lot having continuous frontage on two or more intersection streets. Notwithstanding any other provisions of this Ordinance, corner lots shall be deemed to have two fronts, two sides and no rear for the purpose of meeting setbacks.

The Planning Commission voted unanimously to recommend to Council to approve (1) the elimination of the 700-sq. ft. restriction, (2) increase the overall square footage of an ADU to 1,000 sq. ft. maximum and include a definition of a corner lot and the associated illustrative graphics into the UDC.

Fiscal Impact: NA

Approved by: Sandra Tripp-Jones, City Manager

ORDINANCE NO. 1123

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING §§ 4.2.3 AND 4.4.4 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO PROVIDE THAT AN ACCESSORY DWELLING UNIT SHALL NOT CONSIST OF MORE THAN 40 PERCENT OF THE AREA OF THE PRINCIPAL UNIT, CONTAIN MORE THAN 1,000 SQUARE FEET OR LESS THAN 300 SQUARE FEET OR HAVE MORE THAN TWO BEDROOMS AND AMENDING § 9.2 OF THE UDC TO DEFINE TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO ACCESSORY DWELLING UNITS 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 (the "Commissioners") 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 § 3-27(1) of the Charter of the City of Cambridge (the "Charter") and Md. Code Ann., Local Gov't § 5-202(5), the Commissioners are authorized and empowered to pass ordinances for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the town and visitors thereto and sojourners therein; and

WHEREAS, following a public hearing held on April 3, 2018, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners approve a text amendment amending §§ 4.2.3 and 4.4.4 of the UDC to provide that an accessory dwelling unit shall not consist of more than 40 percent of the area of the principal unit, contain more than 1,000 square feet or less than 300 square feet or have more than two bedrooms and amending § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, on May 29, 2018, the Commissioners held a public hearing regarding the text amendment recommended by the Planning Commission, notice of which was published on April 30, 2018 and May 7, 2018 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 May 29, 2018 public hearing, the Commissioners find that it is in the best interest of the City to amend §§ 4.2.3 and 4.4.4 of the UDC to provide that an accessory dwelling unit shall not consist of more than 40 percent of the area of the principal unit, contain more than 1,000 square feet or less than 300 square feet or have more than two bedrooms and amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, the Commissioners 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 4.2.3 (Standards for Conditional and Special Exception Uses) is amended as follows:

A. Residential Uses

2. Primary residence with (one) accessory dwelling unit (ADU)

- c. ~~In no case shall the ADU: be more than 40 percent of the living area of the principal dwelling unit, contain more than 900 and less than 300 square feet in area, have a footprint greater than 700 square feet, or have more than two bedrooms.~~

An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than 1,000 square feet or less than 300 square feet or have more than two bedrooms.

SECTION 2. Section 4.4.4 (Standards for Conditional and Special Exception Uses) is amended as follows:

A. Accessory Dwelling Unit (ADU) to a Primary Residence

3. ~~In no case shall the ADU: be more than 40 percent of the living area of the principal dwelling unit, contain more than 900 and less than 300 square feet in area, have a footprint greater than 700 square feet, or have more than two bedrooms.~~

An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than 1,000 square feet or less than 300 square feet or have more than two bedrooms.

SECTION 3. Section 9.2 (Terms and Definitions) is amended as follows:

Accessory Dwelling Unit – a separate complete living quarter that is either substantially completely contained within the structure of an owner occupied, primary, single-family dwelling unit, or a commercial structure, structurally attached to the structure of an owner occupied, primary, single-family dwelling unit, or commercial structure, or located on the same parcel as the principal use. It is designed and occupied as a residential dwelling unit and includes kitchen, sleeping, and sanitary facilities. An ADU shall ~~never~~ **not** consist of more than 40 percent of the area of the principal unit, contain more than ~~900~~ **1,000 square feet** or less than 300 square feet, ~~have a footprint of greater than 700 feet~~ or have more than two bedrooms. See also interior ADU, attached ADU, and detached ADU.

- Interior ADU – a separate complete living quarter that is completely contained within the structure of an owner occupied, primary, single-family dwelling unit or commercial structure.
- Attached ADU – a separate complete living quarter that is structurally attached and tied to an owner occupied, primary, single-family dwelling unit or commercial structure and which is subject to the same yard and bulk requirements as the primary structure.
- Detached ADU – a separate complete living quarter that is structurally detached from, but on the same property as, an owner occupied, primary, single-family dwelling unit or commercial structure and which is subject to the same building restrictions as accessory buildings.

Yard – an open space other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in this Ordinance.

Yard, Corner – A yard having continuous frontage on two or more intersection streets. Notwithstanding any other provisions of this Ordinance, corner lots shall be deemed to have two fronts, two sides and no rear for the purpose of meeting setbacks.

Yard, Front – a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the terraces, or uncovered porches.

SECTION 4. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 5. In this Ordinance, unless a section of the City Code of Laws 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. 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 6. 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 that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. 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

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the __ day of _____ 2018

Passed the __ day of _____ 2018

Effective the __ day of _____ 2018