

ORDINANCE NO. 1151

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 6.1.4 OF THE CITY'S UNIFIED DEVELOPMENT CODE ("UDC") TO REDUCE THE MINIMUM SETBACK FROM ALL NONTIDAL WETLANDS FROM 50 FEET TO 25 FEET AND REQUIRE THAT THE NONTIDAL WETLAND BUFFER SHALL BE EXPANDED TO 50 FEET FOR LARGE-SCALE DEVELOPMENT CONTAINING OVER 10 ACRES; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO THE NONTIDAL WETLAND BUFFER 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, § 6.1.4(A) of the UDC provides for a minimum nontidal wetland buffer of 50 feet, which exceeds the 25-foot nontidal wetland buffer provided for in Md. Code Ann., Environment § 5-906 and 26.23.01.01 of the Code of Maryland Regulations; and

WHEREAS, following a public hearing held on May 7, 2019, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners of Cambridge approve a text amendment amending § 6.1.4 of the UDC to reduce the minimum setback from all nontidal wetlands from 50 feet to 25 feet and require that the nontidal wetland buffer shall be expanded to 50 feet for large-scale development containing over 10 acres; and

WHEREAS, on June 10, 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 May 26, 2019 and June 2, 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 June 10, 2019 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 6.1.4 of the UDC to reduce the minimum setback from all nontidal wetlands from 50 feet

to 25 feet and require that the nontidal wetland buffer shall be expanded to 50 feet for large-scale development containing over 10 acres; 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 6.1.4 (Nontidal Wetland Buffer) is amended as follows:

A. Buffer Required

A minimum ~~5050-foot~~ **25-foot** setback from all nontidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as may be permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Nontidal Wetland Division.

B. Expanded Buffer May Be Required

The wetland buffer shall be expanded to include contiguous 100-year floodplain, hydric soils, highly erodible soils, and soils on slopes greater than 15 percent that are contiguous with the wetland. Additionally, the buffer shall be expanded to 50 feet for large-scale development containing over 10 acres.

C. Modification

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided the buffer is not less than 25 feet upon establishing written findings of fact that:

1. The development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 50 feet of the wetland; or
2. It is the development of a planned public street or other infrastructure that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible; or
3. It is the development of other necessary public or community facilities that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible.

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, 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 28th day of May, 2019
Passed the 10th day of June, 2019
Effective the 20th day of June, 2019