



*City of Cambridge*  
*Cambridge, Maryland*

**ORDINANCE NO. 1051**

**ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND TO AMEND SECTION 4.2.3.A.5 AND SECTION 4.4.4.B OF THE UNIFIED DEVELOPMENT CODE DATED DECEMBER 8, 2014, TO PROVIDE FOR SPECIFIC FENCING REQUIREMENTS FOR FAMILY DAY CARE HOME USES.**

**WHEREAS**, the Commissioners have concluded that the proposed text amendment are necessary to protect and provide for the public's health, safety and welfare; and

**WHEREAS**, on June 2, 2015, the City Planning Commission held a public hearing and issued recommendations regarding the proposed text amendments. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the text amendments which provide specific fencing requirement for Family Day Care Home uses; and

**WHEREAS**, the Commissioners of Cambridge find that it is in the best interest of the City to amend the Section 4.2.3.A.5 and Section 4.4.4.B of the Unified Development Code to provide for specific fencing requirement for Family Day Care Home uses; and

**WHEREAS**, the Commissioners of Cambridge held a duly noticed public hearing on this proposed text amendments on July 13, 2015, in compliance with the requirements of Section 4-203 of the Land Use Article, Annotated Code of Maryland, notification of said public hearing having been published in the Star Democrat on June 26, and July 3, 2015;

**NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED** by the Commissioners of Cambridge, that:

**FIRST:** Section 4.2.3, Subsection 5. "Day Care Home" of the Unified Development Code is hereby amended to read as follows:

**Section 4.2.3 Standards for Conditional and Special Exception Uses.**

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

**A. Residential Uses.**

**5. Day Care, Home**

Subject to the following conditions, Day Care, Home shall be permitted with Conditions (C) use in the NC-1, NC-2, NC-3 and NC-4 districts and in the R, CMU, MR, and RC Districts:

- a. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.



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- b. Approval is subject to all building code requirements for safety and health having been met.
- c. A Family Day Care Home shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.
- d. At any one time, a Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
- e. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) Children permitted under paragraph C above only if all of the following conditions are met:
  - 1. The child is less than six (6) years old;
  - 2. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
  - 3. The child cannot be sent home immediately.
- f. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- g. The applicant shall have ~~one~~ **two** hundred (200) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas, **with a free-standing fence, neither portion of which shall be shared with a fence of an adjoining property owner. The fence shall have a minimum height of four (4) feet, and shall be constructed and located so as to provide sufficient protection and safety for the children and be approved by the Zoning Official.** Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
- h. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
- i. Within the NC districts, the proposed use shall also meet the conditions set forth in 4.2.3(B)1.
- i. The family day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.
- j. All such uses shall be located so as to permit the safe pick up and Delivery of all persons on this site.
- k. This use shall be treated as an outright permitted use unless either of the following circumstances occurs:
  - 1. A Public Hearing is requested within seven (7) days of the posting Of the property and the placement of an advertisement concerning The application in a newspaper or general circulation; or
  - 2. The Zoning Official recommends denial of the application. In the event of either 1 or 2 above occurs, the application shall be treated as a Special Exception.



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**SECOND:** Section 4.4.4, Subsection B “Day Care, Home” of the Unified Development Code is hereby amended to read as follows:

**Section 4.4.4 Standards for Conditional and Special Exception Uses.**

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

**B. Day Care, Home**

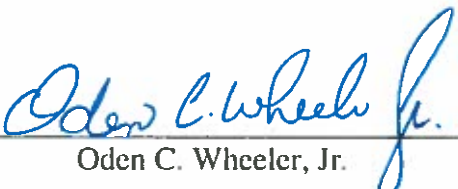
Subject to the following conditions, Day Care, Home shall be permitted as a Conditional (C) use in the General, Center, and Neighborhood sub-districts:

1. At least **two hundred (200)** square feet of usable outdoor recreational area shall be provided per individual that may use the center at any one time. Recreational areas shall not include the required front yard of the property or any off-street parking areas. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas, **with a free-standing fence, neither portion of which shall be shared with a fence of an adjoining property owner. The fence shall have a minimum height of four (4) feet, and shall be constructed and located so as to provide sufficient protection and safety for the children and be approved by the Zoning Official.** Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
2. Approval is subject to all building code requirements for safety and health having been met.
3. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.

**THIRD: Effective Date.** This ordinance shall become effective ten (10) days following the date of adoption of this Ordinance by the Commissioners of Cambridge.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

  
Oden C. Wheeler, Jr.

By:  (SEAL)  
Victoria Jackson-Stanley, Mayor

Introduced the 27<sup>th</sup> day of **JULY, 2015**  
Adopted the 10<sup>th</sup> day of **AUGUST, 2015**  
Effective the 20<sup>th</sup> day of **AUGUST, 2015**