

Council Agenda Report

Date: February 8, 2016 (For March 14, 2016 Meeting)
Submitted by: Odie Wheeler, Public Works Director
Prepared by: Patricia Escher, City Planner
SUBJECT: Text Amendments to various sections of the Unified Development Code

ORDINANCE 1065

Recommendations:

Staff is recommending approval of the proposed amendments to the Unified Development Code.

Discussion:

As staff continues to implement the UDC, there are inconsistencies with the City's building Code or with City current practices. These amendments will provide consistency for staff review and enforcement.

§ 2.1.1

C. Issuance of Permits

The Zoning Official shall issue permits for the erection, construction, addition, demolition, and moving or structural alteration of buildings and structures and for the use of land.

1. No building (greater than 150 square feet) or other structure shall be erected, moved, added to, or structurally altered, or use of land changed without a permit authorizing such work.
2. No permit shall be issued except in conformity with this Ordinance.

§ 2.2.2

E. Expiration of Building or Demolition Permit

A building or demolition permit shall become null and void if the work authorized by such permit is not commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced. The Zoning Official is authorized to grant in writing one or more extensions of time for periods of not more than 180 days each subject to payment of an applicable fee for each such extension which fee

amount shall be set forth in the City Schedule of Fees. The extension shall be requested in writing with justifiable cause demonstrated.

Demolition permits are valid for one month after its issuance, which entails demolition and site clean-up to the satisfaction of the Zoning Official. A one month extension may be granted due to extenuating circumstances.

§ 4.4.4

8. A mobile home, or manufactured home or camper may not be used as an ADU as provided under this Section.

§ 5.1.3

D. Building Permits Required

Any accessory building or structure greater than 100 square feet in size shall require a permit before placement.

§ 5.1.4 Fences and Walls

- C. Application for Permit – Any person or persons, corporation, firm or association intending to erect a fence or wall shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the material proposed to be used, which must be in accordance with this Ordinance and be accompanied by an appropriate fee. Upon approval by the Zoning Official, a permit shall be issued which will be in effect for a period of one (1) year 6 months from the date thereon.

§ 9.2

Accessory Building – an accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. **A trailer body or similar shall not be considered an accessory building.**

Fiscal Impacts: NA

PROPOSED ORDINANCE

ORDINANCE NO. 1065

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 2.1.1 C. TO REQUIRE BUILDING PERMITS FOR ALL STRUCTURES, SECTION 2.2.2 E. TO CLARIFY DEMOLITION PERMITS, SECTION 4.4.4 A. 8. TO EXCLUDE A CAMPER FROM THE CONSIDERATION OF ACCESSORY DWELLING UNIT, SECTION 5.1.3 D. TO REQUIRE BUILDING PERMITS FOR ALL STRUCTURES, SECTION 5.1.4 C. TO CORRECT DURATION OF FENCE PERMITS AND SECTION 9.2 TO CLARIFY THE DEFINITION OF AN ACCESSORY BUILDING WITHIN THE CITY'S UNIFIED DEVELOPMENT CODE AND THEREFORE THESE AMENDMENT SHALL BE CONSISTENCY WITH THE CITY'S ADOPTED BUILDING CODE.

WHEREAS, the proposed amendments provide consistency between the City's Unified Development Code and the City's adopted Building Code; and

WHEREAS, a public hearing on the proposed text amendment was held before the Planning Commission on December 1, 2015 and January 5, 2016, following which the Planning Commission unanimously recommended that the proposed text amendment be approved; and

WHEREAS, upon the consideration of the recommendation of the Planning & Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, and the comments made at the public hearing before Planning Commission, held on December 1, 2015 and January 5, 2016, the City Council finds that the proposed amendment is needed to promote and protect the public's health, safety and welfare; and

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

FIRST:

§ 2.1.1

C. Issuance of Permits

The Zoning Official shall issue permits for the erection, construction, addition, demolition, and moving or structural alteration of buildings and structures and for the use of land.

1. No building) or other structure shall be erected, moved, added to, or structurally altered, or use of land changed without a permit authorizing such work.
2. No permit shall be issued except in conformity with this Ordinance.

SECOND:

§ 2.2.2

E. Expiration of Building or Demolition Permit

A building permit shall become null and void if the work authorized by such permit is not commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced. The Zoning Official is authorized to grant in writing one or more extensions of time for periods of not more than 180 days each subject to payment of an applicable fee for each such extension which fee amount shall be set forth in the City Schedule of Fees. The extension shall be requested in writing with justifiable cause demonstrated.

Demolition permits are valid for 30 days after its issuance, which entails demolition and site clean-up to the satisfaction of the Zoning Official. A 30 day extension may be granted due to extenuating circumstances.

THIRD:

§ 4.4.4 Accessory Dwelling Unit (ADU) to a Primary Residence

8. A mobile home, manufactured home or camper may not be used as an ADU as provided under this Section.

FOURTH:

§ 5.1.3

D. Building Permits Required

Any accessory building or structure shall require a permit before placement.

FIFTH

§ 5.1.4 Fences and Walls

- C. Application for Permit – Any person or persons, corporation, firm or association intending to erect a fence or wall shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the material proposed to be used, which must be in accordance with this Ordinance and be accompanied by an appropriate fee. Upon approval by the Zoning Official, a permit shall be issued which will be in effect for a period of 180 days from the date thereon.

SIXTH

§ 9.2

Accessory Building – an accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. A trailer body or similar containers shall not be considered an accessory building.

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

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the _____ day of January, 2016

Adopted the _____ day of February, 2016

Effective the _____ day of _____, 2016

PROPOSED ORDINANCE

ORDINANCE NO. 1065

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 2.1.1 C. TO REQUIRE BUILDING PERMITS FOR ALL STRUCTURES, SECTION 2.2.2 E. TO CLARIFY DEMOLITION PERMITS, SECTION 4.4.4 A. 8. TO EXCLUDE A CAMPER FROM THE CONSIDERATION OF ACCESSORY DWELLING UNIT, SECTION 5.1.3 D. TO REQUIRE BUILDING PERMITS FOR ALL STRUCTURES, SECTION 5.1.4 C. TO CORRECT DURATION OF FENCE PERMITS AND SECTION 9.2 TO CLARIFY THE DEFINITION OF AN ACCESSORY BUILDING WITHIN THE CITY'S UNIFIED DEVELOPMENT CODE AND THEREFORE THESE AMENDMENT SHALL BE CONSISTENCY WITH THE CITY'S ADOPTED BUILDING CODE.

WHEREAS, the proposed amendments provide consistency between the City's Unified Development Code and the City's adopted Building Code; and

WHEREAS, a public hearing on the proposed text amendment was held before the Planning Commission on December 1, 2015 and January 5, 2016, following which the Planning Commission unanimously recommended that the proposed text amendment be approved; and

WHEREAS, upon the consideration of the recommendation of the Planning & Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, and the comments made at the public hearing before Planning Commission, held on December 1, 2015 and January 5, 2016, the City Council finds that the proposed amendment is needed to promote and protect the public's health, safety and welfare; and

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

FIRST:

§ 2.1.1

C. Issuance of Permits

The Zoning Official shall issue permits for the erection, construction, addition, demolition, and moving or structural alteration of buildings and structures and for the use of land.

1. No building (greater than 150 square feet) or other structure shall be erected, moved, added to, or structurally altered, or use of land changed without a permit authorizing such work.
2. No permit shall be issued except in conformity with this Ordinance.

SECOND:

§ 2.2.2

E. Expiration of Building or Demolition Permit

A building or demolition permit shall become null and void if the work authorized by such permit is not commenced within 180 days after its issuance or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the work is commenced. The Zoning Official is authorized to grant in writing one or more extensions of time for periods of not more than 180 days each subject to payment of an applicable fee for each such extension which fee amount shall be set forth in the City Schedule of Fees. The extension shall be requested in writing with justifiable cause demonstrated.

Demolition permits are valid for 30 days after its issuance, which entails demolition and site clean-up to the satisfaction of the Zoning Official. A 30 day extension may be granted due to extenuating circumstances.

THIRD:

§ 4.4.4 Accessory Dwelling Unit (ADU) to a Primary Residence

8. A mobile home, or manufactured home or camper may not be used as an ADU as provided under this Section.

FOURTH:

§ 5.1.3

D. Building Permits Required

Any accessory building or structure greater than 100 square feet in size shall require a permit before placement.

FIFTH

§ 5.1.4 Fences and Walls

- C. Application for Permit – Any person or persons, corporation, firm or association intending to erect a fence or wall shall, before any work is commenced, make application for permit. Application shall be accompanied by a plan or sketch showing the proposed location of any fence, the material proposed to be used, which must be in accordance with this Ordinance and be accompanied by an appropriate fee. Upon approval by the Zoning Official, a permit shall be issued which will be in effect for a period of one (1) year 180 days from the date thereon.

SIXTH

§ 9.2

Accessory Building – an accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) located on the same lot as the main building or principal use of the land. A trailer body or similar containers shall not be considered an accessory building.

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

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the _____ day of January, 2016

Adopted the _____ day of February, 2016

Effective the _____ day of _____, 2016