

## Council Agenda Report

Date: February 17, 2016 (March 14, 2016 Meeting)

Submitted by: Odie Wheeler, Public Works Director

Prepared by: Patricia Escher, City Planner

SUBJECT: **ORDINANCE 1072**

- I. This request is to address commercial lots of record that are non-conforming. (Sec. 2.4.2.)
- II. **STAFF RECOMMENDATION:** Staff is recommending approval of the proposed amendments to the Unified Development Code.

### Discussion:

- III. The current UDC is silent to non-conforming commercial lots and thereby gives staff little direction in this matter. The proposed language clarifies the non-conformity for commercial lots and gives direction for existing non-conforming lots by determining that any new construction has to comply with all other aspects of the UDC.

### § 2.4.2 Nonconforming Lots, Structures, and Uses

#### A. Nonconforming Lots of Record

1. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any undeveloped single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the zone, provided that yard dimensions shall conform to the regulations for the zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.
2. In any commercially zoned property in which commercial/mixed use buildings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a commercial/mixed use building may be erected on any undeveloped single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the zone, provided that yard dimensions shall conform to the regulations for the

**zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.**

3. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width or area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

**IV. Fiscal Impact: NA**

## **PROPOSED ORDINANCE**

### **ORDINANCE NO. 1072**

#### **AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 2.4.2 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO INCLUDE LANGUAGE REGARDING NON-CONFORMING COMMERCIAL LOTS.**

**WHEREAS**, on February 2, 2016 the Planning Commission held a public hearing and issued recommendation regarding the proposed text amendment. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the text amendment which includes language regarding non-conforming commercial lots; and

**WHEREAS**, the Commissioners of Cambridge find that it is in the best interest of the City to amend Section 2.4.2 of the Unified Development Code to includes language regarding non-conforming commercial lots; 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 February 2, 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:

#### **§ 2.4.2 Nonconforming Lots, Structures, and Uses**

##### **A. Nonconforming Lots of Record**

1. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any undeveloped single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to

meet the requirements for area or width or both that are generally applicable in the zone, provided that yard dimensions shall conform to the regulations for the zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.

2. **In any commercially zoned property in which commercial/mixed use buildings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a commercial/mixed use building may be erected on any undeveloped single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the zone, provided that yard dimensions shall conform to the regulations for the zone in which such lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.**
3. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width or area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

**AND BE IT FURTHER** enacted and ordained that this Ordinance shall become effective on the tenth (10<sup>th</sup>) 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 February, 2016  
Adopted the \_\_ day of \_\_\_\_\_, 2016  
Effective the \_\_ day of \_\_\_\_\_, 2016