

**ORDINANCE NO. 1161**

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 6.5.3 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO PERMIT STRINGS OF LIGHT BULBS FOR OUTDOOR DINING AT A RESTAURANT OR CAFE OR IN A RESIDENTIAL YARD AT OR BEHIND THE LINE OF THE PRIMARY REAR BUILDING FACADE, SUBJECT TO CERTAIN CONDITIONS, AND TO CLARIFY THAT SEASONAL EXTERIOR LIGHTING IS PERMITTED; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO EXTERIOR LIGHTING 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**, pursuant to § 3-27(9) of the Charter, the Commissioners of Cambridge are authorized and empowered to pass ordinances regulating the placement of signs of every kind and description on any building, fence, post, bill-board, pole or other place within the City; and

**WHEREAS**, following a public hearing held on December 3, 2019, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve a text amendment amending § 6.5.3 of the UDC to permit strings of light bulbs for outdoor dining at a restaurant or cafe or in a residential yard at or behind the line of the primary rear building facade, subject to certain conditions, and to clarify that seasonal exterior lighting is permitted; and

**WHEREAS**, on January 27, 2020, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on January 12, 2020 and January 19, 2020 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 January 27, 2020 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 6.5.3 of the UDC to permit strings of light bulbs for outdoor dining at a restaurant or

cafe or in a residential yard at or behind the line of the primary rear building facade, subject to certain conditions, and to clarify that seasonal exterior lighting is permitted; 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 6.5.3 (Prohibited Signs and Signing) is amended as follows:

**§ 6.5.3 Prohibited Signs and Signing**

**A. UNCHANGED**

**B. In Relation to Sign Character**

1. UNCHANGED

2. Pennants, streamers, banners, moving, flashing, windblown, and all other fluttering, spinning, or similar type signs, ~~which includes~~ **including** strings of light bulbs, **and** balloons or other inflated objects, are prohibited; provided, however, that a single string of white lights shall be permitted along the 500 block of Poplar Street and the 400 and 500 blocks of Race Street with the Historic Preservation Commission's approval. Such lights shall be maintained by the Downtown Cambridge organization, and any damaged lights, wires, or other component shall be promptly replaced. **This subsection shall not be construed to prohibit strings of light bulbs used for outdoor dining at a restaurant or cafe or in a residential yard at or behind the line of the primary rear building facade; provided, however, that any such lighting located on a property which is immediately adjacent to a residential property shall be turned off by 10:00 p.m. and shall not be of such an intensity as to be reasonably expected to cause a nuisance to any such property. Furthermore, this subsection shall not be construed to prohibit seasonal exterior lighting, such as Christmas lights.**

3. UNCHANGED

4. UNCHANGED

5. UNCHANGED

6. UNCHANGED

**C. UNCHANGED**

**D. UNCHANGED**

**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 (10<sup>th</sup>) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Patrick C. Comiskey, City Manager

By: \_\_\_\_\_  
Victoria Jackson-Stanley, Mayor

**Introduced the 13<sup>th</sup> day of January, 2020**  
**Passed the 27<sup>th</sup> day of January, 2020**  
**Effective the 6<sup>th</sup> day of February, 2020**