

Council Agenda Report

Date: June 14, 2021

Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: An ordinance of the Commissioners of Cambridge, Maryland amending § 5.1.3(a) of the city's Unified Development Code ("UDC") to provide that the location of an accessory building on a corner through lot shall be determined by the zoning official and that accessory residential buildings and structures exceeding 12 feet in height shall meet the setback requirements in §§ 5.1.3(a)(3) and (b) of the UDC; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to zoning in the City of Cambridge.

Recommendation: That Council

- A. Introduce Ordinance No. 1181 by reading of title only; and
- B. Schedule July 12, 2021 for second reading, public hearing and adoption of Ordinance No. 1181.

Discussion:

There are several lots, mostly on Locust Street that are Through Corner Lots. These lots are problematic when trying to locate accessory structures or detached garages. The reason they are problematic is that these lots have three front yards and one side yard. The City did look at accessory structures previously as it relates to corner lots and modified the code to address that situation.

Additionally, the City modified the rear and yard setbacks for accessory structures in the NC and Neighborhood setbacks, as these are some of the older and smaller lots. Staff has reviewed several permits which would allow a structure up to 18 feet with these smaller setbacks and staff has concerns with these larger structures being that close to adjacent properties and is recommending that these larger structures are not permitted to have the smaller setbacks.

The Planning Commission reviewed staff's analysis and unanimously concurred and recommends to the City Council to adopt these changes to the City's UDC.

ORDINANCE NO. 1181

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 5.1.3(A) OF THE CITY'S UNIFIED DEVELOPMENT CODE ("UDC") TO PROVIDE THAT THE LOCATION OF AN ACCESSORY BUILDING ON A CORNER THROUGH LOT SHALL BE DETERMINED BY THE ZONING OFFICIAL AND THAT ACCESSORY RESIDENTIAL BUILDINGS AND STRUCTURES EXCEEDING 12 FEET IN HEIGHT SHALL MEET THE SETBACK REQUIREMENTS IN §§ 5.1.3(A)(3) AND (B) OF THE UDC; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO ZONING 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., Land Use § 4-201, the Commissioners of Cambridge are authorized and empowered to divide the City into districts and zones of any number, shape, and area that it considers best suited to carry out the purposes of Division I (Single-Jurisdiction Planning and Zoning) of the Land Use Article; and

WHEREAS, pursuant to § 3-27(1) of the Charter of the City of Cambridge (the "Charter") and Md. Code Ann., Local Gov't § 5-202(5), the Commissioners of Cambridge are authorized and empowered to pass ordinances for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the town and visitors thereto and sojourners therein; and

WHEREAS, following a public hearing held on June 1, 2021, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve a text amendment amending the UDC to provide that the location of an accessory building on a corner through lot shall be determined by the Zoning Official and that accessory residential buildings and structures exceeding 12 feet in height shall meet the setback requirements in §§ 5.1.3(A)(3) and (B) of the UDC; and

WHEREAS, on July 12, 2021, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on June 18, 2021 and June 25, 2021 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 July 12, 2021 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend the UDC to provide that the location of an accessory building on a corner through lot shall be determined by the Zoning Official and that accessory residential buildings and structures

exceeding 12 feet in height shall meet the setback requirements in §§ 5.1.3(A)(3) and (B) of the UDC; 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 5.1.3 (Accessory Building/Structure Requirements) is amended as follows:

§ 5.1.3 Accessory Building/Structure Requirements

A. Location of Accessory Buildings and Structure

The following provisions apply to the location of accessory buildings:

1. Accessory buildings shall not occupy any required front yard or side street yard; provided, however, that:
 - a. in the case of a corner lot, the accessory building shall be located in a side yard, with its front façade rear of the ~~the~~ primary residence; **and**
 - b. in the case of a corner through lot, the accessory building shall be reviewed by the Zoning Official, who shall determine the most appropriate location.**
2. An accessory use or structure may not occupy more than thirty-five percent (35%) of the area of the rear yard, or in the case of a corner lot, thirty-five percent (35%) of the area of the side yard rear of the building footprint.
3. Accessory buildings shall not be located closer than six **(6)** feet from any side property line or five **(5)** feet from any rear property line, except in all the Neighborhood Conservation Districts and in the Downtown Waterfront Development District Neighborhood Subdistrict where accessory residential buildings and structures may be as close as three feet from the side or rear property lines **provided they do not exceed twelve (12) feet in height. Accessory residential buildings and structures exceeding twelve (12) feet in height shall meet the setback requirements in this subsection and the modified setback requirements in § 5.1.3(B)(1) of this Ordinance.**

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: _____
Andrew Bradshaw, Mayor

**Introduced the 14th day of June, 2021
Passed the 12th day of July, 2021
Effective the 22nd day of July, 2021**





See attached Ordinance

Fiscal Impact: NA

Approved by: *Patrick C. Comiskey, City Manager*