



Unified Development Code

City of Cambridge, Maryland

Mayor and City Council
Adopted December 8, 2014

Effective January 1, 2015

Updated June 20, 2017

Updated October 30, 2017

Updated June 18, 2018

Updated August 23, 2018

Updated October 19, 2018

Updated March 22, 2019

Updated November 7, 2019

Updated May 7, 2020

Updated October 15, 2020

Updated August 30, 2021

Updated October 1, 2022

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Article 1

General Provisions

§ 1.1	Title
§ 1.2	Authority
§ 1.3	Jurisdiction
§ 1.4	Purpose
§ 1.5	Severability

§ 1.1 Title

These regulations shall be known as the City of Cambridge Unified Development Code. They may be referred to herein as this “Ordinance”.

§ 1.2 Authority

The Mayor and City Commissioners have the authority to adopt this Ordinance pursuant to the Land Use Article of the Annotated Code of Maryland, as amended.

§ 1.3 Jurisdiction

This Ordinance shall apply to all lands, structures, and buildings within the corporate limits of Cambridge, including all submerged lands and water areas.

§ 1.4 Purpose

§ 1.4.1 General Purpose

The purpose of this Ordinance is to protect and promote the public health, safety and general welfare of the City of Cambridge, the orderly development of lands, and protection of natural resources and the environment. It is a comprehensive and unified set of regulations that govern the subdivision, development, and use of land.

§ 1.4.2 Specific Purposes

This Ordinance is adopted for the following particular purposes:

- Implement the Cambridge Comprehensive Plan. To implement the goals, policies, and provisions of the adopted Comprehensive Plan and its subsequent updates and amendments.
- Protect and support the physical integrity of the City's built environment and historic areas. To promote the development of vacant lots, to revitalize neighborhoods, promote the prosperity of downtown Cambridge, to encourage good civic design, and use of building patterns and practices that reinforce traditional patterns of building within the City.
- Provide a regulatory approach that facilitates real estate investment and enhances property values especially in the downtown area and its surrounding neighborhoods. To provide regulatory mechanisms that include appropriate and clear standards for new development, streamlined procedures for development approvals, and rules for oversight, inspection, and conformance with approved plans.
- Promote efficient land use and infrastructure. To promote the efficient use of land, the orderly and efficient development of essential public facilities and services including bicycle facilities, and land use and construction practices that align with historic, ongoing, and planned public investments in infrastructure.
- Promote sound and sustainable development practices. To promote development practices which conserve and restore water, energy and other resources, prevent damage to natural resources and protect people, property, and public infrastructure from environmental hazard including flooding and coastal inundation impacts related to rising sea levels, and discourage land consumptive, low density, and single-use development patterns which run counter to traditional building practices in the City.
- Encourage mixed-use development and interconnectivity. To encourage multiple uses of land within close proximity of each other and interconnectivity between properties and within developments.
- Encourage the creation of a greenbelt around the City of preserved natural and open spaces that are shown in the adopted Comprehensive Plan as providing a perpetual recreational and natural resource for future generations.

§ 1.5 Severability

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any court of competent jurisdiction declares any such part unconstitutional or otherwise invalid in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining parts of this Ordinance.

Article 2

Administration and Enforcement

- § 2.1 Roles of Official Bodies
 - § 2.2 General Permit and Application Procedures
 - § 2.3 Hearings of the Board of Appeals
 - § 2.4 Nonconforming Lots, Structures, and Uses
 - § 2.5 Enforcement of this Ordinance
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§ 2.1 Roles of Official Bodies

§ 2.1.1 Zoning Official

A. Establishment

It shall be the duty of the Zoning Official to administer, interpret, and enforce this Ordinance and to take all actions that are required by this Ordinance.

B. Enforcement

If the Zoning Official finds that this Ordinance is being violated, he/she shall notify in writing the person responsible for such violations, indicate the nature of the violation and order action necessary to correct it. The Zoning Official shall:

1. Order discontinuance of the illegal use of land, buildings, or structures;
2. Order removal of illegal buildings or structures or of additions, alterations, or structural changes thereto;
3. Order discontinuance of any illegal work being done; or
4. Take any other action authorized to ensure compliance or to prevent violation.

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.

D. Notice to Critical Area Commission

When the City receives an application for any development, subdivision, site plan, rezoning, special exception, variance, or timber harvesting pertaining to land in the

Critical Area, the Zoning Official shall send notification thereof and a copy of the application to the Critical Area Commission except in the following circumstances:

1. The proposed structure is 250 square feet in size or less.
2. The proposed structure is a single-family house.

E. Appeals

Any person or agency aggrieved or affected by a decision of the Zoning Official may appeal such decision to the Board of Appeals per § 2.2.6 of this Ordinance.

F. Discharge of Duties

In the discharge of his/her duties, the Zoning Official shall have the authority to enter at any reasonable hour, any building, structure, or premise in the City to enforce the provisions of this Ordinance. The assistance and cooperation of sheriffs and/or police, fire, and health departments and all other City officials shall be available to the Zoning Official as required in the performance of his/her duties.

§ 2.1.2 Planning Commission

A. Establishment

The Planning Commission shall have the authority to:

1. Prepare and recommend a Comprehensive Plan for the City of Cambridge and review and update that plan at least once every six (6) years;
2. Advise the City Council on all matters relating to the orderly planning and growth of the City;
3. Prepare and recommend amendments to this Ordinance, including the Official Zoning Map;
4. Review and make recommendations to the Board of Appeals on special exceptions based on findings of fact;
5. Annually review and make a recommendation on the City's Capital Improvements Plan (CIP) prior to City adoption of the CIP and review all proposed public facilities for consistency with the Comprehensive Plan;
6. Review and decide on Category 1 Site Plans as provided for in § 3.1 of this Ordinance;
7. Review and decide on requests for certain modifications to site plan requirements as authorized by § 3.1 including parking, landscaping, and building design modification;
8. Review and decide on subdivision plats;
9. Prepare, adopt, and distribute to the public an annual report; and

10. Conduct other activities and duties as set forth in this Ordinance, as requested by the City Council, or as provided for by the Land Use Article of the Maryland Annotated Code.
11. Planning Commission members may be compensated at the discretion of the City Council.

B. Membership

1. The Planning Commission shall consist of seven members, and one ex officio member, appointed in the following fashion:
 - a. The City Council shall appoint five members. Each City Council shall have the right to nominate one person from the ward of his/her residence, subject to the approval of the majority of the City Council.
 - b. The Mayor shall appoint one member subject to the confirmation of the majority of the City Council.
 - c. The City Council shall have the right to appoint one member upon the nomination by the Dorchester County Planning Commission of a person from among its membership who shall serve concurrently on both the City and County Planning Commissions and whose appointment is subject to approval of the majority of the City Council. In the event that this provision does not result in the appointment of a person serving on the County Planning Commission, the Mayor shall nominate a person to fill this seat, subject to the approval of the majority of the City Council.
 - d. The City Council shall appoint one of its members, ex officio.
2. Members shall be appointed to five-year terms and terms of appointment shall be staggered except for the members appointed per paragraphs “c” and “d” above.
3. Vacancy in membership for an unexpired term shall be filled for the unexpired term by appointment by the City Council. The City Council shall consider a recommendation from the Planning Commission if one is provided.

C. Officers

1. The Commission shall elect from its membership a Chairperson and Vice-Chairperson, annually by the 31st day of January.
2. The terms of the officers shall be one year, with eligibility for reelection.
3. If the Planning Commission fails to elect a Chairperson per this section, the City Council may appoint a Chairperson.

D. Proceedings of the Planning Commission

1. The Planning Commission shall adopt written rules necessary to the conduct of its affairs.
2. The Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on all complete applications in an expeditious manner. The Planning Commission shall hold meetings quarterly

or more often, as the Planning Commission's duties require. If there is no business before the Planning Commission, the Chairperson may cancel the meeting. The Planning Commission shall hold regular meetings at a regular schedule to conduct the business to be brought before it and shall at least meet every three months or four times per year.

3. The Chairperson may call special meetings of the Commission.
4. All meetings shall be open to the public.
5. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.
6. Four members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.
7. The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
8. All decisions of the Planning Commission, whether favorable or unfavorable to the applicant, shall be based on and supported by written findings of fact pertaining to the case under review. No decision of the Planning Commission shall be final until the written decision of the Commission is signed and filed.

E. Modifying the Provisions of this Ordinance

The Planning Commission may, upon the review of a site plan, but only where and as so provided in this Ordinance, modify certain provisions upon its finding that such modification is the minimum necessary to faithfully implement the purposes of this Ordinance and implement the adopted Comprehensive Plan. This authority is distinctly different from the authority to grant a variance as provided in § 2.2.5, which authority rests solely with the Board of Appeals.

F. Appeals

Any person aggrieved by a decision of the Planning Commission and desiring to appeal such decision may file a petition for review through the Board of Zoning Appeals.

§ 2.1.3 Board of Appeals

A. Establishment

The Board of Appeals shall have the authority to:

1. Hear and decide appeals from any order, requirement, decision, action, or determination made by the Planning Commission and the Zoning Official. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Planning Commission and the Zoning Official from whom the

appeal is taken. The Board of Appeals is only authorized to hear and decide on appeals of the Planning Commission, the Zoning Official and Historic Preservation Commission.

2. Hear and decide Special Exceptions, provided that Planning Commission has had the opportunity to review and offer a recommendation to the Board, as authorized under § 2.2.7 of this Ordinance.
3. Authorize a variance from the terms of the Ordinance as provided for in § 2.2.5 of this Ordinance.
4. Decide matters of interpretation of zoning district boundaries as provided in § 4.1.1(C)(6) of this Ordinance.

B. Membership

1. The Board shall consist of five members. The Mayor shall appoint the members subject to confirmation by the City Council.
2. Members shall be appointed to three-year terms and terms of appointment shall be staggered. Vacancies shall be filled by appointment for the unexpired term.
3. The Mayor shall appoint one alternate member for the Board of Appeals who may be empowered to sit with the Board in the absence of any member.
4. Board members may be compensated at the discretion of the City Council.

C. Officers

1. The Board shall elect from its membership a Chairperson and Vice-Chairperson, annually by the 31st day of January.
2. The terms of the officers shall be one year, with eligibility for reelection.
3. If the Board fails to elect a Chairperson per this section, the City Council shall appoint a Chairperson.

D. Proceedings of the Board of Appeals

1. The Board shall adopt rules necessary to the conduct of its affairs.
2. Meetings shall be held at the call of the Chairperson. The Chairperson, or in his/her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
3. All meetings and hearings shall be open to the public.
4. The Board shall conduct its hearings according to the procedures set forth in § 2.3.
5. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.
6. Three members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

7. The Chairperson and Vice-Chairperson may take part in all deliberations and vote on all issues.
8. Decisions Based on Findings of Fact. All decisions of the Board, whether favorable or unfavorable to the applicant, shall be based on and supported by written findings of fact pertaining to the case under review. No decision of the Board shall be final until the written decision of the Board is signed and filed.

E. Special Procedural Provisions

1. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the application of this Ordinance.
2. If any application or request is disapproved by the Board, thereafter the Board shall not accept application for substantially the same proposal on the same property for a period of one year from the date of such disapproval.
3. If an appeal to the Board is filed and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, the applicant shall not file another application for substantially the same proposal on the same property for a period of one year from the date of withdrawal.

F. Appeals

Any person aggrieved by a decision of the Board of Appeals and desiring to appeal such decision may file a petition for judicial review through the Circuit Court of Dorchester County.

§ 2.1.4 Historic Preservation Commission (HPC)

A. Establishment

The Historic Preservation Commission shall have the authority to:

1. Hear applications for development activities concerning a designated landmark, site, or structure, or site or structure within a designated historic district.
2. Review all proposed National Register nominations for properties within the boundaries of the local government. Public notice of the date, time and place of the HPC's review of a National Register nomination, including an agenda of the items to be considered, will be publicly advertised or posted in accordance with established rules of procedures as adopted by the City Commission.
3. Accept and use gifts in the performance of its functions, consistent with adopted City policies and procedures.
4. Accept or otherwise acquire historic preservation easements on designated landmarks, structures, or sites and when deemed appropriate by the Commission, sites or structures located in, or adjacent to, a designated district, consistent with

the City's charter, ordinances, resolutions, policies, and procedures governing acquisitions of easements.

5. Direct studies, reports and surveys to identify historical, archeological, or architecturally significant sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the City of Cambridge, the State of Maryland, or the United States of America.
6. Recommend to the Mayor and City Council any area within the limits of Cambridge for designation as a landmark, site, structure or district and the boundaries thereof.
7. Recommend to the Mayor and City Council for approval, guidelines for rehabilitation and new construction and criteria for construction, alteration, reconstruction, moving, and demolition of designated landmarks, sites, structures, and districts which are consistent with the United States Secretary of Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68). Guidelines may include design characteristics intended to meet the needs of types of sites, structures, and districts, and may identify categories of changes that, because they are so minimal in nature, they do not affect historic, archeological, or architectural significance and do not require review by the Commission. These guidelines shall be made available to the public in an HPC Guidelines document and posted to the City's website. They shall be used by an applicant in applying for a Certificate of Appropriateness and by the HPC in the review of applications.
8. Take actions set forth in § 4.5.6 in cases where demolition by neglect is determined to exist with respect to a designated property or property in a designated district.
9. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this article.

B. Membership

1. The HPC shall consist of five standing members and one alternate member appointed by the Mayor and confirmed by City Council. A majority of the members of the HPC shall be residents of the City, with at least one member being a resident of a Cambridge historic district. Nonresident appointees must possess professional or academic qualifications as defined by the HPC's By-Laws or Rules of Procedures. Each member including the alternate member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. Attention shall be given to the required expertise needed to retain the Certified Local Government state designation when appointing new members to the HPC.
2. Members are appointed for staggered terms of three years, commencing Sept. 1st of a calendar year, so that no more than three appointments shall expire in a given

year. HPC members are eligible for reappointment. The Mayor and City Council shall fill any vacancy on the HPC for the unexpired term. Any vacancy of the HPC shall be filled by the appointing authority within 60 days. In the case of expired terms, members may continue to serve until the successors are appointed and confirmed. The alternate member may be appointed to fill an unexpired term.

3. Removal for Cause. After a hearing, a member may be removed from the HPC if such hearing is requested in writing by the member, by the City Commissioners or the Mayor with the consent and prior approval of the City Commissioners. In each case, the cause for removal shall be stated in writing.
4. HPC members may be compensated at the discretion of the City Council.

C. Officers

1. The HPC shall elect, from its membership, a Chairperson and Vice-Chairperson annually by the 31st day of January. The terms of the Chairperson and Vice-Chairperson shall be for one year, with eligibility for reelection. In the absence of the Chair or Vice-Chair, the majority present shall elect a commission member to serve as acting chair for the duration of the meeting.

D. Proceedings of the Historic Preservation Commission

1. The HPC shall adopt rules of procedure to conduct its affairs in keeping with the provisions of this Ordinance and these rules will be made available to the public.
2. All meetings of the HPC shall be publicly announced and be open to the public. The agenda shall be publicly advertised before any scheduled meeting. The HPC will hold meetings at regular intervals at least four times a year. Public notice must be provided prior to any special meetings.
3. An interested person or their representative may appear and be heard at a public hearing or public meeting.
4. The HPC shall keep a public record of its resolutions, proceedings, and actions that shall be kept available for public inspection during normal business hours. Minutes of all decisions and actions of the commission, including the reasons for making these decisions, must be kept on file and be available for public inspection. Recorded transcripts will be made available to the public upon request.
5. Three members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

E. Decisions Based on Findings of Fact

All decisions of the HPC, whether favorable or unfavorable to the applicant, shall be based on and supported by findings of fact pertaining to the case under review. In cases of approval or disapproval over public opposition, or in case of dissent among Commission members or at the Chair's discretion, the Chair will designate a member of the majority to write an opinion regarding the decision. Any member may write a concurring or dissenting opinion. All opinions shall be based on the public record and all written opinions shall be made part of the record.

F. Appeals

Any person aggrieved by a decision of the Historic Preservation Commission has the right of appeal therefrom to the Board of Zoning Appeals, which will review the Commission's decision based on the record of the proceedings before the Historic Preservation Commission.

§ 2.1.5 Mayor and City Council

A. General Duties of Mayor and City Council

The duties of the Mayor and City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation, enforcement, or appeal that may arise, or granting site plan or subdivision approval.

B. Specific Duties of Mayor and City Council

Under this Ordinance, the Mayor and City Council shall have the following duties:

1. To consider and decide on proposed amendments or the repeal of this Ordinance, as provided by law.
2. To consider and decide on annexation petitions upon receiving a recommendation from the Planning Commission per § 3.4 of this Ordinance.
3. To enter into Public Works Agreements and other development agreements as necessary and allowed by law to implement this Ordinance.
4. To approve, modify, or disapprove a recommendation of the HPC concerning the designation of a landmark, site, structure, or district and the boundaries thereof.
5. To review and approve rehabilitation and new construction guidelines for designated landmarks, sites, structures and districts that may be recommended from time to time by the Historic Preservation Commission.
6. To establish a schedule of fees, fees in lieu, and charges.
7. To appoint qualifying members to commissions and boards as set forth in this Ordinance.
8. To remove any member of a commission or board established by this Ordinance for inefficiency, neglect of duty, or malfeasance in office after providing written notice of charges and conducting a public hearing.

§ 2.2 General Permit and Application Procedures

§ 2.2.1 Zoning Permits and Occupancy Permits

A. Zoning Permit Required

1. A zoning permit certifies that an application complies with this Ordinance. Before an individual does any of the following, he or she must obtain a zoning permit:

erect a building or structure, or enlarge, move, add to, or structurally alter a building, or excavate for a building or structure, or initiate any development activities pursuant to an approved site plan or subdivision plat.

2. The Planning Commission shall issue zoning permits for approved Category 1 site plans and major subdivision plats, and for the approved reconstruction of nonconforming residential structures per § 5.1.2 (A)(3).
3. The Zoning Official shall issue zoning permits for approved Category 2 site plans and minor subdivision plats.

B. Expiration of Zoning Permit

1. A zoning permit shall automatically expire one year from the date of its issuance if no work described in the permit has begun. The Zoning Official shall cancel the permit and provide written notice thereof to the persons affected.
2. If work described in any zoning permit has not been substantially completed within two years of the date of issuance, unless work is satisfactorily proceeding thereon, the Zoning Official shall cancel the permit and provide written notice thereof to the persons affected.
3. No work on a cancelled permit may proceed unless and until a new zoning permit has been obtained.

C. Occupancy Permits for New, Altered, or Nonconforming Uses

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until an occupancy permit shall have been issued by the Zoning Official, stating that the proposed use of the building or land conforms to the requirements of this Ordinance and applicable City building codes.
2. The Zoning Official shall require the submittal of a site plan and conduct a building and site inspection prior to issuing an occupancy permit and may place conditions on the permit in the following instances:
 - a. A change of use from a residential single-family use to any other residential use listed in the Table of Permitted Uses in § 4.2.2.
 - b. A change of use involving any nonconforming situation where the use is proposed to change to any public accommodation, assembly, or institutional use.
3. No nonconforming structure or use shall be renewed, changed, or extended until the Zoning Official shall have issued a zoning occupancy permit. The occupancy permit shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance.
4. The Zoning Official may issue a temporary occupancy permit for a period not exceeding six months during alterations or partial occupancy of a building pending

its completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

5. As-built site plans: Two copies of the “as-built” site plan certified by an engineer or architect shall be submitted to the Zoning Official prior to issuance of an occupancy permit for any building shown on a Category 1 Site Plan.
6. The Zoning Official shall maintain a record of all occupancy permits and copies shall be furnished upon request to any person.
7. Failure to obtain an occupancy permit shall be a violation of this Ordinance and punishable under § 2.5.2 of this Article.

D. Construction and Use to be as Provided in Applications, Plans, Certificates, and Permits

1. Zoning permits and occupancy permits authorize only that which is set forth on approved plans and applications, and no other use, arrangement, or construction.
2. Use, arrangement, or construction differing with that authorized shall be deemed in violation of this Ordinance.

§ 2.2.2 Building and Demolition Permits

A. Purpose of Building Permit

A building permit certifies that an application complies with the City building code as may be supplemented, amended, and revised from time to time.

B. Building Permit Required

Before any of the following can take place, an applicant must obtain a building permit from the Zoning Official or his/her designee: erect a building or structure, or enlarge, move, add to, or structurally alter a building, or excavate for a building or structure, or initiate any construction activities pursuant to an approved development site plan or subdivision plat.

C. Conditions and Restrictions on a Building Permit

1. In granting any administrative adjustment per § 2.2.4 and/or issuing a building permit, the Zoning Official may prescribe conditions and safeguards on the issuance of a building permit.
2. In granting any variance, the Board of Appeals may prescribe conditions and safeguards on the building permit.
3. Violation of such conditions and safeguards, when made a part of the terms under which a permit is issued or an administrative adjustment or variance is granted, shall be deemed a violation of this Ordinance.

D. Demolition Permits Required

1. Before any activities to demolish or remove in whole or part, any building or structure, a person shall first obtain a demolition permit from the Zoning Official.

2. The Zoning Official may place conditions and safeguards on the issuance of a demolition permit.
3. Prior to issuing a demolition permit in the Historic District, the Zoning Official shall first forward the application to the Historic Preservation Commission for review.

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.

§ 2.2.3 Amendments to this Ordinance

A. Who May Initiate

Proposals for amendment, supplement, change, modification, or repeal may be initiated by the City Council on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

1. Proposals originated by the City Council. The City Council shall refer every proposal it originates to the Planning Commission. Within 60 days of the submission, the Planning Commission shall submit to the City Council a report containing the Planning Commission's recommendations, including any additions or modifications to the original proposal.
2. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit a proposal to the City Council.
3. Proposals originated by a citizen's petition. Each petition by one or more owners of property to be affected by a proposal for amendment, supplement, change, or modification shall be submitted on forms provided therefore to the Zoning Official. On receipt of said petition, the Zoning Official shall transmit a copy of the petition to the Planning Commission. Any application shall set forth the names and addresses of all persons having a legal or equitable interest in the property which is the subject of the amendment including shareholders holding at least five percent of the stock in a corporation that has an interest in the land involved.
4. All amendments shall be the subject of a public hearing conducted by the Planning Commission. The Planning Commission shall conduct the hearing within 60 days of submission of proposed amendment and then within 60 days following a public

hearing, the Commission shall submit a report to the City Council containing the Commission's recommendations, including any additions or modifications of the original proposal. Failure to submit a report within 60 days shall be deemed approval of the petition by the Planning Commission. The City Council shall defer action on a petition until the recommendations of the Planning Commission are received and reviewed or until 60 days have elapsed, whichever may occur first.

B. Criteria for a Valid Zoning Map Change

Except as part of a comprehensive rezoning of the City, the City Council shall approve no amendment to the Official Zoning Map unless it first finds upon a preponderance of evidence that either of the following criteria has been met:

1. There was a mistake in the preparation of the Official Zoning Map.
2. Since the adoption of the current Comprehensive Plan, there has been a substantial change in the character of the neighborhood where the map amendment is proposed.

C. City Council Public Hearing and Notice

1. No such amendment, supplement, change, modification, or repeal shall become effective until after a public hearing by the City Council in relation thereto.
2. When such hearing concerns a zoning map change, the City shall post in a conspicuous place on the property involved a notice of pending action; such posting to begin at least 15 days prior to the date fixed for public hearing.
3. When such hearing concerns a zoning map change, the City shall give written notice of the time and place of such hearing, sent by registered mail to the applicant and to the owners of property contiguous to or opposite the property affected.

D. Action on Proposed Amendments

1. In reaching a decision on any zoning amendment, the City Council shall make findings of fact which shall include the compatibility with the existing and proposed development for the area, the recommendations of the Planning Commission, the conformance of the amendment with the Comprehensive Plan and as appropriate, the suitability of the property(s) in question to the uses permitted under the existing and proposed zoning classifications.
2. An application for reclassification of a property from one zoning district to another shall not be accepted by the City, if it is for reclassification of the whole or any part of land for which the City Council denied a reclassification within the previous 12 months.

§ 2.2.4 Administrative Adjustments

A. By Authority of the Zoning Official

The Zoning Official is authorized to make certain administrative adjustments that are in harmony with the general purpose and intent of this Ordinance, in the specific instances set forth herein, where the Zoning Official makes findings of fact in accordance with the standards prescribed and finds that there are practical difficulties in carrying out these regulations.

B. Procedures

1. All applications for Administrative Adjustments shall be filed with the Zoning Official on a form provided by the City.
2. Notice and posting of property. Upon receipt of a request for an Administrative Adjustment, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

3. Review procedures. In the review of Administrative Adjustment applications, the following procedures shall apply:
 - a. Staff review. The Zoning Official is authorized to approve Administrative Adjustments, after having determined that the submission is complete and finding that the request meets the requirements of the section for granting an Administrative Adjustment.
 - b. Action on application. Within fifteen (15) days of the conclusion of the time for objection, the Zoning Official shall decide to: (1) approve the application; (2) approve the application subject to specific conditions; or (3) deny the application. The Zoning Official's decision shall be based on written findings of fact and may impose such conditions or restrictions upon the premises benefited by an Administrative Adjustment as may be necessary to comply with the standards and purposes of this Ordinance.
 - c. Notice of Decision. The Zoning Official shall mail a copy of the decision to the applicant and all other persons previously receiving notice of the application.

C. Permitted Administrative Adjustments

Administrative adjustments may be granted only for the following:

1. Setbacks. To permit setbacks of up to 10 percent less than that required by § 5.1.1 except that setbacks in NC zone may be adjusted up to 20 percent less than that

required through the application of the Architectural Design Minimum Requirements in the NC Zoning District per § 5.2.

2. Building Coverage. To permit building coverage of a lot of up to 10 percent more than that required by § 5.1.1, except on property regulated under the Critical Area provisions of this Chapter.
3. Impervious Surface Coverage. To permit impervious surface coverage of a lot of up to 5 percent more than required by § 5.1.1, except on property regulated under the Critical Area provisions of this Chapter.
4. Building Height. To permit a building height of up to 5 percent more than required by applicable regulations.
5. Signs. As provided in § 6.5.9 of this Ordinance.

D. Adjustments for Nonconforming Lots Prohibited

The Zoning Official may not approve administrative adjustments when the minimum lot width and area requirements for the property are not met. In such cases, the applicant must seek a variance from the Board of Appeals per § 2.2.5.

E. Review Criteria and Findings

The Zoning Official shall not grant an administrative adjustment unless he/she makes findings based upon the evidence presented in each specific case that:

1. Practical Difficulties. The particular physical surroundings, shape or topographical conditions of the subject property result in practical difficulties for the owner, which have not been created by any persons having an interest in the property.
2. Unique Conditions. The conditions upon which an application for an adjustment is based are unique to the subject property and are not applicable, generally, to other property within the same zoning classification.
3. Public Safety and Welfare. The granting of the adjustment will not be detrimental to the public safety or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

F. Expiration of Approval

1. No decision granting an administrative adjustment shall be valid for a period longer than one year from the date of the decision, unless a building permit is obtained within that period and the erection or alteration of a building is started or the use is commenced within that period.
2. The Zoning Official may, upon a showing of good cause, grant one six-month extension of an administrative adjustment, provided that a written application for extension is filed while the decision is still valid.

G. Appeals of Administrative Adjustment

Any appeals of a decision of the Zoning Official must be made to the Board of Appeals in conformance with the provisions of this Ordinance.

§ 2.2.5 Variances

A. By Authority of the Board of Appeals

A property owner may apply to the Board of Appeals for a variance from the strict application of the terms of this Ordinance in order to avoid unwarranted hardship to the applicant, provided, however, that this shall be narrowly construed and applied by the Board in order to avoid undermining the purpose, integrity, intent and generally uniform application of this Ordinance.

B. Procedures

Applications for a variance shall be submitted to the Zoning Official and shall include written statements addressing the following:

1. The specific provision or provisions from which a variance is sought.
2. The nature and extent of the variance sought.
3. The special conditions of the property which would make a variance necessary.
4. A statement indicating why the variance should be granted.
5. The description of the alleged hardship that is caused by the physical surroundings, shape or topographical conditions of the subject property.

C. Public Hearing Required

No variance shall be authorized by the Board until a public hearing has been held on it.

D. Burden of Proof

The applicant for a variance shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact that are to be determined by the Board of Appeals.

E. Decision on Variances, Standards

The Board of Appeals shall not grant a variance unless it makes findings of fact in writing based upon the evidence presented to it in each specific case that each of the following standards are met:

1. Because of the particular physical surroundings, shape or topographical conditions of the subject property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out. The alleged hardship shall relate to the land, not to personal circumstances.
2. The conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification.
3. The alleged hardship has not been created by the present owner or any previous owners of the property.

4. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion of public streets, increase the danger of fire, endanger the public safety, or alter the essential character of the neighborhood or district in which the property is located.
6. Within the intent and purpose of this Ordinance, the variance, if granted, is the minimum variance necessary to afford relief.
7. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
8. The granting of the variance is consistent with the Comprehensive Plan.
9. No nonconforming use of neighboring lands, structures, or buildings in the same zone, and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.

F. Conditions and Restrictions

1. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
2. In granting a variance, the Board may impose such reasonable conditions as will ensure that the use of the property will be compatible as practical with surrounding properties.

G. Prohibited Variance

Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the zone involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said zone.

H. Property in the Critical Area

If the variance concerns property in the Critical Area:

1. A copy of the application for a variance will be provided to the Critical Area Commission by the Board of Appeals in a timely manner, but no fewer than 14 calendar days prior to the Board's hearing on the matter.
2. The Board will promptly forward a copy of its decision to the Critical Area Commission.

I. Expiration of Approval

1. No decision granting a variance shall be valid for a period longer than one year from the date of the decision, unless a building permit is obtained within that

period and the erection or alteration of a building is started or the use is commenced within that period.

2. The Board of Appeals may, upon a showing of good cause, grant one six-month extension of a variance, provided that a written application for extension is filed while the decision is still valid.

§ 2.2.6 Appeals

A. Initiation

Any person or agency aggrieved or affected by an action or decision of the Zoning Official may appeal such action or decision to the Board of Appeals.

B. Timing for Appeal

An appeal must be taken within 30 days of the date of the decision or interpretation to be appealed.

C. Processing and Public Hearing Requirements

1. An appeal shall be filed with the Zoning Official and the Board of Appeals, specifying the grounds thereof. The Zoning Official shall forthwith transmit all papers constituting the record upon which the decision or action appealed was taken.
2. The Board of Appeals shall process all notices of appeal in accordance with the provisions of § 2.3 of this Ordinance.
3. The Board shall decide the appeal within 30 days of closing its hearing on the appeal.

D. Scope of Decision of the Board

The Board may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Zoning Official from whom the appeal is taken.

E. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board of Appeals after the notice of appeal is filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Official from whom the appeal is taken and on due cause shown.

§ 2.2.7 Special Exceptions

A. Purpose and Intent

There are certain uses which by their nature or design can have an undue impact upon or be incompatible with other uses of land in the same zoning district. These uses may be allowed to locate within given designated zoning districts under the controls, limitations and regulations of a special exception.

B. Authorization

In consideration of an application filed with the Zoning Official, the Board of Appeals may authorize the establishment of a special exception listed in a particular district in Table 1 in Article 4 of this Ordinance.

C. Status of Special Exception Uses

1. Once a special exception has been approved, any site plan, subdivision plat, building permit, or zoning and occupancy permit hereafter submitted for the development or use of the property in accordance with the special exception shall conform with the approved special exception and no development or use shall be approved by the Zoning Official in the absence of such conformance.
2. Once established, the use shall be conducted in strict accordance with any condition or restriction imposed by the Board of Appeals and all other requirements of this Ordinance. No use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special exception or a new special exception shall be modified unless an application is made and approved for an amendment to the special exception or a new special exception is approved.
3. Once a special exception use is approved, the use shall not be considered a nonconforming use, but shall be, without further action, considered a conforming one.

D. Standards

The Board of Appeals shall grant a special exception unless it finds, from a preponderance of evidence of record, that the proposed use submitted for a special exception would have adverse impacts at its proposed particular location which would be above and beyond those inherently associated with the proposed use irrespective of its location with the zoning district. In making its decision, the Board shall make findings with respect to each of the following standards:

1. The establishment, maintenance and operation of the special exception at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
2. The special exception at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special exception at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.

4. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
5. The special exception shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
6. The special exception shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
7. The proposed use at its proposed location conforms to the Comprehensive Plan.

E. Burden of Proof

The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact that are to be determined by the Board of Appeals.

F. Conditions and Restrictions

The Board of Appeals, in approving a special exception, may impose such conditions, safeguards, and restrictions upon the proposed use, as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to promote implementation of the Comprehensive Plan.

G. Application Procedure

1. The Board shall not grant a special exception unless and until a written application is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.
2. Applications for a special exception shall be submitted to the Zoning Official. The application shall be completed and shall be accompanied by information which will be necessary to evaluate a given proposed category or use. The Zoning Official, upon receipt of a properly completed and documented application, shall refer the application along with pertinent evaluation material to the Board.
3. The Board of Appeals shall not grant a special exception unless and until the Planning Commission has reviewed the application and has first made a recommendation to the Board.
4. An application for a special exception may be made by a property owner, lessee or contract purchaser. A lessee or contract purchaser must file with the application, a copy of the contract or some form of written statement which indicates endorsement of the application by the property owner.

H. Processing and Public Hearing Requirement

The Board of Appeals shall process all applications for special exception in accordance with the provisions and public hearing requirements provided in § 2.3 of this Ordinance.

I. Termination or Revocation

1. Unless a time limit is specified for a special exception, the same shall be valid for an indefinite period of time, except that, if the use or activity should cease for any reason for a continuous period of one year, the special exception shall automatically terminate without notice. The approval of a new special exception shall be required prior to any subsequent reinstatement of the use.
2. A special exception shall be revocable on the order of the Board of Appeals at any time because of the failure of the owner or operator of the use covered by the exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the exception that were designated in issuing the same.

Before revoking any special exception, however, the Board of Appeals shall give the holder thereof at least ten days written notice of violation. If within ten days, the exception holder so requests, the Board of Appeals shall hold a hearing on the revocation of the exception, giving the applicant written notice of the hearing date.
3. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations.

§ 2.3 Hearings of the Board of Appeals

§ 2.3.1 Hearings of the Board of Appeals

A. Hearing Required

Before making a decision on an appeal or an interpretation of a zoning district boundary, or an application for a variance, or special exception, or a petition to revoke a special exception, the Board of Appeals shall hold a hearing.

B. Format of Hearing

1. The hearing shall be open to the public and all interested persons shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
2. The Board of Appeals may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
3. The Board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. The Board shall announce the date and hour of continuance of such hearing while in session.

§ 2.3.2 Notice of Hearing

A. Public Notice to be Given

Public notice shall be given at least 15 days in advance of the hearing in the following ways:

1. Notice shall be posted on the subject property and at the City Hall Office,
2. Notice shall be published in a newspaper of general circulation in the City, and
3. Written notice shall be provided to the adjoining property owners within a 200' radius.

B. Notice to Interested Parties

Verifiable notice shall be given to the appellant or applicant and any other person who makes a written request for such notice at least 15 days in advance of the hearing.

C. Contents of Notice

The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the property that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

§ 2.3.3 Evidence and Record of Hearing

A. Sworn Testimony

All persons who intend to present evidence to the Board, rather than arguments only, shall be sworn.

B. Evidence

All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

C. Record of Hearing

1. An audio recording shall be made of all hearings and such recordings shall be kept for at least two years. Accurate minutes shall also be kept.
2. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the City for at least two years.

§ 2.3.4 Modification of Application at Hearing

A. Applicant May Modify Application

In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the Board of Appeals, the applicant may agree to modify his/her application, including the plans and specifications submitted.

B. Board Approval of Modified Application

Unless such modifications are so substantial or extensive that the Board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Board may approve the application with the stipulation that a permit will not be issued until plans reflecting the agreed upon changes are submitted to the Zoning Official for processing and/or review.

§ 2.3.5 Written Decision

A. Interested Parties to be Provided Written Decision

Any decision made by the Board of Appeals shall be reduced to writing and served upon the applicant or appellant and all other persons who make a written request for a copy.

B. Findings and Conclusions

In addition to a statement of the Board’s ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board’s findings and conclusions, as well as supporting reasons or facts.

C. Appeal of Board Decision

Recourse from the decisions of the Board of Appeals shall be to the courts as provided by Maryland law.

§ 2.4 Nonconforming Lots, Structures, and Uses

§ 2.4.1 Intent of the Regulations

A. Purpose and Intent

1. It is the intent of this Ordinance not to encourage the survival of nonconformities. Such uses are incompatible with permitted uses in the zoning districts involved.
2. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

B. Extension of Nonconformities Prohibited

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises, or by the addition of other uses of a nature which would be prohibited in the zone involved.

C. Impact on Ongoing Lawful Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction

was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

§ 2.4 Nonconformities

§ 2.4.1 Intent of the Regulations

A. Nonconformities Defined; Purpose and Intent

1. As used in this Ordinance, a “nonconformity” means and refers to a lot, use, or structure lawfully existing as of the effective date of this Ordinance or any amendment thereto and, because of the passage of such Ordinance or amendment, no longer conforms to one (1) or more of the regulations applicable to such lot, use, or structure.
2. Nonconformities are discouraged and shall only be continued or maintained in accordance with the terms of this section, which are intended to protect the rights of legally existing nonconformities without permitting expansion, extension, or enlargement thereof or the addition of uses or structures prohibited under this Ordinance. Notwithstanding any provision of this section to the contrary, nonconformities are strongly encouraged to conform to the provisions of this Ordinance so as to preserve the integrity hereof and the City’s character.

B. Impact on Ongoing Lawful Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of passage or amendment of this Ordinance and upon which actual building construction has been diligently carried on.

§ 2.4.2 Nonconforming Lots, Structures, and Uses

A. Nonconforming Lots of Record

1. In any zoning district 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 nonconforming single lot of record as of the effective date of passage or amendment of this Ordinance, provided that such lot is not of continuous frontage with other lots under common 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 zoning district, provided that yard dimensions shall conform to the regulations for the zoning district in which such

lot is located. Any variance of yard requirements shall be obtained only through action of the Board of Appeals.

2. On 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 nonconforming single lot of record as of the effective date of passage or amendment of this Ordinance, provided that such lot is not of continuous frontage with other lots under common 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 zoning district, provided that yard dimensions shall conform to the regulations for the zoning district 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 (2) or more nonconforming lots or combinations of lots and portions of lots with continuous frontage under common ownership are of record as of the effective date 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.

B. Nonconforming Uses of Land

Where, as of the effective date of passage or amendment of this Ordinance, a lawful use of land exists that is rendered a nonconformity under the terms hereof as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the effective date of passage or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use as of the effective date of passage or amendment of this Ordinance.
3. If any such nonconforming use ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the zoning district in which such land is located.

C. Nonconforming Structures

Where, as of the effective date of passage or amendment of this Ordinance, a lawful structure exists that could not be built under the terms hereof as enacted or amended by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued subject to § 2.4.2(E), so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way that increases its nonconformity. For purposes of this Ordinance, renovation of a structure which maintains the existing building envelope and does not extend the structure beyond the existing building envelope does not constitute an increase in nonconformity of the structure.
2. Should such structure be destroyed by any means to an extent of more than twenty-five (25) percent of its appraised valuation at time of destruction as determined by the “appraised valuation,” which shall mean either the appraised valuation for property tax purposes as determined by the Maryland Department of Assessments and Taxation or the valuation determined by a professionally recognized property appraiser, it shall not be reconstructed as a nonconforming structure, except as may be authorized by the Planning Commission under §§ 5.1.2(A)(3) and/or 2.4.2(E)(4).
3. Should such structure be moved, regardless of the reason or distance, it shall thereafter conform to the regulations for the zoning district in which it is located.

D. Nonconforming Uses of Structures

Where, as of the effective date of passage or amendment of this Ordinance, a lawful use of a structure, or of a structure and premises in combination, exists that would not be allowed in the zoning district under the terms hereof as enacted or amended, such use may be continued subject to § 2.4.2(E), so long as it remains otherwise lawful, subject to the following provisions:

1. The alteration of a structure containing a nonconforming use shall be subject to the same standards set forth herein applicable to nonconforming structures.
2. A nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use as of the effective date of passage or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, a nonconforming use of a structure, or structure and premises in combination, may be changed to another nonconforming use, provided that the Board of Appeals shall find that the proposed nonconformity is equally appropriate or more appropriate in the zoning district than the existing nonconformity. In permitting such change, the Board of

Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

4. Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use shall not thereafter be resumed.
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate such nonconforming status of the land, except as otherwise provided herein.

E. Repairs, Improvements, and Routine Maintenance of Nonconforming Structures

1. Repairs, improvements, and routine maintenance of nonconforming structures and premises upon which a nonconforming structure is located are permitted as set forth herein.
2. On any structure devoted in whole or in part to a nonconforming use, ordinary repairs or renovations may be done in any period of twelve (12) consecutive months, provided that the structure's density and building envelope (i.e. bedroom count and typology) as it existed as of the date of passage or amendment of this Ordinance shall not be increased.
3. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
4. Notwithstanding any provision in this section to the contrary, a nonconforming multi-family structure in the Residential district that is damaged or destroyed by accidental or natural causes or other causes beyond the property owner's control may be replaced in kind provided that the construction commences within one (1) year of the structure being damaged or destroyed and is completed within a timely manner as deemed appropriate by the Building Official. The Zoning Official may extend the one (1) year deadline for commencement of construction upon demonstration that, due to circumstances beyond the property owner's control, construction could not commence within one (1) year of the structure being damaged or destroyed and the property owner providing a date certain upon which construction shall commence.

F. Abandonment and Discontinuance of Nonconformities

1. When a nonconforming use of a structure, or structure and premises in combination, is discontinued for a consecutive period of ninety (90) days, it shall be considered abandoned.
2. If a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for a consecutive period of ninety (90) days shall terminate the right to maintain it thereafter.
3. For any nonconforming residential apartment uses, the following shall be sufficient, but not necessarily the only criteria, for determining whether such use has been abandoned or discontinued:
 - a. To the extent required by the City, failure to maintain with the City a current record of the rental status of each nonconforming apartment or to timely pay when due any fee imposed by the City associated therewith; or
 - b. The removal or decommissioning of the electric or water meters on the property that are necessary to serve apartment units on such property.
4. For nonconformities other than the foregoing, if the nonconformity is: (a) discontinued for a consecutive period of twelve (12) months; or (b) discontinued for any period of time and accompanied by the property owner's express written intention to discontinue the same, the property may thereafter be used only in conformity with this Ordinance unless the Planning Commission approves the issuance of a zoning permit to allow the nonconformity's continuance. This permit may be issued if the Planning Commission finds that eliminating the nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconformity is maintained or moving a substantial structure that is on a permanent foundation). The zoning permit shall specify which nonconformities need not be brought into compliance with this Ordinance.
4. For purposes of determining whether to approve a nonconformity's continuance, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, with respect to a nonconforming use, the failure to rent one (1) apartment unit in a multiple unit nonconforming apartment building for a consecutive period of ninety (90) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment use of the building as a whole is continuously maintained and not discontinued or abandoned as set forth herein.

§ 2.4.3 PWCD and PWRD Developments, Approved

- A. Subject to subsection (B) below, PWCD and PWRD development projects, which have vested under the laws of Maryland and which were lawfully approved by the City under the provisions of

Article IX (Zoning Districts), Part II (Special Base District – PWCD – Planned Water Community District) and Part III (Special Base District – PWRD – Planned Water Resort of the City’s Zoning Ordinance prior to adoption of this Ordinance, shall lawfully continue under the terms, conditions, and limitations of their approved PWCD or PWRD development plans and shall be entitled to the rights and privileges contained in those plans.

- B.** The Commissioners of Cambridge may approve a proposed amendment to an approved PWCD or PWRD development plan if they find that the proposed amendment:
 - a. will not have an adverse impact on the use or economic value of any other properties in the development or on surrounding areas;
 - b. is compatible in all respects with the remainder of the development; and
 - c. complies with this Ordinance.

Prior to considering any such proposed amendment, the Commissioners of Cambridge shall first refer the proposed amendment to the Planning Commission for a public hearing, review, and recommendations regarding subsections (B)(1) through (3) above and then hold a public hearing in relation thereto. The City shall post notice of the public hearings required hereunder in a conspicuous place on the property involved, give written notice of the public hearings by registered mail to the applicant and all owners of property in the development, and publish notice of the public hearings in a newspaper of general circulation in the City at least 15 days prior to the date fixed therefor. Notice of any proposed amendment to an approved PWRD development plan shall also be sent to all State agencies associated with, and the property manager of, the resort located within the development.

§ 2.5 Enforcement of this Ordinance

§ 2.5.1 Required Compliance with Ordinance

A. Permits in Conflict are Null and Void

Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

B. Zoning Official to Take Action on Violations

If the Zoning Official finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes hereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

C. Questions of Interpretation

All questions of interpretation and enforcement shall be first presented to the Zoning Official and such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Official.

§ 2.5.2 Penalties for Violation

A. Violation Constitutes a Municipal Infraction

1. A violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal infraction, subject to a fine of one hundred dollars (\$100) for the first violation. The fine for each subsequent violation shall be two hundred dollars (\$200). Each day such violation continues shall be considered a separate offense.
2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Other Lawful Action as Necessary

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. The City may enforce this Ordinance by civil action for declaratory judgment and/or injunction, in addition or as an alternative to citing the violator for a municipal infraction. In the case of a civil action for declaratory judgment and/or injunction, the City may recover its legal fees and court costs from the violator.

C. Permit Revocation

1. A zoning, occupancy, or building permit may be revoked by the Zoning Official if the permit recipient fails to develop, use, or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed as a condition of a permit.
2. Before revoking a permit, the Zoning Official shall give the permit recipient 15 days' notice of intent to revoke the permit and shall inform the recipient of the reasons for the revocation and his right to an informal hearing with the Zoning Official on the allegations. If the permit is revoked, the Zoning Official shall provide a written statement of the decision and the reasons therefor.
3. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked.

§ 2.5.3 Schedule of Fees, Charges, and Expenses

A. Schedule of Fees

1. The Mayor and City Council shall establish a schedule of fees, fees in lieu, charges, and expenses, and a collection procedure, for zoning permits, building permits, demolition permits, use and occupancy permits, appeals, variances, special exceptions, amendments, site plan and subdivision plat reviews, annexation petitions, and other matters pertaining to this Ordinance.

2. The schedule of fees shall be posted in the offices of the Zoning Official and may be altered or amended only by the Mayor and City Council, upon recommendation of the Planning Commission.

B. No Action Until Fees Paid

No certificate, permit, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses, have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless or until charges and fees have been paid in full.

Article 3

Development Plan Approvals

- § 3.1 Site Plan Review and Approval
 - § 3.2 Subdivision Review and Approval
 - § 3.3 Impact Studies
 - § 3.4 Annexation Review
-

§ 3.1 Site Plan Review and Approval

§ 3.1.1 Uses Requiring Site Plans

A. Purpose

Site plans are required to assure good arrangement and appearance of new development, promote site design which protects environmental resources, ensure harmony with existing structures and adjacent land uses, assure consistency with the City's building and site design standards and the Comprehensive Plan, provide an understanding of the impacts of proposed developments on public facilities and services and ensure the availability and adequacy of the same, and otherwise demonstrate compliance with the purposes of this Ordinance.

B. Category 1 Site Plans

Site plans for the following major uses including new construction or the relocation of a building shall be subject to review by the Planning Commission and shall be called Category 1 Site Plans:

1. All commercial or industrial buildings, complexes, and uses.
2. All institutional buildings and uses including educational, governmental, recreational and religious.
3. All multiple-family dwellings, buildings, and complexes.
4. All mixed-use buildings and sites.

C. Category 2 Site Plans

Site plans for the following uses which have a minor impact shall be subject to review by the Zoning Official and shall be called Category 2 Site Plans:

1. Single-family detached and duplex dwellings, bed and breakfast facilities, accessory uses, and building rehabilitation projects.

2. Additions to buildings, where the Zoning Official deems review necessary.
3. Where an existing use is changing to another similar land use, provided such use would not substantively impact neighborhood traffic conditions; in which case the site plan if required shall be reviewed under Category 1 Site Plan procedures.
4. Decks, porches, sheds, and other similar structures.

§ 3.1.2 Site Plan Processing Procedures

A. Procedures by Type of Plan

1. Site plan processing procedures for Category 1 Site Plans are set forth in § 3.1.3.
2. Administrative review procedures for Category 2 Site Plans and other plans are set forth in § 3.1.7.

B. Planning Commission to Establish Its Procedures

1. The Planning Commission shall establish its written procedures, checklists and application forms necessary to ensure the timely and proper review and processing of site plans and other plans consistent with this Ordinance. The Commission shall establish the number and acceptable format for the various types of plans submitted for review under this Ordinance.
2. Procedures and application forms shall be made available at the offices of the Zoning Official.
3. The Planning Commission may modify such procedures, checklists, and application forms from time to time.
4. The Planning Commission may prescribe specific conditions on its approval determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

§ 3.1.3 Category 1 Site Plan Processing Procedures

There shall be three stages in the Category 1 Site Plan process: concept, preliminary, and final.

A. Concept Stage

The purpose of the concept stage is to provide the Planning Commission with the opportunity to informally review a development proposal prior to the substantial commitment of time and expense on the part of the applicant in preparing a site plan.

1. No application for Category 1 Site Plan approval shall be accepted by the City until:
 - a. A concept site plan package as provided for in § 3.1.4 is submitted for review by the Zoning Official.
 - b. Any required concept plan review fees have been paid.
 - c. The steps for concept site plan review as established by the Planning Commission are completed.

2. The Zoning Official shall review the concept site plan package for completeness and shall refer it to the appropriate individuals or agencies for review, comment, and/or approval prior to submitting it to the Planning Commission.
3. The applicant for site plan approval shall attend a meeting with the Zoning Official prior to submitting the concept plan to the Planning Commission. Consistent with the purpose of site plan review, the purpose of the meeting shall be to provide the City with an opportunity to address issues or concerns with the concept plan, identify any impact studies that may be required, and provide direction to the applicant on the scope of such studies.
4. The Planning Commission shall hold one meeting on the concept plan to receive an informational briefing on the plan and the anticipated issues and impacts related thereto. The Planning Commission shall take no action to approve or disapprove a concept plan. Should the Planning Commission determine that the development project represented by the concept plan might have substantial impact on the physical, economic, or social environment, the Planning Commission may hold more than one meeting on the concept plan.
5. For all Category 1 Site Plans submitted for review, the Zoning Official shall:
 - a. Submit verifiable notice to the applicant at least seven days before the day of the meeting to discuss the concept site plan, and
 - b. Submit verifiable notice to all owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place, and subject matter of the meeting to discuss the concept site plan, and the name of the applicant. Such notice shall be sent not less than seven days before the day of the meeting.
 - c. The Planning Commission may provide for expanded public notification of its deliberations of site plans at its discretion.
6. The review and approval of stormwater management plans is required prior to final plan review. The applicant for the City's site plan approval shall be responsible for coordinating review and approval of stormwater management plans.

B. Preliminary Stage

The purpose of the preliminary stage is to provide the Planning Commission with the information necessary for it to take action to approve or disapprove a site plan. The Planning Commission shall review and take action to approve or deny all Category 1 Site Plans.

1. Preliminary site plans meeting the submittal requirements of § 3.1.5 shall be submitted to the Zoning Official who shall review the plans for compliance with these regulations and the requirements for preliminary site plans and shall transmit said plans to the Planning Commission with his or her comments for review.

2. The Planning Commission shall examine the proposed development with respect to the traffic and circulation patterns and safety (internal and external), utilities, drainage, community facilities (existing or proposed), surrounding development (existing or future), the preservation of trees and historic sites, protection of natural environmental features and processes, provision for open space, street lighting, recreational needs, safety of residents and neighbors, landscaping, architecture, compatibility with building, site and design standards, and, in general, with the objective of ensuring a durable, harmonious, and appropriate use of the land.
3. The Planning Commission shall take action to approve, approve with conditions, disapprove, or table pending further investigation and/or receipt of certain additional information, but shall take no action until the following has occurred:
 - a. The Zoning Official has reviewed the site plan and determined that it is complete and submitted these findings in writing to the Planning Commission.
 - b. The Applicant has submitted any impact studies that may be required by § 3.3 of this Ordinance and has obtained City approval of such required studies.
 - c. Comments on the site plan from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments.
 - d. The applicant has paid all appropriate preliminary site plan review and application fees to the City.
4. No public hearing shall be required, but may be called at the option of the Planning Commission.

C. Final Stage

The purpose of the final stage is to ensure that all submittal requirements of final site plans as set forth in § 3.1.6 and that any required design and construction standards are specifically and accurately addressed, to ensure that all conditions of the Planning Commission's approval are specifically and accurately met, and to finalize any and all necessary formal agreements related to the project, which may include public works agreements and easement agreements, among others.

1. Final site plan approval shall be granted prior to the commencement of any development activity.
2. Final site plans shall be submitted to the Zoning Official who shall review the plans for compliance with these regulations and the conditions, if any, of Planning Commission approval.
3. Certification: When all review and approvals have been completed and documentation of such approvals provided to the Zoning Official, he/she and the Chairperson of the Planning Commission shall each sign to certify the site plan indicating completion of review and approval by the City and to certify that

conditions, if any, of site plan approval have been met. The applicant shall submit all local, county, state and/or federal approvals as may be required. No zoning permit shall be issued until this approval has been given.

4. When a public works agreement is required, final plan approval shall not be certified as provided in paragraph 3 above until the Planning Commission has first reviewed that public works agreement. The public works agreement shall be recorded in the Land Records of Dorchester County and such recordation information shall be placed on the recorded site plan(s) to which it pertains.

D. Project Built to Plan for Occupancy Permit

1. The Zoning Official shall assure that the project is completed in conformance with the approved site plan before certifying the same. Upon such certification, a use and occupancy permit will be issued.
2. Before issuance of an occupancy permit, either all the work must be completed or in the City's discretion, all remaining work must be bonded.

§ 3.1.4 Contents of Concept Plan Submittals

The concept site plan package shall meet the requirements as to content and organization as may be established by the Planning Commission and at minimum shall include the following:

A. Project Concept Plan

A scaled drawing showing the proposed development on a survey of the project boundaries. It shall show the project layout, proposed and existing land uses, open spaces, circulation routes, and points of access to the adjacent street network, and main design features. If phasing is proposed, a master plan for entire project shall be shown. Drawings shall be 24 inches × 36 inches. Scale shall be no less detailed than 1 inch = 100 feet and shall show adjacent streets and adjacent property owners. A vicinity map at a scale no less detailed than 1 inch = 1,000 feet shall be included which shows the location with respect to neighborhood streets. Typical architectural elevations shall be included.

B. Project Area Schematic

A scaled drawing or GIS aerial photograph showing the main features of the project in relationship within the neighborhood. Included in the drawing shall be existing topographic mapping and infrastructure within at least 1,000 feet, including streets, intersections, water, sanitary sewer, and storm drains. Scale shall be no less detailed than 1 inch = 400 feet for large projects and 1 inch = 200 feet for small projects. Drawings shall be no larger than 24 inches x 36 inches.

C. Site Investigation Report

A report providing information and data on the physical and environmental characteristics of the site, the proposed uses and utility demands, anticipated impacts of the proposed development on neighboring properties, area infrastructure and services, recreational resources and other public facilities, compliance with the City Comprehensive Plan, and the proposed architectural and design character. The Site

Investigation Report shall follow the format established by the Planning Commission as may be amended from time to time and shall address each of the following.

1. Site Data Summary Chart: Tax map and parcel number, Planning Commission case numbers and prior approvals, Board of Appeals case numbers and prior approvals, zoning classification (including Critical Area designation if applicable), proposed zoning, allowable density, proposed density, total site area, flood zone, wetlands (State and Federal), number of proposed lots, number of proposed units and types, availability of utilities, zoning setback requirements, zoning lot size requirements, maximum building height allowed by zoning, open space required by zoning, and proposed open space, use of open space, parking required by zoning and proposed parking. Provide breakdown for each phase or land use as appropriate.
2. Land Use Overview: Provide narrative of existing site conditions and provide legible copy of soil map with outline of property sketched on it. Describe existing context and highlight any issues regarding marginal site conditions including topography, hydric soils, existing drainage patterns, standing water, culverts, ditches, wetlands or sensitive areas.
3. Traffic Access Overview: Provide narrative of existing roads, lanes, width, material, condition, curb, sidewalk, and offsite improvements needed to accommodate the project. If project is known to require an SHA traffic study, provide summary information and study schedule.
4. Utility Demands and Services Overview: Provide narrative on conditions and capacity of sanitary sewer, public water, gas, and electric, and describe any offsite improvements needed.
5. Stormwater Management Overview: Provide narrative on types of best management practices to be used, proposed conveyance and management techniques and a summary of any offsite improvements needed.
6. Construction Phasing Overview: Provide narrative of time of construction and estimate the number of anticipated building permits per year.
7. Provide narrative of recreational needs and opportunities if the project is residential.

§ 3.1.5 Contents of Preliminary Site Plan

The applicant is responsible for preparing a preliminary site plan. As directed by Planning Commission guidance, the preliminary site plan shall be submitted as a multiple-sheet document with drawings on sheets no larger than 24 inches by 36 inches and at scales no less detailed than 1 inch equal to 100 feet.

D. Order of Plan Sheets

Preliminary site plan submittals shall adhere to the order of plan sheets established by the Planning Commission with any additional required details and plan drawings inserted into the order prescribed by the City.

E. Contents

The preliminary site plan shall show the North point, scale, date, and the following:

1. The seal and signature of a Registered Maryland Land Surveyor and/or the seal and signature of licensed Engineer or Landscape Architect as appropriate.
2. Revision block on each sheet to accurately disclose any drawing revisions made after the first submittal for preliminary plan review.
3. A key and overview plan for multi-stage projects.
4. Geographical location, showing existing zoning district boundaries.
5. Existing zoning classification on the site and adjacent sites.
6. Topographic contours at a minimum of one-half-foot intervals unless waived by the Zoning Official as clearly unnecessary to review the project or proposal.
7. The location and nature of all proposed construction, excavation or grading, including but not limited to building, streets and utilities.
8. A grading plan (horizontal) conforming to City requirements.
9. A Utility Plan (horizontal). It shall show all existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades, and the location of all connections to the utility system.
10. Where deemed appropriate and necessary by the Department of Public Works, provisions for the management and treatment of natural and storm water.
11. Where deemed appropriate and necessary by the Department of Public Works, provisions for the control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading, and construction.
12. A landscape and lighting plan including location and details of signage.
13. A parking plan, showing all off-street parking, related driveways, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required by this Ordinance.
14. Architectural elevations in color including at least one presentation board of no smaller than 24 inches by 36 inches.
15. Preliminary street profiles and cross sections for streets and curbing. All existing and proposed streets and easements including widths.
16. Approximate location of point of ingress and egress to existing public streets and highways; if ingress or egress is onto a state maintained roadway, an

accompanying letter from the Maryland State Highway Administration indicating preliminary approval shall be required.

17. All existing easements of any kind. If easements are to be granted, a separate and preliminary easement plat shall be provided.
18. The number of construction phases proposed, if any, with the site plan showing the approximate boundaries of each phase, and the proposed completion date of each phase.
19. A tabulation of total number of acres in the project gross or net as required in the district regulations, and the percentage thereof proposed to be devoted to the several dwelling types, commercial uses, other nonresidential uses, off-street parking, streets, parks, schools and other reservations.
20. Number of dwelling units to be included by type of housing: apartments of three stories and under; apartments over three stories; single-family dwellings; townhouses; and two-family dwellings. The overall project density in dwelling units per acre, gross or net as required by district regulations.
21. Proposed buildings and structures with dimensions, setbacks and heights designated including floor areas of all non-residential buildings and the proposed use of each.
22. Approximate location and size of nonresidential areas, if any (parking areas, loading areas or other).
23. Approximate location and size of recreational areas and other open spaces.
24. Existing vegetation, proposed removal of vegetation, and proposed replacement of vegetation.
25. Location, type, size, and height of fencing, retaining walls, and screen planting.
26. Location, orientation, design, and size of signs, if any.
27. The Planning Commission may establish additional requirements for preliminary site plans, and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

§ 3.1.6 Contents of Final Site Plan

The applicant is responsible for preparing the final site plan. The final site plan shall comply with all existing laws, regulations, and ordinances governing the approval of site plans and provide sufficiently accurate dimensions and construction specifications to provide the data necessary for the issuance of building permits.

A. Final Plan Shall be as Required

In addition to meeting the submittal requirements of a preliminary site plan, final site plan shall meet all specific plan submittal requirements of the City as appropriate.

B. Final Plan Shall Comply with Conditions of Approval

Submittals shall demonstrate compliance with any conditions of site plan approval and shall include all necessary approvals from any local, county, state, and federal agency.

C. Adding or Waiving Submittal Requirements

As a condition of site plan approval, the Planning Commission may establish additional submittal requirements for a final site plan, and may waive a particular requirement if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

D. Order of Plan Sheets

Final site plan submittals shall adhere to the order of plan sheets established by the Planning Commission with any additional required details and plan drawings inserted into the order prescribed by the City.

§ 3.1.7 Administrative Plan Review Procedures

Administrative plan review is for projects with relatively minor impact, which require less information and can be reviewed and approved in a shorter time, which shall include the review of new residential construction in the NC districts per § 5.2 of this Ordinance.

In administrative plan review, the Zoning Official is the approving authority. Administrative plan review is for Category 2 Site Plans as provided in § 3.1.1C, minor subdivisions (subdivisions resulting in four or fewer lots), lot line adjustments, and conversions of existing deeded lots to parcels. The Zoning Official may submit a minor subdivision to the Planning Commission for review and approval under the procedures of § 3.3 upon his/her finding that the subdivision warrants more extensive public review due to potential impacts to the neighborhood, area infrastructure or environmental quality.

A. Acceptance of Plan for Administrative Review

No application for administrative review shall be accepted by the City until:

1. A plan in compliance with § 3.1.8 is submitted for review to the Zoning Official.
2. Any required plan review fees have been paid.

B. Action by Zoning Official

Plans requiring administrative review shall be submitted to the Zoning Official who shall review the plans for compliance with these regulations.

1. If the Zoning Official finds that such plans meet the intent of this Ordinance and are consistent with the Comprehensive Plan, then he/she shall affix his/her signature on the plan(s) certifying approval.
2. If the Zoning Official finds that the plan does not meet the intent of this Ordinance and/or is not consistent with the Comprehensive Plan and the City's adopted building and site design standards, then he/she shall deny approval and transmit that decision in writing to the applicant.

3. The Zoning Official shall not take action to approve or deny a plan requiring administrative review until the following has occurred:
 - a. The Zoning Official has reviewed the plan and determined that it is complete.
 - b. The applicant has submitted any impact studies that may be required by § 3.3 of this Ordinance and has obtained City approval of such required studies.
 - c. Comments on the plan from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments.
 - d. The applicant has submitted all local, county, state and/or federal approvals as may be required.

C. Appeals

Any person aggrieved by an administrative plan review decision made by the Zoning Official and desiring to appeal such decision must appeal to the Board of Appeals per § 2.2.6 of this Ordinance.

§ 3.2 Subdivision Review and Approval

§ 3.2.1 Subdivision Review and Approval

A. Purpose

Subdivision plats prepared and approved in accordance with the provisions of this Ordinance shall be required to assist in the review of applications for land subdivision and to assure compliance with all applicable requirements.

B. Applicability

No land in a subdivision shall be sold or offered for sale nor shall a building permit be issued for a structure thereon until a final plat of such subdivision has been recorded per this Ordinance and the improvements required in connection with such subdivision have either been constructed or guaranteed per this Ordinance.

C. Administration

1. Minor subdivisions, lot line adjustments, and conversions of existing deeded lots to parcels shall be reviewed according to procedures set forth in § 3.1.7 of this Ordinance.
2. Major subdivisions shall be reviewed and approved according to the procedures set forth in § 3.2.2 below.
3. Subdivision of land within the Historic District shall be referred to the HPC by the Planning Commission for comment.

§ 3.2.2 Subdivision Processing Procedures

There shall be three stages in the review and approval of a major subdivision: concept, preliminary, and final plat.

A. Concept Stage

The purpose of the concept stage is to provide the Planning Commission with the opportunity to informally review a subdivision proposal prior to the substantial commitment of time and expense on the part of the applicant in preparing a preliminary plat.

1. No application for subdivision approval shall be accepted by the City until:
 - a. A concept subdivision plat meeting the content submittal requirements of § 3.1.4 of this Ordinance is submitted for review by the City.
 - b. Any required concept plat review fees have been paid.
 - c. The steps for concept subdivision plat review as established by the Planning Commission are completed.
2. Within 30 days of receiving a subdivision concept plat, the Zoning Official shall review the concept for completeness and inform the applicant and Planning Commission of his/her findings.
3. The Zoning Official shall refer the concept plat to the appropriate individuals or agencies for review and/or comment prior to submitting it to the Planning Commission.
4. The applicant shall attend a meeting with the Zoning Official prior to submitting the concept plat to the Planning Commission. The purpose of the meeting shall be to provide the City with an opportunity to address issues or concerns, identify any impact studies that may be required, and provide direction to the applicant on the scope of such studies.
5. The Planning Commission shall hold at least one meeting on the concept plat to receive an informational briefing on the plat and the anticipated issues and impacts related thereto. The Planning Commission shall take no action to approve or deny a concept plat. Should the Planning Commission determine that the development project represented by the concept plat may have substantial impact on the physical, economic, or social environment, the Planning Commission may hold more than one meeting on the concept plat.
6. For all subdivision plats submitted for review, the Zoning Official shall:
 - a. Submit written notice to the applicant by first class mail, such to be postmarked at least seven days before the day of the Planning Commission meeting to discuss the concept site plan, and
 - b. Submit written notice to all owners of property adjoining and immediately across the street from the subject property. Such written notice shall state the date, time, place, and subject matter of the meeting to discuss the

concept plat, and the name of the applicant. Such notice shall be sent by first class mail and be postmarked not less than seven days before the day of the meeting.

- c. The Planning Commission may provide for expanded public notification of its deliberations of subdivision plans at its discretion.

B. Preliminary Stage

The purpose of the preliminary subdivision review stage is to provide a basis for the Planning Commission to take formal approving action with respect to the proposed subdivision in order to minimize changes and revisions that might otherwise be necessary on the final subdivision plan. The Planning Commission shall review and take action to approve, approve with conditions, or deny all preliminary subdivision plats.

1. Preliminary subdivision plats meeting the submittal requirements set forth in § 3.1.5 of this Ordinance shall be submitted to the Zoning Official who shall review the plats for compliance with these regulations and the requirements for preliminary plats and shall transmit said plats to the Planning Commission with his or her comments for review. Applications found to be incomplete shall be returned to the applicant.
2. The Planning Commission shall examine the proposed subdivision with respect to the vehicular, bicycle, and pedestrian traffic and circulation patterns and safety (internal and external), utilities, stormwater management, community facilities (existing or proposed), surrounding development (existing or future), the preservation of trees and historic sites, protection of natural environmental features and processes, provision for open space, street lighting, recreational needs, safety of residents and neighbors, landscaping, architecture, compatibility with building site and design standards, and, in general, with the objective of ensuring a durable, harmonious, and appropriate use of the land and consistency with the Comprehensive Plan.
3. The Planning Commission shall take action to approve, approve with conditions, or deny approval, but shall take no action until the following has occurred:
 - a. The Zoning Official has reviewed the subdivision plat and determined that it is complete and submitted findings to that effect in writing to the Planning Commission.
 - b. The applicant has submitted any impact studies that may be required and has obtained City approval of such studies, where required.
 - c. Comments from appropriate agencies and individuals have been requested and sufficient time has been provided for such agencies and individuals to provide comments.
 - d. The applicant has paid all appropriate preliminary subdivision review and application fees to the City.
4. No public hearing shall be required, but may be called at the option of the Planning Commission.

5. Planning Commission Action: The Planning Commission shall act for approval, conditional approval with conditions noted, postponement, or disapproval. Reasons for all actions shall be stated in the decision of the Planning Commission. The following actions shall have the meanings so stated:
 - a. Approval means that the developer is authorized to proceed with the preparation of a final plat. Preliminary plat approval grants an applicant one (1) year within which to submit a final plat.
 - b. Conditional Approval means that applicant may proceed with a final plat, but only after the preliminary plat has been corrected to reflect all conditions placed on the plat by the action of the Planning Commission. Actual approval shall not be made until the Planning Commission finds that all such conditions have been satisfied.
 - c. Postponement means Planning Commission action is delayed for definite reasons, which the Planning Commission shall record in writing.
 - d. Disapproval means disapproval of the plat. For any further action, the developer must file a new application meeting the submittal requirements along with the required filing fees.

C. Final Stage

The final subdivision plan shall consist of a drawing intended for recordation, incorporating those changes or additions required by the Planning Commission in its approval of the Preliminary Subdivision Plat.

1. Final subdivision plats shall be submitted to the Zoning Official who shall review the plats for compliance with these regulations and the conditions, if any, of Planning Commission approval. If specified conditions or stipulations of the preliminary plat approval are not met in revised plans, the Zoning Official shall return the plat to the applicant.
2. When all review and approvals have been completed and documentation of such approvals provided to the Zoning Official, he/she and the Chairperson of the Planning Commission, shall each sign the final plat to indicate completion of review and approval by the City and to certify that conditions, if any, of plat approval have been met and that the applicant has submitted all local, county, state and/or federal approvals as may be required. No permit shall be issued until this approval has been given.
3. When a public works agreement is required, the Zoning Official and Chairperson of the Planning Commission may not certify final plat approval until the Planning Commission has reviewed that public works agreement. The public works agreement shall be recorded in the Land Records of Dorchester County and such recordation information shall be placed on the recorded plat(s) to which it pertains.

§ 3.2.3 Expiration and Extension of Preliminary Plat Approval

A. Grant of Extension

1. A preliminary plat approval grants the applicant one year in which the applicant shall submit the final plat.
2. Before expiration of the approval, the Planning Commission may grant an extension for just cause, with extension periods no greater than one year at a time. The applicant shall request an extension at least 30 days prior to the deadline date for submittal of a final plat.
3. In connection with a request for extension, the Planning Commission shall consider the following:
 - a. Whether a lawful change in the neighborhood of the property has made the subdivision, as originally approved, incompatible with neighboring properties or presented impacts to neighboring properties and infrastructure not foreseen before such land use change occurred; and
 - b. Whether a change in the street and highway plan or the plan for any public facilities and/or services, trails or pathways, or the projected impact of area development on streets, highways, water and sewer and other facilities has made the subdivision, as originally proposed, problematic; and
 - c. Any change in zoning and/or subdivision regulations; and
 - d. Any changes in the City's Comprehensive Plan.
 - e. The Planning Commission may require that an impact study as provided in § 3.3 of this Ordinance be completed in connection with a request for an extension.

B. Changes May Be Required

In conjunction with an approved extension, the Planning Commission may require that changes in the plat be made upon finding that time has necessitated changes for the benefit of the public health, safety, and welfare.

C. Expiration of Extension Period

Upon expiration of any extension period approved herein, the plat shall be deemed disapproved by the Planning Commission.

D. Approved Plats Exempted from Regulatory Changes

Any approved preliminary plat or any plat continued for further study by the Planning Commission shall be exempted from changes in the regulations governing subdivisions for a period of two years from the date of approval of the preliminary plat. Exemptions from changes in the subdivision regulations shall not be extended, even if the preliminary plat is extended as provided above.

§ 3.2.4 Submittal Requirements

A. Concept Plat Requirements

The concept subdivision plat package shall meet the requirements as to content and organization as may be established by the Planning Commission and at minimum shall include the following:

1. A plan of lot subdivision, and
2. The contents set forth in § 3.1.4 of this Ordinance.

B. Preliminary Plat Requirements

1. Order of Plan Sheets: Preliminary subdivision plat submittals shall adhere to the order of plan sheets established by the Planning Commission with any additional required details and plan drawings inserted into the order prescribed by the City.
2. Contents of Preliminary Plat:
 - a. The applicant shall submit a preliminary subdivision plat to show the nature and extent of all contemplated improvements and lot subdivisions, to be developed from the concept plat and each of the specific contents set forth in § 3.1.5B of this Ordinance.
 - b. The plat shall be a multiple sheet document with drawings on sheets no larger than 24 inches by 36 inches and at a scale no less detailed than 1 inch equal to 100 feet. Submittals shall meet specific technical requirements as may be set forth in the City design and construction standards.
 - c. A preliminary plat shall show the location of all existing and proposed recorded easements and rights-of-way which may affect the property, and a citation of any recorded easements, restrictions, reservations or covenants which affect the property.

C. Final Plat Requirements

The applicant shall prepare and submit a final subdivision plat. The final plat shall comply with all existing laws, regulations, and ordinances governing the approval of subdivision plats and provide accurate dimensions and construction specifications to provide the data necessary for the issuance of building permits.

1. In addition to meeting the submittal requirements of a preliminary subdivision plat, the final plat shall meet all specific technical plan submittal requirements as may be required by the City.
2. Submittals shall demonstrate compliance with any conditions of preliminary plat approval and shall include all necessary approvals from any local, county, state, and/or federal agencies.
3. As a condition of final plat approval, the Planning Commission may establish additional submittal requirements for a final plat if it finds that inclusion of that requirement is essential to its decision, and it may waive a particular requirement

if, in its opinion, the inclusion of that requirement is not essential to a proper decision on the project.

4. Final subdivision plat submittals shall adhere to the order of plan sheets required of preliminary plats as provided in this Ordinance with any additional required details and plan drawings inserted into the order prescribed by the City.

D. Platting as Pertains to the Original Tract

1. The Planning Commission shall require that the remaining original tract be shown as stated in the appropriate paragraph below.
 - a. If less than five acres of land remain in the original tract after the lots are excluded then the entire tract (lots and the remainder) must be platted.
 - b. If more than five acres of land remain in the original tract after the lots are excluded then the owner is not required to plat the remaining acreage.
2. The owner is required to submit a plan showing the entire acreage and the location of lots being platted and any previous platted lots. The owner is required to keep this plan current with the process of subdivision approval and platting.

§ 3.3 Impact Studies

§ 3.3.1 Impact Studies May Be Required

A. Impact Studies

To assist the Planning Commission and Zoning Official to determine the nature and extent of off-site impacts of a proposed development that they are authorized to review, both are authorized to require applicants for site plan or plat approval, or for extensions of approved plans or plats, to prepare studies of the impacts of proposed development on such factors including City infrastructure such as water and sewer, streets, bicycle ways and facilities, and highways in the City and in the vicinity of the development, the City's fiscal and budget conditions, area environmental conditions including considerations related to light, air, view sheds, and the flow and quality of water.

B. Reasonable Standards

The Planning Commission and Zoning Official shall find that such studies meet reasonable professional and technical standards before accepting them for review. The City may establish written standards and specifications for the scope and detail necessary for any required studies.

C. Studies Submitted Prior to Approval

If impact studies plans are determined to be required, no preliminary site plan or subdivision plat shall be approved nor shall an approved plan be extended, prior to such studies being completed to the satisfaction of the Planning Commission or other approving authority or appropriate official.

§ 3.4 Annexation Plan Review

§ 3.4.1 Annexation Review

A. Applicability

No annexation resolution shall be acted on by the City Council until the Planning Commission shall have had the opportunity to review the proposed annexation and the concept development plan, if applicable, as may be required by § 3.4.2, and provide a recommendation to the City Council.

B. Planning Commission Review

The Planning Commission shall make findings of fact with respect to each of the following and shall forward such findings along with its recommendation to the City Council for its consideration.

1. The degree of conformance of the proposed annexation to the Comprehensive Plan in general and the Plan's adopted Municipal Growth Element in particular.
2. The existing and future availability of public facilities and services to meet the demands of development that would be allowed under the recommended zoning of the annexation property.
3. The viability and practicality of public and/or private plans to extend, enlarge, or otherwise make existing City facilities and services, and other utilities and services, available to the annexation property.
4. The impact of the contemplated development of the annexation property on the City's fiscal condition and budget.

C. Planning Commission Recommendation

1. The Planning Commission's written recommendation to the City Council on each annexation shall address the following:
 - a. Whether the annexation should be approved or denied by the City Council and any conditions related thereto.
 - b. If applicable, whether the concept development plan is favorable and what changes if any should be made thereto prior to approval of the annexation.
 - c. The impact of the annexation on the planning and timing of infrastructure and the City's budget plan for infrastructure development.
2. The Planning Commission shall propose a zoning classification for the property.

§ 3.4.2 Annexation Concept Development Plan

A. Concept Plan Required

1. A concept development plan, prepared to standards established by the Planning Commission, shall be required to assist the City in the review of any proposed annexation wherein the City is not the initiating party.
2. Where applicable, a concept development plan shall be officially introduced by the City Council along with the annexation resolution, it shall be made part of the official record of the public hearing on the annexation, and it shall be recorded in the land records of Dorchester County by the applicant upon annexation.

B. Exceptions to Required Concept Development Plan

The following two conditions must be found by the City Council to be met, if an annexation is to proceed without a concept development plan:

1. The eventual use of the property and its impact on its neighborhood is constrained by its relatively small size, and the proposed zoning is fully consistent and compatible with the surrounding land use pattern; and
2. Adequate safeguards can be set forth in the text of an annexation agreement to ensure that the City's interests are protected and advanced.

C. Future Development to Conform to Concept Development Plan

1. When a site plan or subdivision plat is proposed for a property which was the subject of an annexation concept development plan, the plan or plat shall substantively conform to the annexation concept development plan.
2. The Zoning Official or Planning Commission shall not accept a site plan or subdivision plat for review that does not substantively conform to its concept development plan as set forth in paragraph D of this section, except as provided in paragraph 3 below.
3. The Planning Commission may accept a site plan or subdivision plat for review that does not substantively conform with a required annexation plan if each of the following conditions is met:
 - a. The Planning Commission first holds a public hearing wherein the applicant shall be asked to explain the proposed deviations; and
 - b. The Planning Commission finds that the proposed deviations are not inconsistent with the City's Comprehensive Plan; and
 - c. The proposed deviations would not materially impact the ability of the City to provide public water and sanitary sewer services or other services and facilities; and
 - d. The proposed deviations would not require a change in the zoning district to implement.
4. The Planning Commission is under no obligation to approve a plan or plat that deviates from an annexation concept development plan but, provided the conditions in paragraph 3 above are met, it shall review the plan or plat under the standard processing procedures provided for in this Article.

D. Standards for Substantial Conformance

The Planning Commission shall apply the standards in this paragraph below in determining if a site plan or subdivision plat is in substantial conformance with its annexation concept plan, if applicable. To be found in substantial conformance, a development plan shall not:

1. Propose a land use, a pattern of residential densities, or an arrangement of land uses other than that shown on the concept development plan.
2. Propose a different type of housing or commercial development which would in the judgment of the Planning Commission (1) materially increase the impact to area infrastructure and public services or (2) not serve the same public need contemplated by concept development plan (e.g., need for affordable housing, senior housing, etc.).
3. Result in the reduction of more than three percent or one-half ($\frac{1}{2}$) acre (whichever is the lesser) of the land area collectively planned to be set aside for natural area preservation, buffering, forest conservation, common open space, and/or recreation.
4. Increase the number of dwelling units by more than five percent for any residential project of 100 units or fewer, or more than three percent for any residential project of more than 100 dwelling units.
5. Increase the square footage of non-residential building space in a manner which would in the judgment of the Planning Commission materially increase the impact to the natural environment or materially intensify the impact to area infrastructure and/or public services or affect the ability of public service providers to adequately serve the proposed development.
6. Increase the amount of impervious surface area by more than five percent for any project less than 40 acres in size or by more than three percent for any project larger than 40 acres.
7. Materially change the arrangement of streets, sidewalks, and trails, the general location of intersection(s), and the proposed access/circulation plan for the site.
8. Change in any material way the extent, scale, provision, or timing of any off-site infrastructure project required or contemplated by the concept development plan or annexation agreement if applicable.

Article 4

Zoning Districts and Allowable Uses

- § 4.1 Zoning Map
 - § 4.2 Districts and Allowable Uses
 - § 4.3 Mixed-Use Waterfront Overlay District
 - § 4.4 Downtown/Waterfront Development District
 - § 4.5 Historic Area Overlay District
 - § 4.6 Floodplain Overlay District
-

§ 4.1 Zoning Map

§ 4.1.1 Zoning Map

A. General

The Article establishes the zoning districts applied to property within the City and adopts the Official Zoning Map.

B. Zoning Map Adopted by Reference

1. An Official Zoning Map, which shall be kept on file in the City offices, is hereby incorporated by reference into this Ordinance as if it were included here. It shall be identified by the signature of the Mayor and shall bear the seal of the City.
2. The Zoning Official shall keep current official Critical Area Overlay District Maps in the City Office, making such maps available upon request of any person.

C. Rules for Interpretation of Boundaries

Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.

4. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
5. Where a lot is divided by one or more zone boundary lines, each of said divisions of the lot shall be subject to the regulations of the district in which it is located.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

D. Replacement of Official Zoning Map

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost or becomes difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Map.
2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Map and may incorporate validly enacted amendments, but no such correction shall itself have the effect of amending the original Zoning Ordinance or any subsequent amendment thereof.
3. The Planning Commission shall certify as to the accuracy of the new Official Zoning Map prior to its adoption by the City Council.

§ 4.1.2 Zoning of Annexed Lands

When lands are proposed for annexation, the Planning Commission, concurrently with the annexation proceedings, shall propose district boundaries for the new lands. Upon adoption of the resolution for annexation, the City Council shall amend this Ordinance to zone the new lands with the effective date of amendment to be that of annexation.

§ 4.2 Districts and Allowable Uses

§ 4.2.1 City Divided into Zoning Districts

A. Districting to Implement the Comprehensive Plan

The City of Cambridge shall be divided into zoning districts for the purpose of implementing the adopted Comprehensive Plan. The districts shall be shown on the Official Zoning Map.

The districts shall include the individual standard districts listed in paragraph B of this subsection, the individual subdistricts that comprise the Downtown/Waterfront District as described in § 4.4, the Historic Area Overlay District described in § 4.5, the Floodplain Overlay District described in § 4.6 and the Critical Area District described in Article 8 of this Ordinance.

B. Purposes of Zoning Districts

The purposes of the individual standard zoning districts and the manner in which they are to be applied are as follows.

1. **Resource Conservation:** The Resource Conservation (RC) district is applied to areas of the City that have natural, scenic, recreational, or other environmental and open space benefits to the community. District regulations are intended to protect naturally sensitive environmental and scenic areas, provide locations for the establishment of recreational, cultural, scientific, institutional uses whose development and use will have negligible impacts to the environment, and establish a permanent greenbelt around the City as recommended in the adopted Comprehensive Plan.
2. **Institutional:** The Institutional (I) district is applied to publicly-owned institutional uses that comprise large land areas in the City (located outside of the Downtown/Waterfront Development District) including public school sites and the airport.
3. **Neighborhood Conservation:** The Neighborhood Conservation districts (NC-1, NC-2, NC-3, and NC-4) are applied to residential neighborhoods that predate the adoption of City zoning regulations and exhibit primarily single-family residential character. The intent is to maintain the character of neighborhoods including the setting for important historic and cultural resources. The district regulations are also intended to establish reasonable conditions for the continuation of non-residential uses that pre-date City zoning and to allow other non-residential uses under strict guidelines and upon special review. There shall be four NC districts each corresponding to the unique settlement patterns therein. These districts permit and encourage minor infill development but generally all proposed new dwellings shall be single-family detached units.
4. **Residential:** The Residential (R) district is applied to areas of the City intended to be maintained as residential neighborhoods and to areas which may develop in the future as residential neighborhoods. The district regulations are intended to promote and sustain healthy, stable, and harmonious residential neighborhoods, to bring about a pattern of street and lot layout that is reflective of traditional building practices in Cambridge.
5. **Downtown/Waterfront Development:** The Downtown/Waterfront Development District (DWDD) is applied to the mixed-use center of Cambridge. The district regulations are intended to promote compatibility in building form, a broad mixture of compatible land use types arranged in ways that foster efficient use of land and a walkable community. The uses permitted in this district and the special regulations pertaining to development are set forth separately in § 4.4 of this Ordinance.
6. **Corridor Mixed-Use:** The Corridor Mixed-Use (CMU) district is applied to areas of the City located generally along U.S. Route 50 to promote the efficient and harmonious development of land for commercial use while also accommodating

high density residential developments located within walking distance of shopping, employment, and recreational activities. A secondary objective is to promote the retrofit of existing shopping centers into mixed-use centers that can be readily accessed by transit, biking, and walking.

7. **General Commercial:** The General Commercial district (GC) is applied to areas of the City to accommodate a variety of commercial uses including in areas that may benefit from orientation to the highway and access to regional transportation.
8. **Industrial:** The Industrial district (IND) is applied to areas proposed for industrial, especially light industrial, uses. The district regulations are intended to promote the retention and expansion of existing industrial uses and the general intensification of light industrial uses within the district.
9. **Open Space:** The Open Space district (OS) is applied to areas proposed to remain primarily in open, undeveloped, and natural resource uses, until the year 2030 or later provided a land use change is recommended through adoption of a new Comprehensive Plan.
10. **Maritime Resort:** The Maritime Resort district (MR) is applied to accommodate the development and continuation of resort uses and ancillary supporting uses including residential.

§ 4.2.2 Land Uses by District

Table 1 lists land uses allowed in each zoning district, except for the Downtown/Waterfront Development District (see Table 2 in § 4.3 of this Ordinance for uses allowed in the DWDD). If a use is not listed or does not fall within any of the general use categories as determined by the Zoning Official, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings. The letters in Table 1 correspond to the following:

P: Permitted Use. Uses designated by the letter “P” shall be permitted subject to all applicable regulations and are subject to an Administrative Review .

C: Permitted Use with Conditions or Conditional Use. Uses designated by the letter “C” shall be permitted subject to certain conditions and are an Administrative Review with noticing and posting requirements. The conditions are listed in § 4.2.3.

SE: Special Exceptions. The Board of Appeals in accordance with § 2.2.7 may authorize uses requiring a special exception designated by the letters “SE”.

SC: Special Exception with Conditions. Uses requiring a special exception designated with the letters “SC” may be authorized by the Board of Appeals in accordance with § 2.2.7 subject to certain conditions listed in § 4.2.3.

See Table 1 – Table of Permitted Uses

See Table 2 – Table of Permitted Uses in the Downtown/Waterfront Development District

§ 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

1. Single-Family Residences, Attached (Townhouse)

Subject to the following conditions, a townhouse development shall be a Special Exception with Conditions (SC) in the Residential district:

- a. A minimum of 60 percent of the total tract area shall be open space, which shall be distributed on the tract in one of two ways: either located entirely on the separate lots, or distributed between the separate lots and between set aside areas held in common as community open space. Such open space shall not be devoted to streets, service driveways, off-street parking, or loading spaces. At least 50 percent of the open area shall be suitable for usable recreational space and any recreational space held in common shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The number of units in a row or block of townhouses shall be limited to a maximum of six (6).
- d. The minimum distance between any blocks of units shall be 45 feet, except that a break between the side of one block and the side of another block may be reduced to a minimum distance of 30 feet.
- e. The minimum lot area for a townhouse development shall be five acres.

2. Primary residence with (one) accessory dwelling unit (ADU)

An accessory dwelling unit (ADU) to a primary residence shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and MR districts subject to the following conditions:

- a. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot or a corner commercial lot in the district where located or be at least 5,000 square feet in size, the only principal use on the lot at the time of application is a detached single-family dwelling or commercial use which has already been approved by the Board of Zoning Appeals, and which is already in operation, and the existing dwelling unit is the principal residence of the applicant(s).
- b. The owner of the property on which the ADU would be located shall reside in at least one of the dwelling units on the lot at all times.
- c. An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than one thousand (1,000) square feet or less

than three hundred (300) square feet or have more than two (2) bedrooms.

- d. There shall be no more than one ADU permitted per existing single-family dwelling.
- e. If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view than the main entrance of the principal dwelling unit and the ADU's stairway may not be constructed on the front of the principal dwelling unit or any side visible from a public right-of-way.
- f. At least one off-street parking space is required per ADU. The Board of Appeals may permit off-street parking in setback areas or through tandem parking if the off-street parking would not block access by emergency vehicles to the principal dwelling unit or ADU and it is permitted and occurs in the neighborhood.
- g. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot or a corner commercial lot in the district where located or be at least 5,000 square feet in size, the only principal use on the lot at the time of application is a detached single-family dwelling or commercial use which has already been approved by the Board of Zoning Appeals, and which is already in operation, and the existing dwelling unit is the principal residence of the applicant(s).

If the Board of Appeals finds favorably, the approval shall be subject to the following requirements which shall be included as conditions of approval of the ADU and made part of the hearing record and statement of findings:

- a. Within 30 days of securing approval for an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the City of Cambridge limiting the occupancy of either the principal dwelling unit or the ADU to the owner of the property. The owner shall provide proof that such a restriction has been recorded to the Board of Appeals prior to the City's issuance of an occupancy permit for the ADU.
- b. The owner of the ADU shall, by the 15th days of every year, sign and file a written statement with the Zoning Official that the ADU remains in compliance with City Zoning. Failure to fulfill this requirement will be grounds for revocation of the Board of Appeals approval and prosecution for violation of the conditions of approval of the ADU and this Chapter.
- c. A mobile home or manufactured home may not be used as an ADU as provided under this Section.

3. Multi-Family Residences

Subject to the following conditions, multi-family buildings shall be a Special Exception with Conditions (SC) in the R district:

- a. A minimum of 30 percent of the total tract area shall be maintained as open area and shall not be devoted to streets, service driveways, off-street parking, or loading spaces. Forty (40) percent of the open area shall be suitable for usable recreational space and each recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The minimum setback between any two principal buildings on the same lot shall be 45 feet.
- d. The minimum lot area for a multi-family use shall be two acres.

4. Homeless Shelters

Subject to the following conditions, homeless shelters shall be a Special Exception with Conditions (SC) in the I district and a Permitted Use with Conditions (C) within the CMU and CG districts.

- a. No shelter shall be located within 500' of a public playground or public school.
- b. All shelters shall provide, as a part of the special exception application, proof that all necessary governmental requirements and licenses have been obtained prior to the application being reviewed by the Planning Commission and the Board of Zoning Appeals.
- c. Notice and posting of property within the CMU and CG districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

5. Day Care, Home

Subject to the following conditions, Day Care, Home shall be Permitted Use 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. The Planning Commission shall be the reviewing board and may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- b. This use shall require a public meeting with all required advertisements and notifications.
- c. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
- d. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
- e. The Day Care Home Use Permit shall be issued to the applicant at the property identified within the application and shall not be transferable to any subsequent resident or other location.
- f. 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.
- g. 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.
- h. Approval is subject to all building code requirements for safety and health having been met.
- i. 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.
- j. 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.
- k. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) children permitted under paragraph D above only if all of the following conditions are met:
 - i. The child is less than six (6) years old;

- ii. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
 - iii. The child cannot be sent home immediately.
- l. The applicant shall have 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. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
- m. 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.
- n. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
- o. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
- p. Within the NC 1, NC2, NC3 and NC4 Zone Districts, there shall be one-day care home within a whole City block, exclusive of alley.
- q. The establishment, maintenance and operation of the day care home at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
- r. The day care home at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- s. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
- t. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
- u. The day care home shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
- v. The day care home shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
- w. The proposed use at its proposed location conforms to the Comprehensive Plan.

6. Group Home

Subject to the following conditions, Group Home (no more than 8 clients) shall be Permitted Use with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and GC districts:

- a. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity.
- b. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in excessive concentration of similar uses in the same general neighborhood of the proposed use.
- c. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
- d. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- e. Applicant shall meet requirements of the State and local Departments of Health.
- f. Approval is subject to all building code requirements for safety and health having been met.
- g. The Zoning Official may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- h. Parking and loading shall be provided at the rear of the site.
- i. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
- j. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents.
- k. Notice and posting of property within the CMU and CG districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

7. Bed and Breakfast

Subject to the following conditions, a Bed and Breakfast shall be Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, GC, MR, and RC districts:

- a. Bed and Breakfast establishments in the NC-1, NC-2, NC-3, NC-4 and the R districts shall be located in an existing structure. Additions to such to accommodate the proposed Bed and Breakfast establishments may be permitted.
- b. Applicants shall submit a floor plan of the single-family dwelling unit and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Bed and Breakfast establishments shall be inspected by the Zoning Official annually prior to license renewal.
- c. Bed and Breakfast operations shall be confined to the principal dwelling unit on the proposed property. The facilities shall be subject to the following:
 - i. There shall be at least two exits from the facility to the ground.
 - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
 - iii. Maximum number of sleeping rooms shall be six in addition to the owner-occupant's sleeping room.
 - iv. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate city officials at all times.

- v. The maximum consecutive length of stay for any guest in the facility shall be 14 days.
 - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.
 - vii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
 - viii. Only breakfast may be served to guests, and no commercial activities, such as but not limited to the sale of food or alcoholic beverages, catering or other similar commercial activities, are allowed.
 - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Bed and Breakfast facility existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Bed and Breakfast facility for a period of one year is considered an abandonment of such use.

8. Country Inn

Subject to the following conditions, a Country Inn shall be Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, GC, and RC districts:

- a. Country Inns in the NC-1, NC-2, NC-3, NC-4 and R districts shall be located in an existing structure. Additions to such to accommodate the proposed Country Inn may be permitted.
- b. Applicants shall include a site plan which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Country Inn establishments shall be inspected by the Zoning Official annually prior to license renewal.
- c. In the NC-1, NC-2, NC-3, NC-4 and R districts, Country Inns shall be confined to the principal building on the proposed property, and shall be subject to all applicable city codes and regulations and state regulations. The facilities shall be subject to the following:

- i. There shall be a manager occupant who shall be responsible for the day-to-day operation of the Country Inn.
 - ii. There shall be at least two exits from the facility to the ground.
 - iii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
 - iv. Maximum number of sleeping rooms shall be fifteen (15) in addition to the resident manager's sleeping room.
 - v. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate City officials at all times.
 - vi. The maximum consecutive length of stay for any guest in the facility shall be thirty (30) days.
 - vii. Smoke detectors shall be maintained in an operating condition in each sleeping room.
 - viii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
 - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Country Inn establishment existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Country Inn establishment for a period of one year is considered an abandonment of such use.

9. Boarding House

Subject to the following conditions, a Boarding House shall be Special Exception with Conditions (SC) in the I and Ind districts:

- a. Boarding Houses in the I and Ind districts shall be located in an existing structure. Additions to such to accommodate the proposed Boarding House may be permitted.
- b. Applicants shall include a floor plan of the proposed facility and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto

has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Boarding Houses shall be inspected by the Zoning Official annually prior to license renewal.

- c. Boarding House operations shall be confined to the principal dwelling unit on the proposed property, and shall be subject to all applicable City codes and regulations and state regulations. The facilities shall be subject to the following:
 - i. There shall be at least two exits from the facility to the ground.
 - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
 - iii. Maximum number of sleeping rooms shall be six (6) in addition to the owner-occupant's sleeping room.
 - iv. Every operator of a facility named in this section shall maintain a register of persons staying therein, and it shall be available for inspection by appropriate City officials at all times.
 - v. The maximum consecutive length of stay for any boarder in the facility shall be 120 days.
 - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.
 - vii. Proper and convenient lavatory and bathing facilities shall be available to all boarders in addition to lavatory facilities for the owner.
 - viii. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Boarding House existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Boarding House for a period of one year is considered an abandonment of such use.

10. Home Occupations

Subject to the following conditions, home occupations shall be Permitted Use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and RC districts as a Permitted Use with Conditions (C):

- a. Not more than one person (employee) other than members of the family residing on the premises shall be engaged in such occupation.

- b. The occupation is conducted principally within the dwelling or accessory building on the premises and is clearly secondary to the use of the dwelling for residential purposes.
- c. There shall be no change in the outside appearance of the building or premises, other than one sign. Residential appearance shall be maintained.
- d. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
- e. No outside storage of equipment, materials, or items to be repaired or sold shall be permitted.
- f. No more than 35 percent of the floor area of the principal dwelling may be used on the property for the home occupation.
- g. No article or commodity shall be offered for sale, except that incidental to services offered, or publicly displayed on the premises.
- h. Parking generated by the conduct of such home occupation shall be met off the street, unless adequate on-street parking is determined to be available. Parking shall not be located in the required front yard.
- i. The home occupation shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.
- j. Uses which are not permitted in the district shall not be allowed by virtue of operating as a home occupation.
- k. Notice and posting of property within the R CMU and RC districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

11. Beekeeping

Subject to the follow conditions, beekeeping shall be a Permitted Use with Conditions (C) in the Residential, Neighborhood Conservation, Resource Conservation, Open Space and Maritime Resort districts:

- a. All apiaries shall be registered annually with the Maryland Department of Agriculture in accordance with applicable State laws and regulations.
- b. Notice and posting of property.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred (200) feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.
- c. In each instance in which any apiary is situated within fifteen (15) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier with a maximum height of six (6) feet consisting of a solid wall, vegetative screen and/or fence that is parallel to the property line and extends ten (10) feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Flyways are not required if the property is zoned Resource Conservation and/or adjoining the apiary lot line is a vacant property.
- d. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may come into contact with humans, birds or domestic pets.
- e. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their

removal from the apiary, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

- f. All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.
- g. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
 - i. One-quarter acre or less tract size — two (2) colonies;
 - ii. More than one-quarter acre but less than one-half acre tract size — four (4) colonies;
 - iii. More than one-half acre but less than one (1) acre tract size — six (6) colonies; and
 - iv. One (1) acre or larger tract size — eight (8) colonies;
 - v. Regardless of tract size, where all colonies are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
 - vi. Regardless of tract size, so long as all properties other than the tract upon which the apiary is situated, within a radius of at least two hundred (200) feet from any colony, remains undeveloped property, there shall be no limit to the number of colonies.
 - vii. For every two (2) colonies authorized under subsection (g) herein, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date is acquired.
- h. In apiaries, the beekeeper shall conspicuously post a sign setting forth his/her name, telephone number and registration yard marker. It is a defense against prosecution under this subsection that an apiary is kept upon the same tract upon which the owner resides.
- i. Unless marked in accordance With subsection (h) herein, it shall be presumed for purposes of this article that the beekeeper is the owner of the tract upon which an apiary is situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the apiary upon

the tract setting forth the name, address and telephone number of the other person who is acting as the beekeeper.

- j. Upon receipt of information that any apiary situated within the city is not being kept in compliance with this section, the Zoning Official shall initiate an investigation. If he/she finds grounds to believe that one or more violations have occurred, he/she will cause a written notice of a Planning Commission hearing to be issued to the beekeeper.

12. Conversion of Commercial Property to Residential Property

Subject to the following conditions, the conversion of commercial property to residential property in the GC Zoning District shall be a Permitted Use with Conditions:

- a. It must be substantiated to the satisfaction of the Zoning Official that the subject property was previously used for residential purposes;
- b. The exterior of the structure(s) proposed to be used for residential purposes on the subject property must be residential in nature;
- c. There are residential uses located in close proximity to the subject property and converting the commercial property to a residential property is in keeping with the character of the neighborhood; and
- d. The parking for the residential property shall be consistent with the parking in the neighborhood.

(13) Community Center Multi-Family Dwelling

Subject to the following conditions, Community Center Multi-Family Dwellings shall be a Permitted Use with Conditions (C) in the I District:

- a. Residential density for Community Center Multi-Family Dwellings in the I District shall not exceed fifty (50) units per acre; and
- b. Community Center Multi-Family Dwellings may exceed the otherwise prescribed maximum height of the I District but shall not exceed sixty (60) feet in height.

B. Commercial Uses

1. Uses classified as an NC District Corner Store/Commercial Use

Subject to the following conditions and provided the use is located at the intersection of two public streets within an NC district, it may be proposed as a

Corner Store/Commercial Use and shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts:

- a. The property owner, lessee, or property manager may reside on the premises, or the property owner shall contract with a qualified resident of Dorchester County to act as a property manager of the establishment. The property shall be maintained in a well manner to the satisfaction of the Zoning Official.
- b. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use.
- c. The use is located on a street with width sufficient to allow on-street parking accommodate for the proposed use and provided on-street parking is permitted in the vicinity of the proposed use.
- d. Any new corner store/commercial building shall be designed to appear as a residential building and the use of the building shall be limited in the following ways: commercial use shall be limited to the ground floor only and shall not exceed 1,000 square feet in gross floor area, and there shall be no more than two residential dwelling units on the upper levels.
- e. The use shall be primarily oriented to serve the residents in the immediately surrounding neighborhood.
- f. As a portion of the clientele will be pedestrians or cyclists, the parking requirements are minimal but must contain at least two spaces plus one space per employee which requirement shall be considered met if there is sufficient on-street and/or off-street parking.
- g. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
- h. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.

2. Animal Hospital, Veterinarian Clinic

Subject to the following conditions, animal hospital and veterinarian clinic uses shall be Permitted Use with Conditions in the CMU and GC districts (C):

- a. All operations in connection with the clinic must be conducted indoors.
- b. Screening and vegetative landscaping shall be used along lot lines which adjoin a residential lot or a residential zoning district.
- c. No work on large animals (bovine or equine) is to be performed on the premises.

- d. Notice and posting of property within the CMU and CG districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

3. Kennel, Cattery

Subject to the following condition, a kennel and cattery shall be Permitted Use with Conditions in the CMU and GC districts (C):

- a. A kennel/cattery shall be an ancillary use to an animal hospital or veterinarian clinic and primarily operated in a manner that supports the animal hospital or veterinarian clinic use.
- b. Notice and posting of property within the CMU and CG districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

4. Filling Stations, Service Stations

Subject to the following conditions, filling stations and service stations shall be a Special Exception with Conditions (SC) in the CMU district and Permitted Use with Conditions in the GC district (C):

- a. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 25 feet from the front property line.
- b. Bulk storage of flammable liquids shall be underground.
- c. The entrance and exit of any such establishment shall be at least 50 feet from any residential lot.
- d. No storage or stockpiling of tires or any trash shall be permitted.
- e. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- f. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
- g. No fuel pumps, structures or buildings shall be erected within 150 feet of any dwelling.
- h. Notice and posting of property within the CMU and CG districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

5. Automotive Repair and Service

Subject to the following conditions, an automotive body shop shall be a Special Exception with Conditions (SC) in the CMU and GC districts:

- a. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or a residential zoning district.

- b. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
- c. There shall be no bulk storage of flammable liquids on the premises.
- d. No storage or stockpiling of tires or trash shall be permitted.

6. Small-Scale Manufacturing and Assembly

Subject to the following conditions, small-scale manufacturing and assembly uses shall be Permitted Use with Conditions in the CMU districts (C):

- a. Minimum lot area shall be 10,000 square feet and minimum lot width shall be 150 feet.
- b. All manufacturing and assembly shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured or sold on the premises may be stored in the open only if screened from the street by landscaping, fences, or walls.
- c. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any dwelling.
- d. No parking or storage of material or products shall be permitted in the required front yard.
- e. Notice and posting of property within the CMU districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

7. Warehouse Medium

Subject to the following conditions, warehouse medium uses shall be Permitted Use with Conditions in the CMU district (C):

- a. Minimum lot area shall be 25,000 square feet and minimum lot width shall be 200 feet.
- b. Rooftop and exposed mechanical electrical equipment shall be screened from view. Screening shall be architecturally integrated with buildings.
- c. Building orientation: buildings and their main entrances shall face the front yard.
- d. This use shall not be visible from roads shown within the City's Comprehensive Plan's Conceptual Circulation Plan (pg. 91) and shall be inclusive of the entire length of Crusader Road and Meteor Avenue. (US 50, Dorchester Avenue, Cedar Street, Washington Street, Crusader Road, Woods Road, Roslyn Avenue, Rambler Road and Meteor Avenue.)
- e. The Planning Commission may also include the criteria listed below in their review process:
 - i. The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal.
 - ii. Large disparities between the height, width, and length of a building shall be avoided.
 - iii. Large blank walls shall be avoided. Buildings shall be designed to support a human-scale environment with architectural elements that creates visual interest and eliminates blank walls.
 - iv. All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.
 - v. Large buildings shall be designed to promote a pattern of closely spaced buildings with multiple entrances.
 - vi. Enhanced landscaping to soften the building's mass.
- f. Notice and posting of property within the CMU districts.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

8. Temporary or seasonal activities or development

Subject to the following conditions, temporary or seasonal activities uses shall be Special Exception with Conditions (SC) in any zoning district:

- a. All applications shall be submitted in writing by the owner of the real property on which the activity is to be located and by the operator of the proposed activity if it is not to be operated by the owner of the real property. The owner's name, home address, business address, telephone number (including cell number) and email address shall be included on all applications.
- b. The application shall contain: the specific location of the commercial activity, a site plan which clearly identifies the location of all structures, parking, access to and from streets and roads, distances between from permanent buildings and structures existing on site, a photograph of the proposed site, the hours of operation and days of the week during which the activity will be open, a detailed sketch plan of the proposed structure(s), including building materials, colors, size and dimensions, a list of the types of specific products to be sold at the site, and specific dates on which the seasonal/temporary activity shall begin and end during the year.
- c. All Special Exceptions for temporary and/or seasonal commercial activities shall not be issued for a period of more than a year. If the seasonal/temporary activity is proposed for consecutive years, then another application shall be submitted by the applicant(s) for each year and subject to staff review pending no complaints have been filed against this use. The Board of Appeals shall review the use after every five (5) year interval.
- d. Factors to be considered in approving or rejecting an application include, but not limited to: whether the structure will be in keeping in character of the neighborhood, the effect of the activity on traffic, parking and noise, the materials used for part or all of the structures shall comply with the City's building code or are of such a character as to not create a safety hazard, the comments of the Planning Commission; the comments, if any, of the City's Traffic and Safety Committee; the comments, if any of the City Police Department.
- e. Any and all structures shall be constructed in a good workmanlike manner, and shall provide for a means of securing the site when not in use. No wire fencing or temporary framing shall be permitted. Carts and other kiosks which are well maintained and which can be secured when not in use are encouraged.

- f. The applicant shall comply with all requirements as set forth in this section of the City's Unified Development Code.

9. Pub with Associated Microbrewery and/or Distillery

Subject to the following conditions, a pub with an associated microbrewery and/or distillery shall be permitted as a Conditional Use (C) in the General Commercial and Corridor Mixed-Use Zoning Districts:

- a. The microbrewery/distillery shall be built and/or operated in such a manner to be compatible with adjacent uses.
- b. All production shall be conducted in a completely enclosed building with no outside storage.
- c. While the facility may have some odors associated with the production of alcoholic beverages, they shall not be overwhelming or noxious as determined by the Zoning Official.
- d. Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and/or the Planning Commission.
- e. Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.

10. 10. Auctions (General Commercial Zoning District)

Subject to the following conditions, auctions shall be a Permitted Use with Conditions (C) in the General Commercial district:

- a. Auctions shall be determined to be compatible with the surrounding land uses by the Zoning Official and/or the Planning Commission.
- b. Auctions shall not be located within one thousand five hundred (1,500) feet of a similar use.
- c. Auctions shall be primarily accessed from an arterial road:
- d. Auctions shall not be located in a primarily residential neighborhood.
- e. Auctions shall not negatively affect the neighborhood by additional traffic.
- f. All parking shall be located on site.
- g. Loading and unloading shall be located in the rear of the building and shall not be visible from any public right-of-way or entrance to the commercial center.
- h. Hours of operation shall be from 9 a.m. to 10 p.m.
- i. Notice and posting of property.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred 200 feet of the applicant's

property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

11. Auctions (Industrial Zoning District)

Subject to the following conditions, auctions shall be a Permitted Use with Conditions (C) in the Industrial district:

- a. Auctions shall be determined to be compatible with the surrounding land uses by the Zoning Official and or the Planning Commission.
- b. Auctions shall not be located within one thousand five hundred (1,500) feet of a similar use.
- c. Auctions shall not negatively affect the neighborhood by additional traffic.
- d. All parking shall be located on site.
- e. Loading and unloading shall be located in the rear of the building and shall not face a residential neighborhood.
- f. Hours of operation shall be from 9 mm. to 10 p.m.
- g. Notice and posting of property.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

12. Mobile Food Establishments

Subject to the following conditions, Mobile Food Establishments shall be a Permitted Use with Conditions (C) in all districts

- a. Mobile Food Establishments may only be located and operated on private property with the property owner's written consent and may only be located and operated on City-owned property with the City Council's written consent.
- b. Mobile Food Establishments may only be located and operated in the public ways to the extent permitted under Chapter 11 of the City Code; provided, however, that no Mobile Food Establishment may remain parked in the same location on any public way for more than three (3) consecutive hours notwithstanding any provision in Chapter 11 of the City Code to the contrary unless servicing a private event, in which case it must be removed from the subject premises no later than one (1) hour after the event has concluded.
- c. Mobile Food Establishments shall be located and operated appropriately and unobtrusively. Mobile Food Establishments located and operating on public property have no exclusive right to any particular location; however, the City may provide designated parking areas for Mobile Food Establishments in City parks.
- d. Mobile Food Establishments shall not be located within one hundred fifty (150) feet of a permanent structure occupied by a restaurant.
- e. Vending shall not take place from any Mobile Food Establishment to an individual while he/she is standing in a street, road, highway, or other public thoroughfare unless such street, road, highway, or other public thoroughfare has been closed to traffic in accordance with a special event or street closure permit.
- f. No signage shall be displayed on any Mobile Food Establishment other than that displaying a menu or otherwise imprinted on the vehicle. Signage shall comply with the sign regulations set forth in § 6.5 of this Code; provided, however, that the following signage shall be prohibited despite any language therein to the contrary:
 - i. Advertisements for other businesses;
 - ii. Use of "A frame" or remote signs;
 - iii. Attached balloons or windblown signs; or

- iv. Animated or electronic signs.
- g. Mobile Food Establishments shall comply in all respects with Chapter 8 (Health and Sanitation) of the City Code, including but not limited to those provisions therein relating to noise and nuisances. Portable receptacles for the disposal of waste and other litter shall be provided by the Mobile Food Establishment vendor for the use of the vendor's customers, and all such waste and other litter shall be properly removed and disposed of by the vendor.
- h. City Hall shall issue a permit for a Mobile Food Establishment, which shall be valid for one (1) year, upon:
 - i. Written approval from the Zoning Official that the use complies in all respects with this section and from the Dorchester County Health Department that the use complies in all respects with applicable State and County laws and regulations;
 - ii. Payment of the permit fee, the amount of which shall be established and amended from time to time by resolution of the City Council; and
 - iii. Written authorization from the property owner upon whose property the Mobile Food Establishment is to be located, if applicable.
- i. A violation of any provision of the foregoing provisions relating to Mobile Food Establishments shall be subject to the penalties set forth in § 2.5.2(A) and (B) of this Code. Additionally, the Zoning Official shall have the right to revoke a Mobile Food Establishment permit in accordance with § 2.5.2(C) of this Code.

13. Restaurants (Industrial Zoning District)

Subject to the following conditions, restaurants shall be a Permitted Use with Conditions (C) in the Industrial Zoning District.

- a. The proposed restaurant use shall be located in an area of the Industrial Zoning District suitable for or characterized by less intense industrial uses.
- b. The proposed restaurant use shall be reviewed by the Planning Commission to ensure compatibility with surrounding uses.
- c. The Planning Commission may impose additional conditions on the restaurant use as it deems appropriate and necessary to ensure public safety, air quality, and harmony of uses.

C. Institutional Uses

1. Day Care Center (between 9 to 16 clients)

Subject to the following conditions, Day Care Center shall be a Special Exception with Conditions (SC) in the R district.

- a. At least 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.
- b. The use shall be located and arranged so as to permit the safe pickup and delivery of all clients on this site.
- c. 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.
- d. The use shall have obtained all required State permits. Approval is subject to all building code requirements for safety and health having been met.

D. Miscellaneous Uses

1. Public Utility Buildings and Public Utility Structures with Towers or Antennas

Subject to the following conditions, Public Utility Buildings and Public Utility Structures with Towers or Antennas, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts) shall be a Special Exception with Conditions (SC) in the zoning districts as referenced in Table 1:

- a. The proposed building or structure at the location selected is necessary for public convenience and service.
- b. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties.
- c. Public utility buildings in any predominately residential area shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Planning Commission.
- d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height above the then existing height.
- e. Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support, or housing of switching equipment,

regulators, stationary transformers, and other such devices for supplying electric service; telephone offices; railroad, bus, trolley, air, and boat passenger stations; radio or television transmitter towers and stations.

- f. In any residential area, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where:
 - i. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the Comprehensive Plan or portion thereof; and
 - ii. The proposed use will not adversely affect the health and safety of the residents or workers in the area; and
 - iii. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.
- g. In making such findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:
 - i. Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
 - ii. Proximity of the line to schools, churches, theaters, clubs, museums, fairgrounds, or other places of assembly, existing or proposed;
 - iii. The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, existing or proposed;
 - iv. Any fire hazard or interference with firefighting equipment due to the location and construction of the proposed line;
 - v. Proximity of the line to public parks and recreational areas, existing or proposed;
 - vi. Effect upon property values of those who will not be compensated for a taking under the laws of the State;
 - vii. The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and greenbelt areas surrounding community development; and
 - viii. Proximity of the line to historic sites and structures.

2. Temporary Structures Incidental to Construction

Subject to the following conditions, Temporary Structures Incidental to Construction shall be Permitted Use with Conditions in all districts (C):

- a. That it is removed when construction is finished.
- b. That the structure remains for only a period of one year with extensions totaling one year permitted upon application to and approval of the Zoning Official.
- c. Notice and posting of property.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

3. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor

Subject to the following conditions, occasional outdoor festivals or special events including, but not limited to, horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., shall be Permitted Use with Conditions in all districts (C):

- a. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
- b. No temporary sanitary facility or trash receptacle shall be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
- c. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
- d. Non-recurring festivals or events shall not exceed seven (7) days in any 12 consecutive months.

- e. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 pm.
- f. In cases where it is deemed necessary, the Mayor and City Council may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.
- g. The permit applicant requests the City to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
- h. Notice and posting of property.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - ii. Written notice shall be sent to the Planning Commission.
 - iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

4. Christmas Tree Sales

Subject to the following conditions, Christmas Tree Sales shall be a Permitted Use with Conditions (C) in the R district:

- a. The lot shall not be in a residential use;
- b. Adequate area is provided for off-street parking, loading, and unloading.
- c. Notice and posting of property within the R district.
 - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's

property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.

5. Medical Cannabis Grow Facility Permitted Use with Conditions in the Industrial Zone District

The facility shall:

- a. Not be located within one-thousand (1,000) feet of a school.

6. Medical Cannabis Processing Facility Permitted Use with Conditions in the Industrial Zone District

The facility shall:

- a. Not be located within one-thousand (1,000) feet of a school.

7. Medical Cannabis Dispensing Facility Permitted Use with Conditions in the CMU and Industrial Zone Districts

The facility shall:

- a. Not be located within one-thousand (1,000) of a school or drug rehabilitation center.
- b. Not be located within 2,500 feet of another dispensing facility.

8. Medical Cannabis Grow/Processing Facility Permitted Use with Conditions in the Industrial Zone District

The facility shall:

- a. Not be located within 1,000 feet of a school.

9. Medical Cannabis Independent Testing Laboratory Permitted Use with Conditions in the CMU and Industrial Zone Districts

The facility shall:

- a. Not be located within one-thousand (1,000) of a school.

10. Solar Energy Systems

- a. Zoning Districts

- i. Small-Scale Solar Energy Systems shall be permitted throughout the City.
- ii. Medium and Large-Scale Solar Energy Systems shall be permitted by Special Exception (SE) in the Resource Conservation Zoning District and subject to the acreage limitation in Subsection (c) herein.
- iii. Community Solar Energy Systems shall be permitted by Special Exception (SE) in all Zoning Districts except the Resource Conservation Zoning District, in which they are not permitted, and subject to the acreage limitation in Subsection (c) herein.

b. Critical Area

Medium, Large, and Community Solar Energy Systems shall conform to the State's Critical Area requirements.

c. Acreage Limitations

No more than a total of three hundred fifty (350) acres shall be approved for Medium, Large, or Community Solar Energy Systems within the incorporated limits of the City of Cambridge. The calculation of acreage for the Solar Energy Systems subject to this limitation shall include the panels, any accessory buildings, and the seventy-five (75) foot buffer area. This limitation shall not include off-site facilities required for the connection or transmission of the electricity to the grid.

d. Procedure

- i. Small-Scale Solar Energy Systems require a building permit and, if ground mounted and visible from a City right-of-way, a landscaping and screening plan.
- ii. Medium and Large-Scale Solar Energy Systems require a Category 1 Site Plan, Special Exception, building permit, a landscaping and screening plan, and a decommissioning plan.
- iii. Community Solar Energy Systems require a Category 1 Site Plan, Special Exception, building permit, a landscaping and screening plan, and a decommissioning plan. As part of the Special Exception process, the applicant may request an exemption from the acreage limitation set forth in Subsection (c) herein. As used throughout § 4.2.3(D)(5) of this Ordinance, the term "applicant" shall mean and refer to the applicant for City approval of a Solar Energy System hereunder, as well as the owner of the Solar Energy System, the operator of the Solar Energy System, and the owner of the property or properties upon which the Solar Energy System is located, if any such person(s) is not the person applying for approval.
- iv. Documentation of the site's soil composition is required for ground mounted projects.
- v. Other site-specific approvals from appropriate federal, State, or local authorities, such as nontidal wetland permits, forest

conservation plans, forest preservation plans, and habitat protection plans are also required, as applicable.

e. Siting Requirements

- i. Rooftop Small-Scale Solar Energy Systems shall not extend more than ten (10) feet above the surface of the roof. Visual analysis and approval shall be required, including but not limited to building sections and site distance evaluations. The total height of the building or structure, including the solar collection devices, shall comply with the height regulations established in this Ordinance.
- ii. Ground-mounted Solar Energy Systems shall not exceed sixteen (16) feet in height.
- iii. Small-Scale Solar Energy Systems in residential districts shall be located in a side or rear yard to the extent practicable.
- iv. Solar Energy Systems shall be located in such a manner to minimize adverse impacts to view sheds of historic sites and scenic corridors.
- v. Solar Energy Systems shall not be located on the State's scenic byways or on mostly wooded lots.
- vi. Projects that result in significant loss of prime agricultural land or undue impacts to forests, wetlands, other natural resources, or environmentally sensitive areas are strongly discouraged.
- vii. All projects within the City's Historic Preservation District are subject to review and approval by the Historic Preservation Commission.

f. Aviation Analysis

If a Solar Energy System is proposed to be located within two (2) miles of an airport perimeter, the applicant must complete a glare analysis and Notice of Proposed Construction or Alteration (Form FAA 7460-1) and submit the same to the City prior to approval.

g. Visual Impact Analysis

An analysis of potential visual impacts to adjacent properties resulting from the project, including solar panels, roads, accessory structures, and fencing, along with a discussion of measures to avoid, minimize, or mitigate such impacts shall be required. A plan shall be submitted for review and approval, showing vegetative screening or buffering of the Solar Energy System to mitigate any adverse visual impacts.

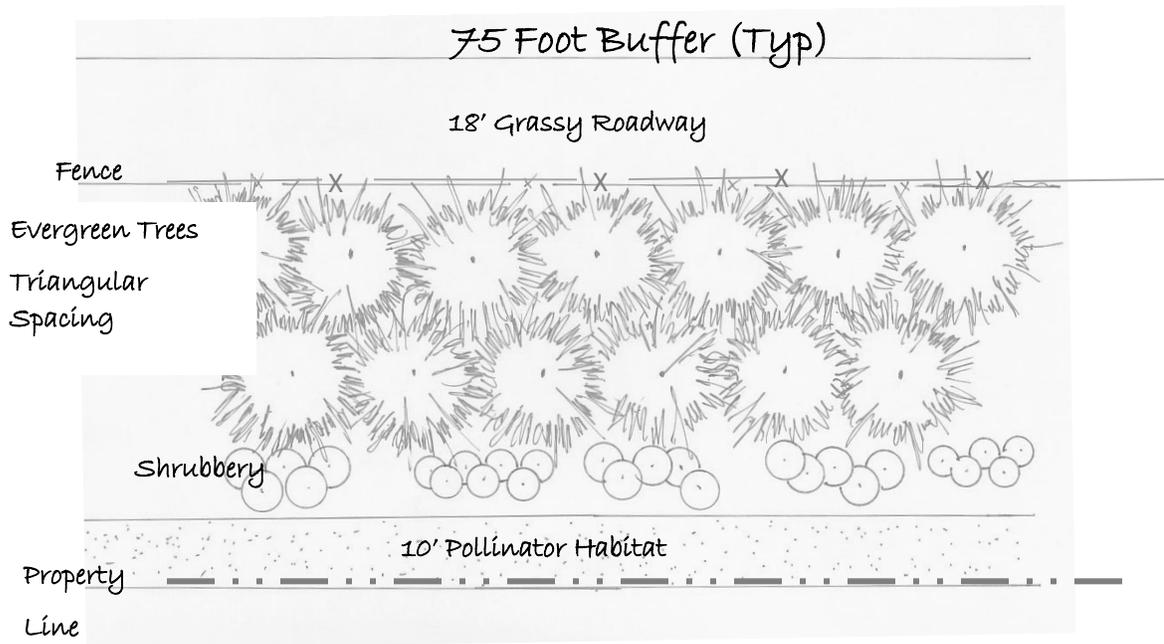
h. Screening

- i. Small-Scale and Community Solar Energy Systems shall be screened so as to be shielded from public view to the maximum extent practicable. Ground-mounted Solar Energy Systems shall require a landscape screening plan for review and approval by the Zoning

Official, and such screening shall be maintained in good health throughout the existence of the Solar Energy System.

- ii. Medium and Large-Scale Solar Energy Systems shall be screened from all City rights-of-way and from adjoining properties with vegetation. The vegetative screen may consist of existing vegetation as determined by the City. A landscape plan, prepared by a third party licensed landscape architect and paid for by the applicant, shall be submitted for review and approval by the City as part of the application process. The plan set shall show and identify all existing vegetation to remain or proposed to be removed, pending City approval. Any trees with a six (6) inch or greater caliper to be removed shall be shown on the plan set, along with a mitigation plan for their removal with a two (2) for one (1) tree replacement ratio with a minimum caliper of three (3) inches, measured at the DBH (diameter at breast height, or four and a half (4 .5) feet above the ground). The landscape plan shall include:

1. A minimum of a seventy-five (75) foot buffer with two (2) staggered rows of six (6) foot tall native evergreen trees located on a three (3) foot average undulating, naturalized berm. Evergreen tree species shall be a varied mixture of compatible types. The trees shall be planted using triangular spacing and attain an eight (8) foot height in two (2) years. Actual spacing of the trees will be dependent on species selection. The buffer shall include evergreen shrubs and a ten (10) foot-wide flowering ground cover/pollinator habitat area with the remaining area planted in native, warm season, low growing grasses/clovers. The Planning Commission and/or the Board of Appeals may remove or modify the berm requirement on a case by case basis.



2. All plantings, excluding trees, shall benefit pollinators. The screen plantings, the flowering ground covers, and warm season, low growing grasses and clovers shall be considered “beneficial habitat.”
 3. Seed mixture shall be reviewed and approved by the City in conjunction with State agencies.
 4. Flowering ground cover shall have a minimum of ten (10) plant species with a minimum of two (2) flowering seasons in addition to spring.
 5. In addition to the evergreen trees, cluster plantings of seven (7) to nine (9) native deciduous trees randomly planted to break up the evergreen screen shall be planted with spacing of fifty (50) to seventy-five (75) feet between clusters.
 6. A minimum of sixty (60) percent of the site shall consist of flowering ground cover/pollinator habitat for the panel area, with the remaining portion of the site seeded with native, warm season, low growing grasses/clovers that benefit pollinators.
- iii. The applicant shall be responsible for maintaining all required screening and “beneficial habitat” for the life of the Solar Energy System, and the applicant shall replace or repair the same immediately to preserve the required screening and habitat, to the satisfaction of the Zoning Official.
 - iv. Screening shall minimize glare on all City rights-of-way and adjacent properties.
 - v. The fencing for the project shall be no less than six (6) feet nor more than eight (8) feet tall and shall have no barbed wire.

- vi. The applicant shall provide a detailed establishment, maintenance, and monitoring plan for the vegetation. These plans shall include best management practices (BMP) and schedules of inspections.
 - 1. *All mowing shall be done in compliance with the vegetation plan required in this subsection.*
 - 2. Invasive species shall be removed annually either by herbicide or manually.
- vii. If complaints regarding glare/reflection are received by the applicant and/or the City, within two (2) years of installation, these complaints shall be addressed/mitigated by the applicant to the City's satisfaction, and a written solution shall be submitted to the City for review and approval.
- viii. Medium and Large-Scale Solar Energy Systems shall require a performance bond of one hundred twenty-five (125) percent of the landscape's installed value. The bond shall be held by the City for a period of three (3) years, at which time which the City shall inspect the vegetative buffer to ensure its viability and require replacement of dead or dying material. Upon inspection and replacement of the planting material, the bond will be reduced to twenty-five (25) percent of the initial bond and held by the City for an additional three (3) years to ensure proper maintenance of the planting material. The City reserves the right to inspect and require replacement of plant material for the duration of the life of the Solar Energy System.

i. Setbacks

- i. Small-Scale Solar Energy Systems shall comply with required accessory structure setbacks for the parcel size in the zoning district where the project is located.
- ii. Medium and Large-Scale and Community Solar Energy Systems shall be set back seventy-five (75) feet from residentially zoned property lines and seventy-five (75) feet from all other property lines. The setback applicable to residentially zoned properties may be increased by the Planning Commission or the Board of Appeals, in their sole discretion and for good cause shown, up to two hundred (200) feet. Setbacks shall be measured from the nearest solar array and/or structure within the Solar Energy System, excluding security fencing, screening, access roads, or berms.
- iii. Notwithstanding the provisions of Sections 6.1.2, 6.1.3 and 6.1.4 of this Ordinance and without a variance or buffer modification, solar panels mounted at least twenty-four (24) inches above existing grade and related rack and pile systems, fencing, landscaping, and access paths shall be subject to a twenty-five (25) foot setback from perennial and intermittent streams, nontidal wetlands, and features for which buffers are expanded under subsections (B) thereof,

provided that the ground surface of or under such components is established in natural vegetation. Additionally, within Solar Energy System sites, access paths, culverts, and roads may cross and/or be constructed within twenty-five (25) feet of perennial or intermittent streams or nontidal wetlands, provided that such crossings minimize impacts to such features and are authorized by all applicable State and federal agencies.

j. Lighting

If lighting is required, it shall be activated by motion sensors and shall be fully shielded and downcast to prevent the light from shining onto adjacent parcels or into the night sky.

k. Abandonment or useful life of the SES

- i. Medium and Large-Scale and Community Solar Energy Systems that cease to produce electricity for six (6) months shall be presumed abandoned. The applicant may overcome this presumption by presenting substantial evidence, satisfactory to the Zoning Official, that cessation of the use occurred from causes beyond the applicant's reasonable control, that there is no intent to abandon the Solar Energy System, and that resumption of use of the existing Solar Energy System is reasonably practicable.
- ii. If the Solar Energy System has been destroyed or substantially damaged and shall not be repaired or replaced, or repair or replacement has not commenced with due diligence, the City may direct the applicant to begin the decommissioning process within sixty (60) days of the date of the incident that rendered the Solar Energy System unserviceable.
- iii. The applicant shall provide to the City an annual report regarding the Solar Energy System's power production.
- iv. Following project abandonment (as defined above), the applicant shall remove the Solar Energy System and restore the site in accordance with the approved decommissioning plan. The failure of the applicant to remove the Solar Energy System and restore the site in compliance with the approved decommissioning plan, shall entitle and authorize the City, without further notice, to abate the violation and thereby remove the Solar Energy System and restore the site, the costs for which restoration shall constitute a lien on the property to the extent not covered by the bond requirement for decommissioning. Said lien shall be collected in the same manner as delinquent real property taxes.

l. Decommissioning Plan

A decommissioning plan prepared by a licensed third party shall be required. The applicant shall be responsible for the implementation of the decommissioning plan, which shall include:

- i. At least ninety (90) days prior to the start of construction, the applicant shall submit a decommissioning plan to the City for review and approval. The decommissioning plan shall describe the responsible party(ies), timeframes, and estimated costs for decommissioning, dismantling, and lawful disposal of all components, including cables, wiring, and foundations below ground surface. The plan shall address site conditions after decommissioning, including stabilization, grading, and seeding of all disturbed areas. The plan shall maximize the extent of component recycling and reuse, where practicable, and ensure all materials are handled in accordance with applicable federal, State, County, and local requirements. The applicant shall not begin construction of the Solar Energy System until the City has approved the plan.
- ii. The expiration date of the contract, lease, easement, or other agreement for installation and maintenance of the Solar Energy System and shall provide for the removal of the Solar Energy System within one hundred twenty (120) days following abandonment thereof to the satisfaction of the Zoning Official.
- iii. A requirement that the operator and property owner provide written notice to the City whenever a Solar Energy System is out of active production for more than six (6) months.
- iv. Removal of all above and underground equipment, structures, fencing, and foundations. Subject to (vi) below, all components shall be completely removed from the subject parcel upon decommissioning.
- v. Removal of substations, overhead poles, and above-ground electric lines located on-site or within a public right-of-way that are not usable by any other public or private utility.
- vi. Removal of lot coverage and access roads associated with the Solar Energy System, subject to the approval of the applicant (to include the property owner, if other than the applicant) and City staff.
- vii. Re-grading and, if required, placement of like-kind topsoil after removal of all structures and equipment.
- viii. Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area or evidence of an approved nutrient management plan.
- ix. A recordable covenant executed by the applicant (to include the property owner, if other than the applicant) to reclaim the site in accordance with the decommissioning plan and associated approvals upon cessation of the use.
- x. A provision requiring City approval of the decommissioning and reclamation of the site, subject to consultation with and approval

from the appropriate State agencies having authority, such as the Maryland Department of the Environment and the Public Service Commission.

- xi. The applicant shall demonstrate that the removal of the Solar Energy System has minimal impacts to the Dorchester County Landfill and its materials are repurposed/recycled to the greatest extent possible.
- xii. The decommissioning plan shall be updated and resubmitted to the City for review and approval every five (5) years.
- xiii. The applicant for a Medium or Large-Scale or Community Solar Energy System shall provide security in the form of a bond, surety, letter of credit, lien instrument, or other financial assurance by a financial institution, or other alternative security in a form and amount acceptable to the City to secure payment of one hundred twenty-five (125) percent of the anticipated cost of removal of all equipment, structures, and fencing, above or below ground level, and any accessory structures, as well as restoration of the site, and otherwise in accordance with the requirements of this section, subject to the following:
 - 1. The bond shall exclude all the salvage value of the improvements.
 - 2. The security shall be provided prior to issuance of a building permit and shall be renewed so as to remain in full force and effect while the Solar Energy System remains in place.
 - 3. The security shall require the obligor and the applicant (to include the property owner, if other than the applicant) to provide at least ninety (90) days' prior written notice to the City of its expiration or nonrenewal. The Zoning Official may adjust the amount of the security as reasonably necessary from time to time to insure the amount is adequate to cover the cost of decommissioning, removal, and restoration of the site.
 - 4. The security shall ensure that decommissioning costs are not borne by the State, County, and/or the City at the end of the useful life of the Solar Energy System or in the event of its abandonment. The security is subject to the approval of the City, and evaluation thereof shall include the credit-worthiness and financial capabilities of the obligor(s).

11. Bingo

Subject to the following conditions, bingo shall be a Permitted Use with Conditions in the General Commercial district:

- a. An organization desiring to conduct bingo within the corporate limits of the City must first obtain an annual license issued by City Hall.

- b. An applicant seeking to obtain or renew an annual bingo license shall provide the following documentation:
 - i. An IRS determination letter or other similar documentation that it is a bona fide nonprofit organization;
 - ii. A valid bingo license issued by the Clerk of the Circuit Court for Dorchester County pursuant to Md. Code Ann., Criminal Law § 13-1203, as amended from time to time;
 - iii. Financial statements (e.g. .. IRS Form 990) verifying that the funds raised by the conducting of bingo have been used exclusively for charitable, athletic, or educational purposes consistent with the organization's bingo license issued by the Clerk of the Circuit Court, or, in the case of an organization which has not previously conducted bingo, a statement that the funds to be raised will be used exclusively for such purposes;
 - iv. A list of all individuals conducting or assisting in the conducting of bingo and certification that each such individual is a member of the organization and did not receive, or will not receive, in the case of an organization which has not previously conducted bingo, any compensation or award for conducting or assisting in the conducting of bingo; and
 - v. Other documentation verifying that the organization is otherwise in compliance with Titles 12 and 13 of the Criminal Law Article of the Maryland Annotated Code applicable to Dorchester County, as amended from time to time.
- c. The premises upon which bingo is to be conducted is subject to a determination by the Zoning Official and/or the Planning Commission as to its compatibility with surrounding land uses, as set forth herein.
- d. No premises upon which bingo is to be conducted shall be located within one thousand five hundred (1,500) feet of another such premises.

12. Small Wireless Facilities.

Subject to the following conditions, small wireless facilities shall be a Special Exception with Conditions in all Districts:

- a. An applicant desiring to install a small wireless facility in, upon, or over private property shall provide the following information:
 - i. A technical description of the small wireless facility and support structure along with detailed diagrams accurately depicting all components and equipment;

- ii. A detailed description of the design, location, and installation timeframe for the small wireless facility and any support structure;
 - iii. An engineering certification;
 - iv. A statement describing the applicant's intentions with respect to collocation if applicable, with collocation being preferred and more favorably viewed;
 - v. A statement demonstrating the applicant's ability to comply with all applicable safety standards;
 - vi. If the applicant is not the owner of the subject property, an executed attachment
 - vii. agreement with the property owner;
 - viii. A decommissioning plan; and
 - ix. Such other information as the Planning Commission and/or Board of Appeals may require.
- b. All small wireless facilities shall be located, designed, and operated in accordance with all applicable local, State, and federal laws and regulations and to minimize visual impact on surrounding properties to the maximum extent practicable and shall otherwise comply with such requirements and conditions as the Planning Commission and/or Board of Appeals may deem appropriate to impose.
 - c. Small wireless facilities shall not be located in an area where there is an overconcentration of small wireless facilities.
 - d. The location selected and the scale and appearance of the small wireless facility shall be consistent with the general character of the neighborhood.
 - e. Small wireless facilities located in a residential zoning district shall not generate any noise.
 - f. If located in the Historic District, the small wireless facility shall be subject to Historic Preservation Commission review and approval.
 - g. Support structures shall comply with the building setback provisions of the applicable zoning district. In addition, the minimum setback distance from the ground base of any new support structure to any property line, sidewalk, street, or public recreational area shall be the height of the support structure, including any antennae or other appurtenances. This setback is considered a "fall zone."
 - h. The height of any new support structure, including any antennae or other appurtenances, shall not exceed the average height of the existing street light poles or utility poles within the area extending five hundred (500) feet in any direction from the proposed support structures.

- i. A small wireless facility and/or support structure shall be lighted only if required by the Federal Aviation Administration. Lighting of equipment shelters and other facilities on site shall be shielded from other properties.
- j. If metal, the support structure must be treated or painted with non-reflective paint and in a way to conform to or blend in with the surroundings.
- k. The small wireless facility and support structure shall be used continuously for wireless communications. In the event the small wireless facility and support structure cease to be so used for a period of six (6) months., the Board of Appeals may revoke any Special Exception approval granted pursuant to this section. The individual or entity to whom such approval has been granted shall be responsible for removing the small wireless facility and any support structure within forty-five (45) days following such revocation. Any portion of the small wireless facility and/or support structure which has not been removed within forty-five (45) days following such revocation shall be considered abandoned and may be removed and disposed of by the City, with all such costs to be the sole responsibility of the individual or entity to whom the special exception was granted.
- l. In addition to the other criteria required for special exceptions, the Planning Commission shall not provide a favorable recommendation for, and the Board of Appeals shall not approve, an application for a small wireless facility when, in its sole judgment, sufficient capacity no longer exists for additional small wireless facilities to be placed in the proposed location without jeopardizing the physical integrity of other small wireless facilities. support structures. or other utilities already present in the proposed location.

13. Medical Cannabis Processing Facilities for Consumer Package Goods

Permitted Use with Conditions in the General Commercial Zoning District

- a. Any new facility shall come to the Planning Commission for review and approval.
- b. Any new facility shall be located within very close proximity of the US Route 50 corridor, limited to the properties zoned General Commercial shown below.
- c. The Planning Commission may impose additional conditions on the facility as part of their review process.
- d. The number of these facilities shall not exceed the number of Medical Cannabis Grow Facilities within the City.

§ 4.2.4 Special Regulations on Temporal Housing

All types of temporal housing as defined in Article 9 of this Ordinance may only be permitted by special exception and shall adhere to the following additional standards:

- A. Concentration is discouraged: Because of the transitory nature of temporal housing, the clustering and concentration of temporal housing within 1,000 feet shall be discouraged so as to disallow locating two or more establishments within the same block.
- B. Legal nonconforming temporal housing: As to legal nonconforming temporal housing, which exists as of the effective date of this Ordinance, all such uses shall be exempt from obtaining a special exception for their continued use, unless such use is expanded, but all such establishments shall comply with the annual registration and inspection requirements established by the City and with all other State regulations, permits and licenses.

§ 4.3 Overlay Districts

§ 4.3.1 Mixed Use Waterfront Overlay District - Purpose

The Mixed-Use Waterfront Overlay district is established to:

- A. Allow the development and improvement of waterfront parcels within the City that are of substantial citywide significance.
- B. Encourage flexibility in the land uses permitted and require that, where residential development is proposed, a substantial mix of non-residential uses also and concurrently be provided as the principal element of the development plan.
- C. Protect and enhance the underlying natural and recreational resource value of the land and open spaces and to create and guarantee the improvement of public spaces of citywide significance.
- D. Assure effective control over the phasing, location, type, and arrangement of uses appropriate to the Mixed-Use Waterfront Overlay District such that development and improvement of public open space(s) is part of the first phase of development.
- E. Cultivate a clear and consistent image for new development within the district.
- F. Bring about a general physical improvement of lands in the district through coordinated and comprehensive development.
- G. Promote the integration of new streets, circulation patterns, and recreational spaces into the City's existing settlement pattern.

- H. Ensure that any proposed waterfront development provides public access along the waterfront that is scaled to and appropriately sized in relation to the proposed structure(s) that may lie adjacent to such public access ways.
- I. Promote the public welfare and otherwise achieve the intent of this Ordinance.

§ 4.3.2 District Boundaries

The boundaries of the Mixed-Use Waterfront Overlay district are indicated on the Official Zoning Map.

§ 4.3.3 Application and Administration

- A. An owner or contract purchaser of the property in a Mixed-Use Waterfront Overlay District, seeking to develop a Mixed Use Waterfront project must file an application, on a form provided by the Zoning Official, which is necessary to permit the development of uses not permitted by right or special exception in the underlying district. The application shall include a Development Plan as described in § 4.3.4.
- B. The Planning Commission must grant approval of the application, including the Development Plan, before any development is permitted under the terms of this Section.
- C. Upon approval of Development Plan, the owner or contract purchaser shall follow the procedures set forth in Article 3 of this Ordinance for the review and approval of a subdivision plat and/or a Category 1 site plan.

§ 4.3.4 Development Plan

The application for mixed-use project shall include an overall Development Plan, drawn to an acceptable scale, which shall show:

- A. Existing topography and existing significant natural features.
- B. Proposed street, sidewalk, and overall circulation system and parking facilities including approximate location of points of ingress and egress to existing public streets and highways.
- C. All existing easements of any kind. If easements are to be granted, a separate and preliminary easement plat shall be provided.
- D. The number of construction phases proposed, if any, with the plan showing the approximate boundaries of each phase, and the proposed completion date of each phase.
- E. A tabulation of total number of acres in the project and the percentage thereof proposed to be devoted to the various dwelling types, commercial uses, other non-residential uses, off-street parking, streets, parks, and other reservations.
- F. Proposed buildings and structures with dimensions, setbacks and heights designated including floor areas of all non-residential buildings and the proposed use of each.
- G. Approximate location and size of recreational areas and other open spaces and proposed reservations for parks, recreational facilities and/or open spaces.

- H. Existing vegetation, proposed removal of vegetation, proposed replacement of vegetation and monuments.
- I. Proposed lot layout.
- J. Architectural elevations in color including at least one presentation board of no smaller than twenty-four (24) inches by thirty-six (36) inches.
- K. Residential densities and use types for each residential area and overall tract density.
- L. A statement describing the proposed stormwater management, water supply and sewerage disposal facilities and systems.
- M. A statement of the method intended to be used to assure that a consistent and compatible image for new development will be developed within the district, including architectural design, signage, and typical sections for streets and sidewalks.
- N. A statement of the method intended to be used to assure perpetual maintenance to be applied to those areas to be used for recreational or other common or quasi-public purposes.
- O. A statement demonstrating the market demand for the Project and projected time frame for build-out including a phasing plan if applicable.

§ 4.3.5 Permitted Uses, Special Exception Uses

- A. All uses permitted by in the Downtown Waterfront Development districts shall be permitted by right in a Mixed-Use Waterfront Overlay district, except as qualified in subsection E below and subject to the uses permitted in the particular subdistrict(s) as determined by the Planning Commission as set forth in § 4.3.6.
- B. All uses permitted by special exception in the Downtown Waterfront Development district(s), shall be permitted by special exception in a Mixed-Use Overlay District, except as qualified in subsection E below and subject to the uses permitted in the particular subdistrict(s) as determined by the Planning Commission as set forth in § 4.3.6.
- C. No building or use shall occupy a location other than indicated on the approved Development Plan.
- D. All changes in land use and use locations, or other material changes, shall require amendments to the Development Plan and the approval by the Planning Commission of such amendments as noted in § 4.3.7.
- E. The following uses shall be prohibited in a Mixed-Use Overlay Cistrict: services for animals or vehicles. drive-thru, institutional (excepting museums), industrial, interment, convenience, large scale medical or manufacturing. and power generating uses.

§ 4.3.6 Dimensional Requirements

- A. The dimensional and density and yard and bulk requirements applicable to the six (6) Downtown Waterfront Development district subdistricts (§ 4.4.5) as determined by the Planning Commission given the similarities of the proposed development to those subdistricts and any adopted guidelines shall govern development of a Mixed-Use

Waterfront Project except, where deviations are authorized or required by the Planning Commission.

§ 4.3.7 Procedures for Approval of Development Plan

- A. In reviewing the application, the Planning Commission shall consider the purposes of the Mixed-Use Waterfront Overlay district with a view toward achieving the maximum public benefit of development particularly as it relates to physical and visual access of the public to and along the waterfront. To this end the Commission shall consider the mix of land use activities, the location of buildings, parking areas, and other features with respect to the topography, views of and to the water, the efficiency, adequacy, and safety of the proposed layout of internal streets, sidewalks, bikeways; the adequacy and location of the publicly accessible open areas provided; the location and screening of parking lots, dumpsters, above grade utilities, loading areas: the consistency in building patterns, architectural styles, and signage; the compatibility of the Mixed-Use Waterfront Project with the City as a whole, the relationships between and compatibility among the different uses proposed and the means shown for buffering any incompatible uses from each other; the adequacy of documents concerning the ownership and maintenance of the common areas and open space lands; and such other matters as the Planning Commission may find have a material bearing upon the stated purposes of the Mixed-Use Waterfront Overlay district.
- B. If the Planning Commission finds that a proposed Development Plan meets the purposes and standards of these regulations, it shall approve the Development Plan. If the Planning Commission finds the Plan fails to meet the purposes and standards of these regulations it shall deny the Plan.
- C. After the Planning Commission has approved a Development Plan, application may be made for the approval of a subdivision plan for all or part of the area included in the Development Plan, subject to the requirements of City subdivision regulations set forth in this Ordinance, and/or application may be made for the approval of a Site Plan; also subject to the requirements of the Ordinance.
- D. Any departure from the proposed Development Plan without approval by the Planning Commission shall be cause for revocation of the approved Mixed-Use Waterfront Project application and any permits approved. Any material change proposed to an approved Development Plan shall be submitted for approval in accordance with this section. At minimum, material change shall include change in the following:

1. The proposed use of any portion of the land, including open space.
2. The configuration or layout of any public open spaces, access ways, and/or acreage along or adjacent to the water.
3. Residential density and use types (reductions in density of up to ten percent (10%) shall not be considered material).
4. Overall tract density types (reductions in density of up to then percent (10%) shall not be considered material).
5. Street or sidewalk layout and entrance locations (minor alignment changes shall not be considered material).
6. The use of buffering, screening, landscaping, and other means of separating different and incompatible land uses from each other (minor changes necessitated by detailed engineering considerations in site design shall not be considered material).
7. Overall architectural style and building patterns, and the layout of buildings on lots (minor changes necessitated by detailed engineering considerations in site design shall not be considered material).

§ 4.3.8 Neighborhood Conservation 3 (NC-3) Overlay – Purpose

- A. The NC-3 Overlay District is established to:
1. Allow the development and improvement of 201 Mill Street within the City’s NC – 3 District, containing 40,000 square feet, more or less, as depicted on the plan set reviewed and approved by Maryland Historical Trust, dated August 28, 2020, hereinafter referenced as the “Plan”;
 2. Allow the development of the existing historic school building and surrounding land to allow for eight (8) residential units, on-site parking and amenity space;
 3. Assure effective control over the phasing, location, type, and arrangement of uses appropriate to the NC-3 Overlay District such that development and improvement of usable open space(s) is part of the development;
 4. Cultivate a clear and consistent image for new development within the NC-3 Overlay District;
 5. Bring about a general physical improvement of lands in the NC-3 Overlay District through coordinated and comprehensive development; and
 6. Promote the public welfare and otherwise achieve the intent of this Ordinance.

- B. The NC-3 Overlay designation shall be valid for a period of two (2) years from the effective date of Ordinance No. 1179, upon which the designation shall expire if no development proposal has been approved by the Planning Commission. The Planning Commission may, in its sole discretion, extend this deadline for a development proposal that has been submitted but not approved by such date, upon good cause shown by the owner/applicant.

§ 4.3.9 District Boundaries

The boundaries of the NC-3 Overlay District are indicated on the Official Zoning Map.

§ 4.3.10 Application and Administration

- A. Permits for development shall not be issued until all final approvals have been obtained by the owner/applicant from all required City Boards and Commissions and relevant City departments/agencies and the Final Site Plan has been reviewed and approved by staff. Reviewing agencies include, but are not necessarily limited to, the Planning Commission, the Historic Preservation Commission, the Fire Department, and the Municipal Utilities Commission.
- B. Upon approval of the Preliminary Plan by the Planning Commission, the owner/applicant shall follow the procedures set forth in Article 3 of this Ordinance for the review and approval of a subdivision plat and a Category 1 Site Plan.

§ 4.3.11 Preliminary Plan

- A. Additional Construction Requirements:
 - 1. The owner/applicant shall apply for and receive building permits from the City within one (1) year after receiving all required City approvals. The City's final approving body shall either be the Planning Commission or the Historic Preservation Commission, depending on which agency is the last to issue its approval.
 - 2. Construction of the schoolhouse building shall commence within six (6) months after securing all required City permits. "Construction" includes substantive renovation to the school building, such as enclosing the structure, running of utilities, and interior framing. If the Building Official determines that construction has not commenced within the six (6)-month time frame, the owner/applicant shall appear before the Planning Commission and provide justification for the construction schedule/delay. If the Planning Commission determines that the delay is justified, then the Planning Commission can issue a one (1)-time extension

for such time as it deems appropriate, not to exceed one (1) year, after which all approvals will become null and void if the Building Official determines that construction has not commenced. If the Planning Commission determines that the delays are not justified, then the Planning Commission shall void all previous approvals.

3. The owner/applicant shall provide a detailed construction timetable for the schoolhouse building with specific timelines and deadlines. This timetable shall be updated from time to time to keep current with the project's progress.
- B. Any other requirements set forth in this Ordinance.

§ 4.3.12 Procedures for Approval of Preliminary Plan

- A. In reviewing the application, the Planning Commission shall consider the purposes of the NC-3 Overlay District with a view toward achieving the maximum public benefit of development. To this end, the Planning Commission shall consider the location of the building, parking areas, and other features with respect to the topography and the adequacy and location of the usable open space provided; the location and screening of parking lots, dumpsters, above grade utilities, and loading areas; the compatibility of the project with the neighborhood; and such other matters as the Planning Commission may find have a material bearing upon the stated purposes of the NC-3 Overlay District.
- B. The Planning Commission shall only approve a proposed Preliminary Plan if it finds that such Plan meets the purposes and standards of the NC-3 Overlay District set forth herein.
- C. Any departure from the proposed Preliminary Plan without approval by the Planning Commission shall be cause for revocation of the approved NC-3 Overlay District development application and any permits approved. Any material change proposed to an approved Preliminary Plan shall be submitted for approval in accordance with this section. If the change is minor, as determined by the Zoning Official, the change may be approved administratively.

§ 4.3.13 Permitted Uses

- A. The use of the NC-3 Overlay Zoning District shall be a Permitted Use with Conditions, the conditions of which shall be binding upon the owner/applicant and the owner/applicant's successors and assigns.
- B. As part of the Permitted Use with Conditions process, and for the purposes of assessing the owner/applicant's ability to successfully initiate and complete the project, the owner/applicant shall provide a detailed development pro forma to the Planning

Commission and documentation of the owner/applicant's financial ability to complete the project to the City Finance Director, the City Attorney, and the City Manager for their review and approval in conjunction with the development application. Such documentation of the owner/applicant's financial ability to complete the project shall be considered a confidential document and not available to the general public or any other City official; provided, however, that the City Finance Director, the City Attorney, or the City Manager may submit written approval of the same to the Planning Commission, which shall be available to the general public.

- C. If the owner/applicant has requested or received State historic tax credits for the renovation of the school building, a copy of such request or proof of such receipt, including any provision requiring rental units as a condition of the tax credits, shall be included in the Preliminary Plan application, and the owner/applicant shall promptly notify the Planning Commission of any updates. The owner/applicant shall also include in the Preliminary Plan application a conversion plan from rental units to owner-occupied units or a condominium regime upon the expiration of the tax credits.
- D. The proposed multi-family development shall:
 - 1. Have a residential density no greater than eight (8) units located in the historic schoolhouse building;
 - 2. Have a maximum building height of the existing schoolhouse building;
 - 3. Have a minimum of thirty percent (30%) of usable open space; and
 - 4. Have all required parking on site.
- E. Except as otherwise set forth in § 4.3.13(C), all units in the proposed multi-family development shall be owner occupied or part of a condominium regime for such development. A condominium regime for the proposed multi-family development may be established prior to the initial occupancy of the units but in no event later than six (6) months after the expiration, rejection, or withdrawal of any historic tax credits.
- F. No building or use shall occupy the location other than as indicated on the approved Preliminary Plan.
- G. All substantive changes, including, but not limited to, changes in land use and use locations or building materials, shall require amendments to the Preliminary Plan and are subject to review and approval by the Planning Commission as set forth in § 4.3.7(D) of this Ordinance.
- H. All development is subject to Historic Preservation Commission architectural review.

§ 4.4Downtown/Waterfront Development District

§ 4.4.1 Purpose and Applicability

A. Purpose

1. The purpose of the Downtown/Waterfront District regulations is to promote development and redevelopment and to promote compatibility in building form, a broad mixture of compatible land use types arranged in ways that foster efficient use of land, and a walkable community.

To achieve these purposes the district is divided into subdistricts. The subdistricts and their purposes are as follows:

- a. **Core (DW-CR):** This subdistrict is applied to the historic center of the City. The regulations are intended to protect and sustain the historic pattern of densely spaced buildings located close to the street with multiple floors housing commercial and civic activities and upper floor residential uses, and to promote development patterns that reinforce this pattern.
- b. **General (DW-GN):** This subdistrict is applied to areas beyond the Downtown Core where greater development density and a mix of uses are desirable. The regulations are intended to promote overall redevelopment at densities and in patterns that encourage walking and cycling.
- c. **Center (DW-CN):** The subdistrict is applied along Pine and Washington Streets. The regulations are intended to promote a neighborhood center of commercial activity, appropriately scaled to nearby residential areas.
- d. **Neighborhood (DW-N):** This subdistrict is applied to intact residential areas within the Downtown/Waterfront Development District. The regulations are intended to conserve residential patterns and promote infill development that is compatible in form with the residential patterns within these areas.
- e. **Gateway (DW-GT):** This subdistrict is applied to properties that front Maryland Avenue. The regulations are intended to protect the integrity of the historic built environment while allowing a mix of compatible land use activities.
- f. **Civic (DW-Civic):** This subdistrict is applied to key large properties in public use which are proposed to remain in public institutional, governmental, or recreational use.

B. Applicability

These provisions shall apply within the Downtown/Waterfront District shown on the official Zoning Map of Cambridge and, where applicable, the specific regulations of this Section shall apply within the separate subdistricts the boundaries of which are shown on the Official Zoning Map.

§ 4.4.2 Administration

- A. All procedures for the review and approval of all development projects in the D/W district including site plan and subdivision review shall be the same as for projects located elsewhere in the City.
- B. Where the D/W district boundaries overlap the Historic Area Overlay District boundaries, the Historic District regulations in § 4.4 shall take precedence.
- C. Within the Civic subdistrict the land uses permitted and the applicable development regulations shall be as set forth in this Ordinance for the Institutional District.

§ 4.4.3 Land Uses by Subdistrict

Table 2 lists the land uses and zoning subdistricts in which they are permitted. If a use is not listed or does not fall within any of the general use categories as determined by the Zoning Official, it is not a permitted use in any district. If a use is specifically listed in Table 2, it takes precedence over general use listings. The letters in Table 2 correspond to the following:

P: Permitted Use. Uses designated by the letter “P” shall be permitted subject to all applicable regulations.

C: Conditional Use. Uses designated by the letter “C” shall be permitted subject to certain conditions. The conditions are listed in § 4.3.4.

SE: Special Exception. The Board of Appeals in accordance with § 2.2.7 may authorize uses requiring a special exception designated by the letters “SE”.

SC: Special Exception with Conditions. Uses requiring a special exception designated with the letters “SC” may be authorized by the Board of Appeals in accordance with § 2.2.7 subject to certain conditions listed in § 4.3.4.

§ 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 Table 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

A. Accessory Dwelling Unit (ADU) to a Primary Residence

Subject to the following conditions, an ADU to a primary residence shall be a Special Exception Use with Conditions (SC) in the General, Center, Neighborhood and Gateway subdistricts:

1. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot or a corner commercial lot in the district where located or be at least 5,000 square feet in size, the only principal use on the lot at the time of application is a detached single-family dwelling or commercial use which has already been approved by the Board of Zoning Appeals, and which is already in

operation, and the existing dwelling unit is the principal residence of the applicant(s).

2. The owner of the property on which the ADU would be located shall reside in at least one of the dwelling units on the lot at all times.
3. An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than one thousand (1,000) square feet or less than three hundred (300) square feet or have more than two (2) bedrooms.
4. There shall be no more than one ADU permitted per existing single family dwelling.
5. If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view than the main entrance of the principal dwelling unit and the ADU's stairway may not be constructed on the front of the principal dwelling unit or any side visible from a public right-of-way.
6. At least one off-street parking space is required per ADU. The Board of Appeals may permit off-street parking in setback areas or through tandem parking if the off-street parking would not block access by emergency vehicles to the principal dwelling unit or ADU and it is permitted and occurs in the neighborhood.
7. If the Board of Appeals finds favorably, the approval shall be subject to the following requirements which shall be included as conditions of approval of the ADU and made part of the hearing record and statement of findings:
 - a. Within 30 days of securing approval for an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the City of Cambridge limiting the occupancy of either the principal dwelling unit or the ADU to the owner of the property. The owner shall provide proof that such a restriction has been recorded to the Board of Appeals prior to the City's issuance of an occupancy permit for the ADU.
 - b. The owner of the ADU shall, by the 15th day of every year, sign and file a written statement with the Zoning Official that the ADU remains in compliance with City Zoning. Failure to fulfill this requirement will be grounds for revocation of the Board of Appeals approval and prosecution for violation of the conditions of approval of the ADU and this Chapter.
8. A mobile home, manufactured home or camper may not be used as an ADU as provided under this Section.

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. 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.
2. Approval is subject to all building code requirements for safety and health having been met.
3. 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.
4. 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.
5. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) children permitted under paragraph d. above only if all of the following conditions are met:
 - a. The child is less than six (6) years old;
 - b. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
 - c. The child cannot be sent home immediately.
6. 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.
7. The applicant shall have 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. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.

8. 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.
9. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
10. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
11. The Day Care Home Use Permit shall be issued to the applicant at the property identified within the application and shall not be transferable to any subsequent resident or other location.
12. 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.
13. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
14. This use shall require a public meeting with all required advertisements and notifications.
15. The Planning Commission shall be the reviewing board.
16. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
17. The establishment, maintenance and operation of the day care home at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
18. The day care home at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes

already permitted, nor substantially diminish and impair property values within the neighborhood.

19. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
20. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
21. The day care home shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
22. The day care home shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
23. The proposed use at its proposed location conforms to the Comprehensive Plan.

C. Artisan Shop

Subject to the following conditions, an Artisan Shop shall be a Special Exception Use with Conditions (SC) in the Neighborhood subdistrict:

1. The total floor area devoted to the use does not exceed 600 square feet gross floor area except on a corner lot located at the intersection of public streets, the use shall not exceed 1,000 square feet gross floor area.
2. Not more than one person (employee) other than members of the family residing on the premises shall be engaged in such occupation.
3. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
4. No outside storage of equipment, materials, or items to be repaired or sold shall be permitted.
5. Where the use is to be operated within a house, there shall be no substantive change in the outside residential appearance of the building or premises, other than one sign. Residential appearance shall be maintained.
6. The Artisan Shop shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.

D. Offices and Shops for Professional and Business Services (See §P also)

Subject to the following conditions, Professional and Business Services shall be a Special Exception with Conditions (SC) in the Neighborhood subdistrict:

1. The total floor area devoted to such use does not exceed 1,500 square feet.
2. Where the use is to be operated within a new building, the architecture of the building shall have a residential appearance in substantial conformance with the character of the houses in the neighborhood.
3. Such Offices and Shops for Professional and Business Services shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.

E. Studios for Art, Music, Dance, and Similar

Subject to the following conditions, Studios for Art, Music, Dance, and Similar shall be a Special Exception with Conditions (SC) in the Neighborhood subdistrict:

1. The total floor area devoted to such use does not exceed 1,500 square feet.
2. Where the use is to be operated within a house, there shall be no substantive change in the outside residential appearance of the building or premises, other than one sign. Residential appearance shall be maintained.
3. Group or class sizes shall not exceed six persons.
4. The Board of Appeals may restrict the hours of operation.
5. Such Studios for Art, Music, Dance, and Similar shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.

F. Nursery for Plants, Greenhouses

Subject to the following conditions, Nursery for Plants, Greenhouses shall be a Special Exception with Conditions (SC) in the General subdistrict:

1. The use shall primarily be a retail establishment.
2. The outside storage of gravel, mulch, and related outdoor building materials shall not be permitted.
3. The Board of Appeals shall condition any approval on landscaping, screening, parking, and building setbacks standards which may be greater than otherwise set forth in this Ordinance that it deems appropriate to protect neighboring properties.

G. Contractor Shops (Plumbing, Construction, etc., Service and Repair)

Subject to the following conditions, Contractor Shops (Plumbing, Construction, etc., Service and Repair) uses shall be permitted in the General subdistrict as a Special Exception with Conditions (SC):

1. Minimum lot area shall be 10,000 square feet and minimum lot width shall be 150 feet.
2. All service or repair shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured or sold on the

premises may be stored in the open only if screened from the street and neighboring properties by landscaping, fences, or walls.

3. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any dwelling.
4. No parking or storage of material or products shall be permitted in the required front yard.

H. Temporary Structures Incidental to Construction

Subject to the conditions set forth in § 4.2.3(D)2, Temporary Structures Incidental to Construction shall be permitted in all districts as a Conditional Use (C):

1. That it is removed when construction is finished.
2. That the structure remains for only a period of one year with extensions totaling one year permitted upon application to and approval of the Zoning Official.

I. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor

Subject to the conditions set forth in § 4.2.3(D)3, occasional outdoor festivals or special events shall be permitted in all D/W subdistricts as a Conditional Use (C).

J. Temporary or seasonal activities or development

Subject to the conditions set forth in § 4.2.3(B)8, temporary or seasonal activities uses shall be a Special Exception with Conditions (SC) all D/W subdistricts.

K. Pub with Associated Microbrewery and Distillery

Subject to the following conditions, a pub with an associated microbrewery and distillery shall be permitted as a Conditional Use (C) in the Downtown/Waterfront Development Zoning District – Core Subdistrict:

1. The microbrewery/distillery shall be built and/or operated in such a manner to be compatible with adjacent uses.
2. All production shall be conducted in a completely enclosed building with no outside storage.
3. While the facility may have some odors associated with the production of alcoholic beverages, they shall not be overwhelming or noxious as determined by the Zoning Official.
4. Loading docks shall be screened to the maximum extent possible and to the satisfaction of the Zoning Official and/or the Planning Commission.
5. Parking for a distillery shall be reviewed by the Planning Commission and determined on a case by case basis, pending the information submitted in the application.

L. Solar Energy Systems

See the conditions and standards set forth in § 4.2.3(D)(5), incorporated below by reference as if fully set forth herein.

M. Beekeeping

Subject to the follow conditions, beekeeping shall be a Permitted Use with Conditions (C) in the Residential, Neighborhood Conservation, Resource Conservation, Open Space and Maritime Resort districts:

1. All apiaries shall be registered annually with the Maryland Department of Agriculture in accordance with applicable State laws and regulations.
2. Notice and posting of property.
 - a. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within two hundred (200) feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
 - b. Written notice shall be sent to the Planning Commission.
 - c. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
 - d. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if substantive concerns were raised regarding public health, safety and welfare.
3. In each instance in which any apiary is situated within fifteen (15) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier with a maximum height of six (6) feet consisting of a solid wall, vegetative screen and/or fence that is parallel to the property line and extends ten (10) feet beyond the apiary in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Flyways are not required if the property is zoned Resource Conservation and/or adjoining the apiary lot line is a vacant property.
4. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths or other water sources where they may come into contact with humans, birds or domestic pets.
5. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their

removal from the apiary, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

6. All colonies shall be maintained with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and nonswarming characteristics.
7. It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
 - a. One-quarter acre or less tract size — two (2) colonies;
 - b. More than one-quarter acre but less than one-half acre tract size — four (4) colonies;
 - c. More than one-half acre but less than one (1) acre tract size — six (6) colonies; and
 - d. One (1) acre or larger tract size — eight (8) colonies;
 - e. Regardless of tract size, where all colonies are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
 - f. Regardless of tract size, so long as all properties other than the tract upon which the apiary is situated, within a radius of at least two hundred (200) feet from any colony, remains undeveloped property, there shall be no limit to the number of colonies.
 - g. For every two (2) colonies authorized under subsection (g) herein, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one (1) standard nine and five-eighths inch depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date is acquired.
8. In apiaries, the beekeeper shall conspicuously post a sign setting forth his/her name, telephone number and registration yard marker. It is a defense against prosecution under this subsection that an apiary is kept upon the same tract upon which the owner resides.
9. Unless marked in accordance With subsection (h) herein, it shall be presumed for purposes of this article that the beekeeper is the owner of the tract upon which an apiary is situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the apiary upon the tract setting forth the

name, address and telephone number of the other person who is acting as the beekeeper.

10. Upon receipt of information that any apiary situated within the city is not being kept in compliance with this section, the Zoning Official shall initiate an investigation. If he/she finds grounds to believe that one or more violations have occurred, he/she will cause a written notice of a Planning Commission hearing to be issued to the beekeeper.

N. Mobile Food Establishments

Subject to the following conditions, Mobile Food Establishments shall be a Permitted Use with Conditions (C) in all subdistricts;

1. Mobile Food Establishments may only be located and operated on private property with the property owner's written consent and may only be located and operated on City-owned property with the City Council's written consent.
2. Mobile Food Establishments may only be located and operated in the public ways to the extent permitted under Chapter 11 of the City Code; provided, however, that no Mobile Food Establishment may remain parked in the same location on any public way for more than three (3) consecutive hours notwithstanding any provision in Chapter 11 of the City Code to the contrary unless servicing a private event, in which case it must be removed from the subject premises no later than one (1) hour after the event has concluded.
3. Mobile Food Establishments not located or operated in any public way shall be located and operated appropriately and unobtrusively. Mobile Food Establishments located and operating on public property have no exclusive right to any particular location; however, the City may provide designated parking areas for Mobile Food Establishments in City parks.
4. Mobile Food Establishments shall not be located within one hundred fifty (150) feet of a permanent structure occupied by a restaurant; provided, however, that in the Core and General subdistricts, Mobile Food Establishments may be:
 - a. Operated in an ancillary capacity to existing restaurants and retail food businesses if they are registered to the business and owner operating that restaurant or retail food business.
5. Vending shall not take place from any Mobile Food Establishment to an individual while he/she is standing in a street, road, highway, or other public thoroughfare unless such street, road, highway, or other public thoroughfare has been closed to traffic in accordance with a special event or street closure permit.

6. No signage shall be displayed on any Mobile Food Establishment other than that displaying a menu or otherwise imprinted on the vehicle. Signage shall comply with the sign regulations set forth in § 6.5 of this Code; provided, however, that the following signage shall be prohibited despite any language therein to the contrary:
 - a. Advertisements for other businesses;
 - b. Use of “A frame” or remote signs;
 - c. Attached balloons or windblown signs; or
 - d. Animated or electronic signs.
7. Mobile Food Establishments shall comply in all respects with Chapter 8 (Health and Sanitation) of the City Code, including but not limited to those provisions therein relating to noise and nuisances. Portable receptacles for the disposal of waste and other litter shall be provided by the Mobile Food Establishment vendor for the use of the vendor’s customers, and all such waste and other litter shall be properly removed and disposed of by the vendor.
8. City Hall shall issue a permit for a Mobile Food Establishment, which shall be valid for one (1) year, upon:
 - a. Written approval from the Zoning Official that the use complies in all respects with this section and from the Dorchester County Health Department that the use complies with applicable State and County laws and regulations;
 - b. Payment of the permit fee, the amount of which shall be established and amended from time to time by resolution of the City Council; and
 - c. Written authorization from the property owner upon whose property the Mobile Food Establishment is to be located, if applicable.
9. A violation of any provision of the foregoing provisions relating to Mobile Food Establishments shall be subject to the penalties set forth in § 2.5.2(A) and (B) of this Code. Additionally, the Zoning Official shall have the right to revoke a Mobile Food Establishment permit in accordance with § 2.5.2(C) of this Code.

O. Small Wireless Facilities.

Subject to the following conditions. small wireless facilities shall be a Special Exception with Conditions in all Subdistricts:

1. An applicant desiring to install a small wireless facility in, upon, or over private property shall provide the following information:
 - a. A technical description of the small wireless facility and support structure along with detailed diagrams accurately depicting all components and equipment;
 - b. A detailed description of the design, location, and installation timeframe for the small wireless facility and any support structure;
 - c. An engineering certification;
 - d. A statement describing the applicant's intentions with respect to collocation, if applicable, with collocation being preferred and more favorably viewed;
 - e. A statement demonstrating the applicant's ability to comply with all applicable safety standards;
 - f. If the applicant is not the owner of the subject property, an executed attachment agreement with the property owner;
 - g. A decommissioning plan; and
 - h. Such other information as the Planning Commission and/or Board of Appeals may require.
2. All small wireless facilities shall be located, designed, and operated in accordance with all applicable local, State, and federal laws and regulations and to minimize visual impact on surrounding properties to the maximum extent practicable and shall otherwise comply with such requirements and conditions as the Planning Commission and/or Board of Appeals may deem appropriate to impose.
3. Small wireless facilities shall not be located in an area where there is an overconcentration of small wireless facilities.
4. The location selected and the scale and appearance of the small wireless facility shall be consistent with the general character of the neighborhood.
5. Small wireless facilities located in a residential zoning district shall not generate any noise.
6. If located in the Historic District, the small wireless facility shall be subject to Historic Preservation Commission review and approval.
7. Support structures shall comply with the building setback provisions of the applicable zoning district. In addition, the minimum setback distance from the ground base of any new support structure to any property line, sidewalk, street,

or public recreational area shall be the height of the support structure, including any antennae or other appurtenances. This setback is considered a "fall zone."

8. The height of any new support structure, including any antennae or other appurtenances, shall not exceed the average height of the existing street light poles or utility poles within the area extending five hundred (500) feet in any direction from the proposed support structure.
9. A small wireless facility and/or support structure shall be lighted only if required by the Federal Aviation Administration. Lighting of equipment shelters and other facilities on site shall be shielded from other properties.
10. If metal, the support structure must be treated or painted with non-reflective paint and in a way to conform to or blend in with the surroundings.
11. The small wireless facility and support structure shall be used continuously for wireless communications. In the event the small wireless facility and support structure cease to be so used for a period of six (6) months, the Board of Appeals may revoke any Special Exception approval granted pursuant to this section. The individual or entity to whom such approval has been granted shall be responsible for removing the small wireless facility and any support structure within forty-five (45) days following such revocation. Any portion of the small wireless facility and/or support structure which has not been removed within forty-five (45) days following such revocation shall be considered abandoned and may be removed and disposed of by the City, with all such costs to be the sole responsibility of the individual or entity to whom the special exception was granted.
12. In addition to the other criteria required for special exceptions, the Planning Commission shall not provide a favorable recommendation for, and the Board of Appeals shall not approve, an application for a small wireless facility when, in its sole judgment, sufficient capacity no longer exists for additional small wireless facilities to be placed in the proposed location without jeopardizing the physical integrity of other small wireless facilities, support structures, or other utilities already present in the proposed location.

P. Professional Office

Subject to the following conditions, professional offices shall be a Special Exception with Conditions in the Neighborhood Subdistrict:

1. The property shall be managed by a qualified resident of Dorchester County. The property shall be properly maintained to the satisfaction of the Zoning Official.
2. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use.

3. The use is located on a street with width sufficient to allow on-street parking to accommodate the proposed use, provided that on-street parking is permitted in the vicinity of the proposed use.
4. Any new professional office shall be designed to appear as a residential building.
5. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
6. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.

Q. Storage

Subject to the following conditions, storage buildings shall be a Permitted Use with Conditions in all Subdistricts:

1. A storage building and its site layout are subject to Planning Commission review and approval. If the subject property is located in the Historic Area Overlay District, the storage building is also subject to architectural review by and approval from the Historic Preservation Commission.
2. A storage building shall not be permitted to front onto the City's key corridors. If the storage building is visible from such key corridors, additional screening may be required by the reviewing commission. As used herein, "key corridors" include High Street, Gay Street, Pine Street, Race Street, Academy Street, Byrn Street, Maryland Avenue, Market Street, Muir Street, Cemetery Avenue, Cedar Street, and Washington Street.
3. No storage buildings shall be permitted on any waterfront property.
4. A storage building shall architecturally comply with the Form Based Code or HPC Guidelines, as applicable.

§ 4.4.5 Development Standards

A. Application of Height Requirements Along the Edges of Districts

When a lot in the General subdistrict is adjacent to and has contiguous frontage on a street with a lot in the Neighborhood subdistrict or the NC-3 or NC-4 Districts, the

maximum height of a building or structure on the lot in the General subdistrict shall not exceed three (3) stories and 36 feet, except in the following situations:

1. When such building or structure is to be located at least 70 feet from the property line of the lot in the more restrictive district.
2. When the lot in the more restrictive district is in same ownership as the lot in the General district, is prevented from being developed through an appropriate recorded deed restriction and the new building will be at least 50 feet from any other lot in the more restrictive district.
3. When an existing building in the more restrictive district has a height of 35 feet or more.

B. Allowed Increase in Maximum Building Height

1. Purpose and Applicability: to promote greater flexibility with respect to achieving higher residential density in the General subdistrict of the Downtown Waterfront/Development District, promote a high quality of urban design and increased open space, and assure control of the location, type and arrangement of high-density residential, commercial, and mixed-use development.
2. Upon making each of the findings set forth in Subsection 3 below, the Planning Commission may approve a building height up to but not greater than 70 feet in the General subdistrict, notwithstanding the restrictions set forth in § 4.3.5 of this Ordinance.
3. Required Findings
 - a. The minimum development tract is 3 acres in size.
 - b. While they may be taller, proposed buildings relate harmoniously to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.
 - c. Building placement, color, size, light and landscaping are used to achieve compatibility with the local architectural motif and to the extent possible, to maintain vistas of the Choptank River, Cambridge Creek, landmarks, parks and landscaping.
 - d. Strong provision for walking and bicycling connections are made within and without the project as evidenced by the layout, design and surface treatments of streets, sidewalks, bike paths and the provision of amenities such as benches, street trees, lighting, way-finding signage, and the connection of internal sidewalks and/or bike paths to existing and proposed walkways or bike paths.
 - e. Open space shall be created in the development tract that is accessible and open to public use as evidenced by appropriate deed restrictions, easements, and/or property dedications.

- f. Nothing in this Section shall be deemed to allow uses that are not currently permitted within the underlying district and all provisions otherwise set forth in this chapter shall be met.

§ 4.5 Historic Area Overlay District

§ 4.5.1 Purpose and Applicability

A. Purpose of Regulations and District

1. It is the purpose of this Section to establish regulations and procedures necessary to preserve the historic structures and character of Cambridge.
2. The purposes of the Historic Area Overlay District are as follows:
 - a. To preserve structures, sites, and districts of historical, archeological, or architectural significance together with their appurtenances and environmental settings.
 - b. To safeguard the heritage of Cambridge by preserving the district therein which reflects elements of the City's cultural, social, economic, political, archeological, or architectural history; to stabilize and improve property values of such sites, structures, or districts in and around the historic district; to foster civic beauty; to strengthen the local economy; and to promote the use, preservation, and appreciation of the sites, structures, and districts for the education and welfare of the residents of the City of Cambridge, the County of Dorchester, the State of Maryland, and the United States of America.

B. Applicability

These provisions shall apply within the Historic Area Overlay District as is shown on the Official Zoning Map of Cambridge.

C. Historic Preservation Commission (HPC)

1. The establishment and proceedings of the Historic Preservation Commission shall be as provided for in § 2.1.4 of this Ordinance.
2. Within the Historic Area Overlay District, no permit for a project which requires site plan review as set forth in § 3.1 of this Ordinance may be granted until the Historic Preservation Commission has first acted thereon and submitted its decision to the required plan approving authority (the Zoning Official or Planning Commission). Only upon final site plan approval shall a permit be issued. It is the purpose of this section to establish and define procedures for designating or modifying boundaries of a historic district, or historic district overlay zone or for nomination of properties to the National Register of Historic Districts and Places.
 - a. The HPC may, after making full and proper study, recommend any area within the limits of the City for designation as a landmark, site, structure, or

district of historic, archeological, or architectural significance. The HPC may also recommend boundaries for such landmarks, sites, structures, or districts. The Mayor and City Commissioners shall approve, modify or disapprove the proposed designation.

- b. The City Commission of Cambridge may designate boundaries for landmarks, sites, structures, or districts of historic, archeological, or architectural significance following the procedure for the establishment or change in classification of zoning as set forth in Article 4. The City Commission of Cambridge may modify or amend the boundaries of the Historic District in the same manner in which the district boundaries were originally established.
- c. The HPC may designate the Maryland Historic Trust to make an analysis of and report recommending the preservation of sites, structures, or districts of historic, archeological, architectural, or cultural significance within the City of Cambridge. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

§ 4.5.2 HPC Certificate of Appropriateness Required

A. Application for Certificate of Appropriateness

1. Before the construction, alteration, reconstruction, moving, or demolition of a designated landmark, site or structure or site or structure within a designated district is undertaken, if an exterior change is involved that would affect the historic, archeological, or architectural significance of a designated landmark, site or structure within a designated district, any portion of which is visible or intended to be visible from a public way, the individual, firm, or corporation proposing to make the construction or change shall file an application for a Certificate of Appropriateness with the HPC for permission to construct, alter, reconstruct, move, or demolish the landmark, site, or structure.
2. Completed applications shall be referred to the HPC and either accepted or rejected by the Commission.
3. An application which is identical to a rejected application may not be resubmitted within a period of one year after the rejection.
4. An application shall include all plans for construction, erection, reconstruction, alteration, excavation and changes to the exterior of the building and its appurtenances and any material changes to the site.
5. Restrictions: a permit may not be granted for a change to a locally designated site, or structure, or to a site or structure located in a locally designated district, until the HPC has acted on the application in accordance with the following procedures.

B. Procedures

1. The applicant files an application for Certificate of Appropriateness with the appropriate Zoning Official.
2. Upon acceptance of a completed application, it shall be made part of the agenda for further review by the HPC. The agenda shall be approved by the Chairperson of the HPC.
3. The Zoning Official shall provide for public notification of the application and agenda in accordance with policies adopted by the City of Cambridge.
4. The HPC shall, within 45 days of its meeting to review the application, make its decision on the application, unless an extension of this 45-day period is agreed to mutually by the applicant and the HPC or the application is withdrawn. The HPC may recommend approval subject to such conditions as are necessary to ensure conformity with the provisions and purposes of this section.
5. For all applications, the HPC or authorized representative shall file a copy of its decision with the owner, applicant, Building Official, Zoning Official, and to other appropriate public boards or commissions if necessary. This filing shall include its certificate of appropriateness, conditions or modifications to the application or a rejection of the application along with all plans submitted to the HPC for review.

C. Application Review

1. In reviewing applications, the HPC shall use the adopted Guidelines and consider:
 - a. The historic, archeological, or architectural significance of the landmark, structure, or site and its relationship to the historic, archeological, or architectural significance of the surrounding area;
 - b. The relationship of the exterior architectural features of the landmark or structure to the remainder of the landmark or structure and to the surrounding area;
 - c. The general compatibility of the proposed exterior design, scale, proportion, arrangement, texture and materials proposed to be used;
 - d. The extent to which the building or structure would be harmonious with, or incongruous to, the environmental setting of the Historic District; and
 - e. Any other factors including aesthetic and environmental factors which the HPC deems pertinent.

D. Standards and Restrictions for Exercising Judgment

1. The HPC shall consider only the exterior features of a landmark or structure and shall not consider any interior arrangements.
2. The HPC shall be strict in its judgment of plans for those sites and structures determined by research deemed to be significant for historic, archeological, or architectural reasons.
3. The HPC may not strictly judge plans for a site or structure of little historic, archeological, or architectural significance or plans involving new construction,

unless such plans would seriously impair the historic, archeological, or architectural significance of the surrounding site or structures.

4. The HPC is not required to limit new construction, alteration, or repair to the architectural style of any one period.

E. Commission Decision

1. If the HPC fails to act on a completed application within 45 days after the date when the completed application was filed, the application shall be considered approved unless the applicant and the HPC agree to an extension of the 45-day period.
2. The applicant shall receive a written notification and findings of fact of the HPC's decision. In the event of a denial of a permit, reasons for such denial shall be included with the written notification.
3. In reviewing applications and filing its decisions, the HPC shall state in writing its findings of fact.

F. Applications for Structures of Unusual Importance

1. If an application is submitted for reconstruction or alteration affecting a site or the exterior appearance of a structure or for the moving or demolition of a structure, the preservation of which the HPC deems of unusual importance to the City or of unusual importance to the State or Nation, the HPC shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the site or structure. Unless the HPC is satisfied that the proposed construction, alteration, or reconstruction of the site or structure will not materially impair the historic, archeological, or architectural significance of the site or structure, the Commission shall reject the application, filing a copy of its rejection with the Department of Public Works or Building Inspector or other public bodies or parties as may be appropriate.
2. The HPC shall have 90 days after the date on which the HPC concludes that an economically feasible plan cannot be formulated under this section to negotiate with the owner and other parties to find a means of preserving the site or structure.
3. In the case of a site or structure deemed to be valuable for the historic, archaeological or architectural significance, the HPC may approve the proposed construction, reconstruction, or alteration, moving or demolition, if:
 - a. The structure is a deterrent to a major improvement program, which will be of substantial benefit to the City of Cambridge;
 - b. Retention of the site or structure would cause undue financial hardship to the owner; or
 - c. The retention of the structure would not be in the interest of a majority of persons in the community.

§ 4.5.3 Certificates of Approval, Modification, or Rejection

A. Certificate of Appropriateness to be Filed

The HPC shall file with the Building Inspector, Zoning Official or other public boards and commissions as may be required and necessary, a Certificate of Appropriateness certifying its approval, approval with conditions, modification, or written notice of rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed by the HPC. If such project requires site plan or other approval as provided for under this Ordinance, a Certificate of Appropriateness does not relieve an applicant from obtaining such plan approval from other boards or commissions or Zoning Official as may be required, prior to issuance of a building permit. Public boards or commissions, Zoning or Building officials, shall not act to approve or modify a project for which the HPC has filed a certificate of approval or of rejection.

B. No Work to Commence without Approval

The owner, lessee, or tenant of the property and premises shall not commence proposed work or change until and unless he/she has received a certificate of approval from HPC and any required approvals from Building or Zoning Officials, and other public boards or commissions. The Building Inspector may not issue a building permit for a change or construction submitted to the Commission for review until the Building Inspector has received the Certificate of Approval, Approval with Conditions, or modification from the HPC.

§ 4.5.4 Routine Maintenance – Work Under a Prior Permit

- A. Nothing in this Section shall be taken or construed to prevent routine maintenance or landscaping which will have no material effect on the historic, archeological, or architectural significance of a designated landmark, structure, or site.
- B. Nothing in this Section affects the right to complete any work covered by a permit or authorization issued prior to the effective date of adoption or amendment of this Ordinance, unless otherwise specified.

§ 4.5.5 Appeals

Any person aggrieved by a decision of the Historic Preservation Commission has the right of appeal in accordance with § 2.1.4F.

§ 4.5.6 Demolition by Neglect

- A. In the event of a case of demolition by neglect, the HPC may request the Zoning Official to notify, in writing, the property owner(s) of record, any person(s) having a right, title or interest therein, and the occupants or other person(s) responsible for the maintenance of the property, of the

deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct or prevent further deterioration.

- B. Prior to the issuance of a written notice, the HPC may request the Zoning Official to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports to correct or prevent further deterioration.
- C. The notice shall provide that corrective action shall commence within 30 days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title or interest therein, may, within ten days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HPC upon 30 days written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations, which the HPC determines may have an interest in the proceedings.
- D. If, after the public hearing, the HPC determines that the corrective actions remain necessary, the HPC may request the Zoning Official to issue a final notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the final notice within 30 days of receipt of the revised notice.
- E. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the final notice, within the time allotted, the HPC may request that the Zoning Official institute any of the remedies and penalties provided by law for said violations. The above procedures do not preclude the Zoning Official from pursuing other remedies independent of the HPC as may be required to remedy a zoning violation in the Historic Area Overlay District.

§ 4.5.7 Violations

Any person(s) who violate(s) the provisions of this section by willfully performing or allowing to be performed any work without first obtaining a certificate of appropriateness, failing to comply with any final notice issued pursuant to this section, or disregarding a decision by the HPC will be in violation of this section. A violation of this section shall be deemed a municipal infraction with penalties as stated in this Zoning Ordinance or by City Code. Each and every day that the violation continues shall be deemed a separate offense.

§ 4.5.8 Definitions

The following words have the following meanings for the purposes of interpreting and implementing § 2.1.4 and § 4.5 of this Ordinance.

Adaptive reuse – adapting an existing historic building for a new use while retaining its historic features.

Alteration – any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure any portion of which is visible

or intended to be visible from a public way, including, but not limited to, construction, reconstruction, moving, or demolition.

Appurtenances and environmental settings – all that space of ground and structures thereon which surrounds a designated site or structure and to which it relates physically and/or visually and shall include, but not be limited to, walkways and driveways (whether paved or not), trees, landscaping, pastures, croplands, waterways, open space, parks, public spaces, and rocks.

Certificate of appropriateness – a certificate issued by the Historic Preservation Commission indicating its approval of plans for construction, alteration, reconstruction, moving or demolition of an individually designated landmark, site or structure, or of site or structure within a designated historic district.

Demolition by neglect – any willful neglect in the maintenance and repair of an individually designated landmark, site or structure, or a site or structure within a designated historic district, not including any appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmarks, sites, or structures, and which results in any of the following conditions:

1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, so as to create or permit a hazardous or unsafe condition to exist; or
2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, windows, the lack of adequate waterproofing, or the deterioration of interior features which will or could result in permanent damage, injury or loss of or loss to foundations, exterior walls, roofs, chimneys, doors, or windows.

Exterior features – the architectural style, design and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all windows, doors, light fixtures, signs or other similar items found on or related to the exterior of an historic structure.

Historic area work permit or work authorization permit – a permit issued by the zoning official or staff of the department of public works upon receiving a certificate of appropriateness or administrative approval from or as may be authorized by the HPC for proposed work.

Historic district – a significant concentration, linkage or continuity of sites, structures, or objects united historically, architecturally, archaeologically, or culturally by plan or physical development. An historic district shall include all property within its boundaries as defined and designated by the Mayor and City Commissioners.

Landmark – any designated site or structure outside the boundaries of the historic district that is of exceptional historic, archeological, or architectural significance by itself and is worthy of rehabilitation, restoration, and preservation.

Reconstruction – the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

Restoration – the process of accurately recovering the form and details of a property as it appeared at a particular period of time by means of removal of later work and the replacement of missing original work.

Routine maintenance – work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archeological, or architectural significance of the historical site or structure.

Site – the location of an event of historic significance or a structure, whether standing or ruined, which possesses historic, archeological, or cultural significance.

Structure – a combination of material to form a construction that is stable; including among other things, buildings, stadiums, reviewing stands, platforms, staging’s, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way; the term “structure” shall be construed as if followed by the words, “or part thereof.” The term shall also include natural land formations, and appurtenances and environmental settings.

§ 4.5.9 Sales of Property in the Historic Area Overlay District

- A. Effective October 1, 2022, a seller of real property located in the Historic Area Overlay District shall provide written notice to the buyer(s) of such property as follows:

Seller Disclosure – This Property is located in the Cambridge Historic Area Overlay District (the “District”) and is subject to the provisions set forth in § 4.5 of the Cambridge Unified Development Code (the “UDC”), as amended from time to time.

Buyer Acknowledgement - The Buyer(s) acknowledge and understand that this Property is located in the District and is subject to the provisions set forth in § 4.5 of the UDC, including penalties for noncompliance therewith. The Buyer(s) further acknowledge and understand that they may visit the City’s website at www.choosecambridge.org and/or contact the Cambridge Historic District Commission at (410) 228-1955 to learn more about the various requirements that apply to this Property as well as properties located within the District generally.

- B. The written notice in Subsection (A) above shall be initialed by the seller(s) and the buyer(s).
- C. The failure to include the written notice in Subsection (A) above shall not excuse any buyer of real property in the District from complying with all requirements applicable to such properties.

§ 4.6 Floodplain Overlay District

§ 4.6.1 Purpose and Authority

- A. The purposes of this Part are to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and nature drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the State, and will prevent future displacement and suffering of its residents. This protection is achieved through the review of all activities proposed within identified flood plains and by the issuance of permits for those activities that comply with the objectives of this chapter.
- B. Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced.
- C. This Part provides a unified, comprehensive approach to floodplain management which addresses these natural floodplain functions and the Federal and State programs concerned with floodplain management. These programs are: the national Flood Insurance Program (44 CRF 59-79); the State's Waterway Construction Permit Program for nontidal floodplains; the State's Tidal and Nontidal Wetlands Permit Programs; the U.S. Army Corps of Engineers, Section 10 and 404 Permit Programs; and the State's Coastal Zone Management Program. Decisions to alter floodplains, especially floodways and stream channels, should be the result of careful planning processes, which evaluate resource conditions and human needs.

§ 4.6.2 Disclaimer of Liability

The degree of flood protection provided by this Part is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Floods of greater magnitude may occur or flood heights may be increased by man-made or natural causes. This Part does not imply that flooding will not occur outside of the delineated floodplain zone, nor that permitted development and land uses within the floodplain will be free of flooding and associated flood damage. This Part does not create liability on the part of the community, any officer, or employee thereof for any damage which may result from reliance on this Part.

§ 4.6.3 Applicability

- A. Any development within the floodplain zone of the City of Cambridge must obtain a permit. A permit shall not be issued nor a variance granted for any new development in the floodplain zone, except that existing buildings may be substantially improved, provided that:
1. The improvement is within the footprint of the existing building; and
 2. It complies with the design and elevation criteria of this Part.
- B. The regulatory floodplain shall be those areas of the City of Cambridge subject to the 100-year flood and delineated on the most recent revision of the Flood Insurance Rate Map and described in the Flood Insurance Study prepared by the Federal Emergency Management Agency. Without prior approval from FEMA, no other data will be used to enforce floodplain management regulations.

§ 4.6.4 Definitions for This Part Only

Accessory Structure – a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure (e.g., a shed or detached garage).

Base Flood – the 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in this Part.

Breakaway Wall – a wall that is not part of the structural support of a building and is intended to collapse under specific lateral loading forces without causing damage to the supporting foundation system of the building.

Certificate of Occupancy or Use – a permit to legally occupy or use a building for the intended purpose.

Development – any man-made change to improved or unimproved real estate, including, but not limited to buildings and other structures, dredging, fill grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials. Development includes subdivision of land.

Elevation Certificate – form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures above mean sea level (NGVD).

Flood – general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any source.

Flood Insurance Rate Map (FIRM) – map which depicts the minimum special flood hazard areas to be regulated by this Part (unless a Floodway Map is available).

Floodplain – that land typically adjacent to a body of water with ground surface elevations that are inundated by the base flood.

Floodproofing Certificate – form supplied by FEMA to certify that a building has been designed and constructed to be structurally dry floodproofed to the Flood Protection Elevation.

Flood Protection Elevation (FPE) – the elevation of the base flood plus two foot freeboard.

Floodway – the channel and adjacent land area required to discharge the waters of the 100-year flood of a watercourse without increasing the water surface elevations more than a specified height.

Floodway Map – map which depicts floodways and special flood hazard areas to be regulated by this Part.

Floodway Fringe – that portion of the floodplain outside the floodway.

Freeboard – an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence, or other unpredictable effects.

Historic Structure – a structure listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior, or preliminarily determined as meeting the requirements for such listing by the Maryland Historic Trust or the Secretary of the Interior, or determined as contributing to the historic significance of a historic district registered with the Secretary of the Interior.

Lowest Floor – the lowest floor of the lowest enclosed area, including basement. An unfinished enclosure constructed of flood resistant materials used solely for parking of vehicles, storage, or building access in an area other than a basement is not the lowest floor, as long as it is supplied with water equalizing vents.

Manufactured Home – a transportable structure which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

NGVD – National Geodetic Vertical Datum of 1929 elevation reference points set by the National Geodetic Survey based on mean sea level.

New Construction – a structure for which the start of construction commenced on or after the effective date of the adoption of a Floodplain Management Chapter, and includes any subsequent improvements.

One Hundred Year Frequency Flood – the Base Flood having a one chance in a hundred (one percent chance) of being equaled or exceeded in any year.

Permanent Construction – any structure occupying a site for more than 180 days per year.

Start of Construction – the date of issue of the building permit for any development, including new construction and substantial improvements under a valid building permit.

Structure – a walled and roofed building, including, but not limited to, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds.

Substantial Damage – a damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement – any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (less land value) either: (a) before the improvement or repair is started; or (b) if the structure has incurred substantial

damage and been restored, before the damage occurred. Substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences. The minimum repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures are not considered substantial improvements.

Temporary Structure – any structure completely removed within 180 days from issuance of the permit.

Variance – the grant of relief from a term or terms of this Part.

Wetland – any land which is: (a) considered private wetland or State wetland pursuant to Title 9, Wetland and Riparian Rights, Natural Resources Article, Annotated Code of Maryland; or (b) defined as wetland under the procedures described in the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” by the Federal Interagency Committee for Wetland Delineation, 1989, as amended.

§ 4.6.5 Development Standards

A. Residential Structures

1. All substantially improved residential structures shall have the lowest floor elevated to or above the Flood Protection Elevation. Basements are not permitted. The elevation of the lowest floor shall be certified by a registered surveyor or professional engineer in the Elevation Certificate, after the lowest floor is in place.
2. Enclosures below the Flood Protection Elevation must be constructed with water equalizing vents to meet the specifications of Section 216.
3. Improvements in tidal floodplains which are less than substantial shall be constructed to minimize damage during flooding and shall be elevated to the greatest extent possible.

B. Nonresidential Structures

1. All substantially improved nonresidential structures shall either be elevated as set forth above for residential structures or shall be floodproofed. State regulations do not allow basements or the floodproofing option for new nonresidential structures in nontidal floodplains.
2. Floodproofing designs must insure that areas below the Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
3. If the floodproofing option is chosen, a Floodproofing Certificate must be completed by a registered professional engineer or architect who shall review the

design and specifications and certify that the nonresidential structure will meet this standard.

C. Accessory Structures and Garages

1. A conditional permit may be issued at the discretion of the local permitting official when the 300 square foot exemption is exceeded for accessory structures up to a total size of 600 square feet. In order to qualify, the structure's use must be incidental to the primary structure, and it can be used only for limited storage and parking of vehicles.
2. A conditional permit is subject to the applicant's completion of a Non conversion Agreement stating that the use of the accessory structure may not change from that permitted and that it must be equipped with the proper water equalizing vents. A statement of the greater flood risk and possibly higher flood insurance premiums must be included. In addition, a recordation of the deed or Memorandum of Land Restriction must be made, stating that the permitted structure may not be used for human habitation without first complying with the construction requirements of this chapter.

D. Specific Requirements

In addition to the requirements outlined in the preceding subsections, the following specific requirements must be applied.

1. Placement of Buildings and Materials – In general, buildings and accessory structures should be located entirely out of the floodplain, out of the flood protection setback, or on land that is least susceptible to flooding. All structures permitted in the floodplain shall be oriented so as to offer the least resistance to the flow of floodwaters. Materials which are buoyant, flammable, explosive, hazardous to health, or which at times of flooding may be injurious to human, animal, or plant life, shall not be stored below the Flood Protection Elevation.
2. Enclosures Below Lowest Floor – Buildings which have been elevated and have fully enclosed areas below the Flood Protection Elevation (other than basements), as well as garages and accessory structures which are not elevated, shall be constructed with water equalizing vents which meet or exceed the following standards:
 - a. A minimum of two openings on different walls having a total area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters to equalize hydrostatic forces on the walls.
 - d. Fully enclosed areas below the Flood Protection Elevation shall be used solely for parking of vehicles, access to the building, or storage.

3. Anchoring – All structures shall be firmly anchored in accordance with acceptable engineering practices to prevent flotation, collapse, and lateral movement during flooding. All air ducts, large pipes, and storage tanks located below the Flood Protection Elevation shall be firmly anchored to resist flotation.

§ 4.6.6 Utilities

- A. Electric – All electric utilities to the building side of the meter, both interior and exterior to the building, are regulated by this Part. Distribution panel boxes must be at least 2 feet above the Flood Protection Elevation. All outlets and electrical installations, such as heat pumps, air conditioners, water heaters, furnaces, generators, distribution systems, must be installed at or above the Flood Protection Elevation.
- B. Plumbing – Toilets, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations must be installed at or above the Flood Protection Elevation.
- C. Gas – Gas meters, distribution lines, and gas appliances must be installed at or above the Flood Protection Elevation.
- D. Water Supply and Sanitary Facilities – Water supply distribution and sanitary disposal collection systems must be designed to minimize or eliminate the infiltration of flood waters into the systems or discharges from the systems into flood waters and shall be located and constructed so as to minimize or eliminate flood damage. On-site sewage disposal systems shall meet these same standards.

§ 4.6.7 Certification Required

- A. For residential and nonresidential structures built in the regulatory floodplain areas at or above the Flood Protection Elevation, the applicant must provide a FEMA elevation certification that the lowest floor of the structure has been built at or above the Flood Protection Elevation before the structure may be used or a certificate of occupancy issued. This certification shall be signed by a registered surveyor or engineer after a bench mark has been established on the building site.
- B. For nonresidential structures floodproofed below the Flood Protection Elevation, a registered professional engineer or architect shall certify on the official FEMA floodproofing certificate that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Failure of the applicant to provide the Department with the floodproofing certificate shall be grounds for revocation of the permit. A record of such certificates indicating the specific elevation in relation to mean sea level to which such structures are floodproofed shall be maintained by the Department of Public Works.
- C. For all new and replacement water supply systems, sanitary sewage systems and on-site waste disposal systems, an applicant shall meet requirements intended to assure minimization or elimination of impairment, contamination or infiltration into the systems and discharges from the systems during flooding.

§ 4.6.8 Variances Concerning this Section

A. General Provisions

1. The Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this chapter. Conditions may be attached to the variance action, and variance actions must be consistent with sound floodplain management. Variances may not be issued except as specified below, nor shall variances be issued for any encroachment in floodways if any increase in the 100-year flood levels will result.
2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant a variance would result in exceptional hardship (other than economic) to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and State laws or chapters.
3. The variance action shall be the minimum necessary, considering the flood hazard, to afford relief. In considering a variance action, comments from the State coordinating Office of the Water Resources Administration must be taken into account and maintained with the permit file.

B. Conditions of Variance Requests

1. Variances may not be granted for the following:
 - a. Placement of fill or any development in the floodway if any increase in flood levels would result;
 - b. Placement of fill in the coastal high hazard area for structural support; or
 - c. New buildings in the floodway.
2. For any variance issued, a letter shall be sent to the applicant indicating the terms and conditions of the variance, the increased risk to life and property in granting the variance, and the increased premium rates for National Flood Insurance coverage. The applicant shall be notified in writing of the requirement for recordation of these conditions on the deed or Memorandum of Land Restriction prior to obtaining a permit and of the need to secure all necessary permits as conditions for granting a variance. The Memorandum is described in Articles 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.
 - a. The local permitting official shall maintain a record of all variance actions and the justification for their issuance, as well as all correspondence. This record must be submitted as a part of the Biennial Report to FEMA, and be

available for periodic review. The number of variance actions should be kept to a minimum.

C. Functionally Dependent Uses

Variances may be issued for new construction and substantial improvements for the conduct of a functionally dependent use. A functionally dependent use cannot perform its intended purpose unless it is located or carried out in close proximity to water. It includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. The variance may be issued only upon sufficient proof of the functional dependence. The structure must be protected by methods that minimize flood damage up to the Flood Protection Elevation and must create no additional threats to public safety. This may require methods of “wet floodproofing” which allow the structure to flood without significant damage. Methods of floodproofing must not require human intervention.

Article 5

Dimensional Requirements and Standards for Lots

§ 5.1 Dimensional Requirements

§ 5.2 Architectural Design Requirements in the NC Districts

§ 5.3 Creation of Lots

§ 5.1 Dimensional Requirements

§ 5.1.1 Lot and Bulk Requirements

A. General

The Article establishes the size of lots, the density of land use development and the location, dimensional and bulk requirements of both principal and accessory buildings.

B. Purpose

The purposes are to ensure:

1. That the use of property does not infringe on the rights or enjoyment of adjacent property owners.
2. That new development is compatible with the existing patterns of development and that it is compact and pedestrian-scaled.
3. That there is adequate light and air for the health and safety of residents, business operators, and patrons.
4. That the environmental quality of the land and waterways is protected and that to the greatest extent practical impervious surfaces are minimized in all new construction.
5. That fire and rescue personnel and equipment will have sufficient access to the side and rear of structures.
6. The density and intensity of new development is in keeping with the planning and development of essential municipal facilities and services.
7. Developers and property owners have the flexibility needed to develop and/or redevelop properties in keeping with the purpose of the district.

C. Requirements by District

1. The lot dimensional, density, and bulk requirements set forth in Tables 3 and 4 shall apply to all new construction except as provided below.
 - a. Specific requirements for new construction in the Downtown/Waterfront Development District are as provided in § 4.4.5 of this Ordinance with the exception of minimum lots sizes found in Table 3.
 - b. Requirements for new construction in the NC-1, NC-2, NC-3, and NC-4 districts are set forth in Tables 5 and 6 of this Section.
2. Requirements for new construction in the Maritime Resort district (MR) shall be established through the site plan approval process and shall reasonably relate to any restrictions and standards established in any applicable approved PWRD plan.
3. Impervious surfaces (surfaces that do not absorb rain, including buildings, streets, non-pervious driveways, sidewalks, patios, parking areas, and any other surfaces that are paved or are otherwise impervious to water) shall be minimized to the maximum extent possible. Notwithstanding the impervious coverage requirements of Table 3, the City may condition site plan approval upon the substitution of pervious surfacing materials for proposed or existing impervious surfaces or may require that driveway and other proposed impervious surfaces be the smallest necessary to serve their intended function, or impose other comparable restrictions.

Table 3 Dimensional and Density Requirements

Zoning District	Lot Area		Lot Area Per Unit		Lot Width		Lot Depth		Maximum Residential Density Dwelling Units (Per Acre)
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	
Residential (R) District Lots *									
Residential Single-Family detached	7,500	10,000	7,500	10,000	50	80	125	190	5.8
Residential, single-family attached	2,000	--	2,500	--	20	--	90	115	8
Residential, duplex	12,500	14,500	6,250	7,250	50	80	125	190	7
Residential, multi-family	2 acres	5 acres	5,400	5,400	100	--	125	--	10
Zoning District	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Dwelling Units (Per Acre)

Civic, educational, cultural, religious	20,000	n/a	n/a	n/a	100	--	125	--	--
Institutions for care/treatment of persons	2 acres	n/a	n/a	n/a	200	--	125	--	n/a
Recreational (excluding parking lots)	2 acres	n/a	n/a	n/a	200	--	125	--	n/a
Institutional (I) Lots									
Civic, educational, cultural, religious	20,000	--	--	--	100	--	125	--	n/a
Institutions for care/treatment of persons	20,000	--	--	--	100	--	125	--	n/a
Recreational (excluding parking lots)	20,000	--	--	--	100	--	125	--	n/a
Other	20,000	--	--	--	100	--	125	--	n/a
Corridor Mixed Use (CMU) Lots									
Residential Single-Family detached	5,400	7,500	5,400	7,250	50	65	100	125	12
Residential, single-family attached	1,200	--	3,000	--	18	--	60	65	14
Residential, multi-family	20,000	5 acres	1,200	3,500	80	--	125	--	63
Civic, educational, cultural, religious	20,000	--	n/a	n/a	100	--	125	--	--
Institutions for care/treatment of persons	20,000	--	n/a	n/a	100	--	125	--	n/a
Recreational (excluding parking lots)	20,000	--	n/a	n/a	100	--	125	--	n/a
Commercial, other	5,000	--	n/a	n/a	n/a	n/a	n/a	n/a	--
Commercial (C) Lot									
Civic, educational, cultural, religious	20,000	--	n/a	--	--	--	125	--	n/a
Institutions for care/treatment of persons	20,000	--	n/a	--	100	--	125	--	n/a
Recreational (excluding parking lots)	20,000	--	n/a	--	100	--	125	--	n/a
Commercial, other	20,000	--	n/a	--	50	--	100	--	n/a
Downtown/Waterfront Development District									
Core	1,500	12,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a

General	2,500	52,500	n/a						
Center	2,500	7,500	n/a						
Neighborhood (S.F.)	1,750	n/a	n/a	n/a	25	n/a	70	n/a	n/a
Zoning District	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Dwelling Units (Per Acre)
Neighborhood (Duplex)	3,500	n/a	n/a	n/a	50	n/a	70	n/a	n/a
Gateway	3,500	10,500	n/a						
Civic	43,560	240,000	n/a						
Industrial (I) Lots									
Contractor yards, small-scale	5,000	--	n/a	n/a	50	--	100	--	n/a
Warehousing, salvage, manufacturing	40,000	--	n/a	n/a	100	--	100	--	n/a
Open Space (OS) Lots									
Agricultural, forestry, other	3 acres	--	n/a	n/a	--	--	--	--	n/a
Other	2 acres	--	n/a	n/a	200	--	--	--	n/a
Resource Conservation (RC) Lots									
Single-family detached	10 acres	--	10 acres	--	--	--	--	--	0.1
Other	5 acres	--	n/a	--	--	--	--	--	n/a
<p>* No lot in the Residential and DWDD Neighborhood Districts shall be created through the resubdivision of an existing lot that has a lot width and area less than 12 percent of the average of the existing lots on the same blockface.</p> <p>** Mixed use development, commercial apartments, condominiums, and live-work units within the 500 block of Race Street and within the Core Subdistrict shall be limited to a maximum of 12 units per 10,000 square feet of usable building floor area, excluding stairwells, mechanical spaces, basements, or similar. Additionally, all buildings on this block are in the Historic Overlay District and shall be limited to the historic building envelope on site.</p>									

Table 4 Yard and Bulk Requirements

Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft) 1	Side (ft) 2	Rear (ft)	Height 3 (ft)	Building Coverage 4 (%)	Impervious Surface Coverage (%)
Residential (R) District Lots 1						
Residential Single-Family detached	15 ft	8 ft	25 ft	33 ft	30%	35%
residential, single-family attached	12 ft	25 ft	50 ft	33 ft	45%	50%
residential, duplex	15 ft	8 ft	25 ft	33 ft	30%	35%
residential, multiple - Family	30 ft	25 ft	50 ft	35 ft	45%	50%
civic, educational, cultural, religious	30 ft	25 ft	30 ft	35 ft	45%	50%
institutions for care/ treatment of persons	30 ft	25 ft	50 ft	35 ft	20%	30%
recreational (excluding parking lots)	30 ft	50 ft	50 ft	35 ft	20%	30%
other	30 ft	25 ft	30 ft	35 ft	30%	35%
Institutional (I) Lots						
civic, educational, cultural, religious	30 ft	25 ft	30 ft	35 ft	45%	50%
institutions for care/ treatment of persons	30 ft	25 ft	30 ft	35 ft	45%	50%
recreational (excluding parking lots)	30 ft	25 ft	50 ft	35 ft	20%	30%
other	30 ft	25 ft	30 ft	35 ft	45%	50%
Corridor Mixed Use (CMU) Lots						
Residential Single-Family detached	15 ft	8 ft	25 ft	33 ft	30%	40%
residential, single-family attached	15 ft	8 ft	20 ft	33 ft	43%	45%

residential, multi-family	15 ft	8 ft	50 ft	50 ft	60%	65%
civic, educational, cultural, religious	15 ft	8 ft	30 ft	35 ft	45%	50%
Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft) 1	Side (ft) 2	Rear (ft)	Height 3 (ft)	Building Coverage 4 (%)	Impervious Surface Coverage (%)
institutions for care/treatment of persons	15 ft	8 ft	30 ft	35 ft	45%	50%
recreational (excluding parking lots)	15 ft	8 ft	50 ft	35 ft	20%	30%
commercial	15 ft	8 ft	25 ft	50 ft	65%	75%
Other	15 ft	8 ft	20 ft	35 ft	43%	45%
Commercial (C) Lot						
civic, educational, cultural, religious	15 ft	20 ft	20 ft	50 ft	50%	60%
institutions for care/treatment of persons	15 ft	25 ft	20 ft	50 ft	50%	60%
recreational (excluding parking lots)	15 ft	25 ft	20 ft	50 ft	50%	60%
commercial, all other	15 ft	8 ft	20 ft	50 ft	50%	60%
Industrial (I) Lots						
contractor yards, small-scale	30 ft	15 ft	50 ft*	35 ft	65%	75%
warehousing, salvage, manufacturing, industrial, other	50 ft*	50 ft*	50 ft*	50 ft*	65%	75%
Open Space (OS) Lots						
Agricultural, forestry, other	50 ft	50 ft	100 ft	35 ft	20%	30%
all other	50 ft	50 ft	100 ft	35 ft	20%	30%
Resource Conservation (RC) Lots						
residential, single-family detached	100 ft	50 ft	100 ft	35 ft	1%	2%
all other	100 ft	50 ft	100 ft	35 ft	1%	2%

- 1 Notwithstanding the requirements of this table, in all cases, the setback from the building to the property line along U.S. Route 50 shall be at least 50 feet.
2. For attached units, the entire structure shall be considered a single building with respect to side yard requirements.
3. For residential single-family structures with sloped roofs, the mean height of a sloped roof shall be no greater than 28 feet.
4. Accessory buildings shall be included in the calculations of maximum building coverage, with the exception of a shed up to 8' X 10' for existing single family residences, providing the shed meets all other provisions of the UDC including, but not limited to, critical areas and buffers. A shed may be located in the side yard of a corner lot as long as they are set back behind the primary residence and located no closer than six (6) feet from the side property line which contains the side facade of the residence and five (5) feet from the other property line that contains the rear façade of the residence.
- *5. Requires a 45° or 50° bulk angle pending the site's location.
- *6.All Industrial building designs shall conform to section 6.4.2. (B), and shall require landscaping within the required setback, regardless of where any parking lot is placed. No less than 50% of the landscaping shall be evergreen plantings.
- *7 Industrial lots setback shall be reduced to a 15-foot side yard and 30-foot rear yards when those property lines are abutting other Industrial Zoned property.

Table 5: Lot Dimensional Requirements: NC Districts

Zoning District	Lot Area Min.	Lot Area Per Unit Min.	Lot Width Min.	Lot Depth Min.
NC-1				
Single Family	10,000	10,000	90	70
Duplex	12,000	6,000	90	70
Corner Commercial, other	10,000	6,000	90	70
Civic, educational, cultural, religious	1 acre	--	180	70
Institutions for care/treatment of persons	2 acres	--	200	125
recreational (excluding public parks)	2 acres	--	200	125
NC-2				
Single Family	6,500	3500	60	90
Duplex	7,500	3750	60	90
Corner Commercial, other	6,500	3750	60	90
Civic, educational, cultural, religious	1 acre	--	120	90
Institutions for care/treatment of persons	2 acres	--	200	90
recreational (excluding public parks)	2 acres	--	200	90
NC-3				
Single Family	5,000	5,000	50	80
Duplex	6,000	3,000	50	80
Corner Commercial, other	5,000	3,000	50	80
Civic, educational, cultural, religious	1 acre	--	100	80
Institutions for care/treatment of persons	2 acres	--	200	90
recreational (excluding public parks)	2 acres	--	200	90
NC-4				
Single Family	3,500	3,500	40	75
Zoning District				

	Lot Area Min.	Lot Area Per Unit Min.	Lot Width Min.	Lot Depth Min.
NC-4				
Duplex	6,000	3,000	40	75
Corner Commercial, other	5,000	3,000	40	75
Civic, educational, cultural, religious	1 acre	--	100	75
Institutions for care/treatment of persons	2 acres	--	200	90
recreational (excluding public parks)	2 acres	--	200	90

Table 6: Yard and Bulk Requirements: NC Districts

Zoning District	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft)	Side (ft) 1	Rear (ft)	Height 3 (ft)	Building Coverage 2 (%)	Impervious Surface Coverage (%)
NC-1						
Single Family	25	6/16	25	35	30%	35%
Duplex	25	6/16	25	35	30%	35%
Corner Commercial, other	25	6/16	25	35	30%	40%
Civic, educational, cultural, religious	50	25	50	35	30%	50%
Institutions for care/treatment of persons	50	25	50	35	20%	40%
recreational (excluding public parks)	50	50	50	35	20%	30%
NC-2						
Single Family	10	6/16	25	33	30%	35%
Duplex	10	6/16	25	33	30%	35%
Corner Commercial, other	10	6/16	25	33	30%	45%
Civic, educational, cultural, religious	25	25	50	35	30%	50%
Institutions for care/treatment of persons	25	25	50	35	20%	40%
recreational (excluding public parks)	50	50	50	35	20%	30%
NC-3						
Single Family	10	8	25	28	35%	40%
Duplex	10	8	25	28	35%	40%
Corner Commercial, other	10	8	25	28	35%	40%
Civic, educational, cultural, religious	25	25	50	35	30%	50%
Institutions for care/treatment of persons	25	25	50	35	20%	40%
recreational (excluding public parks)	25	25	50	35	20%	30%
Zoning District						

	Minimum Yard Requirements			Maximum Bulk Standards		
	Front Min (ft)	Side (ft) 1	Rear (ft)	Height 3 (ft)	Building Coverage 2 (%)	Impervious Surface Coverage (%)
NC-4						
Single Family	8	5	25	28	45%	50%
Duplex	8	5	25	28	45%	50%
Corner Commercial, other	8	5	25	28	45%	50%
Civic, educational, cultural, religious	25	15	50	35	30%	50%
Institutions for care/treatment of persons	25	15	50	35	20%	40%
recreational (excluding public parks)	25	25	50	35	20%	30%
<p>1 the reference to '6/16 means that the minimum setback on one side shall be six feet and the sum of both sides combined shall be of at least 16 feet.</p> <p>2 Accessory buildings shall be included in the calculations of maximum building coverage, with the exception of a shed up to 8' X 10' for existing single family residences, providing the shed meets all other provisions of the UDC including, but not limited to, critical areas and buffers. A shed may be located in the side yard of a corner lot as long as they are set back behind the primary residence and located no closer than six (6) feet from the side property line which contains the side facade of the residence and five (5) feet from the other property line that contains the rear façade of the residence.</p>						

§ 5.1.2 Exceptions to Lot and Bulk Requirements

A. Exceptions by District

1. In the Residential district, the front setback shall not vary by more than ten (10) percent of the average of the existing setbacks for buildings on the same block face as the proposed building, except as provided in paragraph 3 of this section.
2. In the Corridor Mixed-Use and Commercial districts, where a side lot line of a commercial use coincides with a side lot line of another commercial use, the side lot line may be reduced to zero provided findings are established that access by emergency personnel to the site would be adequately provided for and that established fire rating standards are met.
3. For conforming uses of properties in Residential and NC districts, the Planning Commission may, but is not required to, approve the redevelopment of properties, including through the teardown and rebuilding of any structure, with quantitatively the same lot dimension and building bulk parameters that existed on the site prior to redevelopment or with standards that are in greater conformance with the dimensional requirements of Tables 3, 4, 5, or 6 as

applicable, provided such structure existed prior to the adoption of this Ordinance. The following procedures shall govern the review:

- a. The Planning Commission may approve a project under the terms of this provision only upon review of a Category 1 site plan and such approval shall not require a variance or administrative adjustment.
- b. The Planning Commission may approve a project under the terms of this provision whether or not the property is a nonconforming structure provided the redevelopment project would not result in the expansion of a nonconforming structure.
- c. The Planning Commission may establish conditions on its approval of any project approved under the terms of this provision to address any possible adverse effects of the site's adherence to any pre-existing dimension and bulk parameters.
- d. The Planning Commission may condition its approval on there being greater conformance to one or more of the dimensional or bulk requirements of this Ordinance.
- e. An applicant for such approval shall adhere to Historic District plan review procedures if the property is in a Historic District.

B. Allowable Extensions into Yard Areas

Extensions into Yard Area. The following features may extend into required minimum setback areas but only as qualified below:

1. Cornice, canopies, awnings, eaves, or other similar features which are at least eight feet above grade, may extend no more than four feet into any required yard in any district.
2. Chimneys may extend no more than two feet into any required side yard.
3. Any uncovered and completely unenclosed patio, terrace, or deck, or stairs with a floor no higher than that of the first floor level of the building may extend six feet into any required yard, but not nearer to any lot line than a distance of four feet.
4. In the Residential district, a covered porch may extend six feet into the front yard.

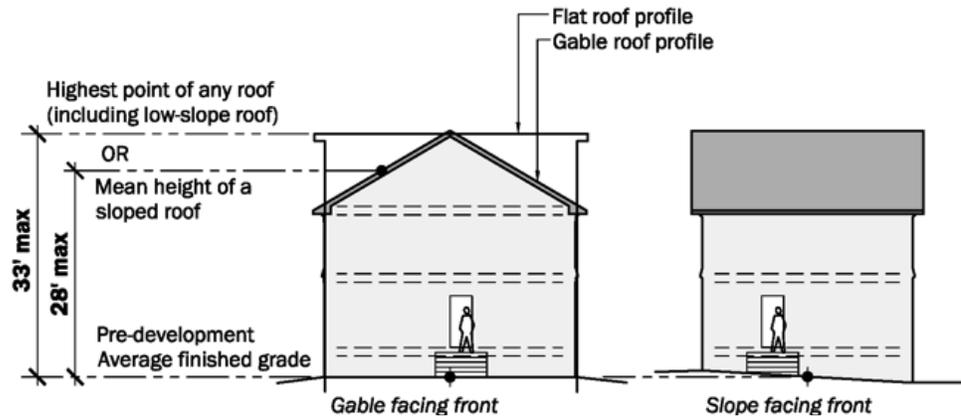
C. Height

1. The height limits of this Ordinance shall not apply to steeples, spires, belfries and cupolas not for human occupancy, water towers, equipment for the operation of a building, chimneys, flag poles, radio towers, masts, aerials and other similar structures. Antennas are allowed in all districts but shall not be higher above the

roof than the distance of the building to the nearest property line or prescribed boundary.

2. Building height shall be as defined in Article 9 of this Ordinance. Illustration 2 below shows the application of the height requirement in the R zone for single-family detached buildings per Table 3.

Illustration 2



A. Yards Adjoining More Restrictive District

The Planning Commission or Zoning Official may require that where a lot adjoins the side or rear yard of a lot in another zoning district, the side or rear yard in the district with the less restrictive yard requirements shall equal the adjoining side or rear yard of the district with the more restrictive yard requirements.

§ 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 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.

B. Height of Accessory Building or Structure

1. Except in the Industrial district, where the high point of the roof of any accessory building exceeds twelve (12) feet in height, the accessory building shall be set back from the rear lot line an additional two feet for every foot of height exceeding twelve (12) feet.
2. In all districts except the Industrial district, the maximum height of an accessory building shall be eighteen (18) feet. In the Industrial district the maximum allowed height shall be the maximum height of the principal structure on the lot.

C. Accessory Swimming Pools

Accessory swimming pools may occupy a required rear yard only, provided that they are not located closer than ten feet to the principal dwelling, side property line, rear property lot line, and any other accessory structure located on the premises.

1. A walk space at least three feet wide shall be provided between pool walls and protective fences or barrier walls.
2. Every in-ground swimming pool shall be protected by a safety fence or barrier wall which is at least four (4) feet in height and approved by the Zoning Official.
3. Every above-ground swimming pool which has the capacity for two (2) feet of water depth, but less than four (4) feet in height shall be protected by a safety fence or barrier wall which is at least four (4) feet in height and approved by the Zoning Official.
4. Every above-ground swimming pool which is greater than four (4) feet in height which provides unrestricted access to the pool via steps or unsecured ladder shall be protected by a fence or barrier wall at least four (4) feet in height and approved by the Zoning Official. If the ladder, steps or device can be adequately secured or locked so as to prevent access to the pool, then a fence or barrier wall shall not be required.

D. Building Permits Required

Any accessory building or square feet in size shall require a permit before placement.

E. General Requirements

1. When an accessory structure is attached to a principal structure it then becomes part of that structure and must comply with the setback requirements for a principal structure in that zoning district.
2. No accessory use or structure shall be permitted on a lot unless the principal use or structure previously exists or unless construction on the principal structure has started to the point of establishing the permanent foundation of said structure.

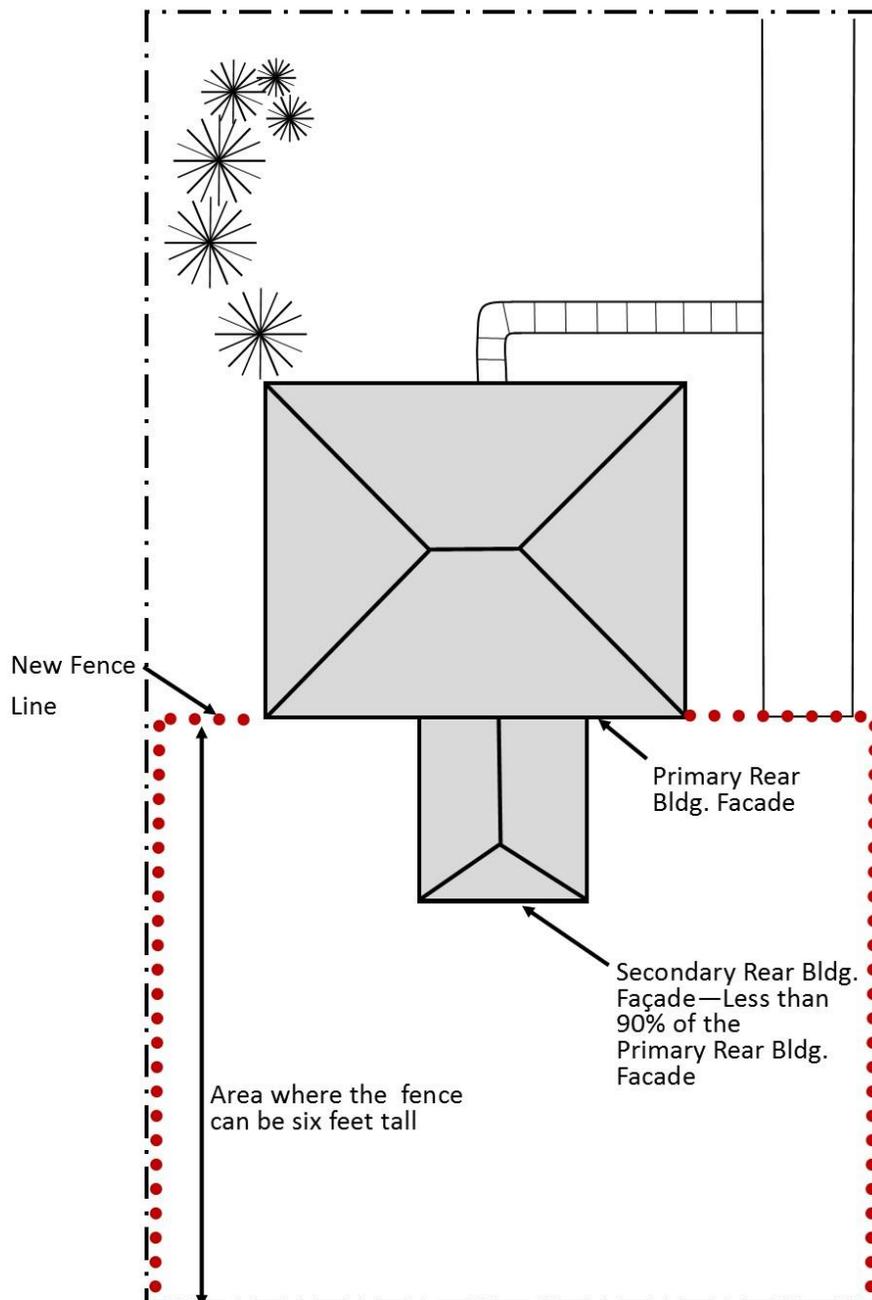
§ 5.1.4 Fences and Walls

A. Definitions

Fence – Any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

Fence Height – The distance measured from the existing grade to the top of the fence.

- B. Approval Required – No fence, wall or other type of construction shall be erected without the approval of the Zoning Official.
- 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 hundred and eighty (180) days from the date thereon.
- D. No person shall erect between residences in any district a fence upon his or her property which shall exceed six feet in height, and such fence shall not extend at this height forward of the primary rear building facade of the dwelling. Fences erected forward of the line of the primary rear building facade of the dwelling shall not exceed four (4) feet in height as long as said fence does not obstruct vision from one side to the other and shall extend to a point not closer than six (6) feet to the established curb line unless the sidewalk line has been established, and in such cases the fence shall be extended no closer than six inches to the established sidewalk line, and, in the event a solid or obstructed vision fence is erected, the final twenty five (25) feet to the sidewalk shall be no higher than three(3) feet. It is the intention of this subsection that visibility be maintained near the sidewalk for safety purposes, and the same shall not be unduly obstructed by planting shrubs, etc.



- E. Within the Industrial, Institutional and Commercial zone districts fencing may be erected up to six (6) feet in the front and side yards. Fencing up to eight (8) feet may be erected in the front side and rear yards pending adequate documentation for the height increase is provided to the City Zoning Official that demonstrates that there are not detrimental effects to the surrounding

properties. For each foot above four (4) feet the fence shall move one foot from the property line in the front yard.

- F. Fences along the City's primary rights of way shall be constructed of a higher quality of material and be more ornamental in nature.
- G. Outside storage shall be screened from the public right of way to the satisfaction of the Zoning Official. Exception to this requirement may include seasonal retail sales or similar as determined by the Zoning Official.
- H. A permit may be issued for the construction of a security fence for commercial and industrial properties, upon application.
- I. In those cases, where the rear or side of a corner lot abuts upon a residential lot where the erection of a six-foot-high fence would block the vision of side windows of the adjoining residence, a fence no higher than four feet may be erected.
- J. Location Restrictions – Any fence erected under this Ordinance may be located on the property line except in the front yard. Any fence erected in a front yard shall be placed at least one (1) foot back from the front line and/or property line. No front yard fences are allowed in townhouse projects.
- K. Materials and Composition
 - 1. Any fence, wall or similar structure, which may cause a nuisance, a fire hazard or a dangerous condition or an obstruction affecting the public safety is prohibited. Further, no fence shall be erected in a front yard in a residential district or along a public right-of-way unless the fence is uniformly less than fifty percent (50%) solid.
 - 2. The following fences and fencing materials are specifically prohibited:
 - a. Barbed wire.
 - b. Pointed fences less than three (3) feet in height.
 - c. Canvas fences.
 - d. Cloth fences.
 - e. Electrically charged fences.
 - f. Poultry fences.
 - g. Turkey wire.
 - h. Temporary fences such as snow fences.
 - i. Expandable fences and collapsible fences, except during construction of a building.
 - 3. Approvals or permits for wire fences will be at the discretion of the Zoning Official.
 - 4. All chain link fences erected shall be erected with the closed loop at the top of the fence.
 - 5. All entrances or gates shall open into the property, and not the public sidewalk or street.
 - 6. All fences or walls must be erected so as not to encroach upon a public right-of-way or easements unless a waiver is granted by the Commissioners with the stipulation that the fence be removed or relocated upon request by appropriate

city officials. All fences or walls must be erected with the property line, and none shall be erected so as to interfere with vehicular or pedestrian traffic or interfere with visibility on corner lots and/or other structures or vehicles, whether stationary or transitory, on public or private property.

7. Powers and Duties of the Zoning Official – The Zoning Official shall have the authority to direct, in writing, the removal or modification of any fence, wall, hedge or other structure on private or public property wherever the same shall interfere with adequate visibility of operators of motor vehicles at street intersections or curbs. Any person who shall refuse or neglect to comply with the written direction of the Zoning Official shall be guilty of a violation of this Ordinance and shall be subject to its penalties.
8. Appeals – Any change, other than provided in the provision of this Ordinance, as to height, area, size, location or materials uses, shall not be allowed unless approved by the Board of Appeals.

§ 5.2 Architectural Design Requirements in the NC Districts and the DWDD Neighborhood Subdistrict.

In the NC-1, NC-2, NC-3, NC-4 districts and the DWDD Neighborhood Subdistrict, the regulations and procedures set forth in the Architectural Design Minimum Requirements in the NC Districts and the DWDD Neighborhood Subdistrict shall govern.

§ 5.2.1 Applicability

The Section shall apply to new construction projects within the Neighborhood Conservation (NC) districts and the DWDD Neighborhood Subdistrict, except for sheds, garages, decks, pools and routine maintenance of existing structures or structures undergoing rehabilitation as defined in this section. This section does not apply to projects under review by the HPC.

§ 5.2.2 Definitions

The following terms have the following meanings for this Section.

One (1) story – a dwelling in which all heated living space is located on the first floor. Any space allocated to the upper level shall be unfinished, unheated and not habitable.

One and a half (1½) stories – a dwelling in which heated living space is primarily on the first floor. Second level may be unfinished and unheated.

Two (2) stories – a dwelling in which heated living space is located on a first and second floor. Second floor has full height exterior walls and is fully finished and heated.

Two and a half (2½) stories – same as above with a third level within the roof system that may be unfinished and unheated.

Three (3) stories – same as above but with a full third floor with full height exterior walls that is fully finished and heated.

Predominant – A feature is considered predominant when it appears on at least 51% of the houses surveyed using the Neighborhood Compatibility Worksheet.

New Construction – A new building that is erected on a vacant lot including a new foundation. Building may be constructed on or off site.

Exterior Alterations – Any project that involves a change of the building’s footprint through either demolition or addition or a change in the appearance of roof lines or other significant architectural feature as well as foundation improvements to the existing structures which change the peak roof height by more than two feet (2’) plus or minus.

Rehabilitation – Any project that updates and/or improves the condition of a house, and brings it into compliance with current building codes, but does not substantially alter the exterior appearance of the house.

§ 5.2.3 Procedures

- A. Neighborhood Compatibility Survey (NCS): Using the Neighborhood Compatibility Worksheet and the guide to the Housing Styles of Cambridge, available upon request from the office of the Zoning Official, the applicant shall undertake an NCS of the properties surrounding the proposed site to determine the prevailing height, mass, scale, square footage, architectural details and styles of construction in the neighborhood.
- B. The applicant shall submit the results of the NCS, supporting documents and an application for Category 2 site plan per § 3.1.7 to the Zoning Official for review and approval.
- C. Application of the provisions of this section shall be by administrative action by the Zoning Official, except where the project meets the criteria for a Category 1 site plan or major subdivision in which case, the Planning Commission shall be the approval authority. Except where Planning Commission action is thus called for, the procedures and timelines set forth in § 3.1.7 for Administrative Adjustments shall be followed in the public notification, administrative review, decision making on approval or denial, and/or on any appeal related to all new construction projects within the Neighborhood Conservation (NC) districts and the DWDD Neighborhood Subdistrict.
- D. Based on the NCS, the project shall meet the predominant setback, height, mass, scale, and square footage prevalent in the neighborhood. Where the predominant conditions are at odds with the minimum or maximum lot and bulk requirements set forth in Tables 5 and 6 of this Ordinance, the predominant conditions set forth in an approved NCS shall govern, except that setbacks may not be adjusted under the terms of this section, by more than 20 percent.
- E. Where the Zoning Official determines that public health, safety, and welfare considerations or compliance with the City’s adopted Comprehensive Plan compel application of the strict dimensional standards set forth in Tables 5 and 6 or otherwise

provided for in this Ordinance, such strict standards shall apply notwithstanding the findings of an NCS.

- F. For development projects that do, or will ultimately, consist of multiple houses in close proximity to each other or where, by virtue of the size of the undeveloped tract or preponderance of vacant lots in the immediate neighborhood, a predominant character is not discernable, the Zoning Official may apply flexibility in the application of the Compatibility Guidelines and in the review of the NCS to bring about a unified settlement pattern in keeping with overall purposes of this Ordinance, within the limitations established in paragraph D above to the greatest extent practicable.

§ 5.2.4 Compatibility Guidelines

- A. General architectural features such as porches, roof pitch, chimneys and trim details shall meet the predominant details and pattern of the neighborhood. Chimneys will be required only for functional purposes. Faux chimney structures may be allowed as an architectural feature as part of the compatibility requirement. Consideration will be given to elements that provide added energy efficiency or other means of lowering operating costs for the occupant of the house.

- B. **Minimum Design Guidelines**

- 1. **Foundations**

- a. Foundation heights shall be consistent with the neighborhood's pattern of development in the survey area.
 - b. Slab on grade foundations will be considered if the house is designed for adaptation to applicable accessibility standards as established by code.
 - c. Excessive or disproportionate foundation heights shall be discouraged as a means of increasing overall roof peak height.

- 2. **Roof Pitch and Height on the Primary Structure**

- a. Roof pitches shall be similar to the predominate pitch in the neighborhood.
 - b. Attached garages shall have a roof pitch matching the main house. Consideration may be given for other architecture designs that may complement the structure.
 - c. Porch covers, dormers and other attachments to the above may be lower.

- 3. **Setbacks**

- a. The front of main house (excluding front porch) shall be built to align with front build-to-line of neighboring dwellings (excluding front porches). If such dwellings are inconsistently aligned with respect to the street, then the house shall be aligned with longer setback or in a manner most consistent with the neighborhood.
 - b. Limited consideration may be given to increasing the front yard setback for installation of off-street parking in neighborhoods which may present on-street parking concerns provided the effect of the increased setback is not to distract from neighborhood compatibility.

4. Exterior Materials

- a. Siding and trim – shall be of durable materials and be in keeping with the styles of the surrounding properties and shall be consistently applied to the structure, e.g., mismatched siding materials (part vinyl, part asphalt tile) or styles (part beaded 8”, part double 4”) are not to be permitted.
- b. Windows – shall be in keeping with size and type of surrounding properties and meet City of Cambridge and building code requirements.
- c. Roofing materials – shall be in keeping with the type of surrounding properties and meet City of Cambridge and building code requirements.

5. Façade Requirements

- a. Any front-facing gables shall include gable overhang of not less than eight (8) inches.
- b. Front facing gables shall include an attic window, if compatible with the surrounding properties, and/or decorative gable treatments.
- c. Front entry porch roof shall be differentiated from the main structure roof.
- d. Front entry porches shall be a minimum of 2x the width of the front doorway, including any sidelights, and a minimum of 4 feet deep or fully cover the front entry landing area, whichever is greater. Porches over 30 inches in height above the grade require railings as required by building codes.
- e. Front entrance stairways (steps and landings) shall be in keeping with the surrounding properties. Uncovered (no roof structure) pre-cast concrete or lumber entrance stairways shall be considered only when no predominant style is found within the survey area. Partially covered front entry stairways and landings may be considered when designed as an architectural feature of a structure. Front entrance ramps, as required by the Americans with Disabilities Act, shall be designed in keeping with the neighborhood or to minimize the impact to the streetscape, and shall be built to all applicable codes.
- f. Any attached front-loading garage or carport shall be set behind the front façade of the main structure by a minimum of four (4) feet.

6. Streets with Substandard Architecture

- a. Where there are residences with architecture not in compliance with these standards, residential units with architecture in compliance with these standards shall determine the materials and style of the new construction. If necessary, examples of acceptable architecture may be on adjacent streets.
- b. Examples of substandard and acceptable architecture are as follows:

Non-comply Architecture



Non-complying Architecture



Complying Architecture



Non-complying Architecture



Complying Architecture



5.3 Creation of Lots

§ 5.3.1 Standards for New Lots

A. Lot Sizes

Lots shall be created to conform to the size and dimensions set forth in § 5.1.1. In no case may a lot be platted that has less area or width than required by this Ordinance in the zone where it is to be located.

B. Lot Shape

1. Excessive lot depth in relation to lot width should be avoided; with a proportion of 2.5 to 1 considered a desirable maximum. Pointed or irregular lot shapes shall be avoided.
2. Side lot lines should generally be at right angles to straight street centerlines and radial to curved street centerlines. However, this standard is not intended to prohibit the creation of lots at a reasonable angle to the street where the intent is to create a lot orientation to enhance solar-related energy techniques.
3. Corner lots shall equal non-corner lots in lot width and depth plus shall have added area to comply with minimum front yard setback requirements on each frontage.
4. No subdivision plat shall create remnants of land that would have no apparent use or control.
5. Flag, pipe-stem, or panhandle lots shall not be permitted.
6. Double frontage and reverse frontage lots shall be strictly avoided except where required to avoid fronting lots onto arterial or other major non-access streets, or to separate residential areas from incompatible non-residential development, or to overcome some specific and unique site related disadvantage such as topography.

C. Frontage and Access to Street

1. Except along streets existing prior to January 1, 2013, no residential lot in the Residential and Corridor Mixed-Use districts shall be created which does not both front onto a public street and back onto an alley.
2. A street address for each lot shall be as assigned by the City in order to ensure a separate and distinct address for each lot created.
3. No lot, regardless of use, shall derive vehicular access directly from an arterial road, unless alternative access is strictly prevented by topographic and related physical conditions such as site distance requirements and environmental conditions.
4. Where adjoining lots front onto an arterial road, the City may require that such lots be served by a combined drive in order to limit possible traffic hazard, reduce the number of driveway connections to the public right-of-way, protect aesthetic

character, limit overall impervious surface coverage or otherwise implement the purposes of this Ordinance.

5. Driveways shall be arranged to avoid vehicles backing into traffic and, on residential lots, vehicles parking in the front yard between the house and the street.
6. Every lot shall abut an approved public street that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles. The reviewing authority, whether it is the Planning Commission or Zoning Official, shall have the authority to approve or disapprove any point of ingress or egress to any lot, tract, parcel or development from any street or highway.

Article 6

Site and Building Design Standards

§ 6.1 General Environmental Standards

§ 6.2 Landscaping Requirements

§ 6.3 Parking and Loading

§ 6.4 General Building Design Standards

§ 6.5 Signs

§ 6.1 General Environmental Standards

This section establishes environmental standards for all subdivisions and development plans requiring approval.

§ 6.1.1 Land Suitability

- A. Unsuitable Land Not for Development
- B. No land shall be subdivided for development that is held unsuitable for its proposed use by the Planning Commission for reasons of flooding, being located within the 100-year floodplain, inadequate drainage, excessive slope, severe erosion potential, or any other natural features that may be harmful to the health, safety, and welfare of future residents, property owners or the community at large.
- C. Proposed Improvements to Unsuitable Land
- D. All proposed improvements necessary to make land suitable for development shall be in full compliance with any laws and ordinances regulating such improvements and with any conditions as may be required by the Planning Commission to reduce risks to health and safety. The ability to mitigate an environmental health concern through proposed improvements in no way guarantees that the Planning Commission will approve a project on land that is otherwise environmentally unsuitable for its proposed use.
- E. Deed Restrictions Required
- F. When a subdivider does not intend to develop the plat him or herself and the improvements are necessary to reduce hazards and/or to make land suitable for development, the Planning Commission shall require appropriate deed restrictions to be inserted on every deed and noted on every recorded plat and parcel.

§ 6.1.2 Perennial Stream No Disturbance Buffer

A. Buffer Required

1. A one hundred (100) foot vegetative buffer from all perennial streams shall be required for all development, except that in the Resource Conservation district the buffer shall be 200 feet wide from all perennial streams.
2. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
3. As a condition of site plan or subdivision plat approval, in so far as possible, the buffer shall be planted in plant species native to the region according to a landscape and/or forest conservation plan submitted with the application.

B. Expanded Buffer May Be Required

The perennial stream buffer shall be expanded to include contiguous 100-year floodplain and the non-tidal wetlands, hydric soils, highly erodible soils, and soils on slopes greater than fifteen percent (15%) that are adjacent to or contiguous with the perennial stream.

C. Modification of Buffer

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided it be not less than 75 feet, if it establishes written finding of fact that:

1. The design, construction and use of the entire site with less than a 100-foot buffer will provide the same or greater protection of water quality as the 100-foot buffer, and the development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 100 feet of the stream; or
2. It is the development of a planned public street that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible; or
3. Other public or community facilities are required, and evidence is provided that disturbance will be minimized insofar as possible.

§ 6.1.3 Intermittent Stream No Disturbance Buffer

A. Buffer Required

1. A 50-foot vegetative buffer from all intermittent streams shall be required for all development.
2. Permanent or temporary stormwater and/or sediment control devices shall not be permitted in this buffer.
3. As a condition of site plan or subdivision plat approval, insofar as possible, the buffer shall be planted in plant species native to the region according to a landscape and/or forest conservation plan submitted with the application.

B. Expanded Buffer May Be Required

The intermittent stream buffer shall be expanded to include contiguous 100-year floodplain and non-tidal wetlands, hydric soils, highly erodible soils, and soils on slopes greater than 15 percent that are contiguous with the stream.

C. Modification of Buffer

The Planning Commission may modify this buffer requirement provided it be not less than 25 feet, if it establishes written finding of fact that:

1. It is the development of a planned public street or other infrastructure that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible; or
2. It is the development of other necessary public or community facilities that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible.

§ 6.1.4 Nontidal Wetland Buffer

A. Buffer Required

A minimum 25-foot setback from all nontidal wetlands shall be required for all development around the extent of the delineated nontidal wetland except as may be permitted by the U.S. Army Corp of Engineers and the State of Maryland, Department of Natural Resources, Nontidal Wetland Division.

B. Expanded Buffer May Be Required

The wetland buffer shall be expanded to include contiguous 100-year floodplain, hydric soils, highly erodible soils, and soils on slopes greater than 15 percent that are contiguous with the wetland. Additionally, the buffer shall be expanded to 50 feet for large-scale development containing over 10 acres.

C. Modification

In the review of a site plan or subdivision plat, the Planning Commission may modify this buffer requirement provided the buffer is not less than 25 feet upon establishing written findings of fact that:

1. The development proposal provides heightened measures to minimize the runoff of stormwater from the site and to minimize impervious surfaces and the removal of natural vegetation within 50 feet of the wetland; or
2. It is the development of a planned public street or other infrastructure that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible; or
3. It is the development of other necessary public or community facilities that has necessitated an incursion into the buffer and evidence is provided that disturbance will be minimized insofar as possible.

§ 6.1.5 Steep Slopes

A. No Disturbance of Steep Slope

No structure, impervious surface or other land disturbance shall occur on any slope with a grade of 15 percent or greater unless the Zoning Official determines that the structure, impervious surface or land disturbance is necessary for stabilization of the slope.

B. Buffer

A minimum 50-foot buffer shall be established between development and the crest of slopes in excess of 25 percent.

§ 6.1.6 Habitats of Rare, Threatened and Endangered Species

Development shall avoid areas of Habitat of Rare, Threatened and Endangered Species as defined by the Maryland Department of Natural Resources.

§ 6.1.7 Forest Conservation

A. Forest Conservation Ordinance

The Forest Conservation Act of the State of Maryland, as administered by the City, shall be complied with in all respects within the boundaries of the City of Cambridge.

B. Landscaping and Tree Requirements in Subdivisions

1. Existing trees shall be preserved whenever possible. The protection of trees six inches or more in diameter (measured at breast height) shall be given high priority in determining the location for open spaces, structures, underground utilities, walks, and paved areas. Areas in which trees are preserved shall remain undisturbed wherever possible.
2. Where extensive natural tree cover and vegetation does not exist, landscaping and the planting of native tree species shall be provided to establish a tree canopy, enhance the appearance of the development, aid erosion control and stormwater runoff management, provide protection from wind and sun, screen and shade streets and paved areas, promote energy conservation of buildings, and enhance the privacy of dwelling units.
3. The City's street tree planting guidelines shall be followed in the installation of new subdivision streets. At minimum and unless more specific guidance is provided in the street tree guidelines, the developer shall plant one street tree on both sides of every proposed new street within 50 feet of the centerline of the street at intervals of at least 40 feet. Selected trees shall be as approved by the Zoning Official.

C. Retention and Protection of Large Trees

1. Every site plan submitted for approval shall identify all trees 18 inches in diameter or greater. Each shall be preserved to the greatest extent practical.
2. No excavation or other subsurface disturbance may be undertaken within the drip line of any tree 18 inches in diameter or more and no impervious surface may be located within 12.5 feet of any such tree unless compliance with the subsection would unreasonably burden the development as defined in paragraph 3 below. For reasons of this section, a drip line is defined as a perimeter formed by the points farthest away from the trunk where precipitation falling from the branches of that tree lands on the ground.
3. The retention or protection of trees 18 inches in diameter or greater as provided in the above subsections unreasonably burdens the developer if, to accomplish such tree protection, the design and location of improvements on a lot or the proposed use of the lot would have to be substantially altered and such alteration would work an unreasonable hardship upon the developer.
4. The loss of space for vehicle parking shall not be grounds to establish an unreasonable burden. Should parking be less than required on account of tree protection herein provided, then the approving authority under this Ordinance shall grant a modification of the parking standard.
5. Notwithstanding any other provisions in the Maryland Forest Conservation Act, any removal of trees of 18 inches in diameter or greater through the development of an approved site plan shall be mitigated through the planting of replacement trees on site which are native species shade trees at a ratio of two trees planted for each one lost which tree planting shall be above and beyond that which may be required by § 6.2. The approving authority shall place conditions necessary at site plan approval to ensure the health and longevity of the new trees.

§ 6.2 Landscaping

§ 6.2.1 Landscaping Requirements

A. Landscape Plan

A landscaping plan shall be submitted for approval by the Planning Commission as part of every Category 1 site plan and may be required by the Zoning Official for review of a Category 2 site plan.

B. Content of Landscape Plan

A landscaping plan shall include dimensions and distances and clearly delineate all buildings and existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size, species, and description of all landscaping materials to be used.

C. Minimum Screening Requirements

1. All developments shall be fully screened on each side that adjoins a residential use up to the minimum height of four feet. Required screening shall consist of either a masonry wall or wooden fence not greater than six feet in height, an evergreen hedge, or a fully planted landscape area of at least ten feet in width.
2. All service structures, which include dumpsters, propane tanks, air conditioning units, and related equipment or elements providing service to a building or site, shall be fully screened with landscaping and/or a fence or wall.

D. Perimeter Parking Lot Landscaping

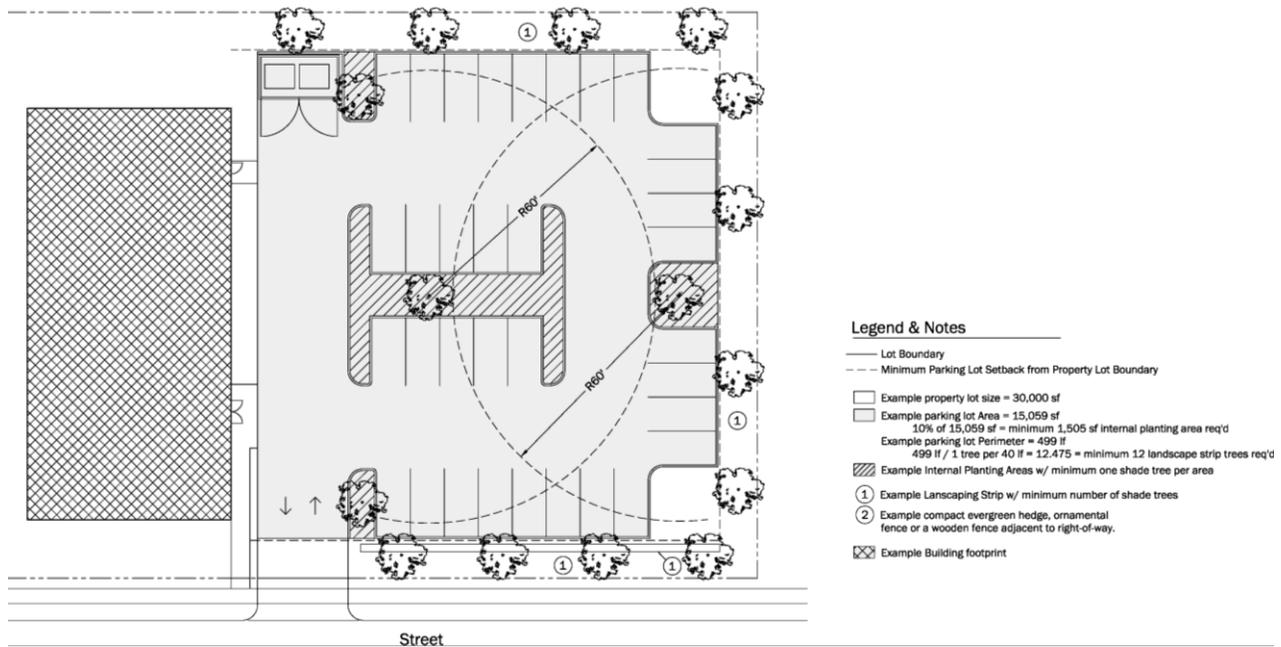
All off-street parking lots, whether or not located on the same lot as the use to which it is accessory, containing ten or more parking spaces, shall meet the following perimeter landscaping requirements.

1. A landscaping strip with a minimum width of ten feet shall be located between the parking lot and the adjoining lot lines.
2. A minimum of one shade tree for every 40 feet of lot perimeter shall be planted in the landscaping strip. Deciduous shade trees with ground cover or with low shrubs shall be used as the primary landscape materials.
3. On the landscaping strip adjacent to a right-of-way, a compact evergreen hedge, an ornamental wall, or a wooden fence of not less than four feet or greater than six feet in height is required.
4. Per § 6.2.2 of this Ordinance, within the Downtown/Waterfront Development district, the Planning Commission may modify the perimeter parking requirements.

E. Internal Landscaping of Parking Lot

Any parking lot of 25 or more spaces shall be internally landscaped with shade trees. Shade trees shall be planted in planting areas. Planting areas shall comprise at least ten percent of the internal area of the parking lot. Shade trees shall be installed such that no parking space is located more than 60 feet from a parking lot shade tree. Planting areas should be wide enough to allow for the mature growth of the trees chosen and no paving shall be located within 12.5 feet of the tree trunk. Illustration 3 shows the appropriate application of these standards.

Illustration 3



F. Landscaping for Stormwater Management

1. Landscaping in relation to parking lots may be used for stormwater management provided the requirements of this section are met.
2. Bio-retention swales are allowed in perimeter and internal parking lot landscaping areas and planting areas.

G. Building Wall Yard Planting

A planting area shall be established along any building wall facing an adjacent off-street parking lot or right-of-way. Shade trees, ornamental trees, and shrubs shall be planted in this planting area to aesthetically enhance the appearance of buildings and provide shade according to the following minimum standard: one shade tree for every 50 feet of wall yard length and one ornamental tree for every 30 feet of wall yard length.

H. Required Planting Material

In meeting the requirements of this Ordinance, only those plants listed on the City's Recommended Plant and Landscape Guidelines, which shall be maintained by the Zoning Official, shall be used.

I. Maintenance

1. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
2. The owner shall be responsible for the maintenance, repair and replacement of all landscaping and screening materials as may be required by the provisions of this Section.
3. Failure to maintain required landscaping, or to adhere to an approved landscaping plan, shall constitute a zoning violation subject to the remedies set forth in this Ordinance.

§ 6.2.2 Waiver or Modification

Provided that the Planning Commission establishes findings of fact that a modification will not have any deleterious effect on existing or planned development of adjacent properties and finds that the purposes of this section will be met, it may approve a waiver or modification of the requirements of this Section. Such waiver or modification may be approved in the following three instances: for an interim use of a duration of less than two years; or where deemed appropriate due to the location, size, configuration or topographic condition of the lot, or where the project is located in the Downtown/Waterfront Development District and strict application of the landscaping requirements would interfere with the purposes of the zoning subdistrict wherein the project is located.

§ 6.3 Parking and Loading

§ 6.3.1 Intent and Purposes

A. Intent

This section establishes requirements for motor vehicle and bicycle parking, including the minimum number of spaces required by land use.

B. Purposes

1. To ensure that adequate parking spaces are provided in relation to development sites at time of development so that parking does not overflow onto adjoining streets that may not be designed to handle it.
2. To ensure that safe and convenient accommodations are made for bicycle parking.

§ 6.3.2 Off-Street Parking Required

A. Schedule of Required Parking

1. Except as provided in § 6.3.3, in all districts, space for parking vehicles shall be provided in accordance with the Schedule of Minimum Off-Street Parking Requirements by Land Use set forth in Table 4 of this Ordinance.
2. Subject to approval by Planning Commission, off-street parking requirements may be varied or modified within the Historic District and for designated historic sites without adherence to § 6.3.3 of this Ordinance.
3. In the review and approval of site plans and subdivision plats, in an effort to minimize the amount of impervious surface coverage in keeping with § 5.1.1(C) and implement the purposes of this Ordinance, the Planning Commission may require that all or some portion of parking surface area and on-site driveway surfaces be constructed of a pervious surface approved by the City.

B. Minimum Parking Space Area

1. An off-street parking space shall comprise not less than one hundred eighty (180) square feet per parking stall plus necessary maneuvering space.
2. Space for maneuvering incidental to parking shall not encroach upon any public right-of-way.

C. Parking in Front Yards

The use of the area in any required front yard between the house and the street in the NC districts, Residential (R) district, Downtown/Waterfront (DW) district, and Corridor Mixed-Use (CMU) district for the parking or storage of motorized and non-motorized vehicles of any kind is prohibited.

§ 6.3.4 Minimum Bicycle Parking Requirements by Land Use

A. Schedule of Required Parking

Bicycle parking shall be provided in accordance with the following schedule. In all districts, either space for parking and/or storage of bicycles shall be provided or the applicant shall demonstrate that adequate bicycle parking is provided for.

Bed and breakfast houses, hotels, motels	the greater of 2, or 1 per 25 employees
Retail sales, service operations	the greater of 2, or 1 per 5,000 s.f. gfa
Office buildings	the greater of 4, or 1 per 5,000 s.f. gfa
Museums, libraries, similar	the greater of 4, or 1 per 2,000 s.f. gfa
churches, similar	1 per 50 seats
Community centers	1 per 250 s.f. gfa
schools	
a) elementary	1 per 10 students
b) middle and high	1 per 6 students
Indoor amusement	4, or 1 per 50 seats
restaurants	4, or 1 per 50 seats
Other commercial, industrial	2, or 1 per 50 employees

TABLE 6A: SCHEDULE OF MAXIMUM OFF-STREET PARKING REQUIREMENTS FOR NEW DEVELOPMENT BY LAND USE

Use	<u>Minimum</u> <u>Maximum</u> Required Parking Spaces
Residential	
Accessory Apartment	1 per Dwelling Unit
Auction	1 per 4 seats, or if no seats, 1 per 500 sq GFA
Bed and Breakfast	1 per Unit plus Residential Requirement
Boarding House	1 per Unit plus Residential Requirement
Boarder in Residence	1 per Boarder plus Residential Requirement
Country Inn	1 per Unit plus Residential Requirement
Day Care Home	1 per Staff plus Residential Requirement
Group Home	1 per Staff plus 1 per 2 Residents
Halfway House	1 per Staff plus 1 per 2 Residents
Home Occupations	1 per Employed Non-resident plus Residential Requirement
Homeless Shelter	*
Multi-family Dwelling	1.5 per Dwelling Unit

Single Family Residential – Attached (Townhouse)	2 per Dwelling Unit
Single Family Residential - Detached	2 per Dwelling Unit
Two-family, Duplex	2 per Dwelling Unit
Institutional	
Cemeteries	*
Churches and Other Buildings for Religious Assembly	1 per 4 seats in Main Assembly Hall
Hospitals, Medical Clinics and Similar Center in Excess of 10,000 sf	*
Libraries, Other Public Administrative and Cultural Buildings	*
Lodges, Clubs, Fraternal Organization	*
Nursery Schools, Day Care Centers (With more than 30 people)	3 per Classroom
Nursing Care Institutions, Child or Day Care Institutions	1 per Staff plus 1 per 5 residents
Public or Non-profit Park and/or Recreational Areas	**
Schools, Elementary, Secondary, trade, and Vocational, Colleges	*
Studios for Instruction in Dance, Art and Similar	*

Use	Minimum <u>Maximum</u> Required Parking Spaces
Commercial	
Artists, photographer galleries, studios, museums	1 per 500 sf GFA***
Animal hospital, veterinarian clinic	1.5/ exam room
Automotive body shop	1 per service bay plus 1 per staff
Banks and Financial Institutions	1 per 300 sf GFA***
Building materials, lumber yards, boat and heavy equipment sales, etc.	*
Business offices, including finance, insurance, real estate	1 per 400 sf GFA***

Business services, plumbing shops, contractor shops	1/staff
Computer repair shops, small appliance repair, similar	1 per 500 sf GFA***
Filling stations, service stations, automotive repair, full service garage	1 per pump plus 1 per service bay plus 1 per staff
Funeral Parlor	1 per 4 seats in chapel
Grocery, department, variety, hardware, dry goods stores	1 per 350 sf GFA***
Health and Fitness Center, Spa	1 per 300 sf GFA***
Hotels, motels	1 per unit plus 1 per staff
Industrial uses, generally	1/staff
Kennel/Cattery	1 per staff
Manufacturing and assembly uses, warehousing	1/staff
Marina	*
Medical or dental office, clinic or center under 10,000 sf	1 per 250 sf GFA***
Motor vehicle sales, rental, service	1 per 350 sf GFA***
Nursery for plants, greenhouses	*
personal service shops, barber, salons, shoe repair, dry cleaning	1 per 350 sf GFA*** (excluding storage)
Places of indoor amusement, movie cinema, theater	1 per 4 seats
Private outdoor amusement/recreational activities	**
Professional office	2 per professional
Pubs, taverns, nightclubs, dance halls	1 per 250 sf GFA***
Resorts	**
Restaurants, fast food, drive-in, thru	1 per 250 sf GFA***
Restaurants, standard	1 per 300 sf GFA***
Retail shops and showrooms, including service/repair such as jewelry	1 per 500 sf GFA***
Shopping center	**
Miscellaneous	
Miscellaneous	

Festivals, events of public interest, special events, occasional	**
Public utility building/facility	*
Temporary Buildings incidental to Construction	**

* Maximum parking shall be 1 space per staff plus spaces in number as determined by Approving Authority to serve the visiting/resident public.

** Maximum parking shall be established by Approving Authority upon review and approval of a site plan and/or zoning permit.

*** GFA = Gross Floor Area

**** The reconstruction of existing developed parcels shall have their maximum number of parking spaces be established by the Approving Authority.

SECTION 2. Section 6.3.3 (Modification of Parking Requirement) of the Unified Development Code is hereby amended as follows:

§ 6.3.3 Modification of Parking Requirement

A. Due to Zoning District

The maximum parking requirements set forth in § 6.3.2 shall be modified according to the following:

1. In the Downtown/Waterfront, Core subdistrict, no parking lot serving more than 10 parked cars shall hereafter be created, unless reviewed and approved by the Planning Commission. There shall be no requirement for automobile parking as a condition of any site plan approval.
2. In the Downtown/Waterfront District, outside of the Core subdistrict, no off-street parking shall be required as a condition of any site plan approval, pending submission of supporting documentation.
3. On lots used for single-family detached residences, in the NC districts and in the Residential, Downtown/Waterfront, and Corridor Mixed-Use districts, no off-street parking shall be required except where the abutting street is determined by the Zoning Official to be too narrow to accommodate the parking requirements of the residence.
4. In every other zoning district, the maximum parking requirements of § 6.3.2 shall be adhered to, except that under no circumstance may the numerical standards be exceeded by more than 20 percent. If additional on-site parking is requested, the application shall demonstrate that the impacts of the additional parking spaces are mitigated by the use of porous pavers, additional landscape material and/or environmentally sensitive stormwater practices.

B. Due to Site Conditions

Should the configuration of the lot, the placement of existing conforming structures, or a change of use to a conforming and more intensive use, preclude strict adherence to § 6.3.2, the Planning Commission, in relation to a Category 1 site plan, or the Zoning Official in relation to a Category 2 site plan, may reduce the parking requirements provided that:

1. Adequate public off-street parking is available within reasonable walking distance; or
2. On-street parking is available and adequate and that the parking required by the contemplated use will not materially impede the flow of traffic or preempt existing residential parking; or
3. A written agreement is established and made part of any site plan approval, allowing parking required by the use of an adequate off-street parking lot within a reasonable walking distance.

C. Due to Joint Use of Parking

Where joint use of parking by one or more uses is possible, the Planning Commission, in relation to a Category 1 site plan, or the Zoning Official in relation to a Category 2 site plan, may modify the parking requirements provided there are findings of facts that:

1. Joint use of parking spaces will not reduce the availability of parking spaces below the maximum required number of spaces required by each use during its peak demand.
2. A written agreement is established and made part of any site plan approval providing for the joint use of spaces.

B. Waiver or Modification

The Planning Commission may waive or modify the bike-parking requirement in the Downtown/Waterfront Development District upon finding that there is an adequate supply of publicly accessible bike parking already provided within a 300 feet walking distance.

Design of Bicycle Parking Spaces

1. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock, locker, or other storage facilities which are convenient for storage and are reasonably secure from theft and vandalism. The separation of the bicycle parking spaces, and the amount of corridor space shall be adequate for convenient access to every space when the parking facility is full.
2. When automobile parking spaces are provided in a structure, at least 70 percent of required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking

structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car.

3. Bicycle parking spaces shall be located near the entrance of use being served and within view of pedestrian traffic if possible, and shall be sufficiently secure to reasonably reduce the likelihood of bicycle theft.
4. Bicycle parking facilities shall not impede pedestrian or vehicular circulation.
5. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult. There must be sufficient space (at least 24 inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
6. The outside ground surface of bicycle parking areas shall be paved or other hard surface. Bike parking facilities within automobile parking lots shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.

§ 6.3.5 Off-Street Loading Spaces Required

In any district, except the Downtown/Waterfront district, in connection with every building or part thereof, having a gross floor area of 4,000 square feet or more, whenever the normal operation of the use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, sufficient loading and unloading space shall be provided for and the Planning Commission may require that adequate off-street loading areas be provided and maintained on the same lot as the building or use. Loading space shall be not less than ten feet in width, 45 feet in length, and 14 feet in height.

§ 6.4 General Commercial/Mixed Use Building Design Standards

§ 6.4.1 Purpose and Applicability

A. Purpose

This section is intended to establish the general requirements for the appearance of commercial buildings which are subject to site plan review and approval and through the application of these standards promote and protect a cohesive architectural character within the City. Additionally, these standards shall strive to have new development evoke the essence of Cambridge's unique character through building design.

B. Applicability

These provisions shall apply to all commercial/mixed use developments where site plan review is required in accordance with the provisions of Article 2 and shall be enforced through the site plan approval process, except that this section shall not apply to new residential construction.

C. Required Submittals

1. All Category 1 site plans and all site plans in the Historic District shall include proposed street front elevations prepared by a licensed architect for all buildings.
2. The Zoning Official may require that Category 2 site plan submittals contain street front building elevations prepared by a licensed architect.

§ 6.4.2 Key Terms: Proportion/Rhythm/Scale

A. Terms

1. Proportion refers to the relationship between width and height of building facade.
2. Rhythm refers to the repetition and space of opening (windows and doors) on individual buildings as compared with adjacent structures. Rhythm also refers to the spacing of repetitive building masses along a street.
3. Scale refers to the size (height/width) relationship between adjacent structures. Human scale refers to the comfortable size relationship between buildings and people.

B. General Standards

Illustration 4 shows the appropriate and inappropriate application of the basic design standards set forth below.

1. Buildings
 - a. Large disparities between the height, width, and length of a building shall be avoided.
 - b. Buildings and accessory structures shall be compatible with neighboring buildings and structures in terms of height, proportion, rhythm, and scale, where appropriate.
 - c. All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.
 - d. Large buildings shall be designed to promote a pattern of closely spaced buildings with multiple entrances.
 - e. Buildings and their main entrances shall face the front yard.

- f. Neighborhood context should dictate the choice of materials for the exterior of buildings, when high quality materials are present, such as but not limited to, brick, stone, metal, masonry, and fiber cement.

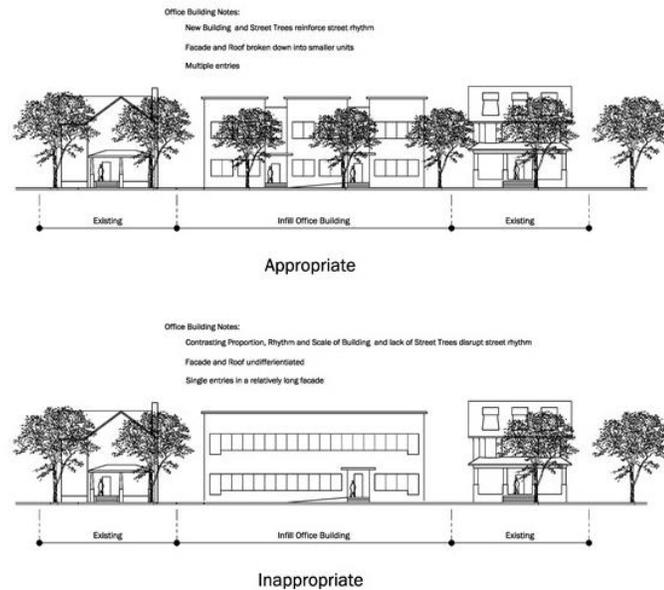


Illustration 4

2. Facades

- a. The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal, where appropriate.
- b. Building facades with wainscoting or water tables at the base of the building shall have a horizontal projection of at least two (2) inches.
- c. Building facade colors shall be low reflectance, subtle, neutral or earth tones, while the building trim may be brighter colors for accent.
- d. Primary entries of buildings shall be clearly defined and shall have features such as canopies or porticos, overhangs, recess/projections, raised cornices over the doors, peaked roof forms, and/or arches.
- e. Large blank walls shall be avoided. Buildings shall be designed to support a human-scale environment.
- f. Building facades greater than one hundred (100) feet in length, measured horizontally, shall have a recess or projection of a minimum of two inches every thirty (30) to fifty (50) feet or change in building material.

- g. Long blank walls shall incorporate design elements that break up the mass every thirty (30) to fifty (50) feet or create some kind of visual interest.



Illustration 5 – Premiere Cinemas

Creative treatment of large expanse of blank wall

- h. Side facades adjacent to the front facade shall continue some of the primary facade's design elements/materials for a minimum of twenty (20) feet after turning the corner.
 - i. Buildings that are visible from rights-of-way on multiple sides shall have higher-quality building designs on those visual facades. "Back of House" facilities shall be screened and architecturally integrated into the building design.
 - j. Mixed-use buildings with ground floor commercial uses shall have a minimum ceiling height of twelve (12) feet on the ground floor. Using this height will allow the space to be converted into a restaurant.
3. Roofs
- a. Rooftop and exposed mechanical electrical equipment shall be screened from view. Screening shall be architecturally integrated with buildings.
 - b. Buildings with flat roofs shall include elements such as parapets and/or cornices that completely screen all mechanical equipment.
 - c. Roofs of buildings should conform to the predominant orientation of roofs on the street.

- d. Buildings with a pitched roof shall have a minimum of 6/12 pitch ratio, unless otherwise associated with a specific architectural style. Mansard roofs are not permitted except in the Historic District and as approved by the HPC.
4. Materials
- a. Building materials shall be high-quality and durable. Examples of such materials include, but are not limited to, brick, stone, masonry, metal, and fiber cement. Examples of unacceptable building materials include, but are not limited to, vinyl siding, aluminum siding, smooth-faced block, tilt-up concrete panels, and prefabricated steel panels.
 - b. EIFS (Exterior Insulation and Finishing System) or similar materials shall only be used ten (10) feet above the building facade. EIFS is a soft material and can be easily damaged.
5. Examples of buildings with notable architectural elements:



Illustration 6 – Former High Spot Restaurant
Example of historic cornice and storefront



Illustration 7 – Examples of modern cornices



Illustration 8 – Dorchester County Circuit Court

Example of Italianate architecture – low-pitched roof, square tower/cupola, projecting eaves with brackets, additional elements of arches at entrance and Palladian windows



Illustration 9 – Harris Teeter

Example of new construction with Italianate elements



Illustration 10 – Harbor Center

Example of newer construction with tower elements and dormers,
breaking the mass of a long expansive roof



Illustration 11 – Old City Hall

Example of clock tower with Widow's Watch and arches



Illustration 12 – Public Safety Building

Example of Palladian window, arches, and Widow's Watch



Illustration 13 – 1880 Bank

Example ornate arches



Illustration 14 – Oakley Beach

Example of Widow's Watch



Illustration 15 – Waterside Condos

Example of Widow's Watch



Illustration 16



Illustration 17

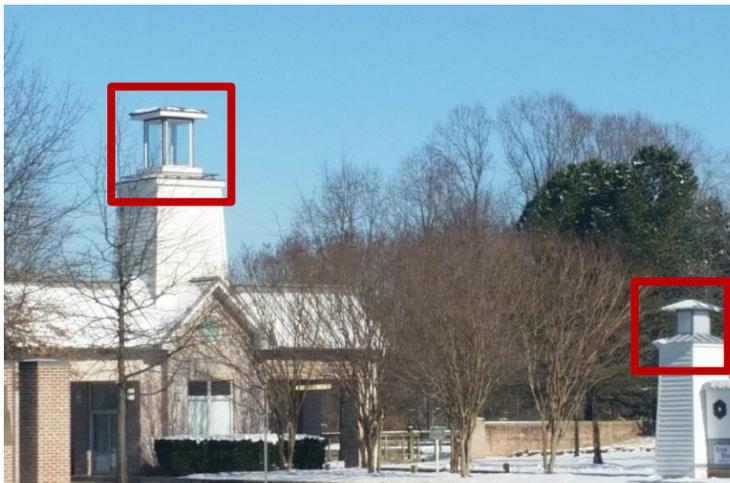


Illustration 18

Illustrations 16, 17, and 18 – Hyatt

Examples of lighthouse element and new signage replicating the existing lighthouse design



Illustration 19

Example of a lighthouse



Illustration 20 – Oakley Beach

Example of a pavilion



Illustration 21 – Richardson Museum and Ruark Boat Works

Example of a clerestory



Illustration 22



Illustration 23

Illustrations 22 and 23 – PNC Bank, Virginia and Winery, Massachusetts
Examples of new construction with clerestory elements



Illustration 24 – Dorchester County Visitor Center

Example of arched roof



Illustration 25 - Walmart
Example of arched roof elements



Illustration 26



Illustration 27

Illustrations 26 and 27 - Adaptive reuse encouraged

6. Site design
 - a. The Site Plan application shall include any significant features on site and/or on adjacent properties. Significant features shall include, but not be limited to, historic, scenic, or other environmental features. If there are significant

features, the Planning Commission may request that these features be enhanced, restored, or preserved.

- b. The Planning Commission may modify yard setbacks if that modification promotes exemplary overall site design.
- c. On-site parking shall be located in side or rear yards unless approved by the Planning Commission due to site constraints.
- d. Street trees shall be large or medium-sized shade trees, including but not limited to, large shade trees such as oaks, elms, maples, and London Planes, and medium shade trees such as Zelkovas, Little Leaf Lindens, and Ginkgos. The particular tree species shall be determined with each Site Plan, based upon the appropriate size.
- e. Ornamental trees, such as Crepe Myrtles, Dogwoods, Serviceberry, and small Magnolia species, shall be used as accents.
- f. The recommended sidewalk width shall be a minimum of eight (8) feet wide for primary access points and a minimum of six (6) feet wide for secondary access points.
- g. Sidewalks shall be flush across all driveway crossings.



Illustration 28 – Existing sidewalk along Route 50 sloping down at driveway entrances



Illustration 29

Example of sidewalk on a continuous plane

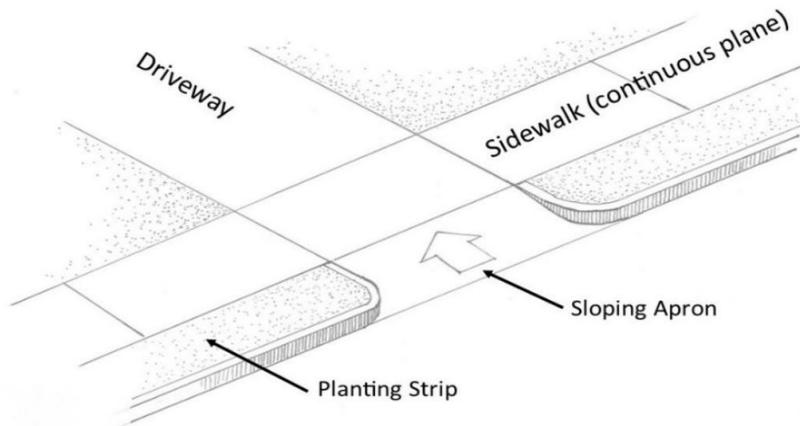


Illustration 30

Sidewalk on a continuous plane - detail

§ 6.5 Signs

§ 6.5.1 Purpose and Applicability

A. Purpose and Applicability

The regulations established by this Section are intended to appropriately limit the placement, type, size, and number of signs allowed, and to require the proper maintenance of signs. The purposes of these limitations and requirements are to:

1. Ensure that signs safely attract and direct persons to various destinations;
2. Protect public and private property values and investment;
3. Reduce hazards to motorists, bicyclists, and pedestrians which result from excessive, confusing, and distracting signs;
4. Preserve and protect the aesthetic and historic quality of the community; and
5. Enable fair and consistent enforcement of regulations.

B. Applicability

1. Any sign erected, placed, attached, altered, reconstructed, or modified shall conform to this Section.
2. Existing signs shall not be altered or moved unless in compliance with this Section.

§ 6.5.2 Administration

A. Sign Permits and Sign Programs

1. No sign shall be installed, constructed, or altered unless a Sign Permit and/or where applicable, a Sign Program, approval is first obtained in compliance with this Section, or the sign is allowed without Sign Permit approval as provided in § 6.5.4.
2. After approval of a Sign Permit and/or Sign Program, each sign installed and maintained on the subject site shall comply with the Permit and Program.

B. Sign Permit Application

An application for a Sign Permit shall be prepared and filed with the Zoning Official.

C. Application Contents

The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted. At the discretion of the Zoning Official, it shall include illustrations of all proposed colors and materials or samples of the proposed colors and materials. The plans submitted shall also show the location of each sign on buildings and/or the site.

D. Sign Permit Review Authority

The Zoning Official shall review and approve or deny all Sign Permit applications for signs located outside of the Historic District. Within the Historic District, the Historic Preservation Commission shall review applications for sign permits and adopt and file with the Planning Commission certificates of approval or rejection. The Planning Commission or the Zoning Official shall consider the Historic Preservation Commission certificate in its review and approval of the sign permit or sign program. The review authority may require conditions of approval as are reasonably necessary to achieve the purposes of this Section.

E. Sign Programs

1. At time of site plan approval, a Sign Program shall be required for any multiple occupancy commercial, professional, industrial, residential, or institutional sites; or separately identifiable building group, such as a medical complex or shopping center; or an individual site meeting the following site criteria:
 - a. lot size of at least one acre;
 - b. road frontage of at least 100 feet;
 - c. with a proposed development exceeding 10,000 square feet of total building space; or
 - d. an improved commercial property, subject to the provisions of § 6.5.2(E)(6).
2. The purpose of the Sign Program shall be to establish signing for all tenants and users of a complex, center or development site. An approved Sign Program shall prescribe the standards for all signs within the area covered by the Program including size, number and types of signing permitted.
3. A Sign Program shall be approved by the Planning Commission. Within the Historic District, prior approval of the Historic Preservation Commission shall be required.
4. A Sign Program shall comply with all provisions of this Section except as where may be specifically noted and is not intended to provide special or additional signing.
5. An applicant for a Sign Program for a site in an excess of 20 acres may request more flexibility with respect to design, scale, and size of signs due to the large scale and uniqueness of the property. The Sign Program shall be approved by the Planning Commission.
6. The Planning Commission may approve a Sign Program that deviates from the strict interpretation of this Section for an improved commercial property that is undergoing substantial renovations or improvements. Examples of substantial renovations or improvements the Planning Commission may consider include, but are not limited to: façade upgrades; interior renovations; or improvements to site features, such as adding permeable pavers, landscaping, reducing the overall non-conforming signage, or providing a thorough coordination of signage throughout the property. The Planning Commission may also approve a Sign Program that deviates from the strict interpretation of this Section for an improved commercial property to address traffic safety concerns.

F. Permit and Program Findings for Approval

The approval of a Sign Permit or Sign Program shall require that the review authority first make all the following findings:

1. The proposed signs do not exceed the standards of this Section, and as applicable, are of the minimum size and height necessary to enable motorists and pedestrians

to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;

2. The proposed signs are in substantial conformance with the design criteria as may be maintained by the City.

G. Approval Period and Expiration

A Sign Permit or Program approval shall expire one year from its date of issuance, unless the sign or signs have been installed within the period or a later expiration date is stated in writing at the time of approval.

H. Sign Design Guidelines

The Zoning Official may maintain guidelines for applicants for Sign Permits and Sign Programs regarding the placement, appearance, design, and construction materials and may use such guidelines to assist applicants in complying with the purpose and provisions of this Section.

§ 6.5.3 Prohibited Signs and Signing

A. In Relation to Location

1. No signs shall be attached to utility poles, traffic signal poles, traffic control posts/signs, rocks, or trees visible from the public right-of-way whether on public or private property.
2. Except for official public way-finding signs and official directional, safety or traffic signs, no sign whether temporary or permanent shall be placed within any public rights-of-way within the City.
3. No sign shall be located which will interfere with traffic visibility along the right-of-way of any street or along any private driveway existing or entering a site or on any slope or drainage easement of a street.
4. No signs shall be located on or above any part of a roof structure.
5. No sign shall be located above the first floor on a building except in the General Commercial and Industrial districts upon approval of the Zoning Official or the Planning Commission. Applications for signs located above the first floor which are located in the Historic District shall be reviewed by the Planning Commission only after first obtaining a certificate of approval from the Historic Preservation Commission.
6. No sign or public art may be painted directly on any wall or roof of a building or on a fence visible from the public right-of-way that does not conform to the requirements of this Section.

B. In Relation to Sign Character

1. No sign shall project any intermittent, light emitting diode, or flashing illumination except for official public road or street signs intended to promote traffic safety.
2. Pennants, streamers, banners, moving, flashing, windblown, and all other fluttering, spinning, or similar type signs, 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. No flashing or rotating signs shall be permitted.
4. Except for official traffic signs, no sign shall be displayed, visible from the public right-of-way, which uses the words "stop" or "danger" or that implies a need for or requirement of stopping or the existence of danger.
5. Signs that are obscene, illegal, and hazardous to traffic, imitative of official government signs (i.e., Stop, Danger, Caution, etc.) or obstructive to public visibility, so as to create a hazard to the public, are prohibited.
6. Signs, attached to a parked motor vehicle, exceeding 12 square feet in area or the maximum allowable height for freestanding signs in the zoning district shall be prohibited. Signs attached to a motor vehicle, which exceed four square feet but are less than 12 square feet, are allowed only under the following conditions:
 - a. The vehicle is a registered, tagged, and operable vehicle and is parked in an approved parking space associated with the physical address of the sign applicant.
 - b. The area of the sign attached to a motor vehicle shall count against the allowable sign area and/or total number of signs for the site on which the vehicle is legally parked.

C. Billboard signs are prohibited.

1. Conversions of legally non-conforming billboard signs to electronic digital display billboards may be approved subject to strict compliance with the following:
 - a. The owner of an existing, legal non-conforming billboard may make application for a special exception to the Commissioners of Cambridge to have an existing stacked two-sided billboard with two printed faces,

converted to a two-sided billboard with one side with an electronic-digital display bill board, and to retain the printed billboard on the other side;

- b. An application for said conversion shall not be considered unless (i) the proposed conversion will result in the complete elimination and removal of at least two existing double-sided billboards and all related billboard support structures within the City of Cambridge; and (ii) the OWNER agrees to enter into a Billboard Conversion Agreement with the Commissioners of Cambridge; and (iii) the conversion shall require a Special Exception, as approved by the Board of Appeals.
- c. The Sign Area of the billboard being converted shall not exceed Four Hundred (400) square feet.
- d. The billboard structure being converted shall contain only one electronic-digital display screen which presents only one digital message at a time. The other side of the converted billboard structure may contain printed billboard advertising that shall not exceed Four Hundred (400) square feet and shall be maintained in good condition and repair.
- e. Relocation of existing signs that are located along the State Scenic Byway may be relocated outside the byway, with a Special Exception and shall not be enlarged. The relocated sign may be sited on a leased portion of a property or a legal lot of record and is exempt from minimum lots size of that zone district.

D. In Relation to Safety, Condition and Neglect

- 1. No sign shall be permitted which becomes unsafe or endangers the safety of a building, premise, or person. The Zoning Official shall order such signs to be made safe, to be repaired, or to be removed and such order shall be complied with within seven days of the receipt of such order, unless the condition is such that a shorter compliance period is required for public safety considerations.
- 2. Any property owner within the corporate limits of the City of Cambridge where a business has ceased or is terminated shall be responsible for the removal of all signs, posts, and standards and the building and grounds shall be restored to their original condition within thirty (30) days after notification by the Zoning Official of the City of Cambridge. If the sign is in compliance to current zoning and is in good condition, the property owner can petition to the Planning and Zoning Commission to retain and refurbish the structure.
- 3. All expenses incurred by the Zoning Official in taking down or removing any sign under this article shall be charged to the person responsible for such sign and shall

constitute a lien on the property upon which such sign was installed as well, which shall be enforceable as a lien for taxes.

4. No sign shall be attached to a fire escape or installed in such a manner as to obscure any fire escape or any window or door or other means of egress.
5. No sign shall be permitted to remain which through damage, disrepair or lack of maintenance has become impaired in its functionality or blighted in its appearance. The Zoning Official shall order such sign to be repaired, replaced, or removed and such order shall be complied with within 45 days of the receipt of such order.
6. Failure to comply with the Zoning Official's order as provided in paragraphs 1 and 2 above shall result in the loss of any legal non-conforming status which may exist for the sign and require the sign to be removed and/or to come into compliance with this Ordinance.
7. When a sign structure does not include a sign for a period of 90 consecutive days, such sign structure shall be deemed a violation and shall be removed.

§ 6.5.4 Signs Permitted Without Permit

A. No Permit Required

The following signs are permitted without obtaining a Sign Permit or Sign Program approval subject to conditions set forth below:

1. Official traffic and parking signs provided they are erected by a governmental agency.
2. On site flags for commercial properties: There may be a maximum of 3 flags to a property that visually do not obstruct site distance, distract drivers or impede pedestrian passage.



Example of a flag

3. Temporary signs provided the following conditions are adhered to:
 - a. Temporary signs are signs that are time sensitive and can be in place 30 days before the event that they are announcing. Such events include grand openings, sales, introduction of new or seasonal products, and events/gatherings. Sign shall be removed no later than one week after the event.
 - b. Temporary signs cannot be affixed to a building or a structure in such a manner as to damage or permanently alter the building or structure.
 - c. The sign is no larger than 20 square feet in area and 8 feet in height, except that on lots in residential use or in the Residential district, no temporary sign shall exceed 4 square feet or 5 feet in height.
 - d. In the NC districts, the Residential district, and the Neighborhood and Gateway subdistricts of the Downtown/Waterfront Development district, no more than two temporary signs shall be permitted at the same time on a property except on properties displaying at least one legal non-temporary sign, excluding name and address signs provided for in § 6.5.4A (11). In such a case, the property shall be limited to only one temporary sign at a time.
 - e. In the Residential district and the Neighborhood and Gateway subdistricts of the Downtown/Waterfront Development district, temporary signs shall not be illuminated. Elsewhere, temporary signs that are to be illuminated shall first obtain a permit.
4. Within the Downtown/Waterfront Development district, Corridor Mixed-Use, General Commercial, Industrial, NC and Residential zones, one placard, easel-type, sandwich board or A-frame type sign per street frontage provided the following conditions are met:
 - a. The sign shall not exceed six square feet if one-sided (12 square feet if double-sided), or 4.5 feet in total height and two feet in width.
 - b. The sign shall not impede pedestrian traffic or vehicle visibility, shall be removed before nightfall, and if posted along a road with speed limits greater than 35 miles per hour, it shall be placed at least 60 feet from the street right-of-way.
5. In the Corridor Mixed-Use, General Commercial, and Industrial districts, one sign associated with the opening of a development provided:
 - a. It is no greater than 100 square feet in size and no greater than 8 feet in height.
 - b. It is removed within 6 months of its installation. Reinstatement of the sign for up to an additional 6-month period following the initial 6-month period shall require a Sign Permit. Only two extensions shall be allowed.

6. In the NC districts and in the Residential, Institutional, Downtown/Waterfront Development, Open Space, and Resource Conservation districts, one sign associated with the opening of a development provided:
 - a. It is no greater than 32 square feet in size and no greater than 8 feet in height.
 - b. It is removed upon the dedication of associated public streets and/or utilities or within one year of its installation. Reinstatement of the sign for up to one one-year period following the expiration shall require a Sign Permit.
7. One portable sign that is in no way permanently affixed or installed in or to the ground or any structure provided the following conditions are adhered to:
 - a. It is no greater than four square feet in area and four feet in height.
 - b. It is located no closer than eight feet from any adjoining lot and ten feet from a public right-of-way.
 - c. It is not illuminated.
 - d. In zoning districts where total allowable sign area is limited by this Section, the area of this sign shall be included when calculating the maximum allowable sign area.
 - e. In zoning districts where the total number of signs is limited by this Section, this sign shall be included when calculating the maximum number of signs.
8. Signs accessory to parking lot uses provided the following conditions are adhered to:
 - a. Signs designating entrances and exits shall be limited to one sign per entrance and one per exit and neither sign shall exceed two square feet in area.
 - b. One additional sign limited to a maximum area of nine square feet is permitted which may be used to set forth conditions of use or identify the ownership of the parking area.
 - c. No such sign shall exceed six in height.
9. Commemorative plaques. Signs commemorating an historical building or site, its name register and/or erection date, when cut into or affixed to a permanent surface and not exceeding four square feet per building.
10. Interior signs. Signs located in excess of five feet inside and away from exterior windows, walls or doors of any building, mall, court, stadium or enclosed lobby, when such signing is intended for interior viewing.
11. Street number, address, and/or name. Two such signs for each building not exceeding one square foot each in the Residential district and three square feet

each in all other zoning districts are allowed without a Sign Permit and shall not be counted against the maximum allowed number of signs permitted on a lot.

12. On-site directional signs and notices. Signs showing the location of public facilities within a site such as public telephones, restrooms, and underground utilities are allowed without a Sign Permit.
13. Official on-site legal notice signs required by public hearing notification, zoning or other applications for City approval as may be required by City Code.
14. Permanent historic markers approved by the Historic Preservation Commission.
15. Window displays and signs. Signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:
 - a. No more than 50 percent of the window area is covered in signing.
 - b. The area of window signing shall not be included in the count of maximum allowable sign area and sign number for the site.
 - c. No such sign shall be an internally lighted sign.

B. Non-Permit Signs Not Exempt from Regulations

While the above listed signs are permitted without a Sign Permit, each must still be in compliance with the terms of this Ordinance. Signs installed with or without a permit, in conflict with the terms of this Ordinance, are in violation and/or subject to the penalties herein stated.

§ 6.5.5 General Sign Standards

A. Standards are Maximum Allowable

The dimension requirements provided in this Section represent the maximum size or area or distance allowed. Nothing in this Section shall be deemed to imply that these regulations confer a right to the maximum.

B. Computations of Area and Height

1. Area

- a. Measurement of the area of a sign shall be based on the entire area of the sign with a continuous perimeter enclosing the extreme limits of the sign surface. For a sign consisting of letters or symbols attached to a building wall, or other surface, the area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop, surface or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the requirements of this Ordinance and is clearly incidental to the display itself.

- b. When a sign consists of two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than 18 inches from each other. In this case, the sign area shall be determined by measuring either face and if such faces are unequal, the largest face shall be used.

2. Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

3. Sight Visibility

- a. No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
- b. A sight visibility triangle determined appropriate for the site by the city engineer upon request of the Planning Commission or Zoning Official shall be kept free of obstructions to vision between the heights of two and one-half feet and twelve feet above the street.

C. Illumination/Lighting of Sign

1. No internally lighted signs shall be permitted within the Residential, Institutional, Resource Conservation, or Open Space districts. Where illumination of a sign is permitted in these districts, it shall be permitted only by indirect means external to the sign face.
2. Electronic/Digital Signs are permitted in the General Commercial and Industrial districts upon approval of the Zoning Official and provided the following special standards are met:
 - a. Displays must use no more than three colors of light for entire sign display.
 - b. Graphics and/or animation are not allowed.
 - c. Intensity of speed of message may be determined by the Zoning Official.
 - d. The electronic message display may comprise no more than 35 percent of the face area.

§ 6.5.6 Standards Specific to the Residential Districts

Signs permitted in NC districts, the Residential district and the Neighborhood and Gateway subdistricts of the Downtown/Waterfront Development district shall be limited by the following:

A. For Public, Open Space, Institutional Uses, Public Assembly, Townhouse and Multiple Family Uses

1. One freestanding sign or wall sign is permitted, per road frontage meeting the following standards.
 - a. Maximum sign area is 32 square feet per sign face as provided in § 6.5.5 B1(b).
 - b. Maximum sign height is six feet except that a wall sign may reach eight feet.
 - c. Maximum distance from any other zoning lot is eight feet.
 - d. One Wall Mounted Sign is permitted with maximum letter height of 30 inches.
2. No sign shall project into or over a public right-of-way.

B. Subdivision or Community Entrance Signs

1. One sign not exceeding 12 square feet may be located at each street entrance.
2. The maximum sign height allowed is six feet.

C. Home Occupations, Home Day Care, Bed and Breakfast Uses

1. One freestanding sign per lot is permitted.
2. Maximum sign area shall be four square feet.
3. Maximum freestanding sign height shall be four feet.
4. Maximum distance from a property line lot shall be ten feet.
5. One wall-mounted plaque or nameplate sign is permitted provided it does not exceed two square feet in size and is made to be compatible in appearance with the building.

§ 6.5.7 Standards Specific to All Other Districts

Signs permitted in all districts except the NC districts, the Residential district and the Neighborhood and Gateway subdistricts of the Downtown/Waterfront Development district shall be limited by the following:

A. Freestanding Single or Multi-Tenant Sign

1. Only one freestanding single tenant sign or freestanding multi-tenant sign is permitted per site. An approved Sign Program may however provide for an additional freestanding single tenant sign and/or freestanding multi-tenant sign when a lot has two public street frontages on opposing property lines otherwise

known as a thru lot. Signs shall be a minimum of 200 feet apart if from another sign on the same frontage from, when possible.

2. Freestanding single and/or multi-tenant signs shall not be located within parking lots if possible. The area of a freestanding single tenant sign shall not exceed 32 square feet. A freestanding multi-tenant sign shall not exceed ten square feet per tenant. Such sign shall be placed on a continuous base that is at least as wide as the horizontal width of the sign it supports and shall be solid and designed as an architecturally integrated element of the sign.
3. The base of all freestanding single/multi-tenant signs shall be set back a minimum of ten feet from any property line. No part of a freestanding sign shall be located within or overhang into a public or private right-of-way, sidewalk, or adjoining property.
4. A landscaped area equivalent to the area of each side of a freestanding single/multi-tenant signs sign shall be maintained by the permit holder.
5. Freestanding single/multi-tenant signs shall not exceed a maximum height of eight feet, except that on any lot with public road frontage adjacent to a lot in the NC districts and/or the Residential district, the maximum height shall be six feet.
6. For lots with frontage on U.S. Route 50 or located in the Industrial district, the Planning Commission may authorize, upon approval of a Sign Program for qualifying projects, an increase in allowable freestanding single/multi-tenant sign area and height to a maximum of 50 square feet and 10 feet respectively provided the sign is set back at least 50 feet from the right-of-way of U.S. Route 50 and all signs, existing and proposed, are made to be conforming to the standards of this section.

B. Attached to Building

1. Signs attached to a building shall not project more than 18 inches from the face of the building. All such signs shall have a minimum clearance of eight (8) feet above the ground/sidewalk.
2. Wall mounted signs shall be no higher than the second floor windowsill on a building.
3. The Industrial district, the maximum area of a wall-mounted sign shall be computed as one square foot per building frontage up to a maximum of 60 square feet.
4. The provisions of this subsection are to include wall mounted multi-tenant signs.

C. Window Signs

Window displays and signs. Signs erected or suspended in the interior of a structure to be viewed from the outside provided the following conditions are adhered to:

1. No more than 50 percent of the window area is covered in signing.

2. The area of window signing shall be excluded in the count of maximum allowable sign area and sign number for the site.

D. The Maximum Allowable Sign Area

1. The maximum allowable area for all signs excluding freestanding single/multi-tenant signs on a site shall be computed as follows:
 - A. Within the Core, General, and Center subdistricts of the Downtown/Waterfront Development district, the lesser of one square foot per linear building frontage on the public street or 50 square feet except where additional sign area is specifically authorized by the Historic Preservation Commission or in the case of a sign program, approved by the Planning Commission.
 - b. For lots with frontage on U.S. Route 50 or in the Industrial zone, 1.25 square feet per linear building frontage on the public street up to a maximum allowable area of 150 square feet except that each additional building frontage facing a secondary street may have up to 0.5 square foot of sign area per linear foot of the secondary street frontage. Such additional sign area shall only be used on that side of the building frontage or signs may distribute the allowable signage equally on the two frontages, if that total signage does not exceed the maximum allowed. Signs may be installed on sides of the building with no street frontage, such as facing parking lots, however, this signage will be included in the maximum area calculation and such sides do not receive the benefit of additional square footage.
 - c. For all other locations, one square foot per linear building frontage on the public street up to a maximum allowable area of 100 square feet, including free standing signs, except that each additional building frontage facing a street may have up to 0.5 square foot of sign area per linear foot of street frontage ~~but~~ and such additional sign area shall only be used on that side of the building frontage or signs may distribute the allowable signage equally on the two frontages, if that total signage does not exceed the maximum allowed. Signs may be installed on sides of the building with no street frontage, such as facing parking lots, however, this signage will be included in the maximum area calculation and such sides do not receive the benefit of additional square footage.
2. Multi-tenant signs may be permitted for the purpose of consolidating several signs into one sign structure. No separate on premise freestanding sign shall be permitted for site occupants that already have an identification panel on a multi-tenant sign. A multi-tenant sign shall be spaced at a minimum of 300 feet from another multi-tenant sign.
3. Shopping centers, industrial parks and office parks that do not have an approved Sign Program per § 6.5.2E shall be allowed one freestanding sign or multi-tenant sign. Each tenant shall be allowed one wall sign not exceeding the square footage equal to one square foot for each linear foot of store frontage.

4. Shopping centers, industrial parks, office parks and other developments that qualify for a sign program approval may be exempted from the maximum signage area limitation of § 6.5.2E1 provided the Planning Commission has approved a Sign Program per § 6.5.2E.1 The owner of any shopping center, industrial park or office park existing prior to the date of adoption of this Ordinance may apply in writing to the Planning Commission for approval of a Sign Program which approval shall provide a schedule for bringing non-conforming signs into conformance with this Section within three years.

E. Special Standards by Sign Type

1. One marquee sign is permitted provided the sign area for the site does not exceed the maximum allowable sign area in that district and no additional signs are attached to the marquee sign.

§ 6.5.8 Standards Specific to Historic Area Overlay District

A. Historic Preservation Commission to Approve

In addition to the requirements of the underlying zoning district, within the Historic District the following specific limitation on signs shall apply:

1. A certificate of approval from the Historic Preservation Commission is required for all new signs and existing signs that are to be altered in size, shape, and location.
2. Applicants for sign permits in the Historic District should refer to the Historic Preservation Commission's design guidelines for signs.

B. Compliance Upon Addition to Historic District

Upon the inclusion of additional areas within the Historic Area Overlay District, all signs shall comply with this section within two years from the date the area is included.

§ 6.5.9 Nonconforming Signs

A. Zoning Official to Enforce

The Zoning Official shall order the removal of any sign erected or maintained in violation of the law as it existed prior to the date of the adoption of this Ordinance. Such a sign does not qualify as a nonconforming sign.

B. Nonconforming May Continue

Signs existing at the time of the adoption of this Section and not conforming to its provisions, but which did conform to previous laws, shall be regarded as nonconforming signs and these may be continued if properly maintained and repaired as provided in this Section except as provided below.

1. The structure, sign face, or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in

all respects into compliance with this Section, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.

2. Under this Section, a sign is inseparable from and intrinsically a part of the land use and activity of the property on which it is located. Therefore no site plan for any property shall be approved unless it provides that all existing nonconforming signs and new signs are made to conform to the provisions of this Section.
3. Upon approval of a special exception use on the site where a nonconforming sign or signs exist, all such nonconforming signs shall be brought into conformance with the applicable provisions of this Section.

§ 6.5.10 Administrative Adjustment of Sign Regulations

A. Adjustments

The Zoning Official may, upon application, administratively adjust the limitations for signs in the specific instances according to the procedures of § 2.2.4 of this Ordinance. An adjustment of up to ten percent to the limitations set forth in this Section with respect to the following dimension criteria is allowed: height, and distance of permitted projection, setback of sign from adjoining lot lines.

B. Findings

The Zoning Official may only approve an administrative adjustment upon establishing the following findings:

1. The adjustment is needed to resolve a practical difficulty unique to the property.
2. The adjustment is the smallest necessary to grant relief of the practical difficulty.
3. The adjustment shall in all other manners comply with the purposes and requirements of this Section.

§ 6.5.11 Violations

A. Unlawful Signs

Any sign placed in public view for which no Sign Permit has been issued, and that is not otherwise exempted from the permit requirement of this Section, is unlawful. No person shall install, place, or maintain an unlawful sign and no person shall allow, or permit the installation, placement, or maintenance of an unlawful sign on property owned by the person. The Zoning Official shall enforce the provisions of this Section.

B. Removal of Unlawful, Temporary or Portable Signs

1. The Zoning Official may remove, or cause the removal of a temporary or portable sign that is constructed, placed, or maintained on publicly owned or private property in violation of this Section or other provisions of the City Code.

2. A sign removed by the Zoning Official in compliance with subsection B.1 shall be stored for a period of 15 days from the date written notice of such storage is given. If not claimed within that time period, the sign may be destroyed. Prior to the release of any stored sign, the owner shall pay a fee of \$150.00, or other amount as the City Council, by resolution, may authorize, to the City to defray a portion of the expenses of removing, storing, and handling the unlawful sign.
3. Notice of the storage of a sign to be given in compliance with Subsection B.2 may be given by first class mail or personal delivery to the apparent owner of the sign as ascertained from the sign itself or from other information that has been obtained by the Zoning Official.
4. The notice shall briefly describe the sign and what is on its face, and shall state the sign has been stored by the City and that it will be released to the owner, upon satisfactory proof of ownership and the payment of the fee, during a stated 15-day period.
5. The notice shall state where the owner may obtain the release of the sign and contain such other information as the Zoning Official deems necessary or helpful.
6. Notice is deemed given on the date the notice, addressed to the apparent owner, with first class postage affixed thereto, is placed in a mail depository of the U.S. Postal Service or personally delivered to the owner or to the owner's office or home. If no apparent owner and/or no address of the apparent owner can be ascertained from the sign or other information obtained by the Zoning Official, no notice need be given in compliance with this subsection, but the sign shall be stored for at least 15 days from the date it is placed in storage before it may be destroyed.

Article 7

Community Design Standards

§ 7.1 Adequate Public Facilities

§ 7.2 Streets

§ 7.3 Administrative Provisions for New Developments

§ 7.1 Adequate Public Facilities

The purpose of this section is to ensure that:

- The public facilities that would serve new development are safe and adequate to the use imposed on them by new development projects.
- The public facilities needed by new development are located, expanded, enhanced or otherwise provided as guided by the Comprehensive Plan, not on a case-by-case basis without regard to the overall well-being of the City.
- Basic standards are met.

§ 7.1.1 Basic Requirements

In addition to the special standards and requirements contained in this Ordinance, the following minimum conditions shall exist prior to approval of any subdivision, whether such facilities are provided by the developer, a utility, or the City of Cambridge. The Planning Commission may disapprove any subdivision if it finds that any one public utility, facility, or service is not adequately provided in the proposed subdivision, including but not limited to adequate public sewer and water.

A. The following shall be minimum standards for utilities:

1. Every subdivision shall be provided with proper telecommunications and electric systems.
2. Public Water
 - a. Every subdivision shall be provided with complete public water distribution system adequate to serve the area being developed with pipe lines, valves, fire hydrants and other water facilities as required.
 - b. There shall be capacity in the water supply, treatment, and distribution system to serve the subdivision while accounting for the demand created by all existing lots and all approved but as yet unconnected lots.

3. Sewer Services
 - a. Every subdivision shall be provided with the sewer disposal system and facilities approved by the Health Department, the appropriate State agency, and the City.
 - b. There shall be capacity at the wastewater treatment plan to accommodate the demand of the subdivision while accounting for the demand created by all existing lots and all approved but as yet unconnected lots.
4. Easements for new or for the continuations of existing utilities shall be provided for all subdivisions, which may be required to be platted over lots within the subdivision, with the width and other characteristics as required by the City and other appropriate jurisdiction but shall be no narrower than ten feet.
5. Where a subdivision or development requiring a site plan is traversed by a watercourse, drainage way, channel, interment or perennial stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction or both as will be adequate for the purpose.
6. Every subdivision shall be provided with the satisfactory drainage and management of stormwater that conforms to local, County, State and/or Federal requirements. Maintenance of stormwater management structures, ponds, or devices located outside of the public right-of-way shall be the responsibility of the property owners or developer of the subdivision or property, unless this requirement is specifically waived by the City Council, upon recommendation of the Planning Commission.
7. The Planning Commission shall review each proposed subdivision to determine whether it is served by proper community access streets, sidewalks and bikeways.
8. The Planning Commission shall review each proposed subdivision to determine whether it is served by adequate open space, park, and recreational amenities.

§ 7.1.2 Open Spaces, Parks, and Recreational Requirements

A. Minimum Recreational Area

All residential developments shall provide, at a minimum, improved recreational areas in an amount equal to 300 square feet per dwelling unit but not less than 7,000 square feet.

B. Fee In Lieu

The City Council may require payment of a fee in lieu, dedication, reservation or a combination thereof whenever upon the Planning Commission's finding that the requirement in paragraph A above cannot adequately meet open space and recreation needs of the development or if the development is less than 30 homes or within 1,500 feet from another park or playground. The fee in lieu shall be on a per-dwelling-unit basis. The fee shall be listed with the annual schedule of fees for the City. Fees will be collected upon application for a building permit. The City shall deposit fees in a designated account

with funds expended only for the expansion of park and recreation facilities including bicycle trails.

C. Enhanced Requirements for Large Developments

For developments with over 50 dwelling units, the Planning Commission may require a combination of improved park and recreational land and playgrounds, at the minimum rate of 650 square feet per dwelling unit.

D. Dedication

When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the City of Cambridge, after which the supervision and maintenance shall be the responsibility of the City. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance, and use of such areas as deemed necessary by the Planning Commission to assure preservation of its intended purposes.

E. Open Space in Limits of Proposed Subdivisions

1. Where a proposed park, playground, school, or other public use shown on the Comprehensive Plan is located in whole or in part within the limits of a proposed subdivision, the Planning Commission shall require that such are to be reserved for such use.
2. Where no park be shown by the Comprehensive Plan within the limits of a proposed subdivision, a minimum of five percent of the land in the subdivision shall be set aside in a contiguous reservation for development and use as a public open space. The responsibility of developing and maintaining the recreational components thereof shall rest with the developer and compliance with at least the minimum improved recreational space requirements of paragraphs A and C of this subsection shall be achieved.

§ 7.1.3 Bikeway Requirements

A. Connection to Public Right-of-Way

All developments requiring a Category 1 site plan and all major subdivisions shall provide, an unobstructed improved bicycle connection in the form of a perpetual easement or other protective measure of at least 10 feet in width between the public right-of-way and any required on-site bicycle parking. If such connection is over a driveway or internal street network, then the driveway or street and its intersection(s) with public streets shall be made adequate and safe for bicyclists.

B. Fee In Lieu

The City Council may require payment of a fee in lieu, dedication, reservation or a combination thereof whenever upon the Planning Commission's finding that the requirement in paragraph A above cannot adequately meet bicycle access needs of the development or if the development adds or improves less than 5,000 square feet in building area or the development is in the Downtown/Waterfront Development district

and bicycle parking demanded thereto is best provided off-site. The fee in lieu shall be applied on the basis of per-square foot of improved building space. The fee shall be listed with the annual schedule of fees for the City. Fees will be collected upon application for a building permit. The City shall deposit fees in a designated account with funds expended only for bicycle facilities.

C. Enhanced Requirements for Large Developments

For developments with over 50 dwelling units or over 40,000 square feet of new building space, the Planning Commission shall require enhancements to the principal routes of any City approved bicycle trail facility that would serve the development to make such routes adequate to serve the bicycle traffic demand created by the development.

Required improvements shall be determined upon completion of a bike accessibility and safety study, which shall be submitted with the site plan application upon review of the City Planner and City Engineer and approved by the Planning Commission.

If such facilities located within one-half mile of the development are determined by the Planning Commission to be adequate based on the study, then those reasonable improvements necessary to make the principal route serving the development within a one mile radius adequate shall be determined and they shall be made by the developer under direction of the Department of Public Works according to a schedule approved by the Planning Commission.

§ 7.2 Streets

§ 7.2.1 Street Classification

A. Constructed to City Specifications

All streets, curbs, sidewalks, trails, bikeways, streetlights, and street trees shall be constructed and/or installed to the design and construction specifications of the City of Cambridge. The developer shall be required to repair damage to any portion of the City right-of-way or the area to be dedicated to the City as a result of grading or construction activities in the subdivision.

B. Modifications May be Required

Wider widths of right-of-way may be required by the City to address unusual drainage and traffic situations, to promote the development of aesthetically pleasing streets, to accommodate pedestrian and/or bicycle travel, or to otherwise implement the City's Comprehensive Plan. Modifications may be required to provide bio-retention practices within the street right-of-way.

C. Modifications May be Approved

Upon request, the Planning Commission may grant minor modifications to the City's required street specifications upon receiving a favorable recommendation from the City Engineer and upon establishing written findings that any such change is consistent with the

purposes of this Ordinance. The Planning Commission may place reasonable conditions on any such modification so as to protect public health, safety and welfare.

§ 7.2.2 Street Layout

The following provisions shall apply to the layout and arrangement of public streets in developments.

A. Street Arrangement

1. The street system shall be designed to follow existing topography minimizing cut and fill. Streets shall conform as closely as possible to the original topography. The maximum grade of a street shall be six percent however in no case may a street be constructed with grade that, in the professional opinion of the City Engineer, creates a danger to public safety.
2. The arrangement of streets shall conform to the Comprehensive Plan or Official Map of the City of Cambridge. For streets not shown, the subdivision should provide for the extension of existing streets.
3. Whenever a tract to be subdivided adjoins or encompasses any part of a street, road, trail or other public way, so designated in the Comprehensive Plan, such part of that public way shall be platted and dedicated to the City.
4. Residential streets shall be arranged to discourage through traffic.
5. Residential streets shall be arranged so as to manage the speed and volume of traffic in residential neighborhoods using traffic calming methods that encourage speeds less than 25 mph. They include chokers, curb extensions, and lane reduces; islands and medians; traffic circles and roundabouts; texture crosswalks; curving alignments, short blocks, full and partial closures, diverters, and required turns.
6. When a subdivision plat includes only part of the tract owned by the developer or owner of the tract under review, the layout of the proposed streets if applicable for the entire tract shall be submitted for Planning Commission approval concurrent with subdivision plat review.

B. Block Dimensions

1. No Residential Lane, or Secondary or Primary Residential Street shall exceed 500 feet without intersecting another street or lane except as provided below.
2. The intersections of residential streets and lanes with Collector Streets, as designated in the Comprehensive Plan, shall occur at safe and convenient locations, preferably at T intersections, but generally should be spaced at least 1,320 feet apart.
3. No residential block shall be less than 200 feet in length.

C. Street Intersections

1. Streets should intersect as nearly as possible at right angles but variations on this are permitted where turning movements are to be restricted as part of a planned

street system. No more than two streets should intersect at any one point unless the City Engineer certifies that such an intersection can be constructed with no extraordinary danger to public safety.

2. Wherever possible, proposed intersections along one side of a street shall coincide with existing and proposed intersections on the opposite side of such street. In any event, where a center offset (jog) occurs at an intersection, the distance between center lines of the intersection streets shall not be less than 300 feet except where the intersecting streets and the intersected street are secondary residential streets or residential lanes; in such case the distance between center lines of the intersection streets shall not be less than 200 feet.
3. Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,320 feet or otherwise in conformance with the Maryland State Highway Administration criteria. Any site plan or subdivision with proposed access to a State Highway must obtain State Highway Administration access permit approval prior to receiving final approval from the Planning Commission.
4. The maximum grade through an intersection shall be five percent.

D. Circulation

1. The street system shall be designed to permit the safe and orderly movement of traffic, to favor direct accessibility, mobility, and safety of pedestrians and cyclists, to meet the needs of present and future population served, to respect natural features, prominent views and topography, and to have a logical pattern built largely on a rectilinear grid.
2. Residential streets shall be designed to discourage through traffic except where the residential street may be classified as a Collector Street.
3. The street system of a subdivision shall be coordinated and connected with existing, proposed and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots as provided in this section.
4. **Pedestrian Accessibility**
 - a. Except for lots on streets existing prior to January 1, 2013, every new residential lot created shall be within 800 feet walking distance from a recreational open space.
 - b. Except for lots on streets existing prior to January 1, 2013, every new lot shall front onto a sidewalk, which shall be a minimum of 5 feet in width and constructed to the construction specifications of the City. In new subdivisions, sidewalks shall be installed concurrent with street installation.

- c. To the extent practical, any new sidewalk network shall directly connect to the sidewalk network existing and planned at the time the final subdivision plat is submitted for approval.
 - d. Whenever the Planning Commission finds a means of pedestrian access is necessary from a subdivision or from any un-subdivided residential development to schools, parks, playgrounds, other streets or pedestrian facilities, or any other center of activity and that such access is not conveniently provided by sidewalks adjacent to the streets, it may require the developer to provide additional sidewalks and/or trails and secure and improve unobstructed easements for pedestrian travel of at least 10 feet in width.
 - e. Within all un-subdivided developments, walkways shall be provided linking together all dwelling units, offices, stores and other activities centers as applicable including parking lots and recreational areas and facilities.
5. Bikeways shall be provided along all Collector Streets designated in the Comprehensive Plan at time of development. The location and alignment shall be determined upon subdivision concept plat review.

E. Street Names

1. Street names shall be proposed by the developer subject to the approval of the City. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the City and the fire company's jurisdiction, regardless of the use of different suffixes.
2. A variety of suffixes may be approved by the City such as street, avenue, or boulevard. However, the following street naming suffix criteria shall be followed where they would apply:
 - a. Alley, for a street built to the alley typical section provided in this Ordinance.
 - b. Circle, for a short street that returns to itself.
 - c. Court or place, for a cul-de-sac or dead-end street.
 - d. Loop, for a street that begins at the intersection with one street and circles back to end at another intersection with the same street.

F. Utilities

1. Utilities installed in the City shall conform to the design and construction specifications of the City of Cambridge.
2. Where topography, maintenance and facilities management considerations, or any other considerations are such as to make it impracticable or unfavorable for the City to have utilities or drainage facilities within a street right-of-way, perpetual unobstructed easements for such utilities shall be provided across

property outside the street right-of-way of at least 10 feet in width. Such easements shall be provided prior to final plan or plat approval.

§ 7.3 Administrative Provisions for New Developments

§ 7.3.1 Improvements Generally

A. Section 406 Sec. 17-36. Generally.

Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules:

1. For apartment group houses and single-family detached dwelling units, see section 17-37 and section 17-38, subsections (a) and (b).
2. For commercial or industrial developments, see section 17-23 17-37 and section 17-38, subsections (a) and (c).

B. Section 407 Sec. 17-37. Specific improvements.

1. Property monuments. Property monuments shall be placed at all block corners, angle points and points of curves in streets and at intermediate points as shall be required by the city engineer, but under no circumstances shall be set in a paved roadway. The monuments shall be of concrete, a minimum of four inches by four inches by 42 inches. Each monument shall have a brass plate no less than one-half inch thick in the center flush with the top of the monument and shall be marked with the words "City of Cambridge Benchmark," followed by a number to be obtained from the city engineer.
2. Streets. The developer shall build all streets within the subdivision in accordance with their classification and measurements as specified in subsection 17-22(e). All streets shall be designed in conformance with the city standard specifications as provided in this Code and other ordinances of the city.
3. Curbs, gutters and sidewalks shall be required when recommended by the department of public works and the traffic safety committee and finally approved by the Planning Commission.
4. In the event the project fronts upon existing streets, the developer will place, at his expense, all required widening of the street, curb and gutter and sidewalk consistent with the development in question. This will include the removal and replacement or adjustment of existing facilities to meet the standards established for development or as required by the city engineer.
5. Alleys. The developer shall construct alleys where required by the Planning Commission.
6. Sewers. The developer shall build all sewers within the subdivision, including but not limited to all sewer mains, manholes, drop connections, house connections, etc., to a size specified by the engineer and in conformity with regulations of the

state or this Code or other ordinances of the city. The sewers shall be designed by the developer's engineer in a manner satisfactory to the city engineer.

7. Water lines. The developer shall build all water lines within the subdivision, including but not limited to all mains, house connections, valves, fire hydrants, etc., to a size specified by the municipal utilities commission engineer and in conformity with the regulations of the state or this Code or other ordinances of the city. The work shall be designed by the developer's engineer in a manner satisfactory to the municipal utilities commission.
8. Storm drains. The developer shall build all storm drains within the subdivision, including but not limited to all drains, inlet connections, inlets, manholes, paved drainage channels, headwalls, etc. All drains shall be designed by the developer's engineer in a manner satisfactory to the city engineer.
9. Sewage pumping stations and force mains. Where extensions to the existing sanitary sewer system will not serve the subdivision in question, the developer shall build a sewage pumping station and force main. Plans and specifications shall be engineered by the developer's engineer after a conference with the city engineer to determine the size, location, materials, etc. All work shall be in conformance with city specifications.
10. Traffic signs, street signs and signals. Traffic signs and signalization shall be designed by the developer's engineer, reviewed by the city's traffic and safety committee and approved by the city council. All street and traffic signs shall be installed by the developer at his expense. Traffic signals, if required, shall be engineered by the developer's engineer, installed and tested by the developer and turned over to the city.
11. Street lighting. The developer will be responsible for the design and installation of all street lighting. The design must be reviewed by the traffic and safety committee and approved by the city council. The city will operate and maintain the system in accordance with its agreements with the power companies.
12. Electric, telephone and cable television lines. The developer will be responsible for coordinating with the electric, telephone and cable television companies to see that their layout plans appear on the mylar drawings.
13. Gas. Where gas is to be installed as part of the subdivision plans, the developer's engineer shall incorporate same into his plans. The developer must make his own arrangement with the gas company.
14. Other requirements. All other improvements required by a particular subdivision and not otherwise covered in this section shall be provided by the developer. Exceptions, on an individual basis and in unusual circumstances, may be granted by the commissioners.
15. Underground placement of utilities. All utilities shall be underground, except for street lighting, which shall be on aluminum poles and be supplied for underground wiring.

C. Section 408 Sec. 17-38. Payment of costs.

1. On-site improvement costs. On-site improvement costs will be entirely the responsibility of the developer. Estimates of these costs, as well as those for buildings to be constructed, shall be prepared by the developer's engineer and checked by the city engineer. Such estimates shall be used as a basis for permit fees and bonding requirements.
2. Off-site residential utility extension costs.
 - a. Water and sewer facilities. The developer shall be responsible for the cost of extending water and sewer facilities to the site. At the discretion of the commissioners he/she may also be held responsible for additional water and sewer costs necessitated by his/her development with respect to overall city planning and development.
 - b. Streets. The developer shall be responsible for the cost of all street construction to the site from the existing street system. At the discretion of the Planning Commission the developer may be held responsible for any additional street construction necessitated by his/her development with respect to city planning and development.
 - c. Storm drainage. The developer shall be responsible for the cost of storm drainage to and from the site. At the discretion of the City Commissioners, in consultation with the City Engineer, the developer may be held responsible for any additional storm drainage necessitated by his/her development with respect to city planning and development.
3. Off-site industrial-commercial utility extension costs.
 - a. If adequate storm drains are available near the project site as determined by the city engineer, then the city may extend its system to serve the proposed new development. The city's responsibility would be limited to an extension to the nearest edge of the project site.
 - b. In the event the city does not have available funds to do its share of the work, at the time the developer wishes to proceed, the developer will be required to provide an escrow deposit in the amount of the contract necessary to do the city's share of the work, and he/she shall be reimbursed from the next available funds.
 - c. In no case shall the reimbursement period be made longer than 12 months from the time the contract is awarded or from the next budget succeeding the contract award.
4. If gravity sewer of sufficient capacity is available within 500 feet of the site, the city may extend its service to the edge of the project site. In the event unusually long and costly mains are required to serve a remote site, the city may require the developer to pay any or all costs of necessary mains (non-recoverable) to make the service available to the development site, or to provide a pumping station and force main to the existing service.

5. In the event adequate storm drainage or sewer service is not available within the project area, and extensive costs may be required to provide these mains, the city may:
 - a. Require the developer to pay part or all of the cost of extending storm mains to suitable discharge (as approved by the city).
 - b. Deny the permit to develop because of the lack of a suitable stormwater system.
 - c. The extension of water mains of sufficient size or capacity to the site and conditions of service are the responsibility of the municipal utilities commission.
6. Other off-site development. In the event additional development is required outside the project area, the city may assess any or all of the cost of the construction to the developer as the city may deem to be advisable. This additional development may include, but shall not be limited to, widening of streets, placing or replacing curb, gutter and sidewalk, placing of traffic control devices, purchasing rights-of-way, etc., in order to provide for the safe and efficient flow of traffic primarily attributable to the development under consideration. The exact requirements, if any, will be set by the planning commission and approved by city council.
7. Bond requirements. The city requires all developers to post separate performance and payment bonds in the amount of 100 percent of the construction costs.
 - a. Extension of time may be obtained by application to the city engineer and upon findings by him/her of such facts as will justify a further extension of time to complete the required improvements.
 - b. This bond will be reduced as work is completed, less ten percent to be retained until one year from the date of substantial completion.

D. Section 409 Sec. 17-39. Inspection; acceptance.

1. Approval of a plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. However, the City may accept any such offer of dedication through the acceptance of a properly prepared deed.
2. All improvements must be inspected by and completed to the satisfaction of the city engineer before any building permits will be issued.
3. Acceptance by the city after completion by the developer will be made within one year of final inspection by the city. Any defects found in the construction prior to that time shall be repaired by the developer prior to acceptance by the city.

E. Section 410 Sec. 17-40. Protection against defects.

1. Whenever (pursuant to terms of the City Zoning Ordinance or Subdivision Regulations) occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or

the surety that is posted pursuant to Section 17-42 shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.

2. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within one year after the City has taken title to or possession of the public facilities and/or improvements.

F. Section 411 Sec. 17-41. Maintenance of dedicated areas until acceptance.

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

§ 7.3.2 Dedication and Acceptance of Streets and Facilities

A. Offer of Dedication

Unless the recorded plat of a subdivision clearly shows a street to be private the recording of such plat shall constitute an offer of dedication of such street.

B. Acceptance

The approval of a final subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, sidewalks, parks or other public facility shown on said plat. Acceptance of all such public spaces and facilities by the City occurs only after all public improvements have been completed in accordance with the Cambridge design and specification manual and/or any other City specifications through the acceptance by the City of a properly prepared deed. The City shall inspect all such facilities and improvements.

- C. Stormwater management facilities, open spaces and other amenities not within public rights-of-way or on land planned to be dedicated to the City will not become the maintenance responsibility of the City of Cambridge. The applicant for development approval shall propose, as part of the site plan or subdivision plat approval, the entity which shall be responsible for ongoing maintenance.

§ 7.3.3 Bonding and Guarantee of Public Improvements

A. City Bonding Procedures

Bonding procedures and requirements including inspection procedures and surety release procedures shall be as specified by the City of Cambridge.

B. Protection Against Defects

1. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted shall guarantee that any defects in such improvements or facilities that appear within one year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.
2. Whenever all public facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within one year after the City has taken title to or possession of the public facilities and/or improvements.

Article 8

Critical Area Regulations

§ 8.1	Critical Area Program Purpose and Goals
§ 8.2	Districts
§ 8.3	Land Use and Density
§ 8.4	Growth Allocation
§ 8.5	Administration and Enforcement
§ 8.6	The 100-Foot Buffer
§ 8.7	Other Habitat Protection Areas
§ 8.8	Critical Area Definitions

§ 8.1 Critical Area Program Purpose and Goals

§ 8.1.1 The Cambridge Critical Area Program

The Cambridge Critical Area Program consists of this Ordinance including the Official Critical Area Map.

§ 8.1.2 Goals and Implementation

- A.** The goals of the Cambridge Critical Area Program are to accomplish the following:
1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or run off from surrounding lands;
 2. Conserve fish, wildlife, and plant habitat; and
 3. Establish land use policies for development in the Critical Area which accommodate growth as well as address the environmental impacts that the number, movement, and activities of people may have on the area.
- B.** The City of Cambridge Critical Area Program consists of this Ordinance and the Official Critical Area map(s).

§ 8.1.3 Regulated Activities and Applicability

Any applicant for a permit or license to pursue activities within the Critical Area, including but not limited to, development or redevelopment, grading, sediment and erosion control, timber

harvesting, shoreline erosion control, installation of a septic system and drain field, operation of a waste collection or disposal facility, operation of a commercial or private marina or other water-related commercial or industrial operation (whether public or private), mining (whether surface or sub-surface) or quarrying, farming or other agriculture-related activities shall have such permits or licenses issued by the City after review to determine compliance with this Ordinance.

§ 8.1.4 Critical Area Overlay District Map

- A. The Official Critical Area Overlay District Map is maintained in force as part of the Official Zoning Map for Cambridge. The Official Critical Area Map delineates the extent of the Critical Area Overlay District that shall include:
 - 1. All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetland maps, and all state and private wetlands designated under Title 16 of the Environment Article of the Annotated Code of Maryland, and
 - 2. All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article of the Annotated Code of Maryland except that all such areas located within the municipal limits of Cambridge prior to 1985 shall be excluded, unless added through amendment of the Official Critical Area Maps.
- B. Within the designated Critical Area Overlay District, all land shall be assigned one of the following land management and development area classifications:
 - 1. Intensely Developed Area (IDA).
 - 2. Limited Development Area (LDA).
 - 3. Resource Conservation Area (RCA).
- C. The Critical Area Overlay District Map may be amended by the Mayor and City Council in compliance with amendment provisions in this Article, the Maryland Critical Area Law, the Critical Area Criteria and Critical Area Regulations.

§ 8.1.5 General Requirements

- A. Development and redevelopment shall be subject to the Habitat Protection Area requirements prescribed in this Article.
- B. Reasonable accommodations for the needs of disabled citizens.
 - 1. An applicant seeking relief from the Critical Area standards contained in this Article in order to accommodate the reasonable needs of disabled citizens shall have the burden of demonstrating by a preponderance of evidence the following:
 - a. The alterations will benefit persons with a disability within the meaning of the Americans with Disabilities Act;

- b. Literal enforcement of the provisions of this Article would result in discrimination by virtue of such disability or deprive a disabled resident or user of the reasonable use and enjoyment of the property;
 - c. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this Article or restore the disabled resident's or user's reasonable use or enjoyment of the property;
 - d. The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this Article as applied to the property; and
 - e. The accommodation would be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or would allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.
- 2. The Board of Zoning Appeals shall determine the nature and scope of any accommodation under this Article and may award different or other relief than requested after giving due regard to the purpose, intent, or effect of the applicable provisions of this Article. The Board may also consider the size, location, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
 - 3. The Board of Zoning Appeals may require, as a condition of approval, that upon termination of the need for accommodation, that the property be restored to comply with all applicable provisions of this Article. Appropriate bonds may be collected or liens placed in order to ensure the City's ability to restore the property should the applicant fail to do so.

§ 8.2 Districts

§ 8.2.1 Intensely Developed Areas

A. Development Standards

For all development activities in the Intensely Developed Areas, the applicant shall identify any environmental or natural feature described below and meet all of the following standards:

- 1. Development activities shall be designed and implemented to minimize destruction of forest and woodland vegetation;
- 2. All roads, bridges, and utilities are prohibited in a Habitat Protection Area, unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction, and maintenance shall:
 - a. Provide maximum erosion protection;

- b. Minimize negative impact on wildlife, aquatic life, and their habitats; and
 - c. Maintain hydrologic process and water quality.
3. All development activities that must cross or affect streams shall be designed to:
- a. Reduce increases in flood frequency and severity that are attributable to development;
 - b. Retain tree canopy so as to maintain stream water temperature within normal variation;
 - c. Provide a natural substrate for stream beds; and
 - d. Minimize adverse water quality and quantity impacts of stormwater.
4. All development and redevelopment activities shall include stormwater management technologies that reduce pollutant loadings by at least 10 percent below the level of pollution on the site prior to development or redevelopment as provided in *Critical Area 10% Rule Guidance Manual – Fall 2003* and as may be subsequently amended.

§ 8.2.2 Limited Development Areas

A. Development Standards

For all development activities in the Limited Development Areas, the applicant shall identify any environmental or natural feature described below, and shall meet all of the following standards:

- 1. Development and redevelopment shall be subject to the water-dependent facilities requirements of this Article;
 - 2. Roads, bridges, and utilities are prohibited in a Habitat Protection Area unless no feasible alternative exists. If a road, bridge or utility is authorized the design, construction and maintenance shall:
 - a. Provide maximum erosion protection;
 - b. Minimize negative impacts on wildlife, aquatic life and their habitats; and
 - c. Maintain hydrologic processes and water quality.
- B. All development activities that must cross or affect streams shall be designed to:
- 1. Reduce increases in flood frequency and severity that are attributable to development;
 - 2. Retain tree canopy so as to maintain stream water temperature within normal variation;
 - 3. Provide a natural substrate for stream beds; and
 - 4. Minimize adverse water quality and quantity impacts of stormwater.

- C. If there is a wildlife corridor system identified by the Wildlife Heritage Service on or near the site which can be enhanced by additional plantings, the applicant shall incorporate a wildlife corridor system that connects the largest undeveloped or most vegetative tracts of land within and adjacent to the site in order to provide continuity of existing wildlife and plant habitats with off-site habitats. The wildlife corridor system may include Habitat Protection Areas identified in this Article. Cambridge shall ensure the maintenance of the wildlife corridors by requiring the establishment of conservation easements, restrictive covenants, or similar instruments approved by the City through which the corridor is preserved by public or private groups, including homeowners associations, nature trusts and other organizations.
- D. Development on slopes fifteen percent (15%) or greater, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slope and is consistent with the policies and standards for Limited Development Areas.
- E. Except as otherwise provided in this subsection, lot coverage as defined in § 8.8 Critical Area Definitions is limited to fifteen percent (15%) of a lot or parcel or any portions of a lot or parcel that are designated LDA.
1. If a parcel or lot of one-half acre or less in size existed on or before December 1, 1985, then lot coverage is limited to twenty-five percent (25%) of the parcel or lot.
 2. If a parcel or lot greater than one-half acre and less than one acre in size existed on or before December 1, 1985, then lot coverage is limited to fifteen percent (15%) of the parcel or lot.
 3. If an individual lot one acre or less in size is part of a subdivision approved after December 1, 1985, then lot coverage may exceed fifteen percent (15%) of the individual lot; however, the total lot coverage for the entire subdivision may not exceed fifteen percent (15%).
 4. Lot coverage limits provided in (1) and (2) above may be exceeded, upon findings by the Planning Commission or its designee that the following conditions exist:
 - a. The lot or parcel is legally nonconforming. A lot or parcel legally developed as of July 1, 2008 may be considered legally nonconforming for the purposes of lot coverage requirements.
 - b. Lot coverage associated with new development activities on the property has been minimized.
 - c. For a lot or parcel one-half acre or less in size, total lot coverage does not exceed the lot coverage limits in § (a) by more than twenty-five percent (25%) or five hundred (500) square feet, whichever is greater.
 - d. For a lot or parcel greater than one-half acre and less than one acre in size, total lot coverage does not exceed the lot coverage limits in § (b) or five thousand, four hundred and forty-five (5,445) square feet, whichever is greater.
 - e. The following summarizes the limits set forth in (i) through (iii) above:

Lot/Parcel Size (Square Feet)	Lot Coverage Limit
0 – 8,000	25% of parcel + 500 SF
8,001 – 21, 780	31.25% of parcel
21,781 – 36,300	5,445 SF
36,301 – 43,560	15% of parcel

5. If the Planning Commission or its designee makes the findings set forth in (d) above and authorizes an applicant to use the lot coverage limits set forth in that paragraph, the applicant shall:
 - a. Demonstrate that water quality impacts associated with runoff from the development activities that contribute to lot coverage have been minimized through site design considerations or the use of Best Management Practices to improve water quality; and
 - b. Provide on-site mitigation in the form of plantings to offset potential adverse water quality impacts from the development activities resulting in new lot coverage. The plantings shall be equal to two times the area of the development activity.
 - c. If the applicant cannot provide appropriate stormwater treatment and plantings due to site constraints, then the applicant shall pay a fee to Cambridge in lieu of performing the on-site mitigation. The amount of the fee shall be \$1.50 per square foot of the required mitigation.

- F. The alteration of forest and developed woodlands shall be restricted and shall be mitigated as follows:
 1. The total acreage in forest and developed woodlands within the Critical Area shall be maintained or preferably increased;
 2. All forests and developed woodlands that are allowed to be cleared or developed shall be replaced in the Critical Area on not less than an equal area basis;
 3. If an applicant is authorized to clear more than 20 percent of a forest or developed woodlands on a lot or parcel, the applicant shall replace the forest or developed woodlands at 1.5 times the areal extent of the forest or developed woodlands cleared, including the first 20 percent of the forest or developed woodlands cleared.
 4. An applicant may not clear more than 30 percent of a forest or developed woodlands on a lot or parcel, unless the Board of Appeals grants a variance and the applicant replaces forest or developed woodlands at a rate of three times the areal extent of the forest or developed woodlands cleared.
 5. If an applicant is authorized to clear any percentage of forest or developed woodlands the remaining percentage shall be maintained through recorded, restrictive covenants or similar instruments approved by the City.

- G. The following are required for forest or developed woodlands clearing as required in (F) above:
1. The applicant shall ensure that any plantings that die within twenty-four (24) months of installation shall be replaced. A performance bond in an amount determined by the City shall be posted to assure satisfactory replacement as required in (F) above and plant survival;
 2. No clearing is allowed until the City has issued a permit. Forests and developed woodlands which have been cleared before obtaining a City permit is a violation and shall be replanted at three times the areal extent of the cleared forest;
 3. Clearing of forest or developed woodlands that exceeds the maximum area allowed in (F) above or prior to the issuance of a permit shall be replanted at three times the areal extent of the cleared forest; and
 4. If the areal extent of the site limits the application of the reforestation standards in this section the applicant may be allowed to plant off-site or pay a fee in lieu of planting.
- H. If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodlands cover of at least 15 percent.
1. The applicant shall designate, subject to City approval, a new forest area on a part of the site not forested; and
 2. The afforested area shall be maintained as forest cover through easements, restrictive covenants or other protective instruments approved by the City.

§ 8.2.3 Resource Conservation Areas

A. Development Standards

For all development activities and resource utilization in the Resource Conservation Areas, the applicant shall meet all of the following standards:

1. Land use management practices shall be consistent with the policies and criteria for the Habitat Protection Area provisions of this Article.
2. Land within the Resource Conservation Areas may be developed for residential uses at a density not to exceed one dwelling unit per 20 acres.
3. Development activity within the Resource Conservation Areas shall be consistent with the requirements and standards for Limited Development Areas as specified in this Article.
4. Nothing in this section shall limit the ability of a landowner to participate in any agricultural easement program or to convey real property impressed with such an easement to family members provided that no such conveyance will result in a density greater than one dwelling unit per 20 acres.

§ 8.3 Land Use and Density

§ 8.3.1 Permitted Uses

- A. Permitted uses in the Critical Area shall be limited to those uses allowed by the underlying zoning districts as modified by both Table 5 and the supplemental use standards provided in § 8.3.2 provided such uses meet all standards established for the Critical Area Overlay District.

TABLE 7: PERMITTED USES IN THE CRITICAL AREA

Item	Use Description	Land Use Management Designation		
		IDA	LDA	RCA
	LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted			
1.00	RESIDENTIAL			
1.10	Accessory Dwelling Unit	P	P	PC
2.00	INSTITUTIONAL			
2.10	Existing institutional uses	P	P	PC
2.20	New institutional uses	P	P	NP
2.30	Cemetery	P	P	PC
2.40	Group Home	P	P	PC
2.50	Day Care	P	P	PC
3.00	COMMERCIAL			
3.10	Existing commercial uses	P	P	PC
3.20	New commercial uses	P	P	NP
3.30	Home occupation	P	P	PC
3.40	Bed and Breakfast facility	P	P	PC
4.00	MARITIME/WATER DEPENDENT			
4.10	Expansion of existing commercial marinas	P	P	PC
4.20	New marina, commercial	P	P	NP
4.30	Community piers and non-commercial boat docking and storage	P	P	PC
4.40	Public beaches and public water-oriented recreational and educational areas	P	P	PC
4.50	Research areas	P	P	PC
4.60	Fisheries activities	P	P	P
4.70	Structures on piers	PC	PC	PC
4.80	Private pier	P	P	P
5.00	RECREATION			
5.10	Golf Course	P	P	PC
6.00	INDUSTRIAL			
6.10	Existing industrial uses	P	P	PC
6.20	New industrial uses	P	PC	NP
6.30	Non-maritime heavy industry	P	NP	NP

Item	Use Description	Land Use Management Designation		
		IDA	LDA	RCA
LEGEND: P = Permitted if allowed in the underlying zoning district PC = Permitted with conditions if allowed in the underlying zoning district NP = Not permitted				
7.00	TRANSPORTATION/PARKING/COMMUNICATIONS/UTILITIES			
7.10	Utility transmission facilities	PC	PC	PC
8.00	PUBLIC/QUASI-PUBLIC			
8.10	Sanitary landfill; rubble fill	PC	PC	PC
8.20	Solid or hazardous waste collection or disposal facilities	PC	PC	PC
8.30	Sludge facilities	PC	PC	PC

B. Maximum Permitted Density

1. The maximum permitted density for properties located in the Cambridge Critical Area shall be as follows:
 - a. In the Intensely Developed Area, maximum density shall be as permitted by the underlying zoning.
 - b. In the Limited Development Area, maximum density shall be as permitted by the underlying zoning.
 - c. In the Resource Conservation Area, maximum density shall be one dwelling unit per 20 acres.

2. Calculation of 1-in-20 acre density of development.

In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the Resource Conservation Area, the City:

 - a. Shall count each dwelling unit;
 - b. May permit the area of any private wetlands located on the property to be included under the following conditions:
 - i. The density of development on the upland portion of the parcel may not exceed one dwelling unit per eight (8) acres; and
 - ii. The area of private wetlands shall be estimated on the basis of vegetative information as designated on the State wetlands maps or by private survey approved by the City, the Commission, and the State Department of the Environment.

§ 8.3.2 Supplemental Use Standards

The following supplemental use standards apply to the permitted uses listed in Table A(1)(a) above and shall apply when the permitted use is allowed in the underlying zoning district.

A. Accessory Dwelling Unit (1.10)

1. If a permitted use in the underlying zoning district, one additional dwelling unit (accessory dwelling unit) as part of a primary dwelling unit may be permitted in the Resource

Conservation Area (RCA) provided that it meets the requirements found in COMAR § 8-1808.1(e).

B. Existing Institutional Uses (2.10)

1. Existing institutional facilities shall be allowed in Resource Conservation Areas.
2. Expansion of existing institutional facilities and uses in the Resource Conservation Area shall be subject to the nonconforming use provisions of this Article and the Grandfathering provisions in § 8 and may require growth allocation.

C. New Institutional Uses (2.20)

1. New institutional facilities and uses, except those specifically listed below shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain institutional uses may be permitted in Resource Conservation Areas (RCAs) if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Article. These institutional uses are limited to:
 - a. A cemetery that is an accessory use to an existing use; provided man-made lot coverage is limited to 15 percent of the site or 20,000 square feet, whichever is less;
 - b. A home day care facility as defined in this Ordinance;
 - c. A group home, halfway house, or intermediate care institution as defined in this Ordinance;
 - d. Churches and other buildings for religious assembly;
 - e. Nursing Care Institutions, Child Care Institutions;
 - f. Other similar uses determined by the City and approved by the Critical Area Commission to be similar to those listed above.

D. Existing Commercial Uses (3.10)

1. Existing commercial facilities and uses, including those that directly support agriculture, forestry, aquaculture or residential development shall be allowed in Resource Conservation Areas.
2. Expansion of existing commercial facilities and uses in the Resource Conservation Area shall be subject to the nonconforming use provisions of this Article and the Grandfathering provisions in § 8 and may require growth allocation.

E. New Commercial Uses (3.20)

1. New commercial uses, except those specifically listed, shall not be permitted in Resource Conservation Areas (RCAs).
2. Certain commercial uses may be permitted if allowed in the underlying zoning district and if the use complies with all requirements for such uses in this Article. These commercial uses are limited to:
 - a. A home occupation as an accessory use on a residential property and as provided for in this Article;
 - b. A bed and breakfast facility located in an existing residential structure and where meals are prepared only for guests staying at the facility; and

- c. Other uses determined by the City and approved by the Critical Area Commission to be similar to those listed above.

F. Expansion of Existing Commercial Marinas (4.10)

1. Expansion of existing commercial marinas may be permitted within Resource Conservation Areas provided:
 - a. Water quality impacts are quantified and appropriate Best Management Practices that address impacts are provided;
 - b. That it will result in an overall net improvement in water quality at or leaving the site of the marina;
 - c. The marina meets the sanitary requirements of the Department of the Environment; and
 - d. Expansion is permitted under the nonconforming use provisions of this Article.
2. Expansion of existing commercial marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that the applicant demonstrates:
 - a. The project meets a recognized private right or public need;
 - b. Adverse effects on water quality, fish, plant and wildlife habitat are minimized and Best Management Practices are applied to address impacts;
 - c. Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the buffer; and
 - d. Expansion is permitted under the nonconforming use provisions of this Article.

G. New Marina, Commercial (4.20)

1. New commercial marinas shall not be permitted in Resource Conservation Areas (RCAs).
2. New commercial marinas may be permitted in Limited Development Areas (LDAs) and Intensely Developed Areas (IDAs) if allowed in the underlying zoning, provided:
 - a. New marinas shall establish a means of minimizing the discharge of bottom wash waters into tidal waters.
 - b. New marinas meet the sanitary requirements of the Department of the Environment.
 - c. New marinas may be permitted in the Buffer in the Intensely Developed Areas and Limited Development Areas provided that it can be shown:
 - i. The project meets a recognized private right or public need;
 - ii. Adverse effects on water quality, fish, plant and wildlife habitat are minimized and Best Management Practices are applied to address impacts; and

- iii. Insofar as possible, non-water-dependent structures or operations associated with water-dependent projects or activities are located outside the Buffer.

H. Community Piers and Non-Commercial Boat Docking and Storage (4.30)

1. New or expanded community marinas and other non-commercial boat-docking and storage facilities may be permitted in the Buffer subject to the requirements in this Article provided that:
 - a. These facilities may not offer food, fuel, or other goods and services for sale and shall provide adequate and clean sanitary facilities;
 - b. The facilities are community-owned and established and operated for the benefit of the residents of a platted and recorded riparian subdivision;
 - c. The facilities are associated with a residential development approved by the City for the Critical Area and consistent with all State requirements and the requirements of this Article applicable to the Critical Area;
 - d. Disturbance to the Buffer is the minimum necessary to provide a single point of access to the facilities and Best Management Practices are applied to address impacts; and
 - e. If community piers, slips, or moorings are provided as part of the new development, private piers in the development are not allowed.
2. Number of slips or piers permitted.

The number of slips or piers permitted at the facility shall be the lesser of § a or § b below:

- a. One slip for each 50 feet of shoreline in the subdivision in the Intensely Developed and Limited Development Areas and one slip for each 300 feet of shoreline in the subdivision in the Resource Conservation Area; or
- b. A density of slips or piers to platted lots or dwellings within the subdivision in the Critical Area according to the following schedule:

TABLE 8 NUMBER OF SLIPS PERMITTED

Platted Lots or Dwellings in the Critical Area	Slips
up to 15	1 for each lot
16 – 40	15 or 75% whichever is greater
41 – 100	30 or 50% whichever is greater
101 – 300	50 or 25% whichever is greater
over 300	75 or 15% whichever is greater

I. Public beaches and Public Water-Oriented Recreational and Educational areas (4.40)

1. Public beaches or other public water-oriented recreation or education areas including, but not limited to, publicly owned boat launching and docking facilities and fishing piers may be permitted in the Buffer in Intensely Developed Areas.
2. These facilities may be permitted within the Buffer in Limited Development Areas and Resource Conservation Areas provided that:
 - a. Adequate sanitary facilities exist;
 - b. Service facilities are, to the extent possible, located outside the Buffer;
 - c. Permeable surfaces are used to the extent practicable, if no degradation of groundwater would result;
 - d. Disturbance to natural vegetation is minimized and Best Management Practices are applied to address impacts; and
 - e. Areas for possible recreation, such as nature study, and hunting and trapping, and for education, may be permitted in the Buffer within Resource Conservation Areas if service facilities for these uses are located outside of the Buffer.

J. Research Areas (4.50)

Water-dependent research facilities or activities operated by State, Federal, or local agencies or educational institutions may be permitted in the Buffer, if non-water-dependent structures or facilities associated with these projects are, to the extent possible, located outside of the Buffer.

K. Fisheries Activities (4.60)

Commercial water-dependent fisheries including, but not limited to structures for crab shedding, fish off-loading docks, shellfish culture operations and shore-based facilities necessary for aquaculture operations and fisheries activities may be permitted in the Buffer in Intensely Developed Areas, Limited Development Areas and Resource Conservation Areas.

L. Structures on Piers (4.70)

1. Except as provided in 1, 2, and 3 below, construction of dwelling unit or other non-water-dependent structure on a pier located on State or private tidal wetlands is prohibited.
 - a. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved provided a permit was issued by the Department of Natural Resources on or before January 1, 1989.

- b. A building permit for a project involving the construction of a dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved if the following conditions exist:
 - i. The project is located in an Intensely Developed Area (IDA);
 - ii. The project is constructed on a pier that existed as of December 1, 1985 that can be verified by a Department of Natural Resources aerial photograph dated 1985, accompanied by a map of the area; and
 - iii. The project does not require an expansion of the pier greater than 25% of the area of piers or dry docks removed on the same property; however, additional expansion may be allowed in the amount of 10% of the water coverage eliminated by removing complete piers from the same or other properties. If the horizontal surface of a pier to be removed is not intact, but pilings identify its previous size, then that area may be used in determining the additional expansion permitted. The project expansion based on water coverage eliminated can be considered only if all nonfunctional piers on the property are removed except for the project pier. The total expansion may not exceed 35% of the original size of the piers and dry docks removed.
- c. A building permit for the repair of an existing dwelling unit or other non-water-dependent structure on a pier located on State or private wetlands within the Critical Area may be approved.
- d. If a structure that is not water-dependent is permitted under the exceptions included in this section, an applicant is required to demonstrate that the project will meet the following environmental objectives using the standards established herein:
 - i. The construction and operation of the project will not have a long-term adverse effect on the water quality of the adjacent body of water;
 - ii. The quality of stormwater runoff from the project will be improved; and
 - iii. Sewer lines or other utility lines extended for the pier will not affect the water quality of adjoining waters.

M. Golf Course (5.10)

- 1. A golf course, excluding main buildings and/or structures such as the clubhouse, pro shop, parking lot, etc., may be permitted in Resource Conservation Areas (RCAs) provided:
 - a. Such use is a permitted use allowed in the underlying zoning district; and

- b. Development is in accordance with the official guidance adopted by the Critical Area Commission on August 3, 2005.

N. Existing Industrial Uses (6.10)

1. Existing industrial facilities and uses, including those that directly support agriculture, forestry, or aquaculture may be permitted in Resource Conservation Areas.
2. Expansion of existing industrial facilities and use in the Resource Conservation Area shall be subject to the nonconforming use provisions of this Article and the Grandfathering provisions in § 8 and may require growth allocation.

O. New Industrial Uses (6.20)

1. New industrial uses shall not be permitted in Resource Conservation Areas.
2. New, expanded or redeveloped industrial facilities may only be permitted in Limited Development Areas if permitted uses in the underlying zoning district and provided such facilities meet all requirements for development in the LDA.
3. New, expanded or redeveloped industrial or port-related facilities and the replacement of these facilities may be permitted only in those portions of Intensely Developed Areas that have been designated as Buffer Management Areas.

P. Non-Maritime Heavy Industry (6.3)

1. Non-maritime heavy industry may be permitted if:
 - a. The site is located in an Intensely Developed Area; and
 - b. The activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.

Q. Utility Transmission Facilities (7.10)

1. Utility transmission facilities, except those necessary to serve permitted uses, or where regional or interstate facilities must cross tidal waters, may be permitted in the Critical Area provided:
 - a. The facilities are located in Intensely Developed Areas and
 - b. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
2. These provisions do not include power plants.

R. Sanitary Landfill; Rubble Fill (8.10)

1. Sanitary landfills or rubble fills may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality or wastewater management problem.

2. Existing, permitted facilities shall be subject to the standards and requirements of the Department of the Environment.
3. Solid or Hazardous Waste Collection or Disposal Facilities (8.20)
 - a. Solid or hazardous waste collection or disposal facilities, including transfer stations may not be permitted in the Critical Area unless no environmentally acceptable alternative exists outside the Critical Area, and these development activities or facilities are needed in order to correct an existing water quality wastewater management problem.
 - b. Existing, permitted facilities shall be subject to the standards and requirements of the Department of the Environment.
4. Sludge Facilities (8.40)
 - a. Permanent sludge handling, storage and disposal facilities, other than those associated with wastewater treatment facilities may be permitted in the Critical Area provided:
 - i. The facility or activity is located in an Intensely Developed Area; and
 - ii. Only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water.
 - iii. Agricultural or horticultural use of sludge under appropriate approvals when applied by an approved method at approved application rates may be permitted in the Critical Area, except in the 100-foot Buffer.

§ 8.4 Growth Allocation

§ 8.4.1 Acreage and Designation

A. Growth allocation acreage available to Cambridge includes:

1. An area equal to five (5) percent of the RCA acreage located within Cambridge; and
2. Growth allocation available to Cambridge as provided for by Dorchester County.

B. Growth Allocation Floating Zone District GA.

1. Purpose. The Growth Allocation Floating Zone is not mapped but is designated for use in areas classified as Resource Conservation Areas (RCAs) and/or Limited Development Areas (LDAs) within the Cambridge Critical Area Overlay District. The purpose of the floating zone is to permit a change in the land management classification established in the Critical Area Overlay District on specific sites so that they may be developed to the extent permitted by the underlying zoning classification or the land use management classification. Only projects which have

been approved by the Mayor and Council for award of the Critical Area Growth Allocation are eligible for floating zones.

2. Designation of floating zones.
 - a. The Growth Allocation District GA shall be a floating zone.
 - b. The Growth Allocation District GA provides for changing the land management classification of Resource Conservation Areas (RCAs) and Limited Development Areas (LDAs) in the Critical Area Overlay District.

§ 8.4.2 Standards for Designation

A. When locating new Intensely Developed or Limited Development Areas the following standards shall apply:

1. A new Intensely Developed Area shall only be located in a Limited Development Area or adjacent to an existing Intensely Developed Area;
2. A new Limited Development Area shall only be located adjacent to an existing Limited Development Area or an Intensely Developed Area;
3. New Intensely Developed Areas shall be at least 20 acres in size unless:
 - a. They are contiguous to an existing IDA or LDA; or
 - b. They are a grandfathered commercial or industrial use, which existed as of January 1988. The amount of growth allocation deducted shall be equivalent to the area of the entire parcel or parcels subject to the growth allocation request.
4. No more than one-half of Cambridge's growth allocation may be located in Resource Conservation Areas (RCAs) except as provided in subsection (9) below;
5. New Limited Development Areas or Intensely Developed Areas shall be located in a manner that minimizes impacts to Habitat Protection Area as defined herein and in COMAR 27.01.09 and in an area and manner that optimizes benefits to water quality;
6. New Intensely Developed Areas shall only be located where they minimize their impacts to the defined land uses of the Resource Conservation Area (RCA);
7. New Intensely Developed Area or a Limited Development Area in a Resource Conservation Area shall be located at least 300 feet beyond the landward edge of tidal wetlands or tidal waters;
8. New Intensely Developed or Limited Development Areas to be located in Resource Conservation Areas shall conform to all criteria of this Article for such areas, shall be so designated on the Cambridge Critical Area Maps and shall constitute an amendment to this Article subject to review by the Cambridge Planning Commission and approval by the Mayor and Council and the Critical Area Commission as provided herein.

9. If Cambridge is unable to utilize a portion of its growth allocation as set out in (1) and (2) above within or adjacent to existing Intensely Developed or Limited Development Areas, then that portion of the growth allocation which cannot be so located may be located in the Resource Conservation Areas in addition to the expansion allowed in (4) above.

B. Additional Factors

In reviewing map amendments or refinements involving the use of growth allocation the Planning Commission and Mayor and Council shall consider the following factors:

1. Consistency with Cambridge Comprehensive Plan and whether the growth allocation would implement the goals and objectives of the adopted plan. “Consistency with” means that a standard or factor will further, and not be contrary to the following items in the comprehensive plan:
 - a. Policies;
 - b. Timing of the implementation of the plan, of development, and of rezoning;
 - c. Development patterns;
 - d. Land uses; and
 - e. Densities or intensities.
2. For a map amendment or refinement involving a new Limited Development Area, whether the development is:
 - a. To be served by a public wastewater system;
 - b. A completion of an existing subdivision;
 - c. An expansion of an existing business; or
 - d. To be clustered.
3. For a map amendment or refinement involving a new Intensely Developed Area, whether the development is:
 - a. To be served by a public wastewater system;
 - b. If greater than 20 acres, to be located in a designated Priority Funding Area; and
 - c. To have a demonstrable economic benefit.
4. The use of existing public infrastructure, where practical;
5. Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on- or off-site;
6. Impacts on a priority preservation area;

7. Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and
8. Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development and/or sea level rise.

§ 8.5 Administration and Enforcement

§ 8.5.1 Grandfathering

A. Continuation of Existing Uses

1. The continuation, but not necessarily the intensification or expansion, of any use in existence on January 1, 1988 may be permitted, unless the use has been abandoned for more than one year or is otherwise restricted by existing municipal Articles.
2. If any existing use does not conform with the provisions of this Article, its intensification or expansion may be permitted only in accordance with the variance procedures in §9.

B. Residential Density on Grandfathered Lots

1. Except as otherwise provided, the following types of land are permitted to be developed with a single-family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of this Article.
 - a. A legal parcel of land, not being part of a recorded or approved subdivision that was recorded as of December 1, 1985.
 - b. Land that received a building permit subsequent to December 1, 1985, but prior to January 1, 1988.
 - c. Land that was subdivided into recorded, legally buildable lots, where the subdivision received final approval between June 1, 1984 and December 1, 1985.
 - d. Land that was subdivided into recorded, legally buildable lots, where the subdivision received the final approval after December 1, 1985 and provided that either development of any such land conforms to the IDA, LDA or RCA requirements in this Article or the area of the land has been counted against the growth allocation permitted under this Article.

C. Consistency

Nothing in this Section may be interpreted as altering any requirements of this Article related to water-dependent facilities or Habitat Protection Areas.

§ 8.5.2 Variances

A. Applicability

Cambridge has established provisions where, owing to special features of a site or other circumstances, implementation of this Article or a literal enforcement of provisions within this Article would result in unwarranted hardship to an applicant, a Critical Area variance may be obtained.

1. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area, that is subject to the application and for which a variance is required, does not conform with the general purpose and intent of Natural Resources Article, Title 8 Subtitle 18, COMAR Title 27, and the requirements of this Article.
2. Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

B. Standards

The provisions for granting such a variance shall include evidence submitted by the applicant that the following standards are met:

1. Special conditions or circumstances exist that are peculiar to the land or structure involved and that a literal enforcement of provisions and requirements of this Article would result in unwarranted hardship;
2. A literal interpretation of the provisions of this Article will deprive the applicant the use of land or a structure permitted to others in accordance with the provisions of this Critical Area Ordinance;
3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this Article to other lands or structures within the Critical Area;
4. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming on any neighboring property; and
5. The granting of a variance shall not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and this Article.

C. Process

Applications for a variance will be made in writing to the Board of Appeals with a copy provided to the Critical Area Commission. The Board of Appeals shall follow its established procedures for advertising and notification of affected landowners.

1. After hearing an application for a Critical Area variance, the Board of Appeals shall make written findings reflecting analysis of each standard.
2. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, the Board of Appeals shall consider that fact.
3. The applicant has the burden of proof and the burden of persuasion to overcome the presumption of nonconformance established in A above.
4. The Board of Appeals shall notify the Critical Area Commission of its findings and decision to grant or deny the variance request.

D. Findings

Based on competent and substantial evidence, the Board of Appeals shall make written findings as to whether the applicant has overcome the presumption of nonconformance as established in A above, and if applicable B above. With due regard for the person's technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by the applicant, City Officials or staff or any other government agency; or any other person deemed appropriate by the Board of Appeals.

E. Appeals

Appeals from decisions concerning the granting or denial of a variance under these regulations shall be taken in accordance with all applicable laws and procedures for variances. Variance decisions by the Board of Appeals may be appealed to the Circuit Court in accordance with the Maryland Rules of Procedure. Appeals may be taken by any person, firm, corporation or governmental agency aggrieved or adversely affected by any decision made under this Article.

F. Conditions and Mitigation

The Board of Appeals shall impose conditions on the use or development of a property which is granted a variance as it may find reasonable to ensure that the spirit and intent of this Article is maintained including, but not limited to the following:

1. Adverse impacts resulting from the granting of the variance shall be mitigated as recommended by the Planning Commission, but not less than by planting on the site at the rate of at least three to one per square foot of the variance granted.
2. New or expanded structures or lot coverage shall be located the greatest possible distance from mean high water, the landward edge of tidal wetlands, tributary streams, nontidal wetlands, or steep slopes.

G. Commission Notification

Within ten (10) working days after a written decision regarding a variance application is issued, a copy of the decision will be sent to the Critical Area Commission. No permit for the activity that was the subject of the application will be issued until the applicable 30-day appeal period has elapsed.

§ 8.5.3 Lot Consolidation and Reconfiguration

A. Applicability

The provisions of this section apply to a consolidation or a reconfiguration of any nonconforming legal grandfathered parcel or lot. These provisions do not apply to the reconfiguration or consolidation of parcels or lots which are conforming or meet all Critical Area requirements. Nonconforming parcels or lots include:

1. Those for which a Critical Area variance is sought or has been issued; and
2. Those located in the Resource Conservation Area and are less than 20 acres in size.

B. Procedure

An applicant seeking a parcel or lot consolidation or reconfiguration shall provide the information required in COMAR 27.01.02.08.E.

1. Cambridge will not approve a proposed parcel or lot consolidation or reconfiguration without making written findings in accordance with COMAR 27.01.02.08.F.
2. The Planning Commission shall issue a final written decision or order granting or denying an application for a consolidation or reconfiguration.
 - a. After a final written decision or order is issued, the Planning Commission shall send a copy of the decision or order and a copy of any approved development plan within ten (10) business days by U.S. mail to the Critical Area Commission's business address.

§ 8.5.4 Amendments

A. Amendments

The Mayor and Council may from time to time amend the Critical Area provisions of this Article. Changes may include, but are not limited to amendments, revisions, and modifications to these zoning regulations, Critical Area Maps, implementation procedures, and local policies that affect Cambridge's Critical Area. All such amendments, revisions, and modifications shall also be approved by the Critical Area Commission as established in § 8-1809 of the Natural Resources Article of the Annotated Code of Maryland. No such amendment shall be implemented without approval of the Critical Area Commission. Standards and procedures for Critical Area Commission approval of proposed amendments are as set forth in the Critical Area Law § 8-1809(i) and § 8-1809(d), respectively.

B. Zoning Map Amendments

Except for program amendments or program refinements developed during a six-year comprehensive review, a zoning map amendment may only be granted by Mayor and Council upon proof of a mistake in the existing zoning. This requirement does not apply to proposed changes to a zoning map that meet the following criteria:

1. Are wholly consistent with the land classifications as shown on the adopted Critical Area Overlay Map; or
2. The use of growth allocation in accordance with the growth allocation provisions of this Article is proposed.

C. Process

1. When an amendment is requested, the applicant shall submit the amendment to the Planning Commission for review and research.
2. Upon completing Findings of Fact, these documents shall be forwarded to the Mayor and Council. Mayor and Council shall hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least fourteen (14) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in Cambridge.
3. After the Mayor and Council approve an amendment, they shall forward their decision and applicable resolutions along with the amendment request to the Critical Area Commission for final approval.

§ 8.5.5 Administration and Enforcement

A. Consistency

The Critical Area provisions of this Article, in accordance with the Critical Area Act and Criteria supersede any inconsistent law, Article or plan of Cambridge. In the case of conflicting provisions, the stricter provisions shall apply.

B. Violations

1. No person shall violate any provision of this Article. Each violation that occurs and each calendar day that a violation continues shall be a separate offense.
2. Each person who violates a provision of this Article shall be subject to separate administrative civil penalties, abatement and restoration orders, and mitigation for each offense.
3. Noncompliance with any permit or order issued by the City related to the Critical Area shall be a violation of this Article and shall be enforced as provided herein.

C. Responsible Persons

The following persons may each be held jointly or severally responsible for a violation: persons who apply for or obtain any permit or approval, contractors, subcontractors, property owners, managing agents, or any person who has committed, assisted, or participated in the violation.

D. Required Enforcement Action

In the case of violations of this Article, the City shall take enforcement action including:

1. Assess administrative civil penalties as necessary to cover the costs associated with performing inspections, supervising or rendering assistance with identifying

and citing the violation, issuing abatement and restoration orders, and reviewing mitigation plans and ensuring compliance with these plans;

2. Issue abatement, restoration, and mitigation orders as necessary to stop unauthorized activity and restore and stabilize the site, as appropriate, to its condition prior to the violation or to a condition that provides the same water quality and habitat benefits; and
3. Require the implementation of mitigation measures, in addition to restoration activities, to offset the environmental damage and degradation or loss of environmental benefit resulting from the violation.

E. Right to Enter Property

Except as otherwise authorized and in accordance with the procedures specified herein, the Mayor and Council or their designee may obtain access to and enter a property in order to identify or verify a suspected violation, restrain a development activity, or issue a citation if the City has probable cause to believe that a violation of this Article has occurred, is occurring, or will occur. City officials shall make a reasonable effort to contact a property owner before obtaining access to or entering the property. If entry is denied, the City may seek an injunction to enter the property to pursue an enforcement action.

F. Administrative Civil Penalties

In addition to any other penalty applicable under State or City law, every violation of a provision of Natural Resources Article, Title 8 Subtitle 18 or Critical Area provisions of this Article shall be punishable by a civil penalty of up to \$10,000 per calendar day.

1. Before imposing any civil penalty, the person(s) believed to have violated this Article shall receive: written notice of the alleged violation(s) including which, if any, are continuing violations, and an opportunity to be heard. The amount of the civil penalty for each violation, including each continuing violation, shall be determined separately. For each continuing violation, the amount of the civil penalty shall be determined per day. In determining the amount of the civil penalty, the City shall consider:
 - a. The gravity of the violation;
 - b. The presence or absence of good faith of the violator;
 - c. Any willfulness or negligence involved in the violation including a history of prior violations;
 - d. The environmental impact of the violation; and
 - e. The cost of restoration of the resource affected by the violation and mitigation for damage to that resource, including the cost to Cambridge for performing, supervising, or rendering assistance to the restoration and mitigation.
2. Administrative civil penalties for continuing violations shall accrue for each violation, every day each violation continues, with no requirements for additional assessments, notice, or hearings for each separate offense. The total amount

payable for continuing violations shall be the amount assessed per day for each violation multiplied by the number of days that each violation has continued.

3. The person responsible for any continuing violation shall promptly provide the City with written notice of the date(s) the violation has been or will be brought into compliance and the date(s) for City inspection to verify compliance. Administrative civil penalties for continuing violations continue to accrue as set forth herein until the City receives such written notice and verifies compliance by inspection or otherwise.
4. Assessment and payment of administrative civil penalties shall be in addition to and not in substitution for recovery by the City of all damages, costs, and other expenses caused by the violation.
5. Payment of all administrative civil penalties assessed shall be a condition precedent to the issuance of any permit or other approval required by this Article.

G. Cumulative Remedies

The remedies available to the City under this Article are cumulative and not alternative or exclusive, and the decision to pursue one remedy does not preclude pursuit of others.

H. Injunctive Relief

1. The City may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Article, an administrative order, a permit, a decision, or other imposed condition.
2. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the City from seeking injunctive relief to enforce an administrative order, permit, decisions, or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

I. Variances Pursuant to a Violation

The City may accept an application for a variance regarding a parcel or lot that is subject to a current violation of this subtitle or any provisions of an order, permit, plan, or this Article in accordance with the variance provisions of this Article. However, the application shall not be reviewed, nor shall a final decision be made until all abatement, restoration, and mitigation measures have been implemented and inspected by the City.

J. Permits Pursuant to a Violation

The City will not issue any permit, approval, variance, or special exception, unless the person seeking the permit has:

1. Fully paid all administrative, civil, or criminal penalties as set forth in § F. above;
2. Prepared a restoration or mitigation plan, approved by the City, to abate impacts to water quality or natural resources as a result of the violation;
3. Performed the abatement measures in the approved plan in accordance with all City regulations; and

4. Unless an extension of time is approved by the City because of adverse planting conditions, within 90 days of the issuance of a permit, approval, variance, or special exception for the affected property, any additional mitigation required as a condition of approval for the permit, approval, variance, or special exception shall be completed.

K. Appeals

An appeal to the Board of Appeals may be filed by any person aggrieved by any order, requirement, decision or determination by the City in connection with the administration and enforcement of this Article.

1. An appeal is taken by filing a written notice of appeal with the Board of Appeals in accordance with the provisions of this Article and accompanied by the appropriate filing fee.
2. An appeal must be filed within thirty (30) days after the date of the decision or order being appealed; and
3. An appeal stays all actions by the City seeking enforcement or compliance with the order or decisions being appealed, unless the City certifies to the Board of Appeals that (because of facts stated in the certificate) such stay will cause imminent peril to life or property. In such a case, action by the City shall not be stayed except by order of a court on application of the party seeking the stay.

§ 8.6 The 100-Foot Buffer

§ 8.6.1 Applicability and Delineation

An applicant for a development activity or a change in land use shall apply all of the required standards for a minimum 100-foot Buffer as described in this part. The provisions of this chapter do not apply to an area of the Buffer that is designated as a Buffer Management Area (BMA) under § 8.6.3. The minimum 100-foot Buffer shall be delineated in the field and shall be shown on all applications as follows:

- A. The minimum 100-foot Buffer is delineated based on existing field conditions landward from:**
 1. The mean high water line of tidal water;
 2. The edge of each bank of a tributary stream; and
 3. The upland boundary of a tidal wetland.
- B. The Buffer shall be expanded beyond the minimum 100-foot Buffer as described in A(1) above and the minimum 200-foot Buffer as described in A(3) below, to include the following contiguous land features:**
 1. A steep slope at a rate of four feet for every one percent of slope or the entire steep slope to the top of the slope, whichever is greater;

2. A nontidal wetland to the upland boundary of the nontidal wetland;
 3. The 100-foot Buffer that is associated with a Nontidal Wetland of Special State Concern as stated in COMAR § 26.23.06.01;
 4. For an area of hydric soils or highly erodible soils, the lesser of:
 - a. The landward edge of the hydric or highly erodible soils; or
 - b. Three hundred feet where the expansion area includes the minimum 100-foot Buffer.
- C. Applications for a subdivision or for a development activity on land located within the RCA requiring site plan approval after July 1, 2008 shall include:**
1. An expanded Buffer in accordance with A(2) above; or
 2. A Buffer of at least 200 feet from a tidal waterway or tidal wetlands; and a Buffer of at least 100 feet from a tributary stream, whichever is greater.
- D. The provisions of A(3) above do not apply if:**
1. The application for subdivision or site plan approval was submitted before July 1, 2008, and legally recorded (subdivisions) or received approval (site plans), by July 1, 2010;
 2. The application involves the use of growth allocation.

§ 8.6.2 Permitted Activities

A. Buffer Disturbance

If approved by the City, disturbance to the Buffer is permitted for the following activities, provided mitigation is performed in accordance with an approved Buffer Management as required per § E of this Part:

1. A new development or redevelopment activity associated with a water-dependent facility; or
2. A shore erosion control activity constructed in accordance with COMAR 26.24.02, COMAR 27.01.04, and this Article;
3. A development or redevelopment activity approved in accordance with the variance provisions of this Article;
4. A new development or redevelopment activity on a lot or parcel that was created before January 1, 2010 where:
 - a. The Buffer is expanded for highly erodible soil on a slope less than 15 percent or is expanded for a hydric soil and the expanded Buffer occupies at least 75% of the lot or parcel;
 - b. The development or redevelopment is located in the expanded portion of the Buffer and not within the 100-foot Buffer; and

- c. Mitigation at a 2:1 ratio based on lot coverage of the proposed development activity that is in the expanded Buffer.

B. Buffer Establishment in Vegetation

An applicant for a development activity, redevelopment activity or a change in land use that occurs outside the Buffer, but is located on a riparian lot or parcel that includes the minimum 100-foot Buffer, shall establish the Buffer in vegetation if the Buffer is not fully forested or fully established in woody or wetland vegetation. A Buffer Management Plan in accordance with the standards of § E below is required.

1. The provisions of this section apply to:
 - a. Approval of a subdivision;
 - b. A lot or parcel that is converted from one land use to another;
 - c. Development or redevelopment on a lot or parcel created before January 1, 2010.
2. The provisions of this section do not apply to an in-kind replacement of a structure.
3. When the Buffer is not fully forested or fully established in existing, naturally occurring woody or wetland vegetation, the Buffer shall be established through planting in accordance with COMAR 27.01.09.01-1.
4. The City may authorize an applicant to deduct from the total establishment requirement an area of lot coverage removed from the Buffer if:
 - a. The lot coverage existed before the date of January 1, 1988 or was allowed by local procedures; and
 - b. The total area is stabilized with native vegetation.

C. Mitigation for Impacts to the Buffer

An applicant for a development activity that includes disturbance to the Buffer shall mitigate for impacts to the Buffer and shall provide a Buffer Management Plan in accordance with the standards set forth in this section.

1. Authorized development activities may include a variance, subdivision, site plan, shore erosion control permit, building permit, grading permit, and special exception.
2. All authorized development activities shall be mitigated according to COMAR 27.01.09.01-2H.
3. All unauthorized development activities in the Buffer shall be mitigated at a ratio of 4:1 for the area of disturbance in the Buffer.
4. Planting for mitigation shall be planted on-site within the Buffer. If mitigation planting cannot be located within the Buffer, the City may permit planting in the following order of priority:
 - a. On-site and adjacent to the Buffer; and

- b. On-site elsewhere in the Critical Area.

D. Buffer Planting Standards

- 1. An applicant that is required to plant the Buffer for Buffer establishment or Buffer mitigation shall apply the planting standards set forth in COMAR 27.01.09.01-2 and 4.
- 2. A variance to the planting and mitigation standards of this Article is not permitted.

E. Required Submittal of Buffer Management Plans

An applicant that is required to plant the Buffer to meet establishment or mitigation shall submit a Buffer Management Plan as provided in COMAR 27.01.09.01-3 with the application for the specific activity. The provisions of this part do not apply to maintaining an existing grass lawn or an existing garden in the Buffer.

- 1. A Buffer Management Plan that includes planting for establishment shall be submitted with all other application materials, clearly specify the area to be planted and state if the applicant is:
 - a. Fully establishing the Buffer;
 - b. Partially establishing an area of the Buffer equal to the net increase in lot coverage; or
 - c. Partially establishing an area of the Buffer equal to the total lot coverage.
- 2. Any permit for development activity or tree and/or shrub clearing that requires Buffer establishment or Buffer mitigation will not be issued until the City approves a Buffer Management Plan.
- 3. An applicant may not obtain final approval of a subdivision application until the Buffer Management Plan has been reviewed and approved.
- 4. The City will not approve a Buffer Management Plan unless:
 - a. The plan clearly indicates that all planting standards under § D will be met; and
 - b. Appropriate measures are in place for the long-term protection and maintenance of all Buffer areas.
- 5. For a Buffer Management Plan that is the result of an authorized disturbance to the Buffer, a permit authorizing final use and occupancy will not be issued until the applicant:
 - a. Completes implementation of a Buffer Management Plan; or
 - b. Provides financial assurance to cover the costs for:
 - i. Materials and installation; and
 - ii. If the mitigation or establishment requirement is at least 5,000 square feet, long-term survivability requirements as set forth in COMAR 27.01.09.01-2.

6. Concurrent with recordation of a subdivision plat, an applicant shall record a protective easement for the Buffer.
7. If an applicant fails to implement a Buffer Management Plan, that failure shall constitute a violation of this Article.
8. A permit for development activity will not be issued for a property that has the violation.
9. An applicant shall post the property proposed for subdivision with durable signs prior to final recordation in accordance with COMAR 27.01.09.01-2.
10. Buffer management plans that include natural regeneration shall follow the provisions of COMAR 27.01.09.01-4.

F. Fees In Lieu of Buffer Mitigation

A fee in lieu of mitigation will be collected if the planting requirements of the Buffer Management Plan cannot be fully met onsite in accordance with the following standards:

1. Fee in lieu monies shall be collected and held in a special fund, which may not revert to Cambridge's general fund;
2. Fee in lieu shall be assessed at \$1.50 per square foot of required Buffer mitigation;
3. A portion of fee in lieu money can be used for management and administrative costs; however, this cannot exceed 20% of the fees collected; and
4. Fee in lieu monies shall be used for the following projects:
 - a. To establish the Buffer on sites where planting is not a condition of development or redevelopment;
 - b. For water quality and habitat enhancement projects as approved by the Critical Area Commission or by agreement between the City and the Critical Area Commission.

G. Shore Erosion Control Projects

Shore erosion control measures are permitted activities within the Buffer in accordance with the following requirements:

1. An applicant for a shore erosion control project that affects the Buffer in any way, including, but not limited to access, vegetation removal and pruning, or backfilling shall submit a Buffer Management Plan in accordance with the requirements of this section; and
2. Comply fully with all of the policies and criteria for a shore erosion control project stated in COMAR 27.01.04 and COMAR 26.24.06.01.

§ 8.6.3 Buffer Management Area (BMA) Provisions

A. Development and Redevelopment Standards.

New development or redevelopment activities, including structures, roads, parking areas

and other impervious surfaces or septic systems will not be permitted in the Buffer in a designated BMA unless the applicant can demonstrate that there is no feasible alternative and the Planning Commission finds that efforts have been made to minimize Buffer impacts and the development complies with the following standards:

1. Development and redevelopment activities have been located as far as possible from mean high tide, the landward edge of tidal wetlands, or the edge of tributary streams.
2. Variances to other local setback requirements have been considered before additional intrusion into the Buffer.
3. Commercial, industrial, institutional, recreational and multi-family residential development and redevelopment shall meet the following standards:
 - a. New development, including accessory structures, shall minimize the extent of intrusion into the Buffer. New development shall not be located closer to the water (or edge of tidal wetlands) than the minimum required setback for the zoning district or 50 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line.
 - b. Redevelopment, including accessory structures, shall minimize the extent of intrusion into the Buffer. Redevelopment shall not be located closer to the water (or edge of tidal wetlands) than the minimum setback for the zoning district or 25 feet, whichever is greater. Structures on adjacent properties shall not be used to determine the setback line. A new structure may be constructed on the footprint of an existing structure.
4. Single-family residential development and redevelopment shall meet the following standards:
 - a. New development or redevelopment shall minimize the shoreward extent of intrusion into the Buffer. New development and redevelopment shall not be located closer to the water (or the edge of tidal wetlands) than principal structures on adjacent properties or the minimum setback for the zoning district, whichever is greater. In no case shall new development or redevelopment be located less than 50 feet from the water (or the edge of tidal wetlands).
 - b. Existing principal or accessory structures may be replaced in the same footprint.
 - c. New accessory structures may be located closer to the water than the setback if the Planning Commission has determined there are no other locations for the structures. The area of new accessory structures shall not exceed 500 square feet within 50 feet of the water and 1,000 square feet total in the Buffer.
5. Variances to other local setback requirements shall be considered before additional intrusion into the Buffer is permitted.

6. Development and redevelopment may not impact any Habitat Protection Area (HPA) other than the Buffer, including nontidal wetlands, other State or federal permits notwithstanding.
7. Buffer Management Area (BMA) designation shall not be used to facilitate the filling of tidal wetlands that are contiguous to the Buffer or to create additional buildable land for new development or redevelopment.
8. No natural vegetation may be removed in the Buffer except that required by the proposed construction.
9. Mitigation for development or redevelopment in the BMA approved under the provisions of this subsection shall be implemented as follows:
 - a. Natural forest vegetation of an area twice the extent of the footprint of the development activity within the 100-foot Buffer shall be planted on-site in the Buffer or at another location approved by the Planning Commission.
 - b. Applicants who cannot fully comply with the planting requirement in § (a) above, may use offset by removing an equivalent area of existing lot coverage in the Buffer.
 - c. Applicants who cannot comply with either the planting or offset requirements in § (a) or § (b) above shall pay into a fee in lieu program as follows:
 - i. Applicants shall submit to the Planning Commission two cost estimates from qualified landscape businesses for planting the equivalent of twice the extent of the development within the 100-foot Buffer. The estimate shall include the cost of stock, planting, staking, mulching and a one-year survival guarantee.
 - ii. The Planning Commission shall determine the amount of the fee in lieu based on the average of the two estimates.
 - iii. Any fees in lieu collected under these provisions shall be placed in an account that will assure their use only for projects within the Critical Area to enhance wildlife habitat, improve water quality, or otherwise promote the goals of Cambridge's Critical Area Program. The funds cannot be used to accomplish a project or measure that would have been required under existing local, State, or federal laws, regulations, statutes, or permits. The status of these funds must be reported in the jurisdiction's quarterly reports.
 - iv. Any required mitigation or offset areas shall be protected from future development through an easement, development agreement, plat notes or other instrument approved by the City and recorded among the land records of the County.

§ 8.7 Other Habitat Protection Areas

§ 8.7.1 Identification

An applicant for a development activity, redevelopment activity or change in land use shall identify all applicable Habitat Protection Areas and follow the standards contained in this section. Habitat Protection Areas include:

- Threatened or endangered species or species in need of conservation;
- Colonial waterbird nesting sites;
- Historic waterfowl staging and concentration areas in tidal waters, tributary streams or tidal and nontidal wetlands;
- Existing riparian forests;
- Forest areas utilized as breeding areas by future interior dwelling birds and other wildlife species;
- Other plant and wildlife habitats determined to be of local significance;
- Natural Heritage Areas; and
- Anadromous fish propagation waters.

§ 8.7.2 Standards

- A. An applicant for a development activity proposed for a site within the Critical Area that is in or near a Habitat Protection Area listed above shall request review by the Department of Natural Resources Wildlife and Heritage Service for comment and technical advice. Based on the Department's recommendations, additional research and site analysis may be required to identify the location of threatened and endangered species and species in need of conservation on a site.
- B. If the presence of a Habitat Protection Area is confirmed by the Department of Natural Resources, the applicant shall develop a Habitat Protection Plan in coordination with the Department of Natural Resources.
- C. The applicant shall obtain approval of the Habitat Protection Plan from the Planning Commission or the appropriate designated approving authority. The specific protection and conservation measures included in the Plan shall be considered conditions of approval of the project.

§ 8.8 Critical Area Definitions

The following words have the following meanings for the purposes of interpreting and implementing only Article 8 of this Ordinance, the Critical Area Program. The singular always includes the plural, and vice versa, except where such construction would be unreasonable:

Abatement means the act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

Accessory structure means a structure that is detached from the principal structure, located on

the same lot and clearly incidental and subordinate to a principal structure, or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

Addition means newly constructed area that increases the size of a structure.

Afforestation means the establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.

Agriculture means all methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

Agricultural easement means a non-possessory interest in land which restricts the conversion of use of the land, preventing non-agricultural uses.

Anadromous fish means fish that travel upstream (from their primary habitat in the ocean) to freshwater in order to spawn.

Anadromous fish propagation waters means those streams that are tributary to the Chesapeake Bay and Atlantic Coastal bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

Aquaculture means: (a) Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments; (b) Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and (c) Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas. For the purpose of this definition, related activities such as wholesale and retail sales, processing and product storage facilities are not considered aquacultural practices.

Best Management Practices (BMPs) means conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures.

Buffer means area that, based on conditions at the time of development, is immediately landward from mean high water of tidal waterways, the edge of each bank of a tributary stream, or the landward edge of a tidal wetland; and the area exists in, or is established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100 feet even if that area was previously disturbed by human activity or is currently developed and also includes any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal

wetland, or a Nontidal Wetland of Special State Concern as defined in the COMAR 26.23.01.01.

Buffer Management Area (BMA) means an area officially mapped by the City of Cambridge and approved by the Critical Area Commission as a BMA, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific BMA provisions can be permitted in the Buffer without a variance.

Buffer Management Plan means a narrative, graphic description, or plan of the Buffer that is necessary when an applicant proposes a development activity that will: affect a portion of the Buffer; alter buffer vegetation; or require the establishment of a portion of the Buffer in vegetation. A Buffer Management Plan includes a major buffer management plan, a minor buffer management plan, and a simplified buffer management plan.

Bufferyard means an area at least 25 feet wide, located between development activity and tidal waters, tidal wetlands, or a tributary stream, planted with vegetation consisting of native canopy trees, understory trees, shrubs, and perennial herbaceous plants that is used in Buffer Management Areas to provide water quality and habitat benefits. This area is to be managed and maintained in a manner that optimizes these benefits.

Caliper means the diameter of a tree measured at two inches above the root collar.

Canopy tree means a tree that when mature commonly reaches a height of at least 35 feet.

Cluster development means a residential development in which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

Colonial nesting water birds means herons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is, “colonize”) in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

COMAR means the Code of Maryland Regulations, as from time to time amended, including any successor provisions.

Commission means the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

Community piers means boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment and other multiple-family dwelling units. Private piers are excluded from this definition.

Comprehensive or master plan means a compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the planning board, agency or office.

Conservation easement means a non-possessory interest in land which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

Consolidation means a combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. An application for consolidation may include a

subdivision, lot line abandonment, boundary line adjustment, replating request, or lot line adjustment.

Critical Area means all lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters of and lands under the Chesapeake Bay and Atlantic Coastal Bays and their tributaries to the head of tide as indicated on State wetland maps;
- b. All State and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;
- c. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and
- d. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Density means the number of dwelling units per acre within a defined and measurable area.

Developed woodlands means an area of trees or of trees and natural vegetation that is interspersed with residential, commercial, industrial or recreational development.

Developer means a person who undertakes development activity as defined in this Program; or a person who undertakes development activity as defined in the Criteria of the Commission.

Development activities means the construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures and/or the substantial alteration of the land, including the shoreline and land underwater.

Disturbance means an alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintaining an existing grass lawn.

Documented breeding bird areas means forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

Dwelling unit means a single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes a living quarters for a domestic or other employee or tenant, an in-law or accessory apartment, a guest house, or a caretaker residence.

Ecosystem means a more or less self-contained biological community together with the physical environment in which the community's organisms occur.

Endangered species means any species of fish, wildlife, or plants that have been designated as endangered by regulation by the Secretary of the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the State's resources are determined to be in jeopardy. This includes any species determined to be an

“endangered” species pursuant to the Federal Endangered Species Act, 16 U.S.C. § et seq., as amended.

Establishment means the planting or regeneration of native vegetation throughout the Buffer.

Excess stormwater runoff means all increases in stormwater resulting from:

- a. An increase in the imperviousness or lot coverage of the site, including all additions to buildings, roads, and parking lots;
- b. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;
- c. Alteration of drainage ways, or regrading of slopes;
- d. Destruction of forest; or
- e. Installation of collection systems to intercept street flows or to replace swales or other drainage ways.

Financial assurance means a performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the City of Cambridge.

Fully established means the buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

Fisheries activities means commercial water dependent fisheries facilities including structures for the parking, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities such as wholesale and retail sales product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations.

Forest means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

Forest Interior Dwelling Birds means species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

Forest management means the protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

Grandfathered parcel or Grandfathered lot means a parcel of land that was created or a lot created through the subdivision process and recorded as a legally buildable lot prior to December 1, 1985.

Growth Allocation means the number of acres of land in the Critical Area that the City of Cambridge may use to create new Intensely Developed Areas and new Limited Development Areas. The Growth Allocation is five percent of the total Resource Conservation Area acreage in the City of Cambridge at the time the Critical Area Commission approved the City’s original Critical Area Program, not including tidal wetlands or land owned by the federal government.

Habitat Protection Plan means a plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the Plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the Plan is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

Highly erodible soils means those soils with a slope greater than 15 percent; or those soils with a K value greater than .35 and with slopes greater than 5 percent.

Historic waterfowl staging and concentration area means an area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

Hydric soils means soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

Hydrophytic vegetation means those plants cited in “Vascular Plant Species Occurring in Maryland Wetlands” (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

Immediate family means a father, mother, son, daughter, grandfather, grandmother, grandson, or granddaughter.

In-kind replacement means the replacement of a structure with another structure that is smaller than or identical to the original structure in footprint area, width, length, and use.

Intensely Developed Area means an area of at least 20 acres or the entire upland portion of the critical area within a municipal corporation, whichever is less, where: residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include: an area with a housing density of at least four dwelling units per acre; an area with public water and sewer systems with a housing density of more than three dwelling units per acre.

Invasive species means a species that is non-native or alien to the ecosystem under consideration whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Value means the soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

Land clearing means any activity that removes the vegetative ground cover.

Landward edge means the limit of a site feature that is farthest away from a tidal water, tidal wetland, or tributary stream.

Large shrub means a shrub that, when mature, reaches a height of at least six feet.

Legally developed means all physical improvements to a property that existed before Critical Area Commission approval of a local Program, or were properly permitted in accordance with the provisions of the local Program in effect at the time of construction.

Limited Development Area means an area: with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an intensely developed area under the definition in this Program.

Living shoreline means a suite of stabilization and erosion control measures that preserve the natural shoreline and are designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat. Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

Local significance means development of a minor scale, which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Program of the City of Cambridge; and is not considered to be major development as defined in this Program.

Lot coverage means the percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any other manmade material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fence or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely.

Marina means any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities.

Major development means development of a scale that may cause State-wide, regional, or inter-jurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts on the Critical Area Program of a local jurisdiction. This development includes, but is not limited to, airports, power plants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities.

Mean High Water Line (MHWL) means the average level of high tides at a given location.

Mitigation means an action taken to compensate for adverse impacts to the environment resulting from development, development activity, or a change in land use or intensity.

Native plant means a species that is indigenous to the physiographic area in Maryland where the planting is proposed.

Natural features means components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, flood plains, aquatic life, and wildlife.

Natural forest vegetation means vegetation consisting of canopy trees, understory trees, shrubs,

and herbaceous plants that are typically found in riparian areas in the State of Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this ordinance shall resemble the structure and species composition of natural forests.

Natural Heritage Area means any community of plants or animals which are considered to be among the best Statewide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

Natural regeneration means the natural establishment of trees and other vegetation with at least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

Natural vegetation means those plant communities that develop in the absence of human activities.

Nature-dominated means a condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

New development means that for purposes of implementing specific provisions of this Program, new developments (as opposed to redevelopment) means a development activity that takes place on a property with pre-development imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15 percent as of December 1, 1985.

Non-point source pollution means pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Non-point source pollution is not generally corrected by “end-of-pipe” treatment, but rather by changes in land management practices.

Nontidal wetlands means those areas regulated under Subtitle 9 of the Environment Article that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands,” published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

Offsets means structures or actions that compensate for undesirable impacts.

Open space means land and water areas retained in an essentially undeveloped state.

Palustrine means all nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

Permanent disturbance means a material, enduring change in the topography, landscape, or structure that occurs as part of a development or redevelopment activity. “Permanent disturbance” includes:

- a. Construction or installation of any material that will result in lot coverage;

- b. Construction of a deck;
- c. Except under § B (18-2)(b)(iii) of this regulation, grading; and
- d. Except under § B (18-2)(b)(ii) of this regulation, clearing of a tree, forest, or developed woodland.

Permanent disturbance does not include a septic system on a lot created before local program approval if the septic system is located in existing grass or clearing is not required.

Person means an individual, partnership, corporation, contractor, property owner, or any other person or entity.

Physiographic features means the soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

Pier means any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. Pier does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of State or private wetlands.

Plant habitat means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

Port means a facility or area established or designated by the State or local jurisdictions for purposes of waterborne commerce.

Principal structure means the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

Program amendment means any change or proposed change to an adopted program that is not determined by the Chairman of the Critical Area Commission to be a Program refinement.

Program refinement means any change or proposed change to an adopted program that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted Program, or that will not significantly affect the use of land or water in the Critical Area. Program refinement may include:

- a. A change to an adopted Program that results from State law;
- b. A change to an adopted Program that affects local processes and procedures;
- c. A change to a local ordinance or code that clarifies an existing provision; and
- d. A minor change to an element of an adopted Program that is clearly consistent with the provisions of State Critical Area law and all the Criteria of the Commission.

Project approvals means the approval of development, other than development by the State or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

Property owner means a person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

Public water-oriented recreation means shore-dependent recreation facilities or activities provided by public agencies that are available to the general public.

Reclamation means the reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including water bodies.

Reconfiguration means a change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. An application for reconfiguration may include a subdivision, a lot line adjustment, a boundary line adjustment, a replating request, or a revision of acreage to increase density.

Redevelopment means the process of developing land which is or has been developed. For purposes of implementing specific provisions of this Program, redevelopment (as opposed to new development) means a development activity that takes place on property with pre-development imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15 percent or greater.

Reforestation means the establishment of a forest through artificial reproduction or natural regeneration.

Resource Conservation Area means an area that is characterized by nature-dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource conservation areas include areas with a housing density of less than one dwelling per five acres.

Resource utilization activities means any and all activities associated with the utilization of natural resources such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.

Restoration means the act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

Riparian habitat means a habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

Road means a public thoroughfare that is under the jurisdiction of the State, a county, a municipal corporation, or any other public body. Road does include a drive aisle or driveway.

Seasonally flooded water regime means a condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

Selection means the removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

Shore erosion protection works means those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

Significantly eroding areas means areas that erode two feet or more per year.

Small shrub means a shrub that, when mature, reaches a height no greater than six feet.

Small wireless facility - "Small cells," which are low-powered wireless base stations that function like traditional cell sites in a mobile wireless network but typically cover targeted indoor or localized outdoor areas; "DAS" or "distributed antenna systems," which use numerous antennae,

commonly known as "nodes," similar in size to small cells and are connected to and controlled by a central hub; and other similar facilities, systems or devices designed to facilitate a mobile wireless network within a localized area and to be attached to a support structure within sidewalks or streets or on private property.

Support structure - Any light pole, utility pole, building wall, rooftop, or other structure upon which a small wireless facility is attached.

Species in need of conservation means those fish and wildlife whose continued existence as part of the State's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of conservation pursuant to the requirements of Natural Resources Article §§ 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

Steep slopes means slopes of 15 percent or greater incline.

Structure means anything constructed or erected on or over land that may or may not result in lot coverage. "Structure" means building or construction materials, or a combination of those materials that are purposely assembled or joined together on or over land or water. "Structure" includes a temporary or permanent fixed or floating pier, piling, deck, walkway, dwelling, building, boathouse, platform, gazebo, or shelter for the purpose of marine access, navigation, working, eating, sleeping, or recreating.

Substantial alteration means any repair, reconstruction, or improvement of a principal structure, where the proposed footprint equals or exceeds 50 percent of the existing principal structure.

Supplemental planting plan means a description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a Buffer if natural regeneration does not meet the required stem density.

Temporary disturbance means a short-term change in the landscape that occurs as part of a development or redevelopment activity. "Temporary disturbance" includes:

- a. Storage of materials that are necessary for the completion of the development or redevelopment activity;
- b. Construction of a road or other pathway that is necessary for access to the site of the development or redevelopment activity, if the road or pathway is removed immediately after completion of the development or redevelopment activity and the area is restored to its previous vegetative condition; and
- c. Grading of a development site, if the area is restored to its previous vegetative condition immediately after completion of the development or redevelopment activity.

Temporary disturbance does not include:

- a. A septic system in a forest or developed woodland on a lot created before local program approval, if clearing is required; and
- b. A violation.

Thinning means a forest practice used to accelerate tree growth of quality trees in the shortest

interval of time.

Threatened species means any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources that appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a “threatened” species pursuant to the federal Endangered Species Act, 16 U.S.C. § 1431 et seq., as amended.

Topography means the existing configuration of the earth’s surface including the relative relief, elevation, and position of land features.

Transitional habitat means a plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

Transportation facilities means anything that is built, installed, or established to provide a means of transport from one place to another.

Tributary stream means a perennial stream or intermittent stream within the Critical Area that has been identified by site inspection or in accordance with local program procedures approved by the Critical Area Commission.

Understory means the layer of forest vegetation typically located underneath the forest canopy.

Understory tree means a tree that, when mature, reaches a height between 12 and 35 feet.

Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

Upland boundary means the landward edge of a tidal wetland or nontidal wetland.

Utility transmission facilities means fixed structures that convey or distribute resources, wastes, or both, including but not limited to electrical lines, water conduits and sewer lines.

Water-based aquaculture means the raising of fish and shellfish in any natural, open, free-flowing water body.

Water-dependent facilities means those structures or works associated with industrial, maritime, recreational, educational, or fisheries activities that require location at or near the shoreline within the Buffer. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities.

Water-use industry means an industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

Waterfowl means birds that frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

Wildlife corridor means a strip of land having vegetation that provides habitat and safe passage for wildlife.

Wildlife habitat means those plant communities and physiographic features that provide food,

water, cover, and nesting areas, as well as foraging and feeding conditions necessary to maintain populations of animals in the Critical Area.

Article 9

Terms and Definitions

§ 9.1 Rules for Defining Terms

§ 9.2 Terms and Definitions

§ 9.1 Rules for Defining Terms

§ 9.1.1 Defined Words Have Meaning Provided

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this Ordinance.

§ 9.1.2 Rules

- Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number, unless the obvious construction of the wording indicates otherwise.
- The word “shall” is mandatory and not discretionary.
- The word “may” is permissive.
- The word “lot” shall include the words “piece”, “parcel” and “plots”; the word “building” includes all other structures of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for” and “occupied for”.
- All “measured distances” shall be to the nearest “integral foot”. If a fraction has a value of one-half foot or greater, the “integral foot” next above shall be taken.

§ 9.2 Terms and Definitions

Accessory Apartment – a separate complete living quarter that is totally contained within the structure of a single-family dwelling, or a commercial structure. It is designed and occupied as a residential dwelling unit and includes kitchen, sleeping, and sanitary facilities.

Accessory Building – an accessory building is a subordinate building, which is structurally detached, but on the same property as a primary 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 the principal use of the land. A trailer body or similar containers shall not be considered an accessory building. If structurally attached, as may be only in the case of an Accessory Dwelling Unit, the accessory unit shall conform to the same yard and bulk requirements as the primary structure

Accessory Use – an accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this Ordinance) on the same lot as the principal use of the premises. When “accessory” is used in the text, it shall have the same meaning as “Accessory Use”.

Accessory Dwelling Unit — a separate complete living quarter that is either substantially completely contained within the structure of an owner occupied, primary, single-family dwelling unit, or a commercial structure, structurally attached to the structure of an owner occupied, primary, single-family dwelling unit, or commercial structure, or located on the same parcel as the principal use. It is designed and occupied as a residential dwelling unit and includes kitchen, sleeping, and sanitary facilities. An ADU shall not consist of more than forty (40) percent of the area of the principal unit, contain more than one thousand (1,000) square feet or less than three hundred (300) square feet or have more than two bedrooms. See also interior ADS, attached ADU, and detached ADU.

Interior ADU — a separate complete living quarter that is completely contained within the structure of an owner occupied, primary, single-family dwelling unit or commercial structure.

Attached ADU — a separate complete living quarter that is structurally attached and tied to an owner occupied, primary, single-family dwelling unit or commercial structure and which is subject to the same yard and bulk requirements as the primary structure.

Detached ADU — a separate complete living quarter that is structurally detached from, but on the same property as, an owner occupied, primary, single-family dwelling unit or commercial structure and which is subject to the same building restrictions as accessory buildings.

Acre – a unit of measurement for an area equal to 43,560 square feet.

Acreage – a parcel of land, regardless of area, described by metes and bounds, which is not a numbered lot on any recorded subdivision.

Activity – any business, industry, trade, occupation, vocation, profession, or other use conducted or carried on either within a building or covered area, or outdoors on any tract or parcel of land. For zoning purposes, an activity shall be considered separately from any building or structure in which such activity may be conducted.

Adult Bookstore/Entertainment – any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic, digital, video or written reproductions is conducted, or live performance relating, describing, or depicting sexual activities is conducted, as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

Alley – a narrow public or private thoroughfare which provides only a secondary means of access to abutting properties and is not intended for general traffic circulation.

Alteration – any change in the total floor area, use adaptability or external appearance of an existing structure.

Amend or amendments – any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape, boundary or area of a zone; or any repeal or abolition of any map, part thereof or addition thereto.

Annexation – the inclusion of land area into an existing incorporated municipality affecting a change in the boundaries of that municipality.

Antenna – equipment designed to transmit or receive electronic signals.

Apartment – a part of a building containing cooking facilities and separate bathroom facilities consisting of a room or group of rooms intended, designed, and used as a residence by an individual or a single family.

Apartment House – same as “Dwelling, Multiple-Family”.

Area – Gross – all the area within a development plan or plat including area intended for residential use, local access streets or alleys, off-street parking spaces, recreation areas, or floodplains.

Arterial Road – a highway, road, or street designated as an arterial or minor arterial in the City’s adopted Comprehensive Plan.

Artisan Shop – a retail store selling art, glass, ceramics, jewelry, paintings, sculpture and other similar handcrafted items that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items sold.

Auction – a publicly held sale, wholly contained within a building with no outside storage in visually prominent locations, at which general merchandise or goods, excluding vehicles, are sold to the highest bidder.

Auction House – a company or other business entity that conducts auctions by accepting bids and declaring goods sold.

Auctioneer – an individual who conducts auctions by accepting bids and declaring goods sold.

Automobile Filling Station – any building, structure or area of land used for the retail sale of automobile fuels, oils, power, and accessories and where repair service, if any, is incidental.

Basement – that portion of a building between the floor and ceiling which is wholly or partly below grade and having more than ½ of its height below grade.

Bed and Breakfast – a private owner-occupied residence in which not more than six (6) bedrooms are rented to tourists or travelers, and in which breakfast is provided and included in the room rate.

Beekeeping

Apiary – the assembly of one (1) or more colonies of bees at a single location.

Beekeeper – a person who owns or has charge of one (1) or more colonies of bees.

Beekeeping equipment – anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Colony or hive — an aggregate of bees consisting principally of workers, but having, when perfect, one (1) queen and, at times, many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Honey bee — all life stages of the common domestic honey bee, *Apis mellifera*.

Nucleus colonies — small honey bee colonies created from larger colonies. The term refers both to the smaller size box and the colony of honey bees within it. Nucleus colonies are used to establish new hives or manage swarms.

Billboard — a structure on which is portrayed any information not necessarily related to the other uses permitted on the premises upon which the structure is located, not including painted walls.

Block — a tract of land bounded by streets, or by a combination of streets, alleys, public parks, cemeteries, shorelines or boundary lines of the City.

Board of Appeals of the City of Cambridge, which is authorized with certain powers by this Ordinance including to grant special exceptions and variances and to hear appeals from administrative decisions.

Boarder — any person in a residential dwelling unit who is given lodging, with or without food, by someone in exchange for monetary or non-monetary consideration, pursuant to an individual agreement, either oral or written, which agreement is not the sole lodging or rental agreement for the dwelling unit, but is one of two or more agreements for lodging within the dwelling unit.

Boarding House — a single-family dwelling unit where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral, for a term of 120 days or less.

Building — any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

Building, Accessory — a minor building that is located on the same lot as a principal building and is used incidentally to a principal building or houses an accessory use.

Building, detached — a building surrounded by open space on the same lot.

Building, floor area of — the total number of square feet area in a building, excluding cellars, uncovered steps, and uncovered porches, but including the total floor area of accessory buildings on the same lot.

Building Height — the vertical distance measured from the average elevation of the finished grades along the front of the building to either the highest point of the roof for “flat roofs” or the mean height level between the eaves and ridge of a gable, hip, mansard or gambrel roof. For the purposes of determining building height, at no point must the finished grade be higher than the pre-development grade and building height shall be measured in this way irrespective of compliance with the floodplain ordinance.

Building Line — a line beyond which the foundation wall and/or any porch, vestibule, or other portion of a building shall not project, unless otherwise provided for in this Ordinance.

Building, Main — any building which is not an accessory building.

Building Permit – a permit issued by the Zoning Official or other officially authorized representative of the City of Cambridge.

Building, Principal – the primary building on a lot or a building that houses a principal use.

Canopy – a roof-like structure of a permanent nature which may be free-standing or projected from a wall of a building or its supports. Also refers to tree cover.

Certify – whenever this Ordinance requires that some agency certify the existence of some fact or circumstance to the City, the City may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. This may include a certified letter, or if the City agrees, facsimile, e-mail, or other similar manner that will produce a “hard copy” of said certification.

Circulation Area – that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Civic (lot type) – pertaining to governmental and/or community related activities and uses including institutional uses and activities.

Clinic – an office building or a group of offices for one or more physicians, surgeons, or dentists, engaged in treatment of the sick or injured but not including rooms for overnight patients.

Club, Private – buildings and facilities owned or operated by a corporation, association, person, or persons, for social, educational or recreational purpose, but not primarily for profit which accrues to any individual and not primarily to render a service which is customarily carried on a business.

Collector – a highway, road, or street designated as a major collector or minor collector in the City’s adopted Comprehensive Plan.

Commission – the Planning Commission of the City of Cambridge.

Commercial – a type of activity where goods or services are sold or traded with the expectation of profit or gain.

Common Area – any open space, private road or other land, structure or improvement, which is designed or reserved for the common use or benefit of the owners of two or more lots. “Common area” does not include any public road or other land, structure or improvement owned by the City or the State of Maryland or any other governmental agency.

Community Center Multi-Family Dwelling – a multi-family dwelling constructed on the same Lot as, or adjacent to a Lot improved by, a Nursing Care Institution, Intermediate Care Institution, handicapped or infirm institution, or other intergenerational, senior, or special needs community center or facility. Recreation Facilities shall not qualify as a “community center” for purposes of establishing this use.

Comprehensive Plan/The Comprehensive Plan of Cambridge, Maryland – a document consisting of written and mapped information, adopted by the Mayor and City Council, and intended to guide the physical development of Cambridge, including all changes and additions to the Plan.

Condominium – a form of ownership consisting of an undivided interest in common with other owners in a portion of a parcel of real property, together with separate interest in space in a building, such as a townhouse, apartment or office, established pursuant to Maryland law. A condominium may include, in addition, a separate interest in other portions of such real property.

Conservation Easement – a non-possessory interest in land that restricts the manner in which the land may be developed in an effort to conserve natural resources for future use.

Construction, Actual – includes the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Corner Store – a small, general retail facility serving a small neighborhood area and situated on a street corner.

Council – Mayor and City Council of Cambridge, Maryland.

Country Inn – a building containing not less than seven (7) or more than fifteen (15) individual rooms or suites of rooms for the purpose of providing overnight lodging facilities not to exceed thirty (30) consecutive days to the general public for compensation which also offers dining facilities for lodging guests only.

Covenant – a written undertaking by an owner, which is required by this Ordinance or imposed by the Planning Commission in accordance with authorization contained in this Ordinance.

Covenanter – a person who owns legal or equitable title to any land which is affected in any manner by a covenant and includes a person who holds any mortgage, deed of trust or other lien or encumbrance on any such land.

Court – an unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

Coverage, building – the percentage of the lot covered by buildings and structures.

Critical Area – all lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

- a. All waters and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State Wetlands Maps, and all State and private wetlands designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland;
- b. All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of the Natural Resources Article, Annotated Code of Maryland.
- c. Modifications to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Critical Areas Commission as specified in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

Day Care Center or Day Nursery – a child boarding home, day camp, summer camp, foster home, or other place for the reception, board, or care for compensation of children under fourteen

years of age. This definition shall not include public or private schools organized, operated, or approved under Maryland laws, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services, activities, or meetings.

Day Care, Home – a facility operated in a residence by the owner of the residence limited to eight people, excluding residents, where care is given to children under the age of 18, or persons with physical handicaps, or persons in need of oversight because of advanced age, or mental retardation or other disability, and which routinely involves care and housing for less than 18 hours per day per person.

Dedication – the transfer of property from private to public ownership as may be required to achieve the purposes of this Ordinance.

Deed Restriction – a private legal restriction and/or covenant on the use of land, contained within a deed of property or otherwise formally recorded in the Land Records of Dorchester County, Maryland. These restrictions or covenants are designed to control the use of specific property and enforcement of these is through private civil action. Deed restrictions are not enforced by the City of Cambridge, unless it is Cambridge, Maryland that records said deed restrictions.

Density – the number of principal dwelling units allowed per acre of gross area of a development.

Developer – a person who is responsible for any undertaking that requires a zoning permit, conditional-use permit, sign permit, site plan, or subdivision approval.

Development or Development Activities (includes the term “develop”) – any construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land or action that results in construction, modification, extension or expansion of buildings or structures; placement of fill or dumping; storage of materials; land excavation; land clearing; land improvement; or any combination thereof, including the subdivision of land.

Development Plan – a plan submitted for approval by the Planning Commission that is intended to guide the development of land in a Mixed-use Waterfront Overlay District as provided by § 4.3 of this Ordinance.

District – any section of the City of Cambridge within which the zoning regulations are uniform.

Ditch – a small to moderate divot created or used to channel water. Ditches may be used for drainage, including draining water from low-lying areas, or for channeling water alongside roadways or fields or from a more distant source for irrigation. A ditch may appear on the U.S.G.S. 7.5 Minute Quadrangle published by the United States, or the Dorchester County Soil Survey, or may be field located. Ditches may be abandoned or relocated with the review and approval of the Maryland Department of the Environment and the Dorchester County Soil Conservation District.

Drive-in – a place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or beverage obtained from a carry-out window in automobiles or elsewhere on the premises.

Driveway – that portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Drug Rehabilitation Center - a licensed facility that specializes in the evaluation and treatment of drug addiction, alcoholism and associated disorders. This center may provide residential treatment, partial hospitalization treatment or outpatient treatment services.

Dry Cleaning Plant – a building or part of a building for the cleaning of garments, articles, or goods of fabric for retail customers, using commercial-grade products with no odor, fumes, or steam detectible to normal senses from off the premises. A dry-cleaning plant does not include a drop off service that has no processing on site.

Duplex – a two-family residential use in which two dwelling units each on its own fee simple lot share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate ground floor entrance.

Dwelling – any building or portion thereof, designed or used for residential purposes, except trailers or mobile homes.

Dwelling, attached (townhouse) – a dwelling that is joined to another dwelling at one or two sides by a party wall or walls and is located on its own fee simple lot. Where three or more attached dwellings are located on one lot, they shall be considered multi-family dwellings as defined in this Ordinance.

Dwelling, Single-Family – a building designed for or occupied exclusively by one family. Conversions of single-family dwellings into “dwelling, two-family” or into “dwelling, multi-family” are strictly prohibited.

Dwelling Unit – a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household or by a person living alone.

Dwelling, Multi-Family – a structure arranged or designed to be occupied by three (3) or more families in separate living quarters on a single parcel or on contiguous parcels under the same ownership.

Earth Satellite Antenna (also called “satellite dish” or “dish”) – a parabolic dish antenna or other device or equipment of whatever nature or kind, including its structural supports, the primary use of which is to receive television, radio, microwave, or other electronic signals from space satellites.

Family – one or more persons living together in a dwelling unit with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit, as a single housekeeping unit.

Fence or Wall – any structure regardless of composition, except a living fence, that is erected or maintained for the purpose of marking a boundary, enclosing an area, providing screening or privacy, restricting access or egress, or dividing a piece of land into distinct portions.

Fence Height – the distance measured from the existing grade to the top of the fence at its highest point.

Floor Area:

- a. Commercial business and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal area of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings but not including;
 - i. Space providing headroom of less than seven feet;
 - ii. Basement space not used for retailing; uncovered steps or fire escapes; (d) accessory water towers or cooling towers;
 - iii. Accessory off-street parking spaces; and
 - iv. Accessory off-street loading berths.
- b. Residential buildings: the sum of the gross horizontal areas of the several floors of a dwelling measured from the exterior faces of the exterior walls.

Frontage:

- a. Street frontage: all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
- b. Lot frontage: the distance for which the front boundary line of the lot and the street line are coincident.

Garage, private – a garage used for storage purposes only and having a capacity of not more than 4 vehicles.

Garage, service – a building, or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

Garage, storage – a building, or portion thereof, designed or used exclusively for storage of motor-driven vehicles and where motor-driven vehicles are not equipped, hired, or sold.

Golf Course – an area publicly or privately owned, on which the game of golf is played, containing at least 9 holes; together with such necessary and usual accessory uses as a club house, caretakers' dwellings, dining and refreshment facilities, and other such uses, provided that the operation of such facilities is incidental and subordinate to the operation of a golf course.

Grandfathered – the term describes the status accorded certain properties and development activities that are of record prior to the date of adoption of this Ordinance or provisions of this Ordinance.

Ground Floor Retail – Retail space located on the ground floor of a mixed-use building, occupying a minimum of the first 40 to 75 feet of forward portion of the building with any use otherwise permitted in the zoning district allowed to fill the rear of the building.

Group Home:

- a. **Group Home** means a community-based residential program that provides services:
- b. For individuals who have been or are under treatment for a mental disorder;
 - i. When possible, in the individual’s community of origin; and
 - ii. In a home-like environment which constitutes the individual’s domicile.
- c. **Group Home** means a private group home as defined in Health-General Article 10-518(b), (d)---(e) and 10-518(b), Annotated Code of Maryland as either a:
 - i. Small private group home, which:
 - (i) Admits not more than eight individuals, and
 - (ii) Is deemed conclusively a single-family residence and is permitted in all residential zones; or
 - ii. Large private group home, which:
Admits at least nine but not more than 16 individuals, and is deemed conclusively a multi-family residence and is permitted in zones of similar density.
- d. **Group home** does not include a:
 - i. Foster home that is the domicile of the foster parent.

Home Occupation – any occupation or activity, which is clearly incidental and secondary to use of the premises for dwelling and, which is carried on wholly within a main building or accessory building by a member of a family residing on the premises. When within the above requirements, a home occupation includes, but is not limited to the following and similar such uses:

- a. Art studio;
- b. Dressmaking;
- c. Professional office of a physician, dentist, lawyer, urban planner, architect, accountant, salesperson, real estate agent, insurance agent, or other similar occupation;
- d. Teaching, with musical instruction limited to 1 or 2 pupils at a time; however, a home occupation shall not be interpreted to include tourist homes, animal hospitals, child or day care centers, tea rooms, restaurants, and other similar uses.

Hotel – a building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public as opposed to a boardinghouse, which is

herein separately defined. A hotel may include restaurants, taverns, club rooms, banquet halls, ballrooms, and convention facilities.

Illumination – direct artificial lighting or indirect artificial lighting designed to reflect light from light sources erected for the purposes of providing light to a sign, surface, or other structure.

Impervious Surface – any surface installed or made on a lot that is resistant to the penetration of water.

Intermediate Care Institutions – an institutional facility licensed by Maryland law providing accommodations for more than eight persons needing medical care at a level lower than provided at nursing care institutions.

Intermittent Stream – a stream in which surface water is absent during part of the year. Intermittent streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States, the Dorchester County Soil Survey, or field located. Intermittent streams shall be identified in the field and accurately drawn on all development plans or plats.

Kennel/Cattery – any establishment for the commercial breeding, boarding, grooming, sale or training of dogs and/or cats for which a fee is charged and more than 3 dogs and/or cats are kept on the premises.

Kitchen – The minimum necessary to establish a section of a dwelling unit as a kitchen shall be the floor area in a residential unit that contains a stove with a 220 electrical outlet and associated wiring and/or an active gas line servicing a working stove.

Limited Distillery – A building or establishment to make a fermented alcoholic beverage, such as scotch, gin, or bourbon, for which a Class D License and a distillery license are required in accordance with the Alcoholic Beverages Article of the Maryland Annotate Code, as amended from time to time.

Loading Space – a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

Lot – an area of land separated from other areas of land by separate description in a recorded deed of plat.

Lot, Area – the total horizontal area within the lot lines of the lot.

Lot, Corner – a lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, Depth of – the mean horizontal distance between the front and rear lot lines.

Lot, Interior – a lot other than a corner lot.

Lot, Reversed Frontage – a lot in which the frontage is at right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

Lot Line – the boundary line of a lot.

Lot, Through – an interior lot having frontage on 2 streets.

Lot Width – the distance between the side lot lines measured at the required front yard line.

Lot of Record – a parcel of land that has been legally recorded in the land records of Dorchester County.

Marina and marina uses – any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

Marquee – a roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.

Medical Cannabis - any product containing usable cannabis or medical cannabis finished product.

Medical Cannabis concentrate - a product derived from medical cannabis concentrate means a product derived from medical cannabis that is kief, hashish, bubble hash, oil, wax or other product, produced by extracting cannabinoids from the plant through use of solvents; carbon dioxide or heat, screens, presses or steam distillation.

Medical Cannabis finished product - any product containing a medical cannabis concentrate or medical cannabis-infused product packaged and labeled for release to a qualifying patient.

Medical Cannabis-infused product - oil, wax, ointment, salve, tincture, capsule, suppository, dermal patch, cartridge or other product containing medical cannabis concentrate or usable cannabis that has been processed so that the dried leaves and flowers are integrated into another material. It does not include a food as the term is defined in Health General Article 21-101, annotated Maryland Code.

Medical Cannabis Outdoor Consumption - consumption of Medical Cannabis outdoors on public, private property or within a motor vehicle.

Microbrewery – A building or establishment to make beer, as defined by the Alcoholic Beverages Article of the Maryland Annotated Code, as amended from time to time, with a State classification of a “Class 7 microbrewery” and for which a Class D license is required in accordance with the Alcoholic Beverages Article of the Maryland Annotate Code, as amended from time to time.

Mobile Food Establishment – a mobile or stationary truck, van, trailer, wagon, or other vehicle, whether self-propelled or capable of being moved, is associated with a specific property/use, and which sells, distributes, or otherwise provides food items prepared and served from the vehicle in compliance with applicable State and County laws and regulations and served in the vehicle in compliance with applicable State and County laws and regulations. The term “Mobile Food Establishment” shall not include:

- a. Food/push carts, which are not permitted in the City;
- b. Delivery vehicles or ice cream trucks, including ice cream trucks selling food products ancillary to the sale of ice cream and other frozen confections, which are permitted within the City to the extent otherwise provided by the City Code; or
- c. Activities covered under a temporary/seasonal use special exception.

Motel – same as “Hotel” except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or offices.

Natural Features – components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

Natural Vegetation – plant communities that develop in the absence of human activities.

Neighborhood, Essential Services – any utility facility needed to provide basic services such as water, sewer, telephone, and cable television to the individual users.

Nightclub – a commercial establishment maintained for general patronage where food and drink are served or dispensed and where either of the following is allowed: (1) live, recorded or televised entertainment, and (2) dancing.

Nontidal Wetlands – an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and is determined according to the Corps of Engineers Wetland Delineation Manual, 1987, as amended.

Nursing Care Institution – an institutional facility maintained for the purpose of providing skilled nursing care and medical supervision, at a lower level than that available in a hospital, in addition to room and board.

Occupancy, Certificate of – the certificate signed by the Zoning Official which permits the use of a building in accordance with approved plans and specifications and which certifies compliance with the provisions of the law for the use and occupancy of the building as specified in City’s building code and this Ordinance.

Office, General – an office for the use of (a) professional people such as doctors, lawyers, accountants, etc., or (b) general business offices such as insurance companies, trade associations, manufacturing companies, investment concerns, banks and trust companies, real estate companies, etc., but not including any kind of retail or wholesale store or warehouse, except as otherwise provided herein.

Off-Street Parking Area – space provided for vehicular parking not on a street or roadway.

Open Space, Useable – that area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but not be limited to, buffers and buffer yards, lawns, decorative planting, walkways, active and passive recreation areas, children’s playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not include driveways, parking lots or other vehicular surfaces, any area occupied by a building, nor areas so located or so small or so circumscribed by buildings,

driveways, parking lots, or drainage areas, as to have no substantial value for the purpose stated in this definition.

Outbuilding – a separate accessory building or structure not physically connected to the principal building.

Parapet – the extension of the main walls of a building above the roof.

Parking Area, Lot, or Structure – a structure, or an off-street area for parking or loading and unloading, whether required or permitted by this Zoning Ordinance, including driveways, access ways, aisles, and maneuvering areas, but not including any public or private street right-of-way.

Parking Area Aisles – a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking, Floor Area – the floor area of a structure as defined herein less storage and warehouse areas used principally for non-public purposes of said structure. Any basement or cellar space used for retailing shall be included in the parking floor area for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths.

Parking Space, Off-Street – an all-weather surfaced area not in a street or alley exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles. At a minimum each parking space shall comprise 180 square feet.

Perennial Stream – a stream containing surface water throughout an average rainfall year. Perennial streams may be found on the most recent U.S.G.S. 7.5 Minute Quadrangle published by the United States, the Dorchester County Soil Survey, or field locates. Perennial streams shall be identified in the field and accurately drawn on all development plans or plats.

Person – an individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Place – an open, unoccupied space other than a street or alley, permanently established or dedicated in the principal means of access to property abutting thereof.

Plot – parcel of land which may include one or more platted lots occupied or intended for occupancy by a use permitted in this Ordinance including one main building together with its accessory buildings; the yard areas and parking spaces required by the Ordinance and having its principal frontage upon a street or upon an officially approved place.

Premises – a lot, together with all buildings and structures thereon.

Property Lines – the lines bounding a lot as defined herein.

Pub – an establishment used primarily for the serving of liquor by the drink to the general public, and where food is regularly served as part of the fare.

Public Way – any sidewalk, trail, street, alley, highway, or other public thoroughfare.

Public Water and Sewerage Systems – water or sewerage system owned and operated by a municipality or county or an authority or owned and operated by the governing body and permitted by the State of Maryland, and subject to special regulations.

Public Utilities – uses or structures for the public purpose of power transmission and distribution (but not power generation); natural gas transmission and distribution (but not manufacture or storage); water treatment and distribution; sewage collection and treatment; telephone service facilities; radio and television facilities (not including broadcasting studios); and rail or road rights-of-way (not including stations or terminals).

Recreation Facility – a place designated and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Redevelopment – the process of developing land that is or has been developed.

Regulations – the whole body of regulations, text, charts, tables, diagrams, maps, standards, notations, references, and symbols, contained or referred to in this Ordinance.

Residence, Multi-Family – a residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch) (e.g., apartments).

Residence, Primary with Accessory Apartment – a residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than 25 percent of the gross floor area of the building nor more than a total of 750 square feet.

Resort – a building or group of buildings containing guest rooms on a site, a large portion of which is devoted to recreational activities such as tennis, horseback riding, swimming, or golf. A resort may furnish services customarily furnished by a hotel including restaurants, taverns, and convention facilities.

Restaurants:

- a. **Restaurant, standard** – a food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or nonprofit community swimming pool, playground or park, operated solely for the convenience of its patrons shall not be considered a restaurant.
- b. **Restaurant, fast food** – an establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and wrapped or presented so that it can readily be eaten outside or inside the premises.
- c. **Restaurant, drive-in or drive-thru** – any establishment where ready-to-eat food primarily intended for immediate consumption is available upon a short waiting time and packaged or presented so that it can be readily eaten inside the premises and whose method of operation is also to serve customers in motor vehicles either at a drive-thru window or while parked.

Retail Shops – stores selling one kind or various kinds of goods, as distinct from services, such as, but not limited to, drug stores, grocery stores, department stores, camera shops, bookstores, and record shops.

Right-of-Way – a strip of land designated for the use of a road, highway, driveway, alley or walkway, or for any drainage or public utility purpose or other similar uses.

Ropes or Adventure Courses – Land, facility and improvements including challenge course elements, zip lines, ropes course elements, canopy walk elements, hiking trails or biking trails to be used for or support outdoor recreational activities, team building exercises and/or adventure games occurring at the facility.

Satellite Dish (Receive-Only Earth Station) – a device or instrument, designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite, typically up to twelve feet in diameter, in the shape of a shallow dish or parabola.

Seat – for the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

Setback – the minimum required distance between the point where any structure or use on a lot meets the ground surface and any lot line or boundary of a City or State road right-of-way.

Shed – a portable, non-permanent structure, installed without footers, used for the storage of items such as gardening equipment or home repair tools and supplies.

Short Term Rentals - a rental of a portion or of the entire residential unit for no more than twice a year with the longest duration of seven (7) days. If documentation (such as invoices or receipts) can be provided to the City that such a unit has exceeded these time limitations, then the property owner will be put on notice that they are required to submit an application for a B&B within 30 days of notification by the City of the zoning violation. The renter at such a facility proceeds at their own risk.

Sight Visibility Triangle – a triangular space provided across all property corners created by either the intersections of two streets or the intersection of a driveway and a street. It is determined by drawing a diagonal line across the corner of the lot measured from two points drawn twenty-five feet back from the street or driveway intersection with the street.

Sign – a structure or device, in whole or part, which uses symbolic representations to direct attention to, identify or advertise any activity, person, group of people, or thing.

Sign Height, maximum sign – the distance from the top of the sign to the unfinished grade of the ground at the base of the sign. For freestanding (monument) signs, the height includes the base of the sign.

Sign, Internally Lighted – a sign that produces light within itself and includes signs that consist of, in whole or in part, exposed glass tubing containing either neon, argon, or other material, regardless of whether the exposed glass material is located inside the window of the use or outside the use to which it refers.

Sign, Temporary sign – any sign which has for its purpose the advertising, announcement or display of information pertaining to an event, condition or situation that is intended to be limited

in scope, duration, or time, including, but not limited to, commercial sales events, concerts, plays, on-premise real estate advertisement, on-premise advertisement of contractor lawfully engaged at site, and other commercial or cultural events.

Sign, Portable sign – a sign that is easily and conveniently transported or capable of being carried or moved about.

Site Plan – a drawing or plat which describes and locates required improvements of a development tract.

Single Housekeeping Unit – one household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a single household plan. If all or part of the dwelling is rented, the lessees must jointly occupy the unit under a single lease, either written or oral, whether for monetary or non-monetary consideration.

Solar:

Solar Energy System – A system of solar collectors, panels, controls, energy storage devices, heat pumps, heat exchangers, and/or other materials, hardware or equipment to collect solar radiation and convert it to a useable energy form. Solar Energy Systems include thermal and photovoltaic systems.

Small-Scale Solar Energy System – A Solar Energy System that produces less than two hundred kilowatts (200kW) of power and utilizes less than one (1) acre. A Small-Scale Solar Energy System includes a rooftop solar energy system of any generating capacity and size.

Medium-Scale Solar Energy System – A Solar Energy System that is engineered and designed to produce at least two hundred kilowatts (200kW) but less than two megawatts (2 MW) of power. A Medium-Scale Solar Energy System shall be located on a parcel or assemblage of contiguous parcels no less than nine (9) acres in size.

Large-Scale Solar Energy System – A Solar Energy System that is engineered and designed to produce at least two megawatts (2 MW) of power. A Large-Scale Solar Energy System shall be located on a parcel or assemblage of contiguous parcels no less than one hundred (100) acres in size.

Community Solar Energy System – A Solar Energy System that provides power and/or financial benefit to, and/or is owned by, multiple residents of a community. The primary purpose of a Community Solar Energy System is to allow such residents the opportunity to share the benefits of solar energy even if they cannot or prefer not to install a Solar Energy System on their own property.

Kilowatt (kW) – A measure of the use of electrical power equal to one thousand (1,000) watts.

Megawatt (MW) – A measure of the use of electrical power equal to one thousand (1,000) kilowatts.

Special Events – circuses, fairs, carnivals, festivals, or other types of special events that (a) run for longer than one day but not longer than two weeks, (b) are intended to or likely to attract substantial crowds, and (c) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Exception – permission by the Board of Appeals to establish a specific use that would not be appropriate generally or without restriction throughout a zoning district but which if controlled as to number, area, location, or relation to the neighborhood, would comply with the purpose and intent of this Ordinance.

State Tidal Wetland – any land under the navigable waters of the State below the mean high tide, affected by the regular rise and fall of the tide. Tidal wetlands of this category which have been transferred by the State by a valid lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights are considered “private tidal wetlands” to the extent of the interest transferred.

Steep Slopes – any slope with a grade of 15 percent or more.

Storage Building – a building used primarily as a support building for an existing business located on the same parcel. All equipment, commercial vehicles, or supplies used in the conduct of a trade, business, or profession shall be enclosed within the building. Any ancillary materials shall be screened from all public rights-of-way to the satisfaction of all reviewing authorities.

Storage - Outside/Storage Yard – an area of a parcel that is used for the storage of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession including inside a cargo trailer or similar. Outside storage does not include the overnight parking in residential zones of a single vehicle weighing no more than 2.5 tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.

Stormwater Management – for quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and for qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Story – that portion of a building other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half – a space under a sloping roof at the top of the building, the floor of which is not more than 2 feet below the plate, shall be counted as a half story when not more than 60 percent of said floor area is used for rooms, baths, or toilets. A half story containing an independent apartment or living quarters shall be counted as a full story.

Street – a public thoroughfare that affords the principal means of access to property abutting thereon.

Street Line – a dividing line between a lot, trace, or parcel of land and a contiguous street.

Structure – anything, other than a fence or retaining wall 6 feet or less in height, constructed or erected which requires location on the ground or attached to something having a location on the ground, including but not limited to signs, mobile homes, and prefabricated homes. Prefabricated

homes include factory preassembly of standardized building parts, or the shipment of component building sections for permanent installation on a site. Prefabricated homes do not include mobile homes in which mobility, or the ready means of reactivating mobility, remains an integral feature of the trailer.

Structural Alterations – any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams, girders, or any substantial change in the roof or in the exterior walls.

Subdivision – the division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future).

Subdivision, Major – any subdivision other than a minor subdivision.

Subdivision, Minor – a subdivision that does not involve any of the following: (a) the creation of more than a total of four lots; (b) the creation of any new public streets; (c) the extension of a public water or sewer systems; or (d) the installation of drainage improvements through one or more lots to serve one or more other lots.

Tattoo Parlor – an establishment wherein designs, letters, figures, or other marks are placed upon the skin of an individual using ink or other substances that result in the permanent coloration of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

Tavern – an establishment used primarily for the serving of liquor by the drink to the general public, and where food or packaged liquors may be served or sold only as an accessory to the primary use. Also called a pub, bar or lounge.

Television or Satellite Dish – a device or equipment used for the receiving of television or radio programming which is a subordinate use or structure customarily incidental to and located upon the same lot as the main structure, in either a side or rear yard.

Temporal Housing – residential housing that is limited in time by its occupants. Said use shall include the following categories of housing: Boarding Houses, Bed and Breakfast Houses, and Country Inns. All temporal housing projects shall be special exception uses, subject to the standards for granting a special exception.

Temporary or Seasonal Activities or Development – a use/activity that is short-term in nature and subject to periodic review by the City. Such uses/activities include, but are not limited to, the sales of fruits, vegetables, and other produce, barbecue, and other foods not sold from a Mobile Food Establishment, including any such food sold from a tent or stand.

Temporary Structure Incidental to Construction – a structure (a) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (b) located on the same lot as a residence that is under construction and occupied by the persons intending to live in such permanent residence when the work is completed, or (c) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site. These residences shall be removed from the site within one month of resolution of the situation which prompted their need.

Tidal Wetlands – all State and private wetlands, marshes, submerged aquatic vegetation, lands, and open water affected by the daily and periodic rise and fall of the tide within the Chesapeake Bay and its tributaries, the coastal bays adjacent to Maryland’s coastal barrier islands, and the Atlantic Ocean to a distance of 3 miles offshore of the low water mark.

Topography – the existing configuration of the earth’s surface including the relative relief, elevations, and position of land features.

Tower – any structure whose principal function is to support an antenna.

Townhouse – a single-family attached dwelling forming one of a series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement to roof, and having roofs which may extend from one such dwelling unit to another (see Dwelling, Attached).

Tract – a lot (see definition). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Tree – a large, woody plant having one or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.

Use – the purpose or activity for which land or any building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Permitted – a use which may be lawfully established in a particular district or districts provided it conforms to all regulations, requirements, and standards of such district.

Use, Principal – a use listed in the Table of Permissible Uses, except for references to the term “accessory.”

Utility Facilities – Community or Regional – all utility facilities other than neighborhood facilities.

Utility Facilities, Neighborhood – utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

Utility Transmission Facilities – fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electric lines, water conduits, and sewer lines.

Variance – a modification only of bulk or area requirements in this Ordinance where such modifications will not be contrary to the public interest and where owing to conditions peculiar to the property, and not the results of any action taken by the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship.

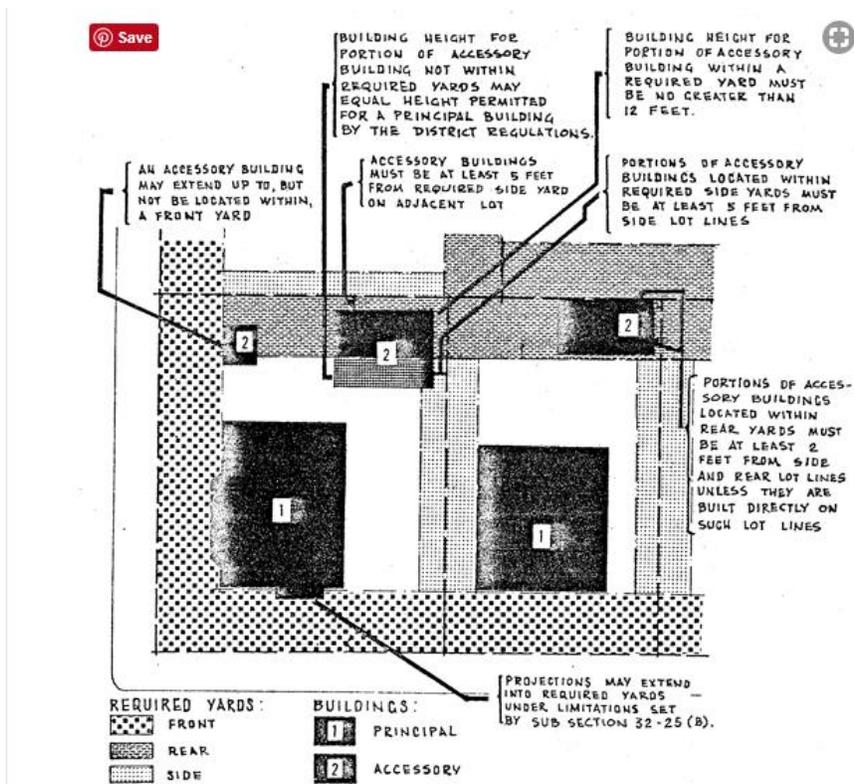
Warehouse, Large – a structure over 10,000 sf used for the storage and/or the sale of products at wholesale, and where the sale of a product at retail is incidental.

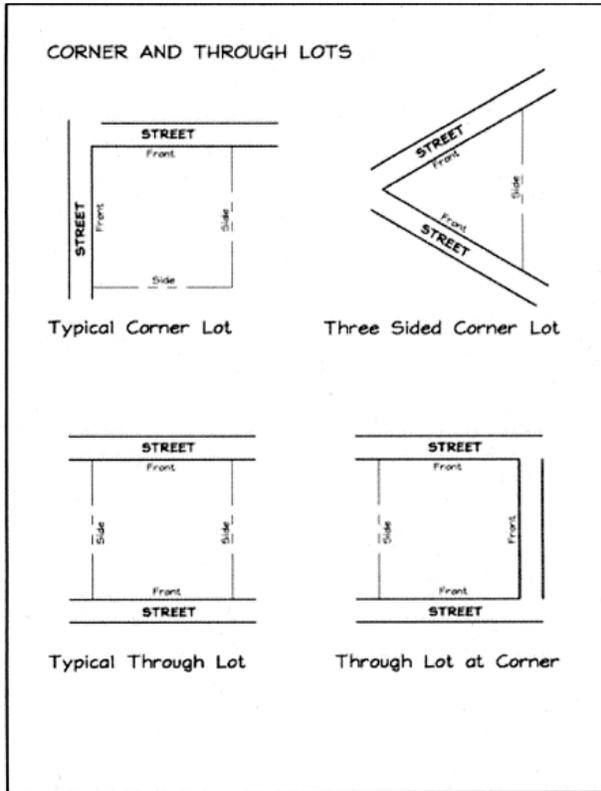
Warehouse, Medium – a structure less than 10,000 sf used for the storage and/or the sale of products at wholesale, and where the sale of a product at retail is incidental.

Yard – an open space other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided for in this Ordinance.

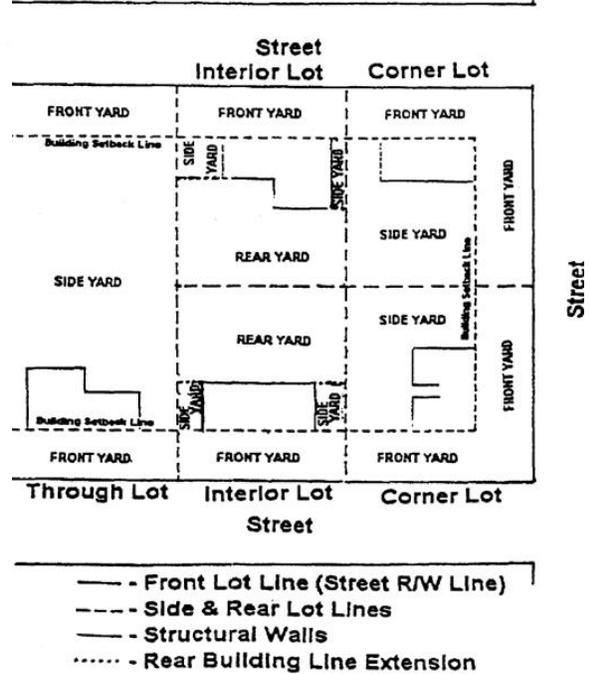
Yard. Corner — A yard having continuous frontage on two (2) or more intersection streets. Notwithstanding any other provisions of this Ordinance, corner lots shall be deemed to have (2) fronts, two (2) sides and no rear for the purpose of meeting setbacks.

Examples:

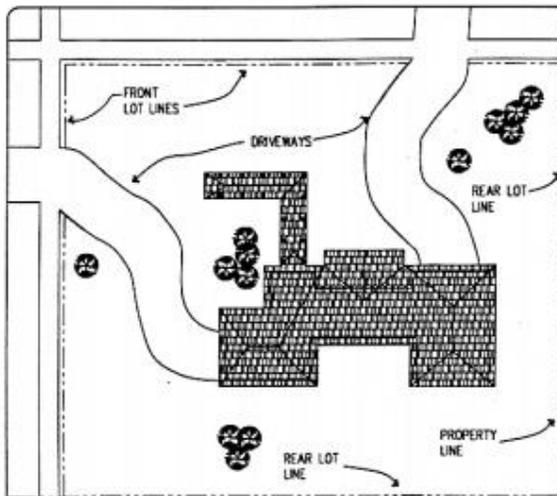




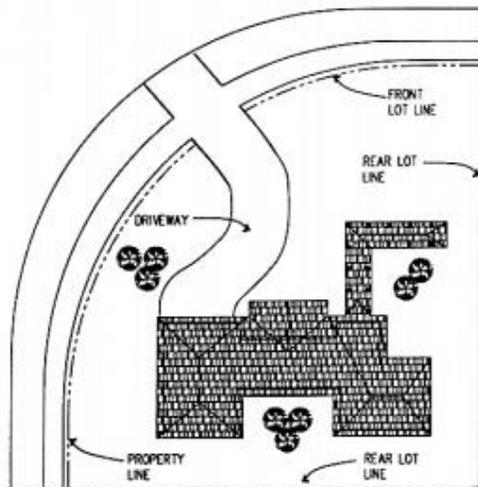
YARD, TYPES



REAR LOT LINE FOR CORNER LOT USING TWO STREET ACCESSES



REAR LOT LINE FOR CORNER LOT USING ONE STREET ACCESS



Yard, Front – a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the terraces, or uncovered porches.

Yard, Rear – a yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entranceways.

Yard, Side – a yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and side of the main buildings or any projections thereof.

Zoning District – an area within which certain uses of land and structures are permitted and certain others are prohibited; yards and other open spaces are required; minimum lot areas and dimensions and other requirements are established.

Zoning Official – the zoning administrative officer or an authorized representative designated by the City Council to carry out duties as specified in this Ordinance. The term may also include Zoning Administrator or Zoning Officer.

Zoning Permit – a written statement issued by the Zoning Official authorizing buildings, structures, or uses consistent with the terms of this Ordinance, and for the purpose of carrying out and enforcing its provisions.