

**ORDINANCE NO. 3796**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND: (i) SECTION 2.03(22) OF THE CITY OF CUMBERLAND ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE DEFINITION OF A 'BOARDING HOUSE/HOSTEL' TO LIMIT THE NUMBER OF BEDROOMS AND NUMBER OF RESIDENTS ALLOWED IN A SINGLE DWELLING UNIT THAT IS USED FOR THAT PURPOSE; AND (ii) THE USE REGULATION TABLE SET FORTH IN SECTION 6.02 OF THE SAID ZONING ORDINANCE FOR THE PURPOSE OF PROHIBITING THE USE OF BOARDING HOUSES/HOSTELS IN THE R-U AND G-I ZONES AND PERMITTING THEM IN THE B-H ZONE."

**WHEREAS**, Title 4, Subtitle 2 of the Land Use Article of the Annotated Code of Maryland grants the Mayor and City Council the power to enact a zoning ordinance, to amend it from time to time, and to provide for its administration and enforcement.

**WHEREAS**, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, and/or general welfare of the City to amend the City of Cumberland Zoning Ordinance from time to time.

**WHEREAS**, overcrowding issues in a particular boarding house raised City staff's awareness of the lack of clarity in the Zoning Ordinance regarding the scale of such uses in residential neighborhoods and their appropriateness in certain zones;

**WHEREAS**, staff proposed amendments to the definition of "Boarding house/Hostel" set forth in Section 2.03(22) of the Zoning Ordinance in order to restrict the number of bedrooms and limit the number of residents allowed in a single dwelling unit used as a boarding house/hostel. Presently, the Zoning Ordinance does not contain such limitations.

**WHEREAS**, in considering the overcrowding issue, staff also considered whether the boarding house/hostel use is compatible with the other uses permitted in zones where this use is permitted. They determined that it is not compatible with the uses permitted in the R-U and G-I zones. Staff also determined that, although the use is not permitted in the B-H zoning district, it is compatible with the other uses permitted therein. Accordingly, staff proposed amendments to the Use Regulations Table set forth in Section 6.02 of the Ordinance which would prohibit the boarding house/hostel use in the R-U and G-I zones and permit it in the B-H zone.

**WHEREAS**, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of

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this ordinance on the 14th day of March, 2016, and determined that it should recommend that the Mayor and City Council pass an ordinance adopting the amendments to the City of Cumberland Zoning Ordinance which were proposed by staff.

**WHEREAS**, notice of the time and place of the hearing was published in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on February 29, 2016 and March 7, 2016), the first such notice having been published at least 14 days prior to the hearing, as required by Section 15.04.02 of the Zoning Ordinance.

**WHEREAS**, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on May 17, 2016, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on May 3, 2016 and May 10, 2016), the first such notice having been published at least 14 days prior to the hearing, as required by Section 4-203(b) of the Land Use Article of the Annotated Code of Maryland.

**WHEREAS**, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the proposed amendments to the Zoning Ordinance.

**NOW, THEREFORE:**

**SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND**, that Section 2.03(22) of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3648, passed on August 4, 2009, is hereby amended as follows<sup>1</sup>:

- (22) Boarding House/Hostel: A building containing a single dwelling unit where lodging is provided **IN NOT MORE THAN FOUR (4) BEDROOMS** with or without meals (prepared using central/congregate cooking facilities for the entire building) ~~for two (2) or more~~ **TO NOT MORE THAN FOUR (4)** persons who are not members of the operator's family, and by prearrangement for definite periods of time and for

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<sup>1</sup> Stricken out text denotes language stricken from the Zoning Ordinance. Bold print text denotes language added to the Zoning Ordinance. All changes are highlighted.

compensation, whether direct or indirect, but not to include group homes, rest homes or homes for the aged.

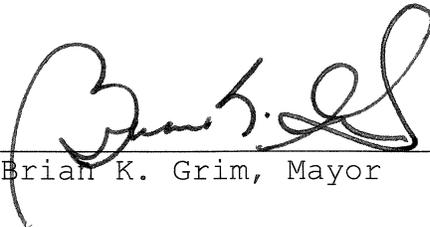
**SECTION 2: AND BE IT FURTHER ORDAINED,** that the portion of the Use Regulations Table set forth in Section 6.02 of the Ordinance applicable to Boarding houses/Hostels, is hereby amended as follows:

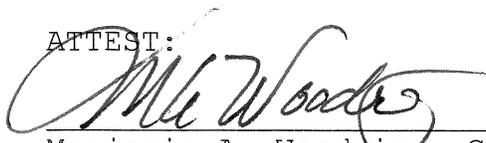
**USE REGULATIONS TABLE**

<b>Key:</b> P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
<b>USE DESCRIPTION</b>	<b>R-E</b>	<b>R-S</b>	<b>R-U</b>	<b>R-O</b>	<b>B-L</b>	<b>B-H</b>	<b>B-CBD</b>	<b>B-C</b>	<b>I-G</b>	<b>G-C</b>	<b>G-I</b>
<b>Residential</b>											
....											
<b>Boarding houses/Hostels</b>			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			<b>P</b>	<b>P</b>
....											

**SECTION 3: AND BE IT FURTHER ORDAINED,** that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 7th day of June, 2016.

  
 Brian K. Grim, Mayor

ATTEST:  
  
 Marjorie A. Woodring, City Clerk

**1st reading: April 19, 2016**  
**Public Hearing: May 17, 2016**  
**2nd & 3rd readings: June 7, 2016**  
**Passed: 5-0**