

**ORDINANCE NO. 3815**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND SECTION 6.08(5) OF THE CITY OF CUMBERLAND ZONING ORDINANCE FOR THE PURPOSE OF REDUCING THE LIGHTING STANDARDS RESTRICTIONS APPLICABLE TO RESIDENTIAL USES PROHIBITED IN THE CITY'S PRINCIPALLY COMMERCIAL (BUSINESS) AND INDUSTRIAL ZONES."

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

**WHEREAS**, in reviewing the standards which restrict the glare exterior lighting casts upon streets and adjacent properties (as stated in Section 6.08 (5) of the Zoning Ordinance), City staff determined that the same restrictions applicable to residential properties which are permitted as a matter of right in certain zones apply to nonconforming residential properties in the zones intended to consist principally of commercial (business) and industrial uses, i.e., the Local Business (B-L), Highway Business (B-H), Central Business District (B-CBD), and Industrial-General (I-G) Zoning Districts.

**WHEREAS**, applying this standard uniformly may have the unintended consequence of making it difficult and/or expensive for new businesses trying to locate in such commercial and industrial zones if pre-existing but otherwise nonconforming residences (regardless of whether they are inhabited) are located nearby.

**WHEREAS**, the primary objective of the primarily commercial and industrial zoning districts is to promote and incentivize commercial and industrial development, thereby expanding the City's tax base and increasing opportunities for employment.

**WHEREAS**, staff has proposed changing the lighting standard for residential uses which are prohibited or conditionally-allowed (by the Board of Zoning Appeals) in the aforesaid primarily commercial and industrial zones from the standard that

applies to residential uses permitted as a matter of right in all zones (0.4 foot-candles (meter reading) as measured no more than three feet inside the lot line) to the standard applicable to commercial lighting intensity impacts on adjoining streets (one foot-candle (meter reading) as measured from the centerline of the street).

**WHEREAS**, staff intends for the more restrictive lighting standard to remain in effect for any and all residential uses in the other zoning districts.

**WHEREAS**, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of this ordinance on the 12th day of September, 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 August 29, 2016 and September 5, 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 November 15, 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 November 1, 2016 and November 8, 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 6.08(5) of the City of Cumberland

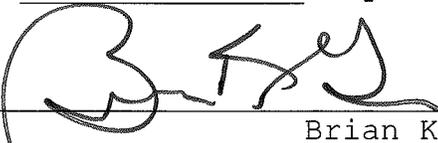
Zoning Ordinance, as enacted by Ordinance No. 3648, passed on August 4, 2009, is hereby amended as follows<sup>1</sup>:

**6.08 GENERAL PERFORMANCE STANDARDS AND ENVIRONMENTAL PRESERVATION**

- (5) Lighting: Exterior lighting shall not adversely affect adjacent properties, as determined by the following:
- (a) Exposed sources of lights, including bare bulbs and tubes and immediately adjacent reflecting surfaces, shall be shielded so as not to create a nuisance across lot lines.
  - (b) Any light or combination of lights that casts light on a public street **OR A RESIDENTIAL PROPERTY LOCATED WITHIN ANY BUSINESS OR INDUSTRIAL ZONING DISTRICT (B-L, B-H, B-CBD, B-C, OR I-G) WHERE THAT SPECIFIC RESIDENTIAL USE IS PROHIBITED** shall not exceed one foot-candle (meter reading) as measured from the centerline of such street. Any light or combination of lights that cast light on **ANY OTHER**—a lot zoned or used for residential purposes **(EXCLUDING THOSE SPECIFIED ABOVE)** shall not exceed 0.4 foot-candles (meter reading) as measured no more than three feet inside the lot line.

**SECTION 2: AND BE IT FURTHER ORDAINED**, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 6th day of December, 2016.

  
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Brian K. Grim, Mayor

ATTEST:  
  
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Marjorie A. Woodring, City Clerk

**1st read: 10/18/16**  
**2nd read: 12/6/16**  
**3rd read: 12/6/16**  
**Effective: 12/16/16**

<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.