

Council Agenda Report

Date: April 23, 2018
Submitted by: Odie Wheeler, Director of Public Works
Prepared by: Pat Escher, City Planner, A.I.C.P.

Subject: Ord. No. 1119 -- An Ordinance of the Commissioners of Cambridge, Maryland amending § 4.4.4 and Table 2: Permitted Uses by zoning subdistrict in the Downtown/Waterfront Development District of the City's Unified Development Code to allow Drug Rehabilitation Facilities as a Permitted Use with Conditions in the General and Center subdistricts and amending § 9.2 of the UDC to define terms associated therewith; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to Drug Rehabilitation Facilities in the City of Cambridge.

Recommendation: That Council

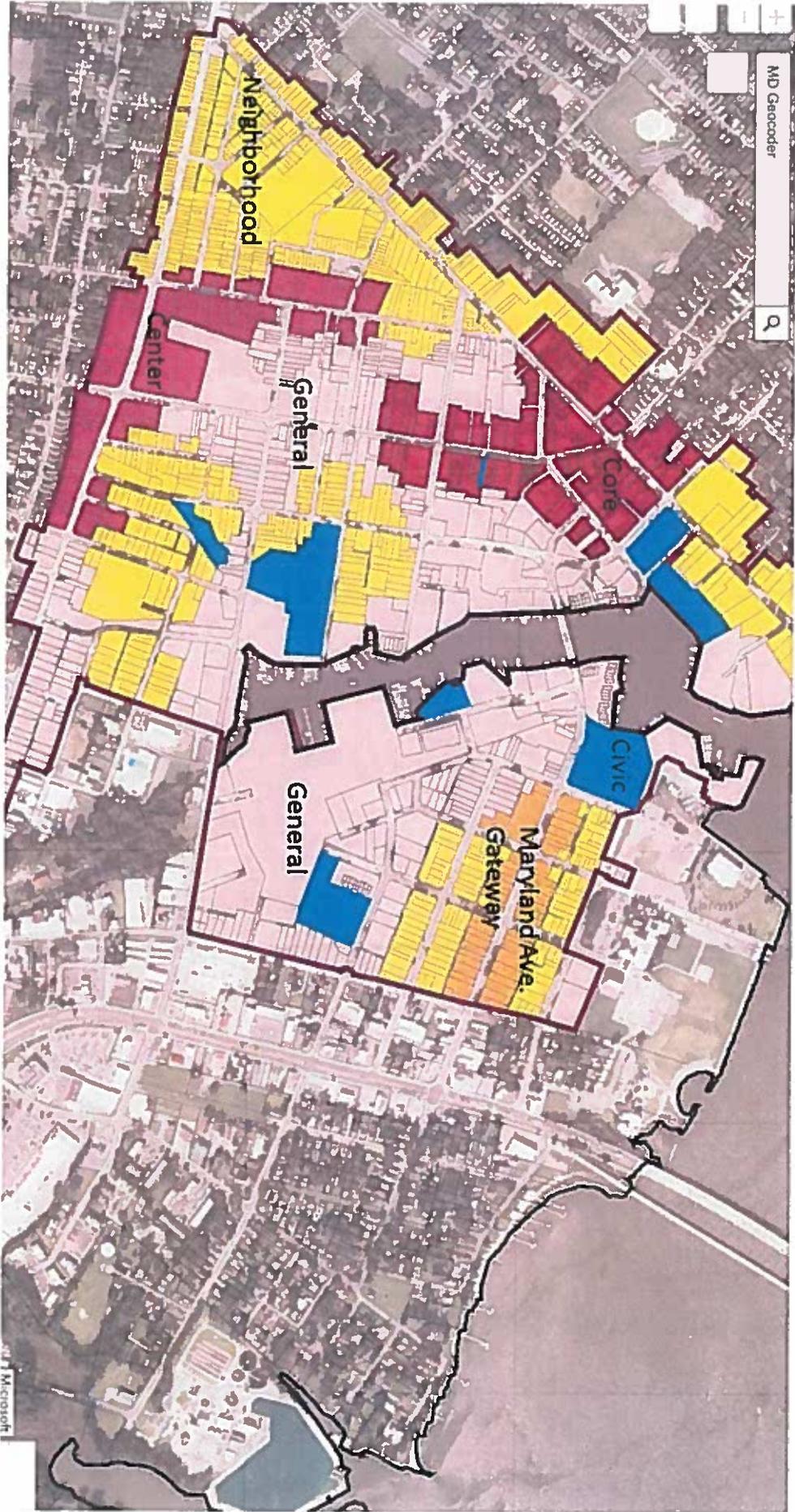
- A. Introduce Ordinance No. 1119 by reading of title only; and
- B. Schedule May 29, 2018 for second reading, public hearing and adoption of Ordinance No. 1119.

DISCUSSION: This amendment was discussed at the Planning Commission's December and January hearings. The Unified Development Code is silent to smaller drug rehabilitation facilities. There currently are two facilities in the Downtown Waterfront Development District, Subdistrict Core. The Commission did not want to see a proliferation of these uses in the Core Subdistrict which is our primary tourist and entertainment area. However, the Commission acknowledged that the City does need these services in more central locations of the City. After reviewing the City's zoning map, the Commission felt the Downtown Waterfront Development Sub-Districts of General and Center were appropriate locations for this use. (See map below.)

Commission unanimously agreed to recommend to the City Council to allow this use in the Downtown Waterfront Development Sub-Districts of General and Center.

Fiscal Impact: NA

Approved by: Sandra Tripp-Jones, City Manager 



ORDINANCE NO. 1119

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4.4.4 AND TABLE 2: PERMITTED USES BY ZONING SUBDISTRICT IN THE DOWNTOWN/WATERFRONT DEVELOPMENT DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW DRUG REHABILITATION FACILITIES AS A PERMITTED USE WITH CONDITIONS IN THE GENERAL AND CENTER SUBDISTRICTS AND AMENDING § 9.2 OF THE UDC TO DEFINE TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO DRUG REHABILITATION FACILITIES IN THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 2.2.3 of the Unified Development Code (the "UDC"), the Commissioners of Cambridge (the "Commissioners") are authorized and empowered to amend, supplement, change, modify, and repeal the City of Cambridge's (the "City") zoning regulations and boundaries and change the City's zoning classifications; and

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

WHEREAS, following a public hearing held on April 3, 2018, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners approve a text amendment amending § 4.4.4 and Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District of the UDC to allow drug rehabilitation facilities as a Permitted Use with Conditions in the General and Center Subdistricts and amending § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, on May 29, 2018, the Commissioners held a public hearing regarding the text amendment recommended by the Planning Commission, notice of which was published on April 30, 2018 and May 7, 2018 in the Star Democrat, a newspaper of general circulation in the City, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 2.2.3.C of the UDC; and

WHEREAS, having considered the recommendations of the Planning Commission and the Department of Planning and Zoning Staff, as well as the comments made during the May 29, 2018 public hearing, the Commissioners find that it is in the best interest of the City to amend § 4.4.4 and Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District of the UDC to allow drug rehabilitation facilities as a Permitted Use with Conditions in the General and Center Subdistricts and amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, the Commissioners find that the text amendment set forth herein is necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

SECTION 1. Section 4.4.4 (Standards for Conditional and Special Exception Uses) is amended as follows:

L. Drug Rehabilitation

Subject to the following conditions, a Drug Rehabilitation Facility shall be a Permitted Use with Conditions (C) in the General and Center subdistricts:

- 1. No drug rehabilitation facility shall be located within 500 feet of an establishment that sells alcohol for on- or off-premises consumption.**
- 2. No drug rehabilitation facility shall be located within 500 feet of a school, church or medical marijuana distribution facility.**
- 3. No drug rehabilitation facility shall be located within 1,500 feet of a similar facility.**
- 4. 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.**

SECTION 2. Section 9.2 (Terms and Definitions) is amended as follows:

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.

Drug Rehabilitation Facility – a licensed facility under 10,000 square feet that specializes in the evaluation and treatment of drug addiction, alcoholism and related disorders. This facility may provide medical or psychotherapeutic treatment and outpatient care, including but not limited to programs such as local support groups, addiction counseling, mental health care and medical care.

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.

SECTION 3. Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District is amended to allow drug rehabilitation facilities as a Permitted Use with Conditions in the General and Center Subdistricts as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.

SECTION 4. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 5. In this Ordinance, unless a section of the City Code of Laws is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. Language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the __ day of _____ 2018
Passed the __ day of _____ 2018
Effective the __ day of _____ 2018