

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. 1120 - An Ordinance of the Commissioners of Cambridge, Maryland amending the official zoning map of the City of Cambridge by rezoning a parcel of real property located at 501 Bayly Road and identified on tax map 304 as parcel 2803, tax account no. 07-136552, containing 25,427 square feet of land, more or less, from Residential to General Commercial; providing that the title of this ordinance shall be deemed to be a fair summary, and generally relating to the official zoning map of the City of Cambridge, Maryland.

Recommendation: That Council

- A. Introduce Ordinance No. 1120 by reading of title only; and
- B. Schedule May 29, 2018 for second reading, public hearing and adoption of Ordinance No. 1120.

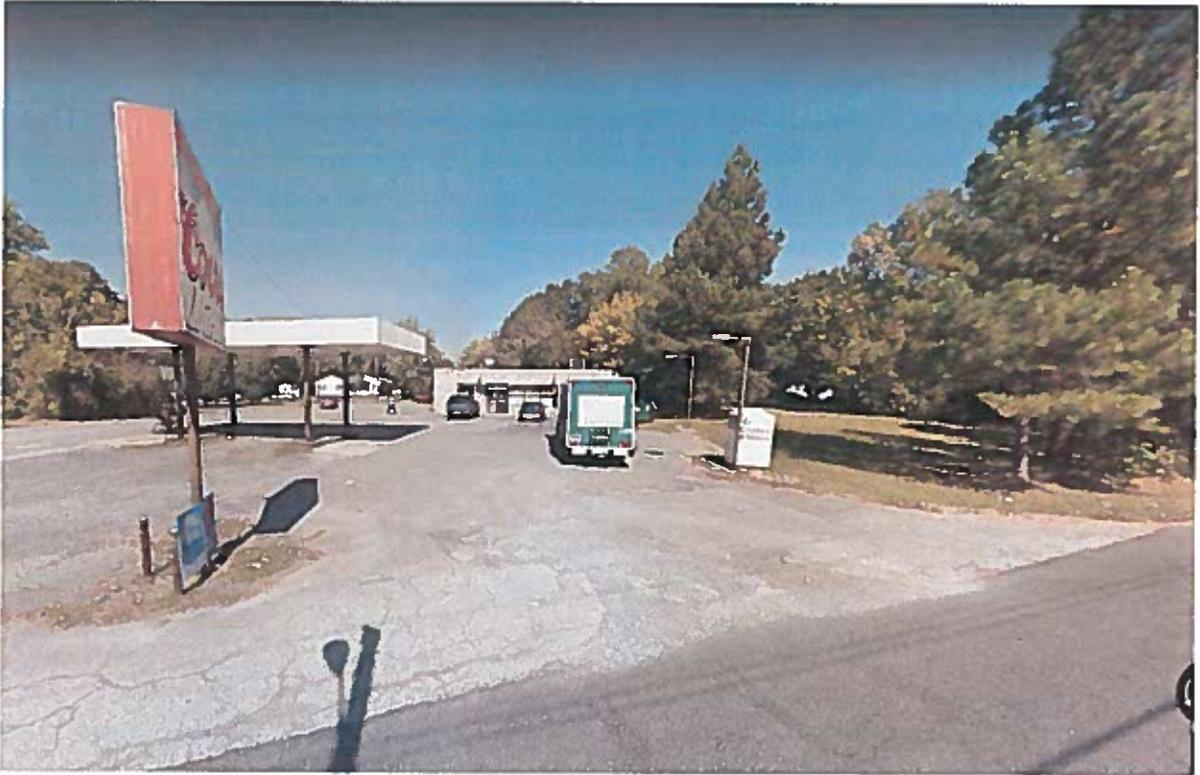
DISCUSSION: This property was zoned C-1, under the previous zoning code and according to the SDAT records the commercial building has been in existence since 1968. The property consists of an active convenience store and out of service gas pumps that are in disrepair. The property owner discussed the Residential designation matter with staff and in turn staff discussed the matter with the Planning Commission.

It was determined that the property was rezoned in error as the Unified Development Code did not acknowledge the existing neighborhood serving retail store. Pending the property rezoning, the property owner would like to reactivate the gas pumps. Filling stations are a conditional use in this Commercial General Zoning District and would require public notice to the neighboring properties and pending staff determination, a Planning Commission review.

The Commission voted unanimously to provide a favorable recommendation for the rezoning of the property to its previous commercial designation as they believe the Citywide rezoning did not acknowledge an existing neighborhood retail use and was changed to a residential designation in error.

Fiscal Impact: The rezoning the property to a commercial designation will allow the property owner to submit an application for a gas station to the Planning Commission to reactivate the gas pumps, providing an amenity for the neighborhood.

Approved by: Sandra Tripp-Jones, City Manager 



PROPOSED ORDINANCE

ORDINANCE NO. 1120

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE BY REZONING A PARCEL OF REAL PROPERTY LOCATED AT 501 BAYLY ROAD AND IDENTIFIED ON TAX MAP 304 AS PARCEL 2803, TAX ACCOUNT NO. 07-136552, CONTAINING 25,427 SQUARE FEET OF LAND, MORE OR LESS, FROM RESIDENTIAL TO GENERAL COMMERCIAL; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED TO BE A FAIR SUMMARY, AND GENERALLY RELATING TO THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE, MARYLAND.

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, on March 6, 2018, the City of Cambridge Planning Commission (the “Planning Commission”) held a public hearing and subsequently recommended that the Commissioners amend the Official Zoning Map of the City of Cambridge, Maryland (the “Zoning Map”) by rezoning a parcel of real property located at 501 Bayly Road and identified on Tax Map 304 as Parcel No. 2803, Tax Account No. 07-136552, containing 25,427 square feet of land, more or less (the “Property”), from Residential (“R”) to General Commercial (“GC”) on the basis of a mistake in the existing zoning classification, as the Property has been used for commercial purposes since before the last comprehensive rezoning and is completely incompatible with residential use; 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, and having made the findings set forth in Md. Code Ann., Land Use § 4-204(b)(1) and (2) and § 2.2.3(B) of the Unified Development Code as set forth in the Findings of Fact attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, the Commissioners find that it is in the best interest of the City to amend the Zoning Map by rezoning the Property from R to GC on the basis of a mistake in the existing zoning classification; and

WHEREAS, the Commissioners find that the Zoning Map 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 Official Zoning Map of the City of Cambridge, Maryland be and it is hereby amended as follows:

SECTION 1. The zoning district classification of the parcel of real property located at 501 Bayly Road and identified on Tax Map 304 as Parcel No. 2803, Tax Account No. 07-136552, containing 25,427 square feet of land, more or less, is hereby changed from Residential to General Commercial on the basis of a mistake in the existing zoning classification. The Official Zoning Map of the City of Cambridge, Maryland shall be revised accordingly to reflect the foregoing amendment.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the 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 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

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