

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. 1121 - An Ordinance of the Commissioners of Cambridge, Maryland amending § 4.2.3.B and Table 1: Permitted Uses by zoning district of the City's Unified Development Code to allow Auctions as a Permitted Use with Conditions in the General Commercial and Industrial zoning districts, amending § 6.3, Table 6A of the UDC to provide parking requirements therefor, 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 auctions in the City of Cambridge.

Recommendation: That Council

- A. Introduce Ordinance No. 1121 by reading of title only; and
- B. Schedule May 29, 2018 for second reading, public hearing and adoption of Ordinance No. 1121.

Discussion: The topic of an auction house use has received much debate both at the Planning Commission and City Council. The Council at their special hearing on March 5th remanded the Text Amendment for an auction house to be allowed as a Special Exception back to the Planning Commission for further consideration.

Planning Commission heard the Text Amendment at their April 3rd hearing and is unanimously recommending that auction houses be a Permitted Use with Conditions in both the General Commercial and the Industrial Zoning Districts.

Fiscal Impact: The consideration of this matter will allow for an existing business to continue within the City corporate limits.

Approved by: Sandra Tripp-Jones, City Manager 

ORDINANCE NO. 1121

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4.2.3.B AND TABLE 1: PERMITTED USES BY ZONING DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW AUCTIONS AS A PERMITTED USE WITH CONDITIONS IN THE GENERAL COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, AMENDING § 6.3, TABLE 6A OF THE UDC TO PROVIDE PARKING REQUIREMENTS THEREFOR, 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 AUCTIONS 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(5) of the Charter of the City of Cambridge (the "Charter"), the Commissioners are authorized and empowered to pass ordinances to regulate the sale of all kinds of property at auction within the City and to license auctioneers; 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 § 4.2.3.B and Table 1: Permitted Uses by Zoning District of the UDC to allow auctions as a Permitted Use with Conditions in the General Commercial and Industrial Zoning Districts, amending § 6.3, Table 6A of the UDC to provide parking requirements therefor, 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 § 4.2.3.B and Table 1: Permitted Uses by Zoning District of the UDC to allow auctions as a Permitted Use with Conditions in the General Commercial and Industrial Zoning Districts, amend § 6.3, Table 6A of the UDC to provide parking requirements therefor, 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 4.2.3 (Standards for Conditional and Special Exception Uses) is amended as follows:

B. Commercial Uses

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 1,500 feet of a similar use.**
- c. Auctions shall be located on an arterial street.**
- 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 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 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 a.m. 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 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:

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.

SECTION 3. Section 6.3 (Parking and Loading), Table 6A: Schedule of Minimum Off-Street Parking Requirements by Land Use, is amended as follows:

Use	Minimum Required Parking Spaces
Commercial	
Animal hospital, veterinarian clinic	1.5/exam room
<u>Auction</u>	<u>1 per 4 seats or, if no seats, 1 per 500 sf GFA</u>
Automotive body shop	1 per service bay plus 1 per staff

SECTION 4. Table 1: Permitted Uses by Zoning District is amended to allow auctions as a Permitted Use with Conditions in the Commercial and Industrial Zoning Districts as shown on **Exhibit 1** hereto, which is incorporated by reference as if fully set forth herein.

SECTION 5. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 6. 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 7. 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 8. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 9. 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