

**ORDINANCE NO. 1144**

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE BY REZONING 201 MILL STREET, TAX IDENTIFICATION NO. 07-173814, IDENTIFIED ON TAX MAP 301 AS PARCEL 124 AND CONSISTING OF 1.86 ACRES, MORE OR LESS, TO INCLUDE THE NEIGHBORHOOD CONSERVATION 3 OVERLAY; 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.**

**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 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 Md. Code Ann., Land Use § 4-201, the Commissioners of Cambridge are authorized and empowered to divide the City into districts and zones of any number, shape, and area that it considers best suited to carry out the purposes of Division I (Single-Jurisdiction Planning and Zoning) of the Land Use Article; 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 of Cambridge 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 2, 2019, the City of Cambridge Planning Commission (the “Planning Commission”) unanimously recommended that the Commissioners of Cambridge approve a text amendment amending the UDC to provide for a Neighborhood Conservation 3 (“NC-3”) Overlay District; and

**WHEREAS**, pursuant to the foregoing text amendment proposed by the Planning Commission, 201 Mill Street, Tax Identification No. 07-173814, depicted on Tax Map 301 as Parcel 124 and consisting of 1.86 acres, more or less, which is currently zoned NC-3 (the “Property”), would be the only property eligible for the NC-3 Overlay, upon the terms and conditions set forth therein; and

**WHEREAS**, immediately prior to the introduction of this Ordinance, the Commissioners of Cambridge introduced Ordinance No. 1143 which, if passed, would provide for an NC-3 Overlay District as the Planning Commission recommended; and

**WHEREAS**, pursuant to § 4.3.9 in Ordinance No. 1143, the boundaries of the NC-3 Overlay District shall be indicated on the Official Zoning Map of the City of Cambridge (the “Zoning Map”); and

**WHEREAS**, on \_\_\_\_\_, 2019, the Commissioners of Cambridge held a public hearing regarding the foregoing Zoning Map amendment recommended by the Planning Commission, notice of which was published on \_\_\_\_\_, 2019 and \_\_\_\_\_, 2019 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 \_\_\_\_\_, 2019 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend the Zoning Map by rezoning the Property to include the NC-3 Overlay; and

**WHEREAS**, the NC-3 Overlay is a limited expansion of the uses permitted in the NC-3 District, under certain terms and conditions, to allow the development and improvement of the Property in a manner compatible with the other properties in the NC-3 District and not a change the underlying NC-3 zoning classification per se; therefore, the Zoning Map amendment set forth herein does not require a finding that there was a mistake in the preparation of the Zoning Map or that there has been a substantial change in the character of the neighborhood since the adoption of the current Comprehensive Plan; and

**WHEREAS**, the Commissioners of Cambridge 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 201 Mill Street, Tax Identification No. 07-173814, depicted on Tax Map 301 as Parcel 124, is hereby changed to include the Neighborhood Conservation 3 Overlay. 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.** With respect to the substantive provisions of this Ordinance set forth in Section 1, 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 of Cambridge 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 (10<sup>th</sup>) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Patrick C. Comiskey, City Manager

By: \_\_\_\_\_  
Victoria Jackson-Stanley, Mayor

**Introduced the \_\_\_ day of \_\_\_\_\_, 2019**

**Passed the \_\_\_ day of \_\_\_\_\_, 2019**

**Effective the \_\_\_ day of \_\_\_\_\_, 2019**