

ORDINANCE NO. 1147

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 ("UDC") TO ALLOW PROFESSIONAL OFFICES AS A SPECIAL EXCEPTION WITH CONDITIONS IN THE NEIGHBORHOOD SUBDISTRICT; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO PROFESSIONAL OFFICES 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 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., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge, the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City 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 § 4.4.4 and Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District of the UDC to allow professional offices as a Special Exception with Conditions in the Neighborhood Subdistrict; and

WHEREAS, on May 13, 2019, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on April 28, 2019 and May 5, 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 May 13, 2019 public hearing, the Commissioners of Cambridge 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 professional offices as a Special Exception with Conditions in the Neighborhood Subdistrict; and

WHEREAS, the Commissioners of Cambridge 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:

P. Professional Office

Subject to the following conditions, professional offices shall be a Special Exception with Conditions in the Neighborhood Subdistrict:

- 1. ~~The property owner, lessee, or property manager may reside on the premises, or the property owner shall contract with~~ shall be managed by a qualified resident of Dorchester County ~~to act as a property manager of the establishment.~~ The property shall be properly maintained in a well-manner to the satisfaction of the Zoning Official.**
- 2. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use.**
- 3. The use is located on a street with width sufficient to allow on-street parking to accommodate the proposed use, provided that on-street parking is permitted in the vicinity of the proposed use.**
- 4. Any new professional office shall be designed to appear as a residential building.**
- 5. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.**
- 6. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.**

SECTION 2. Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District is amended to allow professional offices as a Special Exception with Conditions in the Neighborhood Subdistrict as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.

SECTION 3. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 4. In this Ordinance, unless a section of the UDC 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. 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 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 of Cambridge 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. They 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

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 22nd day of April, 2019
Passed the 28th day of May, 2019
Effective the 7th day of June, 2019