

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 May 13, 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 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, following the May 13, 2019 public hearing, the Commissioners of Cambridge unanimously voted to refer the matter of the historical significance of the school building located at 201 Mill Street, to which the proposed NC-3 Overlay would apply, to the Cambridge Historic Preservation Commission (the “HPC”) for evaluation and a determination thereupon and to refer the foregoing Zoning Map amendment back to the Planning Commission to consider comments raised by the public during the public hearing; and

WHEREAS, on June 18, 2019, the HPC held a duly-advertised public meeting to evaluate the historical significance of the School and, after receiving comments from City staff, HPC Commissioners, and the public, unanimously voted in favor of a determination that the School is historically significant, as is the 201 Mill Street property; and

WHEREAS, on August 6, 2019, the Planning Commission held a public hearing at which it received public comments in addition to those presented to the Commissioners of Cambridge on May 13, 2019 and, after considering all such public comments, unanimously recommended that the Commissioners of Cambridge approve the foregoing Zoning Map amendment as it was presented to the Commissioners of Cambridge on May 13, 2019 for a second reading, public hearing, and vote; and

WHEREAS, on August 26, 2019, the Commissioners of Cambridge held a second public hearing regarding the foregoing Zoning Map amendment recommended by the Planning Commission, notice of which was published on August 11, 2019 and August 18, 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 ***and August 26, 2019*** public hearings, 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. *Pursuant to § 4.3.8(B) of the Unified Development Code, enacted pursuant to City Ordinance No. 1143, the Neighborhood Conservation 3 Overlay designation shall be valid for a period of two (2) years from the effective date of City Ordinance No. 1143, upon which the designation shall expire if no development proposal has been approved by the Planning Commission. The Planning Commission may, in its sole discretion, extend this deadline for a development proposal that has been submitted but not approved by such date, upon good cause shown by the owner/applicant.*

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

SECTION 4. 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 5. 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 6. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. 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

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 22nd day of April, 2019
Passed the 26th day of August, 2019
Effective the 5th day of September, 2019

Date: August 26, 2019

Prepared by: Pat Escher, Division Manager, City Planner, A.I.C.P.

Submitted by: Odie Wheeler, Director of Public Works

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending the City's Unified Development Code ("UDC") to provide for a Neighborhood Conservation 3 Overlay District; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to overlay districts in the City of Cambridge. (Ord. 1143)

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. (Ord. 1144)

Recommendation: That Council

- I. Give Ordinance No. 1143 and 1144 a third reading by reading of title only;
- II. Open the public hearing, take public comment and close the public hearing; and Adopt Ordinance No. 1143 and 1144.

Discussion: This item was heard at the City Council on May 13th. At that time it was referred to the HPC for review. Staff reported back at the July 8th hearing that the HPC determined that the structure was on historic significance. The item was then referred to the Planning Commission to review some additional public comments that were raised at the Council hearing. The Planning Commission heard the public comments at their August 6th hearing and determined to forward the text amendment onto Council with no amendments to their proposed language.

Enforcement Authority: Pat Escher, A.I.C.P., Division Manager – Division of Planning, Housing and Economic Development, Department of Public works

Fiscal Impact: NA

Approved by: Patrick Comiskey, City Manager