

ORDINANCE NO. 1164

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 2.4.3 OF THE CITY'S UNIFIED DEVELOPMENT CODE FOR THE PURPOSE OF AUTHORIZING THE PLANNING COMMISSION TO APPROVE AMENDMENTS TO DEVELOPMENT PLANS FOR PROJECTS IN THE PLANNED WATER COMMUNITY DISTRICT AND THE PLANNED WATER RESORT DISTRICT IF IT DETERMINES THAT THE PROPOSED AMENDMENT IS A VIABLE ALTERNATIVE AND SHALL ENHANCE THE OVERALL PROJECT, *SUBJECT TO CERTAIN CONDITIONS, INCLUDING A PUBLIC HEARING*; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO THE PLANNED WATER COMMUNITY DISTRICT AND THE PLANNED WATER RESORT DISTRICT 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, pursuant to § 2.4.3 of the UDC, development projects which were lawfully approved by the City and have vested under the provisions regarding the Planned Water Community District ("PWCD") and the Planned Water Resort District ("PWRD") set forth in Article IX, Parts II and III, respectively, of the City's Zoning Ordinance, which was superseded by the UDC's adoption by the Commissioners of Cambridge on December 8, 2014, shall lawfully continue under the terms, conditions, and limitations of their approved development plans and shall be entitled to the rights and privileges contained therein but may not be otherwise amended or altered; and

WHEREAS, the Commissioners of Cambridge recognize that strict adherence to development plans for projects in the PWCD and PWRD may ultimately result in a project that is not viable due to changes occurring since the development plan's approval which may not have been foreseeable at the time of such approval; and

WHEREAS, the Commissioners of Cambridge are desirous of providing for amendments to development plans for projects in the PWCD and PWRD where doing so would ultimately result in a project that is viable or otherwise enhanced from its original design; and

WHEREAS, following a public hearing held on June 2, 2020, the City of Cambridge Planning Commission (the “Planning Commission”) recommended that the Commissioners of Cambridge approve a text amendment amending § 2.4.3 of the UDC to authorize the Planning Commission to approve amendments to development plans for projects in the PWCD and PWRD if it determines that the proposed amendment is a viable alternative and shall enhance the overall project; and

WHEREAS, on July 13, 2020, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on June 21, 2020 and June 28, 2020 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 July 13, 2020 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 2.4.3 of the UDC to authorize the Planning Commission to approve amendments to development plans for projects in the PWCD and PWRD if it determines that the proposed amendment is a viable alternative and shall enhance the overall project, *subject to certain conditions, including a public hearing*; 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 2.4.3 (PWCD and PWRD Developments, Approved) is amended as follows:

§ 2.4.3 PWCD and PWRD Developments, Approved

- A. *Subject to subsection (B) below, **PWCD and PWRD development projects**, Development projects which **have vested under the laws of Maryland and which** were lawfully approved by the City ~~and have vested under the laws of Maryland,~~ under the provisions of ~~the PWCD and PWRD~~ **Article IX (Zoning Districts), Part II (Special Base District – PWCD – Planned Water Community District) and Part III (Special Base District – PWRD – Planned Water Resort of the City’s Zoning Ordinance** prior to adoption of this Ordinance, shall lawfully continue under the terms, conditions, and limitations of their approved PWCD or PWRD **development** plans and shall be entitled to the rights and privileges contained in those plans. ~~;~~ ~~provided, however, that the~~*
- B. *The **Planning Commission may approve a proposed amendment to any such an approved PWCD or PWRD development plan if it determines that the proposed amendment is a viable alternative and shall enhance the overall project.** The Planning Commission shall have flexibility in applying the standards of this Ordinance to any such proposed amendment; provided, however, that such standards applied shall be compatible with the remainder of the development plan. Prior to approving any such proposed amendment, the*

Planning Commission shall hold a public hearing in relation thereto. The City shall post notice of the public hearing in a conspicuous place on the property involved, give written notice of the public hearing by registered mail to the applicant and all owners of property in the development, and publish notice of the public hearing in a newspaper of general circulation in the City at least 15 days prior to the date fixed for the public hearing. ~~except~~ for those

- C. All areas with a former PWCD or PWRD designation that are zoned Resource Conservation, ~~which areas~~ shall adhere in full to the regulations of this Ordinance.

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 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 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 (10th) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 8th day of June, 2020
Passed the 13th day of July, 2020
Effective the 23rd day of July, 2020