

Council Agenda Report

Date: July 8, 2020
Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending § 2.4.3 of the City's Unified Development Code for the purposes 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, subject to certain findings and following a public hearing, and providing that all areas with a former PWCD or PWRD designation shall adhere in full to the requirements of the UDC and their underlying zoning designation; 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.

Recommendation: That Council

- A. Give Ordinance No. 1164 a second reading by reading of title only;
 - B. Open the public hearing, take public comment and close the public hearing; and
 - C. Pass Ordinance No. 1164 with the Planning Commission's proposed amendments.
- i. **Discussion:** The applicant's representative, Mr. Sandy Mc Allister, attorney, would like the City to consider amending the approved Master Plan for the Hyatt development. The current designated use of "time share units" has limited appeal and the Hyatt would like to make the land more marketable. In order to amend the master plan, which dictates the land uses, first the City needs to amend the UDC's above referenced section to allow the Planning Commission to make that amendment. The current language in the UDC is silent to that process and therefore does not allow the Commission to make that determination. Additionally, Ms. Jane Devlin with the Richardson Museum has submitted a letter of support. The Planning Commission at their June hearing unanimously recommended the Council consider this change in a positive manner.

Subsequent to the Planning Commission's June hearing, there has been additional discussion regarding the language that was initially reviewed and approved by the Commission. The changes were for clarification of the process, not changing the intent to allow flexibility for the PWCD and PWRD designations to be allowed to modify their original approval and affirming the Commission's request that this be an open and transparent process. These changes were reviewed by the Commission at their July 7th hearing and are now being forwarded to the Council with a unanimous recommendation to approve.

This Ordinance will be the responsibility of the Division of Planning and Zoning

Fiscal Impact: NA

Approved by: *Patrick C. Comiskey, City Manager*

ORDINANCE NO. 1164

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 2.4.3 OF THE CITY'S UNIFIED DEVELOPMENT CODE FOR THE PURPOSES 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 FINDINGS AND FOLLOWING 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, during its public meeting held on July 7, 2020, the Planning Commission recommended clarifications to the proposed amendments to § 2.4.3 of the UDC regarding findings to be made prior to approving any proposed amendment to a development plan and a public hearing thereon; 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 findings and following 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~~ finds that the proposed amendment: ~~is a viable alternative and shall enhance the overall project.~~

- 1. will not have an adverse impact on the use or economic value of any other properties in the development or on surrounding areas;***
- 2. is compatible in all respects with the remainder of the development; and***
- 3. complies with this Ordinance.***

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. Notice of any proposed amendment to an approved PWRD development plan shall also be sent to all State agencies associated with, and the property manager of, the resort located within the development. ~~except for those~~

~~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