

ORDINANCE NO. 1172

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING THE FORM-BASED CODE DEVELOPMENT STANDARDS APPLICABLE TO THE GATEWAY SUBDISTRICT AND TABLE 2: PERMITTED USES BY ZONING SUBDISTRICT IN THE DOWNTOWN/WATERFRONT DEVELOPMENT DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE FOR THE PURPOSE OF PERMITTING PROPERTIES WITHIN THE 400 BLOCK OF MARYLAND AVENUE THAT WERE PREVIOUSLY USED AS MIXED-USE COMMERCIAL AND RESIDENTIAL TO BE CONVERTED ENTIRELY TO RESIDENTIAL USE, SUBJECT TO CERTAIN CONDITIONS; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO THE GATEWAY SUBDISTRICT STANDARDS 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 March 2, 2021, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve a text amendment amending the Form-Based Code Development Standards applicable to the Gateway Subdistrict and Table 2: Permitted Uses by Zoning Subdistrict of the UDC for the purpose of permitting properties within the 400 block of Maryland Avenue that were previously used as mixed-use commercial and residential to be converted entirely to residential use, subject to certain conditions; and

WHEREAS, on _____, 2021, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment recommended by the Planning Commission, notice of which was published on _____, 2021 and _____, 2021 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 _____, 2021 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City

to amend the Form-Based Code Development Standards applicable to the Gateway Subdistrict and Table 2: Permitted Uses by Zoning Subdistrict of the UDC for the purpose of permitting properties within the 400 block of Maryland Avenue that were previously used as mixed-use commercial and residential to be converted entirely to residential use, subject to certain conditions; 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 (E) of the Form-Based Code Development Standards applicable to the Gateway Subdistrict Standards is hereby amended as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein, to include the following language in the "Notes" section:

Properties within the 400 block of Maryland Avenue that were used as mixed-use commercial and residential prior to [effective date of Ordinance No. 1172], 2021 may be converted entirely to residential use; provided, however, that no such property shall contain more than three residential units.

SECTION 2. Table 2: Permitted Uses by Zoning Subdistrict is amended to include a reference to Section (E) of the Form-Based Code Development Standards applicable to the Gateway Subdistrict as shown on Exhibit 2 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 Sections 1 and 2, 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

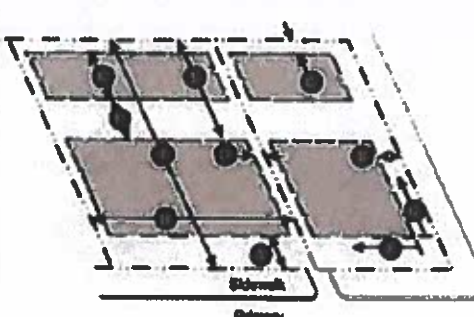
Patrick C. Comiskey, City Manager

By: _____
Andrew Bradshaw, Mayor

Introduced the ___ day of _____, 2021
Passed the ___ day of _____, 2021
Effective the ___ day of _____, 2021

Exhibit 1

Maryland Avenue Gateway Sub-District Standards

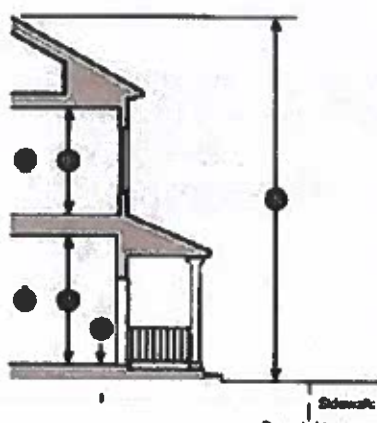


Key

- Property Line
- Setback Line
- Building Area
- Built-to Line (BTL)

Building Placement

Built-to Line (Distance from Property Line)	
Front	20' *
Side Street	10'
Rear, Ancillary Building	5'
*May be reduced to meet furthest back adjacent BTL if adjacent BTL is less than 20' from property line.	
Setback (Distance from Property Line)	
Side	4' one side, 6' other
Rear, Main Building	40'
*Setback shall be 120' measured from front property line if no alley adjoins the property.	
Building Form	
Primary Street Façade built to BTL	50% min.
Side Street Façade built to BTL	30% min.
Lot Width	60' max.
Lot Depth	175' max.
Distance between buildings	6' min.
Depth of ancillary building	25' max.
Footprint of ancillary building	700 sf max.



Use

Ground Floor	See Table of Permitted Uses
Upper Floor(s)	See Table of Permitted Uses

Height

Building Max.	2.5 stories and 30' max.
Ancillary Building Max.	1.5 stories and 15' max.
Finish Ground Floor Level	18" min. above sidewalk *
First Floor Ceiling Height	10' min. clear
Upper Floor Ceiling Height	8' min. clear
*6" on downslope lots.	

Notes

Properties within the 400 Block of Maryland Avenue that were previously a mixed-use configuration of residential and commercial may be converted to entirely to a residential building that consists of no more than three residential units.

Exhibit 2

Land Use	Zoning Districts						Use Regs.
	Core	General	Center	Neighborhood	Gateway	Civic	
Marina uses including boat repair, storage, marine-related manufacturing (excluding salvage) (Waterfront lots only)		P					
Marina uses including boat repair, storage, marine-related manufacturing (excluding salvage) (Non-waterfront lots only)		SE					
Mixed-Use: Dwelling Above, Nonresidential	P	P	P		P		
Mixed-Use: Residential/Commercial, side by side					P		§ 4.4.5 E
Mobile Food Establishments	PC	PC	PC			PC	§ 4.4.4 (N)
Motor vehicle sales or rental							
Nursery for plants, greenhouses		SC					§ 4.4.4 (F)
Office Buildings, generally	P	P	P				
Offices and shops for professional and business services such as real estate offices, tax and accounting offices, travel agency, copy centers, similar	P	P	P	SC	P		§ 4.4.4 (D)
Personal services such as salons and barbershops	P	P	P				
Professional Offices - Previously and Legally Used				SC			§ 4.4.4 (P)
Professional offices (such as physician, law, urban planning, architecture)	P	P	P	SC	P		§ 4.4.4 (D)
Pubs, bars, dance halls, nightclubs	P		P				
Research and Development (office)	P	P	P				
Research, experimental, testing laboratories, (excluding explosives and toxic materials)							
Resorts		P					
Restaurants, fast food, drive-in, drive-thru							
Restaurants, standard	P	P	P		SE		

Council Agenda Report

Date: March 8, 2021
Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending the Form-Based Code Development Standards applicable to the Gateway Subdistrict and Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District of the City's Unified Development Code for the purpose of permitting properties within the 400 block of Maryland Avenue that were previously used as mixed-use commercial and residential to be converted entirely to residential use, subject to certain conditions; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to the Gateway Subdistrict standards in the City of Cambridge.

Recommendation: That Council

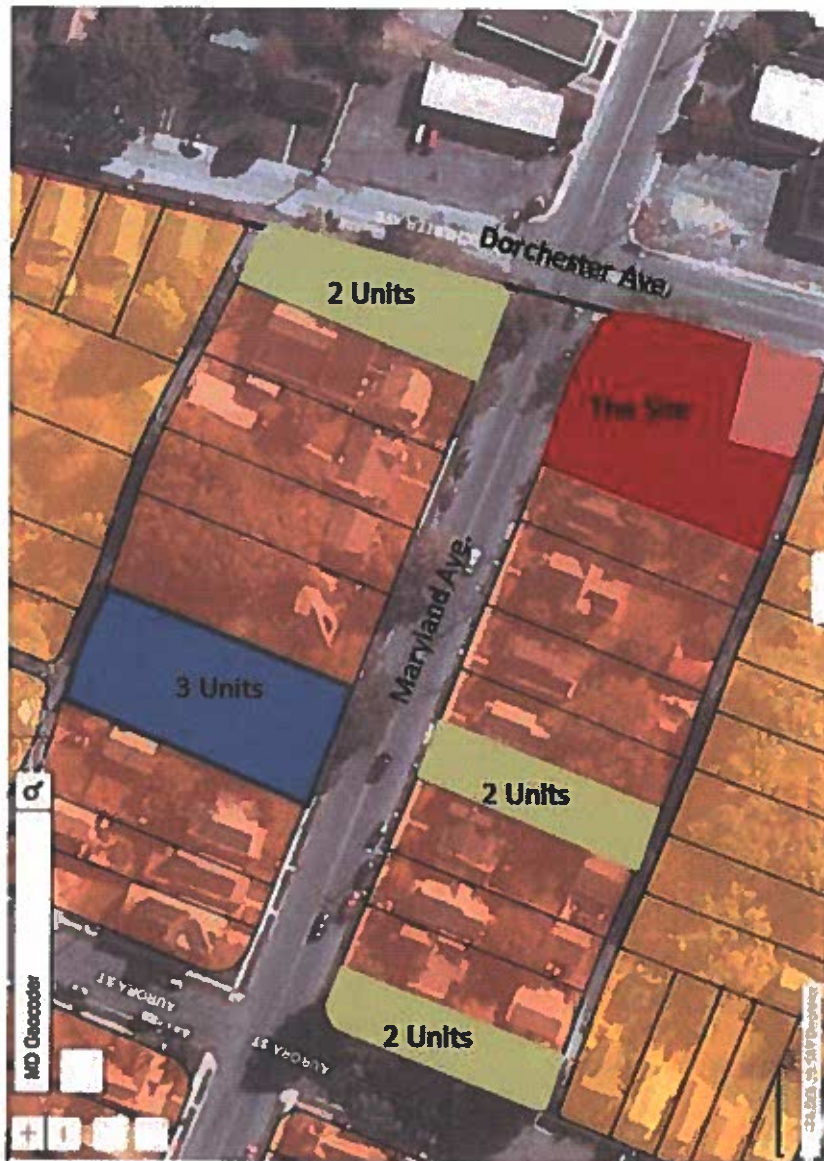
- A. Introduce Ordinance No. 1172 by reading of title only; and
- B. Schedule March 22, 2020 for second reading, public hearing and adoption of Ordinance No. 1172.

Discussion:

- I. **PLANNING COMMISSION RECOMMENDATION:** The Planning Commission unanimously recommends that the City Council revise Section 4.4.5 to allow for a limited amendment to the DWDD Subdistrict Maryland Avenue Gateway to permit the conversion of an existing mixed use building to be converted into a solely residential structure of no more than three (3) dwelling units.
- II. **DISCUSSION:** The City approved a mixed-use development proposal containing two residential units and a central commercial space for 421 Maryland Avenue in 2018. When the building was previously occupied; it had a similar configuration with a chiropractor's office in the middle and two dwellings on either side.

Mr. Schneider, the property owner, has appeared before the Planning Commission several times to discuss this matter and communicated his attempts to rent the middle section as office space by providing incentives of reduced rent and customization of the interior space to meet the potential occupant's needs. Thus far, he has been unsuccessful in trying to rent the central area as an office and is requesting that a third residential unit be permitted.

Density Analysis



See Ordinance and Documentation

Fiscal Impact: NA

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