

Council Agenda Report

Date: September 27, 2021

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

SUBJECT: Public Hearing Ordinance 1188

Recommendation: That Council;

- A. Open a Public Hearing for Ordinance No. 1188;
- B. Close the Public Hearing for Ordinance No. 1188; and
- C. Approve the Ordinance as unanimously recommended by the Planning Commission.

Discussion: Ordinance 1188, which would allow storage buildings in the downtown Waterfront Development District (DWDD), was discussed at the July 6, 2021 Planning Commission as a discussion item. It had come to staff's attention that the inability to have outside storage in the DWDD was problematic in certain instances. In the adoption of the Unified Development Code, the City wanted to restrict certain uses in the DWDD as this portion of the City was viewed to be an area to have higher aesthetics required and more selective uses than in other areas.

In discussion with the Commission there were also some concerns with the overall definition of storage as it combined building and storage yards. The Commission directed staff to create a text amendment that would resolve these issues but still give the City some control by allowing storage buildings to be a permitted use with conditions and to redefine storage. The Commission unanimously recommended that the Council approve Ordinance 1188 at their public hearing on August 3rd.

Fiscal Impact: NA

Approved by: *David Deutsch, Acting City Manager*

ORDINANCE NO. 1188

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 TO ALLOW STORAGE BUILDINGS AS A PERMITTED USE WITH CONDITIONS IN ALL DOWNTOWN/WATERFRONT DEVELOPMENT DISTRICT ZONING SUBDISTRICTS AND AMENDING § 9.2 OF THE UDC TO DEFINE TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO STORAGE 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 August 3, 2021, the City of Cambridge Planning Commission (the “Planning Commission”) 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 storage buildings as a Permitted Use with Conditions in all Downtown/Waterfront Development District Zoning Subdistricts and amending § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, on September 27, 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 August 27, 2021, 2021 and September 3, 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 September 27, 2021 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 storage buildings as a Permitted Use with Conditions in all Downtown/Waterfront Development District Zoning Subdistricts and amend § 9.2 of the UDC to define terms associated therewith; 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. Article 4 (Zoning Districts and Allowable Uses), § 4.4.4 (Standards for Conditional and Special Exception Uses) of the UDC is hereby amended as follows:

Q. Subject to the following conditions, storage buildings shall be a Permitted Use with Conditions in all Subdistricts:

- 1. A storage building and its site layout are subject to Planning Commission review and approval. If the subject property is located in the Historic Area Overlay District, the storage building is also subject to architectural review by and approval from the Historic Preservation Commission.**
- 2. A storage building shall not be permitted to front onto the City's key corridors. If the storage building is visible from such key corridors, additional screening may be required by the reviewing commission. As used herein, "key corridors" include High Street, Gay Street, Pine Street, Race Street, Academy Street, Byrn Street, Maryland Avenue, Market Street, Muir Street, Cemetery Avenue, Cedar Street, and Washington Street.**
- 3. No storage buildings shall be permitted on any waterfront property.**
- 4. A storage building shall architecturally comply with the Form Based Code or HPC Guidelines, as applicable.**

SECTION 2. Article 9 (Terms and Definitions), § 9.2 (Terms and Definitions) of the UDC is hereby amended as follows:

~~Storage—the keeping, either indoors (including inside a cargo trailer) or outdoors, of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession. Storage does not include the overnight parking in residential zones of a single vehicle weighing no more than 2.5 tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.~~

Outside Storage/Storage Yard – an area of a parcel that is used for the storage of equipment, vehicles, or supplies used in the conduct of a trade, business, or profession including inside a cargo trailer or similar. Outside storage does not include the overnight parking in residential zones of a single vehicle weighing no more than 2.5 tons gross vehicle weight which, although used primarily for business, trade, or professional purposes, also provides daily transportation to and from work.

Storage Building – a building used primarily as a support building for an existing business located on the same parcel. All equipment, commercial vehicles, or supplies used in the conduct of a trade, business, or profession shall be enclosed within the building. Any ancillary materials shall be screened from all public rights-of-way to the satisfaction of all reviewing authorities.

SECTION 3. Table 2: Permitted Uses by Zoning Subdistrict in the Downtown/Waterfront Development District is hereby amended for the purpose of allowing storage buildings as a Permitted Use with Conditions in all Subdistricts as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.

SECTION 4. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 5. 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~~, **and 3**, 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. 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 23rd day of August, 2021
Passed the 27th day of September, 2021
Effective the 7th day of October, 2021**