

ORDINANCE NO. 1191

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING § 4.2.3(B) AND TABLE 1: PERMITTED USES BY ZONING DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE TO PROVIDE THAT RESTAURANTS ARE A PERMITTED USE WITH CONDITIONS IN THE INDUSTRIAL ZONING DISTRICT; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO RESTAURANTS 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 December 7, 2021, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve a text amendment amending § 4.2.3(B) and Table 1: Permitted Uses by Zoning District of the UDC to provide that restaurants are a Permitted Use with Conditions in the Industrial Zoning District; and

WHEREAS, on _____, 2022, 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 _____, 2022 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 _____, 2022 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend § 4.2.3(B) and Table 1: Permitted Uses by Zoning District of the UDC to provide that restaurants are a Permitted Use with Conditions in the Industrial Zoning District; 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 4.2.3 (Standards for Conditional and Special Exception Uses) is amended as follows:

§ 4.2.3 Standards for Conditional and Special Exception Uses

B. Commercial Uses

13. Restaurants (Industrial Zoning District)

Subject to the following conditions, restaurants shall be a Permitted Use with Conditions (C) in the Industrial Zoning District.

- a. The proposed restaurant use shall be ancillary to the primary use on site.**
- b. The proposed restaurant use shall be located in an area of the Industrial Zoning District suitable for or characterized by less intense industrial uses.**
- c. The proposed restaurant use shall be reviewed by the Planning Commission to ensure compatibility with surrounding uses.**
- d. The Planning Commission may impose additional conditions on the restaurant use as it deems appropriate and necessary to ensure public safety, air quality, and harmony of uses.**

SECTION 2. Table 1: Permitted Uses by Zoning District is hereby amended for the purpose of allowing restaurants as a Permitted Use with Conditions in the Industrial Zoning District as shown on Exhibit 1 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

David J. Deutsch, Acting City Manager

By: _____
Lajan Cephas, President of the Commissioners

Introduced the ___ day of _____, 2022

Passed the ___ day of _____, 2022

Effective the ___ day of _____, 2022

Council Agenda Report

Date: February 14, 2022
Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending § 4.2.3(b) and Table 1: Permitted Uses by Zoning District of the City's Unified Development Code to provide that restaurants are a Permitted Use with Conditions in the Industrial Zoning District; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to restaurants in the City of Cambridge.

Recommendation: That Council;

- A. Open a Public Hearing for Ordinance No. 1191;
- B. Close the Public Hearing for Ordinance No. 1191; and
- C. Approve the Ordinance as unanimous recommended by the Planning Commission.

Discussion: The Planning Commission has been in discussion about letting dining occur within the Industrial Zone if it is an ancillary use and located in an area of less rigorous industrial uses, pending their review and approval. The proposed ordinance language was present to the Commission in October and viewed favorably. A public hearing was held on December 6, 2022 where the Planning Commission reaffirmed their support for this amendment and forwarded it on to the Council for review.

Fiscal Impact: NA

Approved by: *David Deutsch , Acting City Manager*