

## Council Agenda Report

**Date:** February 8, 2016 (For March 14, 2016 Meeting)

**Submitted by:** Odie Wheeler, Public Works Director

**Prepared by:** Patricia Escher, City Planner

### **ORDINANCE 1066**

**SUBJECT:** Text Amendments to Section 4.2.3 B.1. of the Unified Development Code to remove the residency requirements for commercial corner lots.

#### **Recommendations:**

Staff is recommending approval of the proposed amendments to the Unified Development Code.

#### **Discussion:**

The Neighborhood Conservation Districts are unique collection of primarily residential structures that predate the adoption of zoning and were built primarily in the 1930's 40's and 50's. These zone districts are predominately one and two story residential units with the small neighborhood commercial uses scattered throughout the area. These commercial uses were mom and pop stores that serviced the neighborhood needs and harken back to the days of our early mixed use development or work live units with the store on the ground level and the owner's residences above.

With the adoption of the UDC, attention was given to these commercial uses as "*The district regulations are also intended to establish reasonable conditions for the continuation of non-residential uses that pre-date City zoning and to allow other non-residential uses under strict guidelines and upon special review.*" This section of the ordinance provides eight (8) conditions listed below.

The Planning Commission discussed the residency requirements at the December 1<sup>st</sup> meeting and gave staff direction to propose language that would amend the residency requirement. Staff proposed language is listed below in black, bold and underlined text.

Subsequent to that discussion, staff was approached by another potential small scale business that wanted to locate on a corner lot within the NC Zone Districts. As indicated by the "intent" language above, staff has proposed additional language to allow other low impact, small scale businesses to be located on non-historically commercial lots located on corner lots. Staff proposes these additional changes highlighted in red, bold and underlined text.

At the Planning Commissions direction, the additional language may be added to the proposed amendment, deleted or brought back to the Commission with refinements.

**(Sec 4.2.3 B.1.)**

1. Uses classified as an NC District Corner Store/Commercial Use

Subject to the following conditions and provided the use is located at the intersection of two public streets within an NC district, it may be proposed as a Corner Store/Commercial Use and shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts:

~~a. The property owner must reside at the premises.~~

a. The property owner shall contract with a qualified resident of Dorchester County to act as a property manager of the establishment. The property shall be maintained in a well maintained manner to the satisfaction of the Zoning Official.

b. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use.

c. The use is located on a street with width sufficient to allow on-street parking accommodate for the proposed use and provided on-street parking is permitted in the vicinity of the proposed use.

~~d. The Any new corner~~ store/commercial building shall be designed to appear as a residential building and the use of the building shall be limited in the following ways: commercial use shall be limited to the ground floor only and shall not exceed 1,000 square feet in gross floor area, and there shall be no more than two residential dwelling units on the upper levels.

e. The use shall be primarily oriented to serve the residents in the immediately surrounding neighborhood.

f. As a portion of the clientele will be pedestrians or cyclists, the parking requirements are minimal but must contain at least two spaces plus one space per employee which requirement shall be considered met if there is sufficient on-street and/or off-street parking.

g. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.

h. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.

**Fiscal Impacts: NA**

## PROPOSED ORDINANCE

### ORDINANCE NO. 1066

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 4.2.3 B. 1. OF THE CITY'S UNIFIED DEVELOPMENT CODE TO REMOVE THE RESIDENCY REQUIREMENT FOR CORNER STORE/COMMERCIAL USE LOTS WITHIN THE NC ZONE DISTRICTS .**

**WHEREAS**, on January 5, 2016, the Planning Commission held a public hearing and issued recommendation regarding the proposed text amendment. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the text amendment which removes the residential requirement for corner commercial lots within the NC zone districts: and

**WHEREAS**, the Commissioners of Cambridge find that it is in the best interest of the City to amend Section 4.2.3. B. 1. Of the Unified Development Code to remove the residential requirement for corner commercial lots within the NC zone districts: and

**WHEREAS**, upon the consideration of the recommendation of the Planning & Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, and the comments made at the public hearing before Planning Commission, held on January 5, 2016, the City Council finds that the proposed amendment is needed to promote and protect the public's health, safety and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

Uses classified as an NC District Corner Store/Commercial Use

Subject to the following conditions and provided the use is located at the intersection of two public streets within an NC district, it may be proposed as a Corner Store/Commercial Use and shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts:

- a. ~~The property owner must reside at the premises.~~
- a. **The property owner shall contract with a qualified resident of Dorchester County to act as a property manager of the establishment. The property shall be maintained in a well manner to the satisfaction of the Zoning Official.**

- b. It must be substantiated to the satisfaction of the Board of Appeals that the premises were previously and legally in commercial use-
- c. The use is located on a street with width sufficient to allow on-street parking accommodate for the proposed use and provided on-street parking is permitted in the vicinity of the proposed use.
- d. ~~The~~ **Any new corner** store/commercial building shall be designed to appear as a residential building and the use of the building shall be limited in the following ways: commercial use shall be limited to the ground floor only and shall not exceed 1,000 square feet in gross floor area, and there shall be no more than two residential dwelling units on the upper levels.
- e. The use shall be primarily oriented to serve the residents in the immediately surrounding neighborhood.
- f. As a portion of the clientele will be pedestrians or cyclists, the parking requirements are minimal but must contain at least two spaces plus one space per employee which requirement shall be considered met if there is sufficient on-street and/or off-street parking.
- g. No equipment, process, or occupation shall be used which creates mechanical or amplified noise, or vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
- h. The applicant submits a sign program for the premises for review and approval which sign program shall address the unique residential character of the neighborhood and may be more restrictive than the regulations on signs applicable generally to properties in commercial use.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of Cambridge, that the City's Unified Development Code is hereby amended as follows:

**AND BE IT FURTHER** enacted and ordained that this Ordinance shall become effective on the tenth (10<sup>th</sup>) day following the date of adoption.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Sandra Tripp-Jones, City Manager

By: \_\_\_\_\_  
Victoria Jackson-Stanley, Mayor

Introduced the \_\_\_\_\_ day of XXX, 2016  
 Adopted the \_\_\_\_\_ day of XXX, 2016  
 Effective the \_\_\_\_\_ day of XXX, 2016