

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 1067

SUBJECT: Technical Corrections to the UDC:

1. Remove Group Home as a conditional use in the OS Zone District within the Permitted Use Table #1 and the UDC text. (Sec. 4.2.3 A. 6.)
2. Make requirements for a Day Care Home within the Downtown/Waterfront Development District consistent with the requirements for a Day Care Home elsewhere in the City. (Section 4.4.4 B. add language similar to Section 4.2.3 A.5)

Recommendations:

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

Discussion:

Group Home appears as a use within the City Open Space Zone District. This inclusion appears to be an error as Open Space is defined as "The Open Space District is applied to areas proposed to remain primarily in open, undeveloped, and natural resource uses, until the year 2030 or later provided a land use change is recommended through adoption of a new Comprehensive Plan." Given this language with in the Open Space District, staff believes this inclusion of this land use was an error and should be deleted from this zone district.

(Sec. 4.2.3 A. 6.)

6. Group Home

Subject to the following conditions, Group Home (no more than 8 clients) shall be permitted with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and GC, and OS districts:

- a. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity.
- b. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in excessive

concentration of similar uses in the same general neighborhood of the proposed use.

- c. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
- d. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
- e. Applicant shall meet requirements of the State and local Departments of Health.
- f. Approval is subject to all building code requirements for safety and health having been met.
- g. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- h. Parking and loading shall be provided at the rear of the site.
- i. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
- j. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents.

Section 4.4.4.

B. Day Care Home

In an effort to be consistent with the uses within the UDC, staff recommends that the changes to Day Care, Home required elsewhere in the City be applied to those uses within the Downtown/Waterfront Development District (Section 4.4.4 B)

Section 4.4.4 Standards for Conditional and Special Exception Uses.

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

B. Day Care, Home

Subject to the following conditions, Day Care, Home shall be permitted as a Conditional (C) use in the General, Center, and Neighborhood sub-districts:

- ~~1. At least two hundred (200) square feet of usable outdoor recreational area shall be provided per individual that may use the center at any one time. Recreational~~

~~areas shall not include the required front yard of the property or any off-street parking areas. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas, with a free-standing fence, neither portion of which shall be shared with a fence of an adjoining property owner. The fence shall have a minimum height of four (4) feet, and shall be constructed and located so as to provide sufficient protection and safety for the children and be approved by the Zoning Official. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.~~

~~2. Approval is subject to all building code requirements for safety and health having been met.~~

~~3. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.~~

1. The Planning Commission shall be the reviewing board and The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
2. This use shall require a public meeting with all required advertisements and notifications.
3. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
4. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
5. The Day Care Home Use Permit shall be issued to the applicant at the property identified within the application and shall not be transferable to any subsequent resident or other location.
6. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.
7. Approval is subject to all building code requirements for safety and health having been met.
8. A Family Day Care Home shall not have more day care children than the number which appears on the certificate of registration issued by the Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.
9. At any one time, a Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
10. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) children permitted under paragraph D above only if all of the following conditions are met:

- a) The child is less than six (6) years old;
 - b) The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
 - c) The child cannot be sent home immediately.
11. The applicant shall have two hundred (200) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
 12. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
 13. The family day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.
 14. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
 15. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
 16. The establishment, maintenance and operation of the day care home at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.
 17. The day care home at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 18. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
 19. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
 20. The day care home shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.
 21. The day care home shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.
 22. The proposed use at its proposed location conforms to the Comprehensive Plan.

Fiscal Impacts: NA

PROPOSED ORDINANCE

ORDINANCE NO. 1067

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 4.2.3 A. 6. OF THE CITY'S UNIFIED DEVELOPMENT CODE TO REMOVE GROUP HOME LAND USE FROM LAND USE TABLE 1 OF THE UNIFIED DEVELOPMENT CODE (UDC) AND COORDINATING THE REQUIREMENTS FOR A DAY CARE HOME WITHIN THE DOWNTOWN/WATERFRONT DISTRICT, SECTION 4.4.4 B., WITH THE OTHER AREAS OF THE CITY.

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 text amendments would correct the Permitted Land Use Table and Section 4.2.3 A. 6. Removing Group Home from the Open Space zoning district and coordinating the Downtown/Waterfront District's Section 4.4.4 B., Day Care, home with other areas in the City pursuant to clarification of Temporal Housing; and

WHEREAS, the Commissioners of Cambridge find that it is in the best interest of the City to correct the Permitted Land Use Table and Section 4.2.3 A. 6. Removing Group Home from the Open Space zoning district and coordinating the Downtown/Waterfront District's Section 4.4.4 B., Day Care, home with other areas in the City pursuant to clarification of Temporal Housing; 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:

FIRST AMENDMENT

(Sec. 4.2.3 A. 6.)

6. Group Home

Subject to the following conditions, Group Home (no more than 8 clients) shall be permitted with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and GC, ~~and OS~~ districts:

- a. That such use will not constitute a nuisance because of noise, vehicle traffic or parking, number of residents, or any other type of physical activity.
 - b. That such use will not, when considered in combination with other existing group homes in the neighborhood, result in excessive concentration of similar uses in the same general neighborhood of the proposed use.
 - c. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
 - d. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and appropriately equipped for the age and number of children to be cared for.
 - e. Applicant shall meet requirements of the State and local Departments of Health.
 - f. Approval is subject to all building code requirements for safety and health having been met.
 - g. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
 - h. Parking and loading shall be provided at the rear of the site.
 - i. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
 - j. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents.
- a. In an effort to be consistent with the uses within the UDC, staff recommends that the changes to Day Care, Home required elsewhere in the City be applied to those uses within the Downtown/Waterfront Development District (Section 4.4.4 B)

SECOND AMENDMENT

Section 4.4.4 Standards for Conditional and Special Exception Uses.

The following conditions and specific standards apply to land uses designated C (Conditional), SE (Special Exception) and SC (Special Exception with Conditions) in Tables 1 and 2 of this Ordinance. The applicable conditions shall be satisfied during the period of the use and occupancy.

B. Day Care, Home

Subject to the following conditions, Day Care, Home shall be permitted as a Conditional (C) use in the General, Center, and Neighborhood sub-districts:

- ~~1. At least two hundred (200) square feet of usable outdoor recreational area shall be provided per individual that may use the center at any one time. Recreational areas shall not include the required front yard of the property or any off-street parking areas. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas, with a free-standing fence, neither portion of which shall be shared with a fence of an adjoining property owner. The fence shall have a minimum height of four (4) feet, and shall be constructed and located so as to provide sufficient protection and safety for the children and be approved by the Zoning Official. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.~~
- ~~2. Approval is subject to all building code requirements for safety and health having been met.~~
- ~~3. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.~~

Sec. 4.4.4. B. Day Care, Home

Subject to the following conditions, Day Care, Home shall be permitted as a Conditional (C) use in the General, Center, and Neighborhood sub-districts:

- a. Applicant shall meet the requirements of the Office of Child Care Licensing and Regulation in the Department of Human Resources of the State of Maryland, or its successor agency for Family Day Care.
- b. Approval is subject to all building code requirements for safety and health having been met.
- c. A Family Day Care Home shall not have more day care children than the number which appears on the certificate of registration issued by

the Office of Child Day Care Licensing and Regulation to such Family Day Care Home and Family Day Care Provider.

- d. At any one time, a Family Day Care Home shall have no more than eight (8) children, including no more than two (2) children under the age of two (2) years.
- e. Children visiting the Family Day Care Home for whom payment is not received shall count towards the eight (8) children permitted under paragraph D above only if all of the following conditions are met:
 - 1. The child is less than six (6) years old;
 - 2. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
 - 3. The child cannot be sent home immediately.
- f. The Planning Commission may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- g. The applicant shall have two hundred (200) square feet of usable outdoor recreation area for each child that may use this space at any time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property.
- h. The area of the property shall contain no less than 1,000 square feet per individual that may use the center at any one time.
- i. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
- j.
- k. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
- l.
- m. The Day Care Home Use Permit shall be issued to the applicant at the property identified within the application and shall not be transferable to any subsequent resident or other location.
- n. The family day care provider shall comply with Article 88A of the Annotated Code of Maryland and the State Department of Human Resources regarding group day care centers.

- o. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.**
- p. This use shall require a public meeting with all required advertisements and notifications.**
- q. The Planning Commission shall be the reviewing board.**
- r. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.**
- s. Within the NC 1, NC2, NC3 and NC4 Zone Districts, there shall be one day care home within a whole City block, exclusive of alley.**
- t. The establishment, maintenance and operation of the day care home at its proposed location will not be detrimental to or endanger the public health, safety, or general welfare.**
- u. The day care home at its proposed location shall be such that it will be harmonious in character as well as appropriate in appearance with and will not be injurious to the use and enjoyment of other property in the neighborhood for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**
- v. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.**
- w. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.**
- x. The day care home shall be such that pedestrian, bicycle, and vehicle traffic associated with such use at its proposed location will not be hazardous to or unduly conflict with the existing and anticipated traffic in the neighborhood.**
- y. The day care home shall in all other respects conform to the applicable regulations of the district in which it is located and to the special requirements that may be established for the specific use.**
- z. The proposed use at its proposed location conforms to the Comprehensive Plan.**

AND BE IT FURTHER enacted and ordained that this Ordinance shall become effective on the tenth (10th) 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

TABLE 1: PERMITTED USES BY ZONING DISTRICT
P: Permitted
C: Permitted, subject to conditions
SE: Special Exception
SC: Special Exception, subject to conditions

Land Use	Zoning Districts										Use Regs.	
	NC 1,2,3,4	R	I	CMU	GC	IND	MR	RC	OS			
Residential												
Day Care, Home (no more than 8 clients)	C	C		C			C	C				§ 4.2.3(A)4
Group Home (no more than 8 clients)	C	C		C	C						€	§ 4.2.3(A)5
Home Occupations	C	C		C			C	C				§ 4.2.3(A)9
Homeless Shelter				P	P							
Multi-Family Residences												§ 4.2.3(A)3
Attached (townhouses located on a single lot)		SC		P			P					§ 4.2.3(A)1
Commercial Apartments				P			P					
Single-Family Residences												
Accessory Dwelling Unit (ADU) to a primary residence	SC	SC		SC			SC	P				§ 4.2.3(A)2
Attached (townhouses located on individual lots)		SC		P			P					§ 4.2.3(A)1
Detached	P	P		P			P	P				
Duplex	SE	SE		P								
Temporal Housing												
Bed and Breakfast	SC	SC		SC	SC		SC	SC				§ 4.2.3(A)6
Boarding House						SC			SC			§ 4.2.3(A)8
Country Inn	SC	SC		SC	SC		SC	SC				§ 4.2.3(A)7

Land Use	TABLE 1: PERMITTED USES BY ZONING DISTRICT										Use Regs.	
	NC 1,2,3,4	R	I	CMU	GC	IND	MR	RC	OS	SE		
												Zoning Districts
P: Permitted C: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions												
Commercial												
Adult Bookstore/Entertainment				C	C	C						§ 4.2.3(B)2
Animal hospital, veterinarian clinic				P	P							§ 4.2.3(B)1
Artisan Shop	SC											
Automotive Repair and Service: body shop, repair garage (excluding salvage), car wash				SC	SC	P						§ 4.2.3(B)5
Auto repair and supply, boat sales, farm implements storage and sales, feed and grain storage and sales, heavy equipment sales and service												
Café/Coffee Shop	SC			P	P	P						§ 4.2.3(B)1
Commercial sales, service, and repair	SC			P	P							§ 4.2.3(B)1
Contractor shops, plumbing, construction, etc. and service and repair					P	P						
Convenience Store				P	P							
Filling stations, service stations				SC	C	P						§ 4.2.3(B)4
Funeral Parlor				P	P							P
Hotels, motels, convention centers, and similar businesses or institutions providing overnight accommodations				P	P							
Kennel or cattery				C	C	C			P			§ 4.2.3(B)3
Large-scale Manufacturing						P						

TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted C: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions										
Land Use	NC 1,2,3,4	Zoning Districts									Use Regs.	
		R	I	CMU	GC	IND	MR	RC	OS			
Commercial												
Marina uses including boat repair, storage, marine-related manufacturing (excluding salvage)					P	P	SE					
Medical Cannabis Dispensing Facility			C	C								
Medical Cannabis Grow Facility			C									
Medical Cannabis Grow/Processing Facility			C									
Medical Cannabis Independent Laboratory Facility				C								
Medical Cannabis Processing Facility			C									
Mixed-Use: Dwellings Above, Nonresidential					P	P						
Motor vehicle sales or rental					P	P						
Nursery for plants, greenhouses					P	P				P	P	
Office buildings, generally					P	P						
Offices and shops for professional and business services such as real estate, tax and accounting, travel agency, copy centers, similar												
Personal services such as salons and barbershops, shoe repair	SC			P	P							§ 4.2.3(B) I
Professional offices such as physician, law, urban planning, architecture	SC			P	P							§ 4.2.3(B) I
	SC											§ 4.2.3(B) I
TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted C: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions										
		Zoning Districts										

Land Use	NC 1,2,3,4	R	I	CMU	GC	IND	MR	RC	OS	Use Regs.
Pubs, bars, dance halls, nightclubs				P	P					
Research and Development (office)				P	P					
Research, experimental, testing laboratories (excluding explosives and toxic materials)						P				
Resorts				P			P	P	P	
Restaurants, fast food, drive-in, drive-thru				P	P					
Restaurants, standard				P	P					
Salvage, recycling processing						P				
Seasonal/temporary sales	SE	SE	SE	SE	SE	SE	SE	SE	SE	§ 4.4.4 (B) 7
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery, printing, publishing										
Studios for art, music, dance, similar	SC		P	P	P	P				§ 4.2.3(B)6
Tattooing, body art, body piercing					P					§ 4.2.3(B)1
Trucking and freight stations, storage yards						P				
Warehousing, (Large) storage, distribution facilities					P	P				
Warehousing, (Medium) storage, distribution facilities				C	P	P				
Institutional										
Airport			P							

TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted C: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions									
		Zoning Districts									
Land Use	NC 1,2,3,4	R	I	CMU	GC	IND	MR	RC	OS	Use Regs.	
		Nursing care institutions, intermediate care institutions, handicapped or infirm institutions, child care institutions		SE	SE	P	P		P		
Schools											
Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)		P	P	P	P	P			P		
Elementary and secondary (including preschool, kindergarten, associated grounds and athletic and other facilities)		P	P	P					P		
Trade and Vocational Schools				P	P	P					
Libraries	SE	P	P	P	P		P		P		
Museums, art galleries, art and cultural centers and similar uses	SE	SE	P	P	P		P	P	P		
Social and fraternal clubs and lodges, philanthropic institutions				P	P						
Recreational, Amusements, Entertainment											

TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted C: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions											
Land Use	NC 1,2,3,4	Zoning Districts								Use Regs.			
		R	I	CMU	GC	IND	MR	RC	OS				
Activity conducted primarily entirely within a building or substantial structure buildings or structures bowling alleys, skating rinks, indoor tennis and squash courts, yoga, indoor athletic and exercise facilities and similar uses				P	P								P
Theaters, cinemas				P	P								
Activity conducted primarily outside enclosed buildings or structures Golf Driving Range									P	P			P
Privately owned and operated outdoor recreational facilities such as yacht clubs, golf courses, and country clubs, swimming or tennis clubs, (excluding rifle and pistol ranges), etc. not constructed pursuant to a permit authorizing the construction of some residential development	SE	SE	P	P					P	P			P
recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc. not constructed pursuant to a permit authorizing the construction of another use such as a school. Emergency Services	P	P	P	P					P	P			P
TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted C: Permitted, subject to conditions SE: Special Exception											

