

## Council Agenda Report

**Date:** March 21, 2016  
**Submitted by:** Odie Wheeler, Public Works Director  
**Prepared by:** Patricia Escher, City Planner

**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:**

This amendment was discussed at the Council meeting on February 8, 2016 and again on March 14<sup>th</sup>. The proposed revised language is a result of Council direction to staff. (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.~~

**b. The property owner, lessee, or property manager may reside on the premises or 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 and in compliance with the City's Property Maintenance Code.**

- a. 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 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, lessee, or property manager may reside on the premises or 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 and  
incompliance with the City's Property Maintenance Code.**

- 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 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

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

**Introduced the 8<sup>th</sup> day of February, 2016**

**Adopted the 28<sup>th</sup> day of March, 2016**  
**Effective the 7<sup>th</sup> day of April, 2016**