

PROPOSED ORDINANCE

ORDINANCE NO. 1054

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 4.2.3(A)5 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ELIMINATE THE REFERENCE TO COMPLIANCE WITH COMMERCIAL LOCATIONS FOR HOME DAY CARE, TO REQUIRE THE OWNER TO RESIDE IN THE PROPERTY AND TO ESTABLISH THE PLANNING COMMISSION AS THE REVIEWING BOARD.

WHEREAS, upon 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 a public hearing before the City Council, held on August 24, 2015, the City Council finds that the proposed amendment is needed to promote and protect the public's health, safety and welfare; and

WHEREAS, the amendment would remove the reference to corner store/commercial use conditions for Home Day Care found in subsection 4.2.3(A)5(i), would permit Home Day Care uses at locations in the NC districts other than at the intersection of two public streets; and it would add a requirement that the owner must reside at the premises, as a revised subsection 4.2.3(A)5(i); and

WHEREAS, a public hearing on the proposed text amendment was held before the Planning & Zoning Commission on August 4, 2015, following which the Planning & Zoning Commission unanimously recommended that the proposed text amendment be approved; and

WHEREAS, a public hearing on the proposed text amendment was held before the Commissioners of Cambridge on August 24, 2015.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Commissioners of Cambridge, that Section 4.2.3(A)5 entitled "Day Care, Home", of the City's Unified Development Code, adopted on December 8, 2014 is hereby amended to read as follows:

Sec. 4.2.3 (A) 5. Day Care, Home

Subject to the following conditions, Day Care, Home shall be permitted with Conditions (C) use in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, MR, and RC 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 property owner must reside at the premises. ~~i. Within the NC districts, the proposed use shall also meet the conditions set forth in subsection 4.2.3(B)1.~~

- j. 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.
- k. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
- l. This use shall require a public meeting with all required advertisements and notifications.
- m. The Planning Commission shall be the reviewing board.
- n. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
- o. 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.
- p. 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.
- q. 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.
- r. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
- s. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
- t. 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.
- u. 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.

v. The proposed use at its proposed location conforms to the Comprehensive Plan.

w. ~~This use shall be treated as an outright permitted use unless either of the following circumstances occurs:~~

1. ~~A Public Hearing is requested within seven (7) days of the posting of the property and the placement of an advertisement concerning the application in a newspaper of general circulation; or~~

2. ~~The Zoning Official recommends denial of the application.~~

~~In the event either 1 or 2 above occurs, the application shall continue to be acted upon by the Planning Commission, but shall be evaluated pursuant to the criteria established for Special Exceptions as set forth in Section 2.2.7, be treated as a Special Exception.~~

AND BE IT FURTHER enacted and ordained, that this Ordinance shall become effective on the tenth (10TH) day following the date of its adoption.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 14TH day of **SEPTEMBER, 2015**

Adopted the _____ day of **SEPTEMBER, 2015**

Effective the _____ day of **OCTOBER, 2015**