

PROPOSED ORDINANCE

ORDINANCE NO. 1060

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 4.2.3 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO INCLUDE WAREHOUSE-MEDIUM AND TEMPORAY SEASONAL ACTIVITIES OR DEVELOPMENT.

WHEREAS, upon consideration of the recommendation of the Planning and Zoning Commission, and upon consideration of the staff of the Department of Planning and Zoning, the comments made at a public hearing before City Council, held on December 14, 2015, the City Council finds that the proposed amendments are needed to protect the public health, safety and welfare; and

WHEREAS, the amendments would include warehouse-medium and temporary seasonal activities into Section 4.2.3 of the Unified Development Code; and

WHEREAS, a public hearing on the proposed text amendment was held before the Planning and Zoning Commission on October 6, 2015 and November 5, 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 December 14, 2015.

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

§ 4.2.3 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. Commercial Uses

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. 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 for the proposed use and provided on-street parking is permitted in the vicinity of the proposed use.
- d. The 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.

2. Animal Hospital, Veterinarian Clinic

Subject to the following conditions, animal hospital and veterinarian clinic uses shall be permitted in the CMU and GC districts as a Conditional Use (C):

- a. All operations in connection with the clinic must be conducted indoors.
- b. Screening and vegetative landscaping shall be used along lot lines which adjoin a residential lot or a residential zoning district.
- c. No work on large animals (bovine or equine) is to be performed on the premises.

3. Kennel, Cattery

Subject to the following condition, a kennel and cattery shall be permitted in the CMU and GC districts as a Conditional Use (C):

- a. A kennel/cattery shall be an ancillary use to an animal hospital or veterinarian clinic and primarily operated in a manner that supports the animal hospital or veterinarian clinic use.
4. Filling Stations, Service Stations
Subject to the following conditions, filling stations and service stations shall be a Special Exception with Conditions (SC) in the CMU district and permitted in the GC district as a Conditional Use (C):
 - a. No fuel pump, oil draining pit, or other vehicle appliance for serving automobiles shall be located within 25 feet from the front property line.
 - b. Bulk storage of flammable liquids shall be underground.
 - c. The entrance and exit of any such establishment shall be at least 50 feet from any residential lot.
 - d. No storage or stockpiling of tires or any trash shall be permitted.
 - e. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
 - f. An area, enclosed by a wall or fence, screened from view of adjoining properties and rights-of-way shall be established whenever outdoor storage is required.
 - g. No fuel pumps, structures or buildings shall be erected within 150 feet of any dwelling.
 5. Automotive Repair and Service
Subject to the following conditions, an automotive body shop shall be a Special Exception with Conditions (SC) in the CMU and GC districts:
 - a. Vegetative screening and buffers shall be provided where the lot abuts residentially used properties or a residential zoning district.
 - b. All inoperative vehicles shall be completely screened from view of rights-of-way and adjoining properties.
 - c. There shall be no bulk storage of flammable liquids on the premises.
 - d. No storage or stockpiling of tires or trash shall be permitted.
 6. Small-Scale Manufacturing and Assembly
Subject to the following conditions, small-scale manufacturing and assembly uses shall be permitted in the CMU districts as a Conditional Use (C):
 - a. Minimum lot area shall be 10,000 square feet and minimum lot width shall be 150 feet.
 - b. All manufacturing and assembly shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured or sold on the premises may be stored in the open only if screened from the street by landscaping, fences, or walls.

- c. Notwithstanding the yard regulations for the district, no part of any building, accessory structure, or sign shall be located closer than one hundred (100) feet to any dwelling.
- d. No parking or storage of material or products shall be permitted in the required front yard.

7. Warehouse Medium

Subject to the following conditions, warehouse medium uses shall be permitted in the CMU district as a Conditional Use (C):

- a. **Minimum lot area shall be 25,000 square feet and minimum lot width shall be 200 feet.**
- b. **Rooftop and exposed mechanical electrical equipment shall be screened from view. Screening shall be architecturally integrated with buildings.**
- c. **Building orientation: buildings and their main entrances shall face the front yard.**
- d. **This use shall not be visible from roads shown within the City's Comprehensive Plan's Conceptual Circulation Plan (pg 91) and shall be inclusive of the entire length of Crusader Road and Meteor Avenue. (US 50, Dorchester Avenue, Cedar Street, Washington Street, Crusader Road, Woods Road, Roslyn Avenue, Rambler Road and Meteor Avenue.)**
- e. **The Planning Commission may also include the criteria listed below in their review process:**
 - i. **The proportional relationship of individual facades shall emphasize the vertical rather than the horizontal.**
 - ii. **Large disparities between the height, width, and length of a building shall be avoided.**
 - iii. **Large blank walls shall be avoided. Buildings shall be designed to support a human-scale environment with architectural elements that creates visual interest and eliminates blank walls.**
 - iv. **All of the design elements of a building shall maintain the same architectural style in terms of proportion, rhythm, and scale as the overall style of the building.**
 - v. **Large buildings shall be designed to promote a pattern of closely spaced buildings with multiple entrances.**

vi. Enhanced landscaping to soften the building's mass.

8. Temporary or seasonal activities or development

Subject to the following conditions, temporary or seasonal activities uses shall be Special Exception with Conditions (SC) in any zoning district:

- a. **All applications shall be submitted in writing by the owner of the real property on which the activity is to be located and by the operator of the proposed activity if it is not to be operated by the owner of the real property. The owner's name, home address, business address, telephone number (including cell number) and email address shall be included on all applications.**
- b. **The application shall contain: the specific location of the commercial activity, a site plan which clearly identifies the location of all structures, parking, access to and from streets and roads, distances between from permanent buildings and structures existing on site, a photograph of the proposed site, the hours of operation and days of the week during which the activity will be open, a detailed sketch plan of the proposed structure(s), including building materials, colors, size and dimensions, a list of the types of specific products to be sold at the site, and specific dates on which the seasonal/temporary activity shall begin and end during the year.**
- c. **All Special Exceptions for temporary and/or seasonal commercial activities shall not be issued for a period of more than a year. If the seasonal/temporary activity is proposed for consecutive years, then another application shall be submitted by the applicant(s) for each year and subject to staff review pending no complaints have been filed against this use. The Board of Appeals shall review the use after every five (5) year interval.**
- d. **Factors to be considered in approving or rejecting an application include, but not limited to: whether the structure will be in keeping in character of the neighborhood, the effect of the activity on traffic, parking and noise, the materials used for part or all of the structures shall comply with the City's building code or are of such a character as to not create a safety hazard, the comments of the Planning Commission; the comments, if any, of the City's**

Traffic and Safety Committee; the comments, if any of the City Police Department.

- e. **Any and all structures shall be constructed in a good workmanlike manner, and shall provide for a means of securing the site when not in use. No wire fencing or temporary framing shall be permitted. Carts and other kiosks which are well maintained and which can be secured when not in use are encouraged.**
- f. **The applicant shall comply with all requirements as set forth in this section of the City's Unified Development Code.**

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

By: _____
Victoria Jackson-Stanley, Mayor

I
Introduced the **23rd** day of November, 2015
Adopted the _____ day of December, 2015
Effective the _____ day of December 2015

NOTE: Word(s) which are in bold and underscored are to be added to the City Code of Laws; words in double bold brackets to be deleted from the City Code of Laws.