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**PROPOSED ORDINANCE**

**ORDINANCE NO. 1071**

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND SECTION 4.2 OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW ADMINISTRATIVE REVIEW OF PERMITTED USES WITH CONDITIONS CONDITIONAL WITH NOTICING POSTING REQUIREMENTS, TO STANDARDIZE AND CLARIFY THE REVIEW DEVELOPMENT REVIEW PROCESS AND TO REMOVE THE PLANNING COMMISSION FROM THE REVIEW OF GROUP HOMES .**

**WHEREAS**, on February 2, 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 clarifies, standardizes and facilitates the development review process; and

**WHEREAS**, the Commissioners of Cambridge find that it is in the best interest of the City to amend Section 4.2 of the Unified Development Code to clarifies, standardizes and facilitates the development review process; 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:

**§ 4.2.2 Land Uses by District**

Table 1 lists land uses allowed in each zoning district, except for the Downtown/Waterfront Development district (see Table 2 in § 4.3 of this Ordinance for uses allowed in the DW district). If a use is not listed or does not fall within any of the general use categories as determined by the Zoning Official, it is not a permitted use in any district. If a use is specifically listed in Table 1, it takes precedence over general use listings. The letters in Table 1 correspond to the following:

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P: Permitted Use. Uses designated by the letter “P” shall be permitted subject to all applicable regulations **and are an Administrative Review.**

C: **Permitted Use with Conditions or a** Conditional Use. Uses designated by the letter “C” shall be permitted subject to certain conditions **and are an Administrative Review with noticing and posting requirements.** The conditions are listed in § 4.2.3.

SE: Special Exceptions. The Board of Appeals in accordance with § 2.2.7 may authorize uses requiring a special exception designated by the letters “SE”.

SC: Special Exception with Conditions. Uses requiring a special exception designated with the letters “SC” may be authorized by the Board of Appeals in accordance with § 2.2.7 subject to certain conditions listed in § 4.2.3.

See Table 1 – Table of Permitted Uses

See Table 2 – Table of Permitted Uses in the Downtown/Waterfront Development District

#### **§ 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.

##### **A. Residential Uses**

###### **1. Single-Family Residences, Attached (Townhouse)**

Subject to the following conditions, a townhouse development shall be a Special Exception with Conditions (SC) in the Residential district:

- a. A minimum of 60 percent of the total tract area shall be open space, which shall be distributed on the tract in one of two ways: either located entirely on the separate lots, or distributed between the separate lots and between set aside areas held in common as community open space. Such open space shall not be devoted to streets, service driveways, off-street parking, or loading spaces. At least 50 percent of the open area shall be suitable for usable recreational space and any recreational space held in common shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.

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- c. The number of units in a row or block of townhouses shall be limited to a maximum of six (6).
  - d. The minimum distance between any blocks of units shall be 45 feet, except that a break between the side of one block and the side of another block may be reduced to a minimum distance of 30 feet.
  - e. The minimum lot area for a townhouse development shall be five acres.
2. Primary residence with (one) accessory dwelling unit (ADU)

An accessory dwelling unit (ADU) to a primary residence shall be a Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and MR districts subject to the following conditions:

- a. The lot shall either meet or exceed the minimum size requirements for a single-family detached lot in the district where located or be at least 5,000 square feet in size, whichever is greater, the only principal use on the lot at the time of application is a detached single-family dwelling, and the existing dwelling unit is the principal residence of the applicant(s).
- b. The owner of the property on which the ADU would be located shall reside in at least one of the dwelling units on the lot at all times.
- c. In no case shall the ADU: be more than 40 percent of the living area of the principal dwelling unit, contain more than 900 and less than 300 square feet in area, have a footprint greater than 700 square feet, or have more than two bedrooms.
- d. There shall be no more than one ADU permitted per existing single-family dwelling.
- e. If the ADU's primary entrance is not the same as that of the principal dwelling unit, it shall be less visible from the street view than the main entrance of the principal dwelling unit and the ADU's stairway may not be constructed on the front of the principal dwelling unit or any side visible from a public right-of-way.
- f. At least one off-street parking space is required per ADU. The Board of Appeals may permit off-street parking in setback areas or through tandem parking if the off-street parking would not block access by emergency vehicles to the principal dwelling unit or ADU and it is permitted and occurs in the neighborhood.

If the Board of Appeals finds favorably, the approval shall be subject to the following requirements which shall be included as conditions of approval of the ADU and made part of the hearing record and statement of findings:

- g. Within 30 days of securing approval for an ADU, the owner shall record against the deed to the subject property, a deed restriction running in favor of the City of Cambridge limiting the occupancy

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of either the principal dwelling unit or the ADU to the owner of the property. The owner shall provide proof that such a restriction has been recorded to the Board of Appeals prior to the City's issuance of an occupancy permit for the ADU.

- h. The owner of the ADU shall, by the 15<sup>th</sup> days of every year, sign and file a written statement with the Zoning Official that the ADU remains in compliance with City Zoning. Failure to fulfill this requirement will be grounds for revocation of the Board of Appeals approval and prosecution for violation of the conditions of approval of the ADU and this Chapter.

A mobile home or manufactured home may not be used as an ADU as provided under this Section.

### 3. Multi-Family Residences

Subject to the following conditions, multi-family buildings shall be a Special Exception with Conditions (SC) in the R district:

- a. A minimum of 30 percent of the total tract area shall be maintained as open area and shall not be devoted to streets, service driveways, off-street parking, or loading spaces. Forty (40) percent of the open area shall be suitable for usable recreational space and each recreational space shall be at least 50 feet in the least dimension with a minimum area of 5,000 square feet.
- b. The front setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area.
- c. The minimum setback between any two principal buildings on the same lot shall be 45 feet.
- d. The minimum lot area for a multi-family use shall be two acres.

### 4. Homeless Shelters

**Subject to the following conditions, homeless shelters shall be a Special Exception with Conditions (SC) in the I district and a Permitted Use within the CMU and CG districts.**

- a. No shelter shall be located within 500' of a public playground or public school.
- b. All shelters shall provide, as a part of the special exception application, proof that all necessary governmental requirements and licenses have been obtained prior to the application being reviewed by the Planning Commission and the Board of Zoning Appeals.
- c. **Notice and posting of property within the CMU and CG districts.**
  - i. **Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating**

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that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.

- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

5. Day Care, Home

Subject to the following conditions, Day Care, Home shall be Permitted Use 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. 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.
- b. This use shall require a public meeting with all required advertisements and notifications.
- c. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.
- d. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.
- e. 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.
- f. 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.
- g. 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.
- h. Approval is subject to all building code requirements for safety and health having been met.

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- i. 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.
  - j. 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.
  - k. 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:
    - i. The child is less than six (6) years old;
    - ii. The child visits the Family Day Care Home unaccompanied by an adult on a regular basis; and
    - iii. The child cannot be sent home immediately.
  - ~~l. This use shall require a public meeting with all required advertisements and notifications.~~
  - ~~m. 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.~~
  - n. 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.
  - o. 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.
  - p. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.
  - ~~q. The applicant requesting the Day Care Home Use Permit shall reside at the residence and it shall be their principal residence.~~
  - ~~r. The property owner shall be a cosigner of the application for the limited purpose of granting permission for this use.~~
  - ~~s. 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.~~
  - ~~t. 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.~~
  - ~~u. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.~~
  - ~~v. This use shall require a public meeting with all required advertisements and notifications.~~
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- ~~w. The Planning Commission shall be the reviewing board.~~
- x. The day care home shall be in operation only during the hours from 6 a.m. to 8 p.m.
  - y. 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.
  - z. 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.
  - aa. 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.
  - bb. The establishment of the day care home at its proposed location will not impede the normal and orderly development and improvement of surrounding properties.
  - cc. Adequate utilities, public water and sewer facilities, access streets, drainage and all necessary facilities have been or are being provided.
  - dd. 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.
  - ee. 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.
  - ff. The proposed use at its proposed location conforms to the Comprehensive Plan.

#### 6. Group Home

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

- b. 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.
- c. 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.
- d. That any property to be used for a group residential facility is of sufficient size to accommodate the proposed number of residents and staff.
- e. That the site to be used as a group residential facility for children provide ample outdoor play space, free from hazard and

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appropriately equipped for the age and number of children to be cared for.

- f. Applicant shall meet requirements of the State and local Departments of Health.
- g. Approval is subject to all building code requirements for safety and health having been met.
- h. The ~~Planning Commission~~ **Zoning Official** may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.
- i. Parking and loading shall be provided at the rear of the site.
- j. 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.
- k. Open space areas, recreational facilities, and other accessory facilities shall be developed in each phase of development to meet the needs of the residents.
- l. **Notice and posting of property.**
  - i. **Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.**
  - ii. **Written notice shall be sent to the Planning Commission.**
  - III. **Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.**
  - iv. **The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.**

7. Bed and Breakfast

Subject to the following conditions, a Bed and Breakfast shall be Special Exception with Conditions (SC) in the **NC-1, NC-2, NC-3, and NC-4** NC districts and in the R, CMU, GC, MR, and RC districts:



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- a. Bed and Breakfast establishments in the NC-1, NC-2, NC-3, NC-4 and the R districts shall be located in an existing structure. Additions to such to accommodate the proposed Bed and Breakfast establishments may be permitted.
  - b. Applicants shall submit a floor plan of the single-family dwelling unit and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Bed and Breakfast establishments shall be inspected by the Zoning Official annually prior to license renewal.
  - c. Bed and Breakfast operations shall be confined to the principal dwelling unit on the proposed property. The facilities shall be subject to the following:
    - i. There shall be at least two exits from the facility to the ground.
    - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
    - iii. Maximum number of sleeping rooms shall be six in addition to the owner-occupant's sleeping room.
    - iv. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate city officials at all times.
    - v. The maximum consecutive length of stay for any guest in the facility shall be 14 days.
    - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.
    - vii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
    - viii. Only breakfast may be served to guests, and no commercial activities, such as but not limited to the sale of food or alcoholic beverages, catering or other similar commercial activities, are allowed.
    - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
  - d. Any Bed and Breakfast facility existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory

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facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Bed and Breakfast facility for a period of one year is considered an abandonment of such use.

8. Country Inn

Subject to the following conditions, a Country Inn shall be Special Exception with Conditions (SC) in the NC-1, NC-2, NC-3, and NC-4 NC districts and in the R, CMU, GC, and RC districts:

- a. Country Inns in the NC-1, NC-2, NC-3, NC-4 and R districts shall be located in an existing structure. Additions to such to accommodate the proposed Country Inn may be permitted.
- b. Applicants shall include a site plan which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Country Inn establishments shall be inspected by the Zoning Official annually prior to license renewal.
- c. In the NC-1, NC-2, NC-3, NC-4 and R districts, Country Inns shall be confined to the principal building on the proposed property, and shall be subject to all applicable city codes and regulations and state regulations. The facilities shall be subject to the following:
  - i. There shall be a manager occupant who shall be responsible for the day-to-day operation of the Country Inn.
  - ii. There shall be at least two exits from the facility to the ground.
  - iii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
  - iv. Maximum number of sleeping rooms shall be fifteen (15) in addition to the resident manager's sleeping room.
  - v. Every operator of a facility named in this section shall maintain a guest register of persons staying therein, and it shall be available for inspection by appropriate City officials at all times.
  - vi. The maximum consecutive length of stay for any guest in the facility shall be thirty (30) days.
  - vii. Smoke detectors shall be maintained in an operating condition in each sleeping room.

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- viii. Proper and convenient lavatory and bathing facilities shall be available to all guests in addition to lavatory facilities for the owner.
  - ix. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
  - d. Any Country Inn establishment existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Country Inn establishment for a period of one year is considered an abandonment of such use.

#### 9. Boarding House

Subject to the following conditions, a Boarding House shall be Special Exception with Conditions (SC) in the I and Ind districts:

- a. Boarding Houses in the I and Ind districts shall be located in an existing structure. Additions to such to accommodate the proposed Boarding House may be permitted.
- b. Applicants shall include a floor plan of the proposed facility and a parking plan proposed for use which illustrates that the proposed operation will comply with the terms of this Ordinance and any other applicable City codes or ordinances, and the applicant shall submit evidence of compliance with all applicable laws, including health laws. No permit shall be issued until an investigation into all pertinent matters applying thereto has been completed. All applicants will require a license, issued by the City, which must be renewed on an annual basis. All Boarding Houses shall be inspected by the Zoning Official annually prior to license renewal.
- c. Boarding House operations shall be confined to the principal dwelling unit on the proposed property, and shall be subject to all applicable City codes and regulations and state regulations. The facilities shall be subject to the following:
  - i. There shall be at least two exits from the facility to the ground.
  - ii. Rooms utilized for sleeping purposes shall have a minimum size of 120 square feet and occupancy shall be limited to two adults and accompanying minor children.
  - iii. Maximum number of sleeping rooms shall be six (6) in addition to the owner-occupant's sleeping room.
  - iv. Every operator of a facility named in this section shall maintain a register of persons staying therein, and it shall be

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available for inspection by appropriate City officials at all times.

- v. The maximum consecutive length of stay for any boarder in the facility shall be 120 days.
  - vi. Smoke detectors shall be maintained in an operating condition in each sleeping room.
  - vii. Proper and convenient lavatory and bathing facilities shall be available to all boarders in addition to lavatory facilities for the owner.
  - viii. Any external architectural changes or modifications shall be approved by the Historic Preservation Commission, if applicable.
- d. Any Boarding House existing at the time of passage of the ordinance from which this section is derived may continue to operate irrespective of its zoning district location, but lavatory facilities as prescribed in this section must be provided within six months of the adoption of this section. Any other regulatory provision contained in this section must be complied with or allowed by variance by the Board of Appeals. Non-use and non-renewal of license of any existing Boarding House for a period of one year is considered an abandonment of such use.

#### 10. Home Occupations

Subject to the following conditions, home occupations shall be Permitted in the NC-1, NC-2, NC-3, and NC-4 districts and in the R, CMU, and RC districts as a **Permitted Use with Conditions** ~~Conditional Use (C)~~:

- a. Not more than one person (employee) other than members of the family residing on the premises shall be engaged in such occupation.
- b. The occupation is conducted principally within the dwelling or accessory building on the premises and is clearly secondary to the use of the dwelling for residential purposes.
- c. There shall be no change in the outside appearance of the building or premises, other than one sign. Residential appearance shall be maintained.
- d. No equipment, process, or occupation shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable beyond the property line of the premises.
- e. No outside storage of equipment, materials, or items to be repaired or sold shall be permitted.
- f. No more than 35 percent of the floor area of the principal dwelling may be used on the property for the home occupation.
- g. No article or commodity shall be offered for sale, except that incidental to services offered, or publicly displayed on the premises.

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- h. Parking generated by the conduct of such home occupation shall be met off the street, unless adequate on-street parking is determined to be available. Parking shall not be located in the required front yard.
  - i. The home occupation shall not create traffic (pedestrian or vehicular) or parking demands out of character with neighboring properties.
  - j. Uses which are not permitted in the district shall not be allowed by virtue of operating as a home occupation.
  - k. **Notice and posting of property within the R, CMU and RC zone districts.**
    - i. **Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.**
    - ii. **Written notice shall be sent to the Planning Commission.**
    - III. **Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.**
    - iv. **The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.**

**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 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-

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- 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. 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.
2. Animal Hospital, Veterinarian Clinic
- Subject to the following conditions, animal hospital and veterinarian clinic uses shall be Permitted **Use with Conditions** 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.
  - d. **Notice and posting of property.**
    - i. **Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.**

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- ii. Written notice shall be sent to the Planning Commission.
  - III. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

3. Kennel, Cattery

Subject to the following condition, a kennel and cattery shall be Permitted Use with Conditions 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.
- b. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - III. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

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

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Permitted Use with Conditions 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.
- h. Notice and posting of property within the GC zone district.
  - v. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - vi. Written notice shall be sent to the Planning Commission.
  - VII. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - viii. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

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.



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- 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 Use with Conditions 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.
- e. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - III. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

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## 7. Warehouse Medium

Subject to the following conditions, warehouse medium uses shall be Permitted Use with Conditions 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~~ Zoning Official 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.
- f. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - III. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application

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**advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.**

- iv. **The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.**

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

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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.

**C. Institutional Uses**

1. Day Care Center (between 9 to 16 clients)

Subject to the following conditions, Day Care Center shall be a Special Exception with Conditions (SC) in the R district.

- a. At least 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.
- b. The use shall be located and arranged so as to permit the safe pickup and delivery of all clients on this site.
- c. 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.
- d. The use shall have obtained all required State permits. Approval is subject to all building code requirements for safety and health having been met.

**D. Miscellaneous Uses**

1. Public Utility Buildings and Public Utility Structures with Towers or Antennas

Subject to the following conditions, Public Utility Buildings and Public Utility Structures with Towers or Antennas, including radio and television broadcasting stations and towers (but not including electric power transmission or distribution lines carrying in excess of 69,000 volts) shall be a Special Exception with Conditions (SC) in the zoning districts as referenced in Table 1:

- a. The proposed building or structure at the location selected is necessary for public convenience and service.
- b. The proposed building or structure at the location will not endanger the health and safety of workers and residents in the community and

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- will not substantially impair or prove detrimental to neighboring properties.
- c. Public utility buildings in any predominately residential area shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screen planting, and fencing, wherever deemed necessary by the Planning Commission.
  - d. Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided that any broadcasting tower lawfully existing prior to the effective date of this Ordinance shall be exempt from the setback limitations imposed by this subsection and may be continued, structurally altered, reconstructed, or enlarged provided that no structural change, repair, addition, alteration, or reconstruction shall result in increasing the height above the then existing height.
  - e. Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support, or housing of switching equipment, regulators, stationary transformers, and other such devices for supplying electric service; telephone offices; railroad, bus, trolley, air, and boat passenger stations; radio or television transmitter towers and stations.
  - f. In any residential area, overhead electric power and energy transmission and distribution lines carrying in excess of 69,000 volts may be permitted where:
    - i. The proposed use does not have an unduly adverse effect on the general plan for the physical development of the district as embodied in this Ordinance and in the Comprehensive Plan or portion thereof; and
    - ii. The proposed use will not adversely affect the health and safety of the residents or workers in the area; and
    - iii. The proposed use will have the least possible detrimental effect to the use of development of adjacent properties or the general neighborhood.
  - g. In making such findings, the Board shall consider the following factors, and such other factors as the Board may find to be necessary or important to effectuate its review:
    - i. Points at which the proposed line crosses heavily traveled highways or streets, or other arteries of transportation, either existing or proposed;
    - ii. Proximity of the line to schools, churches, theaters, clubs, museums, fairgrounds, or other places of assembly, existing or proposed;

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- iii. The amount and probability of low-level flying over the line and nearness of the line to airports and/or heliports, existing or proposed;
  - iv. Any fire hazard or interference with firefighting equipment due to the location and construction of the proposed line;
  - v. Proximity of the line to public parks and recreational areas, existing or proposed;
  - vi. Effect upon property values of those who will not be compensated for a taking under the laws of the State;
  - vii. The effect upon environmental quality and ecological balance of protected watersheds, planned open space between corridors of development and greenbelt areas surrounding community development; and
  - viii. Proximity of the line to historic sites and structures.

2. Temporary Structures Incidental to Construction

Subject to the following conditions, Temporary Structures Incidental to Construction shall be Permitted Use with Conditions in all districts—~~as a Conditional Use (C)~~:

- a. That it is removed when construction is finished.
- b. That the structure remains for only a period of one year with extensions totaling one year permitted upon application to and approval of the Zoning Official.
- c. Notice and posting of property.
  - i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
  - ii. Written notice shall be sent to the Planning Commission.
  - III. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
  - iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

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3. Festivals, Events of Public Interest or Special Events, Occasional, Outdoor  
Subject to the following conditions, occasional outdoor festivals or special events including, but not limited to, horse shows, carnivals, dog shows, arts and crafts shows, music festivals, etc., shall be Permitted **Use with Conditions** in all districts ~~as a Conditional Use (C)~~:
- a. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
  - b. No temporary sanitary facility or trash receptacle shall be located within 200 feet of an existing dwelling; no tent shall be located within 250 feet of an existing dwelling.
  - c. A drawing to scale shall accompany the application and shall accurately depict the standards of this section.
  - d. Non-recurring festivals or events shall not exceed seven (7) days in any 12 consecutive months.
  - e. A maximum continuous sound level of 60 db and a maximum peak sound level of 75 db shall not be exceeded adjacent to land used for residential purposes, and operations shall cease not later than 11:30 pm.
  - f. In cases where it is deemed necessary, the Mayor and City Council may require the applicant to post a bond to ensure compliance with the conditions of the conditional-use permit.
  - g. The permit applicant requests the City to provide extraordinary services or equipment or it is otherwise determined that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the City a fee sufficient to reimburse the City for the costs of these services. These requirements shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
  - h. **Notice and posting of property.**
    - i. **Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.**
    - ii. **Written notice shall be sent to the Planning Commission.**
    - iii. **Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application**

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advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.

- i. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.

4. Christmas Tree Sales

Subject to the following conditions, Christmas Tree Sales shall be a Permitted Use with Conditions Conditional Use (C) in the R district:

- a. The lot shall not be in a residential use;
- b. Adequate area is provided for off-street parking, loading, and unloading.

c. Notice and posting of property.

- i. Upon receipt of a request for an Administrative Review, the Zoning Official shall send written notice of the request to all property owners whose property line is within 200 feet of the applicant's property line, stating that the property owners have ten (10) days from the date of the notice to file a written objection with the City Zoning Official. The notices shall be directed to the names and addresses as shown on the current real property tax records for Dorchester County.
- ii. Written notice shall be sent to the Planning Commission.
- iii. Additionally, the Zoning Official shall have a sign posted on the property that is the subject of the application advising of the nature of the requested action and advising that anyone who objects shall file a written objection with the City by a certain date, which date shall be at least ten (10) days from the date that the sign is posted.
- iv. The Zoning Official has the option to refer a request for an Administrative Review to the Planning Commission if uncertainty exists due to concerns that were raised during the noticing process.



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**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 February, 2016**  
**Adopted the \_\_ day of \_\_\_\_\_, 2016**  
**Effective the \_\_ day of \_\_\_\_\_, 2016**