

Council Agenda Report

Date: June 14, 2021

Prepared by: Pat Escher, A.I.C.P., Division Manager

SUBJECT: An Ordinance of the Commissioners of Cambridge, Maryland amending the Official Zoning Map of the City of Cambridge by rezoning 201 Mill Street, tax identification no. 07-173814, identified on tax map 301 as parcel 124 to include the Neighborhood Conservation 3 Overlay; providing that the title of this Ordinance shall be deemed to be a fair summary, and generally relating to the Official Zoning map of the City of Cambridge.

Recommendation: That Council

- A. Introduce Ordinance No. 1180 by reading of title only; and
- B. Schedule July 12, 2021 for second reading, public hearing and adoption of Ordinance No. 1180.

Discussion:

This item has been discussed with the current Planning Commission in various forms since the early 2000's. This is the most current reiteration was for an application to create an overlay zone to allow for the existing historic school located on Mill Street to create 9 residential units – 2 two bedroom and 7 one-bedroom. After discussion with the community, the applicant will eliminate the one basement unit, for a total of 8 units, 2-two bedroom and 6-one-bedroom units.

Please see the enclosed reports and documentation for a more detailed view of the application. This Ordinance will create the NC-3 Overlay and will revise the City's existing Zoning Map. This is similar to the Historic District Overlay, the Mixed-Use Waterfront Overlay, or the Floodplain Overlay.

This item was heard at the Planning Commission's April 6th, May 4th and June 1st hearings. The Planning Commission unanimously recommends to the Council to approve this map amendment, creating an NC-3 Overlay Zone.

Fiscal Impact: NA

Approved by: *Patrick C. Comiskey, City Manager*

ORDINANCE NO. 1180

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE BY REZONING 201 MILL STREET, TAX IDENTIFICATION NO. 07-173814, IDENTIFIED ON TAX MAP 301 AS PARCEL 124 TO INCLUDE THE NEIGHBORHOOD CONSERVATION 3 OVERLAY; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED TO BE A FAIR SUMMARY, AND GENERALLY RELATING TO THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE.

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-204 and § 2.2.3 of the Unified Development Code (the “UDC”), the Commissioners of Cambridge are authorized and empowered to amend, supplement, change, modify, and repeal the City of Cambridge’s (the “City”) zoning regulations and boundaries and change the City’s zoning classifications; and

WHEREAS, pursuant to Md. Code Ann., Land Use § 4-201, the Commissioners of Cambridge are authorized and empowered to divide the City into districts and zones of any number, shape, and area that it considers best suited to carry out the purposes of Division I (Single-Jurisdiction Planning and Zoning) of the Land Use Article; and

WHEREAS, pursuant to § 3-27(1) of the Charter of the City of Cambridge (the “Charter”) and Md. Code Ann., Local Gov’t § 5-202(5), the Commissioners of Cambridge are authorized and empowered to pass ordinances for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the town and visitors thereto and sojourners therein; and

WHEREAS, following public hearings held on May 4, 2021 and June 1, 2021, the City of Cambridge Planning Commission (the “Planning Commission”) unanimously recommended that the Commissioners of Cambridge approve a text amendment amending the UDC to provide for a Neighborhood Conservation 3 (NC-3) Overlay District; and

WHEREAS, pursuant to the foregoing text amendment proposed by the Planning Commission, 201 Mill Street, Tax Identification No. 07-173814, depicted on Tax Map 301 as Parcel 124, which is currently zoned NC-3 (the “Property”), would be the only property eligible for the NC-3 Overlay, upon the terms and conditions set forth therein; and

WHEREAS, immediately prior to the introduction of this Ordinance, the Commissioners of Cambridge introduced Ordinance No. 1180 which, if passed, would provide for an NC-3 Overlay District as the Planning Commission unanimously recommended; and

WHEREAS, pursuant to § 4.3.9 in Ordinance No. 1180, the boundaries of the NC-3 Overlay District shall be indicated on the Official Zoning Map of the City of Cambridge (the “Zoning Map”); and

WHEREAS, on July 12, 2021, the Commissioners of Cambridge held a public hearing regarding the foregoing Zoning Map amendment recommended by the Planning Commission, notice of which was published on June 18, 2021 and June 25, 2021 in the Star Democrat, a newspaper of general circulation in the City, in accordance with Md. Code Ann., Land Use § 4-203(b) and § 2.2.3.C of the UDC; and

WHEREAS, having considered the recommendations of the Planning Commission and the Department of Planning and Zoning Staff, as well as the comments made during the July 12, 2021 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend the Zoning Map by rezoning the Property to include the NC-3 Overlay; and

WHEREAS, the NC-3 Overlay is a limited expansion of the uses permitted in the NC-3 District, under certain terms and conditions, to allow the development and improvement of the Property in a manner compatible with the other properties in the NC-3 District and not a change the underlying NC-3 zoning classification per se; therefore, the Zoning Map amendment set forth herein does not require a finding that there was a mistake in the preparation of the Zoning Map or that there has been a substantial change in the character of the neighborhood since the adoption of the current Comprehensive Plan; and

WHEREAS, the Commissioners of Cambridge find that the Zoning Map amendment set forth herein is necessary to promote and protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Cambridge that the Official Zoning Map of the City of Cambridge, Maryland be and it is hereby amended as follows:

SECTION 1. The zoning district classification of the parcel of real property located at 201 Mill Street, Tax Identification No. 07-173814, depicted on Tax Map 301 as Parcel 124, is hereby changed to include the Neighborhood Conservation 3 Overlay. The Official Zoning Map of the City of Cambridge, Maryland shall be revised accordingly to reflect the foregoing amendment.

SECTION 2. Pursuant to § 4.3.8(B) of the Unified Development Code, enacted pursuant to City Ordinance No. 1180, the Neighborhood Conservation 3 Overlay designation shall be valid for a period of two (2) years from the effective date of Ordinance No. 1180, upon which the designation shall expire if no development proposal has been approved by the Planning Commission. The Planning Commission may, in its sole discretion, extend this deadline for a development proposal that has been submitted but not approved by such date, upon good cause shown by the owner/applicant.

SECTION 3. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 4. With respect to the substantive provisions of this Ordinance set forth in Sections 1 and 2, language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners of Cambridge that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 6. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

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

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Patrick C. Comiskey, City Manager

By: _____
Andrew Bradshaw, Mayor

Introduced the 14th day of June, 2021
Passed the 12th day of July, 2021
Effective the 22nd day of July, 2021