

ORDINANCE NO. 1192

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND AMENDING §§ 6.3.2, TABLE 6A (SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS BY LAND USE) AND 6.3.3 (MODIFICATION OF PARKING REQUIREMENT) OF THE CITY'S UNIFIED DEVELOPMENT CODE FOR THE PURPOSE OF PROVIDING FOR MAXIMUM OFF-STREET PARKING REQUIREMENTS FOR NEW DEVELOPMENT BY LAND USE; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO OFF-STREET PARKING IN 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., Local Gov't § 5-202 and § 3-27(1) of the Charter of the City of Cambridge, the Commissioners of Cambridge are authorized and empowered to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as they may deem necessary for the good government of the City; for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; to secure persons and property from danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the City and visitors thereto and sojourners therein; and

WHEREAS, on September 13, 2021, the Commissioners of Cambridge introduced a text amendment proposing to amend §§ 6.3.2, Table 6A (Schedule of Minimum Off-Street Parking Requirements by Land Use) and 6.3.3 (Modification of Parking Requirement) of the UDC for the purposes of providing for maximum off-street parking requirements for new development by land use; and

WHEREAS, following a public hearing held on October 5, 2021, the City of Cambridge Planning Commission (the "Planning Commission") recommended that the Commissioners of Cambridge approve the foregoing text amendment as introduced on September 13, 2021; and

WHEREAS, on _____, 2021, the Commissioners of Cambridge held a public hearing regarding the foregoing text amendment, notice of which was published on _____, 2021 and _____, 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 _____, 2021 public hearing, the Commissioners of Cambridge find that it is in the best interest of the City to amend §§ 6.3.2, Table 6A (Schedule of Minimum Off-Street Parking Requirements by Land

Use) and 6.3.3 (Modification of Parking Requirement) of the UDC for the purposes of providing for maximum off-street parking requirements for new development by land use; and

WHEREAS, the Commissioners of Cambridge find that the text 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 City’s Unified Development Code is hereby amended as follows:

SECTION 1. Section 6.3.2, Table 6A (Schedule of Minimum Off-Street Parking Requirements by Land Use) of the Unified Development Code is hereby amended as follows:

TABLE 6A: SCHEDULE OF MINIMUM MAXIMUM OFF-STREET PARKING REQUIREMENTS FOR NEW DEVELOPMENT BY LAND USE

Use	Minimum <u>Maximum</u> Required Parking Spaces
Residential	
Accessory Apartment	1 per Dwelling Unit
Auction	1 per 4 seats, or if no seats, 1 per 500 sq GFA
Bed and Breakfast	1 per Unit plus Residential Requirement
Boarding House	1 per Unit plus Residential Requirement
Boarder in Residence	1 per Boarder plus Residential Requirement
Country Inn	1 per Unit plus Residential Requirement
Day Care Home	1 per Staff plus Residential Requirement
Group Home	1 per Staff plus 1 per 2 Residents
Halfway House	1 per Staff plus 1 per 2

	Residents
Home Occupations	1 per Employed Non-resident plus Residential Requirement
Homeless Shelter	*
Multi-family Dwelling	1.5 per Dwelling Unit
Single Family Residential – Attached (Townhouse)	2 per Dwelling Unit
Single Family Residential - Detached	2 per Dwelling Unit
Two-family, Duplex	2 per Dwelling Unit
Institutional	
Cemeteries	*
Churches and Other Buildings for Religious Assembly	1 per 4 seats in Main Assembly Hall
Hospitals, Medical Clinics and Similar Center in Excess of 10,000 sf	*
Libraries, Other Public Administrative and Cultural Buildings	*
Lodges, Clubs, Fraternal Organization	*
Nursery Schools, Day Care Centers (With more than 30 people)	3 per Classroom
Nursing Care Institutions, Child or Day Care Institutions	1 per Staff plus 1 per 5 residents
Public or Non-profit Park and/or Recreational Areas	**
Schools, Elementary, Secondary, trade, and Vocational, Colleges	*
Studios for Instruction in Dance, Art and Similar	*

Use	Minimum Required Parking Spaces
Commercial	

Artists, photographer galleries, studios, museums	1 per 500 sf GFA***
Animal hospital, veterinarian clinic	1.5/ exam room
Automotive body shop	1 per service bay plus 1 per staff
Banks and Financial Institutions	1 per 300 sf GFA***
Building materials, lumber yards, boat and heavy equipment sales, etc.	*
Business offices, including finance, insurance, real estate	1 per 400 sf GFA***
Business services, plumbing shops, contractor shops	1/staff
Computer repair shops, small appliance repair, similar	1 per 500 sf GFA***
Filling stations, service stations, automotive repair, full service garage	1 per pump plus 1 per service bay plus 1 per staff
Funeral Parlor	1 per 4 seats in chapel
Grocery, department, variety, hardware, dry goods stores	1 per 350 sf GFA***
Health and Fitness Center, Spa	1 per 300 sf GFA***
Hotels, motels	1 per unit plus 1 per staff
Industrial uses, generally	1/staff
Kennel/Cattery	1 per staff
Manufacturing and assembly uses, warehousing	1/staff
Marina	*
Medical or dental office, clinic or center under 10,000 sf	1 per 250 sf GFA***
Motor vehicle sales, rental, service	1 per 350 sf GFA***
Nursery for plants, greenhouses	*
personal service shops, barber, salons, shoe repair, dry cleaning	1 per 350 sf GFA*** (excluding storage)
Places of indoor amusement, movie cinema, theater	1 per 4 seats
Private outdoor amusement/recreational activities	**

Professional office	2 per professional
Pubs, taverns, nightclubs, dance halls	1 per 250 sf GFA***
Resorts	**
Restaurants, fast food, drive-in, thru	1 per 250 sf GFA***
Restaurants, standard	1 per 300 sf GFA***
Retail shops and showrooms, including service/repair such as jewelry	1 per 500 sf GFA***
Shopping center	**
Miscellaneous	
Miscellaneous	
Festivals, events of public interest, special events, occasional	**
Public utility building/facility	*
Temporary Buildings incidental to Construction	**

* ~~Minimum~~ **Maximum** parking shall be 1 space per staff plus spaces in number as determined by Approving Authority to serve the visiting/resident public.

** ~~Minimum~~ **Maximum** parking shall be established by Approving Authority upon review and approval of a site plan and/or zoning permit.

*** GFA = Gross Floor Area

**** The reconstruction of existing developed parcels shall have their maximum number of parking spaces be established by the Approving Authority.

SECTION 2. Section 6.3.3 (Modification of Parking Requirement) of the Unified Development Code is hereby amended as follows:

§ 6.3.3 Modification of Parking Requirement

A. Due to Zoning District

The ~~minimum~~ **maximum** parking requirements set forth in § 6.3.2 shall be modified according to the following:

1. In the Downtown/Waterfront, Core subdistrict, no parking lot serving more than 10 parked cars shall hereafter be created, unless reviewed and approved by the Planning Commission. ~~If parking is to be provided on site, in the Downtown/Waterfront Core subdistrict, the minimum off street parking requirements set forth in § 6.3.2 shall be considered the maximum allowed.~~ There shall be no requirement for automobile parking as a condition of any site plan approval.

2. In the Downtown/Waterfront District, outside of the Core subdistrict, no off-street parking shall be required as a condition of any site plan approval, **pending submission of supporting documentation (See Section 4.4.5).**
3. On lots used for single-family detached residences, in the NC districts and in the Residential, Downtown/Waterfront, and Corridor Mixed-Use districts, no off-street parking shall be required except where the abutting street is determined by the Zoning Official to be too narrow to accommodate the parking requirements of the residence.
4. In every other zoning district, the ~~minimum~~ **maximum** parking requirements of § 6.3.2 shall be adhered to, except that under no circumstance may the numerical standards be exceeded by more than ~~±0~~ **20** percent. **If additional on-site parking is requested, the application shall demonstrate that the impacts of the additional parking spaces are mitigated by the use of porous pavers, additional landscape material and/or environmentally sensitive stormwater practices.**

B. Due to Site Conditions

Should the configuration of the lot, the placement of existing conforming structures, or a change of use to a conforming and more intensive use, preclude strict adherence to § 6.3.2, the Planning Commission, in relation to a Category 1 site plan, or the Zoning Official in relation to a Category 2 site plan, may ~~modify~~ **reduce** the parking requirements provided ~~there are findings of facts that:~~

1. Adequate public off-street parking is available within reasonable walking distance; or
2. On-street parking is available and adequate and that the parking required by the contemplated use will not materially impede the flow of traffic or preempt existing residential parking; or
3. A written agreement is established and made part of any site plan approval, allowing parking required by the use of an adequate off-street parking lot within a reasonable walking distance.

C. Due to Joint Use of Parking

Where joint use of parking by one or more uses is possible, the Planning Commission, in relation to a Category 1 site plan, or the Zoning Official in relation to a Category 2 site plan, may modify the parking requirements provided there are findings of facts that:

1. Joint use of parking spaces will not reduce the availability of parking spaces below the ~~minimum~~ **maximum** required number of spaces required by each use during its peak demand.
2. A written agreement is established and made part of any site plan approval providing for the joint use of spaces.

~~D. Due to Lack of Demand~~

~~Should the applicant demonstrate and the Planning Commission, in relation to a Category 1 site plan, or the Zoning Official in relation to a Category 2 site plan, find that a sizeable share of site-related traffic would access the site by bicycle and/or walking, then minimum parking requirements may be reduced.~~

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

SECTION 4. In this Ordinance, unless a section of the UDC is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. 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

David J. Deutsch, Acting City Manager By: _____
Andrew Bradshaw, Mayor

Introduced the 13th day of September, 2021
Passed the ___ day of ___, 2021
Effective the ___ day of ___, 2021