

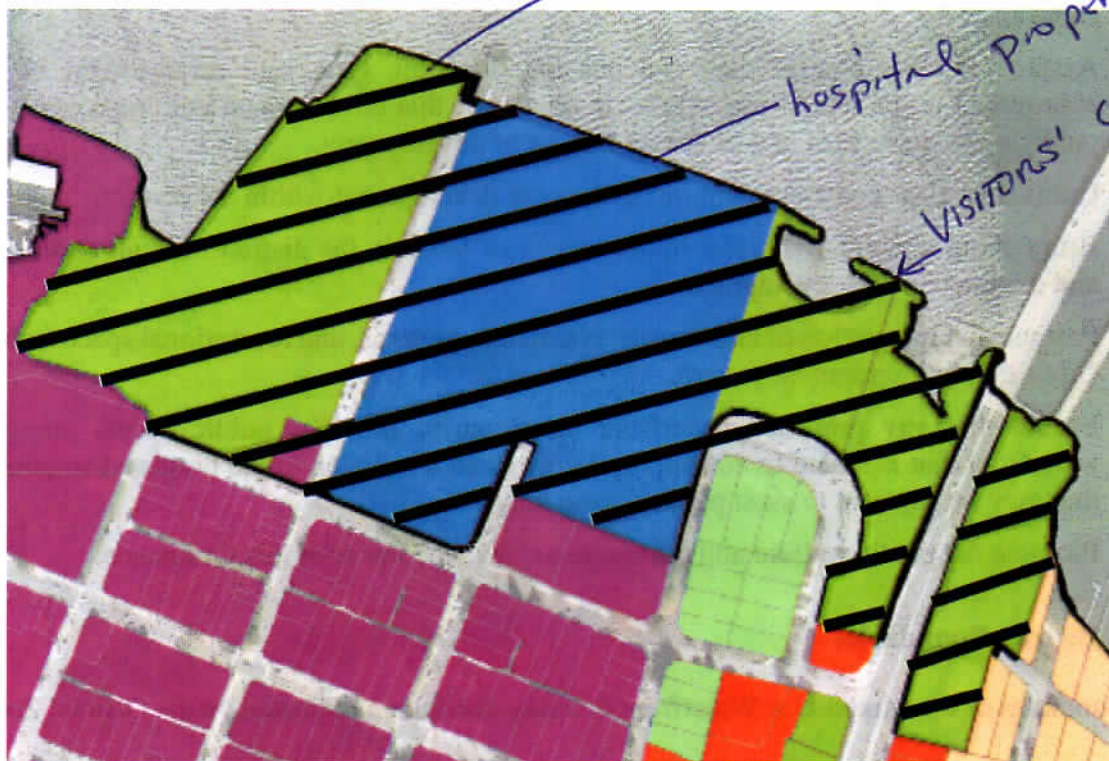
## Council Agenda Report

**Date:** October 9, 2018  
**Submitted by:** Odie Wheeler, Director of Public Works  
**Prepared by:** Pat Escher, Division manager, City Planner

**Subject:** An Ordinance of the Commissioners of Cambridge, Maryland amending § 4.3 of the city's Unified Development Code ("UDC") for clarity and consistency regarding the Mixed-Use Waterfront Overlay District; amending § 4.3.5 regarding prohibited uses in the Mixed-Use Waterfront Overlay District; and enacting a new § 4.3.8 providing for a Neighborhood Conservation 3 Overlay District; providing that the title of this Ordinance shall be deemed a fair summary and generally relating to overlay districts in the City of Cambridge.

**Recommendation:** That Council

- A. Introduce Ordinance No. 1136 by reading of title only; and
  - B. Schedule October 22, 2018 for second reading, public hearing and adoption of Ordinance No. 1136.
- I. **DISCUSSION:** The proposed Text Amendments to Section 4.3 are twofold. The first proposed amendment would refine the language currently existing in this section to provide for a more flexible design for the waterfront and the Sailwinds project. The second amendment would allow the repurposing of the historic school property on Mill Street. This report will address each item separately.



## Mixed Use Waterfront Overlay Zone

In anticipation of the redevelopment of the waterfront properties located along Byrn Street, the Planning Commission reviewed the current language in the Waterfront Overlay District. The current language refers to using the Commercial Mixed Use (CMU) standards to redevelop the properties. While some of the CMU's land uses are appropriate, the standard Euclidian setbacks and uniform building heights would limit the design of the redevelopment. However, the UDC's Form Based Code Standard's in Section 4.4.5 would allow for more flexibility and better design. During the review process, the Planning Commission can determine which the sub-districts standards that are most suitable for the different areas of the proposed development.

### § 4.3 ~~Mixed Use Waterfront~~ Overlay Districts

#### § 4.3.1 Mixed Use Waterfront Overlay District - Purpose

The Mixed-Use Waterfront Overlay district is established to:

- A. Allow the development and improvement of waterfront parcels within the City that are of substantial citywide significance.
- B. Encourage flexibility in the land uses permitted ~~in the underlying district~~, and to require that where residential development is proposed that a substantial mix of non-residential uses also and concurrently be provided as the principal element of the development plan.
- C. Protect and enhance the underlying natural and recreational resource value of the land and open spaces and to create and guarantee the improvement of public spaces of citywide significance.
- D. Assure effective control over the phasing, location, type, and arrangement of uses appropriate to the mixed-use overlay district such that development and improvement of public open space(s) is part of the first phase of development.
- E. Cultivate a clear and consistent image for new development within the district.
- F. Bring about a general physical improvement of lands in the district through coordinated and comprehensive development.
- G. Promote the integration of new streets, circulation patterns, and recreational spaces into the City's existing settlement pattern.
- H. Ensure that any proposed waterfront development provides public access along the waterfront that is scaled to and appropriately sized in relation to the proposed structure(s) that may lie adjacent to such public access ways.
- I. Promote the public welfare and otherwise achieve the intent of this Ordinance.

#### § 4.3.2 District Boundaries

The boundaries of the Mixed-Use Waterfront Overlay district are indicated on the Official Zoning Map.

- B. All uses permitted by special exception in the underlying district, and in the CMU district, shall be permitted by special exception in a Mixed-Use Waterfront Overlay ~~d~~District project, except as qualified in subsection E below.
- C. No building or use shall occupy a location other than indicated on the approved Development Plan.
- D. All changes in land use and use locations, or other material changes, shall require amendments to the Development Plan and the approval by the Planning Commission of such amendments as noted in § 4.3.7.
- E. The following uses shall be ~~prohibited by right or special exception~~ in a Mixed-Use Waterfront Overlay district: Services for animals or vehicles, drive-thru, institutional - excepting museums, industrial, internment, convenience, large scale medical or manufacturing, or power generating uses. ~~Convenience Store, Animal Hospital, Veterinarian Clinic, Kennel or Cattery, Funeral Parlor, Filling Stations or Service Stations, Automotive Repair and Service, and Cemeteries.~~

Needs  
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#### § 4.3.6 Dimensional Requirements

- A. The dimensional and density and yard and bulk requirements applicable to the CMU district six Downtown Waterfront Development District Sub-Districts (§4.4.5) as determined by the Planning Commission given the similarities of the proposed development to those sub-districts and any adopted guidelines shall govern development in a Mixed-Use Waterfront Overlay project except, where deviations are authorized or required by the Planning Commission ~~within the limitations set forth herein.~~
- ~~B. The Planning Commission may authorize and/or require deviation from the regulations of the CMU district relating to the following: lot area, lot width, lot depth, minimum yard requirements, and building and impervious surface coverage upon establishing findings that such deviations will help achieve the purposes of this section.~~

#### § 4.3.7 Procedures for Approval of Development Plan

- A. In reviewing the application, the Planning Commission shall consider the purposes of the Mixed-Use Waterfront Overlay ~~d~~District with a view toward achieving the maximum public benefit of development particularly as it relates to physical and visual access of the public to and along the waterfront. To this end the Commission shall consider the mix of land use activities, the location of buildings, parking areas, and other features with respect to the topography, views of and to the water, the efficiency, adequacy, and safety of the proposed layout of internal streets, sidewalks, bikeways; the adequacy and location of the publicly accessible open areas provided; the location and screening of parking lots, dumpsters, above grade utilities, loading areas; the consistency in building patterns, architectural styles, and signage; the compatibility of the project with the City as a whole, the relationships between and compatibility among the different uses proposed and the means shown for buffering any incompatible uses from each other; the adequacy of documents concerning the ownership and maintenance of the common areas and open

- space lands; and such other matters as the Planning Commission may find have a material bearing upon the stated purposes of the Mixed-Use Waterfront Overlay District.
- B. If the Planning Commission finds that a proposed Development Plan meets the purposes and standards of these regulations, it shall approve the Development Plan. If the Planning Commission finds the Plan fails to meet the purposes and standards of these regulations it shall deny the Plan.
- C. After the Planning Commission has approved a Development Plan, application may be made for the approval of a subdivision plan for all or part of the area included in the Development Plan, subject to the requirements of City subdivision regulations set forth in this Ordinance, and/or application may be made for the approval of a Site Plan; also subject to the requirements of the Ordinance.
- D. Any departure from the proposed Development Plan without approval by the Planning Commission shall be cause for revocation of the approved Mixed-Use Waterfront District development application and any permits approved. Any material change proposed to an approved Development Plan shall be submitted for approval in accordance with this section. At minimum, material change shall include change in the following:
1. The proposed use of any portion of the land, including open space.
  2. The configuration or layout of any public open spaces, access ways, and/or acreage along or adjacent to the water.
  3. Residential density and use types (reductions in density of up to 10% shall not be considered material).
  4. Overall tract density types (reductions in density of up to 10% shall not be considered material).
  5. Street or sidewalk layout and entrance locations (minor alignment changes shall not be considered material).
  6. The use of buffering, screening, landscaping, and other means of separating different and incompatible land uses from each other (minor changes necessitated by detailed engineering considerations in site design shall not be considered material).
  7. Overall architectural style and building patterns, and the layout of buildings on lots (minor changes necessitated by detailed engineering considerations in site design shall not be considered material).

Second proposed Text Amendment for Section 4.3 is to create an overlay zone within the N-3 Zoning District. From 2007 to 2010, the Planning Commission reviewed and eventually approved a development for a multi-family residential development on the property located at 201 Mill Street. The old historic school located on site and the previously approved proposal was to convert the school to 8-unit multi-family residence and construct another 15 residential units, for a total of 23 units. The project was approved by City Council with the provision that they complete the requirements of the City's 2003 Zoning Ordinance for a PUD Zoning District. Unfortunately, the final steps were not completed and in the interim, the City adopted the Unified Development Code.

### **§ 4.3.3 Application and Administration**

- A. In a Mixed-Use **Waterfront** Overlay ~~d~~District, the owner or owners of property may file application, on a form provided by the Zoning Official, for designation as a Mixed-Use Waterfront Project, which is necessary to permit the development of uses not permitted by right or special exception in the underlying district.
- B. The application shall include a Development Plan as described in § 4.3.4.
- C. The Planning Commission must grant approval of the application, complete with the Development Plan, before any development is permitted under the terms of this Section.
- D. Upon approval of Development Plan, the owner shall follow the procedures set forth in Article 3 of this Ordinance for the review and approval of a subdivision plat and/or a Category 1 site plan ~~except that the owner may request, and the Planning Commission may grant a waiver of the concept plan stage.~~

### **§ 4.3.4 Development Plan**

- 1. Existing topography and existing significant natural features.

## **§ 4.4.5 Development Standards**

### **A. Application of Height Requirements Along the Edges of Districts**

When a lot in the General subdistrict is adjacent to and has contiguous frontage on a street with a lot in the Neighborhood subdistrict or the NC-3 or NC-4 Districts, the maximum height of a building or structure on the lot in the General subdistrict shall not exceed three (3) stories and 36 feet, except in the following situations:

1. When such building or structure is to be located at least 70 feet from the property line of the lot in the more restrictive district.
2. When the lot in the more restrictive district is in same ownership as the lot in the General district, is prevented from being developed through an appropriate recorded deed restriction and the new building will be at least 50 feet from any other lot in the more restrictive district.
3. When an existing building in the more restrictive district has a height of 35 feet or more.

### **B. Allowed Increase in Maximum Building Height**

1. Purpose and Applicability: to promote greater flexibility with respect to achieving higher residential density in the General subdistrict of the Downtown Waterfront/Development District, promote a high quality of urban design and increased open space, and assure control of the location, type and arrangement of high-density residential, commercial, and mixed-use development.
2. Upon making each of the findings set forth in Subsection 3 below, the Planning Commission may approve a building height up to but not greater than 70 feet in the General subdistrict, notwithstanding the restrictions set forth in § 4.3.5 of this Ordinance.
3. Required Findings
  - a. The minimum development tract is 3 acres in size.
  - b. While they may be taller, proposed buildings relate harmoniously to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed buildings.
  - c. Building placement, color, size, light and landscaping are used to achieve compatibility with the local architectural motif and to the extent possible, to maintain vistas of the Choptank River, Cambridge Creek, landmarks, parks and landscaping.
  - d. Strong provision for walking and bicycling connections are made within and without the project as evidenced by the layout, design and surface treatments of streets, sidewalks, bike paths and the provision of amenities such as benches, street trees, lighting, way-finding signage,

and the connection of internal sidewalks and/or bike paths to existing and proposed walkways or bike paths.

- e. Open space shall be created in the development tract that is accessible and open to public use as evidenced by appropriate deed restrictions, easements, and/or property dedications.
- f. Nothing in this Section shall be deemed to allow uses that are not currently permitted within the underlying district and all provisions otherwise set forth in this chapter shall be met.