

1. Special Regular Session

Documents:

- 01 -- AGENDA FOR 03-05-2018.PDF
- 02 -- ORDINANCE 1114 -- BREWERIES.PDF
- 03 -- ORDINANCE 1115 -- AUCTIONS.PDF

AGENDA

City of Cambridge
City Council Meeting
March 5, 2018
Public Safety Building
8 Washington Street
Cambridge, MD 21613

6:00 pm Mayor to Convene Council in Special Regular Session

Public Comment

Agenda

1. Council to approve or amend agenda as presented.

Ordinances for Second Reading, Public Hearing, and Adoption

2. SUBJECT: Ordinance No. 1114 -- An Ordinance of The Commissioners of Cambridge, Maryland, To Amend Table 1: Permitted Uses by Zoning District of the City's Unified Development Code to Allow Breweries as A Permitted Use in The Industrial Zoning District and To Amend § 9.2 of the UDC To Define Terms Associated Therewith; Providing That The Title of This Ordinance Shall Be Deemed a Fair Summary and Generally Relating To Breweries in the City of Cambridge

Recommendation: That Council:

- A. Give Ordinance No. 1114 a second reading by reading of title only
- B. Open the public hearing, take comment and close the public hearing
- C. Adopt Ordinance 1114.

3. SUBJECT: Ordinance No. 1115 -- An Ordinance of The Commissioners of Cambridge, Maryland, To Amend Table 1: Permitted Uses by Zoning District of The City's Unified Development Code to Allow Auctions as A Special Exception in The Commercial And Industrial Zoning Districts And To Amend § 9.2 of The UDC To Define Terms Associated Therewith; Providing That The Title of This Ordinance Shall Be Deemed A Fair Summary and Generally Relating To Auctions in The City Of Cambridge.

Recommendation: That Council:

- A. Give Ordinance No. 1115 a second reading by reading of title only
- B. Open the public hearing, take comment and close the public hearing
- C. Adopt Ordinance 1115.

Adjourn

City Council meetings are conducted in open session unless otherwise indicated. Pursuant to the Maryland Open Meetings Act, all or a portion of the Council meeting may be held in closed session by vote of the Council. Please note that the order of agenda items is subject to change and that meetings are subject to audio and video recording.

Council Agenda Report

Date: March 5, 2018
Submitted by: Odie Wheeler, Director of Public Works
Prepared by: Pat Escher, City Planner, A.I.C.P.

SUBJECT: Ordinance No. 1114 proposing to amend Table 1: Permitted Uses by Zoning District of the Unified Development Code (the "UDC") to allow breweries as a permitted use in the Industrial Zoning District and to amend § 9.2 of the UDC to define terms.

Recommendation: That Council

- A. Give Ordinance No. 1114 a second reading by reading of title only;
- B. Open the public hearing, take comment and close the public hearing;
- C. Adopt Ordinance 1114.

Discussion: This amendment would allow for the large-scale capacity brewery, Class 5 to be permitted in the Industrial Zoning District. In the City's previous Zoning Code, a brewery was a permitted use in the Industrial 2 Zoning District. The Planning Commission believes it's an appropriate use in this zoning district. The Planning Commission voted unanimously to recommend that Council approved this amendment. This facility is subject to State licensing requirements.

The State legislature is currently discussing amendments to the existing law, with several variations on the table. One proposal would provide breweries more flexibilities with respect to having events, tasting rooms and amount of beer production. Another piece of legislation would further restrict craft beers and then there are proposals that would be a compromise between the two bills. Much of this discussion has been predicated on the potential of Guinness locating a facility in Baltimore.

The owner of RAR brewery, which is affected by this text amendment, has indicated that they are interested in only production and the production operation will work in conjunction with their existing downtown location.

This amendment will require an update to the Permitted Land Use Table #1 and Section 9.2 of the Unified Development Code.

Fiscal Impact: This amendment will allow for an existing business to expand in an area of the City where it is appropriate.

Approved by: Sandra Tripp-Jones, City Manager 

ORDINANCE NO. 1114

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND TABLE 1: PERMITTED USES BY ZONING DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW BREWERIES AS A PERMITTED USE IN THE INDUSTRIAL ZONING DISTRICT AND TO AMEND § 9.2 OF THE UDC TO DEFINE TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO BREWERIES 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 (the "Commissioners") 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, following a public hearing held on December 5, 2018, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners approve a text amendment amending Table 1: Permitted Uses by Zoning District of the UDC to allow breweries as a permitted use in the Industrial Zoning District and to amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, on March 5, 2018, the Commissioners held a public hearing regarding the text amendment recommended by the Planning Commission, notice of which was published on February 18, 2018 and February 26, 2018 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 March 5, 2018 public hearing, the Commissioners find that it is in the best interest of the City to amend Table 1: Permitted Uses by Zoning District of the UDC to allow breweries as a permitted use in the Industrial Zoning District and to amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, the Commissioners 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 9.2 (Terms and Definitions) is amended as follows:

Boarding House – a single-family dwelling unit where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under two or more separate agreements or leases, either written or oral, for a term of 120 days or less.

Brewery – a building or establishment to make beer, as defined by the Alcoholic Beverages Article of the Maryland Annotated Code, as amended from time to time, with a State classification of a “Class 5 brewery” and for which a Class D license is required in accordance with the Alcoholic Beverages Article of the Maryland Annotate Code, as amended from time to time.

Building – any structure having a roof supported by columns or walls for the housing or enclosure of persons or property of any kind.

SECTION 2. Table 1: Permitted Uses by Zoning District is amended to allow breweries as a permitted use in the Industrial Zoning District as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.

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 City Code of Laws 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. 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 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

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

Introduced the 12th day of February, 2018

Passed the 5th day of March, 2018

Effective the 15th day of March, 2018

Council Agenda Report

Agenda Item No. 3

Date: March 5, 2018

Submitted by: Odie Wheeler, Director of Public Works

Prepared by: Pat Escher, City Planner, A.I.C.P.

Date: 03/05/2018

SUBJECT: Ordinance No. 1115 -- An Ordinance of The Commissioners of Cambridge, Maryland, To Amend Table 1: Permitted Uses by Zoning District of The City's Unified Development Code to Allow Auctions as A Special Exception In The Commercial And Industrial Zoning Districts And To Amend § 9.2 of The UDC To Define Terms Associated Therewith; Providing That The Title of This Ordinance Shall Be Deemed A Fair Summary and Generally Relating To Auctions in The City Of Cambridge.

Recommendation: That Council

- A. Give Ordinance No. 1115 a second reading by reading of title only;
- B. Open the public hearing, take comment and close the public hearing;
- C. Adopt Ordinance 1115.

Discussion: The City has been approached by several individuals requesting approval to operate an auction house within the City limits. The first request was to allow an auction house in the Industrial Zoning District. The Commission discussed the matter at their December 5, 2017 hearing and expressed concerns about the fact a large-scale auction could take place in the existing large format buildings within the Industrial Zoning District. The parking requirements within the Industrial Zoning District has low parking ratio given the nature of its uses and there is potential for over flow parking to impact the surrounding neighborhoods. Additionally, the Commission was concerned about the potential of outside storage/display that is generally associated with this kind of use. The Commission decided not to amend the UDC to allow this use in the Industrial Zoning District.

The City has since been approached by another property owner, Allan McRae and an operator, Shane and Buddy Foxwell, to allow for an auction house in the General Commercial Zoning District and specifically, on the property known as the Metro building. The Commission discussed this matter at their January 2, 2018 hearing and the Commissioners felt that this use, in the commercial zoning district, would be appropriate as it aligns more with retail sales and this zoning district has higher parking requirements. The Commission still had concerns about vehicle sales, parking and outside storage. The Commission directed staff to draft language that would address their concerns and hold a special meeting to address this use within the Commercial General Zoning District to try to expedite the Text Amendment process.

The special meeting was held on January 10th, and during that meeting the Commission, after reviewing the proposed language, directed staff to include the Auction use in the Industrial Zone as limitations imposed by the definitions and the addition of parking requirements alleviated their concerns that they raised at their December hearing. Staff recommended as to ensure compatibility and provide additional enforcement capability in the case of violations to make the use a special exception. The Planning Commission concurred and voted unanimously to recommend that Council approved the amendment.

This amendment went to the Council Ordinance Committee suggested clarifications to the definitions to distinguish commercial auctions from the occasional special event auction and to add a parking requirement.

The ordinance was introduced at the February 12th hearing.

The Planning Commission recommended that this type of use be a Special Exception in both the General Commercial and Industrial Zoning Districts. A Special Exception gives the City stronger enforcement capabilities and it ensures that the proposed use is located in an appropriate location. Below are some excerpts from the Unified Development Code that are directly related to an Auction House use.

§ 2.2.7 Special Exceptions

A. Purpose and Intent

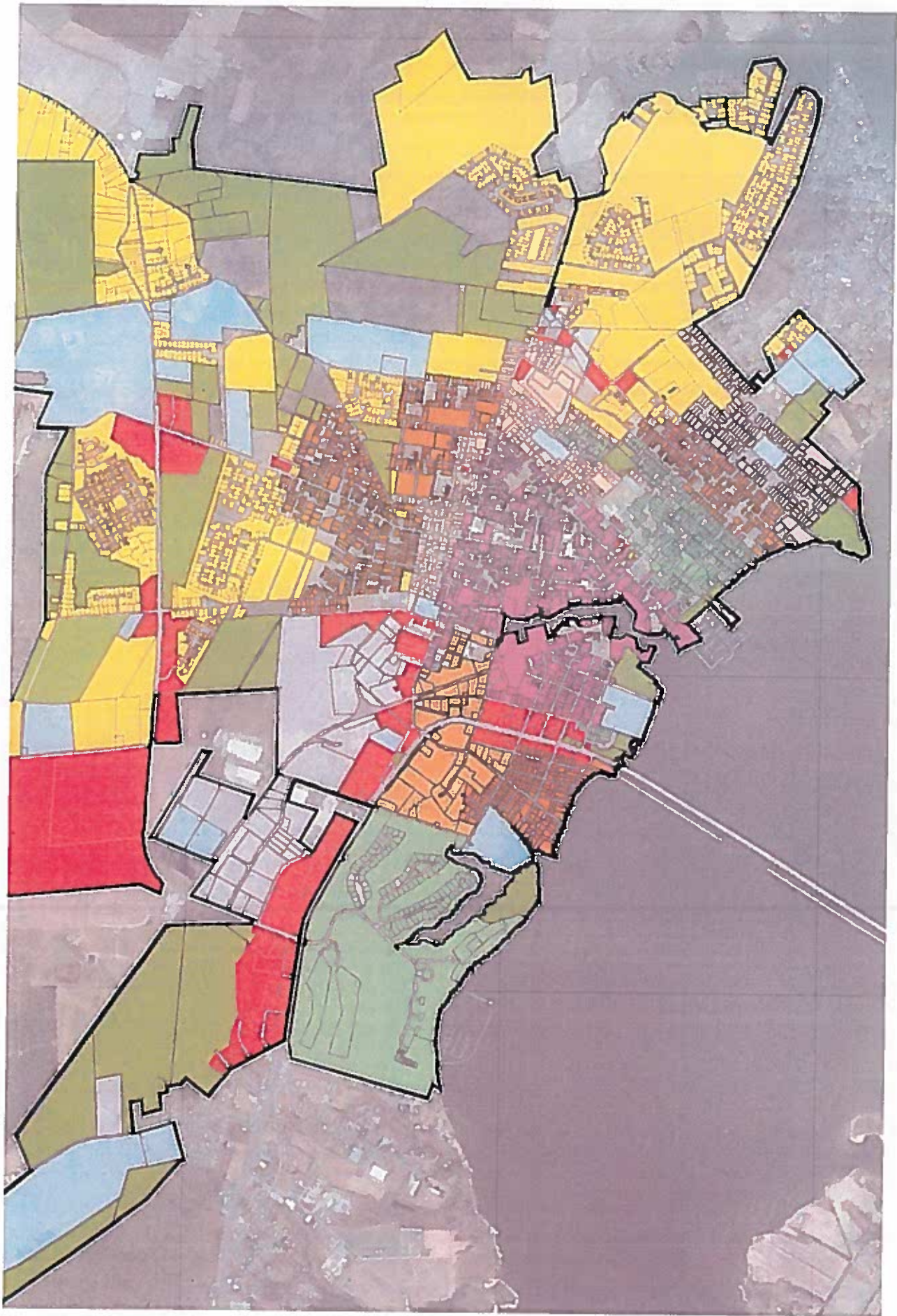
There are certain uses which by their nature or design can have an undue impact upon or be incompatible with other uses of land in the same zoning district. These uses may be allowed to locate within given designated zoning districts under the controls, limitations and regulations of a special exception.

B. Standards (*italics show emphasis*)

1. The establishment, maintenance and operation of the special exception at its proposed location will not be *detrimental* to or endanger the public health, safety, or general welfare.
2. The special exception 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.

When adding a use to a zoning district, we need to consider the entire district and not just a singular location. Below is a copy of the City's zoning map and it shows that the General Commercial and Industrial Zoning Districts. For the purpose of this report, staff will concentrate the discussion primarily to the General Commercial Zoning District as the Industrial Zoning District (areas in gray) is mostly concentrated in a specific area and not scattered throughout the City. The Industrial Zone, does allow for large scale sales such building materials, farm equipment/grain sales and heavy equipment and is not exclusive to manufacturing.

As demonstrated by the map, the General Commercial (areas in red) are scattered throughout the City. So, while there maybe areas where an Auction House is appropriate, there are areas where the Auction House may need additional research and conditions to ensure compatibility and there are clearly areas where this use is not appropriate. If the Auction House were a "permitted use", the City would have to permit it without an additional review. This is particularly true if the use were to go into an existing structure and not trigger a Planning Commission review, as is the case with the Metro Building.





These properties along Locust Street are zoned General Commercial. Parking would be an issue in our already congested downtown.



The property where the radio station is zoned General Commercial, located in a very residential neighborhood away from primary thoroughfares, and would impact the neighborhood with traffic/parking and is in an area of the City with no sidewalks.



Dorchester Avenue - the left side of Dorchester Avenue is zoned General Commercial; the right side of Dorchester Avenue is zoned with two residential zoning designations in the Downtown Waterfront Development District. There are existing commercial structures and no sidewalks.



Corner of Robbins Street and Phillips Street



Corner of Robbins Street and Hubbard Street

Two commercial zoned properties in a primarily residential neighborhood.



Metro Building

This property has excellent access along Rte. 50, ample parking and is an appropriate location for an Auction House.

The applicant believes that this use is the same as a retail use, but there are differences that make it more unique than a standard retail operation.

- It is open one day a week and therefore attracts a larger number of customers within condensed time frame rather than a retail operation that is open 6 or 7 days a week
- Unique sales such as:

- Automotive sales and sale of larger items such as boats can occur;
- Sale of real property or land; and
- Display their wares outside at a much large scale than a retail store with some outside display items.
- This is more an event space than a general retail space. This has been reaffirmed by testimony given at both the Council the Planning Commission hearings.
- Other jurisdictions require a Special Exception or have imposed limits on their auction operations.
 - Denton either Special Exception or Permitted Use with Conditions
 - General Commercial – Special Exception
 - Regional Highway District – Permitted Use with Conditions
 - Auction is not classified and retail or commercial, but in an Unclassified/Miscellaneous Uses
 - Salisbury – Permitted Use but limited to 4 days per calendar month and hours of operation 10 am to midnight
 - Easton Auction House –
 - Special Exception two commercial zones – one retail, wholesale storage and contracting services, the other light industrial
 - All activity contained wholly inside the building

Fiscal Impact: The approval of the new use may bring additional business into the City.

Approved by: Sandra Tripp-Jones, City Manager 

ORDINANCE NO. 1115

AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND, TO AMEND TABLE 1: PERMITTED USES BY ZONING DISTRICT OF THE CITY'S UNIFIED DEVELOPMENT CODE TO ALLOW AUCTIONS AS A SPECIAL EXCEPTION IN THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, AMEND § 6.3, TABLE 6A OF THE UDC TO PROVIDE PARKING REQUIREMENTS THEREFOR, AND AMEND § 9.2 OF THE UDC TO DEFINE TERMS ASSOCIATED THEREWITH; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO AUCTIONS 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 (the "Commissioners") 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 § 3-27(5) of the Charter of the City of Cambridge, the Commissioners are authorized and empowered to pass ordinances to regulate the sale of all kinds of property at auction within the City and to license auctioneers; and

WHEREAS, following a public hearing held on January 10, 2018, the City of Cambridge Planning Commission (the "Planning Commission") unanimously recommended that the Commissioners approve a text amendment amending Table 1: Permitted Uses by Zoning District of the UDC to allow auctions as a special exception in the Commercial and Industrial Zoning Districts, amend § 6.3, Table 6A of the UDC to provide parking requirements therefor, and amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, on March 5, 2018, the Commissioners held a public hearing regarding the text amendment recommended by the Planning Commission, notice of which was published on February 18, 2018 and February 26, 2018 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 March 5, 2018 public hearing, the Commissioners find that it is in the best interest of the City to amend Table 1: Permitted Uses by Zoning District of the UDC to allow auctions as a special exception in the Commercial and Industrial Zoning Districts, amend § 6.3, Table 6A of the UDC to provide parking requirements therefor, and amend § 9.2 of the UDC to define terms associated therewith; and

WHEREAS, the Commissioners 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 9.2 (Terms and Definitions) is amended as follows:

Artisan Shop – a retail store selling art, glass ceramics, jewelry, paintings, sculpture and other similar handcrafted items that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items sold.

Auction – a publicly held sale, wholly contained within a building with no outside storage in visually prominent locations, at which general merchandise or goods, excluding vehicles, are sold to the highest bidder.

Auction House – a commercial company that conducts auctions by accepting bids and declaring goods sold and that is licensed by the City of Cambridge.

Auctioneer – an individual who conducts auctions by accepting bids and declaring goods sold and who is licensed by the City of Cambridge.

Automobile Filling Station – any building, structure or area of land used for the retail sale of automobile fuels, oils, power, and accessories and where repair service, if any, is incidental.

SECTION 2. Section 6.3 (Parking and Loading), Table 6A: Schedule of Minimum Off-Street Parking Requirements by Land Use, is amended as follows:

Use	Minimum Required Parking Spaces
Commercial	
Animal hospital, veterinarian clinic	1.5/exam room
<u>Auction house</u>	<u>1 per 4 seats or, if no seats, 1 per 500 sf GFA</u>
Automotive body shop	1 per service bay plus 1 per staff

SECTION 3. Table 1: Permitted Uses by Zoning District is amended to allow auctions as a special exception in the Commercial and Industrial Zoning Districts as shown on Exhibit 1 hereto, which is incorporated by reference as if fully set forth herein.

SECTION 4. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 5. In this Ordinance, unless a section of the City Code of Laws 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. 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 6. 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 that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. 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

Sandra Tripp-Jones, City Manager

By: _____
Victoria Jackson-Stanley, Mayor

**Introduced the 12nd day of February 2018
Passed the 5th day of March, 2018
Effective the 15th day of March, 2018**

20 February 2018

Mayor Victoria Stanley and Cambridge City Council Members
Cambridge City Planning Commission Members
Cambridge City Ordinance Committee Members

Madam Mayor, Council, Commission and Committee Members:

I was unable to attend the last Council meeting in regards to the discussion of Ordinance 1115 and Foxwell Auctions being located in the old Metro Building at the Dorchester Square Mall. I am only one person but I am sure that this letter resonates the opinions and comments of many people. Though the City and County Council's, are to be acknowledged for their involvement in generating new businesses to the area such as restaurants to downtown, Cambridge Marketplace, the revitalization and preservation of the old packing district into Cannery Park and the Dorchester Regional Technology Park; none of which are businesses that will employ large numbers of residents which is vitally needed in this county. With this being said most residents in the area are in the low to mid-income range, many of which have to be creative in order to make ends meet.

Foxwell Auctions has been in a number of locations over the past 27 years, on Ocean Gateway, Bucktown Road, Moose Lodge Road and now Dorchester Square Mall. If I recall correctly, there have been no substantial complaints in the past from the adjoining neighbors or through traffic of these locations.

This current auction location has the ability to house all items inside the building except for extremely large items, e.g. cars, campers, etc. which are stored behind the building and cannot be seen from the road or from the front of the building. There is ample customer parking and does not interfere with the businesses at Dorchester Square Mall. Patrons from the auction do frequent the other businesses in the Square.

The owners of Foxwell Auctions support this community in many ways, some we are aware of and those that happen behind the scenes. Buddy volunteers his time to M.C. or auctioneering for fundraising events, e.g. National Outdoor Show, fire companies, etc. Foxwell Auctions permit the American Cancer Society Relay for Life teams to bring items to the auction to raise monies before the Relay is held in May of each year at the Cambridge South Dorchester High School. They take their time, at their auction, to sell many different kinds of items with all the proceeds going to the American Cancer Society with no buyer's or seller's fees collected.

There is no kitchen in the Metro Building, but Foxwell Auctions has permitted a non-profit organization to set up a snack bar that is manned by their volunteers and the proceeds go to support their organization.

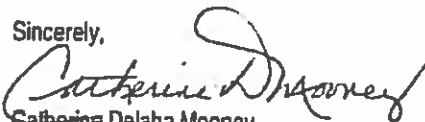
There is an old idiom, "One man's trash is another man's treasure," that is fulfilled at Foxwell Auction. This business helps this community in so many ways.

- someone starting housekeeping or recovering from a tragedy
- repurpose articles - buy, redesign and sell
- some items being purchased can be for personal use income or in a business
- recycle - for income and indisputably reduces the amount being taken to the landfill, mainly metals which take an extremely long time to decompose
- all types of materials being thrown away, which are ultimately taken to the landfill filling it up quickly or the materials getting tossed on the side of our roads causing pollution and littering
- collectors include those of old memorabilia, antiques, coins, photographs, books, housewares, etc.
- the maintaining of our City, County and State history
- teaching younger generations about the areas identified above, which molds young entrepreneurs

This abandoned building has been repurposed to provide a service to many people, businesses and organizations in the community. You are requested to revisit this ordinance and make the changes necessary in order to **SUPPORT** this family and their business who give so much to so many, instead of placing barriers and hurdles in their path.

Thank you for your time and genuine attention to this matter.

Sincerely,



Catherine Delaha Mooney
3629 Linkwood Drive, Cambridge, Maryland 21613

cc: President and Dorchester County Council Members
C.W. "Buddy" and Shane Foxwell (Foxwell Auctions)