

ORDINANCE NO. 3828

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND THE USE REGULATIONS TABLE IN SECTION 6.02 OF THE CITY OF CUMBERLAND ZONING ORDINANCE FOR THE PURPOSE OF ALLOWING GENERAL RESTAURANTS AND FAST FOOD RESTAURANTS WITHOUT DRIVE-THRU SERVICE AS PERMITTED USES IN THE RESIDENTIAL-OFFICE (R-O) ZONING DISTRICT AND ALLOWING FAST FOOD RESTAURANTS WITH DRIVE-THRU SERVICE AS CONDITIONAL USES IN SAID ZONING DISTRICT."

WHEREAS, Title 4, Subtitle 2 of the Land Use Article of the Annotated Code of Maryland grants the Mayor and City Council the power to enact a zoning ordinance, to amend it from time to time, and to provide for its administration and enforcement.

WHEREAS, the Mayor and City Council deem it necessary to amend the City of Cumberland Zoning Ordinance from time to time for the purpose of promoting the health, safety, morals, and/or general welfare of the City.

WHEREAS, in reviewing the use regulations applicable to the Residential-Office (R-O) Zoning District, City staff observed that restaurants are not permitted;

WHEREAS, Section 5.01.05 of the Zoning Ordinance provides that the purpose of the R-O District "is to provide areas appropriate for the harmonious mixing of residential and non-residential uses, and to provide for higher density residential development in a variety of housing types."

WHEREAS, staff proposed allowing restaurant uses in this district as they are appropriate uses in higher density residential areas which conveniently serve the needs of persons residing therein and are consistent with the other uses permitted therein;

WHEREAS, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of this ordinance on the 16th day of October, 2017, and determined that it should recommend that the Mayor and City Council pass an ordinance adopting the amendments to the City of Cumberland Zoning Ordinance which were proposed by staff.

WHEREAS, notice of the time and place of the hearing was published in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on October 5, 2017 and October 12, 2017), the

JAN - 2 2018

first such notice having been published at least 14 days prior to the hearing, as required by Section 15.04.02 of the Zoning Ordinance.

WHEREAS, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on December 5, 2017, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on November 20, 2017 and November 27, 2017), the first such notice having been published at least 14 days prior to the hearing, as required by Section 4-203(b) of the Land Use Article of the Annotated Code of Maryland.

WHEREAS, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the proposed amendments to the Zoning Ordinance.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Use Regulations Table set forth in Section 6.02 of the City of Cumberland Zoning Ordinance is hereby amended as follows¹:

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
	USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C

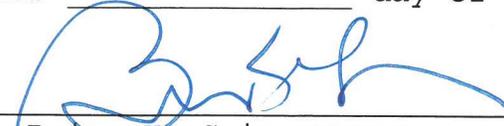
. . . .

Restaurants, Bars, Nightclubs											
Restaurants, general				P	P	P	P	P	P	P	P
Restaurants, fast food, with drive-thru service				C	C	P	C	P	P	P	P
Restaurants, fast-food, w/o drive-thru service				P	P	P	P	P	P	P	P

¹ Bold print text denotes language added to the Zoning Ordinance. All changes are highlighted.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 2nd day of January, 2018.



Brian K. Grim, Mayor

ATTEST:


Marjorie A. Woodring, City Clerk

1st reading: December 19, 2017
2nd reading: January 2, 2018
3rd reading: January 2, 2018
Passed 5-0