

ORDINANCE NO. 3690

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND SECTIONS 5.01, 5.01.12 AND 6.01 OF THE CITY OF CUMBERLAND ZONING ORDINANCE (ORDINANCE NO. 3607, PASSED MARCH 18, 2008) AND TO FURTHER AMEND THE SAID CITY OF CUMBERLAND ZONING ORDINANCE THROUGH THE ADOPTION OF NEW SECTIONS 5.01.14 AND 6.17 FOR THE PURPOSE OF IMPLEMENTING REGULATIONS PURSUANT TO THE AMENDMENT TO THE OCTOBER 26, 2010 AMENDMENT TO THE 2004 CITY OF CUMBERLAND COMPREHENSIVE PLAN RELATIVE TO THE COMPREHENSIVE REDEVELOPMENT AND ADAPTIVE REUSE OF LARGE ABANDONED SITES, WHICH REGULATIONS ESTABLISH AN ADAPTIVE REUSE FLOATING ZONE AND STANDARDS AND RULES RELATIVE THERETO, FOR THE PURPOSE OF RENUMBERING THE SECOND SECTION 5.01.12 OF THE ZONING ORDINANCE, AND FOR THE PURPOSE OF CORRECTING AN OMISSION FROM SECTION 6.01 OF THE ZONING ORDINANCE."

WHEREAS, ARTICLE 66B of the Annotated Code of Maryland empowers municipalities with the authority to enact and amend zoning ordinances and to provide for their administration and enforcement;

WHEREAS, in accordance with the foregoing, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City of Cumberland to occasionally amend its Zoning Ordinance, as local needs and changes in State or Federal laws may warrant;

WHEREAS, on October 26, 2010, the Mayor and City Council adopted an amendment to the 2004 City of Cumberland Comprehensive Plan titled "Comprehensive Reuse of Large Abandoned Sites";

WHEREAS, the said Comprehensive Plan Amendment was enacted due to the closure of the Memorial Hospital and Sacred Heart Hospital campuses of the Western Maryland Health System following the opening of the new hospital on Willowbrook Road and the need to address the post-closing use of the campus sites, which sites include large buildings and significant amounts of land;

WHEREAS, the said Comprehensive Plan Amendment included the following recommendation relative to the adoption of an amendment to the text of the City's Zoning Ordinance:

Design and adopt a new Comprehensive Redevelopment and Adaptive Reuse Floating Zone to provide standards and guidance for the revitalization and adaptive reuse of

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large properties (2 or more acres in size) that contain one or more principal use structures in excess of 50,000 square feet in gross floor area (either individually or combined) and would require a mix of land uses for successful redevelopment.

WHEREAS, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on February 14, 2011, and determined that it should recommend the amendments to the City of Cumberland Zoning Ordinance which are the subject of this Ordinance, said recommendation being set forth in its final report which has been submitted to the Mayor and City Council;

WHEREAS, the recommendation of the City of Cumberland Municipal Planning and Zoning Commission was predicated upon the need to implement regulations to effect the purposes of the aforesaid Comprehensive Plan Amendment and to facilitate the successful redevelopment of large and complex abandoned development sites such as the former Memorial Hospital and Sacred Heart Hospital campuses of the Western Maryland Health System;

WHEREAS, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on the 12th day of April, 2011, 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 (2) successive weeks, with the first such notice having been published on March 29, 2011, said notice being published at least fourteen (14) days before the hearing as required by Section 4.04(b) of Article 66B of the Annotated Code of Maryland and Section 15.04.02 of the Zoning Ordinance;

WHEREAS, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council determined that the proposed text amendments to the Zoning Ordinance would promote the general welfare of the City of Cumberland by facilitating the redevelopment of the former hospital campuses and other similarly situated sites which may presently or in the future need to be redeveloped; and

WHEREAS, in considering this Ordinance, the Mayor and City Council noted that the "housekeeping" issues of renumbering the second Section 5.01.12 of the Zoning Ordinance an including the mistakenly omitted reference to group development regulations in

Section 6.01 should be addressed as an incident to the passage of this Ordinance.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 5.01 of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3607, passed on March 18, 2008, is hereby amended as follows¹:

5.01 ESTABLISHMENT OF ZONING DISTRICTS

- (1) Zoning districts are established to provide appropriate locations for different types of land uses. The appropriate location for a particular land use is determined by environmental suitability, the location of public facilities and services, land productivity, existing land uses in the vicinity and recommended guidelines in the Comprehensive Plan. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes, and to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the side of yards and other open spaces and the density of population. For the purposes of this Ordinance, the City is divided into the following districts (including the RR Floating Zone District, which is hereby established prior to being applied to any specific property within the City - see definition of Floating Zone/District in Section 2.03):

Conservation

C Conservation

Residential

R-E Estate Residential
R-S Suburban Residential
R-U Urban Residential
R-O Residential Office

Business/Commercial

B-L Local Business
B-H Highway Business
B-CBD Central Business District

Industrial/Employment

B-C Business Commercial
I-G Industrial-General

¹ New language to be added to the text of the Zoning Ordinance is depicted in **BOLD-FACED CAPITAL LETTERS** and language to be stricken from the text is depicted in ~~strikethrough font~~.

Mixed Use

G-C Gateway-Commercial District

G-I Gateway-Industrial District

Floating Zones

RR Rehabilitation and Redevelopment Floating Zone

AR **ADAPTIVE REUSE FLOATING ZONE**

- (2) Within these districts, no lot, structure, or accessory structure shall be used, in whole or in part, unless they comply with the requirements of Section 6 (Zoning District Regulations) and other applicable parts of this Ordinance.

SECTION 2: AND BE IT FURTHER ORDAINED, that the second Section 5.01.12 of the City of Cumberland Zoning Ordinance titled "Rehabilitation and Redevelopment Floating Zone (RR) is amended by renumbering it as Section 5.01.13.

SECTION 3: AND BE IT FURTHER ORDAINED, that the City of Cumberland Zoning Ordinance is hereby amended by adding the following Section 5.01.14, the text of which shall read as follows:

5.01.14 ADAPTIVE REUSE FLOATING ZONE (AR)

THE PURPOSE OF THIS FLOATING ZONE DISTRICT IS TO GOVERN THE COMPREHENSIVE REDEVELOPMENT AND ADAPTIVE REUSE OF LARGE PROPERTIES (TWO OR MORE ACRES IN SIZE) CONTAINING ONE OR MORE STRUCTURES (ENCOMPASSING 50,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA, EITHER INDIVIDUALLY OR IN COMBINATION), THE PRINCIPAL OR PRIMARY USE OR OPERATION OF WHICH HAS BEEN DISCONTINUED OR ABANDONED AND WHICH WOULD REQUIRE GREATER LAND USE FLEXIBILITY TO REVITALIZE OR REDEVELOP THAN MAY BE ALLOWED BY ALTERNATIVE ZONING CLASSIFICATIONS. SPECIFIC ELIGIBILITY CRITERIA AND PERFORMANCE STANDARDS TO GOVERN THE APPLICATION AND USE OF THIS FLOATING ZONE ARE SPECIFIED IN SECTION 6.17 OF THIS ORDINANCE. THE ADAPTIVE REUSE FLOATING ZONE PROCESS HAS BEEN DESIGNED TO PERMIT COMPREHENSIVE APPROVAL OF REZONING, SUBDIVISION, AND SITE PLAN DEVELOPMENT OF A MAJOR REDEVELOPMENT SITE THROUGH A SINGLE CONSOLIDATED REVIEW AND APPROVAL PROCESS.

SECTION 4: BE IT FURTHER ORDAINED, that Section 6.01 of the City of Cumberland Zoning Ordinance is hereby amended as follows:

6.01 GENERALLY

- (1) Uses permitted within the various zoning districts are listed in a table entitled "Use Regulations" which is Section 6.02 of this Ordinance. Minimum lot area, area per dwelling, minimum lot width, required yards, and maximum height requirements for

permitted building uses or structures in the various districts are listed in a table entitled "Development Regulations" which is Section 6.03 of this Ordinance. Supplemental requirements/regulations that apply to several or all districts are set forth in Sections 6.04 through 6.11 related to the following:

- 6.04 Accessory Uses and Structures
- 6.05 Traffic Visibility across Corners
- 6.06 Home Occupations
- 6.07 Multi-Family and Single-Family Attached Housing Standards
- 6.08 General Performance Standards and Environmental Preservation
- 6.09 Steep Slope Development Standards
- 6.10 Development within Floodplains, Streams, and Buffer Areas
- 6.11 Preservation of Habitat of Threatened and Endangered Species

Supplemental requirements that apply to specific districts are set forth in Sections 6.12 through 6.15 6.17 related to the following:

- 6.12 Conservation District (Prohibited/Permitted Uses)
- 6.13 Gateway Districts
- 6.14 Rehabilitation and Redevelopment Floating Zone District
- 6.15 Viewshed Protection Overlay District
- 6.16 GROUP DEVELOPMENT**
- 6.17 ADAPTIVE REUSE FLOATING ZONE DISTRICT**

- (2) In addition to the zoning district regulations in this section, all developments must comply with the requirements of Sections 8 (Site Plan Review), 11 (Historic Area Regulations), 12 (Off-Street Parking and Loading), 13 (Buffer Strips), 14 (Sign Control Provisions), and other parts of the Ordinance, where applicable.

SECTION 5: AND BE IT FURTHER ORDAINED, that the City of Cumberland Zoning Ordinance is hereby amended by adding the following Section 6.17, the text of which shall read as follows:

6.17 ADAPTIVE REUSE FLOATING ZONE DISTRICT

6.17.01 APPLICABILITY

THE ADPATIVE REUSE FLOATING ZONE MAY BE APPLIED IN ANY ZONING DISTRICT BY APPROVAL OF THE MAYOR AND COUNCIL OF THE CITY OF CUMBERLAND TO PROPERTIES THAT SATISFY THE FOLLOWING CRITERIA, AS SUPPORTED BY AND/OR SPECIFICALLY DESIGNATED WITHIN THE COMPREHENSIVE PLAN:

- (1) **THE PROPERTY CONTAINS A GROSS AREA OF NOT LESS THAN TWO (2) ACRES.**

- (2) THE PROPERTY CONTAINS ONE OR MORE ENCLOSED STRUCTURES CONTAINING NOT LESS THAN FIFTY THOUSAND (50,000) SQUARE FEET OF FLOOR AREA EITHER INDIVIDUALLY OR IN COMBINATION. NOT LESS THAN SEVENTY-FIVE (75) PERCENT OF THE PRINCIPAL USE STRUCTURE ON THE PROPERTY MUST BE RETAINED AND INTEGRATED INTO THE PROJECT DESIGN.
- (3) THE PRINCIPAL OR PRIMARY USE OR OCCUPATION OF THE SUBJECT PROPERTY HAS BEEN DISCONTINUED OR ABANDONED.
- (4) THE NATURE OF THE PROPERTY, BUILDING DESIGN, FORMER USE, OR THE POTENTIAL RETURN ON INVESTMENT FOR COMPREHENSIVE REDEVELOPMENT OF THE SITE MAKE IT IMPRACTICAL OR INFEASIBLE FOR SUCCESSFUL REDEVELOPMENT TO OCCUR UNDER A SINGLE PRINCIPAL LAND USE CLASSIFICATION.
- (5) NO PORTION OF THE PROPOSED PROJECT SITE WILL BE CONCURRENTLY ZONED RR - REHABILITATION AND REDEVELOPMENT FLOATING ZONE.

6.17.02 MASTER PLAN SUBMISSION & APPROVAL

- (1) AN APPLICATION FOR A ZONING MAP AMENDMENT TO APPLY THE ADAPTIVE REUSE FLOATING ZONE TO A SPECIFIC PROPERTY SHALL BE ACCOMPANIED BY A COMPREHENSIVE MASTER REDEVELOPMENT PLAN (IN ONE OR MORE DOCUMENTS) DETAILING COMPLIANCE WITH THE PERFORMANCE STANDARDS SPECIFIED IN SECTION 6.17.03 AND CONTAINING THE FOLLOWING INFORMATION, AS MAY BE SPECIFICALLY APPLICABLE TO THE PROPOSED PROJECT:
 - (a) A TITLE PAGE SPECIFYING THE NAME OF THE PROJECT, THE DATE OF THE PLAN, AND THE IDENTITY OF THE DEVELOPMENT COMPANY, DEVELOPER, AND/OR ALL PRINCIPALS OR INVESTORS IN THE PROJECT.
 - (b) A STATEMENT SUMMARIZING THE NATURE OF THE PROPOSED REDEVELOPMENT/REVITALIZATION PROJECT AND ADDRESSING THE PROPOSED PROJECT'S COMPLIANCE WITH EACH OF THE APPLICABILITY CRITERIA LISTED IN SECTION 6.17.01.
 - (c) A DETAILED AND COMPREHENSIVE LISTING OF THE LAND USE CLASSIFICATIONS, AS SPECIFIED IN THE USE REGULATIONS TABLE OF SECTION 6.02 OF THIS

ORDINANCE, THAT ARE PROPOSED TO BE PERMITTED WITHIN THE PROJECT AND A MAP AND/OR NARRATIVE TO EXPLAIN HOW THESE USES WOULD BE ARRANGED IN THE PROJECT AND HOW THEY WOULD RELATE TO AND BE MADE COMPATIBLE OR CONSISTENT WITH EXISTING USES AND ZONING CLASSIFICATIONS OF THE AREAS SURROUNDING THE PROJECT SITE, INCLUDING ANY BUFFER STRIPS THAT MAY BE REQUIRED UNDER SECTION 13 OF THIS ORDINANCE. THE LISTING SHALL SPECIFY THE SQUARE FOOTAGE OF FLOOR SPACE AND/OR LAND AREA THAT IS TO BE DEDICATED TO EACH LAND USE WITHIN THE PROJECT.

- (d) AN OVERALL SITE DEVELOPMENT PLAN FOR THE PROJECT IDENTIFYING THE BOUNDARIES OF ALL EXISTING OR PROPOSED LOTS OF RECORD WITHIN THE PROJECT TO BE CONVEYED OR TRANSFERRED, ALL BUILDINGS TO BE DEMOLISHED AND/OR REHABILITATED, ANY NEW BUILDINGS TO BE CONSTRUCTED ON THE PROPERTY, AND ALL EXISTING AND PROPOSED STREETS, ALLEYS, AND OFF-STREET PARKING FACILITIES WITHIN THE PROJECT. THE OVERALL SITE DEVELOPMENT PLAN SHALL ALSO CLEARLY DEPICT ALL PUBLIC AND/OR COMMON LAND EASEMENTS (INCLUDING THE PROPOSED USE AND PROVISIONS FOR PERPETUAL MAINTENANCE OF ALL COMMON AREAS) WITHIN THE PROJECT AND ANY STREETS OR OTHER LANDS PROPOSED TO BE DEDICATED TO THE CITY. SAID SITE PLAN SHALL BE PREPARED IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS SPECIFIED IN SECTION 8 OF THIS ORDINANCE FOR A "MAJOR SITE PLAN." THE SITE PLAN MAY REFER TO APPROPRIATE SECTIONS OF THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN FOR INFORMATION TO SATISFY SPECIFIC SUBMISSION REQUIREMENTS. WHERE NEW LOTS OF RECORD OR ADJUSTMENTS TO THE BOUNDARIES OF EXISTING LOTS OF RECORD ARE PROPOSED, THE OVERALL SITE DEVELOPMENT PLAN SHALL INCLUDE ALL PERTINENT & ESSENTIAL SUBDIVISION PRELIMINARY PLAT SUBMISSION SPECIFICATIONS REQUIRED BY SECTION 23-19 OR SECTION 23-60 OF THE SUBDIVISION REGULATIONS.
- (e) A STATEMENT OR TABLE IDENTIFYING THE SPECIFIC OFF-STREET PARKING AND LOADING/UNLOADING AREA REQUIREMENTS (INCLUDING HANDICAPPED PARKING PROVISIONS IN COMPLIANCE WITH THE AMERICANS WITH

DISABILITIES ACT) FOR THE PROJECT BY PROPOSED LAND USE CLASSIFICATION.

- (f) A MASTER SIGNAGE PLAN FOR THE PROPERTY DEPICTING THE LOCATION OF ALL PROPOSED DIRECTIONAL AND ADVERTISING SIGNAGE WITHIN THE DEVELOPMENT AND DIAGRAMS FOR EACH PROPOSED SIGN TYPE DEPICTING THE MATERIALS, SIGN HEIGHT, AND SIGN AREA. THE MASTER SIGNAGE PLAN SHALL IDENTIFY AND JUSTIFY ANY AND ALL SPECIFIC CHANGES OR DEVIATIONS FROM THE APPLICABLE REQUIREMENTS IN SECTION 14 OF THE ZONING ORDINANCE THAT ARE PROPOSED FOR THE PROJECT.**

- (g) A TRIP GENERATION ASSESSMENT OF THE PROPOSED USES IN THE PROJECT BASED ON THE INSTITUTE OF TRAFFIC ENGINEERS TRIP GENERATION MANUAL, AS AMENDED. THE PROJECTED TRIP GENERATION RATE FOR THE PROPOSED PROJECT SHALL BE COMPARED TO THE TRIP GENERATION RATE FOR THE PREVIOUS ABANDONED OR DISCONTINUED USE OF THE SITE. THE ASSESSMENT SHALL CONVEY IN TABULAR AND/OR NARRATIVE FORM FOR BOTH THE PROPOSED AND PREVIOUS SITE USES, THE SPECIFIC USE CLASSIFICATIONS THAT WERE UTILIZED FOR TRAFFIC GENERATION, THE SQUARE FOOTAGE OR AREA FACTORS USED FOR EACH USE CLASSIFICATION, THE APPROPRIATE TRIP GENERATION FACTOR APPLIED FROM THE TRIP GENERATION MANUAL, AND THE TOTAL NUMBER OF PEAK HOUR TRIPS CALCULATED. THE DIRECTOR OF ENGINEERING MAY REQUIRE A COMPREHENSIVE PROJECT TRAFFIC STUDY IF THE PROJECT BUILDOUT TRIP GENERATION EXCEEDS THE TRIP GENERATION OF THE PRIOR USE OF THE SITE, AND/OR IF THE POTENTIAL TRAFFIC IMPACTS OF THE PROJECT ON ADJOINING PUBLIC STREETS AND INTERSECTIONS COULD REDUCE THE LEVEL OF SERVICE TO A "D" OR LOWER, THE PROJECT ADJOINS A PUBLIC STREET OR INTERSECTION THAT HAS BEEN IDENTIFIED AS "UNSAFE" OR A "HIGH ACCIDENT LOCATION," THE PROJECT SITE LACKS ADEQUATE ACCESS TO DISTRIBUTE THE PROJECTED TRAFFIC IN A SAFE MANNER, OR THE PROJECT HAS A POTENTIALLY SIGNIFICANT IMPACT ON A HIGHWAY OWNED AND MAINTAINED BY THE STATE OF MARYLAND. IF THE DIRECTOR OF ENGINEERING DETERMINES THAT A COMPREHENSIVE TRAFFIC STUDY IS NECESSARY, SUCH STUDY AND ASSOCIATED RECOMMENDATIONS SHALL BE PREPARED AND APPENDED TO THE COMPREHENSIVE**

MASTER REDEVELOPMENT PLAN AND REVIEWED BY THE DIRECTOR OF ENGINEERING PRIOR TO A FORMAL RECOMMENDATION OF APPROVAL OR DENIAL FROM THE PLANNING COMMISSION.

- (h) ANY SPECIFIC INFRASTRUCTURE (WATER, SEWER, STREET, OR OTHER UTILITY) DETAILS AND SPECIFICATIONS THAT MAY BE REQUIRED BY THE DIRECTOR OF ENGINEERING.**
- (i) AN ENGINEERING REPORT REGARDING THE STRUCTURAL SOUNDNESS OF THE BUILDINGS ON THE PROPERTY FOR THE PROPOSED USES, UNLESS SUCH REPORT IS WAIVED BY A BUILDING/ZONING OFFICIAL BASED ON A VISUAL INSPECTION OF THE BUILDING(S).**
- (j) ANY PROPOSED ARCHITECTURAL RENDERINGS AND/OR ELEVATIONS THAT MAY BE DESIRED TO DEPICT THE DESIGN OF THE PROJECT AND/OR SPECIFIC IMPROVEMENTS.**
- (k) VERIFICATION OF CONCEPTUAL STORMWATER MANAGEMENT PLAN APPROVAL FOR THE PROJECT BY THE DIRECTOR OF ENGINEERING.**
- (l) A DETERMINATION OF ANY AND ALL AREAS WITHIN THE PROJECT SITE THAT ARE LOCATED WITHIN THE ONE HUNDRED YEAR (BASE) FLOOD ELEVATION AND/OR A FLOODWAY AS DEPICTED ON THE APPLICABLE FLOOD INSURANCE RATE MAP AND/OR FLOOD INSURANCE STUDY PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.**
- (m) A MAP OF THE SITE DEPICTING THE LOCATION OF ANY NON-TIDAL WETLAND AREAS WITHIN THE PROJECT SITE THAT MAY REQUIRE A SPECIAL PERMIT FROM THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE MARYLAND DEPARTMENT OF ENVIRONMENT. A DETERMINATION LETTER FROM THE U.S ARMY CORPS OF ENGINEERS AND THE MARYLAND DEPARTMENT OF ENVIRONMENT VERIFYING THAT NO SUCH NON-TIDAL WETLAND AREAS EXIST ON THE PROJECT SITE MAY BE PROVIDED IN LIEU OF THE REQUIRED WETLANDS MAP.**
- (n) IF THE PROPOSED PROJECT IS LOCATED WITHIN A LOCAL HISTORIC DISTRICT OR IS SUBJECT TO SECTION 106 REVIEW AND APPROVAL, A LISTING OF AND MAP DEPICTING ALL ELIGIBLE HISTORIC STRUCTURES ON THE**

SITE AND THEIR PROPOSED DISPOSITION (REMOVAL, REHABILITATION, OR EXPANSION) SHALL BE INCLUDED IN THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN.

- (o) ADDITIONAL TECHNICAL APPENDICES, AS MAY BE WARRENTED.**
- (2) AN APPLICATION AND COMPREHENSIVE MASTER REDEVELOPMENT PLAN SHALL BE FILED, REVIEWED, APPROVED, AND AMENDED IN THE SAME MANNER AS A ZONING MAP AMENDMENT, AS GOVERNED BY SECTION 15 OF THIS ORDINANCE. AN APPLICANT MAY PRESENT TO STAFF AND/OR THE PLANNING COMMISSION A PRELIMINARY CONCEPTUAL PROPOSAL OF THE PROJECT PRIOR TO THE FILING OF A FORMAL ZONING MAP AMENDMENT. THE PURPOSE OF SAID PRELIMINARY CONCEPTUAL PLAN SHALL BE TO ENGAGE IN NON-BINDING DISCUSSIONS ABOUT THE PROJECT CONCEPT AND THE FORMAL REVIEW PROCESS, SPECIAL STAFF OR OUTSIDE APPROVALS THAT MAY BE REQUIRED BY THE PLANNING COMMISSION AS PART OF THE APPLICATION, AND THE NEED FOR SPECIAL INFORMATION OR PROJECT DETAILS TO BE INCLUDED IN THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN. THE ZONING MAP AMENDMENT MAY BE APPROVED BY THE MAYOR AND COUNCIL, BASED ON FINDINGS THAT THE PROPOSED PROJECT WILL BE COMPATIBLE WITH NEIGHBORING USES AND THE AREA OF THE CITY WHERE IT WILL BE LOCATED, CONSISTENT WITH THE GENERAL SPIRIT AND INTENT OF THE COMPREHENSIVE PLAN, AND SATISFIES BOTH THE APPLICABILITY REQUIREMENTS AND PERFORMANCE STANDARDS SPECIFIED IN SECTIONS 6.17.01 AND 6.17.03, RESPECTIVELY.**
- (3) IF A PROPOSED PROJECT IS LOCATED WITHIN A LOCALLY-ZONED HISTORIC DISTRICT AND THE DEMOLITION OF ANY STRUCTURE ON THE SITE IS PROPOSED, THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL OR DENIAL TO THE MAYOR AND COUNCIL OF AN ADAPTIVE REUSE FLOATING ZONE PETITION UNTIL THE HISTORIC PRESERVATION COMMISSION HAS APPROVED OR DENIED THE PROJECT.**
- (4) THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL OR DENIAL TO THE MAYOR AND COUNCIL OF AN ADAPTIVE REUSE FLOATING ZONE PETITION UNTIL THE DIRECTOR OF ENGINEERING HAS DETERMINED THAT A SPECIAL TRAFFIC IMPACT STUDY FOR THE PROJECT IS EITHER NOT REQUIRED OR, IF REQUIRED, HAS BEEN APPROVED, A CONCEPTUAL STORMWATER MANAGEMENT PLAN FOR THE**

PROJECT HAS BEEN APPROVED, AND THE MANNER OF CONNECTION TO MUNICIPAL UTILITIES HAS BEEN APPROVED.

- (5) THE PLANNING COMMISSION SHALL NOT RECOMMEND APPROVAL TO THE MAYOR AND COUNCIL OF AN ADAPTIVE REUSE FLOATING ZONE PETITION UNTIL THE OVERALL SITE DEVELOPMENT PLAN FOR THE PROJECT (INCLUDING ANY PROPOSED SUBDIVISION OR RESUBDIVISION OF THE DEVELOPMENT SITE) HAS BEEN APPROVED OR CONDITIONALLY APPROVED BY THE PLANNING COMMISSION—IN THE CASE OF A MAJOR SITE PLAN AND/OR SUBDIVISION/RESUBDIVISION—OR BY THE ZONING ADMINISTRATOR—IN THE CASE OF A MINOR SITE PLAN AND/OR SUBDIVISION/RESUBDIVISION.**

- (6) WHERE THE SUBDIVISION OR RESUBDIVISION OF THE PROJECT SITE HAS BEEN PROPOSED, THE APPROVAL OF THE REZONING PETITION AND COMPREHENSIVE MASTER REDEVELOPMENT PLAN BY THE MAYOR AND CITY COUNCIL SHALL AUTHORIZE THE APPLICANT TO PROCEED WITH THE PREPARATION OF A FINAL PLAT OF SUBDIVISION FOR APPROVAL BY THE PLANNING COMMISSION.**

6.17.03 PERFORMANCE STANDARDS

ALL PROPOSED USES SHALL COMPLY WITH THE FOLLOWING:

- (a) THE GENERAL PERFORMANCE STANDARDS SPECIFIED IN SECTION 6.08 OF THIS ORDINANCE.**

- (b) THE OFF-STREET PARKING AND LOADING/UNLOADING REQUIREMENTS SPECIFIED IN SECTION 12 OF THIS ORDINANCE. THE PROVISION OF THE REQUIRED PARKING AREAS SHALL BE DEPICTED ON THE OVERALL SITE DEVELOPMENT PLAN OR VERIFIED THROUGH A DRAFT TRANSFERABLE PERPETUAL PARKING AGREEMENT TO BE SIGNED BY THE OWNER OF THE PROJECT AND THE PARKING FACILITY. ANY AND ALL PUBLIC TRANSIT IMPROVEMENTS SHALL BE DEPICTED ON THE OVERALL SITE DEVELOPMENT PLAN.**

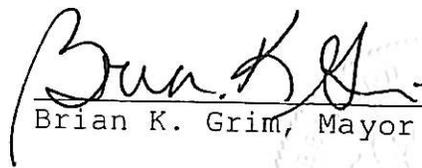
- (c) THE BUFFER STRIP REQUIREMENTS OF SECTION 13 OF THIS ORDINANCE. WHERE PRACTICABLE (TAKING INTO CONSIDERATION EXISTING SITE CONSTRAINTS AND ELEVATION CHANGES), BUFFERS SHALL BE DESIGNED TO AFFORD THE MOST ATTRACTIVE AND EFFECTIVE TRANSITIONS BETWEEN THE PROJECT AND NEIGHBORING RESIDENTIAL AREAS SURROUNDING THE PROJECT.**

- (d) ALL PROPOSED SIGNAGE SHALL BE CONSISTENT WITH THE SPECIFIC REQUIREMENTS IN SECTION 14 OF THIS ORDINANCE, BASED ON THE GENERAL ZONING DISTRICT CLASSIFICATIONS FOR THE LAND USES PROPOSED WITHIN THE PROJECT. THE SIGNAGE PLAN SHALL BE DESIGNED TO EFFECTIVELY DIRECT TRAFFIC FROM THE PROJECT ENTRANCES AND SURROUNDING STREETS TO DESTINATIONS WITHIN THE SITE WITH A REASONABLE AMOUNT OF ADVERTISING FOR INDIVIDUAL BUSINESSES IN A COMPREHENSIVE FORM AND PATTERN THAT WILL EFFECTIVELY PREVENT SIGN COMPETITION AND VISUAL CLUTTER.
- (1) WHEN THE PROJECT CONSISTS OF MULTIPLE BUILDINGS OR PRINCIPAL USES, ENTRANCES TO THE SITE SHOULD FEATURE SIGNS IDENTIFYING THE PROJECT NAME WITH DIRECTIONAL SIGNAGE TO SPECIFIC USE AREAS OR BUILDINGS WITHIN THE PROJECT. INDIVIDUAL AND SPECIAL BUSINESS IDENTIFICATION SIGNAGE SHALL BE CONFINED TO THE INTERNAL AREAS OF THE PROJECT AS MAY BE NECESSARY TO ANNOUNCE ARRIVAL OF THE TRAVELING PUBLIC TO SPECIFIC BUSINESS DESTINATIONS.
- (2) IN ALL PROJECTS, SIGN TYPES, FREQUENCY, SIZE (SIGN AREA), AND HEIGHT SHALL BE APPROPRIATE, READABLE, AND NOT EXCESSIVE FOR THE FUNCTIONAL CLASSIFICATION AND POSTED TRAVEL SPEEDS OF THE STREETS WITHIN AND ADJACENT TO THE PROJECT SITE. THE HEIGHT, LOCATION, SIZE (SIGN AREA), AND AMOUNT OF VISUAL INFORMATION CONTAINED ON EACH SIGN SHOULD BE DESIGNED AND PLACED SO THAT IT IS LEGIBLE FROM THE ADJOINING STREETS, CLEARLY VISIBLE WITHIN THE STANDARD FIELD OF VIEW OF APPROACHING VEHICLES (WITHOUT COMPROMISING OR INTERFERING WITH REQUIRED INTERSECTION SITE DISTANCES AND TRAFFIC REGULATORY, WARNING, AND GUIDE SIGNS), AND ABLE TO BE DISCERNED AND COMPREHENDED WITHIN 8 SECONDS AT AN AVERAGE OR NORMAL READING SPEED.
- (3) SIGNAGE SHALL BE ARRANGED AND LOCATED IN MANNER THAT WILL MINIMIZE VISUAL CLUTTER AND DRIVER CONFUSION.

- (4) **FREESTANDING PEDESTRIAN DIRECTORY SIGNS MAY BE PROVIDED WITHIN PARKING LOTS CONTAINING FIFTY (50) OR MORE PARKING SPACES AND/OR AT THE MAIN ENTRANCES TO EACH BUILDING CONTAINING MULTIPLE USES OR TENANTS.**
- (5) **OFF-PREMISE SIGNS OR OUTDOOR ADVERTISING SHALL NOT BE PERMITTED WITHIN THE ADAPTIVE REUSE FLOATING ZONE.**
- (6) **ALL PROPOSED SIGNAGE WITHIN A LOCAL HISTORIC DISTRICT SHALL BE APPROVED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO ANY RECOMMENDATION OF APPROVAL OF THE COMPREHENSIVE MASTER REDEVELOPMENT PLAN BY THE PLANNING COMMISSION.**
- (e) **THE PROPOSED PROJECT SHALL PROVIDE ADEQUATE ACCESS/EGRESS POINTS AND INTERNAL STREETS TO SAFELY DISTRIBUTE AND ACCOMMODATE THE TRAFFIC GENERATED BY THE SITE AND PROVIDE FOR ESSENTIAL EMERGENCY ACCESS AND SERVICES, AS DETERMINED BY THE DIRECTOR OF ENGINEERING.**
- (f) **ANY AND ALL PROPOSED MANUFACTURING USES SHALL BE CONDUCTED IN BUILDINGS THAT ARE ENCLOSED ON ALL SIDES.**
- (g) **NO OUTDOOR STORAGE OF MATERIALS OR PRODUCTS SHALL BE PERMITTED WITHIN THE PROJECT.**
- (h) **THE PROJECT SHALL BE CONNECTED TO AND SERVED BY BASIC MUNICIPAL UTILITIES OWNED AND OPERATED BY THE CITY OF CUMBERLAND.**

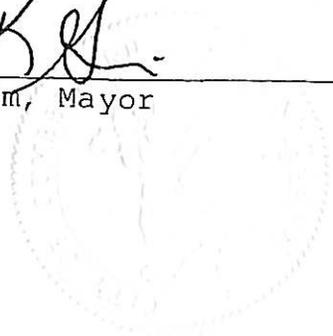
SECTION 6: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 26th day of April, 2011.


Brian K. Grim, Mayor

ATTEST:


Marjorie A. Eirich, City Clerk



Publication Dates: **March 29; April 5, 2011**

1st Reading: **March 15, 2011**

2nd Reading: **April 26, 2011**

3rd Reading: **April 26, 2011**

Effective Date: **May 6, 2011**