

**SECTION 5.
ESTABLISHMENT OF ZONING DISTRICTS AND SCHEDULE OF REGULATIONS**

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

Mixed Use

G-C Gateway-Commercial District
G-I Gateway-Industrial District

Floating Zone

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.

5.01.01 Conservation (C)

The purpose of this district is to regulate areas which, in the interest of the public health, safety, and general welfare of Cumberland:

- (a) Are subject to flooding and encroachment which aggravates flood conditions;
- (b) Are part of or protective of the rights-of-way of an interstate highway; or
- (c) Are located and featured in such a way as to, by reason of slope, geologic conditions, or overall natural character, warrant preservation through limited usage.

5.01.02 Estate Residential (R-E)

The purpose of this district is to provide for low-density residential and certain other forms of development in predominantly undeveloped areas, in a manner that protects the natural features of the land.

5.01.03 Suburban Residential (R-S)

The purpose of this district is to provide for the continuation of low density single family development in areas where existing and most recent single family development has occurred, and to stabilize and protect these areas.

5.01.04 Urban Residential (R-U)

The purpose of this district is to provide areas for low and medium density urban residential uses, including single-family detached, single-family attached, and multi-family dwellings.

5.01.05 Residential-Office (R-O)

The purpose of this 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.

5.01.06 Local Business (B-L)

The purpose of this district is to provide areas adjacent to residential districts in which commercial uses are permitted primarily for the convenience shopping, professional service, and personal service needs of the area residents.

5.01.07 Highway Business (B-H)

The purpose of this district is to provide areas along major highways which are most appropriate for the development of businesses principally serving the needs of highway users and transients, with the servicing of resident convenience shoppers as a secondary function.

5.01.08 Central Business District (B-CBD)

The purpose of this district is to define and provide regulations for the central regional and City core of shopping, business, government, and related activities.

5.01.09 Business Commercial (B-C)

The purpose of this district is to provide opportunities for both business and commercial uses which exhibit similar functions in areas which are existing or potentially suitable for such uses, and to effect a desirable transition between business, commercial, existing residential, and other uses.

5.01.10 Industrial-General (I-G)

The purpose of this zoning district is to permit and encourage modern industrial development and to permit limited commercial development.

5.01.11 Gateway-Commercial District (G-C)

The purpose of this district is to permit and encourage a mixture of commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of Cumberland's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in Section 6.13.

5.01.12 Gateway-Industrial District (G-I)

The purpose of this district is to permit and encourage a mixture of industrial/commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of Cumberland's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in Section 6.13.

5.01.12 Rehabilitation and Redevelopment Floating Zone District (RR)

Certain areas of the City contain abandoned structures that were originally used for industrial, warehouse, or other employment purposes but which are now nonconforming in the district in which they are located. These structures are no longer useful and constitute a detriment to the surrounding neighborhoods and could adversely affect the City's taxable assessment base. The purpose of the Rehabilitation and Redevelopment Floating Zone District is to allow and provide incentive for the reuse, rehabilitation, and redevelopment of such structures in a manner that will allow them to be

restored to the active tax roles and inventory of land in the City, while preserving the integrity of the neighborhood in which they are located. Performance standards have been developed to address compatibility of proposed developments with adjacent residential areas, as set forth in Section 6.14.

5.01.13 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.

5.02 OFFICIAL ZONING MAP

- (1) The boundaries of the zoning districts listed in Section 5.01 are established on a map entitled "Zoning Map for the City of Cumberland," which map accompanies this Ordinance as Appendix C and is declared to be a part of this Ordinance. Map changes and amendments shall be made in accordance with the provisions of Section 15.03 of this Ordinance.
- (2) The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 5.02 of the Zoning Ordinance of the City of Cumberland, Maryland," together with the date of the adoption of this Ordinance.
- (3) If, in accordance with the provisions of this Ordinance and Article 66B, Annotated Code of Maryland, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Mayor and City Council, together with an entry on the Official Zoning Map showing the ordinance number authorizing and making the amendment and the date upon which the amendment is effective.
- (4) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.
- (5) Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the office of the City Clerk and shall be the final authority on district boundaries and designations.

Conforming copies of the map shall be located in the office of the Department of Community Development and in the Circuit Court for Allegany County.

5.03 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following City limits shall be construed as following City boundary lines.
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (5) Boundaries indicated as approximately following the center lines of streams or rivers shall be construed to follow such center lines, and in the event of change in the center line shall be construed as moving with the actual center line.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections 5.03(1) through 5.03(5) above shall be so construed.
- (7) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Official Zoning Map.
- (8) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 5.03(1) through 5.03(7) above, the Zoning Administrator shall interpret the zone boundaries.
- (9) If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of changes and additions, the Mayor and Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
- (10) Any map adopted by the Mayor and City Council by resolution, pursuant to provisions of Section 5.03(9) above, may correct clerical, drafting, or other errors or omissions in the prior Official Zoning Map without the necessity of a formal amendment.

- (11) However, no other correction may be made unless the same reflects an amendment to the Ordinance lawfully adopted by the Mayor and City Council.
- (12) To the greatest extent practical, outdated or superseded Official Zoning Maps, together with all records pertaining thereto, shall be preserved for a period of not less than ten (10) years.