

Introduced by: Councilmember Bullock, *Jones*, Henry, Dorsey, Borrett, *Scott*  
*Pinkett*

Prepared by: Department of Legislative Reference

Date: January 2, 2018

Referred to: **JUDICIARY AND LEGISLATIVE INVESTIGATIONS** Committee

*Middleton*  
*Scott*  
*Pinkett*

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18-0176

A BILL ENTITLED

AN ORDINANCE concerning

**Alley Gating and Greening – Standards**

FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

BY repealing and reordaining, with amendments  
Article 26 - Surveys, Streets, and Highways  
Section 8A-4(b)  
Baltimore City Code  
(Edition 2000)

*LaGrange*  
*John Bullock*  
*Henry*  
*Dorsey*  
*Scott*  
*Pinkett*

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

- |   |  |
|---|--|
| _____ Baltimore City Public School System   | _____ Department of Public Works                                       |
| _____ Baltimore Development Corporation   | _____ Department of Real Estate  |
| _____ <input checked="" type="checkbox"/> City Solicitor                                  | _____ Department of Recreation and Parks                               |
| _____ Comptroller's Office  | _____ <input checked="" type="checkbox"/> Department of Transportation |
| _____ Department of Audits  | _____ Fire Department  |
| _____ Department of Finance   | _____ Health Department  |
| _____ Department of General Services  | _____ Mayor's Office of Employment Development                         |
| _____ <input checked="" type="checkbox"/> Department of Housing and Community Development | _____ Mayor's Office of Human Services                                 |
| _____ Department of Human Resources   | _____ Mayor's Office of Information Technology                         |
| _____ Department of Planning  | _____ Office of the Mayor  |
| _____ Other: _____  | _____ Police Department  |
| _____ Other: _____  | _____ Other: _____   |
| _____ Other: _____  | _____ Other: _____   |

**Boards and Commissions**

- |   |  |
|---|--|
| _____ Board of Estimates                                  | _____ Environmental Control Board                |
| _____ Board of Ethics                                     | _____ Fire & Police Employees' Retirement System |
| _____ Board of Municipal and Zoning Appeals               | _____ Labor Commissioner                         |
| _____ Comm. for Historical and Architectural Preservation | _____ Parking Authority Board                    |
| _____ Commission on Sustainability                        | _____ Planning Commission                        |
| _____ Employees' Retirement System                        | _____ Wage Commission                            |
| _____ Other: _____  | _____ Other: _____                               |
| _____ Other: _____  | _____ Other: _____                               |
| _____ Other: _____  | _____ Other: _____                               |

CITY OF BALTIMORE  
ORDINANCE **18-107**  
Council Bill 18-0176

---

Introduced by: Councilmember Bullock, President Young, Councilmembers Henry, Dorsey,  
Burnett, Scott, Middleton, Pinkett  
Introduced and read first time: January 8, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: February 5, 2018

---

AN ORDINANCE CONCERNING

1 Alley Gating and Greening – Standards

2 FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of  
3 structures abutting the alley must be “residential”; and generally relating to the standards for  
4 the gating and greening of alleys.

5 BY repealing and reordaining, with amendments  
6 Article 26 - Surveys, Streets, and Highways  
7 Section 8A-4(b)  
8 Baltimore City Code  
9 (Edition 2000)

10 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
11 Laws of Baltimore City read as follows:

12 Baltimore City Code

13 Article 26. Surveys, Streets, and Highways

14 Subtitle 8A. Gating and Greening Alleys

15 § 8A-4. Scope; General standards.

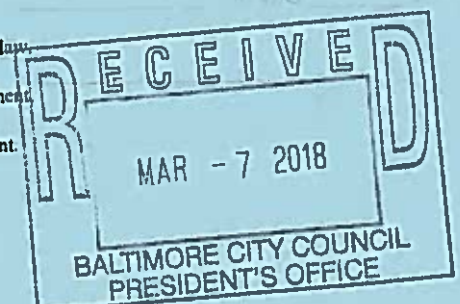
16 (b) *Standards for authorizing gating and greening.*

17 The Director of Transportation may authorize the gating and, if applicable, the greening  
18 of an alley if, on petition, public notice, and hearing as provided in this subtitle, the  
19 Director determines that:

20 [(1) the majority of the structures abutting the alley are residential;]

21 (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic; [and]

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



Council Bill 18-0176

1 (2) [(3)] the gating and, if applicable, the greening will promote the public health,  
2 safety, or welfare; AND

3 (3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:


4 (I) ARE RESIDENTIAL; OR

5 (II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER  
6 STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE  
7 BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND  
8 INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

Certified as duly passed this \_\_\_\_ day of FEB 26, 2018

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of FEB 26, 2018

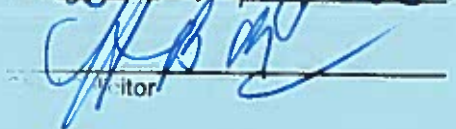
  
\_\_\_\_\_  
Chief Clerk

Approved this 5 day of March, 2018

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 28 Day of Feb 2018

  
\_\_\_\_\_  
Auditor

**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE  
VOTING RECORD**

BILL#: CC-18-0176      DATE: 1/23/18

**BILL TITLE: Alley Gating and Greening – Standards**

MOTION BY: SCOTT      SECONDED BY: CLARKE

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Costello, E., Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, M., Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bullock, J.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, L.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reisinger, E.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<b>6</b>		<b>1</b>	

CHAIRPERSON: E. T. Lewis  
 COMMITTEE STAFF: D'Paul S. Nibber, Initials: DN



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

January 22, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 18-0176 – Alley Gating and Greening-Standards

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0176 for form and legal sufficiency. The bill clarifies a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential." The bill clarifies that abutting structures that are either residential or are non-residential on the first level but, in accordance with the Zoning Code, have one or more upper stories that are being used or are designed and intended to be used as residential dwellings, will both meet the majority residential standard of the law.

Article II, Section 35(e) of the Baltimore City Charter give the Mayor and City Council authority to by ordinance "gate an alley that is no longer needed for through pedestrian or vehicular traffic, in order to promote the public health, safety or welfare. This bill is an appropriate exercise of that authority. Accordingly, the Law Department approves the bill for form and legal sufficiency.

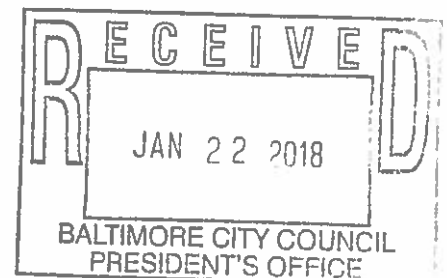
Sincerely yours,

*Elena R. DiPietro*

Elena R. DiPietro  
Chief Solicitor


cc: Andre Davis, City Solicitor  
Karen Stokes, Executive Director, MOGR  
Kyron Banks Mayor's Legislative Liaison  
Victor Tervalo, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Special Assistant Solicitor

F







<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE  M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 18-0176		

TO Mayor Catherine E. Pugh

DATE: January 19, 2018

TO: Respective City Council Committee hearing the bill Judiciary and Legislative Investigations  
 FROM: Department of Transportation  
 POSITION: Support  
 RE: Council Bill – Alley Gating and Greening

**INTRODUCTION** – Standards for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

**PURPOSE/PLANS** – The original ordinance strictly prohibited commercial properties to be included in the gating and greening ordinance. As economic development throughout the city increases, the demand for mixed use properties has also grown. The clarification this bill proposes allows for mixed use properties to qualify as an accepted applicant in the gating and greening petition, which may be necessary to drive increased business, and appeal to potential business investors.

In an effort to support revitalization across the city, this provision will positively impact the all neighborhoods and communities to support development.


**BRIEF HISTORY** – See above

**FISCAL IMPACT** – None

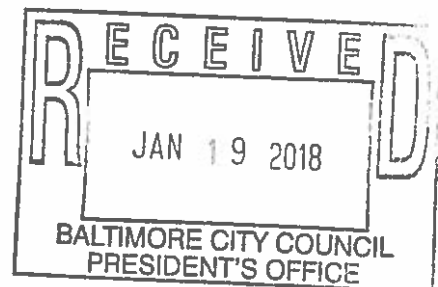
**AGENCY/DEPARTMENT POSITION** –  
 The Department of Transportation supports City Council 18-0176.

If you have any questions, please do not hesitate to contact David Framm at David.Framm@baltimorecity.gov, 410-396-5023.

Sincerely,

  
 Michelle Pourciau  
 Director

*J*





The Baltimore City Department of  
**HOUSING & COMMUNITY  
DEVELOPMENT**

**MEMORANDUM**

**To:** The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

**From:** Michael Braverman, Housing Commissioner 

**Date:** January 17, 2018

**Re:** City Council Bill 18-0176 - Alley Gating and Greening – Standards

---

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0176, for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

If enacted, this bill would add some additional standards to Article 26. Survey, Streets, and Highways, Subtitle 8A. Gating and Greening Alleys necessary to qualify for gating and, if applicable, the greening of an alley.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0176.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*

F





# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland  
21202

## Meeting Minutes - Final

### Judiciary and Legislative Investigations

---

Tuesday, January 23, 2018

10:10 AM

Du Burns Council Chamber, 4th floor, City Hall

---

18-0176

#### CALL TO ORDER

#### INTRODUCTIONS

#### ATTENDANCE

**Present** 6 - Member Eric T. Costello, Member Mary Pat Clarke, Member Leon F. Pinkett III, Member John T. Bullock, Member Brandon M. Scott, and Member Robert Stokes Sr.

**Absent** 1 - Member Edward Reisinger

#### ITEMS SCHEDULED FOR PUBLIC HEARING

18-0176

##### Alley Gating and Greening - Standards

For the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential"; and generally relating to the standards for the gating and greening of alleys.

**Sponsors:** John T. Bullock, President Young, Bill Henry, Ryan Dorsey, Kristerfer Burnett, Sharon Green Middleton, Brandon M. Scott, Leon F. Pinkett, III

**A motion was made by Member Scott, seconded by Member Clarke, that Council Bill #18-0176 be Recommended Favorably to the Judiciary and Legislative Investigations, due back on 1/23/2018. The motion carried by the following vote:**

**Yes:** 6 - Member Costello, Member Clarke, Member Pinkett III, Member Bullock, Member Scott, and Member Stokes Sr.

**Absent:** 1 - Member Reisinger

#### ADJOURNMENT

**This Meeting is Open to the Public**



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0176

Alley Gating and Greening - Standards

Committee: Judiciary and Legislative Investigations

Chaired By: Councilmember Eric Costello

Hearing Date: January 23, 2018
Time (Beginning): 10:25 a.m.
Time (Ending): 10:35 a.m.
Location: Clarence "Du" Burns Chamber
Total Attendance: ~15
Committee Members in Attendance:
Eric Costello Mary Pat Clarke Brandon Scott
Leon Pinkett Robert Stokes John Bullock

Form with checkboxes for: Bill Synopsis in the file?, Attendance sheet in the file?, Agency reports read?, Hearing televised or audio-digitally recorded?, Certification of advertising/posting notices in the file?, Evidence of notification to property owners?, Final vote taken at this hearing?, Motioned by: Councilman Scott, Seconded by: Councilwoman Clarke, Final Vote: Favorable, 6-0

Major Speakers

(This is not an attendance record.)

- Katelyn McCauley, Department of Transportation
• Matthew DeSantis, Department of Planning
• Sharon Daboin, Department of Housing and Community Development





**Major Issues Discussed**

1. Chairman Costello introduced the proceedings, and discussed the reports of various City agencies. Each agency stood by its report.
2. Councilman Bullock discussed the purpose of 18-0176 and its benefits. He stated that the Bill would allow for gating in areas wherein commercial and residential properties are mixed. The Councilman noted that 18-0176 will provide more flexibility to the community, and that gating will improve safety.

**Further Study**

Was further study requested?

Yes  No

If yes, describe. N/A

**Committee Vote:**

E. Costello: ..... Yea  
 M. Clarke: ..... Yea  
 J. Bullock: ..... Yea  
 L. Pinkett: ..... Yea  
 E. Reisinger: ..... Absent  
 B. Scott: ..... Yea  
 R. Stokes: ..... Yea

*D'Paul Nibber*

D'Paul Nibber, Committee Staff

Date: January 23, 2018

cc: Bill File  
OCS Chrono File





**CITY OF BALTIMORE  
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Judiciary and Legislative Investigations      Chairperson: **Eric Costello**  
 Date: **January 23, 2018**      Time: **10:10AM**      Place: **Clarence "Du" Burns Chambers**  
 Subject: **Ordinance - Alley Gating and Greening - Standards**      CC Bill Number: **18-0176**

PLEASE PRINT							FOR	AGAINST	YES	NO
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY				
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Katelyn	McCauley	417	E FAYETTE ST	21202	Katelyn.McCauley@baltimorecity.gov	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
17th	DeSoto		Planning							

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



(\* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**BALTIMORE CITY COUNCIL  
JUDICIARY AND LEGISLATIVE INVESTIGATIONS  
COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, the mission of the Judiciary and Legislative Investigations Committee is to investigate and study the continuing operations, efficiency, and functions of Baltimore City government in accordance with the laws of Baltimore City, the State of Maryland, and the United States.*

*As a result of its investigations and studies, the Committee will recommend and oversee reforms to improve the operations of Baltimore City's government through legislative, administrative, and/or budgetary processes.*

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**Tuesday, January 23, 2018**

**10:10 AM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***Council Bill 18-0176***

***Alley Gating and Greening - Standards***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: D'Paul Nibber*

### EXECUTIVE APPOINTMENTS

Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac "Yitzy" Schleifer  
*Staff: Marguerite Currin*

### HOUSING AND URBAN AFFAIRS

John Bullock – Chair  
Isaac "Yitzy" Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: D'Paul Nibber*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Marguerite Currin*

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac "Yitzy" Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Jennifer Coates*  
- Larry Greene (*pension only*)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## BILL SYNOPSIS

Committee: Judiciary and Legislative Investigations

Bill 18-0176

---

### Alley Gating And Greening - Standards

---

**Sponsor:** Councilmember Bullock, et al

**Introduced:** January 8, 2018

**Purpose:**

For the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential"; and generally relating to the standards for the gating and greening of alleys.

**Effective:** Upon the 30th day after the date it is enacted.

**Hearing Date/Time/Location:** January 23, 2018/10:10 a.m./Clarence "Du" Burns Chamber

---

### Agency Reports

Law Department

Favorable

Department of Transportation

Favorable

Department of Housing and Community Development

Favorable



---

## **ANALYSIS**

### **Current Law**

Alley gating is currently governed by the Baltimore City Code, Article 26, §8A-4(b). The section details the standards to be used by the Department of Transportation when gating an alleyway including when a "majority of the structures abutting the alley are residential," it is "no longer needed for through pedestrian or vehicular traffic," and it "will promote the public health, safety, or welfare."

### **Background**

Council Bill 18-0176 revises the Baltimore City Code with regards to the standards for alley gating. It specifies that a majority of the properties abutting an alley must be residential or buildings that include dwellings above the first floor, whereas the Code only included the former before for consideration.

The Law Department approved 18-0176 for form and legal sufficiency. The Department of Housing and Community Development provided a favorable report. The Department of Transportation provided a favorable report, noting that 18-0176 "will positively impact... neighborhoods and communities" with regards to "support[ing] development."

---

**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Law Department; Department of Transportation; Department of Housing and Community Development

---

Analysis by: *D'Paul & Nibber*  
D'Paul S. Nibber  
Analysis Date: January 19, 2018

Direct Inquiries to: (410) 396-1268



**CITY OF BALTIMORE  
COUNCIL BILL 18-0176  
(First Reader)**

---

Introduced by: Councilmember Bullock, President Young, Councilmembers Henry, Dorsey,  
Burnett, Scott, Middleton, Pinkett

Introduced and read first time: January 8, 2018

Assigned to: Judiciary and Legislative Investigations Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,  
Department of Housing and Community Development

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Alley Gating and Greening – Standards**

3 FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of  
4 structures abutting the alley must be “residential”; and generally relating to the standards for  
5 the gating and greening of alleys.

6 BY repealing and reordaining, with amendments

7 Article 26 - Surveys, Streets, and Highways

8 Section 8A-4(b)

9 Baltimore City Code

10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 26. Surveys, Streets, and Highways**

15 **Subtitle 8A. Gating and Greening Alleys**

16 **§ 8A-4. Scope; General standards.**

17 (b) *Standards for authorizing gating and greening.*

18 The Director of Transportation may authorize the gating and, if applicable, the greening  
19 of an alley if, on petition, public notice, and hearing as provided in this subtitle, the  
20 Director determines that:

21 [(1) the majority of the structures abutting the alley are residential;]

22 (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic; [and]

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 18-0176**

1 (2) ~~[(3)]~~ the gating and, if applicable, the greening will promote the public health,  
2 safety, or welfare; AND

3 (3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:

4 (i) ARE RESIDENTIAL; OR

5 (ii) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER  
6 STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE  
7 BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND  
8 INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.

9 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

# **JUDICIARY AND LEGISLATIVE INVESTIGATIONS COMMITTEE**

**Council Bill 18-0176**

**Hearing Date: January 23, 2018**

## **Agency Reports:**

- **Law Department**
  - **Favorable**
- **Department of Transportation**
  - **Favorable**
- **Department of Housing and Community Development**
  - **Favorable**

**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**DEPARTMENT OF LAW**

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

January 22, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 18-0176 – Alley Gating and Greening-Standards

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0176 for form and legal sufficiency. The bill clarifies a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential." The bill clarifies that abutting structures that are either residential or are non-residential on the first level but, in accordance with the Zoning Code, have one or more upper stories that are being used or are designed and intended to be used as residential dwellings, will both meet the majority residential standard of the law.


Article II, Section 35(e) of the Baltimore City Charter give the Mayor and City Council authority to by ordinance "gate an alley that is no longer needed for through pedestrian or vehicular traffic, in order to promote the public health, safety or welfare. This bill is an appropriate exercise of that authority. Accordingly, the Law Department approves the bill for form and legal sufficiency.

Sincerely yours,

*Elena R. DiPietro*

Elena R. DiPietro  
Chief Solicitor

cc: Andre Davis, City Solicitor  
Karen Stokes, Executive Director, MOGR  
Kyron Banks Mayor's Legislative Liaison  
Victor Terval, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Special Assistant Solicitor

<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	<b>SUBJECT</b>	City Council Bill 18-0176		

TO Mayor Catherine E. Pugh

DATE: January 19, 2018

TO: Respective City Council Committee hearing the bill Judiciary and Legislative Investigations

FROM: Department of Transportation

POSITION: Support

RE: Council Bill – Alley Gating and Greening

**INTRODUCTION** – Standards for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

**PURPOSE/PLANS** – The original ordinance strictly prohibited commercial properties to be included in the gating and greening ordinance. As economic development throughout the city increases, the demand for mixed use properties has also grown. The clarification this bill proposes allows for mixed use properties to qualify as an accepted applicant in the gating and greening petition, which may be necessary to drive increased business, and appeal to potential business investors.

In an effort to support revitalization across the city, this provision will positively impact the all neighborhoods and communities to support development.

**BRIEF HISTORY** – See above

**FISCAL IMPACT** – None

**AGENCY/DEPARTMENT POSITION** –

The Department of Transportation supports City Council 18-0176.

If you have any questions, please do not hesitate to contact David Framm at [David.Framm@baltimorecity.gov](mailto:David.Framm@baltimorecity.gov), 410-396-5023.

Sincerely,




Michelle Pourciau  
Director

The Baltimore City Department of  
**HOUSING & COMMUNITY  
DEVELOPMENT**

**MEMORANDUM**

**To:** The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

**From:** Michael Braverman, Housing Commissioner 

**Date:** January 17, 2018

**Re:** City Council Bill 18-0176 - Alley Gating and Greening – Standards

---

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0176, for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

If enacted, this bill would add some additional standards to Article 26. Survey, Streets, and Highways, Subtitle 8A. Gating and Greening Alleys necessary to qualify for gating and, if applicable, the greening of an alley.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0176.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holiday Street  
Baltimore, Maryland  
21202

## Meeting Agenda - Final

### Judiciary and Legislative Investigations

---

Tuesday, January 23, 2018

10:10 AM

Du Burns Council Chamber, 4th floor, City Hall

---

18-0176

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

18-0176

##### **Alley Gating and Greening - Standards**

For the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential"; and generally relating to the standards for the gating and greening of alleys.

##### **Sponsors:**

John T. Bullock, President Young, Bill Henry, Ryan Dorsey, Kristerfer Burnett, Sharon Green Middleton, Brandon M. Scott, Leon F. Pinkett, III

#### **ADJOURNMENT**

**This Meeting is Open to the Public**





**CITY OF BALTIMORE  
COUNCIL BILL 18-0176  
(First Reader)**

---

Introduced by: Councilmember Bullock, President Young, Councilmembers Henry, Dorsey,  
Burnett, Scott, Middleton, Pinkett

Introduced and read first time: January 8, 2018

Assigned to: Judiciary and Legislative Investigations Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,  
Department of Housing and Community Development

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Alley Gating and Greening – Standards**

3 FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of  
4 structures abutting the alley must be “residential”; and generally relating to the standards for  
5 the gating and greening of alleys.

6 BY repealing and reordaining, with amendments

7 Article 26 - Surveys, Streets, and Highways

8 Section 8A-4(b)

9 Baltimore City Code

10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 26. Surveys, Streets, and Highways**

15 **Subtitle 8A. Gating and Greening Alleys**

16 **§ 8A-4. Scope; General standards.**

17 (b) *Standards for authorizing gating and greening.*

18 The Director of Transportation may authorize the gating and, if applicable, the greening  
19 of an alley if, on petition, public notice, and hearing as provided in this subtitle, the  
20 Director determines that:

21 [(1) the majority of the structures abutting the alley are residential;]

22 (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic; [and]

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 18-0176**

1 (2) ~~[(3)]~~ the gating and, if applicable, the greening will promote the public health,  
2 safety, or welfare; AND

3 (3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:

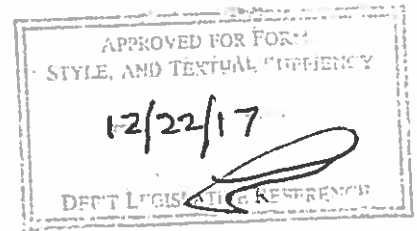
4 (I) ARE RESIDENTIAL; OR

5 (II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER  
6 STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE  
7 BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND  
8 INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmember Bullock

**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Alley Gating and Greening – Standards**

**FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.**

**BY repealing and reordaining, with amendments**  
Article 26 - Surveys, Streets, and Highways  
Section 8A-4(b)  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:**

**Baltimore City Code**

**Article 26. Surveys, Streets, and Highways**

**Subtitle 8A. Gating and Greening Alleys**

**§ 8A-4. Scope; General standards.**

**(b) *Standards for authorizing gating and greening.***

The Director of Transportation may authorize the gating and, if applicable, the greening of an alley if, on petition, public notice, and hearing as provided in this subtitle, the Director determines that:

- [(1) the majority of the structures abutting the alley are residential;]**
- (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic;  
[and]**
- (2) [(3)] the gating and, if applicable, the greening will promote the public health, safety, or welfare; AND**

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

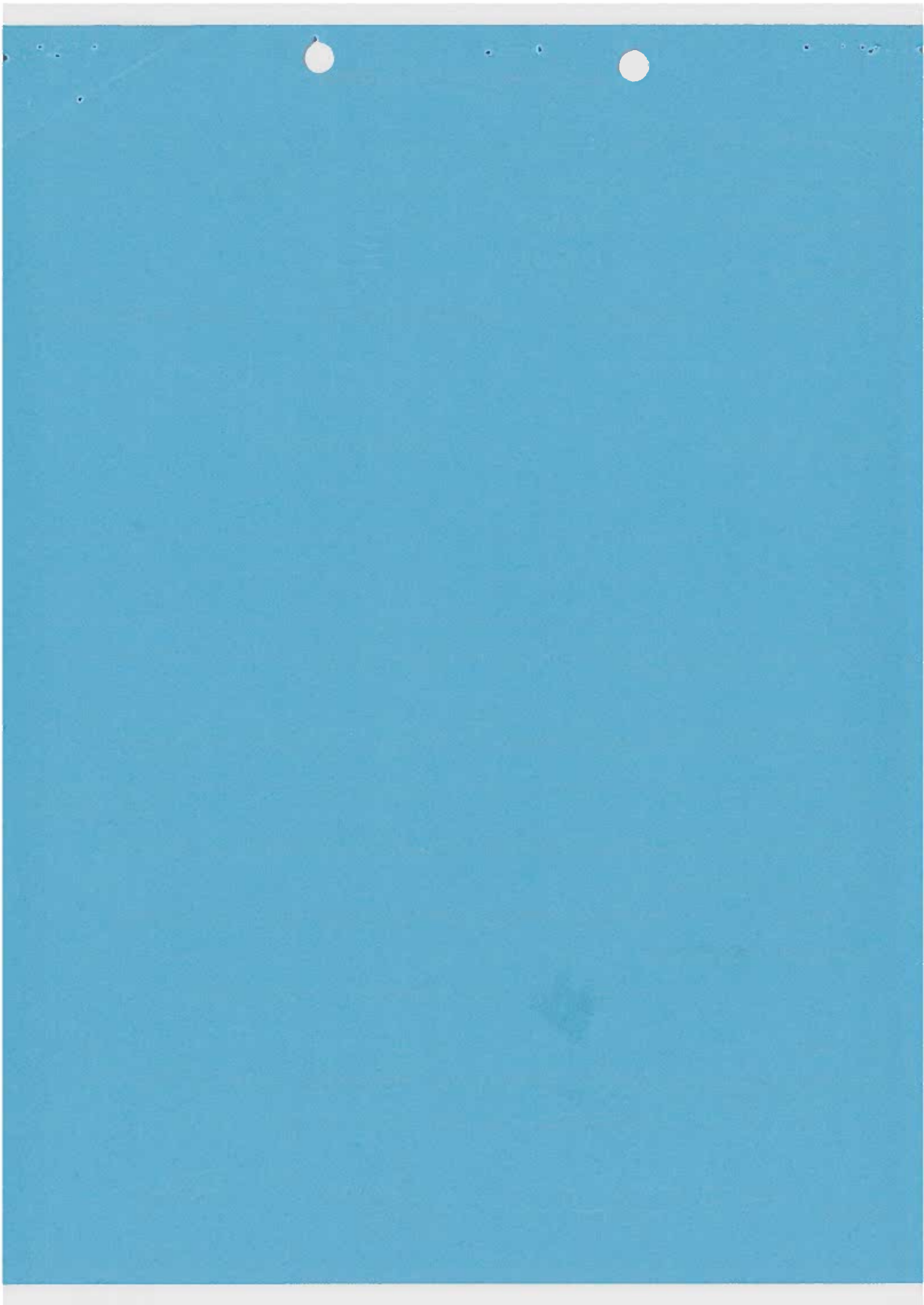
**(3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:**

**(I) ARE RESIDENTIAL; OR**

**(II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.**

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.



**ACTION BY THE CITY COUNCIL**

FIRST READING (INTRODUCTION) \_\_\_\_\_ JAN 08 2018

PUBLIC HEARING HELD ON JANUARY 23 20 18

COMMITTEE REPORT AS OF FEBRUARY 15 20 18

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

[Signature]  
Chair

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE MEMBERS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

FEB 05 2018  
20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ FEB 26 2018

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]  
President

[Signature]  
Chief Clerk

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

January 22, 2018

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna Austin, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 18-0176 – Alley Gating and Greening-Standards

Dear President and City Council Members:

The Law Department has been asked to review City Council Bill 18-0176 for form and legal sufficiency. The bill clarifies a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential." The bill clarifies that abutting structures that are either residential or are non-residential on the first level but, in accordance with the Zoning Code, have one or more upper stories that are being used or are designed and intended to be used as residential dwellings, will both meet the majority residential standard of the law.

Article II, Section 35(e) of the Baltimore City Charter give the Mayor and City Council authority to by ordinance "gate an alley that is no longer needed for through pedestrian or vehicular traffic, in order to promote the public health, safety or welfare. This bill is an appropriate exercise of that authority. Accordingly, the Law Department approves the bill for form and legal sufficiency.

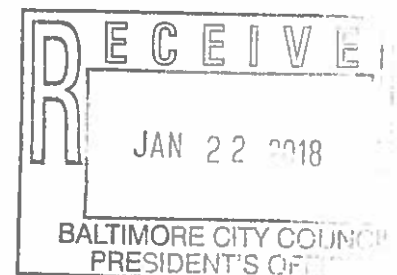
Sincerely yours,

*Elena R. DiPietro*

Elena R. DiPietro  
Chief Solicitor


cc: Andre Davis, City Solicitor  
Karen Stokes, Executive Director, MOGR  
Kyron Banks Mayor's Legislative Liaison  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Special Assistant Solicitor

F







<b>F R O M</b>	<b>NAME &amp; TITLE</b>	Michelle Pourciau, Director	<b>CITY of BALTIMORE</b>	<b>M E M O</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	Department of Transportation (DOT) 417 E Fayette Street, Room 527			
	<b>SUBJECT</b>	City Council Bill 18-0176			

**TO** Mayor Catherine E. Pugh

**DATE:** January 19, 2018

**TO:** Respective City Council Committee hearing the bill Judiciary and Legislative Investigations  
**FROM:** Department of Transportation  
**POSITION:** Support  
**RE:** Council Bill – Alley Gating and Greening

**INTRODUCTION** – Standards for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

**PURPOSE/PLANS** – The original ordinance strictly prohibited commercial properties to be included in the gating and greening ordinance. As economic development throughout the city increases, the demand for mixed use properties has also grown. The clarification this bill proposes allows for mixed use properties to qualify as an accepted applicant in the gating and greening petition, which may be necessary to drive increased business, and appeal to potential business investors.

In an effort to support revitalization across the city, this provision will positively impact the all neighborhoods and communities to support development.


**BRIEF HISTORY** – See above

**FISCAL IMPACT** – None

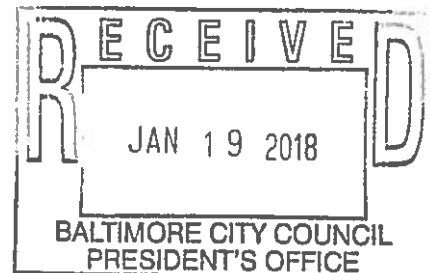
**AGENCY/DEPARTMENT POSITION** –  
The Department of Transportation supports City Council 18-0176.

If you have any questions, please do not hesitate to contact David Framm at David.Framm@baltimorecity.gov, 410-396-5023.

Sincerely,

  
Michelle Pourciau  
Director

F





The Baltimore City Department of  
**HOUSING & COMMUNITY  
DEVELOPMENT**

**MEMORANDUM**

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: January 17, 2018

Re: City Council Bill 18-0176 - Alley Gating and Greening - Standards

---

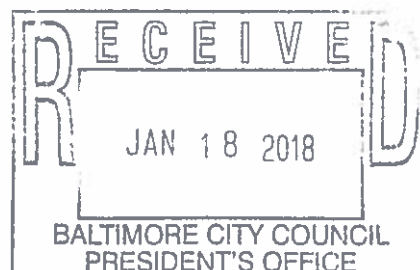
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0176, for the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be "residential"; and generally relating to the standards for the gating and greening of alleys.

If enacted, this bill would add some additional standards to Article 26. Survey, Streets, and Highways, Subtitle 8A. Gating and Greening Alleys necessary to qualify for gating and, if applicable, the greening of an alley.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0176.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*





**CITY OF BALTIMORE  
COUNCIL BILL 18-0176  
(First Reader)**

---

Introduced by: Councilmember Bullock, President Young, Councilmembers Henry, Dorsey,  
Burnett, Scott, Middleton, Pinkett  
Introduced and read first time: January 8, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Transportation,  
Department of Housing and Community Development  

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Alley Gating and Greening – Standards**

3 FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of  
4 structures abutting the alley must be “residential”; and generally relating to the standards for  
5 the gating and greening of alleys.

6 BY repealing and reordaining, with amendments  
7 Article 26 - Surveys, Streets, and Highways  
8 Section 8A-4(b)  
9 Baltimore City Code  
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
12 Laws of Baltimore City read as follows:

13 **Baltimore City Code**

14 **Article 26. Surveys, Streets, and Highways**

15 **Subtitle 8A. Gating and Greening Alleys**

16 **§ 8A-4. Scope; General standards.**

17 (b) *Standards for authorizing gating and greening.*

18 The Director of Transportation may authorize the gating and, if applicable, the greening  
19 of an alley if, on petition, public notice, and hearing as provided in this subtitle, the  
20 Director determines that:

21 [(1) the majority of the structures abutting the alley are residential;]

22 (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic; [and]

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 18-0176**

1 (2) [(3)] the gating and, if applicable, the greening will promote the public health,  
2 safety, or welfare; AND

3 (3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:

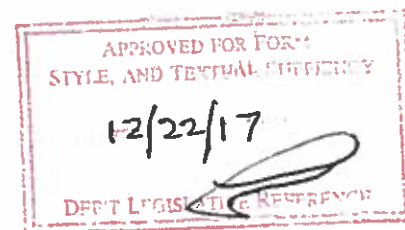
4 (I) ARE RESIDENTIAL; OR

5 (II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER  
6 STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE  
7 BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND  
8 INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

INTRODUCTORY\*  
CITY OF BALTIMORE  
COUNCIL BILL 18-0176



Introduced by: Councilmember Bullock

A BILL ENTITLED

AN ORDINANCE concerning

**Alley Gating and Greening – Standards**

JLI  
Law, DOT, HCD

FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

BY repealing and reordaining, with amendments  
Article 26 - Surveys, Streets, and Highways  
Section 8A-4(b)  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 26. Surveys, Streets, and Highways**

**Subtitle 8A. Gating and Greening Alleys**

**§ 8A-4. Scope; General standards.**

(b) *Standards for authorizing gating and greening.*

The Director of Transportation may authorize the gating and, if applicable, the greening of an alley if, on petition, public notice, and hearing as provided in this subtitle, the Director determines that:

- [(1) the majority of the structures abutting the alley are residential;]
- (1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic;  
[and]
- (2) [(3)] the gating and, if applicable, the greening will promote the public health, safety, or welfare; AND

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.



**(3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:**

**(I) ARE RESIDENTIAL; OR**

**(II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.**

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 18-0176**

---

Introduced by: Councilmember Bullock, President Young, Councilmembers Henry, Dorsey,  
Burnett, Scott, Middleton, Pinkett  
Introduced and read first time: January 8, 2018  
Assigned to: Judiciary and Legislative Investigations Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: February 5, 2018

---

**AN ORDINANCE CONCERNING**

**Alley Gating and Greening – Standards**

FOR the purpose of clarifying a requirement that, to gate or green an alley, the majority of structures abutting the alley must be “residential”; and generally relating to the standards for the gating and greening of alleys.

BY repealing and reordaining, with amendments  
Article 26 - Surveys, Streets, and Highways  
Section 8A-4(b)  
Baltimore City Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 26. Surveys, Streets, and Highways**

**Subtitle 8A. Gating and Greening Alleys**

**§ 8A-4. Scope; General standards.**

*(b) Standards for authorizing gating and greening.*

The Director of Transportation may authorize the gating and, if applicable, the greening of an alley if, on petition, public notice, and hearing as provided in this subtitle, the Director determines that:

[(1) the majority of the structures abutting the alley are residential;]

(1) [(2)] the alley is no longer needed for through pedestrian or vehicular traffic; [and]

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

**Council Bill 18-0176**

1 (2) [(3)] the gating and, if applicable, the greening will promote the public health,  
2 safety, or welfare; AND

3 (3) THE MAJORITY OF THE STRUCTURES ABUTTING THE ALLEY:

4 (I) ARE RESIDENTIAL; OR

5 (II) CONTAIN, ABOVE A NON-RESIDENTIAL GROUND FLOOR, 1 OR MORE UPPER  
6 STORIES THAT, AS ALLOWED BY THE APPLICABLE USE TABLE OF THE  
7 BALTIMORE CITY ZONING CODE, ARE BEING USED OR ARE DESIGNED AND  
8 INTENDED TO BE USED AS RESIDENTIAL DWELLINGS.

9 SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance  
10 are not law and may not be considered to have been enacted as a part of this or any prior  
11 Ordinance.

12 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30<sup>th</sup> day  
13 after the date it is enacted.

Certified as duly passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City