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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, September 10, 2024
10:00 AM**

COUNCIL CHAMBERS

Council Bill #24-0544

Zoning - Harford Road Overlay District

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BILL SYNOPSIS

Committee: Ways and Means

Bill: 24-0544

Zoning – Harford Road Overlay District

Sponsor: Councilmember Dorsey

Introduced: June 10, 2024

FOR the purpose of establishing the Harford Road Overlay District; delineating the boundaries of the district; creating applicable use regulations within the district; establishing bulk and yard regulations within the district; detailing other applicable standards within the district; amending certain off-street parking requirements; and generally relating to the establishment of the Harford Road Overlay District.

Effective: 30th Day after Enactment

Agency Reports

Law	Favorable with amendments and findings of facts
Baltimore Development Corporation	None as of this writing
Department of Housing and Community Development	None as of this writing
Planning Commission	Favorable with amendments
Board of Municipal and Zoning Appeals	Refers to Planning Commission
Department of Transportation	None as of this writing

Analysis

Current Law

Baltimore City Code

Article 32 – Zoning, section 12 outlines use regulations, bulk and yard regulations, and other standards for special purpose districts, including overlay districts.

Background

If approved, Council Bill 24-0544 would create the Harford Road Overlay District, making a long-awaited main street on the portion of Harford Road in the 3rd District. This would be an amendment to the current zoning code under the Baltimore City Code. The district, which would begin at Argonne Drive until the intersection of Harford Road and the northern boundary line at Hillcrest Avenue, is intended to increase customer supply and consistent support to local businesses. The Harford Road Overlay District is designed to:

1. Improve the pedestrian experience;
2. Increase transit access and ridership;
3. Reduce the requirements for stakeholders to allocate resources to vehicles;
4. Promote sustainable mixed-use development;
5. Promote investment in public spaces through new construction;
6. Increase housing opportunity and diversity

The community's longstanding desire for a main street is noted in an August 2008 Harford Road Corridor Study by the Planning Department, which focused on improving the area. The study was intended to be a preliminary step in community-driven development for commercial and residential areas. Several residents have submitted letters to the Council noting their support for this bill and how it would improve their area, including more inclusive housing options, and increased walkability and bike-friendly roads.

There are proposed amendments by the Law Department and Planning Commission. **Please see the attached reports.**

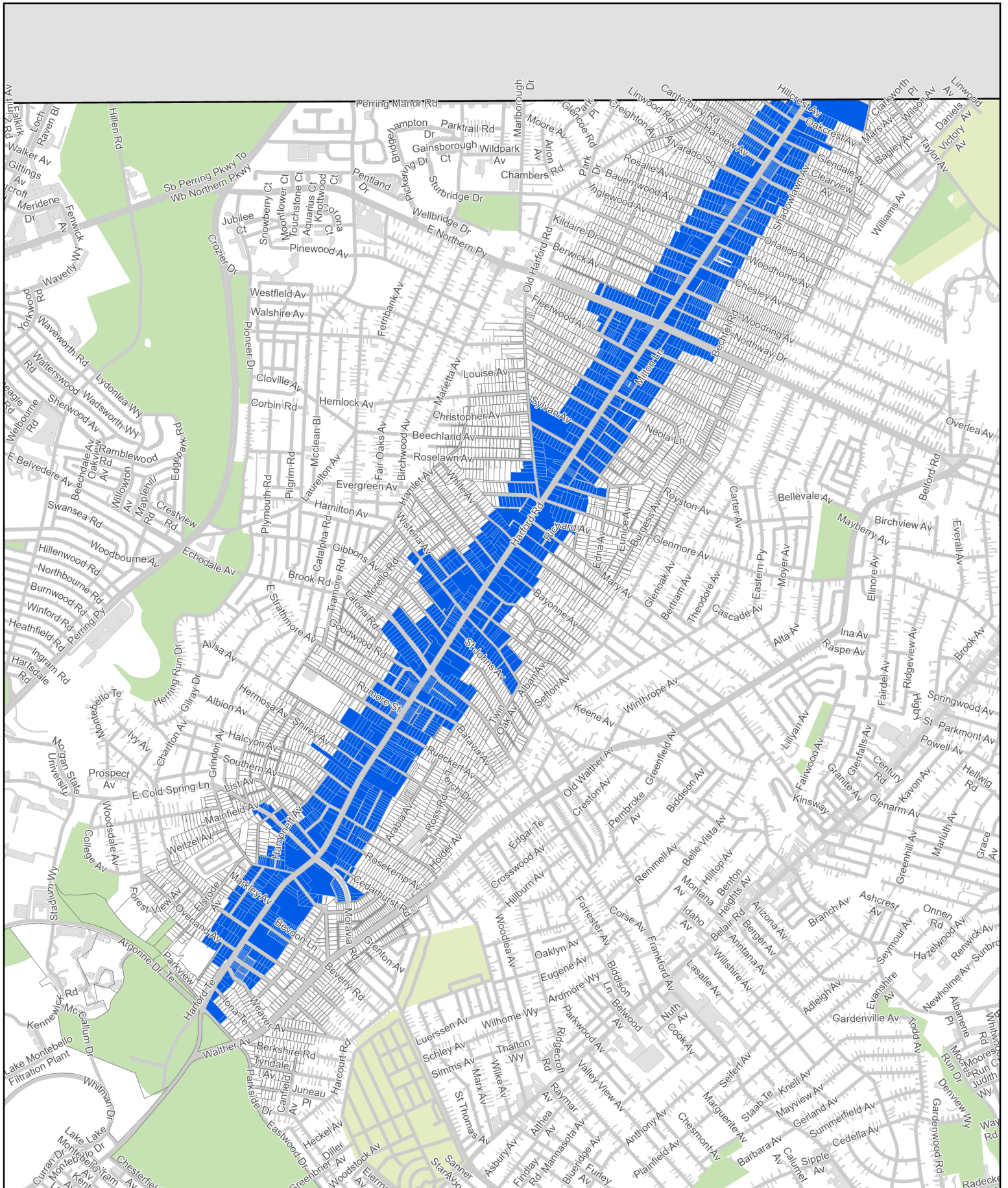
Additional Information

Fiscal Note:

Information Source(s): 24-0544, Baltimore City Code, 2008 Harford Road Corridor Study, and all agency reports received as of this writing.

Analysis by: Niya N. Garrett
Analysis Date: 09/5/2024

Direct Inquiries to (410) 396-1268



Harford Road Overlay District

■ Overlay district



Brandon M. Scott
Mayor
Chris Ryer
Director of Planning



June 5, 2024

**CITY OF BALTIMORE
COUNCIL BILL 24-0544
(First Reader)**

Introduced by: Councilmember Dorsey
Introduced and read first time: June 10, 2024
Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Department of Transportation, Board of Municipal and Zoning Appeals, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Harford Road Overlay District**

3 FOR the purpose of establishing the Harford Road Overlay District; delineating the boundaries of
4 the district; creating applicable use regulations within the district; establishing bulk and yard
5 regulations within the district; detailing other applicable standards within the district;
6 amending certain off-street parking requirements; and generally relating to the establishment
7 of the Harford Road Overlay District.

8 BY adding

9 Article 32 - Zoning
10 Sections 12-212 and Table 12-1403
11 Baltimore City Code
12 (Edition 2000)

13 BY adding

14 Article 32 - Zoning
15 Sections 12-1401 through 12-1405, to be under the new subtitle designation
16 “Subtitle 14. Harford Road Overlay District”
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and re-ordaining, with amendments

20 Article 32 - Zoning
21 Section 16-601(b)(1)
22 Baltimore City Code
23 (Edition 2000)

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

26 **Baltimore City Code**

27 **Article 32. Zoning**

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

Council Bill 24-0544

Title 12. Special Purpose Districts

Subtitle 2. District Descriptions

§ 12-212. HARFORD ROAD OVERLAY DISTRICT.

THE HARFORD ROAD OVERLAY DISTRICT IS INTENDED TO INCREASE CUSTOMER SUPPLY TO BUSINESSES ALONG THE HARFORD ROAD CORRIDOR BEGINNING AT ARGONNE DRIVE AND CONTINUING ALONG THE CENTER LINE OF HARFORD ROAD UNTIL THE POINT OF INTERSECTION WITH THE NORTHERN BOUNDARY LINE OF THE CITY AT HILLCREST AVENUE. THE REGULATIONS FOR THIS OVERLAY DISTRICT ARE DESIGNED TO:

- (1) IMPROVE THE PEDESTRIAN EXPERIENCE;
- (2) INCREASE TRANSIT ACCESS AND RIDERSHIP;
- (3) REDUCE THE REQUIREMENTS FOR A BUSINESS OWNER, DEVELOPER, AND THE CITY TO ALLOCATE RESOURCES TO CARS AND TRUCKS;
- (4) PROMOTE SUSTAINABLE MIXED-USE DEVELOPMENT;
- (5) PROMOTE INVESTMENT IN PUBLIC SPACES THROUGH NEW CONSTRUCTION; AND
- (6) INCREASE HOUSING OPPORTUNITY AND DIVERSITY.

THIS OVERLAY DISTRICT IS TIED TO THE UNDERLYING ZONING DISTRICT TO MAINTAIN THE EXISTING CHARACTER OF THE DEVELOPMENT AND NEIGHBORHOOD.

SUBTITLE 14. HARFORD ROAD OVERLAY DISTRICT

§ 12-1401. ESTABLISHMENT.

THERE IS A HARFORD ROAD OVERLAY DISTRICT.

§ 12-1402. BOUNDARIES.

THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THAT CERTAIN MAP TITLED “HARFORD ROAD OVERLAY DISTRICT” DATED AS OF JUNE 5, 2024, ON FILE WITH THE DEPARTMENT OF PLANNING.

§ 12-1403. USE REGULATIONS.

(A) *NON-RESIDENTIAL ZONING DISTRICTS.*

FOR NON-RESIDENTIAL ZONING DISTRICTS, ONLY THOSE USES LISTED IN *TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT – PERMITTED AND CONDITIONAL USES* ARE ALLOWED WITHIN THE HARFORD ROAD OVERLAY DISTRICT.

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1 (B) *RESIDENTIAL ZONING DISTRICTS.*

2 (1) *IN GENERAL.*

3 ONLY THOSE USES OF LAND LISTED IN THE TABLES LISTED BELOW ARE ALLOWED
4 WITHIN EACH RESPECTIVE ZONING DISTRICT.

5 (i) *TABLE 8-301: DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS –*
6 *PERMITTED AND CONDITIONAL USES.*

7 (ii) *TABLE 9-301: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS –*
8 *PERMITTED AND CONDITIONAL USES.*

9 (2) *DWELLING: MULTI-FAMILY.*

10 THE USE “DWELLING: MULTI-FAMILY” IS PERMITTED IN ALL RESIDENTIAL DISTRICTS.

11 **§ 12-1404. BULK AND YARD REGULATIONS.**

12 (A) *IN GENERAL.*

13 THE BULK AND YARD REGULATIONS FOR THE STRUCTURES IN THE UNDERLYING ZONING
14 DISTRICT APPLY TO THE HARFORD ROAD OVERLAY DISTRICT.

15 (B) *MEASUREMENT METHODOLOGIES.*

16 MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3
17 {“MEASUREMENT METHODOLOGIES”} OF THIS CODE.

18 (C) *EXCEPTIONS AND REQUIREMENTS.*

19 (1) *IN GENERAL.*

20 EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4
21 {“EXCEPTIONS AND REQUIREMENTS”} OF THIS CODE.

22 (2) *DWELLING: MULTI-FAMILY.*

23 NOTWITHSTANDING A PROPERTY’S UNDERLYING ZONING DISTRICT, THE PROPERTY
24 MAY BE DEVELOPED AS A “DWELLING: MULTI-FAMILY” TO THE BULK AND YARD
25 SPECIFICATIONS FOR EITHER THE R-9 OR R-10 ZONING DISTRICT ESTABLISHED IN
26 TABLE 9-401 {“ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND
27 YARD REGULATIONS”}, OR TO THE BULK AND YARD SPECIFICATIONS FOR THE C-1
28 ZONING DISTRICT ESTABLISHED IN TABLE 10-401 {“COMMERCIAL DISTRICTS (C-1 TO
29 C-4) – BULK AND YARD REGULATIONS”}.

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1 **§ 12-1405. OTHER APPLICABLE STANDARDS.**

2 (A) *IN GENERAL.*

3 THE HARFORD ROAD OVERLAY DISTRICT IS ALSO SUBJECT TO THE STANDARDS
4 CONTAINED IN THIS SECTION.

5 (B) *ACCESSORY STRUCTURES AND USES.*

6 STANDARDS GOVERNING ACCESSORY STRUCTURES ARE SET FORTH IN TITLE 15,
7 SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

8 (C) *SITE DEVELOPMENT.*

9 ON-SITE DEVELOPMENT STANDARDS ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT
10 STANDARDS"} OF THIS CODE.

11 (D) *OFF-STREET PARKING AND LOADING.*

12 UNDER § 16-601(B) OF THIS CODE, THE DISTRICT IS EXEMPT FROM OFF-STREET PARKING
13 REQUIREMENTS.

14 (E) *DESIGN STANDARDS.*

15 (1) *IN GENERAL.*

16 ALL DEVELOPMENTS OF THE TYPE DESCRIBED IN § 4-405 {"DESIGN REVIEW:
17 APPLICABILITY"} OF THIS CODE MUST COMPLY WITH THE APPLICABLE DESIGN
18 STANDARDS REQUIRED BY THE BALTIMORE CITY DESIGN MANUAL.

19 (2) *PROHIBITED DESIGN ELEMENTS.*

20 (I) *IN GENERAL.*

21 NEW CURB CUTS, FOR VEHICLES, AND DRIVEWAYS ARE PROHIBITED.
22

23 (II) *EXISTING CURB CUTS AND DRIVEWAYS.*

24 (A) REAL PROPERTY WITH EXISTING CURB CUTS THAT EXCEED CITY
25 STANDARDS MAY BE REMOVED BY THE CITY.

26 (B) EXISTING CURB CUTS OR ABANDONED CURB CUTS DO NOT GUARANTEE
27 REUSE.

28 (C) ALL DISUSED CURB CUT PERMISSIONS ARE REVOKED.

29 (D) THE CITY RESERVES THE RIGHT TO DENY ANY CURB CUT REQUEST
30 REGARDLESS OF THE AVAILABILITY OR UNAVAILABILITY OF ACCESS.

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1 (F) *LANDSCAPE AND SCREENING.*

2 ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REQUIREMENTS OF THE
3 BALTIMORE CITY LANDSCAPE MANUAL.

4 (G) *SIGNS.*

5 STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

6 (H) *TEMPORARY USES.*

7 STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4
8 {"TEMPORARY-USE STANDARDS"} OF THIS CODE.
9

10 **Title 16. Off-Street Parking and Loading**

11 ***Subtitle 6. Required Off-Street Parking***

12 **§ 16-601. Exemptions and reductions from requirements.**

13 (b) *Exemptions within certain districts.*

14 [(1) The C-1, C-1-E, C-1-VC, and C-5 Districts and all non-residential uses in the R-MU
15 and D-MU Overlay Districts are exempt from parking requirements.]

16 (1) THE DISTRICTS INCLUDED IN THIS PARAGRAPH ARE EXEMPT FROM PARKING
17 REQUIREMENTS:

18 (I) C-1;

19 (II) C-1-E;

20 (III) C-1-VC;

21 (IV) C-5;

22 (V) C-5-IH;

23 (VI) C-5-DE;

24 (VII) C-5-HT;

25 (VIII) C-5-TO;

26 (IX) C-5-HS;

27 (X) C-5-G;

28 (XI) HARFORD ROAD OVERLAY DISTRICT;

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(XII) R-MU OVERLAY DISTRICT (NON-RESIDENTIAL USES); AND

(XIII) D-MU OVERLAY DISTRICT (NON-RESIDENTIAL USES).

Zoning Tables

**TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT –
OFFICE, COMMERCIAL, AND INDUSTRIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	c-2	C-3	IMU-1	
RESIDENTIAL						
DWELLING (ABOVE NON-RESIDENTIAL GROUND FLOOR)	P	P	P	P	P	
DWELLING: MULTI-FAMILY	P	P	P	P	P	PER § 12-1404
DWELLING: ROWHOUSE	P	P	P	P	P	
DWELLING: LIVE-WORK	P	P	P	P	P	
INSTITUTIONAL						
COMMUNITY CENTER	P	P	P	P	P	
CULTURAL FACILITY	P	P	P	P	P	PER § 14-308
PLACE OF WORSHIP	CB	CB	CB	CB	CB	PER § 14-332
OPEN-SPACE						
COMMUNITY-MANAGED OPEN-SPACE FARM	P	P	P	P	P	PER § 14-307
COMMUNITY-MANAGED OPEN-SPACE GARDEN	P	P	P	P	P	PER § 14-307
PARK OR PLAYGROUND	P	P	P	P	P	
URBAN AGRICULTURE	P	P	P	P	P	PER § 14-339
COMMERCIAL						
ART GALLERY	P	P	P	P	P	
ARTS STUDIO	P	P	P	P	P	P
ARTS STUDIO: INDUSTRIAL	P	P	P	P	P	
BODY ART ESTABLISHMENT	P	P	P	P	P	

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	USES	SUBDISTRICTS					USE STANDARDS
1	CARRY-OUT FOOD SHOP	P	P	P	P	P	
2	DAY-CARE CENTER: ADULT OR CHILD	P	P	P	P	P	PER § 14-309
3	ENTERTAINMENT: INDOOR	P	P	P	P	P	PER § 14-312
4	ENTERTAINMENT: LIVE	P	P	P	P	P	PER § 14-319
5	FINANCIAL INSTITUTION	P	P	P	P	P	
6	GREENHOUSE OR NURSERY	P	P	P	P	P	PER § 14-339
7	HEALTH-CARE CLINIC	P	P	P	P	P	
8	HEALTH AND FITNESS CENTER	P	P	P	P	P	
9	HOTEL OR MOTEL	P	P	P	P	P	
10	KENNEL	P	P	P	P	P	PER § 14-317
11	OFFICE	P	P	P	P	P	
12	OUTDOOR DINING	P	P	P	P	P	PER § 14-329
13	PERSONAL SERVICES ESTABLISHMENT	P	P	P	P	P	
14	RECREATION: INDOOR	P	P	P	P	P	PER § 14-312
15	RECREATION: OUTDOOR	P	P	P	P	P	PER § 14-312
16	RESTAURANT	P	P	P	P	P	
17	RETAIL GOODS ESTABLISHMENT (NO ALCOHOLIC BEVERAGES SALES)	P	P	P	P	P	
18							
19	RETAIL GOODS ESTABLISHMENT (WITH ALCOHOLIC BEVERAGES SALES)	P	P	P	P	P	PER § 14-336
20							
21	TAVERN	P	P	P	P	P	PER § 14-337
22	INDUSTRIAL						
23	ALTERNATIVE ENERGY SYSTEM: COMMERCIAL	CB	CB	CB	CB	CB	
24	FOOD PROCESSING: LIGHT	P	P	P	P	P	
25	INDUSTRIAL: LIGHT	P	P	P	P	P	
26	MOVIE STUDIO	P	P	P	P	P	
27	PRINTING ESTABLISHMENT	P	P	P	P	P	
28	RESEARCH AND DEVELOPMENT FACILITY	P	P	P	P	P	

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USES	SUBDISTRICTS					USE STANDARDS
OTHER						
ALTERNATIVE ENERGY SYSTEM: COMMUNITY-BASED	P	P	P	P	P	PER § 14-306
ELECTRIC SUBSTATION: ENCLOSED, INDOOR, OR OUTDOOR	CB	CB	CB	CB	CB	PER § 14-340
TELECOMMUNICATIONS FACILITY ¹	CB, P	CB, P	CB, P	CB, P	CB, P	PER § 14-338
UTILITIES	CB	CB	CB	CB	CB	PER § 14-340
WIRELESS COMMUNICATIONS SERVICES ²	CB, P	CB, P	CB, P	CB, P	CB, P	PER § 14-338

¹ ONLY TELECOMMUNICATIONS BASE STATIONS THAT COMPLY WITH THE STEALTH DESIGN STANDARDS OF § 14-338 ARE CONSIDERED PERMITTED USES.

² ONLY WIRELESS COMMUNICATION SERVICES THAT ARE MODIFICATIONS TO – AND DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSION OF – AN EXISTING TELECOMMUNICATIONS FACILITY, ARE CONSIDERED PERMITTED USES.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Council Bill 24-0544

Agency Reports

SEE ATTACHED

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 30, 2024

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

Re: City Council Bill 24-0544 - Zoning – Harford Road Overlay District

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0544 for form and legal sufficiency. The bill establishes the Harford Road Overlay District, delineates the boundaries of the district, creates applicable use regulations within the district, establishes bulk and yard regulations within the district, details other applicable standards within the district, and amends certain off-street parking requirements. The bill would take effect on the 30th day after its enactment.

The City Code describes overlay districts as comprising “a layer of regulations...superimposed on the regulations of an underlying district.” City Code, Art. 32, § 12-102. According to the City Code, overlay districts are “intended to modify or supplement the regulations of its underlying zoning districts in recognition of unique circumstances in the area, while maintaining the general character and purpose of the underlying zoning districts over which it is located.” *Id.* Maryland State law endorses the use of concepts such as overlay districts in stating that while “[z]oning regulations adopted by the Mayor and City Council of Baltimore City...shall be uniform for each class or kind of development throughout each district or zone...[z]oning regulations in one district or zone may differ from those in other districts or zones.” Md. Land Use, § 10-301. In applying this State law, the regulations affecting each R-8 District in the City, for example, must be identical to one another, but an R-8 District that is also subject to an overlay district is able to be governed by both types of district regulations.

Neither Maryland State law nor the City Code establish special procedures governing the use of overlay districts. General legal principles hold that “so long as the public purpose supporting enactment of a zoning district or classification furthers a legitimate zoning purpose substantially related to the use and development of land, the classification is unlikely to be held” unlawful, unless the exercise conflicts with the scope of authority delegated to a local government.¹ Rathkopf’s *The Law of Zoning and Planning* § 11:14 (4th ed.). “Special mapped and overlay zoning districts, as with other zoning classifications, are likely to be upheld so long as the

classifications established and restrictions imposed, and the resulting differing treatment of owners and lands, are supported by some rational relationship to a legitimate zoning purpose.” 1 Rathkopf’s, *The Law of Zoning and Planning* § 11:16 (4th ed.). Acceptable objectives of zoning have expanded to include the use of zoning to promote social, economic, cultural, aesthetic, and environmental goals. *Id.*, § 11:17.

In the absence of specific governing standards applicable to overlay districts, the City must rely on procedures derived from the City Code’s statement of purpose regarding the use of overlay districts and the above statement of general legal principles. The Zoning Code defines an overlay district as one “intended to modify or supplement the regulations of its underlying zoning districts in recognition of unique circumstances in the area, while maintaining the general character and purpose of the underlying zoning districts over which it is located.” City Code, Art. 32, § 12-102.

In addition to finding the above facts to support the approval of an overlay district, the City Council must also consider the following standards for amending the text of the zoning code:

- (1) Is the amendment consistent with the City’s Comprehensive Master Plan;
 - (2) Does it promote the public health, safety, and welfare;
 - (3) Is it consistent with the intent and general regulations of this Code;
 - (4) Would it correct an error or omission, clarify existing requirements, or effect a change in policy;
- and
- (5) Would the amendment create nonconformities.

City Code, Art. 32, § 5-508(c).

Overlay districts are addressed in Title 12 “Special Purpose Districts” of the Zoning Code (Art. 32). There are currently 12 overlay districts each with a particular focus.¹ Each overlay district has “unique circumstances in the area” (Art. 32, § 12-102) which resulted in the City’s desire to overlay additional zoning requirements so that land was developed consistently within each type of overlay district. With respect to the Harford Road corridor, which is the subject of CB 24-0544, no unique circumstances of the corridor are identified in the council bill which would require the creation of an additional overlay district.

The Law Department has several issues with Council Bill 24-0544. First, the bill makes a place of worship a conditional use requiring Zoning Board approval in all zoning districts within the Harford Road overlay district. Under the bill, community centers and cultural facilities are both permitted uses in all zoning districts in the overlay district. The Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc-2000cc-5 protects places of worship and other religious institutions from discrimination in zoning laws. The law provides “No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.” 42 U.S.C.A. § 2000cc(b)(1). See also *United States v. City of Troy*, 592 F.Supp.3d 591, 607 (2022) (“RLUIPA prohibits a municipality from applying a land use regulation ‘in a manner that imposes a substantial burden on ... religious exercise’ unless it demonstrates that the burden ‘is the least restrictive means of furthering [a] compelling governmental interest.’”). There is no apparent justification for the more restrictive treatment of places of worship under this bill. Accordingly,

¹In addition to the overlay districts in Title 12, the Zoning Code also contains open-space and environmental overlay districts in Title 7.

there is a risk that CB 24-0544 would be found to violate RLUIPA. The Law Department is in agreement with the amendment recommended by Planning which equalizes the permitted and conditional use standards for community centers, cultural facilities, and places of worship in the overlay district.

Second, the disallowance of any curb cut in the district would impair access to properties in the Harford Road Overlay District. The Planning report notes that after discussions with Councilman Dorsey, the disallowance of curb cuts would be limited to those on Harford Road. The bill removes off-street parking requirements in the overlay district. The removal of off-street parking requirements, however, does not fully address the problem caused by the prohibition on curb cuts. A new business or housing development may require a curb cut for customers, suppliers, or residents to gain access. The ban on all curb cuts, even if limited to properties on Harford Road, would require that a property could only be accessed from a side street. If side street access to the property is not be available, the prohibition on curb cuts effectively limits the use of the property. The prohibition on curb cuts should be removed from the bill.

Third, this bill would create an overlay district on land that is already governed by two separate Urban Renewal Plans (URP) (Lauraville Business and Hamilton Business), the Hamilton-Lauraville Main Street Program, the Harford Road Master Plan and Harford Road Corridor Study, and the underlying Zoning Code applicable to this area. If a conflict arises, for instance, between a requirement under one of the URPs and a requirement under the overlay district, which additional zoning restriction governs? According to the Planning Commission Report, the intent of the bill is that it would replace the Lauraville Business URP. The Lauraville URP is set to expire in October 2024. Although the overlay district may also ultimately replace the Hamilton URP as well, this would require action by the City Council to repeal the Hamilton URP.

Planning Commission Recommendation

The Planning Commission recommends approval of the Harford Road Overlay District; however, Planning recommends quite a few amendments to the zoning requirements for the district. The Planning Report states: “[t]he establishment of the Harford Road Overlay District is in line with many of the goals and objectives of these plans to make Harford Road and the surrounding neighborhoods a more livable and sustainable community by increasing density along Harford Road, improving the pedestrian experience, reducing auto-oriented uses and increasing access by other modes, promoting a sustainable mixed-use development, and increasing housing opportunity and diversity.” The Planning Report also notes the potential conflict with RLIUPA due to the need to get conditional use approval from the Zoning Board for a place of worship. The Report contains an equity impact analysis. The Planning Report does not clearly discuss the unique circumstances applicable to the area justifying the necessity for the overlay district. The City Council must adduce facts from testimony as to the existence of the unique circumstances of the area, as well as the standards for a zoning text amendment set out on page 2 of this bill report.

Process

A text amendment is deemed a “legislative authorization.” City Code, Art. 32, § 5-501(1). The City Code does not provide specific notices for the creation of overlay districts, but due process considerations suggest that notice requirements for comprehensive rezoning should apply. See City Code, Art. 32, § 5-601. Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in conspicuous places

around the perimeter of the property and by first-class mail to each person who appears on the tax records of the City as an owner of the property to be rezoned. Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the addresses of the properties and the name of the applicant. Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. Art. 32, §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Art. 32, §5-601(e) and (f).


Council Bill 24-0544 is the appropriate method for the City Council to review the facts and determine whether the legal standards for amending the Zoning Code to establish an overlay district have been met. If the two amendments required by the Law Department are approved, the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely yours,



Michele M. Toth
Assistant Solicitor

cc: Stephen Salsbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Desiree Luckey
Ahleah Knapp

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ryer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0544 - ZONING - HARFORD ROAD OVERLAY DISTRICT		

TO The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: August 2, 2024

At its regular meeting of August 1, 2024, the Planning Commission considered City Council Bill #24-0544, for the purpose of establishing the Harford Road Overlay District; delineating the boundaries of the district; creating applicable use regulations within the district; establishing bulk and yard regulations within the district; detailing other applicable standards within the district; amending certain off-street parking requirements; and generally relating to the establishment of the Harford Road Overlay District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #24-0544 and adopted the following resolutions, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0544 be **amended and approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

07/29/2024

REQUEST: City Council Bill #24-0544/ Harford Road Overlay District

For the purpose of establishing the Harford Road Overlay District; delineating the boundaries of the district; creating applicable use regulations within the district; establishing bulk and yard regulations within the district; detailing other applicable standards within the district; amending certain off-street parking requirements; and generally relating to the establishment of the Harford Road Overlay District.

RECOMMENDATION: Approve with the following amendments:

- Adding Harford Road in Section § 12-1405 (E)(2)(I): NEW CURB CUTS, FOR VEHICLES, AND DRIVEWAYS ARE PROHIBITED **ON HARFORD ROAD.**
- Changing the uses in Table 12-1403 as follows:
 - Dwelling:Rowhouse changing from Permitted (P) in C-2 and C-3 to Conditional by Board (CB), and Not-Permitted in IM-U1
 - Community Center changing from Permitted (P) in OR-1, C-1, C-2, C-3 to Conditional by Board (CB)
 - Cultural Facility changing from Permitted (P) in OR-1, C-1, C-2, and IM-U1 to Conditional by Board (CB)
 - Place of Worship changing in OR-1 from Conditional by Board (CB) to Permitted (P)
 - Community-Managed Open-Space Farm from Permitted (P) in OR-1, C-1, C-2, C-3 and IM-U1 to Conditional by Board (CB)
 - Urban Agriculture from Permitted (P) in OR-1, C-1, C-2, and C-3 to Conditional by Board (CB)
 - Day-Care Center; Adult or Child from Permitted (P) in OR-1 to Not-Permitted, and from Permitted (P) in C-1 to Conditional by Board (CB)
 - Entertainment: Indoor from Permitted (P) in OR-1 to Not-Permitted, and from Permitted in C-1 to Conditional by Board (CB)
 - Entertainment: Live from Permitted (P) in OR-1, C-1 and C-2 to Not-Permitted, and from Permitted in IM-U1 to Conditional by Board (CB)
 - Financial Institutions from Permitted in OR-1 to Not-Permitted
 - Greenhouse or Nursery from Permitted (P) in OR-1 to Not-Permitted
 - Health-Care Clinic from Permitted (P) in C-1 to Not-Permitted
 - Health and Fitness Center from Permitted (P) in OR-1 to Not-Permitted
 - Hotel or Motel from Permitted (P) in OR-1 to Not-Permitted

- Kennel from Permitted (P) in OR-1, C-1, C-2, C-3 and IM-U1 to Not-Permitted in OR-1, C-1, and C-2, and Conditional by Board (CB) in C-3 and IM-U1
- Retail Goods Establishment (With Alcoholic Beverages Sales) from Permitted (P) in OR-1 to Not-Permitted
- Alternative Energy System: Commercial from Conditional By Board (CB) in OR-1, C-1, C-2, C-3 and IM-U1 to Not-Permitted in OR-1, C-1, C-2 and C-3, and Conditional By Board (CB) in IM-U1
- Food Processing: Light from Permitted in OR-1 to Conditional By Board (CB)
- Industrial: Light from Permitted in OR-1, C-1, C-2, C-3 to Not-Permitted
- Movie Studio from Permitted (P) in OR-1, C-1, C-2 and C-3 to Not-Permitted
- Printing Establishment from Permitted in OR-1, and C-1 to Not-Permitted
- Research and Development Facility from permitted (P) in OR-1, C-1, C-2 and C-3 to Not-Permitted
- Alternative Energy System: Community-Based from Permitted (P) in OR-1 to Not-Permitted
- Amend Section § 12-1404 BULK AND YARD REGULATIONS (2) DWELLING: MULTI-FAMILY
~~NOTWITHSTANDING A PROPERTY'S UNDERLYING ZONING DISTRICT, THE PROPERTY~~ [RESIDENTIALLY ZONED PROPERTIES] MAY BE DEVELOPED AS A "DWELLING: MULTI-FAMILY" TO THE BULK AND YARD SPECIFICATIONS FOR ~~EITHER THE R-9 OR~~ R-10 ZONING DISTRICT ESTABLISHED IN TABLE 9-401 {"ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS"}, ~~OR TO THE BULK AND YARD SPECIFICATIONS FOR THE C-1 ZONING DISTRICT ESTABLISHED IN TABLE 10-401 {"COMMERCIAL DISTRICTS (C-1 TO C-4) – BULK AND YARD REGULATIONS"}.~~
- Amend Section § 12-1405 (E)(2)(I) ~~NEW CURB CUTS, FOR VEHICLES, AND DRIVEWAYS ARE PROHIBITED~~ ~~ON HARFORD ROAD.~~
- Amend Table 12-1403 to permit Places of Worship in OR-1, C-1, C-2, and C-3.

STAFF: Carmen Morosan

PETITIONER: Councilman Ryan Dorsey

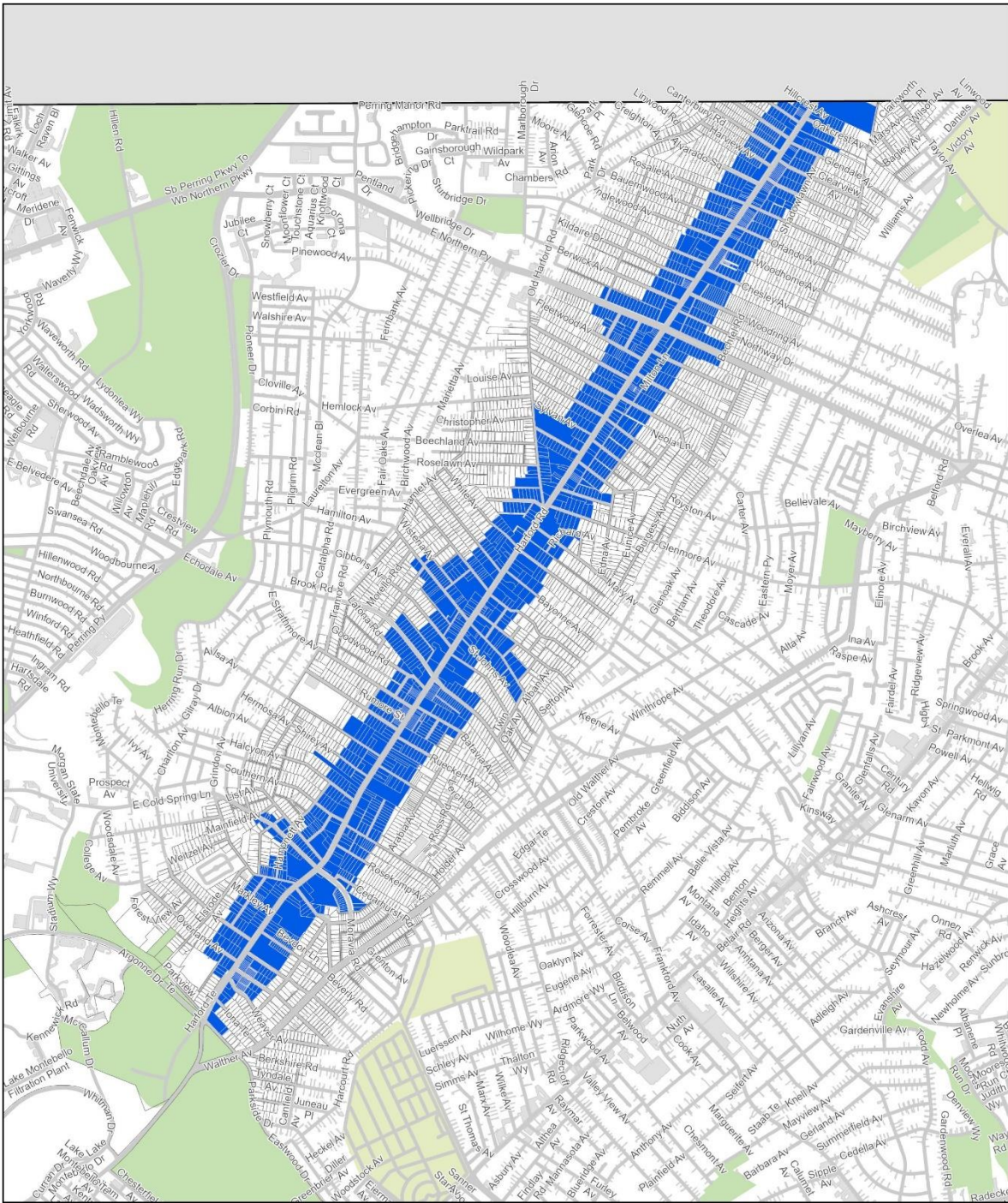
OWNER: Various private, public, institutional owners, and Mayor and City Council

SITE/GENERAL AREA

Site Conditions:

The overlay zoning district extends along the Harford Road Corridor in the 3rd Councilmanic District from Argonne Drive/ Parkside Drive on the South to the City-County line on the North. The East-West boundaries extend about 500 feet East and West of the Harford Road corridor, except for several main intersections where it extends further into the residential fabric.

The map below illustrates the detailed boundaries for the Harford Road Zoning Overlay:



Harford Road Overlay District

■ Overlay district



Brandon M. Scott
Mayor
Chris Ryer
Director of Planning



June 5, 2024

General Area:

The zoning overlay district encompasses primarily the commercial corridor along the Harford Road corridor and some residential categories within the 500-foot buffer on the east and west sides of Harford Road. The commercial areas include Lauraville and Hamilton supported by the Hamilton-Lauraville Main Street Program, and North Harford Road. The residential areas in the zoning overlay area include the following neighborhood statistical areas: Arcadia, Beverly Hills, Lauraville, Moravia-Walther, Waltherson, Hamilton, Hamilton Hills, Westfield and North Harford Road.

HISTORY

There are no previous legislative or Planning Commission actions regarding this area.

CONFORMITY TO PLANS

There are two Urban Renewal Plans (URPs) within the boundaries of the overlay district: The Lauraville Business URP and the Hamilton Business URP. The Lauraville Business URP extends from the intersection of Walther Ave, and Harford Road to Echodale Ave, and is set to expire on October 20, 2024. The Hamilton Business URP extends South from Gibbons Ave. and Harford Road to Evergreen Ave. There is also a Harford Road Master Plan completed in 1977, and a more recent Harford Road Corridor Study completed in 2008.

The establishment of the Harford Road Overlay District is in line with many of the goals and objectives of these plans to make Harford Road and the surrounding neighborhoods a more livable and sustainable community by increasing density along Harford Road, improving the pedestrian experience, reducing auto-oriented uses and increasing access by other modes, promoting a sustainable mixed-use development, and increasing housing opportunity and diversity.

The intent of the Harford Road District Overlay is to replace the Lauraville Business URP which expires this October, and potentially the Hamilton Business URP.

ANALYSIS

Background:

The Harford Road Zoning Overlay was initiated by Councilman Ryan Dorsey to allow for increased customer supply for businesses along Harford Road by increasing density along the corridor within the delineated buffer. At the same time, the zoning overlay is intended to preserve and maintain the character of the neighborhood. In particular, the Zoning Overlay's main objectives are to:

- Improve pedestrian experience along the corridor
- Improve transit access and ridership
- Reduce the requirements for business owners, developers, and the City to allocate resources to cars and trucks
- Promote sustainable mixed-use development
- Promote investment in public spaces through new construction; and

- Increase housing opportunity and diversity.

The existing zoning districts in the proposed zoning overlay area include commercial zoning districts C-1, C- 2, C-3, office-residential districts OR-1, and two small parcels of industrial mixed-use district I-MU The residential districts within the boundaries of the zoning overlay district include R-1, R-3, R-4, and R-5 zoning districts which are characterized by low density residential areas.

The Zoning Overlay District Bill identifies specific uses allowed for non-residential/commercial districts, as well as those allowed for the residential districts within the boundaries of the area, along with other applicable rules and regulations of the Zoning Code for Baltimore City.

After the introduction of the Bill, the Planning Department conferred with Councilman Dorsey on changes he made to Table 12-1403, to include prohibition of curb cuts on Harford Road, as well as changing the permissiveness of some uses. The changes are highlighted in yellow below. For the table, the uses as amended are the ones that are not in brackets:

§ 12-1405. OTHER APPLICABLE STANDARDS.

(E) *DESIGN STANDARDS.*

(2) *PROHIBITED DESIGN ELEMENTS.*

(1) *IN GENERAL.*

NEW CURB CUTS, FOR VEHICLES, AND DRIVEWAYS ARE PROHIBITED **ON HARFORD ROAD...**

TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT – OFFICE, COMMERCIAL, AND INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES						
USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	C-2	C-3	IMU-1	
RESIDENTIAL						
DWELLING (ABOVE NON-RESIDENTIAL GROUND FLOOR)	P	P	P	P	P	
DWELLING: MULTI-FAMILY	P	P	P	P	P	PER § 12-1404
DWELLING: ROWHOUSE	P	P	[P] CB	[P] CB	[P]	
DWELLING: LIVE-WORK	P	P	P	P	P	
INSTITUTIONAL						
COMMUNITY CENTER	[P] CB	[P] CB	[P] CB	[P] CB	P	
CULTURAL FACILITY	[P] CB	[P] CB	[P] CB	P	[P] CB	PER § 14-308
PLACE OF WORSHIP	[CB] P	CB	CB	CB	CB	PER § 14-332

**TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT –
OFFICE, COMMERCIAL, AND INDUSTRIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	C-2	C-3	IMU-1	
OPEN-SPACE						
COMMUNITY-MANAGED OPEN-SPACE FARM	[P] CB	[P] CB	[P] CB	[P] CB	[P] CB	PER § 14-307
COMMUNITY-MANAGED OPEN-SPACE GARDEN	P	P	P	P	P	PER § 14-307
PARK OR PLAYGROUND	P	P	P	P	P	
URBAN AGRICULTURE	[P] CB	[P] CB	[P] CB	[P] CB	P	PER § 14-339
COMMERCIAL						
ART GALLERY	P	P	P	P	P	
ARTS STUDIO	P	P	P	P	P	P
ARTS STUDIO: INDUSTRIAL	P	P	P	P	P	
BODY ART ESTABLISHMENT	P	P	P	P	P	
CARRY-OUT FOOD SHOP	P	P	P	P	P	
DAY-CARE CENTER: ADULT OR CHILD	[P]	[P] CB	P	P	P	PER § 14-309
ENTERTAINMENT: INDOOR	[P]	[P] CB	P	P	P	PER § 14-312
ENTERTAINMENT: LIVE	[P]	[P]	[P]	P	[P] CB	PER § 14-319
FINANCIAL INSTITUTION	[P]	P	P	P	P	
GREENHOUSE OR NURSERY	[P]	P	P	P	P	PER § 14-339
HEALTH-CARE CLINIC	P	[P]	P	P	P	
HEALTH AND FITNESS CENTER	[P]	P	P	P	P	
HOTEL OR MOTEL	[P]	P	P	P	P	
KENNEL	[P]	[P]	[P]	[P] CB	[P] CB	PER § 14-317
OFFICE	P	P	P	P	P	
OUTDOOR DINING	P	P	P	P	P	PER § 14-329
PERSONAL SERVICES ESTABLISHMENT	P	P	P	P	P	
RECREATION: INDOOR	P	P	P	P	P	PER § 14-312
RECREATION: OUTDOOR	P	P	P	P	P	PER § 14-312
RESTAURANT	P	P	P	P	P	

**TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT –
OFFICE, COMMERCIAL, AND INDUSTRIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	C-2	C-3	IMU-1	
COMMERCIAL (CONT.)						
RETAIL GOODS ESTABLISHMENT (NO ALCOHOLIC BEVERAGES SALES)	P	P	P	P	P	
RETAIL GOODS ESTABLISHMENT (WITH ALCOHOLIC BEVERAGES SALES)	[P]	P	P	P	P	PER § 14-336
TAVERN	P	P	P	P	P	PER § 14-337
INDUSTRIAL						
ALTERNATIVE ENERGY SYSTEM: COMMERCIAL	[CB]	[CB]	[CB]	[CB]	[CB] P	
FOOD PROCESSING: LIGHT	[P] CB	P	P	P	P	
INDUSTRIAL: LIGHT	[P]	[P]	[P]	[P]	P	
MOVIE STUDIO	[P]	[P]	[P]	[P]	P	
PRINTING ESTABLISHMENT	[P]	[P]	P	P	P	
RESEARCH AND DEVELOPMENT FACILITY	[P]	[P]	[P]	[P]	P	
OTHER						
ALTERNATIVE ENERGY SYSTEM: COMMUNITY-BASED	[P]	P	P	P	P	PER § 14-306
ELECTRIC SUBSTATION: ENCLOSED, INDOOR, OR OUTDOOR	CB	CB	CB	CB	CB	PER § 14-340
TELECOMMUNICATIONS FACILITY ¹	CB, P	CB, P	CB, P	CB, P	CB, P	PER § 14-338
UTILITIES	CB	CB	CB	CB	CB	PER § 14-340
WIRELESS COMMUNICATIONS SERVICES ²	CB, P	CB, P	CB, P	CB, P	CB, P	PER § 14-338

¹ ONLY TELECOMMUNICATIONS BASE STATIONS THAT COMPLY WITH THE STEALTH DESIGN STANDARDS OF § 14-338 ARE CONSIDERED PERMITTED USES.

² ONLY WIRELESS COMMUNICATION SERVICES THAT ARE MODIFICATIONS TO – AND DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSION OF – AN EXISTING TELECOMMUNICATIONS FACILITY, ARE CONSIDERED PERMITTED USES.

For Section 12-1404 Bulk and Yard Regulations of the Bill, the Planning Department recommends the following amendment as shown below:

(2) DWELLING: MULTI-FAMILY

~~NOTWITHSTANDING A PROPERTY'S UNDERLYING ZONING DISTRICT, THE PROPERTY [RESIDENTIALLY ZONED PROPERTIES] MAY BE DEVELOPED AS A "DWELLING: MULTI-FAMILY" TO THE BULK AND YARD SPECIFICATIONS FOR EITHER THE R-9 OR R-10 ZONING DISTRICT ESTABLISHED IN TABLE 9-401 {"ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS"}, OR TO THE BULK AND YARD SPECIFICATIONS FOR THE C-1 ZONING DISTRICT ESTABLISHED IN TABLE 10-401 {"COMMERCIAL DISTRICTS (C-1 TO C-4) – BULK AND YARD REGULATIONS"}.~~

The reason we are recommending the use of only one bulk and yard regulation is because having three regulations to choose from will create confusion, ambiguity, and potentially lead to unpredictable developments. Using only the bulk and yard regulations for the R-10 zoning district for multi-family dwellings will provide clarity in the development process, while allowing for more density to achieve the purpose of the Bill.

For Section "12-1405 (E)(2)(I) - New curb cuts, for vehicles, and driveways are prohibited **ON HARFORD ROAD**", the Planning Department recommends deleting this entire stipulation. We believe that a potential multi-family development on Harford Road may require a curb cut to provide parking for residents. Even though the Bill does exempt developments from off-street parking requirements in the overlay district, a potential development may not get the necessary financial support from lending institutions without providing a certain number of off-street parking for their development plans.

For Table 12-1403 the Planning Department recommends making Places of Worship a permitted use (P) in C-1, C-2 and C-3, as opposed to Conditional by Board (CB). We are concerned that making it CB may limit religious rights and violate the Federal Religious Land Use And Institutionalized Person (RLIUPA) Act.

Bill Effects:

The Bill establishes a new Special Purpose District to be included in Title 12 of the Zoning Code by adding Subtitle 14 – Harford Road Overlay District. The Bill is repealing and re-ordaining with amendments Section 16-601(b)(1) of the Zoning Code to exempt off-street parking requirements in the overlay district. It also includes Table 12-1403 to limit land uses in the overlay district. In terms of design guidelines, the Bill prohibits new curb cuts for vehicles and driveways on Harford Road. In residential areas, the Bill specifically allows for multi-family dwellings which otherwise would not be permitted in the R-1, R-3 and R-4 zoning districts. It also allows for semi-detached buildings in the overlay district which would not be allowed in the R-3 zoning district. The following table compares the proposed zoning changes in the overlay district (OD) to the existing zoning district of the Zoning Code (ZC):

**Table 12-1403: Harford Road Overlay District –
Office, Commercial, and Industrial Districts –
Permitted and Conditional Uses**

Uses	Subdistricts										Use Standards
	OR-1		C-1		C-2		C-3		IMU-1		
	OD	ZC	OD	ZC	OD	ZC	OD	ZC	OD	ZC	
Residential											
Dwelling (Above Non-Residential Ground Floor)	P		P	P	P	P	P	P	P	P	
Dwelling: Multi-Family	P	P	P	P	P	P	P	P	P	P	Per § 12-1404
Dwelling: Rowhouse	P	P	P	P	[P] [CB]	CB	[P] [CB]	CB	[P]		
Dwelling: Live-Work	P		P	P	P	P	P	P	P	P	
Institutional											
Community Center	[P] [CB]		[P] [CB]	CB	[P] [CB]	CB	[P] [CB]	P	P		
Cultural Facility	[P] [CB]	P	[P] [CB]	CB	[P] [CB]	CB	P	P	[P] [CB]	CB	Per § 14-308
Place of Worship	[CB] P	P	CB	P	CB	P	CB	P	CB		Per § 14-332
Open-Space											
Community-Managed Open-Space Farm	[P] [CB] P	CB	[P] [CB]	CB	[P] [CB]	CB	[P] [CB]	CB	[P] [CB]	CB	Per § 14-307
Community-Managed Open-Space Garden	P	P	P	P	P	P	P	P	P	P	Per § 14-307
Park or Playground	P	P	P	P	P	P	P	P	P	P	
Urban Agriculture	[P] [CB]	CB	[P] [CB]	CB	[P] [CB]	CB	[P] [CB]	CB	P	P	Per § 14-339
Commercial											
Art Gallery	P		P	P	P	P	P	P	P	P	
Arts Studio	P		P	P	P	P	P	P	P	P	
Arts Studio: Industrial	P		P	P	P	P	P	P	P	P	
Body Art Establishment	P		P	CB	P	P	P	P	P	P	
Carry-Out Food Shop	P		P	CB	P	P	P	P	P	P	
Day-Care Center: Adult or Child	[P]		[P] [CB]	CB	P	P	P	P	P	P	Per § 14-309
Entertainment: Indoor	[P]		[P] [CB]	CB	P	P	P	P	P	P	Per § 14-312
Entertainment: Live	[P]		[P]		[P]		P	P	[P] [CB]	CB	Per § 14-319

**Table 12-1403: Harford Road Overlay District –
Office, Commercial, and Industrial Districts –
Permitted and Conditional Uses**

Uses	Subdistricts										Use Standards
	OR-1		C-1		C-2		C-3		IMU-1		
	OD	ZC	OD	ZC	OD	ZC	OD	ZC	OD	ZC	
Commercial (cont.)											
Financial Institution	[P]		P	P	P	P	P	P	P	P	
Greenhouse or Nursery	[P]		P	P	P	P	P	P	P	P	Per § 14-339
Health-Care Clinic	P	P	[P]	CB	P	P	P	P	P	P	
Health and Fitness Center	[P]		P	P	P	P	P	P	P	P	
Hotel or Motel	[P]		P	CB	P	P	P	P	P	CB	
Kennel	[P]		[P]		[P]		[P] CB	CB	[P] CB	CB	Per § 14-317
Office	P	P	P	P	P	P	P	P	P	P	
Outdoor Dining	P		P	P	P	P	P	P	P	P	Per § 14-329
Personal Services Establishment	P		P	P	P	P	P	P	P	P	
Recreation: Indoor	P		P		P	P	P	P	P	P	Per § 14-312
Recreation: Outdoor	P		P		P	CB	P	CB	P	CB	Per § 14-312
Restaurant	P		P	P	P	P	P	P	P	P	
Retail Goods Establishment (No Alcoholic Beverages Sales)	P		P	P	P	P	P	P	P	P	
Retail Goods Establishment (With Alcoholic Beverages Sales)	[P]		P	CO	P	CO	P	CO	P	CO	Per § 14-336
Tavern	P		P	CB	P	P	P	P	P	CO	Per § 14-337
Industrial											
Alternative Energy System: Commercial	[CB]		[CB]		[CB]		[CB]		[CB] P	P	
Food Processing: Light	[P] CB		P	P	P	P	P	P	P	P	
Industrial: Light	[P]		[P]		[P]		[P]		P	P	
Movie Studio	[P]		[P]		[P]		[P]		P	P	
Printing Establishment	[P]		[P]		P	P	P	P	P		
Research and Development Facility	[P]		[P]		[P]		[P]		P	P	

**Table 12-1403: Harford Road Overlay District –
Office, Commercial, and Industrial Districts –
Permitted and Conditional Uses**

Uses	Subdistricts										Use Standards
	OR-1		C-1		C-2		C-3		IMU-1		
	OD	ZC	OD	ZC	OD	ZC	OD	ZC	OD	ZC	
Other											
Alternative Energy System: Community-Based	[P]		P	P	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	CB	CB	CB	CB	P, CB	Per § 14-340
Telecommunications Facility ¹	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

¹ ONLY TELECOMMUNICATIONS BASE STATIONS THAT COMPLY WITH THE STEALTH DESIGN STANDARDS OF § 14-338 ARE CONSIDERED PERMITTED USES.

² ONLY WIRELESS COMMUNICATION SERVICES THAT ARE MODIFICATIONS TO – AND DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSION OF – AN EXISTING TELECOMMUNICATIONS FACILITY, ARE CONSIDERED PERMITTED USES.

OD = OVERLAY DISTRICT
ZC = ZONING CODE

Equity:

- **Impact:**

This request and subsequent approval of this bill will be an effective tool that will improve local community access to a diverse and thriving business district and housing choices along the Harford Road corridor. It will benefit the community by increasing the opportunity for affordable housing in the area. At the same time, the business community will benefit from an increased number of residents who will patronize existing businesses, as well as attract new ones. It will contribute to improving the health, safety and well-being of the residents by making the community more walkable and bikeable.

Staff believes there will be no discernible negative impacts to the surrounding community from this proposal.

- **Engagement:**

The community has been fully engaged in this proposed Bill. In preparation for this Bill, over the past couple of years, Councilman Dorsey, as well as the District Planner, held numerous meetings and discussions with members of the Lauraville Community Review Panel - the community review body of the Lauraville Business URP representing seven neighborhoods

along the Harford Road Corridor. Councilman Dorsey hosted a well-attended informational meeting in July to explain the Bill and its implications, and address concerns of the residents and business community. Email notifications were sent on numerous occasions to inform the residents about the Bill.

- Internal Operations:
 - The proposed legislation would not affect Planning Department activities or operations. However, some aspects of the bill if enacted could create a large demand for staff in Zoning Administration and Zoning Enforcement. Planning staff would defer to the BMZA and the Zoning Administrator for additional comment.

Notification

Prior to this action, the following groups were notified: The Lauraville Community Review Panel, the Lauraville Business Association, The Hamilton Lauraville Main Street, the Hamilton Business Association, HARBEL, and the following community associations: Arcadia Improvement Association, Mayfield Improvement Association, Beverly Hills Improvement Association, Lauraville Improvement Association, Waltherson Improvement Association, Moravia-Walther Improvement Association, Hamilton Hills Neighborhood Association, Hamilton Neighborhood Association, Westfield Neighborhood Improvement Association and North Harford Road Community Association.



Chris Ryer
Director

CITY OF BALTIMORE

Brandon M. Scott, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

Rebecca Lundberg Witt, *Executive Director*

June 17, 2024

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: CC Bill #24-0544 Zoning – Harford Road Overlay District

Ladies and Gentlemen:

City Council Bill No. 24-0544 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 24-0544 is to establish the Harford Road Overlay District; to delineate the boundaries of the district; to create applicable use regulations within the district; to establish bulk and yard regulations within the district; to detail other applicable standards within the district; to amend certain off-street parking requirements; and generally relating to the establishment of the Harford Road Overlay District. BMZA is deferring its recommendation on the legislation to that of the report and recommendation of the Planning Commission.

Sincerely,

A handwritten signature in black ink that reads "Rebecca R Witt".

Rebecca Lundberg Witt
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

Council Bill 24-0544

Additional Materials

SEE ATTACHED

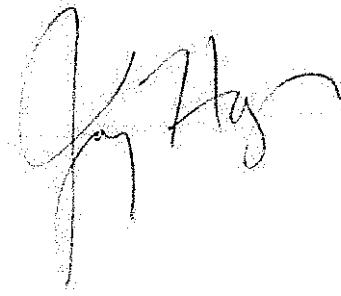
Affidavit of Publication

To: RYAN Dorsey -
100 Holliday St, Rm 523
Baltimore, MD, 212023427

Re: Legal Notice 2643483,
PUBLIC HEARING ON BILL NO. 24-0544

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 08/26/2024

By



Joy Hough
Authorized Designee of the Publisher

Baltimore City

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 24-0544**

The Ways and Means Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 24-0544 on September 10, 2024, at 10:00 A.M. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Zoning - Harford Road Overlay District

For the purpose of establishing the Harford Road Overlay District; delineating the boundaries of the district; creating applicable use regulations within the district; establishing bulk and yard regulations within the district; detailing other applicable standards within the district; amending certain off-street parking requirements; and generally relating to the establishment of the Harford Road Overlay District.

Applicant: Councilmember Ryan Dorsey

For more information, contact Committee Staff at (410) 396-1268.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Eric T. Costello
Chair

au26 2643483

MARYLAND
THE DAILY RECORD

A Division of BridgeTower Media
P.O Box 745929
Atlanta, GA 30374-5929

Invoice # 745721406
Invoice Date 08/26/2024
Customer Ryan Dorsey, ID: 44501
Payment Terms Net 30
Due Date 09/25/2024

BILLING ADDRESS

RYAN Dorsey
100 Holliday St Rm 523
Baltimore MD 212023427

ADVERTISER

Ryan Dorsey, ID: 44501
100 Holliday St Rm 523
Baltimore MD 212023427

INVOICE REF	MEDIA	DATE	PO	EDITION	QTY	AD SIZE
1007389559	The Daily Record (BLT) - Public Notice	08/26/24	24-0544	Legal - Government	1	Legal - Government

Thank you for your business!
IOID: 2643483
Index: Government - Baltimore City
Category: Baltimore City
Affidavit Reference: PUBLIC HEARING ON BILL NO. 24-0544

Subtotal	\$140.56
Tax	\$0.00
Credits	\$0.00
BALANCE DUE	\$140.56

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Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 24-0544

Today's Date: August 13, 2024



Address: (From left to right) 5401 Harford Rd Baltimore, MD 21214, 5232 Harford Rd Baltimore, MD 21214, 6717 Harford Rd Baltimore, MD 21234.

Date Posted: 8/9/24

Name: Sumner Weiss

Address: 100 N. Holliday St Baltimore, MD 21201

Telephone: (410) 396-4812

Signature:

Email to: Natawnab.Austin@baltimorecity.gov

To Marguerite Currin and the Ways and Means Committee

My name is Nancy Broadfoot, a resident of a Single-Family Dwelling located in Lauraville. I am writing in opposition to the Harford Road Overlay District Bill presented by Mr. Dorsey at a ZOOM meeting last night to educate persons located in the communities most affected by his vision.

Unfortunately, after his reading and presenting the "actual" page by page Bill, there was not efficient enough time to hear ALL the concerns about his Bill. There were comments made by Mr. Dorsey that are just not true and concerning for residents of the community and need to be addressed.

Mr. Dorsey showed us sample-pies of how the community uses the properties along Harford Road. The data presented was gathered as he explained by walking the boulevard up to the County line. This information was supported by data collected in 2008. He explained, according to his "pies", that churches occupied a major portion of the land- along with their parking lots. This was explained as; property used approximately about "8 hrs." a week. This is fundamentally untrue and misrepresented and simply based on opinion. The facts are many of these churches harbor treatment for mental and substance abuse, along with providing food to the needy and elderly. The Church has long provided community unity for residents of like faith, and has always been a pillar in every community.

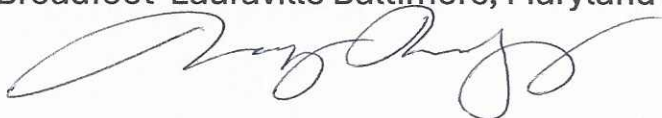
It was also explained that many of the properties on Harford Rd were occupied by Automobile related businesses, which on any busy-business – commuter used roadway is standard. It was declared that if Single Family Dwellings were to become Multi Unit homes, taxes would decrease in time.

Since the escalated wealth currently in properties that families own, will be reduced in time and taxes will drop. Which is an economically false statement. Every person who purchases and invests in their property-welcomes, building wealth through their investment. It simply is false information. The cost of rent, as in rent control, has no reflection in this Bill. Persons who want to rent in Lauraville are able too There are many units every year available. Persons buy into this community because we have respect for ALL people. It's already diverse and doesn't need a new Bill, to create diversity. Young persons have the opportunity to purchase through the first time buyers program that the City offers. It is very successful. My daughter just brought a house in the neighborhood, she's a hairdresser. Persons who own their property and have lived in this Community for decades have helped remove absentee landlords and welcomed a new generation onboard who desire an urban community with a stable, quiet and relatively safe environment. The declaration that a 500' perimeter is "JUST a block up" from Harford Road is also misleading. Since my street for example consists of approximately 3 blocks. That makes it 1/3 of the street up, AND the surrounding neighborhood streets. The community will be subject to landlords, not present in these properties, which is destabilizing and family deterrent.

This Bill is "a vision" that would take decades of deconstruction to be realized. It is unjust to confirm a Bill that affects an entire community with out proof of its benefit. Baltimore is unique and not comparable to other cities data.

Thank you for considering my views and concerns,

Nancy Broadfoot Lauraville Baltimore, Maryland 21214



Allison Seyler
3023 Weaver Ave
Baltimore, MD 21214

July 11, 2024

Re: Council Bill 24-0544 - Zoning Harford Road Overlay District

As a resident of Arcadia and more specifically, a homeowner who lives on Weaver Avenue which would be directly impacted by the changes suggested in the bill, I firmly believe that this proposal will bring much needed improvements, changing our community for the better. The Overlay District will create affordable housing, drive up support for local businesses, and make our city more walkable and enjoyable for all. I write to voice my steadfast support for the Harford Road Overlay District bill.

My husband and I chose to buy a home in Arcadia because of its proximity to green space and its location within walking distance to a grocery store, restaurants, bars, coffee shops, and other necessary businesses. We were attracted by the vibrant and welcoming community that was clearly growing. When we visited open houses, folks were working in their yards and sitting on their porches, while others were walking down Harford Road to patronize businesses. It is incredibly important for this growth to continue and for us as city residents to support initiatives that will help our neighborhood thrive. Simply put, we need more residents and businesses - it is our obligation to help create an environment that allows for that. This bill is a first step to addressing the current commercial vacancy that exists along Harford Road. It is also a tangible way to address Baltimore's dire housing needs by offering more diverse and plentiful options.

The bill offers our neighborhood the ability to create a more densely populated area, which will in turn allow for more steady and consistent support of our local businesses. The diversity in housing options will attract new and different residents - in an inclusive way. There will be more affordable housing for folks who desire to live in our neighborhood now but that simply cannot for financial or other reasons. If we are allowed to create multi-dwelling residences, valuable renters like college students, young professionals (some of whom work at local businesses on Harford Road), divorced parents, elderly folks (who have called this place home for decades) looking to downsize, members of the LGBTQ and disability communities, and others desiring to live in a walkable, dynamic neighborhood will be able to live here, which will bolster the community's ability to thrive. The folks we are "keeping out" or that have historically not been able to move into our neighborhood because of the zoning restrictions should also be able to benefit, thrive, and partake in all that we have to offer. We have always been a community where rowhouses, cedar shake bungalows, Victorian homes, and formstone cottages coexist. Adding apartments of different sizes and shapes as well as allowing for the conversion of single family homes into multi-dwelling units fits into the historic trajectory of this place.

These zoning changes will benefit the current local businesses and create incentives for new businesses to move in. With a more densely populated and more easily traveled corridor, current businesses will benefit from increased foot traffic and from folks using public transit or the bike lanes. There are often

nights where these businesses send staff home early based on the trends of less customers. This ripple effect from the businesses to their staff is something we've seen personally and this bill will help address that lack of consistent patronage. New businesses will also be able to do an assessment that shows favorable outcomes should they choose to rent or buy here if we have more residents to support their storefronts. The only way we will be able to do this is if we are allowed to introduce mixed-use development, invest in new construction, and increase housing opportunity and diversity. There are other neighborhoods that have benefited from updated Urban Renewal Plans that work in tandem and collaboration with the business community, and I see this bill as a way to work on similar urban repair along Harford Road. I also think this endeavor will help keep revenue in the city; there will be less need "to go to the county" for different purchases if we have our own versions of those businesses along a walkable and easily traveled (using public transit) corridor.

Opponents say that this bill will damage the existing character of the neighborhood and I strongly disagree. This bill will enhance our neighborhood's existing character in meaningful and long lasting ways. This bill will attract new residents and new businesses. It will encourage current businesses and residents to stay, and it will increase support for the local economy. I know change is hard for many, but these changes will make improvements that will benefit us all and others in the future. Now is the time to think of what we are doing in the present in the name of the collective good. I implore you to stand in support of this very important bill.

With thanks for consideration,
Allison Seyler

From: Mary Jo Kirschman <mkirschman@gmail.com>

Sent: Thursday, July 11, 2024 3:14 PM

To: Dorsey, Ryan (City Council) <Ryan.Dorsey@baltimorecity.gov>

Subject: Enthusiastic Support for Harford Rd. Overlay

CAUTION: This email originated from outside of Baltimore City IT Network Systems.

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Dear Councilman Dorsey,

As a 38 year resident of Lauraville, I would like to express my support for the Harford Overlay Plan, as explained by you at last week's community meeting. It looks like the plan would allow multifamily housing within 5 houses of mine, which is located on the corner of Overland and Elsrode.

One of the reasons I have been committed to urban living for my entire adult life, after a childhood in car-dependent Baltimore County, is because of the liveliness, diversity and energy that should characterize city living. While some of Harford Road is considered "walkable", the many vacant commercial properties and the preponderance of businesses catering to auto repairs, for example, which don't cater to neighbors, don't invite either local residents or people from around the city to spend time and money here.

I am convinced that allowing a measured and careful increase in multifamily housing would do several things, among them:

- 1) Bring more "eyes on the street", which would deter crime
- 2) Attract local and innovative businesses, because of a growing neighborhood customer base
- 3) Increase the overall walkability of the area, a boon for seniors and for the many of us who love to be out and about in our community
- 4) Be part of the city's efforts to increase available and affordable housing, which Baltimore so desperately needs.
- 5) Build housing opportunities for current residents (like my husband and me!) who no longer need large single-family homes but who want to remain in the neighborhood.
- 6) Continue to grow our diversity, which makes us (in modern times!) one of the city's most welcoming communities.

For all of these reasons, and probably more, I would welcome this kind of new energy to my block and our community.

All the best,
Mary Jo Kirschman
2901 Overland Ave.
410 207-1232

From: Leah Irwin <leah.h.irwin@gmail.com>

Sent: Thursday, July 11, 2024 11:56:13 AM

To: Dorsey, Ryan (City Council) <Ryan.Dorsey@baltimorecity.gov>

Subject: Message of support for Harford Rd overlay

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Dear Councilman Dorsey,

I am writing in support of your proposed overlay district for Harford Rd. My family has lived on Mary Ave since January 2020. I strongly believe Harford Rd is on the verge of a renaissance but needs radical measures to fulfill its true potential.

I am a very strong proponent that our area desperately needs more housing units. Large single family homes are not serving the needs of everyone in our community. Single people, single parents, seniors and others are seeking 1-2 bedroom apartments which are able to be more reasonably priced than large 3-4 bedroom homes.

The business corridor on Harford Rd would greatly benefit from reducing parking minimums, prioritizing walkability, and encouraging certain types of businesses to help attract new development. My husband and I make it a priority to patronize local restaurants and businesses and I'd love to have even more walkable amenities from my house which is less than half mile from Harford Rd.

The naysayers may say that this will reduce property values in the homes they own or make parking challenging in the neighborhood but I completely disagree. 1) I'm confident this will actually increase property values in the neighborhood, 2) maintaining or increasing property values should not be a priority for making these types of structural decisions that will broadly impact multiple stakeholders in the community, and 3) increasing walkability and bikeability will address some of the concerns about parking.

Thanks for your attention.

Leah Irwin
3211 Mary Ave

From: Matthew Cashman <matthewjcashman@gmail.com>

Date: Tuesday, June 25, 2024 at 9:31 PM

To: District3 <District3@baltimorecity.gov>

Subject: Harford Road Overlay Letter

CAUTION: This email originated from outside of Baltimore City IT Network Systems.

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Ryan,

We ran into each other at the Lauraville farmers market a couple weeks ago and briefly discussed the Harford Road bike lanes and the Harford Road Overlay District.

I wanted to send in a letter of support for the changes - this is the right direction the area needs to head in. I don't want exclusionary NIMBYs happy with the status quo and unable to imagine a better future to stop this. Vibrant walkable neighborhoods for all.

The letter is as a pdf attached to the email - please let me know if there are any issues opening it.

Thanks for your leadership.

Best,
Matt Cashman



July 11, 2024

Mr. Sean Davis, Chairman
Planning Commission
c/o Eric Tiso, Planning Department

Mr. Chair and Members of the Commission,

We are writing to express our support for the establishment and development of the Harford Road Overlay District.

Silver Queen Café is an eight-year old anchor business in Hamilton, and as such, we feel very strongly that this is absolutely necessary, not only to sustain current small businesses, but also to draw new businesses to this area. As it stands, there is not enough population density to make this happen. When new businesses open, the support of others wanes, and the possibility of losing any of our current neighbors, or potentially our own place, is very real. We have a strong desire to stay in the Harford Road corridor, as we not only own a restaurant here, we also own a home in the neighborhood. Many of our staff are also neighborhood residents, and their success is dependent on ours.

We do hope that you consider how this will positively impact our area, and create a successful neighborhood for all.

Thank you,

Nicole Evanshaw, Owner
Jason Daniloski, Owner
Silver Queen Café
5429 Harford Road
Baltimore, MD 21214