


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #10-0617/SUBDIVISION & DEVELOPMENT PLANS – PENALTIES FOR VIOLATION		

TJA

**TO**

DATE: November 19, 2010

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

At its regular meeting of November 18, 2010 the Planning Commission considered City Council Bill #10-0617 for the purpose of establishing penalties for violation of the rules and regulations governing the development and regulation of subdivisions.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #10-0614 and adopted the following resolution, seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #10-0617 be passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Chief of Land Use and Urban Design at 410-396-4488.

TJS/WA/ttl

Attachments

- cc: Ms. Kaliopé Parthemos, Deputy Mayor
- Ms. Sophie Dagenais, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, City Council Planning Commission Representative
- Mr. Geoffrey Veale, Zoning Enforcement
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Karen Randle, Council Services





Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

November 18, 2010

#### REQUESTS:

- Adoption/Revised Baltimore City Subdivision Regulations
- Adoption/Amended Planning Commission Rules and Regulations
- City Council Bill #10-0617/Subdivision & Development Plans -- Penalties for Violation

#### RECOMMENDATIONS:

- Adoption/Revised Baltimore City Subdivision Regulations: Approval
- Adoption/Amended Planning Commission Rules and Regulations: Approval
- City Council Bill #10-0617/Subdivision & Development Plans -- Penalties for Violation: Approval

STAFF: Natasha Becker

PETITIONER: Department of Planning on behalf of the Planning Commission

#### CONFORMITY TO PLANS

The Charter of Baltimore City (Article VII, §75) authorizes the Planning Commission to adopt rules governing the subdivision of property. Furthermore, the proposed changes to our *Subdivision Regulations* further the following goals and objectives from the Baltimore City Comprehensive Master Plan:

- LIVE Goal 2, Objective 1: Improve the design quality of Baltimore's built environment;
- LIVE Goal 2, Objective 2: Streamline and strengthen the development process; and
- PLAY Goal 3, Objective 2: Protect and enhance Baltimore's natural habitat and environmental resources.

#### HISTORY

Baltimore City's Subdivision Regulations were originally adopted on April 15, 1940 and have been amended periodically since then. The most recent amendment occurred on May 6, 1999.

#### ANALYSIS

##### Subdivision Regulations

Our current *Rules and Regulations for Land Subdivision* were adopted for the first time in 1940 and have been updated periodically since then, the most recent update occurring in 1999. More than a decade later, the rules surrounding development have changed dramatically. We are operating under a new Comprehensive Master Plan for the city, the first one adopted since 1971. The TransForm Baltimore process is well underway to revise our Zoning Code. And we have

stepped up our efforts toward a “greener” Baltimore by implementing citywide Green Building requirements and new stormwater management regulations. The proposed update to our *Rules and Regulations for Land Subdivision* should be seen as a complementary piece of the regulatory framework, and one long overdue for revision.

Changes proposed fall into the following four broad categories:

1. **Procedures**
  - While there currently is no differentiation among subdivision types, the new regulations categorize subdivisions as either “Major” or “Minor”, with 5 subcategories of Major Subdivision and 4 subcategories of Minor Subdivisions.
  - All subdivisions are currently subject to the same review process. This is proposed to change, with one review process for Minor Subdivisions and one review process for Major Subdivisions (involving an increasing level of scrutiny).
  - Plan submittal requirements are being modified such that if a subdivision is for disposition purposes only and no new development is proposed, the development plan may proceed through initial reviews and obtain subdivision approval showing only the allowable building envelope.
  - Applicants will now be required to fulfill an official public notice requirement, with copies of preliminary plans sent via certified mail to community groups and directly adjacent owners, as provided by Department of Planning staff.
  - The Planning Commission will retain broad waiver authority over any requirements in the *Subdivision Regulations*. However, the Director of Planning will have the waiver authority in one instance. If a Planning Commission waiver is sought, the request must be made in a public meeting, effectively triggering the Major Subdivision review process.
2. **Design Review**
  - Most architectural building elevations will be subject to review and approval by a staff architect, based on a list of 7 criteria.
  - If the project is located in a local historic district, Urban Renewal area, or Planned Unit Development, design review authority of the *Subdivision Regulations* will not supersede those design controls already in place.
3. **Design Standards/Sustainability**
  - Lot frontage requirements have been streamlined, “panhandle lots” defined and prohibited, as well as prohibiting subdivisions to create lots with no public or private frontage other than that which may exist on an alley or lane.
  - The regulations have been updated to include a comprehensive listing of all environmental regulations that may apply, including: Flood Plain, Critical Area, Forest Conservation, Green Building requirements, and new stormwater requirements. Code references and hotlinks have been provided for all.
  - A new statement has been included that speaks to the City’s commitment to proactively apply sustainability elements to neighborhood planning, master planning, and development review functions. Developers are asked to incorporate

a list of 12 sustainable design principles into their project to the greatest extent possible.

**4. Clean-up**

- All definitions have been conformed with those already existing in City code and new terms added where needed.
- All code references have been corrected and a consistent hotlink approach employed for eventual web publication.

**Amended Planning Commission Rules**

Article I, Section 7 of the *Rules and Regulations of the Baltimore City Planning Commission* deals with the consent agenda and states:

“Matters requiring action by the Commission may be placed on a consent calendar. Items scheduled for the consent calendar may include items previously reviewed by the Commission or consistent with previous actions by the Commission. Unless there be objection by at least one (1) Commissioner, consent calendar items shall be acted upon in accordance with the staff recommendation.”

Because the new *Subdivision Regulations* propose that Final Plans be approved on the consent agenda, this section needs to be modified simply to reflect the change.

**City Council Bill #10-0617**

In the course of verifying code references cited throughout the existing regulatory document, it was discovered that there currently are no penalties in place for violating the *Subdivision Regulations*. A City Code amendment had deleted the provision, and an update was made that attempted to rectify the situation by placing the penalties in the *Subdivision Regulations* themselves. However, with input from the Department of Legislative Reference, it was determined that the imposition of penalties cannot be made through a regulatory document. Rather, it must be imposed by code. City Council Bill #10-0617 is the required legislation to establish such penalties.

The bill states that any violation of the *Subdivision Regulations* shall be considered a misdemeanor, punishable by a \$500 fine or imprisonment for up to 30 days. This certainly is not a provision the Department of Planning envisions employing save for the most flagrant violations, and it closely mirrors similar provisions already in place for the Baltimore City Zoning Code.

**OUTREACH/PUBLIC NOTICE**

In advance of a hearing on this matter, staff notified 200+ community groups, representing all of the City's umbrella groups who have provided contact information to the Community Association Directory. In addition, identified stakeholders (including various City agencies and the Baltimore Development Workgroup) have been invited to participate in numerous meetings throughout the draft-writing phase, and were emailed a copy of the document, to which comments were sought. Community groups were invited to attend a Department of Planning Open House on Monday, October 18, 2010.



**Thomas J. Stosur**  
**Director**