

10/24/16

**TEXT AMENDMENTS TO COUNCIL BILL 12-152
(1st Reader Copy)**

By: Land Use and Transportation Committee
{To be offered on the Council Floor}

TITLE 1. GENERAL PROVISIONS

Amendment No. 1.1 {Clarifying meaning of "this Code"}

On page 5, after line 11, insert:

"§ 1-209. REFERENCES TO "THIS CODE".

THROUGHOUT THIS ARTICLE, ALL REFERENCES TO "THIS CODE" REFER TO THIS ARTICLE, THE ZONING CODE OF BALTIMORE CITY.;

and, beginning on page 5, in line 12, through page 8, in line 6, renumber §§ "1-209" through "1-218", respectively, to be §§ "1-210" through "1-219", respectively; and on page 121, in line 25, and on page 127, in line 20, in each instance, strike "§ 1-217" and substitute "§ 1-218".

Amendment No. 1.2 {Defining "CO"}

On page 6, in line 8, strike "C" and substitute "CB"; and, in the same line, strike "IN" and substitute "WITHIN"; and, in lines 8 and 9, strike "AND REQUIRES A CONDITIONAL USE PERMIT" and substitute "REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS"; and, at the end of line 9, strike "AND"; and, after line 9, insert:

"(3) A "CO" INDICATES THAT A USE IS A CONDITIONAL USE WITHIN THAT ZONING DISTRICT REQUIRING APPROVAL BY ORDINANCE OF THE MAYOR AND CITY COUNCIL; AND";

and, in line 10, strike "(3)" and substitute "(4)".

Amendment No. 1.3 {Word Usage}

On page 9, in line 6 and in line 7, strike "ADJOIN" and "ADJOIN", respectively, and substitute "ADJOINING" and "ADJOINING", respectively.

Amendment No. 1.4 {Deleting Def. of “Balcony; Deck”}

On page 13, strike lines 7 through 11, in their entirety, and substitute “(B) {RESERVED}”; and, on page 21, strike lines 29 and 30, in their entirety, and substitute “(C) {RESERVED}”.

Amendment No. 1.5 {Redefining “Banquet Hall”}

On page 13, strike lines 15 through 19, in their entirety, and substitute:

“(I) FOR WHICH ALL EVENTS ARE DIRECTLY MANAGED BY THE OWNER OF THE FACILITY OR BY A PERSON OR PERSONS REGULARLY EMPLOYED BY THE OWNER AND RESPONSIBLE TO THE OWNER FOR THE ONSITE MANAGEMENT OF ALL EVENTS HELD IN THAT FACILITY AND FOR EVENT ARRANGEMENTS;

(II) THAT IS USED REGULARLY FOR SERVING FOOD OR BEVERAGE PROVIDED BY THE OWNER OR BY CATERERS AND SUPPLIERS APPROVED IN ADVANCE BY THE OWNER;

(III) THAT SERVES DESIGNATED GROUPS THAT, BEFORE THE DAY OF THE EVENT, HAVE RESERVED THE FACILITY FOR BANQUETS OR MEETINGS AND PROVIDED ALL INSURANCE CERTIFICATES, SECURITY CONTRACTS, OFF-STREET PARKING CONTRACTS REQUIRED BY THE FACILITY’S OWNER;

(IV) TO WHICH THE GENERAL PUBLIC IS NOT ADMITTED;

(V) FOR WHICH NO ADMISSION FEE IS CHARGED AT THE DOOR; AND

(VI) IN WHICH NO THIRD PARTY PROMOTER IS INVOLVED OR STANDS TO PROFIT.

(2) SUPPLEMENTAL DEFINITION.

IN PARAGRAPH (1)(VI) OF THIS SUBSECTION, “PROMOTER” MEANS A PERSON WHOSE PRIMARY BUSINESS IS TO ORGANIZE, SCHEDULE, AND OPERATE ONE-TIME EVENTS IN VARIOUS LEASED VENUES THROUGH WIDE-SCALE PROMOTIONS AND ADVANCE SALES OF GENERAL ADMISSION TICKETS ADVERTISED PRIMARILY BY FLYERS, WEBSITES, E-BLASTS, AND SOCIAL MEDIA AND CUSTOMARILY SELLING GENERAL ADMISSION TICKETS AT THE DOOR.”;

and, in line 20 and in line 23, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively.

Amendment No. 1.6 {Modifying Def. of “Bed and Breakfast”}

On page 14, in line 5, after “ALSO”, insert “, WHILE THE OWNER IS IN RESIDENCE,”.

Amendment No. 1.7 {Deleting Def. of “City Block”}

On page 17, strike lines 15 through 18, in their entirety, and substitute “(B) {RESERVED}”.

Amendment No. 1.8 {Redefining “Commercial Vehicle”}

Strike beginning with “ “COMMERCIAL” on page 17, in line 26, through the period on page 18, in line 1, and substitute:

“COMMERCIAL VEHICLE” MEANS:

- (1) EVERY VEHICLE DESIGNED, MAINTAINED, AND USED PRIMARILY FOR THE TRANSPORTATION OR HAULING OF PROPERTY, INCLUDING EQUIPMENT, MERCHANDISE, PARCELS, EARTH, TRASH, REFUSE, SCRAP, OR MOTOR VEHICLES;
- (2) EVERY VEHICLE, EXCEPT A PASSENGER CAR (AS DEFINED IN MARYLAND VEHICLE LAW § 11-144.1), THAT HAS COMMERCIAL ADVERTISING ON THE EXTERIOR OF THE VEHICLE OR ON EQUIPMENT ATTACHED TO THE VEHICLE;
- (3) EVERY VEHICLE THAT HAS A MAXIMUM GROSS VEHICLE WEIGHT OF 7,000 POUNDS OR MORE OR A MANUFACTURER’S RATED CAPACITY OF ¾-TON OR MORE; AND
- (4) EVERY VEHICLE THAT IS DESIGNED TO CARRY MORE THAN 15 PASSENGERS AND IS USED TO CARRY PEOPLE.”.

Amendment No. 1.9 {Modifying Def. of “Community Center”}

On page 18, in line 5, before “NEIGHBORHOOD” strike “SAME”.

Amendment No. 1.10 {Redefining “Community-Managed Open Space”}

On page 18, strike lines 9 through 15, in their entirety, and substitute:

“(H) COMMUNITY-MANAGED OPEN-SPACE GARDEN.

(1) IN GENERAL.

“COMMUNITY-MANAGED OPEN-SPACE GARDEN” MEANS AN OPEN-SPACE AREA THAT:

- (I) IS MAINTAINED BY MORE THAN 1 HOUSEHOLD; AND
- (II) IS USED FOR TRADITIONAL COMMUNITY-GARDEN ACTIVITIES OF PLANTING, CULTIVATING, HARVESTING, MAINTAINING, AND DISTRIBUTING FRUITS, FLOWERS, VEGETABLES, OR ORNAMENTAL PLANTS.

(2) INCLUSIONS.

“COMMUNITY-MANAGED OPEN-SPACE GARDEN” INCLUDES:

- (I) ACCESSORY SHEDS, GAZEBOS, AND PERGOLAS;
- (II) TEMPORARY GREENHOUSES AND SIMILAR STRUCTURES TO EXTEND THE GROWING SEASON; AND
- (II) THE PROVISION OF SPACE FOR RELATED OPEN-AIR RECREATION, ACTIVE OR PASSIVE, BUT NOT INCLUDING PLAYGROUND EQUIPMENT.

(I) COMMUNITY-MANAGED OPEN-SPACE FARM.

(1) IN GENERAL.

“COMMUNITY-MANAGED OPEN-SPACE FARM” MEANS AN OPEN-SPACE AREA THAT:

- (I) IS MAINTAINED BY MORE THAN 1 HOUSEHOLD; AND
- (II) IN ADDITION TO THE USES PERMITTED IN A COMMUNITY-MANAGED OPEN-SPACE GARDEN, IS USED FOR 1 OR MORE OF THE FOLLOWING:
 - (A) THE KEEPING OF LIVESTOCK AND ANIMALS;
 - (B) TEMPORARY FARM STANDS, BUT NO MORE THAN 1 PER LOT; AND
 - (C) THE RECEIPT AND FREE REDISTRIBUTION OF ORGANIC WASTE MATERIAL FOR COMPOSTING.

(2) INCLUSIONS.

“COMMUNITY-MANAGED OPEN-SPACE FARM” INCLUDES ON-SITE STORAGE, INCLUDING STORAGE FOR FARMSTANDS.”;

and, beginning on page 18, in line 16, through page 21, in line 4, reletter subsections “(I)” through “(X)” to be subsections “(J)” through “(Y)”, respectively.

Amendment No. 1.11 {Redefining “Comprehensive Rezoning”}

Strike beginning with “ “COMPREHENSIVE” ” on page 18, in line 26, through the period on page 19, in line 6, and substitute:

““COMPREHENSIVE REZONING” MEANS AN ORDINANCE THAT IS:

- (1) INITIATED BY CITY GOVERNMENT TO MODIFY THE ZONING CLASSIFICATIONS OF MULTIPLE PROPERTIES;
- (2) BASED ON CONSIDERATIONS CONCERNING THE COMMON NEEDS OF A SUBSTANTIAL GEOGRAPHIC AREA, INVOLVING A CONSIDERABLE NUMBER OF PROPERTIES;
- (3) DESIGNED TO CONTROL AND DIRECT THE USE OF LAND AND STRUCTURES ACCORDING TO PRESENT AND PLANNED FUTURE CONDITIONS; AND
- (4) THE PRODUCT OF:
 - (I) CAREFUL CONSIDERATION AND EXTENSIVE STUDY BY THE PLANNING DEPARTMENT; AND
 - (II) REVIEW BY THE PLANNING COMMISSION.”.

Amendment No. 1.12 {Modifying Def. of “Country Club”}

On page 20, in line 4, before “OUTDOOR”, insert “BOTH INDOOR AND”.

Amendment No. 1.13 {Modifying Def. of “Cultural Facility”}

On page 20, strike line 20, in its entirety; and, in line 21 and in line 22, strike “(III)” and “(IV)”, respectively, and substitute “(II)” and “(III)”, respectively.

Amendment No. 1.14 {Redefining “Dwelling: Semi-Detached”}

On page 23, strike lines 21 to 23, in their entireties, and substitute:

“DWELLING: SEMI-DETACHED” MEANS 1 OF 2 BUILDINGS THAT ARE USED FOR RESIDENTIAL OCCUPANCY, WITH EACH BUILDING HAVING ITS OWN PRIVATE ENTRANCE AND BEING JOINED TO THE OTHER BY A PARTY OR SHARED WALL, AND NOT OTHERWISE ATTACHED TO ANY OTHER DWELLING.”

Amendment No. 1.15 {Adding Def. of “Dwelling: Single-Family”}

On page 23, after line 23, insert:

“(S) DWELLING: SINGLE-FAMILY.

“DWELLING: SINGLE-FAMILY” MEANS A DWELLING THAT CONTAINS ONLY 1 DWELLING UNIT.”;

and, on page 23, in lines 24 and 29, and on page 24, in lines 1, 4, 13, and 24, strike the subsection designators “(S)” through “(X)”, respectively, and substitute “(T)” through “(Y)”, respectively.

Amendment No. 1.16 {Redefining “Fraternity or Sorority House”}

On page 28, on line 13, strike the comma and substitute “OR”; and on the same page, strike lines 14 through 16, in their entireties, and substitute:

“(1) GENERAL.

“FRATERNITY OR SORORITY HOUSE” MEANS A PRIMARILY RESIDENTIAL STRUCTURE FOR THE HOUSING OF UNDERGRADUATES OF LOCAL COLLEGES AND UNIVERSITIES BY MEMBERS OF THE SAME FRATERNAL OR SORORAL ORGANIZATION OR ASSOCIATION.

“(2) INCLUSIONS.

“FRATERNITY OR SORORITY HOUSE” INCLUDES A STRUCTURE WITH SHARED FACILITIES OR SEPARATE DWELLING UNITS UNDER ONE ROOF.”

Amendment No. 1.17 {Redefining “Gas Station”}

On page 29, in lines 3 and 4, strike “: (1)”; and strike beginning with the semicolon in line 5 through “SOLAR” in line 6.

Amendment No. 1.18 {Deleting Def. of “Government Offices”}

On page 29, in line 25, strike “OFFICES” and substitute “FACILITIES ...”; and strike beginning with “(A)” on page 29, in line 26 through the period on page 30, in line 11; and, beginning on page 30, in line 12, through page 34, in line 3, reletter subsections “(B)” through “(W)” to be subsections “(A)” through “(V)”, respectively.

Amendment No. 1.19 {Redefining “Impervious Surface”}

On page 33, strike lines 17 and 18, in their entireties, and substitute:

“(1) GENERAL.

“IMPERVIOUS SURFACE” MEANS ANY SURFACE THAT DOES NOT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND.

(2) INCLUSIONS.

“IMPERVIOUS SURFACE” INCLUDES ROOFTOPS, DRIVEWAYS, SIDEWALKS, AND PAVEMENT.

(3) EXCLUSIONS.

“IMPERVIOUS SURFACE” DOES NOT INCLUDE BALLASTED RAILROAD TRACKS.”

Amendment No. 1.20 {Modifying Def. of “Incinerator”}

On page 33, in line 24, strike beginning with “WHERE” through “RECOVERED”.

Amendment No. 1.21 {Modifying Def. of “Industrial: Light”}

On page 34, strike beginning with “MANUFACTURING” in line 32 through “MATERIALS” in line 33 and substitute “PROCESSING, MANUFACTURING, ASSEMBLY, OR COMPOUNDING OF MATERIALS OR PRODUCTS”; and, on page 35, in line 2, strike “AND”; and on the same page, in line 5, after “MINIMIZED”, insert:

“; AND

(III) ONLY MINIMAL TRUCK TRAFFIC IS REQUIRED FOR DAILY OPERATIONS”.

Amendment No. 1.22 {Expanding Def. of “Industrial: Maritime-Dependent”}

On page 35, in line 29, strike “AND”; and, in line 32, after “CONSTRUCTION”, insert:

“; AND

(VI) FACILITIES THAT ARE EDUCATIONAL IN NATURE, INCLUDING VISITORS CENTERS, MUSEUMS, AND INTERPRETIVE AREAS, INDOOR OR OUTDOOR, PROVIDED THOSE FACILITIES HAVE A CONNECTION TO AN EXISTING INDUSTRIAL MARITIME-DEPENDENT USE, WHETHER ON THE SAME PARCEL OR AN ADJACENT PARCEL TO THAT USE”.

Amendment No. 1.23 {Modifying Def. of “Lodge or Social Club”}

On page 38, in line 18, after “INCLUDES”, insert a colon, a paragraph return, and the item designator “(I)”; and, in the same line, after “HALL”, insert:

“; AND

(II) A NON-RESIDENTIAL POST-GRADUATE FRATERNITY AND SORORITY CENTER”.

Amendment No. 1.24 {Modifying Def. of “Lot Area”}

On page 38, in line 28, after “LOT LINES”, insert “AT GRADE”.

Amendment No. 1.25 {Modifying Def. of “Materials Recovery Facility”}

On page 41, after line 5, insert: “(1) GENERAL.”; and, in line 6, after “MEANS”, insert “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.”; and, in line 7 and in line 10, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; and, after line 11, insert:

“(2) EXCLUSIONS.

“MATERIALS RECOVERY FACILITY” DOES NOT INCLUDE:

- (I) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR
- (I) ANY JUNK OR SCRAP STORAGE AND YARD.”.

Amendment No. 1.26 {Correcting Def. of “Neighborhood Commercial Establishment”}

On page 44, in line 15, strike “COMMERCIAL USE” and substitute “NON-RESIDENTIAL USE”; and, in line 16, strike “RESIDENTIAL NEIGHBORHOOD” and substitute “RESIDENTIAL OR OFFICE-RESIDENTIAL ZONING DISTRICT”.

Amendment No. 1.27 {Adding Def. of “Overlay District”}

On page 46, after line 18, insert:

“(X) OVERLAY DISTRICT.

“OVERLAY DISTRICT” MEANS A DISTRICT ESTABLISHED BY ORDINANCE THAT PRESCRIBES SPECIAL REGULATIONS TO BE APPLIED TO A SITE IN COMBINATION WITH THE UNDERLYING ZONING DISTRICT. THE OVERLAY DISTRICT MODIFIES OR SUPPLEMENTS THE REGULATIONS OF THE 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.

and, in line 19, strike “(X)” and substitute “(Y)”.

Amendment No. 1.28 {Deleting Def. of “Patio; Terrace”}

On page 48, strike lines 23 through 30, in their entirety, and substitute “(L) {RESERVED}”; and, on page 60, strike line 9 and 10, in their entirety, and substitute “(B) {RESERVED}”.

Amendment No. 1.29 {Adding Def. of “Person”}

On page 49, after line 8, insert:

“(O) PERSON.

“PERSON” MEANS:

- (1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND;

(3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND; AND

(4) EXCEPT AS USED IN TITLE 19, SUBTITLE 1 {"ENFORCEMENT"} OF THIS CODE FOR THE IMPOSITION OF CIVIL OR CRIMINAL PENALTIES, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY.”;

and, beginning on page 49, in line 21, through page 50, in line 27, reletter subsections “(O)” through “(X)” to be subsections “(P)” through “(Y)”, respectively.

Amendment No. 1.30 {Modifying Def. of “Recyclable Materials Recovery Facility”}

On page 53, at the beginning of line 32, insert the subparagraph designator “(I)”; and, in the same line, after “MEANS”, insert “, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.”; and, on page 54, strike line 1, in its entirety; and, at the beginning of line 2, insert the subparagraph designator “(II)”; and, after line 3, insert:

“(2) EXCLUSIONS.

“RECYCLABLE MATERIALS RECOVERY FACILITY” DOES NOT INCLUDE:

(I) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR

(II) ANY JUNK OR SCRAP STORAGE AND YARD.”.

Amendment No. 1.31 {Correction}

On page 54, in line 21, strike “YARDS” and substitute “YARD”.

Amendment No. 1.32 {Modifying Def. of “Resource Recovery Facility”}

On page 55, in line 10, after “MEANS”, insert “, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.”; and, in line 16, after “INCLUDE”, insert a colon, a paragraph return, and the item designator “(I)”; and, in line 17, after “MATERIALS”, insert a semicolon followed by:

“(II) ANY FACILITY THAT IS LICENSED BY THE STATE OR CITY AS A JUNK DEALER, SCRAP METAL PROCESSOR, OR SCRAP METAL DEALER; OR

(III) ANY JUNK OR SCRAP STORAGE AND YARD".

Amendment No. 32a (T-195) {Adding Def. of "Retail: Big Box Establishment}

On page 55, after line 32, insert:

"(U) RETAIL: BIG BOX ESTABLISHMENT.

"“RETAIL: BIG BOX ESTABLISHMENT” MEANS ANY SINGLE-USE COMMERCIAL BUILDING, WHETHER STAND-ALONE OR WITHIN A MULTI-BUILDING DEVELOPMENT, WHICH SINGLE-USE ESTABLISHMENT OCCUPIES AT LEAST 75,000 SQUARE FEET OF GROSS LEASABLE AREA.”;

and, on page 56, in line 1, line 12, and line 18, strike “(u)”, “(v)”, and “(w)”, respectively, and substitute “(v)”, “(w)”, and “(x)”, respectively.

Amendment No. 1.33 {Modifying Def. of "Use: Conditional"}

On page 62, in line 9, after “APPEALS”, insert “OR, IF REQUIRED BY THIS CODE, BY ORDINANCE OF THE MAYOR AND CITY COUNCIL”; and, in line 12, after “APPEALS”, insert “OR BY THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE,”.

Amendment No. 1.34 {Modifying Def. of "Utilities"}

On page 62, in line 23, after “SYSTEMS,”, insert “STEAMLINES,”

Amendment No. 1.35 {Modifying Def. of "Warehouse"}

On page 63, in line 18, strike “MANUFACTURED”.

Amendment No. 1.36 {Typo}

On page 63, in line 20 and in line 21, in each instance, strike “DEPENDANT” and substitute “DEPENDENT”.

Amendment No. 1.37 {“Wireless ...” Definitions}

On page 64, in line 10, strike “**“WIRELESS ...”**” and substitute “**“YARD”**”; and, on the same page, strike lines 11 through 30, in their entirety; and, on page 64, in line 31, and on page 65, in lines 1, 6, 11, 16, and 20, strike the ensuing subsection designators “(D)” through “(I)”, respectively, and substitute subsection designators “(A)” through “(F)”, respectively.

TITLE 2. PURPOSE, APPLICABILITY, AND SHORT TITLE

Amendment No. 2.1 {Correction}

On page 66, in line 21, and on page 67, in line 8, strike “§ 2-202” and “§ 2-203”, respectively, and substitute “§ 2-201” and “§ 2-202”, respectively.

Amendment No. 2.2 {Territorial Application}

On page 66, in line 23, strike “THIS” and substitute “EXCEPT AS PROVIDED IN § 6-401 OF THIS CODE, THIS”.

Amendment No. 2.3 {Req’d Compliance}

On page 66, in line 27, strike “WILL” and substitute “MAY”.

Amendment No. 2.4 {Pending Applications}

On page 68, in line 38, and on page 69, in line 2, in each case, before “AMENDMENT”, insert “RELEVANT”.

TITLE 3. OUTLINE OF CODE ADMINISTRATION

Amendment No. 3.1 {Office of Administrator}

On page 70, in line 14, strike beginning with “THE” through “ESTABLISHED” and substitute “THERE IS AN OFFICE OF ZONING ADMINISTRATOR, CONSTITUTED AS AN INDEPENDENT UNIT OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT”.

Amendment No. 3.2 {“Interpretations” = “Consultations”?}

On page 70, in line 27, strike “RENDER ZONING INTERPRETATIONS” and substitute “PROVIDE ZONING CONSULTATIONS”.

Amendment No. 3.3 {Clarifying “Rules and Regulations”}

On page 71, in line 5, strike “RULES OF PRACTICE AND PROCEDURE” and substitute “RULES AND REGULATIONS”; and, on page 72, in line 7, strike “PROCEEDINGS” and substitute “PRACTICES AND PROCEDURES”.

Amendment No. 3.4 {BMZA’s Powers and Duties}

On page 71, in line 31, after “THROUGH 89”, insert “AND IN STATE LAW”.

Amendment No. 3.5 {Deleting Surplusage}

On page 72, strike beginning with “GIVE NOTICE” in line 31, through “(3)” in line 32; and, in line 32, after “HEARING”, insert “IN ACCORDANCE WITH TITLE 5 OF THIS CODE”; and, on page 73, in line 1, strike “(4)” and substitute “(3)”.

Amendment No. 3.6 {Appeals to Plng Commission}

On page 74, in line 16, before “TO HEAR”, insert “UNLESS SPECIFICALLY PROVIDED FOR OTHERWISE,”.

Amendment No. 3.7 {Addition to Commission’s Duties}

On page 74, in line 23, after the semicolon, insert:

“(6) TO BEGIN THE NEXT COMPREHENSIVE REZONING PROCESS BY JANUARY 1, 2024, AND SUBMIT A BILL BY JUNE 30, 2025, AND TO REPEAT THE PROCESS EVERY 10 YEARS,”;

and, in line 24, strike “(6)” and substitute “(7)”.

Amendment No. 3.8 {Plng Director's Reviews}

On page 74, in line 32, after "REVIEWS", insert "IN SESSIONS OPEN TO THE PUBLIC AND FOR WHICH PUBLIC NOTICE IS PROVIDED".

Amendment No. 3.9 {City Council NOT an "Administrative Agency"}

On page 75, strike lines 24 through 28, in their entireties.

TITLE 4. DEVELOPMENT REVIEWS

Amendment No. 4.1 {Site Plan Review - Purpose}

On page 76, in line 11, strike "*ENSURING*" and substitute "GUIDANCE, INTERAGENCY REVIEW, AND ENSURING"; and, in line 12, after "INTENDED" insert a colon, a paragraph return, and the following:

"(1) TO PROVIDE GUIDANCE TO THE APPLICANT EARLY IN THE DESIGN PROCESS;

(2) TO PROVIDE FOR INTERAGENCY REVIEW; AND

(3)";

and, in line 12, before "PROPOSED", insert "THE"; and, in line 14, strike "RELATED" and substitute "RELATED"; and, in line 15, strike "*PROVIDING FOR SAFE, ORDERLY*" and substitute "SAFE AND FUNCTIONAL".

Amendment No. 4.2 {Site Plan Review - Manual}

On page 76, at the beginning of line 28, insert the paragraph number "(1)"; and, in line 30, strike "THIS SUBTITLE" and substitute "THIS CODE"; and, after line 30, insert:

"(2) THIS MANUAL AND ANY REVISIONS OF IT MAY TAKE EFFECT ONLY AFTER:

(I) PLANNING COMMISSION APPROVAL AT A PUBLIC SESSION;

(II) FILING WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE; AND

(III) POSTING ON THE CITY WEBSITE."

Amendment No. 4.3 {Site Plan Review - Applicability}

On page 77, in line 13, after “USE”, insert “, UNLESS THE CONDITIONAL USE CAN AND WILL BE FULLY ACCOMMODATED BY AN EXISTING STRUCTURE”.

Amendment No. 4.4 {Site Plan Review - Applicability}

On page 77, in line 18, after “AGRICULTURE”, insert “OR COMMUNITY-MANAGED OPEN SPACE (FARM)”.

Amendment No. 4.5 {Site Plan Review - Prerequisite to Permit}

On page 77, in line 25, strike “AND”; and, in the same line, after “HAVE”, insert “BEEN”.

Amendment No. 4.6 {Design Review - Applicability}

On page 80, after line 16, insert “(A) IN GENERAL.”; and, on line 17, strike “DESIGN” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DESIGN”; and, on page 81, after line 5, insert:

“(B) EXCEPTION.”

DESIGN REVIEW IS NOT REQUIRED FOR DEVELOPMENT PROJECTS THAT ARE SUBJECT TO REVIEW BY THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION.”.

Amendment No. 4.7 {Design Review - Applicability}

On page 80, in line 25, strike beginning with “ALL” through “MODIFICATIONS” and substitute “ALL SUBSTANTIAL MODIFICATIONS OF THE FACADE OF A STRUCTURE”.

Amendment No. 4.8 {Design Review - Applicability}

On page 80, in line 29, after “ALL FREESTANDING SIGNS”, insert “, ALL SCROLLING NEWSCAST SIGNS, AND ALL WALL SIGNS ABOVE THE GROUND FLOOR”.

Amendment No. 4.9 {Design Review - Administrative Exceptions}

On page 82, in line 5, strike beginning with “NO” through “GRANTED” and substitute “THE DIRECTOR OF PLANNING MAY NOT APPROVE ANY ADMINISTRATIVE OR OTHER EXCEPTION”.

TITLE 5. APPLICATIONS AND AUTHORIZATIONS

Amendment No. 5.1 {§ 5-201}

On page 86, strike lines 8 and 9, in their entirety, and substitute:

“§ 5-201. INTRODUCTION OF PROPOSED AUTHORIZATION.

(A) INTRODUCTION BY ORDINANCE

A MEMBER OF THE CITY COUNCIL MAY INTRODUCE A PROPOSED ORDINANCE TO EXPRESSLY APPROVE, AUTHORIZE, OR AMEND:

- (1) A MAJOR VARIANCE;**
- (2) A CONDITIONAL USE;**
- (3) A TEXT AMENDMENT;**
- (4) A MAP AMENDMENT;**
- (5) AN EDUCATIONAL CAMPUS MASTER PLAN;**
- (6) A HOSPITAL GENERAL DEVELOPMENT PLAN;**
- (7) AN AREA OF SPECIAL SIGN CONTROL; OR**
- (8) A PLANNED UNIT DEVELOPMENT.**

(B) INTRODUCTION BY APPLICATION.

(1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A PERSON MUST FILE AN APPLICATION UNDER THIS SUBSECTION TO REQUEST:

- (i) A MINOR VARIANCE;**

(II) A MAJOR VARIANCE THAT, AT THE TIME OF FILING, IS NOT THE SUBJECT OF LEGISLATION BEFORE THE CITY COUNCIL;

(III) A CONDITIONAL USE THAT, AT THE TIME OF FILING, IS NOT THE SUBJECT OF LEGISLATION BEFORE THE CITY COUNCIL;

(IV) A USE PERMIT;

(V) A ZONING APPEAL; AND

(VI) A ZONING CONSULTATION.”;

and, in line 11 and line 15, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively; and, in line 15, strike “ZONING TEXT AMENDMENT OR”; and, strike lines 20 through 23, in their entirety; and, on page 86, in line 24, and on page 87, in line 3 and line 26, strike “(B)”, “(C)”, and “(D)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; and, on page 87, in line 28, strike “ZONING APPLICATIONS” and substitute “APPLICATIONS”.

Amendment No. 5.2 {§§ 5-202 and 5-205}

On page 88, in line 5, before “APPLICATIONS”, strike “ZONING”; and, in line 13, strike “SCHEDULED HEARING” and substitute “DATE SCHEDULED FOR THE HEARING TO BE HELD UNDER THIS SUBTITLE”; and, on the same page, strike lines 22 through 24, in their entirety; and, in line 25 and line 29, strike “(B)” and “(C)”, respectively, and substitute “(A)” and “(B)”, respectively; and, in line 26, after “APPLICATION”, insert “FOR A VARIANCE OR A CONDITIONAL USE”; and, in the same line, strike “ZONING”; and, strike beginning with “FOR A” at the end of line 26 through “CONDITIONAL USE” in line 27.

Amendment No. 5.3 {§§ 5-301 through 5-303}

On page 89, at the end of line 6, after “FROM”, strike “THE” and substitute “CERTAIN”; and, in line 7, strike “OF THE LETTER”; and, in line 18, strike “AND NO OTHERS”; and, on page 90, strike lines 4 and 5, in their entirety, and substitute:

“(2) UNLESS LEGISLATION HAS BEEN INTRODUCED TO APPROVE A VARIANCE BY ORDINANCE, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT OR DENY ANY APPLICATION FOR A MAJOR VARIANCE.”;

and, on page 90, strike lines 6 through 18, in their entirety, and substitute:

“§ 5-303. REVIEW OF VARIANCE APPLICATIONS.

(A) DETERMINATIONS BY ZONING ADMINISTRATOR.

THE ZONING ADMINISTRATOR MUST DETERMINE:

- (1) WHETHER THE APPLICATION IS FOR A MINOR VARIANCE OR A MAJOR VARIANCE; AND
- (2) WHICH CITY AGENCIES AND OFFICIALS, IF ANY, SHOULD BE ASKED TO REVIEW THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT.

(B) NOTICE OF FINDINGS.

- (1) THE ZONING ADMINISTRATOR MUST INFORM THE APPLICANT OF THE DETERMINATION MADE UNDER SUBSECTION (A)(1) OF THIS SECTION.
- (2) IF THE ZONING ADMINISTRATOR DETERMINES THE APPLICATION IS FOR A MAJOR VARIANCE, THE ZONING ADMINISTRATOR MUST INFORM THE APPLICANT THAT:
 - (i) A MAJOR VARIANCE CAN BE GRANTED BY ORDINANCE OR BY THE BOARD OF MUNICIPAL AND ZONING APPEALS;
 - (ii) THE APPLICANT MAY REQUEST THE CITY COUNCIL TO INTRODUCE AN ORDINANCE TO GRANT THE MAJOR VARIANCE;
 - (iii) IN THE ABSENCE OF LEGISLATION TO APPROVE A MAJOR VARIANCE BY ORDINANCE, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT OR DENY THE MAJOR VARIANCE; AND
 - (iv) THE APPLICANT MAY APPEAL THE DECISION OF THE ZONING ADMINISTRATOR AND THAT THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE ZONING ADMINISTRATOR’S DECISION.
- (3) THE ZONING ADMINISTRATOR MUST FORWARD AN APPLICATION DETERMINED TO BE A MAJOR VARIANCE TO THE BOARD OF MUNICIPAL AND ZONING APPEALS.”.

Amendment No. 5.4 {§ 5-304}

On page 90, in line 21, strike “COMPLETE”; and, on page 91, in line 2, strike beginning with “If” through “APPLICANT” and substitute “THE APPLICANT”; and, in line 3, before “DECISION”, strike “THAT” and substitute “THE ZONING ADMINISTRATOR’S”.

Amendment No. 5.5 {§ 5-305}

On page 91, after line 5, insert:

“(A) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE, MUST EVALUATE THE REQUEST FOR A VARIANCE, BASED ON THE EVIDENCE PRESENTED AT A PUBLIC HEARING, IN ACCORDANCE WITH THE STANDARDS IN § 5-308 {“APPROVAL STANDARDS”} OF THIS SUBTITLE.

“(B) PROCEDURES BEFORE THE BMZA.”;

and, in line 6, strike the subsection designator “(A)” and substitute the paragraph designator “(1)”; and, in line 7, line 9, and line 13, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute the subparagraph designators “(I)”, “(II)”, and “(III)”, respectively; and, in line 13, strike the subsection designator “(B)” and substitute the paragraph designator “(2)”; and, in line 14, line 18, and line 20, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute the subparagraph designators “(I)”, “(II)”, and “(III)”; and, on the same page 91, strike lines 22 through 25, in their entireties; and, in line 26, strike the subsection designator “(D)” and substitute the paragraph designator “(3)”; and, at the start of line 27, insert the new subparagraph designator “(I)”; and, in line 29, before “THE BOARD”, insert the new subparagraph designator “(II)”; and, after line 30, insert:

“(4) CESSATION OF BMZA PROCEDURES.

(i) ALL ACTIONS AND OTHER PROCEDURES TAKEN UNDER THIS SUBSECTION MUST IMMEDIATELY CEASE IF:

(A) THE BOARD OF MUNICIPAL AND ZONING APPEALS HAS NOT RENDERED A WRITTEN DECISION UNDER THIS SUBSECTION; AND

(B) THE CITY COUNCIL HAS REFERRED TO THE BOARD A BILL TO APPROVE THE VARIANCE BY ORDINANCE.

(II) ON THIS CESSATION OF PROCEDURES, THE APPLICATION IS DEEMED TO BE VOLUNTARILY WITHDRAWN BY THE APPLICANT.

(C) LEGISLATIVE LIMITATION.

NO LEGISLATION MAY BE INTRODUCED TO APPROVE A MAJOR VARIANCE AFTER THE BOARD OF ZONING APPEALS HAS RENDERED A WRITTEN DECISION ON AN APPLICATION INVOLVING THE SAME SUBJECT MATTER.”.

Amendment No. 5.6 {§§ 5-306 through 5-308}

On page 91, in line 33, and on page 92, in line 4, line 12, line 17, and line 24, in each instance, after “ADMINISTRATOR”, strike “OR” and substitute a comma; and, on page 91, in line 34, and on page 92, in line 4, line 13, line 18, and line 24, in each instance, after “APPEALS,”, insert “OR THE CITY COUNCIL.”; and, on page 92, in line 4, line 13, and line 24, in each instance, before “BOARD”, insert “THE”.

Amendment No. 5.7 {§§ 5-402 and 5-403}

On page 94, strike lines 1 through 4, in their entirety, and substitute “§ 5-402. RESERVED”; and, on page 94, in line 5, strike “SUBMISSIONS AND REFERRALS” and substitute “REFERRALS”; and, on the same page, strike lines 6 through 8, in their entirety, and substitute:

“(A) SECTION APPLICABLE TO CB APPROVALS.

THIS SECTION APPLIES TO APPLICATIONS FOR CONDITIONAL USES THAT REQUIRE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, in line 10, strike “THE APPLICATION” and substitute “AN APPLICATION FOR CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”; and, in line 11, after “BOARD”, strike “OF MUNICIPAL AND ZONING APPEALS”.

Amendment No. 5.8 {§§ 5-404 and 5-405}

On page 94, in line 21, strike “ACTION BY BMZA” and substitute “ACTIONS TAKEN”; and, after line 21, insert:

“(A) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE, MUST EVALUATE THE REQUEST FOR A CONDITIONAL USE, BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, IN ACCORDANCE WITH THE STANDARDS IN § 5-406 {“APPROVAL STANDARDS”} OF THIS SUBTITLE.

(B) PROCEDURES BEFORE THE BMZA.”;

and, in line 22, strike the subsection designator “(A)” and substitute the paragraph designator “(1)”; and, in line 23, line 25, line 27, and line 29, strike the paragraph designators “(1)”, “(2)”, “(3)” and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)” and “(IV)”, respectively; and, in line 32, strike the subsection designator “(B)” and substitute the paragraph designator “(2)”; and, on page 94, in line 33, and on page 95 in line 3 and line 5, strike the paragraph designators “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; and, on page 94, strike lines 7 through 10, in their entireties; and, in line 11, strike the subsection designator “(D)” and substitute the paragraph designator “(3)”; and, at the start of line 17, insert the new paragraph designator “(1)”; and, at the end of the same line, after “APPEALS”, insert “OR THE CITY COUNCIL, AS THE CASE MAY BE.”; and, after line 20, insert:

“(2) ANY CONDITION IMPOSED UNDER THIS SUBSECTION MUST BE REASONABLY RELATED AND ROUGHLY PROPORTIONAL TO THE EXPECTED IMPACT OF THE CONDITIONAL USE.”.

Amendment No. 5.9 {§ 5-406}

On page 95, at the start of line 29, strike “THE” and substitute “NEITHER THE”; and, in the same line, strike “MAY NOT” and substitute “NOR THE CITY COUNCIL, AS THE CASE MAY BE, MAY”; and, at the end of line 36, strike “OR” and substitute “AND”; and, on page 96, in line 6, after “APPEALS”, insert “OR THE CITY COUNCIL, AS THE CASE MAY BE.”.

Amendment No. 5.10 {Subtitle 5}

Strike beginning on page 98, line 24, through page 105, line 10, in their entireties, and substitute:

“SUBTITLE 5. LEGISLATIVE AUTHORIZATIONS

§ 5-501. “LEGISLATIVE AUTHORIZATION” DEFINED.

IN THIS CODE, “LEGISLATIVE AUTHORIZATION” MEANS ANY ORDINANCE THAT:

- (1) AMENDS THE TEXT OF THIS CODE, EXCEPT AS PROVIDED IN § 5-502 {“EXCEPTION FOR CORRECTIVE BILLS”} OF THIS SUBTITLE; OR
- (2) APPROVES, AUTHORIZES, OR AMENDS A PRIOR APPROVAL OR AUTHORIZATION RELATING TO ONE OR MORE SPECIFIC PROPERTIES, INCLUDING:
- (i) A VARIANCE;
 - (ii) A CONDITIONAL USE;
 - (iii) A MAP AMENDMENT;
 - (iv) AN EDUCATIONAL CAMPUS MASTER PLAN;
 - (v) A HOSPITAL GENERAL DEVELOPMENT PLAN;
 - (vi) AN AREA OF SPECIAL SIGN CONTROL; AND
 - (vii) A PLANNED UNIT DEVELOPMENT.

§ 5-502. SCOPE OF SUBTITLE.

(A) IN GENERAL.

THIS SUBTITLE APPLIES TO ALL LEGISLATIVE AUTHORIZATIONS CREATED UNDER AUTHORITY OF THIS CODE.

(B) EXCEPTION FOR CORRECTIVE BILLS.

THIS SUBTITLE DOES NOT APPLY TO ANY TEXT AMENDMENT THAT:

- (1) CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR SPELLING; AND
- (2) DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THIS CODE.

§ 5-503. {RESERVED}

§ 5-504. REFERRALS.

ONCE A BILL PROPOSING A LEGISLATION AUTHORIZATION HAS BEEN INTRODUCED, THE CITY COUNCIL MUST REFER THE BILL TO THE FOLLOWING FOR THEIR WRITTEN REPORTS AND RECOMMENDATIONS:

- (1) THE BOARD OF MUNICIPAL AND ZONING APPEALS;
- (2) THE PLANNING COMMISSION;
- (3) THE DEPARTMENT OF TRANSPORTATION; AND
- (4) ANY OTHER AGENCIES THAT THE CITY COUNCIL PRESIDENT SPECIFIES.

§ 5-505. {RESERVED}

§ 5-506. PROCEDURES ON REFERRAL.

(A) PLANNING COMMISSION.

(1) PUBLIC HEARING.

THE PLANNING COMMISSION MUST CONSIDER THE REFERRED BILL IN A PUBLIC HEARING. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE. EXCEPT AS PROVIDED IN SUBSECTION (E)(2) OF THIS SECTION, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE COMMISSION'S RECEIPT OF THE REFERRED BILL.

(2) REVIEW STANDARDS.

THE PLANNING COMMISSION MUST EVALUATE THE BILL IN ACCORDANCE WITH THE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(3) WRITTEN RECOMMENDATIONS – REQUIRED.

WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING, THE PLANNING COMMISSION MUST:

- (I) ISSUE ITS WRITTEN REPORT AND RECOMMENDATIONS; AND
- (II) FORWARD ITS REPORT AND RECOMMENDATIONS, TOGETHER WITH ALL AGENCY REPORTS AND RECOMMENDATIONS RECEIVED, TO THE APPLICANT AND TO THE CITY COUNCIL'S EXECUTIVE SECRETARY.

(4) WRITTEN RECOMMENDATIONS – OPTIONS.

- (I) FOR A TEXT AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND APPROVAL, AMENDMENT, OR DENIAL OF THE APPLICATION.

(II) FOR A MAP AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND:

(A) APPROVAL OR DENIAL OF THE APPLICATION;

(B) AN ALTERNATIVE ZONING DESIGNATION THAN THAT APPLIED FOR;
OR

(C) THE REMOVAL OR ADDITION OF PROPERTIES FROM THE
APPLICATION.

(B) BMZA.

WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, THE BOARD OF MUNICIPAL AND
ZONING APPEALS MUST SUBMIT ITS WRITTEN REPORT AND RECOMMENDATION TO
THE CITY COUNCIL, WITH A COPY TO THE ZONING ADMINISTRATOR.

(C) DOT FOR POSSIBLE TRAFFIC MITIGATION.

WITHIN 15 BUSINESS DAYS OF THE BILL'S INTRODUCTION, CITY COUNCIL MUST
REFER THE BILL AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF
TRANSPORTATION FOR REVIEW AND, IF REQUIRED, TRAFFIC MITIGATION, AS
PROVIDED IN § 5-201(D) {"INTRODUCTION: TRAFFIC MITIGATION"} OF THIS TITLE,
IF:

(1) TRAFFIC-MITIGATION REQUIREMENTS HAVE NOT ALREADY BEEN COMPLIED
WITH IN ACCORDANCE WITH THIS CODE OR THE CITY BUILDING, FIRE, AND
RELATED CODES ARTICLE; AND

(2) THE PROPOSED LEGISLATIVE AUTHORIZATION:

(I) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN
BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING
UNITS;

(II) INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; OR

(III) INVOLVES 50 OR MORE DWELLING UNITS.

(D) OTHER AGENCIES.

WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, ANY OTHER AGENCIES TO WHICH
THE BILL MIGHT HAVE BEEN REFERRED MUST SUBMIT THEIR WRITTEN REPORTS
AND RECOMMENDATIONS TO THE CITY COUNCIL, WITH A COPY TO THE ZONING
ADMINISTRATOR.

(E) AGENCY FAILURE TO REPORT.

- (1) IF AN AGENCY FAILS TO SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS WITHIN THE PERIOD SPECIFIED BY THIS SECTION, THE CITY COUNCIL MAY PROCEED WITHOUT THAT REPORT AND RECOMMENDATIONS.
- (2) HOWEVER, THE APPLICANT MAY WAIVE THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF THE REPORTING PERIOD BY GIVING WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE PRESIDENT OF THE CITY COUNCIL, WITH COPIES TO THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, AND THE ZONING ADMINISTRATOR.

§ 5-507. ACTION BY CITY COUNCIL.

(A) COMMITTEE HEARING.

- (1) THE BILL MUST BE CONSIDERED AT A PUBLIC HEARING OF A COMMITTEE OF THE CITY COUNCIL, TO BE HELD WITHIN 90 DAYS OF THE INTRODUCTION. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"}.
- (2) THE COMMITTEE MUST EVALUATE THE BILL IN ACCORDANCE WITH THE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(B) COUNCIL OPTIONS.

THE CITY COUNCIL MAY APPROVE, AMEND, OR DISAPPROVE ANY LEGISLATIVE AUTHORIZATION.

(C) REHEARING ON AMENDMENT.

- (1) EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, WHENEVER A LEGISLATIVE AUTHORIZATION IS AMENDED:
 - (i) ANOTHER PUBLIC HEARING MUST BE HELD ON THE BILL AS AMENDED;
AND
 - (ii) THE REQUIREMENTS OF THIS SUBTITLE FOR NOTICE AND FOR AGENCY REPORTS APPLY TO THE ADDITIONAL HEARING.
- (2) AN ADDITIONAL HEARING IS NOT REQUIRED FOR:

(I) AN AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR SPELLING AND DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE ORDINANCE;

(II) ANY OTHER AMENDMENT THAT DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE ORDINANCE;

(III) AN AMENDMENT PROPOSED IN AND APPROVED BY COMMITTEE; OR

(IV) AN AMENDMENT TO A COMPREHENSIVE REZONING IF, FOR AT LEAST 14 DAYS BEFORE ANY VOTE IS TAKEN ON THE AMENDMENT, A DESCRIPTION OF THE AMENDMENT:

(A) HAS BEEN PROVIDED TO THE DEPARTMENT OF LEGISLATIVE REFERENCE AND TO THE DEPARTMENT OF PLANNING AND BY THEM MADE AVAILABLE FOR INSPECTION AND COPYING BY THE PUBLIC; AND

(B) HAS BEEN POSTED ON THE DEPARTMENT OF PLANNING'S WEBSITE.

(D) FAILURE TO APPROVE.

A BILL PROPOSING A LEGISLATIVE AUTHORIZATION IS CONSIDERED TO HAVE FAILED AND THE APPLICATION DENIED IF THE CITY COUNCIL FAILS TO ACT FINALLY ON THE BILL WITHIN 12 MONTHS FROM THE EARLIER OF:

(1) THE DATE ON WHICH THE LAST OF THE REQUIRED AGENCY REPORTS AND RECOMMENDATIONS IS RECEIVED; AND

(2) THE LAST DAY OF THE AGENCY REPORTING PERIOD, AS SET BY THIS SECTION.

§ 5-508. APPROVAL STANDARDS.

(A) IN GENERAL.

LEGISLATIVE AUTHORIZATIONS MUST BE EVALUATED BY THE PLANNING COMMISSION AND THE CITY COUNCIL IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS SECTION.

(B) MAP AMENDMENTS.

(1) REQUIRED FINDINGS.

AS REQUIRED BY THE STATE LAND USE ARTICLE, THE CITY COUNCIL MAY APPROVE THE LEGISLATIVE AUTHORIZATION BASED ON A FINDING THAT THERE WAS EITHER:

(I) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR

(II) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

(2) REQUIRED FINDINGS OF FACT.

IN MAKING THE DETERMINATION REQUIRED BY SUBSECTION (B)(1) OF THIS SECTION, THE CITY COUNCIL MUST ALSO MAKE FINDINGS OF FACT THAT ADDRESS:

(I) POPULATION CHANGES;

(II) THE AVAILABILITY OF PUBLIC FACILITIES;

(III) PRESENT AND FUTURE TRANSPORTATION PATTERNS;

(IV) COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;

(V) THE RECOMMENDATIONS OF THE CITY AGENCIES AND OFFICIALS; AND

(VI) THE PROPOSED AMENDMENT'S CONSISTENCY WITH THE CITY'S COMPREHENSIVE MASTER PLAN.

(3) ADDITIONAL STANDARDS – GENERAL.

ADDITIONAL STANDARDS THAT MUST BE CONSIDERED FOR MAP AMENDMENTS ARE:

(I) EXISTING USES OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;

(II) THE ZONING CLASSIFICATION OF OTHER PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;

(III) THE SUITABILITY OF THE PROPERTY IN QUESTION FOR THE USES PERMITTED UNDER ITS EXISTING ZONING CLASSIFICATION; AND

(IV) THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, THAT HAVE TAKEN PLACE SINCE THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION.

(4) ADDITIONAL STANDARDS – REZONING FROM MI DISTRICT.

(i) TO REZONE LAND FROM THE MARITIME INDUSTRIAL (“MI”) DISTRICT TO ANY OTHER ZONING DISTRICT, THE PLANNING COMMISSION MUST FIND THAT THE PROPOSED AMENDMENT:

(A) WOULD BE CONSISTENT WITH THE CITY’S COMPREHENSIVE MASTER PLAN;

(B) WOULD NOT IMPEDE, DIMINISH, OR PRECLUDE TRANSPORTATION ACCESS INTO OR OUT OF THE MARITIME INDUSTRIAL DISTRICT;

(C) WOULD NOT RESULT IN OR ENCOURAGE A LOSS OF EXISTING DEEP WATER ASSETS OF THE MARITIME INDUSTRIAL DISTRICT;

(D) WOULD NOT RESULT IN CHANGES TO THE ECONOMIC VIABILITY OF ADJACENT MARITIME INDUSTRIAL LAND USES DUE TO THE ENCROACHMENT OF NON-COMPATIBLE USES;

(E) WOULD NOT REDUCE OR IMPEDE CURRENT OR FUTURE MARITIME INDUSTRIAL ECONOMIC DEVELOPMENT GROWTH IN THE MARITIME INDUSTRIAL DISTRICT;

(F) WOULD ESTABLISH AN ADEQUATE PHYSICAL SEPARATION THAT WILL BUFFER NON-INDUSTRIAL LAND USES FROM MARITIME INDUSTRIAL USES; AND

(G) WOULD ADHERE WITH FEDERAL AND STATE LAWS REGARDING HOMELAND SECURITY, GENERALLY, AND PORT SAFETY, SPECIFICALLY.

(ii) IF AN APPLICATION IS FILED TO REZONE PROPERTY FROM THE MARITIME INDUSTRIAL DISTRICT, THE DIRECTOR OF PLANNING MUST NOTIFY THE MARYLAND PORT ADMINISTRATION AND ANY ADJACENT PROPERTY OWNERS OF THE APPLICATION. AT LEAST 30 DAYS BEFORE THE PLANNING COMMISSION HEARINGS ON THE APPLICATION, THE DIRECTOR OF

PLANNING MUST SEEK AN OPINION FROM THE MARYLAND PORT ADMINISTRATION ON THE APPLICATION OF THE CRITERIA LISTED IN SUBPARAGRAPH (1) OF THIS PARAGRAPH.

(C) TEXT AMENDMENTS.

STANDARDS THAT MUST BE CONSIDERED FOR TEXT AMENDMENTS ARE:

- (1) THE AMENDMENT’S CONSISTENCY WITH THE CITY’S COMPREHENSIVE MASTER PLAN;
- (2) WHETHER THE AMENDMENT WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE;
- (3) THE AMENDMENT’S CONSISTENCY WITH THE INTENT AND GENERAL REGULATIONS OF THIS CODE;
- (4) WHETHER THE AMENDMENT WOULD CORRECT AN ERROR OR OMISSION, CLARIFY EXISTING REQUIREMENTS, OR EFFECT A CHANGE IN POLICY; AND
- (5) THE EXTENT TO WHICH THE AMENDMENT WOULD CREATE NONCONFORMITIES.

§ 5-509. CHART OF AMENDMENT PROCESS.

FIGURE 5-509: AMENDMENT PROCESS SUMMARIZES THE PROCESS BY WHICH LEGISLATIVE AUTHORIZATIONS MAY BE APPROVED.”.

Amendment No. 5.11 {Subtitle 6}

On page 105, in line 12, strike “CITY COUNCIL –”; and, in line 19, strike “READ” and substitute “REVIEWED”; and, in line 23, after “FOR”, insert “THE CREATION OR MODIFICATION OF A PLANNED UNIT DEVELOPMENT AND FOR”; and, in lines 23 to 25 and in lines 30 to 31, in each instance, strike beginning with “, A CHANGE” through “DEVELOPMENT”; and, on page 107, in line 7, strike “BMZA –”; and, in line 9, after “ZONING”, insert “APPEALS OR THE CITY COUNCIL, AS THE CASE MAY BE.”; and, on page 108, strike line 4, in its entirety, and substitute:

“§ 5-604. PLANNING COMMISSION CONSIDERATION OF SITE-SPECIFIC PROJECTS.

(A) HEARING REQUIRED.

FOR ANY SITE-SPECIFIC MATTER, THE PLANNING COMMISSION MUST CONDUCT A PUBLIC HEARING AT WHICH:

- (1) THE PARTIES IN INTEREST AND GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD; AND**
- (2) STAFF REPORTS AND RECOMMENDATIONS WILL BE READ.**

(B) NOTICE OF HEARING.

IN ADDITION TO ANY OTHER FORM OF NOTICE REQUIRED BY LAW OR REGULATION, NOTICE OF THE HEARING MUST BE GIVEN BY POSTING IN CONSPICUOUS PLACES WITHIN AND AROUND THE PERIMETER OF THE SUBJECT PROPERTY OR AREA.

(C) CONTENTS OF NOTICE.

THE POSTED NOTICE MUST INCLUDE:

- (1) THE DATE, TIME, PLACE, AND PURPOSE OF THE HEARING;**
- (2) THE ADDRESS OF THE SUBJECT PROPERTY OR A DRAWING OR DESCRIPTION OF THE BOUNDARIES OF THE SUBJECT AREA;**
- (3) THE NAME AND ADDRESS OF THE APPLICANT; AND**
- (4) HOW ADDITIONAL INFORMATION ON THE MATTER CAN BE OBTAINED.**

(D) NUMBER AND MANNER OF POSTED NOTICES.

THE NUMBER OF POSTED NOTICES AND THE MANNER OF THEIR POSTING ARE AS FOLLOWS:

- (1) FOR A NOTICE APPLICABLE ONLY TO AN INDIVIDUAL PROPERTY, AT LEAST ONE SIGN MUST BE VISIBLE FROM EACH OF THE PROPERTY’S STREET FRONTAGES.**
- (2) FOR A NOTICE APPLICABLE TO MORE THAN ONE PROPERTY (E.G., A MINOR MODIFICATION TO A PLANNED UNIT DEVELOPMENT), AT LEAST 2 OR MORE SIGNS ARE REQUIRED, AS THE DEPARTMENT OF PLANNING DESIGNATES.**

(3) EACH SIGN MUST BE AT LEAST 3 FEET BY 4 FEET IN SIZE.

(4) EACH SIGN MUST BE COMPOSED OF WATERPROOF MATERIALS SUFFICIENT TO ENSURE THE SIGN WILL LAST THE REQUIRED POSTING PERIOD (CORRUGATED VINYL AND POLYURETHANE BANNER BEING ACCEPTABLE).

(E) TIMING OF NOTICE.

(1) MUST BE POSTED FOR AT LEAST THE 10 DAYS BEFORE THE PUBLIC HEARING; AND

(2) REMOVED WITHIN 48 HOURS AFTER CONCLUSION OF THE HEARING.

(F) COPY OF AGENDA TO COUNCILMEMBERS.

ON OR BEFORE THE 4 CALENDAR DAYS PRECEDING ANY MEETING OF THE PLANNING COMMISSION, THE COMMISSION MUST DELIVER TO EACH MEMBER OF THE CITY COUNCIL, BY EMAIL OR IN PERSON, AN AGENDA OF ALL MATTERS THAT THE PLANNING COMMISSION PROPOSES TO CONSIDER AT THAT MEETING.”;

and, on the same page, in line 7, strike “ZONING ADMINISTRATOR –”; and, on page 109, strike beginning with “THE” at the start of line 11 through the comma in line 12, and substitute “ADDITIONAL”; and, in line 12, after “FOR”, strike “ALL”; and, in line 13, after “CODE”, insert “MAY BE PROVIDED”; and, in line 14, strike “ZONING MATTER” and substitute “LEGISLATIVE AUTHORIZATION”; and, in the same line, after “INVALID”, insert “OR VOID”.

Amendment No. 5.12 {Subtitle 7}

On page 109, in line 7, strike “**PERMIT**” and substitute “**PERMITS**”.

Amendment No. 5.13 {Subtitle 8}

Strike beginning on page 110, line 11, through page 111, line 3, in their entirety, and substitute:

“SUBTITLE 8. ZONING CONSULTATIONS

§ 5-801. PURPOSE.

THE CONSULTATION PROCESS PROVIDED FOR BY THIS SUBTITLE RECOGNIZES THAT THE PROVISIONS OF THIS CODE, THOUGH DETAILED AND EXTENSIVE, CANNOT AS A PRACTICAL MATTER ADDRESS EVERY SPECIFIC ZONING ISSUE. THIS PROCESS IS THUS

INTENDED TO ASSIST IN CLARIFYING THE PURPOSE AND INTENT OF THE PROVISIONS OF THIS CODE. IT IS NOT INTENDED, HOWEVER, TO PERMIT ADDING TO OR CHANGING THE ESSENTIAL CONTENT OF THIS CODE.

§ 5-802. WHO MAY REQUEST.

THE FOLLOWING MAY REQUEST A CONSULTATION WITH THE ZONING ADMINISTRATOR TO ASSIST IN CLARIFYING PROVISIONS OF THIS CODE:

- (1) THE OWNER OF ANY PROPERTY IN THE CITY;
- (2) ANY PERSON EXPRESSLY AUTHORIZED BY A PROPERTY OWNER IN WRITING; OR
- (3) ANY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

§ 5-803. PROCEDURE.

ON REQUEST UNDER § 5-802, THE ZONING ADMINISTRATOR:

- (1) MUST REVIEW THE REQUEST; AND
- (2) MAY:
 - (i) ASK FOR ADDITIONAL INFORMATION;
 - (ii) PROVIDE THE CONSULTATION REQUESTED; AND
 - (iii) PROVIDE A WRITTEN SUMMARY OF THE CONSULTATION RESULTS.

§ 5-804. NON-BINDING STATUS OF CONSULTATIONS.

(A) IN GENERAL.

ZONING CONSULTATIONS ARE MEANT TO PROVIDE ADVISORY INFORMATION ABOUT THE APPLICATION OF THE ZONING CODE. RESULTS OF A CONSULTATION ARE NOT BINDING ON THE ZONING ADMINISTRATOR, THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, OR THE MAYOR AND CITY COUNCIL WHEN ADDRESSING QUESTIONS THAT ARISE UNDER THIS CODE.

(B) DISCLAIMER.

ALL WRITTEN SUMMARIES OF CONSULTATIONS MUST INCLUDE THE FOLLOWING STATEMENT:

“THE RESULTS OF ANY ZONING CODE CONSULTATION PROVIDED UNDER THIS SUBTITLE ARE ADVISORY ONLY AND ARE NOT BINDING ON THE ZONING ADMINISTRATOR, THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, OR THE MAYOR AND CITY COUNCIL WHEN MAKING DECISIONS ON MATTERS WITHIN THE SCOPE OF THEIR AUTHORITY UNDER THE ZONING CODE OR ANY PROVISION OF FEDERAL, STATE, OR LOCAL LAW OR REGULATION.””.

Amendment No. 5.14 {Subtitle 9}

On page 111, at the start of line 12, insert the paragraph designator “(1)”; and, in line 13, after the period, insert the paragraph designator “(2)”; and, in the same line, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A”; and, after line 14, insert:

“A COMMUNITY-MANAGED OPEN-SPACE GARDEN OR FARM NEED ONLY PAY THE FEE AND SUBMIT AN APPLICATION FOR VERIFICATION AS A SINGLE LOT, AS LONG AS THE LOTS CONSTITUTING THAT USE ARE CONTIGUOUS.”

TITLE 6. ZONING DISTRICTS; MAPS AND PROFILES

Amendment No. 6.1 {Delete IH Overlay}

On page 114, strike line 28, in its entirety; and, on page 175, strike line 11, in its entirety, and substitute “(6) {RESERVED}”; and, on page 176, strike lines 23 through 28, in their entirety, and substitute “§ 12-206. {RESERVED}”; and, on page 188, in line 20, strike beginning with “INCLUSIONARY” through “DISTRICT” and substitute “{RESERVED}”; and, on the same page, strike lines 21 through 32, in their entirety.

Amendment No. 6.2 {Correction}

On page 115, in line 6, strike “PUBLIC WORKS” and substitute “TRANSPORTATION”.

Amendment No. 6.3 {“Pierhead Line”}

On page 116, in line 1, after “PIERHEAD LINE”, insert “(I.E., THE LEGAL BOUNDARY BEYOND WHICH ARTIFICIAL STRUCTURES (SUCH AS PIERS) MAY NOT PROJECT)”.

Amendment No. 6.4 {Exempt Utility & Gov't Uses}

On page 116, in line 20, strike beginning with "THE" through the comma, and substitute "NOTWITHSTANDING § 2-201 OF THIS CODE, THIS CODE DOES NOT APPLY TO THE FOLLOWING USES AND STRUCTURES"; and, in line 25, after "SIGNALS", insert "AND GOVERNMENT-OWNED SIGNS"; and strike line 26, in its entirety, and substitute "(5) SIMILAR INSTALLATIONS AND EQUIPMENT OR ACCESSORIES OF A PUBLIC UTILITY OR GOVERNMENTAL SERVICE"; and, in line 28, after the semicolon, strike "AND"; and strike lines 29 and 30, in their entireties, and substitute:

"(9) AUTOMOBILE CHARGING STATIONS, WHETHER ELECTRIC OR SOLAR;

(10) ANY INSTALLATION, STRUCTURE, EQUIPMENT, OR ACCESSORY THAT IS OWNED BY A GOVERNMENT ENTITY AND LOCATED IN A PUBLIC RIGHT-OF-WAY; AND

(11) ANY INSTALLATION, STRUCTURE, EQUIPMENT, OR ACCESSORY THAT IS LOCATED IN A PUBLIC RIGHT-OF-WAY AND GRANTED A FRANCHISE BY ORDINANCE OF THE MAYOR AND CITY COUNCIL."

TITLE 7. OPEN SPACE AND ENVIRONMENTAL DISTRICTS

Amendment No. 7.1 {Open-Space Areas - Park Structures, etc.}

On page 118, strike lines 13 through 15, in their entireties.

Amendment No. 7.2 {Floodplain Overlay - Definitions}

On page 119, after line 4, insert:

"§ 7-301. DEFINITIONS.

(A) GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) FLOODPLAIN.

"FLOODPLAIN" HAS THE MEANING STATED IN CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, § 1-2(v) {"DEFINITIONS: FLOODPLAIN"}.

(C) FLOODPLAIN MAPS.

“FLOODPLAIN MAPS” MEANS THE SERIES OF MAPS AND PROFILES KNOWN AS THE FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY FOR THE CITY OF BALTIMORE, DATED FEBRUARY 2, 2012, AS PREPARED, REVISED, OR AMENDED FROM TIME TO TIME FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE ADMINISTRATOR IN ACCORDANCE WITH CITY CODE ARTICLE 7, DIVISION I {“FLOODPLAIN MANAGEMENT”}.

(D) FLOODPLAIN OVERLAY ZONING DISTRICT; OVERLAY DISTRICT.

“FLOODPLAIN OVERLAY ZONING DISTRICT” OR “OVERLAY DISTRICT” MEANS ALL AREAS SHOWN AS FLOODPLAINS ON THE FLOODPLAIN MAPS.”;

and, on the same page, strike lines 16 through 31, in their entireties.

Amendment No. 7.3 {Floodplain Overlay - Purpose of District}

On page 119, in line 5, strike “§ 7-301” and substitute “§ 7-302”; and, in line 7, after “WITH THE”, strike “INTENT OF” and substitute “DESIGN TOWARDS”; and, in line 12, after the semicolon, insert “AND”; and strike beginning with the semicolon in line 13 through “CITY” in line 15.

Amendment No. 7.4 {Floodplain Overlay - Subdistricts}

On page 120, strike lines 1 through 37, in their entireties, and substitute:

“§ 7-303. OVERLAY SUBDISTRICTS.

(A) IN GENERAL.

THE FLOODPLAIN OVERLAY ZONING DISTRICT IS DIVIDED INTO THE FOLLOWING 6 SUBDISTRICTS, EACH DESIGNATING A MEASURABLE DEGREE OF FLOOD HAZARD, AS DELINEATED ON THE FLOODPLAIN MAPS.

(B) FLOODWAY.

THE FLOODWAY COMPRISES THAT PART OF THE OVERLAY DISTRICT THAT IS DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(B) {“SUBDISTRICTS: FLOODWAY”}.

(C) FLOODWAY FRINGE.

THE FLOODWAY FRINGE COMPRISES THOSE LANDS WITHIN THE OVERLAY DISTRICT THAT ARE DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(C) {"SUBDISTRICTS: FLOODWAY FRINGE"}.

(D) APPROXIMATED FLOODPLAIN.

THE APPROXIMATED FLOODPLAIN COMPRISES THOSE LANDS WITHIN THE OVERLAY DISTRICT THAT ARE DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(D) {"SUBDISTRICTS: APPROXIMATED FLOODPLAIN"}.

(E) COASTAL FLOODPLAIN.

THE COASTAL FLOODPLAIN COMPRISES THOSE LANDS WITHIN THE OVERLAY DISTRICT THAT ARE DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(E) {"SUBDISTRICTS: COASTAL FLOODPLAIN"}.

(F) COASTAL HIGH HAZARD AREA.

THE COASTAL HIGH HAZARD AREA COMPRISES THOSE LANDS WITHIN THE OVERLAY DISTRICT THAT ARE DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(F) {"SUBDISTRICTS: COASTAL HIGH HAZARD AREA"}.

(G) FLOOD RESILIENCE AREA.

THE FLOOD RESILIENCE AREA COMPRISES THOSE LANDS WITHIN THE OVERLAY DISTRICT THAT ARE DESCRIBED IN CITY CODE ARTICLE 7, § 2-2(G) {"SUBDISTRICTS: FLOOD RESILIENCE AREA"}.

Amendment No. 7.5 {Floodplain Overlay - Use Regulations}

On page 121, in line 2, strike "*GENERAL*" and substitute "*IN GENERAL*"; and, after line 2, insert the paragraph designator and caption "(1) PER UNDERLYING DISTRICT."; and, in line 3, after "BY THIS SECTION", insert "OR BY OTHER APPLICABLE LAW (SEE § 7-309 OF THIS SUBTITLE)"; and, in line 4, before "DISTRICT", insert "ZONING"; and, in line 6, strike the subsection designator "(B)" and substitute the paragraph designator "(2)"; and, in line 10 and line 16, strike "(C)" and "(D)", respectively, and substitute "(B)" and "(C)", respectively; and, in line 18, after "GOVERNMENT", strike "OFFICE" and substitute "SERVICE"; and, in line 21, strike "FLOOD WATERS" and substitute "FLOODWATERS"; and, strike beginning with "(E)" in line 24, through the period on page 122, in line 1.

Amendment No. 7.6 {Floodplain Overlay - Bulk and Yard Regulations.}

On page 122, in line 5 and line 8, in each instance, before “DISTRICT”, insert “ZONING”.

Amendment No. 7.7 {Floodplain Overlay - Variances & Conditional Uses}

On page 122, strike lines 11 through 13, in their entireties; and, in line 14 and in line 33, strike “(B)” and “(C)”, respectively, and substitute “(A)” and “(B)”, respectively; and, in line 18, before “DISTRICT”, insert “ZONING”; and, in line 26, strike “ALL” and substitute “ALL”; and, on page 123, in line 1, strike “OF A STRUCTURE”.

Amendment No. 7.8 {Floodplain Overlay - Amendments to Floodplain Maps}

On page 123, strike lines 4 through 9, in their entireties, and substitute “§ 7-307. {RESERVED}”.

Amendment No. 7.9 {Floodplain Overlay - Other Applicable Laws}

On page 123, in line 17, after “APPLICABLE” strike “STANDARDS” and substitute “LAWS”; and, in line 18, after “STANDARDS”, insert “, LIMITATIONS, AND PROHIBITIONS”; and, in the same line, after “SET FORTH IN”, insert “OTHER APPLICABLE LAWS GOVERNING FLOODPLAINS AND FLOOD HAZARD AREAS, INCLUDING:”; and, at the beginning of line 19, insert a return and the item designator “(1)”; and, in the same line, before the period, insert:

“; AND

(2) THE CITY BUILDING, FIRE, AND RELATED CODES”.

Amendment No. 7.10 {Chesapeake Bay Overlay - “Significant Development”}

On page 125, in lines 17 and 18, strike “AS CERTIFIED BY THE DEPARTMENT OF PLANNING” and substitute “AS RECORDED IN THE STATE DEPARTMENT OF ASSESSMENT AND TAXATION’S DATABASE”.

Amendment No. 7.11 {Chesapeake Bay Overlay - “Water-Dependent Facilities”}

On page 125, in line 31, strike “WATER-USE INDUSTRIES” and substitute “INDUSTRIES THAT WITHDRAW WATER FROM SURFACE WATERS REGULATED BY THIS STATE, REQUIRING A WATER”.

APPROPRIATION AND USE PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT".

Amendment No. 7.12 {Chesapeake Bay Overlay - "Civil Penalties"}

On page 133, in line 25, strike "\$10,000" and substitute "\$1,000".

TITLE 8. DETACHED & SEMI-DETACHED RESIDENTIAL DISTRICTS

{NONE}

TITLE 9. ROWHOUSE & MULTI-FAMILY RESIDENTIAL DISTRICTS

Amendment No. 9.1 {§ 9-201 on Residential Conversions}

On page 139, strike lines 7 through 11, in their entireties; and, beginning on page 139, in line 12, through page 140, in line 35 renumber §§ "9-202" through "9-207" to be §§ "9-201" through "9-206", respectively.

Amendment No. 9.2 {Correction}

On page 140, in line 7, strike "R-6" and substitute "R-7".

Amendment No. 9.3 {Residential Conversions – Districts in Which Allowed}

On page 151, in line 12, strike "THE" and substitute "IN THE RESIDENCE DISTRICTS, THE"; and, in line 13, after "DISTRICTS", insert:

“, SUBJECT TO:

(1) THE REQUIREMENTS OF THIS SUBTITLE; AND

(2) IN THE R-7 AND R-8 DISTRICTS, CONDITIONAL-USE APPROVAL BY ORDINANCE OF THE MAYOR AND CITY COUNCIL”.

Amendment No. 9.4 {Residential Conversions – Standards}

On page 151, in line 24, after “MUST BE”, insert a colon, a paragraph return, and the following:

“(I) A STRUCTURE ORIGINALLY CONSTRUCTED AS A SINGLE-FAMILY DWELLING; AND
(II)”.

Amendment No. 9.5 {Correction}

Beginning on page 152, in line 16, through page 153, in line 3, renumber §§ “9-701” through “9-707” to be §§ “9-801” through “9-807”, respectively.

TITLE 10. COMMERCIAL DISTRICTS

Amendment No. 10.1 {Residential Conversions in C Districts}

On page 166, after line 17, insert:

“§ 10-608. RESIDENTIAL CONVERSIONS.

THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS ALLOWED IN THE COMMERCIAL ZONING DISTRICTS, SUBJECT TO THE REQUIREMENTS OF § 9-702 {“RESIDENTIAL CONVERSIONS: DESIGN REVIEW”} AND § 9-703 {“RESIDENTIAL CONVERSIONS: CONVERSION STANDARDS”} OF THIS CODE.”

TITLE 11. INDUSTRIAL DISTRICTS

Amendment No. 11.1 {I-MU District}

On page 168, after line 13, insert:

“(C) FLOOR AREA REQUIREMENT FOR CERTAIN USES.

IN THE I-MU DISTRICT:

(1) AN INDUSTRIAL USE MUST ACCOUNT FOR A FLOOR AREA (LOCATED ANYWHERE IN ANY BUILDING ON THE SAME LOT) EQUAL TO AT LEAST 50% OF THE TOTAL GROUND FLOOR AREA OF ALL BUILDINGS ON THE LOT; OR

(2) A USE OTHER THAN RESIDENTIAL AND OTHER THAN PARKING MUST ACCOUNT FOR A FLOOR AREA (LOCATED ANYWHERE IN ANY BUILDING ON THE SAME LOT) EQUAL TO AT LEAST 60% OF THE TOTAL GROUND FLOOR AREA OF ALL BUILDINGS ON THE LOT.

(D) FLOOR AREA EXCEPTION.

SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO LOTS LOCATED WITHIN 300 FEET OF A RESIDENTIAL ZONING DISTRICT.”.

Amendment No. 11.2 {I-1 and I-2 Districts}

On page 168, in lines 21 and 22, and in line 30, in each instance, strike beginning with “AS WELL” through “FACILITIES,”.

Amendment No. 11.3 {MI District}

On page 169, in line 4, strike “LIMITED”; and, in the same line, after “MARITIME”, strike “USE” and substitute “INDUSTRIAL USES”; and, in line 5, after “SHIPPING”, insert “AND MARITIME INDUSTRIAL USES”.

TITLE 12. SPECIAL PURPOSE DISTRICTS

Amendment No. 12.1 {AU Overlay District}

On page 177, strike beginning with “AN AU OVERLAY” in line 15 through the period in line 16.

Amendment No. 12.2 {Residential Conversions in O-R Districts}

On page 178, after line 18, insert:

“(H) RESIDENTIAL CONVERSIONS.

THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS ALLOWED IN THE OR ZONING DISTRICT, SUBJECT TO THE REQUIREMENTS OF § 9-702 {“RESIDENTIAL CONVERSIONS: DESIGN REVIEW”} AND § 9-703 {“RESIDENTIAL CONVERSIONS: CONVERSION STANDARDS”} OF THIS CODE.”.

Amendment No. 12.3 {Parking Lots & Garages in TOD Districts}

On page 180, in line 19, strike “AND GARAGES”; and strike beginning with “(1)” in line 20 through “(2)” in line 21.

Amendment No. 12.4 {Bicycle Parking in TOD Districts}

On page 180, strike lines 27 through 29, in their entirety.

Amendment No. 12.5 {EC and H District Height Limits}

On page 183 delete lines 2 and 3, and on page 186, delete lines 12 and 13, and, in each instance, substitute: “IN THIS DISTRICT, HEIGHT LIMITS ARE RELATIVE TO THE PERIMETER STREET BUILDING. THEREFORE, HEIGHT IS MEASURED FROM THE CLOSEST PERIMETER STREET TO THE BUILDING.”.

Amendment No. 12.6 {EC Master Plan}

On page 183, strike lines 6 through 8 and substitute:

“(1) AN EDUCATIONAL FACILITY WITHIN THE EC DISTRICT MUST OBTAIN APPROVAL BY ORDINANCE OF A CAMPUS MASTER PLAN FOR ANY NEW CONSTRUCTION THAT WOULD DEVIATE FROM THE BULK AND YARD REGULATIONS OF TABLE 12-502.”.

Amendment No. 12.7 {EC Master Plan}

On page 183, after line 10, insert:

“(3) UNTIL A CAMPUS MASTER PLAN HAS BEEN APPROVED, TABLE 12-502 APPLIES IN ITS ENTIRETY TO THE EC DISTRICT.”

Amendment No. 12.8 {EC Master Plan}

On page 183, in line 12, strike “(1)”; and strike lines 14 through 16, in their entireties.

Amendment No. 12.9 {EC Master Plan}

On page 183, in lines 12 and 13, strike “OR UNDER THE CONTROL OF”.

Amendment No. 12.10 {EC & H Districts Master Plan}

On page 183, in line 18, and, on page 186, in line 28, in each instance, after “APPROVAL”, insert “BY ORDINANCE”; and, in the succeeding lines 19 and 29, in each instance, before “PROCEDURES”, insert “APPLICABLE”.

Amendment No. 12.11 {EC & H Districts Master Plan}

On page 183, in line 29, and on page 187, in line 5, in each instance, strike “A GENERAL RANGE OF”; and, in the same line, before “SQUARE” and before “BUILDING”, in each instance, insert “APPROXIMATE”; and, in the same line, after “HEIGHTS”, insert “, WITHIN A REASONABLE RANGE,”.

Amendment No. 12.12 {EC & H Districts Master Plan}

On page 183, in line 31 and in line 33, and on page 187, in line 7 and in line 9, in each instance, strike “GENERAL”.

Amendment No. 12.13 {EC Master Plan}

On page 183, in line 33, strike “ON-SITE” and substitute “SITE-ACCESS”.

Amendment No. 12.14 {EC & H Districts Master Plan}

On page 184, in line 10, and on page 187, in line 20, in each instance, after the comma, insert “BOTH SUBJECT TO APPROVAL BY ORDINANCE,”.

Amendment No. 12.15 {EC & H Districts Master Plan}

On page 184, in line 12, and, on page 187, in line 23, in each instance, after “AMENDMENTS TO”, insert “INCREASE THE BOUNDARIES OF, ADD ADDITIONAL USES TO, OR”; and, in the next lines 13 and 24, in each instance, after “APPROVAL”, insert “BY ORDINANCE”.

Amendment No. 12.16 {H District Uses}

On page 185, strike line 10, in its entirety, and substitute “(5) {RESERVED}”; and, after line 27, insert:

“(2) HOTELS, MOTELS, AND ROOMING HOUSES.”.

Amendment No. 12.17 {H District Uses}

On page 185, after line 16, insert:

“(12) RECREATION - INDOOR AND OUTDOOR.”;

and, beginning in line 17 through line 22, renumber items “(12)” through “(17)” to be “(13)” through “(18)”, respectively.

Amendment No. 12.18 {H District Development Plan}

On page 186, in line 16, strike “TO THE CITY COUNCIL”; and, in line 17, after “APPROVAL”, insert “BY ORDINANCE”; and, in the same line, strike “, WHICH MAY” and substitute “FOR ANY NEW CONSTRUCTION THAT WOULD”.

Amendment No. 12.19 {H District Development Plan}

On page 186, in lines 22 and 23, strike “OR UNDER THE CONTROL OF”; and, in line 23, after “FACILITY”, insert “AT THE TIME OF THE PLAN’S APPROVAL”

Amendment No. 12.20 {H District Development Plan}

On page 186, in line 25, strike “OF THE H DISTRICT” and substitute “EXPRESSLY MADE SUBJECT TO THE PLAN”; and, after “INCLUDING”, insert “PLAN-APPROVED”.

Amendment No. 12.21 {H District Development Plan}

On page 187, in line 14, after “ALL”, insert “EXISTING AND PROPOSED”

Amendment No. 12.22 {Waterfront Overlay}

On page 189, in line 26, after “TABLES”, insert “, NOT BY THE UNDERLYING ZONING”; and, in line 30, strike “12-903)4)” and substitute “12-903(4)”.

Amendment No. 12.23 {Waterfront Overlay}

On page 191, in line 32, strike “FOR HIKING AND BIKING”.

Amendment No. 12.24 {Waterfront Overlay}

On page 191, in line 33, strike “THE ZONING MAP” and substitute “TABLES 12-903(1)-(4)”.

Amendment No. 12.25 {Rowhouse MU Overlay}

On page 193, after line 33, insert the subsection designator “(A) IN GENERAL.”; and, after line 37, insert:

“(B) INITIAL CONVERSION REQUIRES CB APPROVAL.”

A ROWHOUSE DWELLING’S INITIAL CONVERSION FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN § 12-1003 OF THIS SUBTITLE REQUIRES CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, on page 194, in line 15, after “CONDITIONAL USES”, strike the comma; and, on the same page, after line 17, insert:

“(2) INITIAL CONVERSION OF A ROWHOUSE DWELLING FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.”;

and, on the same page, in line 18, strike “(2)” and substitute “(3)”.

Amendment No. 12.26 {Rowhouse MU Overlay Uses}

On page 194, in line 3, after “*PERMITTED*”, insert “*NON-RESIDENTIAL*”.

Amendment No. 12.27 {Rowhouse MU Overlay Uses}

On page 194, strike line 9, in its entirety; and, beginning in line 10 through line 13, renumber items “(5)” through “(8)” to be “(4)” through “(7)”, respectively.

Amendment No. 12.28 {Rowhouse MU Overlay Bulk & Yard Req'ts}

On page 194, after line 20, insert the subsection designator “(A) *IN GENERAL*”; and, in line 22, after “*DISTRICT*”, insert “*, EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION*”; and, after line 22, insert:

“(B) *EXCEPTION*.”

SUBSECTION (A) DOES NOT APPLY TO THE MINIMUM LOT AREA FOR A NON-RESIDENTIAL USE THAT WAS CONVERTED UNDER THIS SUBTITLE FROM A RESIDENTIAL USE. IN THAT CASE, THE MINIMUM LOT AREA REQUIREMENT FOR THE PRIOR RESIDENTIAL USE APPLIES.”.

Amendment No. 12.29 {Rowhouse MU Overlay Standards}

On page 195, in line 1, strike “*CONDITIONAL USE APPROVAL*” and substitute “*FOR ALL OTHER NON-RESIDENTIAL USES, CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS*”.

Amendment No. 12.30 {Detached Dwelling MU Overlay}

On page 195, after line 33, insert the subsection designator “(A) *IN GENERAL*”; and, after line 36, insert:

“(B) *INITIAL CONVERSION REQUIRES CB APPROVAL*.”

A DETACHED DWELLING’S INITIAL CONVERSION FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN § 12-1103 OF THIS SUBTITLE REQUIRES CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, on page 196, strike lines 13 through 15, in their entirety, and substitute:

“IN THE D-MU OVERLAY DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

- (1) INITIAL CONVERSION OF A DETACHED DWELLING FROM A RESIDENTIAL USE TO A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.
- (2) USE OF UPPER FLOOR FOR A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.”.

Amendment No. 12.31 {Detached Dwelling MU Overlay Uses}

On page 196, in line 4, after “*PERMITTED*”, insert “*NON-RESIDENTIAL*”.

Amendment No. 12.32 {Detached Dwelling MU Overlay Uses}

On page 196, strike line 10, in its entirety; and, in line 11, strike“(5)” and substitute “(4)”.

Amendment No. 12.33 {Detached Dwelling MU Overlay Standards}

On page 196, in line 30, strike “CONDITIONAL USE APPROVAL” and substitute “FOR ALL OTHER NON-RESIDENTIAL USES, CONDITIONAL-USE APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”.

TITLE 13. PLANNED UNIT DEVELOPMENTS

Amendment No. 13.0 {Authorization}

On page 200, strike lines 3 through 6, in their entirety, and substitute:

“(A) IN GENERAL.

PLANNED UNIT DEVELOPMENTS MUST BE INTRODUCED AND ENACTED BY ORDINANCE OF THE MAYOR AND CITY COUNCIL IN ACCORDANCE WITH A DEVELOPMENT AND PUBLIC HEARING PROCESS IN WHICH THE PLANNING COMMISSION AND OTHER CITY AGENCIES MUST REPORT THEIR RECOMMENDATIONS TO CITY COUNCIL WITHIN 60 DAYS OF INTRODUCTION AS PART OF THAT LEGISLATIVE PROCESS. ONCE A PLANNED

UNIT DEVELOPMENT IS ENACTED, ANY MAJOR CHANGES CAN BE ENACTED ONLY BY ORDINANCE OF THE MAYOR AND CITY COUNCIL.”.

Amendment No. 13.1 {Minimum Areas}

On page 200, in line 23, strike beginning with “B-1” through “BI” and substitute “C-1, C-2, C-3, C-4”; and in line 25, strike “B-5” and substitute “C-5”; and, in line 26, “OIP” and substitute “OIC”.

Amendment No. 13.2 {Approval Standards}

On page 201, after line 1, insert the subsection designator and caption “(A) IN GENERAL.”; and, in line 3, strike “TITLE 5, SUBTITLE 4 {“CONDITIONS USES”}” and substitute “§ 5-405(A) {“CONDITIONS: CRITERIA FOR IMPOSING”} AND § 5-406 {“APPROVAL STANDARDS”}”; in line 20, strike “AND”; and, in line 23, after “REGULATIONS”, insert:

“; AND

(VI) WHETHER THE PLANNED UNIT DEVELOPMENT IS COMPATIBLE WITH ANY NEARBY INDUSTRIAL DISTRICT”;

and, after line 23, insert:

“(B) REQUIRED FINDINGS.

THE PLANNED UNITY DEVELOPMENT MAY BE APPROVED ONLY IF THERE ARE FINDINGS THAT:

- (1) THE USE IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD;
- (2) THE USE FURTHERS THE PURPOSE OF THE PROPOSED CLASSIFICATION; AND
- (3) THE PUD MASTER PLAN DEVELOPED UNDER § 13-304 OF THIS TITLE ENSURES THAT THERE WILL BE NO DISCORDANCE WITH EXISTING USES.”

Amendment No. 13.3 {“Preliminary Consultation”}

On page 203, in lines 5, 12, 15, 17, and 27, and on page 204, in lines 5 and 13, in each instance, strike “PRE-APPLICATION”, in whatever font or case, and substitute “PRELIMINARY”, in the corresponding font and case.

Amendment No. 13.4 {“PUD Master Plan”}

On page 203, in line 7, on page 205, in lines 21, 24, and 27, on page 206, in lines 21, 23, 26, 34, and 37, on page 207, in lines 3, 5, 7, 11, 12, 13, 15 & 16, 19 & 20, 22, 23, 24, 27, 28, 31, 34, 36, and 38, on page 208, in lines 27, 33 & 34, and 36, on page 209, in lines 4, 8, 13 & 14, 16, and 21, and on page 211, in lines 12 & 13, in each instance, strike “PRELIMINARY DEVELOPMENT”, in whatever font or case, and substitute “PUD MASTER”, in the corresponding font and case.

Amendment No. 13.5 {Bill Intro}

On page 203, after line 11, insert:

“(C) INTRODUCTION OF LEGISLATION.

(1) IN ACCORDANCE WITH TITLE 5, SUBTITLE 5, OF THIS CODE, AT THE REQUEST OF A PROPERTY’S OWNER OR DEVELOPER, 1 OR MORE MEMBERS OF THE CITY COUNCIL MAY INTRODUCE A LEGISLATIVE AUTHORIZATION TO APPROVE, AMEND, OR REPEAL A PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN.

(2) ON REFERRAL OF THE BILL FOR THE LEGISLATIVE AUTHORIZATION TO THE PLANNING COMMISSION, AS REQUIRED BY TITLE 5, SUBTITLE 5, OF THIS CODE:

(I) THE PROPERTY OWNER OR DEVELOPER SEEKING THE LEGISLATIVE AUTHORIZATION IS CONSIDERED THE APPLICANT FOR PURPOSES OF THIS TITLE; AND

(II) THE PROCEDURES OF THIS SUBTITLE APPLY.”

Amendment No. 13.6 {Preliminary Consultation}

On page 203, in line 15, after the period, insert “THIS CONSULTATION MUST TAKE PLACE BEFORE OR AS SOON AS POSSIBLE AFTER INTRODUCTION OF THE BILL SEEKING THE LEGISLATIVE AUTHORIZATION FOR THE PLANNED UNIT DEVELOPMENT.”

Amendment No. 13.7 {Concept Plan - Public Review}

On page 205, in line 20, after “REGULATIONS”, insert “AND THE STATE OPEN MEETINGS ACT (TITLE 3 OF THE STATE GENERAL PROVISIONS ARTICLE)”.

Amendment No. 13.8 {PUD Master Plan - Purpose}

On page 205, in line 22, strike “*IN GENERAL*” and substitute “PURPOSE OF PLAN”; and, on the same page, strike lines 23 through 25, in their entirety, and substitute:

“THE PURPOSE OF THE PUD MASTER PLAN IS TO SERVE AS THE LEGISLATIVELY APPROVED PLAN ENCOMPASSING ALL MAJOR ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS. WHERE CERTAIN ELEMENTS OF SITE DESIGN ARE UNKNOWN, IT IS SUFFICIENT TO REFLECT INTENT AS PROVIDED IN THIS SECTION.”

Amendment No. 13.9 {PUD Master Plan - Components}

On page 205, in line 36, strike beginning with “THE LOCATION” through “LANDSCAPING” and substitute “A GENERAL PLAN FOR LANDSCAPING THAT DEMONSTRATES DESIGN INTENT AND HOW ENVIRONMENTAL REQUIREMENTS WILL BE MET”; and, on page 206, in line 3, before “LOCATION”, insert “GENERAL”.

Amendment No. 13.10 {PUD Master Plan - Commission Review}

On page 206, in line 20, strike “*PLAN APPROVAL PROCEDURE –*”; and, in the same line, after “COMMISSION”, insert “REVIEW”; and, in lines 21, 23, and 26, in each instance, before (as substituted by amendment) “PUD MASTER”, insert “PROPOSED”; and strike lines 32 through 37, in their entirety, and substitute:

“(3) THE PLANNING COMMISSION MAY RECOMMEND APPROVAL, RECOMMEND APPROVAL WITH CONDITIONS, OR ADVISE THE APPLICANT IN WRITING OF ANY RECOMMENDED CHANGES, ADDITIONS, OR CORRECTIONS TO THE PROPOSED PUD MASTER PLAN. IF THE PLANNING COMMISSION RECOMMENDS CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PROPOSED PUD MASTER PLAN FOR PLANNING COMMISSION CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE PLANNING COMMISSION MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PLAN. ONCE RESUBMITTED, THE PLANNING COMMISSION MAY THEN RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PROPOSED PUD MASTER PLAN.”;

and, on page 207, strike lines 1 through 28, in their entirety, and substitute:

“(D) RECOMMENDATIONS TO CITY COUNCIL.

THE PLANNING COMMISSION’S FINAL DETERMINATION REGARDING A PROPOSED PUD MASTER PLAN MUST BE:

(1) INCLUDED IN THE PLANNING COMMISSION’S REPORT TO THE MAYOR AND CITY COUNCIL UNDER § 5-506 OF THIS CODE IF THE PLANNED UNIT DEVELOPMENT IS THE SUBJECT OF A PROPOSED LEGISLATIVE AUTHORIZATION THAT HAS ALREADY BEEN INTRODUCED UNDER § 13-301(C) OF THIS TITLE ; OR

(2) RETAINED BY THE PLANNING COMMISSION FOR AT LEAST 12 MONTHS FROM THE DATE THE PLANNING COMMISSION MAKES A FINAL DETERMINATION AND INCLUDED IN THE PLANNING COMMISSION’S REPORT UNDER § 5-506 OF THIS CODE IF, WITHIN THAT 12-MONTH PERIOD, THE PLANNED UNIT DEVELOPMENT BECOMES THE SUBJECT OF A LEGISLATIVE AUTHORIZATION.

Amendment No. 13.11 {Final Plan - Purpose; Requirements}

On page 207, after line 29, insert:

“(A) PURPOSE OF PLAN.

THE PURPOSE OF THE FINAL DEVELOPMENT PLAN IS TO PROVIDE, AFTER ENACTMENT OF THE ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT AND ITS PUD MASTER PLAN, ADDITIONAL DETAILED INFORMATION ON ALL ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS ONCE CONSTRUCTION IS IMMINENT. WHEREAS THE PUD MASTER PLAN MAY REFLECT DESIGN INTENT, THE FINAL DEVELOPMENT PLAN MUST REFLECT ACTUAL AND FINAL PROPOSED CONDITIONS. THE PLANNING COMMISSION MAY NOT APPROVE THE FINAL DEVELOPMENT PLAN, AS PROVIDED IN THIS SECTION, UNLESS THE FINAL DEVELOPMENT PLAN SUBSTANTIALLY COMPLIES WITH THE PUD MASTER PLAN.”;

and, beginning on page 207, in line 30, through page 209, in line 30, reletter subsections “(B)” through “(E)” to be subsections “(C)” through “(F)”, respectively; and, on page 207, in line 31, strike “APPROVAL OF THE” and substitute “ENACTMENT OF THE ORDINANCE APPROVING {OR AMENDING?} THE PLANNED UNIT DEVELOPMENT AND ITS”.

Amendment No. 13.12 {Final Plan - Plan Components}

On page 208, strike lines 1 through 28, in their entireties, and substitute:

“(1) THE PLAN COMPONENTS REQUIRED BY § 13-304(B) OF THIS SUBTITLE, UPDATED AS REQUIRED TO REFLECT ACTUAL AND FINAL PROPOSED CONDITIONS;

(2) THE FINAL LOCATION, TYPE, AND SIZE OF PROPOSED LANDSCAPING FEATURES; AND

(3) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES.”.

Amendment No. 13.13 {Final Plan - Conformance Review}

On page 208, in line 36, and on page 209, in line 16, in each instance, strike “PREVIOUSLY FILED”; and, on page 208, in line 36, and on page 209, in lines 14, 16, and 21, in each instance, after “PLAN”, insert “AND CITY REGULATIONS”; and, on page 209, in line 4, strike “APPROVED”; and, on the same page, in line 8, before “REGULATIONS”, strike “OTHER” and substitute “CITY”; and, in line 10, before “PLAN”, insert “DEVELOPMENT”; and, in lines 20-21, strike “ARE NOT IN DIRECT CONFORMANCE” and substitute “DO NOT CONFLICT”.

Amendment No. 13.14 {Final Plan - Engineering Corrections - Approval}

On page 209, in line 40, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 40 through the period in line 42, and substitute:

“(I) THAT FAILS TO SUBSTANTIALLY COMPLY WITH THE PUD MASTER PLAN OR CITY REGULATIONS; OR

(II) THAT VIOLATES:

(A) THE UNDERLYING ZONING;

(B) AN APPROVED EXCEPTION;

(C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT; OR

(D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.

(3) THE DIRECTOR OF PLANNING MAY NOT APPROVE ANY ENGINEERING CORRECTION FOR A SITE THAT HAS NOT HAD BUILDING PERMITS ISSUED.”.

Amendment No. 13.15 {Final Plan - Engineering Corrections - Revised Plan}

On page 210, in line 2, after “PLAN”, insert “SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION”; and in the same line, after “PLANNING”, insert a comma; and, in lines 3 and 4, strike “ORDINANCE AND”; and, in line 4, strike beginning with “, SHOWING” through “DEVELOPMENT”; and, in line 5, after “PLAN”, insert “PROPOSED UNDER THIS SECTION”; and,

strike beginning with “(C)” in line 7 through the period in line 9 and substitute a return and the new paragraph designator “(3)”; and, in line 9, after “NEW”, insert “FINAL DEVELOPMENT”; and, in the same line, after “PLAN”, insert a comma; and, in the same line, strike “THESE CHANGES” and substitute “THE CHANGES APPROVED UNDER THIS SECTION”.

Amendment No. 13.16 {Final Plan - Minor Changes}

On page 210, in line 16, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 16 through the period in line 19, and substitute:

“(I) THAT FAILS TO SUBSTANTIALLY COMPLY WITH THE PUD MASTER PLAN OR CITY REGULATIONS; OR

(II) THAT VIOLATES:

(A) THE UNDERLYING ZONING;

(B) AN APPROVED EXCEPTION;

(C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO THE PLANNED UNIT DEVELOPMENT’S PHASING SCHEDULE; OR

(D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.”;

and, on page 210, in line 21, after “PLAN”, insert “SHOWING ALL CHANGES PROPOSED UNDER THIS SECTION”; and in the same line, after “PLANNING”, insert a comma; and, in lines 22 and 23, strike “ORDINANCE AND”; and, in line 23, strike beginning with “, SHOWING” through “DEVELOPMENT”; and, strike beginning with “(C)” in line 27 through the period in line 29 and substitute a return and the new paragraph designator “(3)”; and, in line 29, after “NEW”, insert “FINAL DEVELOPMENT”; and, in the same line, after “PLAN”, insert a comma; and, in the same line, strike “THESE CHANGES” and substitute “THE CHANGES APPROVED UNDER THIS SECTION”.

Amendment No. 13.17 {Final Plan - Major Changes}

On page 210, in line 35, strike beginning with “A CHANGE” through “HEIGHTS” and substitute “A 10% INCREASE OR A 25% DECREASE IN THE MAXIMUM BUILDING HEIGHTS”; and, on page 211, in line 1, strike “SIGNIFICANT”; and, in the same line, before “DEVELOPMENT PLAN”, insert “FINAL”; and, on page 211, in line 6, after “CHANGE”, insert a colon; and strike beginning with “THAT VIOLATES” in line 6 through the period in line 9, and substitute:

“(I) THAT FAILS TO SUBSTANTIALLY COMPLY WITH THE PUD MASTER PLAN OR CITY REGULATIONS; OR

(II) THAT VIOLATES:

(A) THE UNDERLYING ZONING;

(B) AN APPROVED EXCEPTION;

(C) A CONDITION OF APPROVAL ATTACHED TO THE PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO THE PLANNED UNIT DEVELOPMENT’S PHASING SCHEDULE; OR

(D) A PROVISION OF THE ORDINANCE THAT APPROVED OR AMENDED THE PLANNED UNIT DEVELOPMENT.”;

and, on page 211, in line 11, after “REQUIRES”, insert a colon, a return, and the item designator “(1)”; and, in the same line, strike “PREVIOUSLY” and substitute “ORDINANCE THAT”; and, in the same line, before “PLANNED”, insert “THE”; and, in line 12, before “AND” insert a semicolon; and, strike beginning with “RESUBMITTAL” in line 12 through “PROCESS” in line 14, and substitute:

“(2) INTRODUCTION AND ENACTMENT OF AN ORDINANCE TO APPROVE A NEW PLANNED UNIT DEVELOPMENT AND PUD MASTER PLAN”.

Amendment No. 13.18 {Binding Agreement}

On page 211, in line 18, after “AGREEMENT BY THE”, strike “OWNER AND DEVELOPER THAT THEY WILL” and substitute “APPLICANT TO”.

Amendment No. 13.19 (T-483) {Noncompliance}

On page 212, in line 12, strike “OWNER OR DEVELOPER” and substitute “APPLICANT”.

TITLE 14. USE STANDARDS

Amendment No. 14.1 {Easements for Energy Systems}

On page 215, in line 30, after “THE CITY”, strike beginning with “WILL NOT” through “PLAN” and substitute “DOES NOT ENFORCE THESE EASEMENTS, AGREEMENTS, OR MANAGEMENT PLANS”.

Amendment No. 14.2 {Community-Managed Open Spaces}

On page 216, in line 4, strike “OPEN SPACES” and substitute “OPEN-SPACE GARDENS AND FARMS”; and, on the same page, strike lines 5 through 15, in their entireties; and, in line 16 and in line 20, strike “(B)” and “(C)”, respectively, and substitute “(A) OPEN-SPACE GARDENS AND FARMS –” and “(B) OPEN-SPACE GARDENS AND FARMS –”, respectively; and, in line 17, strike “OPEN SPACE” and substitute “OPEN-SPACE GARDEN OR FARM”; and, in line 20, strike “PERMANENT STRUCTURES” and substitute “STRUCTURES”; and, in line 24, after “GAZEBOS”, insert a comma; and, in line 25 and in line 32, strike “(D)” and “(E)”, respectively, and substitute “(C) OPEN-SPACE FARMS –” and “(D) OPEN-SPACE FARMS –”, respectively; and, in line 26, strike “FARMSTANDS” and substitute “ON A COMMUNITY-MANAGED OPEN-SPACE FARM, TEMPORARY FARMSTANDS”; and, in line 28, strike “FARMSTANDS” and substitute “THESE FARMSTANDS”; and, in line 33, after “ON-SITE”, insert “OF A COMMUNITY-MANAGED OPEN-SPACE FARM”; and, on page 217, after line 6, insert:

“(E) OPEN-SPACE FARMS - LIVESTOCK AND ANIMALS.

THE KEEPING OF LIVESTOCK AND ANIMALS MUST ADHERE TO ALL APPLICABLE REGULATIONS OF THE BALTIMORE CITY HEALTH DEPARTMENT AND THE MARYLAND DEPARTMENT OF AGRICULTURE.”.

Amendment No. 14.3 {Drive-Thru Facilities}

On page 218, in line 7 and in in line 8, in each instance, strike “PERMITTED” and substitute “ELIGIBLE FOR”.

Amendment No. 14.4 {Fraternity, Sorority Houses - Location}

On page 219, at the beginning of line 21, insert the paragraph number “(1)”; and, in lines 21 and 22, strike “EDUCATIONAL FACILITY” and substitute “EDUCATIONAL CAMPUS DISTRICT IN WHICH IS LOCATED THE COLLEGE OR UNIVERSITY WITH WHICH THE FRATERNITY’S OR SORORITY’S LOCAL CHAPTER IS AFFILIATED”; and, after line 22, insert:

“(2) (I) NO FRATERNITY OR SORORITY HOUSE IS PERMITTED IN ANY RESIDENTIAL DISTRICT, UNLESS THE HOUSE:

(A) WAS ESTABLISHED PRIOR TO ENACTMENT OF THE BALTIMORE CITY ZONING CODE OF 1971 AND HAS MAINTAINED UNINTERRUPTED USE AND OCCUPANCY SINCE THEN; OR

(B) SINCE THAT 1971 ENACTMENT, HAS OBTAINED A USE PERMIT AS A FRATERNITY OR SORORITY HOUSE.

(II) WITHIN 2 YEARS OF THE EFFECTIVE DATE OF THIS CODE. ALL FRATERNITY OR SORORITY HOUSES MUST EITHER SECURE A USE PERMIT OR TERMINATE THE FRATERNITY OR SORORITY USE.”.

Amendment No. 14.5 {Fraternity, Sorority Houses - Presumption}

On page 219, after line 25, insert:

“(C) PRESUMPTION OF STRUCTURE STATUS.

FOR PURPOSES OF ZONING ENFORCEMENT, A STRUCTURE THAT HOUSES COLLEGE AND UNIVERSITY UNDERGRADUATES MAY BE PRESUMED TO BE A FRATERNITY OR SORORITY HOUSE IF:

(1) THE HOUSE IS AFFILIATED WITH A LOCAL CHAPTER OF A FRATERNAL OR SORORAL ORGANIZATION; AND

(2) THAT AFFILIATION IS ACKNOWLEDGED BY THE COLLEGE OR UNIVERSITY.”.

Amendment No. 14.6 {Gas Stations - Pumps}

On page 219, after line 26, insert:

“(A) PUMP LIMITS.

A GAS STATION THAT ABUTS A RESIDENTIAL DISTRICT MAY NOT HAVE MORE THAN 8 PUMPS.”;

and, beginning on page 219, in line 27, through page 220, in line 21, reletter subsections “(A)” through “(G)”, respectively, to be subsections “(B)” through “(H)”, respectively.

Amendment No. 14.7 {Gas Stations - As Accessory to Service & Repair Est't}

On page 220, strike lines 9 through 13, in their entireties; and, on the same page, in line 14 and line 21, reletter the two remaining subsections as appropriate to follow on from this and any other amendments to § 14-314; and, on page 226, strike lines 7 through 10, in their entireties.

Amendment No. 14.8 {Junk ... Yards}

On page 221, after line 2, insert:

“(1) A JUNK OR SCRAP STORAGE AND YARD MUST COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL LAWS, RULES, AND REGULATIONS, INCLUDING THOSE INVOLVING THE MANAGEMENT OF STORMWATER RUN-OFF AND THE DEVELOPMENT AND MAINTENANCE OF A POLLUTION PREVENTION PLAN.”;

and, in line 3 and in line 5, strike “(1)” and “(2)”, respectively, and substitute “(2)” and “(3)”, respectively.

Amendment No. 14.9 {Industrial Landfills}

On page 222, in line 3, strike “(1)”; and, in line 4, strike “(1)” and substitute “(1)”; and, strike lines 5 through 11, in their entireties, and substitute:

“(2) COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL ENVIRONMENTAL, HEALTH, AND OTHER LAWS, RULES, AND REGULATIONS; AND”;

“(3) OBTAIN A STATE REUSE DISPOSAL PERMIT AND ALL OTHER APPLICABLE STATE AND LOCAL PERMITS.”.

Amendment No. 14.10 {Materials Recovery Facilities}

On page 225, strike lines 2 through 8, in their entireties, and substitute:

“(A) COMPLIANCE WITH STATE AND LOCAL LAWS.

A MATERIALS RECOVERY FACILITY MUST:

(1) COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS, RULES, AND REGULATIONS; AND

(2) OBTAIN ALL APPLICABLE STATE AND LOCAL PERMITS.”.

Amendment No. 14.11 {Multi-Family Dwlngs – Accessory Non-Res’l Uses – Where Allowed}

On page 226, in lines 13 and 14, strike “AND R-10 DISTRICT” and substitute “R-10 AND OR-2 DISTRICTS”.

Amendment No. 14.12 {Multi-Family Dwlngs – Accessory Non-Res’l Uses – Aggregate Area}

On page 226, strike lines 22 through 24, in their entirety, and substitute:

“THE AGGREGATE OF ALL THESE USES MAY NOT EXCEED THE FOLLOWING:

(1) IN THE R-8 AND R-9 DISTRICTS, 5% OF THE GROSS FLOOR AREA OF THE BUILDING;
AND

(2) IN THE R-10 AND OR-2 DISTRICTS, THE GREATER OF:

(i) 10% OF THE GROSS FLOOR AREA OF THE BUILDING; OR

(ii) IF ALL THESE USES ARE LOCATED EXCLUSIVELY ON THE GROUND FLOOR OF THE BUILDING, THE FLOOR AREA OF THE ENTIRE GROUND FLOOR.”.

Amendment No. 14.13 {Multi-Family Dwlngs – Accessory Non-Res’l Uses – Wall Signs}

On page 227, in line 4, strike “DISTRICT” and substitute “AND OR-2 DISTRICTS”.

Amendment No. 14.14 {Neighborhood Commercial Establishments}

On page 227, after line 12, insert:

“(A) IN GENERAL.

NEIGHBORHOOD COMMERCIAL ESTABLISHMENT USES ARE LIMITED TO THE REUSE OF EXISTING BUILDINGS THAT WERE ORIGINALLY CONSTRUCTED AND USED FOR NON-RESIDENTIAL USES IN WHAT ARE NOW RESIDENTIAL OR OFFICE- RESIDENTIAL ZONING DISTRICTS. BECAUSE THESE USES ARE FOR EXISTING BUILDINGS, THEY ARE NOT SUBJECT TO THE MINIMUM LOT AREA REQUIRED FOR NON-RESIDENTIAL USES IN RESIDENTIAL OR OFFICE-RESIDENTIAL ZONING DISTRICTS.”;

and, beginning on page 227, in line 13, through page 228, in line 5, reletter subsections “(A)” through “(G)”, respectively, to be subsections “(B)” through “(H)”, respectively.

Amendment No. 14.15 {Outdoor Dining - Type of Use}

On page 228, in line 9, after “CONSIDERED”, strike beginning with “A SEPARATE” through “ACCESSORY” and substitute “AN ACCESSORY USE”.

Amendment No. 14.16 {Parking Lots – Size of Attendant Shelters}

On page 229, in line 33, strike “50” and substitute “200”.

Amendment No. 14.17 {Recyclable Materials Recovery Facilities}

On page 230, after line 4, insert:

“§ 14-333. RECYCLABLE MATERIALS RECOVERY FACILITIES.

(A) COMPLIANCE WITH STATE AND LOCAL LAWS.

A RECYCLABLE MATERIALS RECOVERY FACILITY MUST:

(1) COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS, RULES, AND REGULATIONS; AND

(2) OBTAIN ALL APPLICABLE STATE AND LOCAL PERMITS.

(B) OPERATIONS TO BE ENCLOSED.

(1) ALL LOADING AND UNLOADING MUST BE PERFORMED EITHER WITHIN AN ENCLOSED BUILDING OR WITHIN A SCREENED AREA.

(2) ALL OTHER OPERATIONS MUST BE ENCLOSED WITHIN AN ENCLOSED BUILDING.”;

and, on page 230, in line 5 and in line 24, and on page 231, in line 1 and in line 16, strike “§ 14-333”, “§ 14-334”, “§ 14-335”, and “§ 14-336”, respectively, and substitute “§ 14-334”, “§ 14-335”, “§ 14-336”, and “§ 14-337”, respectively.

Amendment No. 14.18 {Big Box Establishment}

On page 230, after line 36, insert:

“14-334.1 BIG BOX ESTABLISHMENTS.

BEFORE APPROVING A CONDITIONAL USE APPLICATION FOR A PROPOSED RETAIL: BIG BOX ESTABLISHMENT, A FINDING MUST BE MADE THAT THE PROPOSED USE WILL NOT HAVE AN UNDUE ADVERSE ECONOMIC IMPACT ON THE COMMUNITY. THIS FINDING MUST BE BASED ON DATA PROVIDED BY AN ECONOMIC AND FISCAL IMPACT STUDY CONDUCTED BY A QUALIFIED ANALYST SELECTED BY THE CITY AND MUST BE PAID BY A FEE ASSESSED TO THE APPLICANT.”.

Amendment No. 14.19 {Resource Recovery Facilities}

On page 230, in line 26, strike “(1)”; and, in the same line, after “MUST”, insert a colon; and strike beginning with “HAVE” in line 26 through “LOCATION” in line 27 and substitute:

“(1) COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS, RULES, AND REGULATIONS, INCLUDING STATE RESTRICTIONS ON LOCATION; AND

(2) OBTAIN ALL APPLICABLE STATE AND LOCAL PERMITS”;

and strike lines 28 through 30, in their entireties.

Amendment No. 14.20 {Telecommunications - Renumber and Move Section, As Amended}

On page 234, in line 1, strike “§ 14-339” and substitute “§ 14-338”; and, after implementing the text amendments to that section, as proposed by the 4 amendments immediately following this amendment, transfer the resultant renumbered and amended section, in its entirety, to page 231, after line 33; and, on page 232, in line 1, and on page 233, in line 23, strike “§ 14-337” and “§ 14-338”, respectively, and substitute “§ 14-339” and “§ 14-340”, respectively.

Amendment No. 14.21 {Telecommunications - Definitions}

On page 234, in line 1, strike “WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, AND TOWER” and substitute “TELECOMMUNICATIONS FACILITIES”; and, on the same page, strike lines 2 through 5, in their entireties, and substitute:

“(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) BASE STATION.

(i) IN GENERAL.

“BASE STATION” MEANS THE TRANSMISSION EQUIPMENT AND NON-TOWER SUPPORTING STRUCTURE AT A FIXED LOCATION THAT ENABLES WIRELESS COMMUNICATIONS SERVICES BETWEEN USER EQUIPMENT AND A COMMUNICATIONS NETWORK.

(ii) EXCLUSIONS.

“BASE STATION” DOES NOT INCLUDE A SATELLITE DISH ANTENNA, AS DEFINED IN § 1-313(D) {“SATELLITE DISH ANTENNA”} OF THIS CODE.

(3) COLLOCATE.

“COLLOCATE” MEANS TO MOUNT OR INSTALL TRANSMISSION EQUIPMENT ON TELECOMMUNICATION FACILITIES FOR THE PURPOSE OF TRANSMITTING OR RECEIVING RADIO FREQUENCY SIGNALS FOR COMMUNICATIONS PURPOSES.

(4) DISTRIBUTED ANTENNA SYSTEM; DAS.

“DISTRIBUTED ANTENNA SYSTEM” OR “DAS” MEANS A NETWORK OF MULTIPLE, SPATIALLY SEPARATE ANTENNA NODES CONNECTED, FOR THE PURPOSE OF PROVIDING WIRELESS COMMUNICATION SERVICES WITHIN A GEOGRAPHIC AREA.

(5) ELIGIBLE FACILITIES REQUEST.

“ELIGIBLE FACILITIES REQUEST” MEANS ANY REQUEST FOR MODIFICATION OF AN EXISTING TOWER OR BASE STATION THAT:

(i) INVOLVES:

(A) THE COLLOCATION OF NEW TRANSMISSION EQUIPMENT;

(B) THE REMOVAL OF TRANSMISSION EQUIPMENT; OR

(C) THE REPLACEMENT OF TRANSMISSION EQUIPMENT; AND

(II) DOES NOT:

(A) SUBSTANTIALLY CHANGE PHYSICAL DIMENSIONS; OR

(B) INCLUDE THE REPLACEMENT OF A TOWER.

(6) NODE.

“NODE” MEANS A COMPONENT OF A DAS OR SMALL CELL INSTALLATION THAT:

(I) INCLUDES ONE OR MORE RADIO FREQUENCY TRANSMITTERS OR ANTENNAE;
AND

(II) IS CONNECTED BY A HIGH CAPACITY TRANSPORT MEDIUM (SUCH AS A FIBER
OPTIC CABLE) TO A COMMON SOURCE WITH OTHER NODES.

(7) SMALL CELL INSTALLATION.

“SMALL CELL INSTALLATION” MEANS A WIRELESS COMMUNICATION TECHNOLOGY
INSTALLATION SIMILAR TO A DAS, BUT NORMALLY INCLUDING A SINGLE NODE.

(8) SUBSTANTIALLY CHANGE ... PHYSICAL DIMENSIONS.

“SUBSTANTIALLY CHANGE ... PHYSICAL DIMENSIONS”, WHEN USED WITH
REFERENCE TO A TOWER OR BASE STATION, MEANS:

(I) FOR A TOWER:

(A) AN INCREASE IN THE TOWER’S HEIGHT BY MORE THAN 10% OR BY
THE HEIGHT OF ONE ADDITIONAL ANTENNA ARRAY WITH
SEPARATION FROM THE NEAREST EXISTING ANTENNA NOT TO
EXCEED 20 FEET, WHICHEVER IS GREATER; OR

(B) THE CREATION OF AN APPURTENANCE THAT PROTRUDES FROM THE
EDGE OF THE TOWER MORE THAN 20 FEET OR MORE THAN THE
WIDTH OF THE TOWER STRUCTURE AT THE LEVEL OF THE
APPURTENANCE, WHICHEVER IS GREATER;

(II) FOR A BASE STATION:

(A) AN INCREASE IN THE BASE STATION’S HEIGHT BY MORE THAN 10%
OR 10 FEET, WHICHEVER IS GREATER; OR

(B) THE CREATION OF AN APPURTENANCE THAT PROTRUDES FROM THE EDGE OF THE BASE STATION BY MORE THAN 6 FEET;

(III) AN INSTALLATION OF MORE THAN THE STANDARD NUMBER OF NEW EQUIPMENT CABINETS FOR THE TECHNOLOGY INVOLVED OR, IN ANY EVENT, MORE THAN 4 CABINETS;

(IV) A MODIFICATION THAT ENTAILS AN EXCAVATION OR DEPLOYMENT OUTSIDE THE CURRENT SITE OF THE TOWER OR BASE STATION;

(V) A MODIFICATION THAT WOULD DEFEAT THE EXISTING CONCEALMENT ELEMENTS OF THE TOWER OR BASE STATION; AND

(VI) A MODIFICATION THAT DOES NOT COMPLY WITH CONDITIONS ASSOCIATED WITH THE PRIOR APPROVAL OF CONSTRUCTION OR MODIFICATION OF THE TOWER OR BASE STATION, UNLESS THE NON-COMPLIANCE IS DUE TO AN INCREASE IN HEIGHT, INCREASE IN WIDTH, ADDITIONAL CABINET INSTALLATION, OR NEW EXCAVATION THAT DOES NOT EXCEED THE CORRESPONDING "SUBSTANTIAL CHANGE" THRESHOLDS IDENTIFIED ABOVE.

(9) TELECOMMUNICATIONS FACILITY.

"TELECOMMUNICATIONS FACILITY" MEANS ANY STRUCTURE THAT FALLS WITHIN THE DEFINITION OF "BASE STATION" OR "TOWER".

(10) TOWER.

(i) IN GENERAL.

"TOWER" MEANS ANY STRUCTURE BUILT FOR THE SOLE OR PRIMARY PURPOSE OF SUPPORTING A BASE STATION.

(ii) EXCLUSIONS.

"TOWER" DOES NOT INCLUDE A SATELLITE DISH ANTENNA, AS DEFINED IN § 1-313(D) {"SATELLITE DISH ANTENNA"} OF THIS CODE.

(11) TRANSMISSION EQUIPMENT.

(i) IN GENERAL.

"TRANSMISSION EQUIPMENT" MEANS ANY EQUIPMENT THAT FACILITATES TRANSMISSION FOR A WIRELESS COMMUNICATION SERVICES.

(ii) INCLUSIONS.

“TRANSMISSION EQUIPMENT” INCLUDES RADIO TRANSCEIVERS, ANTENNAS, AND OTHER RELEVANT EQUIPMENT ASSOCIATED WITH AND NECESSARY TO THEIR OPERATION, INCLUDING COAXIAL OR FIBER-OPTIC CABLE, AND REGULAR AND BACKUP POWER SUPPLY.

(iii) EXCLUSIONS.

“TRANSMISSION EQUIPMENT” DOES NOT INCLUDE A SATELLITE DISH ANTENNA, AS DEFINED IN § 1-313(D) {“SATELLITE DISH ANTENNA”} OF THIS CODE.

(12) WIRELESS COMMUNICATIONS SERVICE.

(i) IN GENERAL.

“WIRELESS COMMUNICATIONS SERVICE” MEANS A RADIOCOMMUNICATION SERVICE LICENSED PURSUANT TO FEDERAL COMMUNICATIONS COMMISSION REQUIREMENTS FOR FREQUENCY BANDS IN THE 2305-2320 AND 2345-2360 MHZ SPECTRUM RANGE.

(ii) ILLUSTRATIONS.

THE MOST COMMON USE OF THIS SPECTRUM IS MOBILE VOICE AND DATA SERVICES, INCLUDING CELL PHONE, TEXT MESSAGING, AND INTERNET.”.

Amendment No. 14.22 {Telecommunications - Purpose; Application}

On page 234, strike line 6, in its entirety, and substitute:

“(B) EXCLUSIONS FROM SECTION.

THIS SECTION DOES NOT APPLY TO TOWERS OR BASE STATIONS LOCATED IN A PUBLIC RIGHT-OF-WAY.

(C) PURPOSE OF STANDARDS.”;

and, in lines 7 and 8, strike beginning with “WIRELESS” through “TOWERS” and substitute “TELECOMMUNICATIONS FACILITIES”; and, in line 10, after “WIRELESS”, strike “TELECOMMUNICATIONS” and substitute “COMMUNICATIONS”; and, in line 13, strike “TOWERS AND OTHER STRUCTURES” and substitute “TELECOMMUNICATIONS FACILITIES”; and, in lines 13 and 14, strike beginning with “THE CO-” through “ANTENNA” and substitute

“WIRELESS COMMUNICATION SERVICES”; and, in line 14, after the semi-colon, insert “AND”; and strike beginning with the semi-colon in line 17 through “DISTRICTS” in line 21; and, strike line 22, in its entirety, and substitute:

“(D) APPROVAL AND APPLICATION REQUIREMENTS.”

(1) USE APPROVALS.

A TELECOMMUNICATIONS FACILITY IS, IN ALL DISTRICTS, A CONDITIONAL USE REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS, EXCEPT WHERE, AS PROVIDED IN SUBSECTION (K) {“STEALTH DESIGN”} OR SUBSECTION (N) {“MODIFICATIONS”} OF THIS SECTION, IT IS A PERMITTED USE SUBJECT TO SITE PLAN REVIEW.

(2) APPLICATION REQUIREMENTS.”;

and, in line 23, after “CONDITIONAL-USE APPLICATIONS”, insert “, SITE PLAN REVIEW SUBMISSIONS, ELIGIBLE FACILITIES REQUESTS, OR OTHER DOCUMENTATION”; and, in lines 24 and 25, strike beginning with “WIRELESS” through “TOWER” and substitute “TELECOMMUNICATIONS FACILITY”; and, in line 26, strike “(1) A” and substitute “(1) A”; and, in lines 27, 29, 30, 31, and 32, strike subitem designators “(i)” through “(v)”, respectively, and substitute “A.” through “E.”, respectively; and, in line 27, after “SCREENING”, insert a comma; in line 32, strike “If” and substitute “IF”; and, in the same line, strike “WIRELESS TELECOMMUNICATIONS”; and, in line 34, strike “(2)” and substitute “(2) II”; and, on page 235, in lines 1, 4, 7, 9, 13, and 18, strike item designators “(3)” through “(8)”, respectively, and substitute “(3) III” through “(8) VIII”, respectively; and, on page 235, in lines 1 and 2, and in lines 7 and 8, in each instance, strike beginning with “WIRELESS” through “TOWER” and substitute “TELECOMMUNICATIONS FACILITY”; and, in line 9, strike “TELECOMMUNICATIONS”; and, in lines 9 and 10, strike “CO-LOCATION OPPORTUNITIES” and substitute “EXISTING TELECOMMUNICATIONS FACILITIES”; and, in line 11, strike “CO-LOCATION” and substitute “LOCATING ON THOSE EXISTING FACILITIES”; and, in line 18, strike “SUPPORT STRUCTURE” and substitute “TELECOMMUNICATIONS FACILITY”; and, in line 20 and in line 22, in each instance, strike “STRUCTURE” and substitute “TELECOMMUNICATIONS FACILITY”.

Amendment No. 14.23 {Telecommunications - Standards}

On page 235, in line 23, strike “(D)” and substitute “(E)”; and, at the start of line 24, insert the paragraph designator “(1)”; and, in the same line, strike beginning with “ALL” through “AND” and substitute “TELECOMMUNICATIONS”; and, after line 26, insert:

“(2) DAS AND SMALL CELL INSTALLATION SITES ARE NOT SUBJECT TO SETBACK REQUIREMENTS.”;

and, in line 27, strike “(E)” and substitute “(F)””; and, in line 28, strike “WIRELESS TELECOMMUNICATIONS””; and, in line 29, after “SATISFACTORILY”, insert “WITH TELECOMMUNICATIONS FACILITIES FOR AT LEAST 2 WIRELESS COMMUNICATIONS SERVICE PROVIDERS””; and, in line 31, strike “(F)” and substitute “(G)””; and, in line 32, strike beginning with “WIRELESS” through “AND” and substitute “TELECOMMUNICATIONS””; and, in line 33, after “COMMISSION”, insert a coma and strike “OR””; and, in line 34, after “ADMINISTRATION”, insert “, OR FOR THE SPECIFIC PURPOSE OF SECURITY, MAINTENANCE OR REPAIR””; and, in line 35, strike “(G)” and substitute “(H)””; and, in line 36, strike beginning with “ALL” through “AND” and substitute “TELECOMMUNICATIONS””; and, on page 235, strike lines 38 through 42, in their entirety; and, on page 236, strike lines 1 and 2, in their entirety; and, on page 236, strike line 4, in its entirety; and, in lines 5, 8,9, and 12, strike paragraph designators “(2)” through “(5)”, respectively, and substitute “(1)” through “(4)”, respectively; and, in line 5, strike beginning with “ANY” through “SHELTER” and substitute “A BASE STATION””; and, in the same line, after “FOR”, insert “THE DIRECT””; and, in line 6, strike “WIRELESS TELECOMMUNICATION FACILITY TOWER” and substitute “TELECOMMUNICATIONS FACILITY””; and, in the same line, after “EQUIPMENT”, insert “AND SUPPLIES””; and, in line 9, strike “WIRELESS””; and, strike line 14, in its entirety; and, in lines 15, 17, and 22, strike paragraph designators “(2)” through “(4)”, respectively, and substitute “(1)” through “(3)”, respectively; and, in line 15, strike “WIRELESS TELECOMMUNICATIONS””; and, in line 17, strike “TELECOMMUNICATIONS” and substitute “WIRELESS COMMUNICATIONS SERVICE””; and, in the same line, strike “CO-LOCATE” and substitute “COLLOCATE””; and, in line 18, strike “WIRELESS TELECOMMUNICATIONS TOWERS” and substitute “TOWERS””; and, in line 19, strike “TELECOMMUNICATIONS” and substitute “WIRELESS COMMUNICATIONS SERVICE””; and, in lines 20 and 21, strike beginning with “ACCOMPANYING” through “PROVIDERS” and substitute “THE BASE STATIONS OF AT LEAST 2 WIRELESS COMMUNICATIONS SERVICE PROVIDERS””; and, in line 25, strike “*FOR ANTENNAS*””; and, in line 26, strike “DESIGN” and substitute “DESIGNS””; and, in the same line, after “FOR”, strike “WIRELESS ANTENNAS IS” and substitute “BASE STATIONS ARE””; and in lines 26 and 27, strike “IS CONSIDERED A PERMITTED USE” and substitute “ARE PERMITTED USES””; and, in line 27, before “DISTRICTS”, insert “COMMERCIAL, INDUSTRIAL, AND SPECIAL PURPOSE””; and, in line 27 and in line 28, in each instance, strike “DESIGN REVIEW” and substitute “SITE PLAN REVIEW””; and, in line 30, strike “, WIRELESS TELECOMMUNICATIONS ANTENNA””; and, in line 31, before “MUST”, insert “THE BASE STATION””; and, in line 33, before “MUST”, insert “ITS ANTENNA””; and, in the same line, after the comma, insert “EXCEPT FOR SMALL CELL INSTALLATIONS, WHICH MUST BE MOUNTED AT LEAST 25 FEET ABOVE GRADE OR A MINIMUM OF 15 FEET BY CONDITIONAL USE.””; and, in line 35, before “MUST”, insert “THE BASE STATION””; and, on page 237, in line 1, before “MAY NOT”, insert “THE BASE STATION””; and, on page 237, in line 3, strike “ANTENNAS THAT CO-LOCATE” and substitute “BASE STATIONS THAT COLLOCATE””; and, in the same line, before “TOWERS”, strike “WIRELESS TELECOMMUNICATIONS””; and, in line 4, strike “ALSO”.

Amendment No. 14.24 {Telecommunications - Abandonment, etc.}

On page 237, in line 6, strike “WIRELESS”; and, in the same line, strike “TOWER OR”; and, in line 8, strike “TOWER OR” and substitute “TELECOMMUNICATIONS”; and, in line 11 and line 13, in each instance, strike “ANTENNA OR” and substitute “TELECOMMUNICATIONS”; and strike line 14, in its entirety; and, in line 15, strike “(3)” and substitute “(2)”; and, in the same line, strike “CO-LOCATION OF AN ANTENNA” and substitute “COLLOCATION OF A BASE STATION”; and, in line 16, after “CONDITIONAL USE”, insert “REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS”; and, in lines 16 and 17, strike “THE ANTENNA AND ANY ADDITIONAL WIRELESS TELECOMMUNICATIONS FACILITIES DO NOT” and substitute “THE BASE STATION DOES NOT”; and, after line 17, insert:

(N) MODIFICATIONS.

- (1) MODIFICATIONS OF AN EXISTING TOWER OR BASE STATION THAT DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE TOWER OR BASE STATION ARE PERMITTED IF SUPPORTED BY AN ELIGIBLE FACILITIES REQUEST.**
- (2) AN APPLICANT SUBMITTING AN ELIGIBLE FACILITIES REQUEST MUST SHOW THAT THE MODIFICATION DOES NOT SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE TOWER OR BASE STATION.**
- (3) WITHIN 60 DAYS OF FILING AN ELIGIBLE FACILITIES REQUEST, THE REQUEST MUST BE REVIEWED AND APPROVED IF THE MODIFICATION QUALIFIES UNDER THIS SUBSECTION.**
- (4) APPROVAL OF AN ELIGIBLE FACILITIES REQUEST:**
 - (i) IS SUBJECT TO A SITE PLAN REVIEW; AND**
 - (ii) MAY BE SUBJECT TO CONDITIONS IMPOSED BY THE ZONING ADMINISTRATOR, AS LONG AS THOSE CONDITIONS DO NOT CONFLICT WITH THE PROVISIONS OF THIS SECTION.**

(O) CERTIFICATIONS.

WHEN THE INSTALLATION OF A TELECOMMUNICATIONS FACILITY IS COMPLETED, AND EVERY 5TH YEAR THEREAFTER, A PROFESSIONAL ENGINEER MUST CERTIFY THAT THE FACILITY MEETS ALL APPLICABLE BUILDING CODE AND SAFETY REQUIREMENTS.”.

Amendment No. 14.25 {Temporary Use Standards - Permits}

On page 237, in line 29, after "SUBTITLE", insert ". EXCEPT THOSE WITH ALCOHOLIC BEVERAGE SALES."; and, in line 30, strike "BOARD OF MUNICIPAL AND ZONING APPEALS" and substitute "ZONING ADMINISTRATOR".

Amendment No. 14.26 ({Arts&Crafts, etc., Shows}

On page 241, in line 16, strike "ARTS AND CRAFTS SHOWS; PLANT SHOWS" and substitute "SHOWS AND SALES"; and, after line 16, insert:

"(A) "SHOWS AND SALES" DEFINED.

IN THIS SECTION, "SHOWS AND SALES" MEANS ANY OF THE FOLLOWING EVENTS, WHETHER INDOORS OR OUTDOORS:

(1) ARTS AND CRAFTS SHOWS AND SALES;

(2) FLEA MARKETS;

(3) HOLIDAY SHOWS AND SALES; AND

(4) PLANT SHOWS AND SALES.";

and, in line 17, line 20, and line 24, strike "(A)", "(B)", and "(C)", respectively, and substitute "(B)", "(C)", and "(D)", respectively; and, in line 18, strike "ARTS AND CRAFTS SHOWS AND PLANT SHOWS (INDOOR OR OUTDOOR)" and substitute, "SHOWS AND SALES, AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION."; and, in line 21, strike "ARTS AND CRAFTS SHOWS AND PLANT SHOWS" and substitute "THESE SHOWS AND SALES"; and, line 25, before "IN", insert the paragraph designator "(I)"; and, in line 26 and line 27, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; and, in line 26, after "SHOWS", insert "AND SALES"; and, in line 27, after "SHOWS", insert "OR SALES"; and, after line 28, insert:

"(2) IN ALL OTHER DISTRICTS:

(I) THESE SHOWS AND SALES ARE LIMITED TO A PERIOD OF NOT MORE THAN 3 CONSECUTIVE DAYS; AND

(II) NO MORE THAN 4 SHOWS OR SALES ARE PERMITTED AT THE SAME LOCATION IN ANY 12-MONTH PERIOD."

Amendment No. 14.27 {Temporary Storage Containers (or "PODS") – Permit Requirement}

On page 244, strike lines 4 and 5, in their entireties; and, in line 6 and in line 12, strike "(D)" and "(E)", respectively, and substitute "(C)" and "(D)", respectively.

Amendment No. 14.28 {Conforming Related References}

§ 12-501(A) {EC-1 USES}

On page 181, in line 20, after "REGULATIONS", insert a period; and, after line 21, insert the new paragraph heading "(1) PERMITTED USES."; and, at the start of line 22, strike "THE" and substitute "IN AN"; and, in the same line, strike "CAMPUS, PERMITS" and substitute "CAMPUS DISTRICT." and, after "USES", insert "ARE PERMITTED"; and, in lines 23, 24, 25, 27, 28, and 29, strike the item designators "(1)" through "(6)", respectively, and substitute "(I)" through "(VI)", respectively; and, in line 23, strike "OPEN SPACE" and substitute "OPEN-SPACE GARDENS"; and, after line 29, insert the new item "(VII) TELECOMMUNICATIONS BASE STATIONS – STEALTH DESIGN (SEE § 14-338 FOR USE STANDARDS)."; and, in line 30, strike "(7)" and substitute "(VIII)"; and, in the same line, strike "§ 14-337" and substitute "§ 14-339"; and, in line 31, strike "(8)" and substitute "(IX)"; and, in the same line, strike "§ 14-338" and substitute "§ 14-340"; and, on page 182, strike lines 1 and 2, in their entireties, and substitute the new item "(X) WIRELESS COMMUNICATIONS SERVICES – AS MODIFICATION TO, BUT WITHOUT SUBSTANTIAL CHANGE IN PHYSICAL DIMENSIONS OF, AN EXISTING TELECOMMUNICATIONS FACILITY (SEE § 14-338 FOR USE STANDARDS)."; and, on the same page, after line 2, insert:

"(2) CONDITIONAL USES.

IN AN EC-1 EDUCATIONAL CAMPUS DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

(I) COMMUNITY-MANAGED OPEN-SPACE FARMS (SEE § 14-307 FOR USE STANDARDS).

(II) TELECOMMUNICATIONS FACILITIES NOT OTHERWISE PERMITTED (SEE § 14-338 FOR USE STANDARDS)."

§ 12-501(B) {EC-2 USES}

On page 182, after line 3, insert the new paragraph heading "(1) PERMITTED USES."; and, at the start of line 4, strike "THE" and substitute "IN AN"; and, in the same line, after "Campus", insert "DISTRICT."; and, in the same line, strike "PERMITS" and, after "USES", insert "ARE PERMITTED"; and, in lines 5, 6, 7, 9, and 11 through 17, strike the item

designators “(1)” through “(11)”, respectively, and substitute “(1)” through “(XI)”, respectively; and, in line 5, strike “OPEN SPACE” and substitute “OPEN-SPACE GARDENS”; and, in line 11, after “HOUSES”, insert “(SEE § 14-313 FOR USE STANDARDS)”; and, after line 17, insert the new item “(XII) TELECOMMUNICATIONS BASE STATIONS – STEALTH DESIGN (SEE § 14-338 FOR USE STANDARDS).”; and, in line 18, strike “(12)” and substitute “(XIII)”; and, in the same line, strike “§ 14-337” and substitute “§ 14-339”; and, in line 19, strike “(13)” and substitute “(XIV)”; and, in the same line, strike “§ 14-338” and substitute “§ 14-340”; and, on the same page, strike lines 20 and 21, in their entirety, and substitute the new item “(X) WIRELESS COMMUNICATIONS SERVICES – AS MODIFICATION TO, BUT WITHOUT SUBSTANTIAL CHANGE IN PHYSICAL DIMENSIONS OF, AN EXISTING TELECOMMUNICATIONS FACILITY (SEE § 14-338 FOR USE STANDARDS).”; and, on the same page, after line 21, insert:

“(2) CONDITIONAL USES.

IN AN EC-2 EDUCATIONAL CAMPUS DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

(i) COMMUNITY-MANAGED OPEN-SPACE FARMS (SEE § 14-307 FOR USE STANDARDS).

(ii) TELECOMMUNICATIONS FACILITIES NOT OTHERWISE PERMITTED (SEE § 14-338 FOR USE STANDARDS).”.

§ 12-601 {HC USES}

On page 185, at the start of line 4 and line 25, in each instance, after “IN”, strike “THE” and substitute “A”; and, in line 18, strike “§ 14-333” and substitute “§ 14-334”; and, after line 20, insert the new item “(16) TELECOMMUNICATIONS BASE STATIONS – STEALTH DESIGN (SEE § 14-338 FOR USE STANDARDS).”; and, in line 21, strike “(16)” and substitute “(17)”; and, in the same line, strike “§ 14-338” and substitute “§ 14-330”; and, on the same page, strike lines 22 and 23, in their entirety, and substitute the new item “(18) WIRELESS COMMUNICATIONS SERVICES – AS MODIFICATION TO, BUT WITHOUT SUBSTANTIAL CHANGE IN PHYSICAL DIMENSIONS OF, AN EXISTING TELECOMMUNICATIONS FACILITY (SEE § 14-338 FOR USE STANDARDS).”; and, after line 27, insert the new item “(2) TELECOMMUNICATIONS FACILITIES NOT OTHERWISE PERMITTED (SEE § 14-338 FOR USE STANDARDS).”.

§ 18-702 {NONCONFORMING TAVERNS}

On page 326, in line 5, strike “§ 14-336” and substitute “§ 14-337”.

TITLE 15. SITE DEVELOPMENT STANDARDS

Amendment No. 15.1 {Purpose of Title}

On page 245, in lines 4 and 5, strike “OTHER THAN THE” and substitute “INCLUDING THOSE”.

Amendment No. 15.2 {Street and Open-Space Dedications – Scope}

On page 247, in line 19, strike “MAJOR HIGHWAY AND OPEN SPACE”, and substitute “STREET, PUBLIC TRANSIT, AND OPEN-SPACE”; and strike beginning with “ANY LAND” in line 21 through “ANY LAND” in line 22, and substitute “ANY LAND ON OR ADJACENT TO THE LOT FOR THE PURPOSE OF ESTABLISHING OR IMPROVING A PUBLIC STREET, FOR THE PURPOSE OF ESTABLISHING OR IMPROVING PUBLIC TRANSIT, OR”; and, in line 26, strike “FOR A STREET OR OPEN SPACE”.

Amendment No. 15.3 {Street and Open-Space Dedications - Permitted Density}

On page 247, in line 33, strike “THE” and substitute “IN LIEU OF ANY COMPENSATION TO THE OWNER FOR A LOT CONTRIBUTED UNDER THIS SECTION, THE”; and, in the same line before “LOT”, insert “REMAINING PRIVATE DEVELOPMENT”; and, in lines 33 and 34, strike “MAY NOT EXCEED 120%” and substitute “MAY EXCEED BY UP TO, BUT NO MORE THAN, 110%”.

Amendment No. 15.4 {Bldg. Heights Near Washington Monument}

On page 248, in line 11, strike “HEIGHT LIMITATION IN VICINITY OF” and substitute “BUILDING HEIGHTS NEAR”; and, after line 19, insert:

“(NOW CODIFIED AS § 14-1 OF THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY.)”.

Amendment No. 15.5 {Site Development - Exceptions in Mt. Vernon}

On page 248, in line 20, strike “HEIGHT LIMITATIONS” and substitute “LIMITATIONS”; and, after line 21, insert the subsection designator and caption “(A) GENERAL HEIGHT LIMITATIONS”; and, at the end of line 22, strike “IN TABLE 15-405 WITHIN” and substitute “IN THAT TABLE FOR”; and, in line 24, before “ZONING”, insert “UNDERLYING”; and, after line 24, insert:

“(B) OTHER LIMITATIONS.

WITHIN THE BOUNDARIES INDICATED IN TABLE 15-405 FOR THE MOUNT VERNON NEIGHBORHOOD :

- (1) WHEN CALCULATING THE HEIGHT OF A BUILDING FOR COMPLIANCE WITH HEIGHT LIMITATIONS, MECHANICAL EQUIPMENT, INCLUDING HEATING, VENTILATION, AND AIR-CONDITIONING UNITS, ON TOP OF THE BUILDING ARE INCLUDED IN THAT CALCULATION;
- (2) NEW PRIMARY-USE SURFACE PARKING LOTS ARE PROHIBITED; AND
- (4) FOR NEW CONSTRUCTION, THE MINIMUM LOT AREA PER DWELLING UNIT IS 200 SQUARE FEET.”;

and, among the Tables accompanying this Bill 12-0152, in the name and text of Table 15-405, strike “Mt Vernon” and “Mt. Vernon”, respectively, and, in each instance, substitute “MOUNT VERNON NEIGHBORHOOD”; and, in the same Table, in the line for “Historic Zone”, strike “70” and substitute “PER § 15-404”.

Amendment No. 15.6 {Exterior Lighting – Recreational Facilities}

On page 250, in line 38, and on page 251, in line 2, in each instance, before “FEET”, strike “60” and substitute “35”; and, on page 250, in line 39, after “LIGHTING FOR” strike “THE”.

Amendment No. 15.7 {Mechanical Equipment}

On page 252, in line 8 and in line 9, in each instance, after “RESIDENTIAL”, insert “, OFFICE-RESIDENTIAL, OR INDUSTRIAL MIXED-USE”.

Amendment No. 15.8 {Outdoor Sales and Display}

On page 252, in line 20, strike “DISPLAY” and substitute “DISPLAYS BY RETAIL GOODS ESTABLISHMENTS”; and, on the same page, strike line 21 through 24, in their entirety, and substitute:

“(A) SUBJECT TO THE CONDITIONS OF THIS SECTION, A RETAIL GOODS ESTABLISHMENT IS ALLOWED, AS AN ACCESSORY USE, TO DISPLAY AND SELL ITS MERCHANDISE OUTDOORS.”;

and, in line 26, strike “NO SALES OR DISPLAY AREA IS PERMITTED IN A REQUIRED YARD.”; and, in line 27, after “PROHIBITED”, insert “, AS PROVIDED IN § 15-510 OF THIS SUBTITLE”; and, in line 28, strike “A PORTION OF THE PARKING AREA” and substitute “A PORTION OF THE ESTABLISHMENT’S PARKING AREA THAT IS IN EXCESS OF AND NOT NEEDED TO MEET THE ESTABLISHMENT’S OFF-STREET PARKING REQUIREMENTS”; and, strike beginning with “NO” in line 30 through “USE” in line 31, and substitute “HOWEVER, NO MORE THAN 10% OF THE PORTION THAT EXCEEDS AND IS NOT NEEDED TO MEET PARKING REQUIREMENTS”.

Amendment No. 15.9 {Outdoor Sales and Display}

On page 252, after line 24, insert:

“(B) THE OUTDOOR SALES OR DISPLAY OF THE FOLLOWING MERCHANDISE IS PROHIBITED: TIRES, MATTRESSES, FURNITURE, APPLIANCES, AND DIRT BIKES.”;

and, on the same page, reletter the succeeding subsections as appropriate to accommodate the changes made by this amendment and by any preceding amendment.

Amendment No. 15.10 {Refuse Disposal Containers}

On page 256, strike lines 32 and 33, in their entireties.

Amendment No. 15.11 {Satellite Dishes}

On page 257, in line 23, strike beginning with “EVERY EFFORT” through the period.

Amendment No. 15.12 {Radioactive and Hazardous Waste}

On pages 261 and 262, strike beginning with “NO OPERATION” on page 261, in line 41, through the period on page 262, in line 1.

TITLE 16. OFF-STREET PARKING AND LOADING

Amendment No. 16.1 {Site Plan Review}

On page 265, in line 14, before “parking facility”, insert “OFF-STREET”.

Amendment No. 16.2 {Off-Site Parking - Valet Service}

On page 266, in line 11, strike “(4)” and substitute the subsection designator “(D)”; and strike beginning with “A” in line 11 through the period in line 12 and substitute:

“NOTWITHSTANDING THE RESTRICTIONS OF SUBSECTIONS (A), (B), AND (C) OF THIS SECTION, A USE MAY UTILIZE A VALET SERVICE IN ACCORDANCE WITH CITY CODE ARTICLE 31, SUBTITLE 14 {“VALET PARKING”}.”

Amendment No. 16.3 {Driveway Standards - General}

On page 266, strike lines 36 and 37, in their entirety; and, on page 266, in line 38, and on page 267, in line 3, strike “(C)” and “(D)”, respectively, and substitute “(B)” and “(C)”, respectively; and, in the Tables accompanying the Bill, strike Table 16-404(b), in its entirety.

Amendment No. 16.4 {Driveway Standards – Parking Pad}

On page 267, in line 5, strike beginning with “AND MUST” through “LOT LINE”; and, in line 9, strike “MINIMUM” and substitute “MAXIMUM”.

Amendment No. 16.5 {Alternatively Shared Parking}

On page 269, in line 26, before “FEET”, strike “300” and substitute “600”.

Amendment No. 16.6 {Delete On-Right-of-Way Bonus}

On page 270, strike lines 12 through 31, in their entirety, and substitute “§ 16-503. {RESERVED}”; and, in the Figures accompanying the Bill, strike Figure 16-503(1) and Figure 16-503(2), in their entirety.

Amendment No. 16.7 {Delete Fee-in-Lieu Parking Reduction}

On page 270, strike lines 32 through 44, in their entirety, and substitute “§ 16-504. {RESERVED}”.

Amendment No. 16.8 {Exemptions from Off-Street Requirements}

On page 271, in line 36, after “C-1-E,”, insert “C-1-VC”.

Amendment No. 16.9 {Delete Exemption for 2-Space Req't in C Districts}

On page 272, strike lines 4 through 8, in their entireties, and, in line 9, line 18, and line 21, strike “(E)”, “(F)”, and “(G)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

Amendment No. 16.10 {Reduction for Low-Income Housing}

On page 272, strike lines 38 through 41, in their entireties, and substitute:

“(B) NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 2 DWELLING UNITS IN DWELLINGS THAT ARE ERECTED OR REHABILITATED SUBJECT TO A RESTRICTION THAT THE UNITS BE LEASED TO RESIDENTS WITH INCOMES AT OR BELOW 60% OF THE AREA MEDIAN INCOME, WITH THAT RESTRICTION BEING FOR A TERM OF NOT LESS THAN 15 YEARS FROM THE DATE OF THE ISSUANCE OF A USE PERMIT AND RECORDED IN THE LAND RECORDS OF BALTIMORE CITY. THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST VERIFY, BY LETTER TO THE DIRECTOR OF PLANNING, THE RECORDATION, TERM, AND TENOR OF THE RESTRICTION.”.

Amendment No. 16.11 {Reduction for Small Units}

On page 272, after line 41, insert:

“(C) NO MORE THAN 0.5 PARKING SPACES NEED BE PROVIDED FOR EVERY DWELLING UNIT THAT IS 500 SQUARE FEET OR SMALLER.”;

and, on page 273, in line 1 and in line 4, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively.

Amendment No. 16.12 {Units for Elderly}

On page 273, in line 1, strike beginning with “NO MORE” through “4”, and substitute “FOR”; and, in line 3, after “DWELLING”, insert a colon and the following subitems:

“(1) IN THE R-5 AND R-6 DISTRICTS, NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 2 UNITS; AND

(2) IN THE R-7, R-8, R-9, AND R-10 DISTRICTS, NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 4 UNITS”.

Amendment No. 16.13 {Delete Fee-in-Lieu Bike Parking Reduction}

On pages 276, strike lines 30 through 40, in their entireties; and, on page 277, strike lines 1 through 8, in their entireties.

Amendment No. 16.14 {Parking or Storage in Residential Districts}

On page 277, in line 12, strike “PARKING OR”; and, in the same line, after “STORAGE”, insert “OR PARKING”; and, in line 13, strike “PROPERTY ZONED” and substitute “PRIVATE PROPERTY THAT IS”; and, in the same line, after “USE”, insert “OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL USE”; and strike lines 14 and 15, in their entireties; and, in line 16, strike “(C)” and substitute “(B)”; and, in line 18 and in line 23, in each instance, strike “RESIDENTIALLY-ZONED”; and, in line 19, after “PRIVATE PROPERTY”, insert “THAT IS ZONED FOR RESIDENTIAL USE OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL USE”; and, in line 20, strike “(D)” and substitute “(C)”; and, in lines 22 and 23, strike “ARE NOT PERMITTED TO BE” and substitute “ARE PROHIBITED FROM BEING”; and, in 24, strike “PROPERTY” and substitute “PRIVATE PROPERTY THAT IS ZONED FOR RESIDENTIAL USE OR THAT IS IN A BLOCK PREDOMINANTLY ZONED FOR RESIDENTIAL USE”.

TITLE 17. SIGNS

Amendment No. 17.1 {Cabinet Box Wall Signs}

On page 285, in lines 22-23, and on page 309, in lines 19-20 and in lines 27-28, in each instance, strike beginning with “HOWEVER” through the period; and, on page 311, in line 29, after “OR,”, insert “I-MU,”.

Amendment No. 17.2 {Ads on Bike-Sharing Stations}

On page 290, after line 9, insert:

“§ 17-504. BIKE-SHARING STATIONS, ADVERTISING SIGNS ON.

(A) “BIKE-SHARING STATION” DEFINED.

IN THIS SECTION, “BIKE-SHARING STATION” MEANS AN INSTALLATION THAT CONSISTS OF AN AUTOMATED PAYMENT AND INFORMATION KIOSK, TOGETHER WITH A MECHANISM FOR STORING, RELEASING, AND SECURING BICYCLES.

(B) IN GENERAL.

ADVERTISING SIGNS ON BIKE-SHARING STATIONS ARE ALLOWED AS PROVIDED IN THIS SECTION.

(C) LIMITATIONS.

(1) IN ALL DISTRICTS, THESE SIGNS ARE SUBJECT TO THE FOLLOWING LIMITATIONS AND REQUIREMENTS.

(2) THE SIGN DISPLAY AREA MUST BE INTEGRAL TO THE DESIGN OF THE BIKE-SHARING STATION.

(3) NO SIGN MAY EXTEND FROM THE FACE OF THE BIKE-SHARING STATION.

(4) NO SIGN MAY EXTEND ABOVE THE TOP OF THE BIKE-SHARING STATION.

(5) THE ADVERTISING SIGN AREA MAY NOT EXCEED 16 SQUARE FEET ON EACH SIDE. THE SIGN MAY BE DOUBLE-SIDED. INFORMATIONAL SIGNS, BIKE PATH INFORMATION, AND MAPS PROVIDED BY THE DEPARTMENT OF TRANSPORTATION ARE NOT INCLUDED WITHIN THIS SIZE LIMIT. A COMMUNITY INFORMATION PANEL IS ALLOWED AND IS NOT INCLUDED WITHIN THIS SIZE LIMIT AS LONG AS IT DOES NOT EXCEED 11" X 17" AND IS PLACED ON THE INSIDE OF THE STATION.

(6) NO SIGN MAY ADVERTISE ALCOHOLIC BEVERAGES OR TOBACCO PRODUCTS.

(7) FOR A BIKE-SHARING STATION THAT IS IN A PUBLIC RIGHT-OF-WAY, THE STATION MUST HAVE OBTAINED A MINOR PRIVILEGE PERMIT.

(8) IF LOCATED WITHIN A PUBLIC PARK, THE BIKE-SHARING STATION AND SITE MUST BE APPROVED BY THE DIRECTOR OF RECREATION AND PARKS.

(9) THE SIGN MUST OTHERWISE COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS TITLE.”;

and, beginning on page 290, in line 10, through page 293, in line 25, renumber §§ “17-504” through “17-515” to be §§ “17-505” through “17-516”, respectively.

Amendment No. 17.3 {Real Estate Signs - R & OR Dists - Multi-Fmly & Non-Res'l Bldgs}

On page 292, in line 25, after "MAY NOT EXCEED", strike "36 SQUARE FEET" and substitute "16 SQUARE FEET" and, before "IN HEIGHT", strike "8 FEET" and substitute "4 FEET".

Amendment No. 17.4 {Real Estate Signs - R & OR Dists - Others}

On page 293, in line 1, before "IN HEIGHT", strike "6 FEET" and substitute "3 FEET".

Amendment No. 17.5 {Temporary window signs}

On page 293, in line 27, strike "TEMPORARY" and substitute "EXCEPT AS PROVIDED IN § 17-602 OF THIS TITLE, TEMPORARY".

Amendment No. 17.6 {Permitted Alcohol and Cigarette Advertising Signs}

On page 294, strike lines 29 and 30, in their entireties, and substitute:

"(II) 1 SIGN ONLY PER STREET FRONTAGE, WHETHER A WINDOW OR WALL SIGN, WHETHER PERMANENT OR TEMPORARY, THAT CONTAINS THE NAME OR SLOGAN OF THE LICENSED PREMISES AND HAS BEEN PLACED THERE FOR THE PURPOSE OF IDENTIFYING THE LICENSED PREMISES, PROVIDED THAT THE TOTAL OF EACH SIGN, WHETHER PERMANENT OR TEMPORARY, INCLUDING WINDOW DISPLAYS, COVERS NO MORE THAN 15% OF THE WINDOW OR EXTERIOR WALL AREA ON WHICH DISPLAYED. ALL OTHER WINDOW AND EXTERIOR WALL SIGNS AND DISPLAYS ARE PROHIBITED. FOR PURPOSES OF THIS SUBSECTION, 1 WINDOW IS COMPRISED OF ALL THE GLASS PANES WITHIN THE MAIN FRAME OF THE WINDOW AREA. THE MAXIMUM 15% COVERAGE APPLIES TO THE TOTAL AREA WITHIN THE EXTERNAL WINDOW FRAME."

and, on the same page, strike lines 31 through 34, in their entireties; and, on page 295, strike lines 1 and 2, in their entireties; and, on page 295, in line 3, strike "(V)" and substitute "(III)"; and, in the same line, after the semicolon, insert "AND"; and, in line 4, strike "(VI)" and substitute "(IV)"; and strike beginning with the semicolon in line 5 through "ARTICLE" in line 7.

Amendment No. 17.7 {Digital Billboard}

On page 295, in line 20, strike "A PLAN FOR THE REMOVAL ELSEWHERE OF" and substitute "DOCUMENTATION THAT"; and, in line 21, after "EXISTING BILLBOARD FACES", insert "HAVE BEEN REMOVED".

Amendment No. 17.8 {“Electronic Billboard”}

On page 295, in line 21, strike “ELECTRONIC BILLBOARD” and substitute “DIGITAL BILLBOARD”.

Amendment No. 17.9 {Snipe Signs}

On page 297, strike lines 1 through 8, in their entireties.

Amendment No. 17.10 {Parking Access Signs}

On page 307, in line 9, after “NON-ILLUMINATED”, strike “OR” and substitute a comma; and, in the same line, after “INDIRECTLY ILLUMINATED”, insert “, OR, IN A C-5 DISTRICT, INTERNALLY ILLUMINATED”.

Amendment No. 17.11 {Projecting Signs}

On page 308, strike lines 4 and 5, in their entireties; and, in line 6, strike “(3)” and substitute “(2)”.

Amendment No. 17.12 {Res’l ID Signs - Gen’l}

On page 308, in line 16 and in line 17, strike “R-8” and “R-8”, respectively, and substitute “R-10” and “R-10”, respectively.

Amendment No. 17.13 {Res’l ID Signs - Height}

On page 308, in line 23, before “FEET”, strike “6” and substitute “3”.

Amendment No. 17.14 {Area of Special Sign Control}

On page 313, in line 14, after “APPROVAL”, insert “BY ORDINANCE”; and, on the same page, strike beginning with “IN ACCORDANCE” in line 14 through “CODE” in line 15.

TITLE 18. NONCONFORMITIES

Amendment No. 18.1 {Landfills}

On page 318, at the end of line 14, insert “; LANDFILLS.”; and, in line 16, after “YARD”, strike “OR” and substitute a comma; and, in the same line, after “FACILITY”, insert “, OR A LANDFILL”; and, in line 19, after “MODIFICATIONS”, insert “– JUNK ... YARDS; VEHICLE DISMANTLING”; and, after line 19, insert “FOR A LAWFUL NONCONFORMING JUNK OR SCRAP STORAGE AND YARD OR A LAWFUL NONCONFORMING VEHICLE DISMANTLING FACILITY.”; and, in line 20, strike “STRUCTURAL” and substitute “STRUCTURAL”; and, in the same line, strike the period and substitute “; AND”; and, in line 21, strike “AN” and substitute “AN”; and, after line 27, insert:

“(C) MODIFICATIONS – LANDFILLS.

FOR A LAWFUL NONCONFORMING LANDFILL:

(1) STRUCTURAL ALTERATIONS ARE PERMITTED; AND

(2) AN EXPANSION OF NO MORE THAN 35% IN LAND AREA IS ALLOWED IF, IN ADDITION TO ANY CONDITIONS AND RESTRICTIONS PREVIOUSLY IMPOSED:

(I) THE EXPANSION IS ONTO A PROPERTY THAT IS NO MORE THAN 750 FEET FROM THE PROPERTY LINE OF THE LANDFILL; AND

(II) THE EXPANSION IS ONTO THE PORTION OF THAT PROPERTY THAT IS CLOSEST TO THE EXISTING USE.”;

and, in line 28, strike “(C)” and substitute “(D)”; and, strike beginning with “OF THE” in line 29, through “FACILITY” in line 30; and, in line 31, after “YARD”, strike “OR” and substitute a comma; and, in line 32, after “FACILITY”, insert “, OR LANDFILL”.

Amendment No. 18.2 {Nonconforming Structure - Restoration of Damaged Structure}

On page 320, in line 9, strike “1 YEAR” and substitute “2 YEARS”.

Amendment No. 18.3 {Existing Structures in Hospital & Educational Campus Districts}

On page 323, in line 4, after “CONFORMING” strike “USES” and substitute “STRUCTURES”.

Amendment No. 18.4 {Typos}

On page 324, in line 27, after “SUBSECTION”, strike “(C)” and substitute “(B)”; and, on page 325, in line 19, before “APRIL”, strike “THE”; and, in line 22, after “2007,” insert a space; and, in line 23 and in line 36, in each instance, before “APRIL”, insert “BEFORE”.

TITLE 19. ENFORCEMENT; APPEALS

Amendment No. 19.1 {Administrative Appeals – Who May Appeal}

On page 330, in line 8, strike “AFFECTED BY THE DECISION”.

Amendment No. 19.2 {Administrative Appeals – When Taken}

On page 330, in line 11 and in line 13, in each instance, before “DAYS”, strike “WORKING”.

Amendment No. 19.3 {Judicial Review – Who May Seek}

On page 331, in line 18, strike “APPEAL” and substitute “SEEK”; and, in line 20, after “MAY BE”, strike beginning with “FILED” in that line through “DECISION” in line 22 and substitute “SOUGHT BY THOSE AUTHORIZED TO DO SO UNDER STATE LAND USE ARTICLE § 4-401(A) {“WHO MAY FILE”}”.

DESIGN STANDARDS

Amendment No. DS.1 {Purpose Clause}

On page 1, in lines 14 and 15, strike “establishing design standards for development in various districts;”.

Amendment No. DS.2 {§ 2-202: Code Application}

On page 66, after line 31, insert:

“(C) REQUIRED CONFORMANCE WITH DESIGN MANUAL.

FAILURE TO COMPLY WITH THE BALTIMORE CITY DESIGN MANUAL IS A VIOLATION OF THIS CODE.”;

and, on page 66, in line 32, and on page 67, in line 1 and in line 5, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively.

Amendment No. DS.3 {§ 3-203: Planning Comm’n}

On page 74, after line 13, insert:

“(3) TO DEVELOP AND REVISE FROM TIME TO TIME A DESIGN MANUAL (TITLE 4, SUBTITLE 4).”;

and, in line 14, line 16, line 21, and line 24, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(4)”, “(5)”, “(6)”, and “(7)”, respectively.

Amendment No. DS.4 {§ 3-204: Planning Director}

On page 75, in line 2, after “SUBTITLE 4”, insert “; DESIGN MANUAL”; and, in line 4, strike “§ 4-406” and substitute “§ 4-409”; and, in line 5, after “THIS CODE”, insert “THE DESIGN MANUAL.”; and, in line 14, strike “AREAS” and substitute “AREA”.

Amendment No. DS.5 {Title 4, Subtitle 4: Design Review}

On page 80, in line 15, strike “BY” and substitute “UNDER”; and, after line 15, insert:

“§ 4-402. COMMISSION TO DEVELOP MANUAL.

THE PLANNING COMMISSION MUST DEVELOP AND MAY REVISE FROM TIME TO TIME A DESIGN MANUAL THAT SETS FORTH REQUIRED DESIGN STANDARDS IN ACCORDANCE WITH THE GOALS AND OBJECTIVES SET FORTH IN THIS SUBTITLE.

§ 4-403. GOALS.

THE GOALS GOVERNING DEVELOPMENT OF THE DESIGN MANUAL ARE:

(1) TO ENHANCE THE QUALITY OF THE CITY’S BUILT ENVIRONMENT, ARCHITECTURAL CHARACTER, AND SENSE OF PLACE;

- (2) TO FOSTER ECONOMIC VITALITY OF THE CITY'S NEIGHBORHOODS AND COMMERCIAL DISTRICTS;
- (3) TO ENHANCE THE OVERALL URBAN DESIGN OF BALTIMORE'S NEIGHBORHOODS; AND
- (4) TO ENHANCE THE QUALITY OF LIFE OF CITY RESIDENTS WITH DEVELOPMENT THAT IS SENSITIVE TO ITS CONTEXT AND ADJACENCIES IN THE PUBLIC REALM.

§ 4-404. OBJECTIVES.

THE OBJECTIVES GOVERNING DEVELOPMENT OF THE DESIGN MANUAL ARE:

- (1) TO PROVIDE CLEAR GUIDANCE FOR THE DESIGN OF RESIDENTIAL, COMMERCIAL, AND MIXED USE DEVELOPMENT THROUGHOUT THE CITY;
- (2) TO FACILITATE THE PROCESS FOR DESIGN REVIEW AND APPROVAL OF STRUCTURES WITHIN THE CITY'S DEVELOPMENT REVIEW PROCESS;
- (3) TO ENSURE THAT THE PUBLIC REALM IS AS THOROUGHLY CONSIDERED AND ARTICULATED AS PRINCIPAL STRUCTURES;
- (4) TO ARTICULATE SPATIAL RELATIONSHIPS, PROVIDE IMAGE, DEVELOP SENSE OF PLACE, AND IMPROVE THE AESTHETICS OF THE BUILT ENVIRONMENT; AND
- (5) TO PROVIDE FLEXIBILITY AND ENCOURAGE CREATIVE SOLUTIONS TO MEET THE INTENTS AND PURPOSES OF THE DESIGN MANUAL.”;

and, beginning on page 80, in line 16, through page 82, in line 15, renumber §§ “4-402” through “4-407”, respectively, to be §§ “4-405” through “4-410”, respectively; and, on page 81, in line 8, strike “§ 4-402” and substitute “§ 4-405”.

Amendment No. DS.6 {§ 8-101 et al.: Purpose}

On pages 135, 139, 154, and 167, in line 4 of each of these pages, in each instance, after “USE REGULATIONS”, strike the comma and substitute “AND THE”; and, on the same pages, in lines 4 and 5, in each instance, strike “, AND DESIGN STANDARDS”; and, on page 175, in line 5, strike “DESIGN STANDARDS,”.

Amendment No. DS.7 {Deleting T8/S5}

On page 137, in line 1, strike “DESIGN STANDARDS” and substitute “{RESERVED}”; and, on the same page, strike lines 2 through 31, in their entirety.

Amendment No. DS.8 {Other Applicable Standards}

On page 138, after line 9, insert:

“§ 8-605. DESIGN STANDARDS.

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

and, on the same page, in line 10, line 13, and line 15, strike “§ 8-605”, “§ 8-606”, and “§ 8-607”, respectively, and substitute “§ 8-606”, “§ 8-607”, and “§ 8-608”, respectively.

Amendment No. DS.9 {Deleting T9/S5&6}

On page 142, in line 1, strike “DESIGN STANDARDS” and substitute “{RESERVED}”; and, on the same page, strike lines 2 through 35, in their entirety; and strike beginning with “(2)” in line 1 on page 143 through the period at the end of line 31 on page 149; and, on page 150, in line 1, strike “MULTI-FAMILY DESIGN STANDARDS” and substitute “{RESERVED}”; and, on the same page, strike lines 2 through 34, in their entirety; and, on page 151, strike lines 1 through 9, in their entirety.

Amendment No. DS.10 {Other Applicable Standards}

On page 152, after line 27, insert:

“§ 9-705. DESIGN STANDARDS.

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

and, on the same page, in line 28, and on page 153, in line 1 and in line 3, strike “§ 9-705”, “§ 9-706”, and “§ 9-707”, respectively, and substitute “§ 9-706”, “§ 9-707”, and “§ 9-708”, respectively.

Amendment No. DS.11 {District Descriptions - C-5 Subdistrict}

On page 156, in line 24, before “STANDARDS”, strike “DESIGN” and substitute “VARIED HEIGHT AND BULK”; and, on page 156, in lines 28 and 34, and on page 157, in lines 7, 19, 27, 32, and 37, in each instance, before “STANDARDS”, insert “THESE”; and, on page 156, in lines 28 and 35, and, on page 157, in lines 7, 19, 32, and 37, in each instance, strike “THE DESIGN OF”; and, on page 157, in line 27, strike “THE DESIGN AND HEIGHT OF”.

Amendment No. DS.12 {Design Standards - C-5 District}

On page 158, in line 19, after “**DESIGN STANDARDS**”, insert “**FOR C-5 DISTRICT**”; and strike beginning with “§ 10-501” in line 20 on page 158 through the period at the end of line 30 on page 165, and substitute:

“§ 10-501. HARBOR PROMENADE.

WITHIN CERTAIN AREAS OF THE C-5-DC, C-5-IH, AND C-5-DE SUBDISTRICTS, A HARBOR PROMENADE IS REQUIRED. (THE APPLICABLE AREAS ARE SHOWN ON THE ZONING MAP FOR THE WATERFRONT OVERLAY ZONING DISTRICT.) NEW DEVELOPMENT IN THESE AREAS MUST COMPLY WITH TITLE 12, SUBTITLE 9 {“WATERFRONT OVERLAY ZONING DISTRICT”} OF THIS CODE.

§ 10-502. OPEN SPACE PLAZAS.

(A) PERMITTED IN C-5 DISTRICT.

PUBLIC OPEN SPACE PLAZAS ARE PERMITTED WITHIN THE C-5 DISTRICT.

(B) DESIGN REQUIREMENTS.

(1) OPEN SPACE PLAZAS MUST COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS.

(2) PLAZAS MUST BE DESIGNED TO BE ACCESSIBLE FROM ADJOINING BUILDINGS AND FOR GENERALLY UNOBSTRUCTED PEDESTRIAN CIRCULATION THROUGHOUT THE PLAZA.

(3) VISIBILITY INTO THE PLAZA MAY NOT BE ENTIRELY BLOCKED BY STRUCTURES.

§ 10-503. PARKING AND ACCESS.

(A) DISTRICT EXEMPT FROM PARKING REQUIREMENTS.

THE C-5 DISTRICT IS EXEMPT FROM THE PARKING REQUIREMENTS OF THIS CODE.

(B) NEW CURB CUTS.

NEW CURB CUTS ARE PROHIBITED ON PRIMARY STREETS.

(C) ALONG PRATT STREET.

ALONG PRATT STREET:

(1) PARKING GARAGES AS PRINCIPAL USES ARE PROHIBITED;

(2) VEHICLE ENTRIES TO PARKING GARAGES ARE PROHIBITED; AND

(3) ALL PARKING GARAGES MUST BE FACED WITH ACTIVE GROUND-FLOOR USES, WHETHER RESIDENTIAL OR NON-RESIDENTIAL.

§ 10-504. VIEW PROTECTION.

(A) SKYWAYS, STREET BRIDGES PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, SKYWAYS AND STREET BRIDGES ARE PROHIBITED IN THE C-5 DISTRICT.

(B) EXCEPTION FOR HOSPITAL USES

FOR HOSPITAL USES, A SKYWAY OR STREET BRIDGE IS ALLOWED, SUBJECT TO CONDITIONAL USE APPROVAL FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS.”.

Amendment No. DS.13 {Other Applicable Standards}

On page 166, after line 9, insert:

“§ 10-605. DESIGN STANDARDS.

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

and, on the same page, in line 10, in line 13, and in line 15, strike “§ 10-605”, “§ 10-606”, and “§ 10-607”, respectively, and substitute “§ 10-606”, “§ 10-607”, and “§ 10-608”, respectively.

Amendment No. DS.14 {Deleting T11/S5}

On page 169, in line 26, strike “DESIGN STANDARDS” and substitute “{RESERVED}”; and, on the same page, strike lines 27 through 30, in their entirety; and strike beginning with “(B)” in line 1 on page 170 through the period at the end of line 30 on page 173.

Amendment No. DS.15 {Other Applicable Standards}

On page 174, after line 12, insert:

“§ 11-605. DESIGN STANDARDS.

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

and, on the same page, in line 13, in line 16, and in line 18, strike “§ 11-605”, “§ 11-606”, and “§ 11-607”, respectively, and substitute “§ 11-606”, “§ 11-607”, and “§ 11-608”, respectively.

Amendment No. DS.16 {Other Applicable Standards}

On each of pages 178 and 181, after line 10, and on page 184, after line 27, and on page 188, after line 3, in each instance, insert:

“(E) DESIGN STANDARDS.

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

and, on the same pages delete the ensuing subsection designators “(E)”, “(F)”, and “(G)”, and substitute “(F)”, “(G)”, and “(H)”, respectively.

Amendment No. DS.17 {Delete § 12-404: Design Standards}

On page 179, in line 13, strike “DESIGN STANDARDS” and substitute “{RESERVED}”; and, on the same page, strike lines 14 through 38, in their entirety; and, on page 180, strike lines 1 through 5, in their entirety; and, on page 180, at the start of line 8, insert the paragraph designator “(1)”; and, on the same page, after line 9, insert:

“(2) FOR ALL COMMERCIAL AND MIXED-USE STRUCTURES, PARKING IS PROHIBITED IN FRONT OF THE FRONT BUILDING LINE.”

Amendment No. DS.18 {Sign Limitations - Rowhouse Mixed-Use Overlay}

On page 195, strike lines 15 through 29, in their entirety; and, in line 30, strike “(vi)” and substitute “(ii)”.

Amendment No. DS.19 {Sign Limitations - Detached Dwelling Mixed-Use Overlay}

On page 197, strike lines 7 through 15, in their entirety.

GAS AND ELECTRIC STANDARDS

Amendment No. GE.1 {Defining “Electric Substation”, etc.}

On page 21, in line 15, strike ““EDUCATIONAL FACILITY: PRIMARY ...”” and substitute ““ELECTRIC SUBSTATION: OUTDOOR””; and, on page 24, after line 26, insert:

“(Y) {RESERVED}

(Z) {RESERVED}

(AA) ELECTRIC SUBSTATION.

(1) GENERAL.

“ELECTRIC SUBSTATION” MEANS A FACILITY THAT IS:

(i) OWNED, LEASED, OR OTHERWISE MAINTAINED BY AN ELECTRIC COMPANY REGULATED BY THE MARYLAND PUBLIC SERVICE COMMISSION; AND

(II) PRIMARILY USED TO CONVERT, SWITCH, OR TERMINATE ELECTRIC VOLTAGES AT OR ABOVE 4,000 VOLTS.

(2) INCLUSIONS.

“ELECTRIC SUBSTATION” INCLUDES GENERATION FACILITIES USED TO SUPPORT THE ELECTRIC DISTRIBUTION SYSTEM.

(BB) ELECTRIC SUBSTATION: ENCLOSED.

“ELECTRIC SUBSTATION: ENCLOSED” MEANS AN ELECTRIC SUBSTATION THAT IS SCREENED FROM ANY PUBLIC RIGHT-OF-WAY BY AN ARCHITECTURAL PERIMETER WALL WITH A MINIMUM HEIGHT OF 10 FEET AND A MAXIMUM HEIGHT OF 20 FEET.

(CC) ELECTRIC SUBSTATION: INDOOR.

“ELECTRIC SUBSTATION: INDOOR” MEANS AN ELECTRIC SUBSTATION THE MAJOR COMPONENTS OF WHICH ARE HOUSED WITHIN A COVERED BUILDING.

(DD) ELECTRIC SUBSTATION: OUTDOOR.

“ELECTRIC SUBSTATION: OUTDOOR” MEANS AN ELECTRIC SUBSTATION THAT IS NEITHER AN ELECTRIC SUBSTATION: ENCLOSED NOR AN ELECTRIC SUBSTATION: INDOOR.”

Amendment No. GE.2 {Defining “Gas and Electric Distribution Equipment}

On page 28, after line 32, insert:

“(U) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT.

(1) GENERAL.

“GAS AND ELECTRIC DISTRIBUTION EQUIPMENT” MEANS ABOVEGROUND AND UNDERGROUND EQUIPMENT USED FOR ELECTRIC, GAS, COMMUNICATIONS, OR TELECOMMUNICATIONS SYSTEMS.

(2) ILLUSTRATIONS.

“GAS AND ELECTRIC DISTRIBUTION EQUIPMENT” INCLUDES POLES, CROSSARMS, ANCHORS, GUYS, WIRES, LINES, CABLES, MAINS, PIPES, VALVES, CONDUITS, MANHOLES, VAULTS, ABOVEGROUND AND UNDERGROUND TRANSFORMERS,

SWITCHGEAR, REGULATORS, METERS, CAPACITORS, PADS, STREET LIGHTS, OTHER EQUIPMENT, AND ENCLOSURES.”.

Amendment No. GE.3 {Modifying Related Definitions}

On page 42, in line 27, after “STORAGE”, insert “FUELING”; and, in the same line, before “TAXICABS”, insert “PUBLIC UTILITY VEHICLES.”; and, on page 46, in line 6, after “PRINCIPAL”, insert “OR ACCESSORY”; and, on page 62, in line 23, strike “SUBSTATIONS,”.

Amendment No. GE.4 {§ 6-401 (Exempt Utility Uses)}

On page 116, after line 19, insert the subsection designator and caption “(A) USES ALLOWED.”; and, in line 22, after “DISTRIBUTION CABLE”, insert “AND EQUIPMENT”; and, in line 23, after “UTILITY”, insert “DISTRIBUTION”; and, in the same line, strike “DISTRIBUTING”; and, after line 30, insert:

“(B) GAS, ELECTRIC EQUIPMENT EXEMPT FROM SETBACK, SCREENING REQUIREMENTS.

THE FOLLOWING GAS AND ELECTRIC DISTRIBUTION EQUIPMENT ARE EXEMPT FROM THE SETBACK AND SCREENING REQUIREMENTS OF § 14-340(B) {“ABOVEGROUND UTILITY STRUCTURES AND ELECTRIC SUBSTATIONS”} OF THIS CODE:

(1) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT THAT IS LOCATED IN A COMMERCIAL OR INDUSTRIAL ZONE; AND

(2) GAS AND ELECTRIC DISTRIBUTION EQUIPMENT THAT IS:

(i) LOCATED IN AN OPEN SPACE, RESIDENTIAL, OFFICE-RESIDENTIAL OR TOD ZONING DISTRICT; AND

(ii) IS NO MORE THAN 10 FEET WIDE, 10 FEET LONG, OR 8 FEET HIGH.”.

Amendment No. GE.5 {§ 14-339(b) (Electric Substations)}

On page 233, strike lines 29 through 34, in their entireties, and substitute:

“(B) ABOVEGROUND UTILITY STRUCTURES AND ELECTRIC SUBSTATIONS.

ELECTRIC SUBSTATIONS AND ANY ABOVEGROUND UTILITY STRUCTURES THAT ARE PART OF AN UNDERGROUND UTILITY SYSTEM, SUCH AS PEDESTALS FOR CABLE WIRE

ACCESS OR OTHER ACCESS POINTS FOR UNDERGROUND INFRASTRUCTURE
(COMMUNICATIONS WIRING, FIBER OPTIC, ETC.):

- (1) MAY NOT ENCROACH INTO A REQUIRED FRONT YARD; AND
- (2) MUST BE SCREENED FROM ANY PUBLIC RIGHT-OF-WAY.

(C) MODIFICATIONS TO ELECTRIC SUBSTATION SUBJECT TO CONDITIONAL USE APPROVAL

ON A PROPERTY WHERE AN ELECTRIC SUBSTATION HAS BEEN APPROVED AS A
CONDITIONAL USE, A MODIFICATION OF THE ELECTRIC SUBSTATION IS ALLOWED
WITHOUT AMENDMENT OF THE CONDITIONAL USE, AS LONG AS:

- (1) THE MODIFICATION CONFORMS TO THE BULK AND YARD REGULATIONS OF THE
UNDERLYING ZONING DISTRICT;
- (2) THE MODIFICATION EITHER:
 - (i) IS LOCATED SOLELY WITHIN THE EXISTING PERIMETER FENCE OR WALL;
OR
 - (ii) COVERS AN AREA BEYOND THE EXISTING PERIMETER FENCE OR WALL
THAT IS NOT MORE THAN 20% OF THE AREA WITHIN THE EXISTING
PERIMETER FENCE OR WALL;
- (3) THE MODIFICATION IS LOCATED SOLELY ON THE PROPERTY GOVERNED BY THE
CONDITIONAL USE; AND
- (4) THE ELECTRIC SUBSTATION, AS SO MODIFIED, COMPLIES WITH ALL CONDITIONS
OF THE EXISTING CONDITIONAL USE APPROVAL OTHER THAN A CONDITION
THAT RESTRICTS THE ELECTRIC SUBSTATION TO THE EQUIPMENT
CONFIGURATION ALLOWED UNDER THE EXISTING CONDITIONAL USE
APPROVAL.”.

INTERVENING ORDINANCES

***Amendment No. IO.1 {“Video Lottery Facilities” - Definition; Parking Access Signs; Wall
Signs (Ord. 14-205)}***

On page 63, in line 13, after the semi-colon, strike “AND”; and, in line 14, after “DANCING”,
insert:

“; AND

(IV) ASSOCIATED PARKING FACILITIES LOCATED ON ADJACENT LOTS”;

and, on page 307, at the start of line 6, insert the paragraph designator “(1)”; and, after line 7, insert:

“(2) THE FOLLOWING REGULATIONS DO NOT APPLY TO THE PARKING FACILITIES ASSOCIATED WITH AND LOCATED ON LOTS ADJACENT TO A VIDEO LOTTERY FACILITY.”;

and, on page 310, in line 2, after “DISTRICTS”, insert “BUT DOES NOT APPLY TO A VIDEO LOTTERY FACILITY”; and, in lines 5, 7, and 16, strike “(3)”, “(IV)”, and “(V)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively.

Amendment No. IO.2 {“Sponsor-a-Road” Signs (Ord. 15-342)}

On page 294, after line 4, insert:

“§ 17-517. “SPONSOR-A-ROAD” SIGNS.

THE SIGN PERMIT AND OTHER REQUIREMENTS OF THIS TITLE DO NOT APPLY TO SIGNS POSTED BY OR ON BEHALF OF THE CITY IN THE RIGHT-OF-WAY OF A PUBLIC STREET OR ROAD TO ACKNOWLEDGE BUSINESS ENTITIES OR OTHER PERSONS SPONSORING A STREET-MAINTENANCE-SERVICES PROGRAM.”.

Amendment No. IO.3 {Cross-References in BFR Codes (Ords. 13-093 & 15-427)}

On page 332, in line 20, strike lines 20 and 21, in their entirety, and substitute:

“4. specify the gross floor area, as defined in Baltimore City Zoning Code [§ 1-304 {“Gross floor area”}] § 1-306(J) {“FLOOR AREA: GROSS (GFA)”}, involved in the proposed work.”;

and, on the same page, in line 33, before “Zoning”, insert “Baltimore City”; and, on page 333, strike line 5 through 7, in their entirety, and substitute:

“For erecting, placing, hanging, or reconstructing any consolidated area of signage, as described in Baltimore City Zoning Code [§ 11-422] TITLE 17, SUBTITLE 3 {“SIGN DIMENSION MEASUREMENT METHODOLOGY”}, the fee is \$1 a square foot, with a minimum of \$13 for each consolidated area of signage.”;

and, on page 2, in line 16, after “109.6.1k,” insert “310(Note),”; and, on page 333, after line 7, insert:

“Chapter 3. Use and Occupancy Classification

Section 310 Residential Group R

{Note: The Building Code’s “Residential Group R”, with its “R-1” through “R-4” classifications, are distinct from and should not be confused with the Zoning Code’s designation of Residential Zoning Districts [“R-1” “R-1A” through “R-10”].}”;

and, on page 333, strike lines 11 and 12, in their entirety, and substitute:

“3801.1.2 Gross floor area. “Gross floor area” means the area specified in Baltimore City Zoning Code [§ 1-304] § 1-306(J) {“FLOOR AREA: GROSS (GFA)”}. ”;

and, on page 333, strike lines 22 through 24, in their entirety, and substitute:

“2. A motor vehicle or trailer may be parked, kept, or stored only on a dustless all-weather surface constructed and maintained in accordance with the BALTIMORE CITY Building Code and BALTIMORE CITY Zoning Code [of Baltimore City].”.

Amendment No. IO.4 {CHAP Notice & Hearing Req’ts (Ord. 15-408)}

On page 2, strike lines 34 through 38, in their entirety; and, on page 336, strike lines 18 through 31, in their entirety; and, on page 337, strike lines 1 through 4, in their entirety.

Amendment No. IO.5 {Typo; Clarification}

On page 337, in line 7, strike “§ 14-66” and substitute “§ 14-6”; and, in line 17, after “§ 16-705”, insert “{“REQUIRED NUMBER OF BICYCLE SPACES”}”.

Amendment No. IO.6 {Rental Units in Floodplains (Ord. 14-209)}

On page 3, in line 3, after “2B-22(c),” insert “and”; and, in the same line, strike “, and 9-1(b)”; and, on page 339, strike lines 1 through 14, in their entirety.

Amendment No. IO.7 {Late-Night Comm'l Operations (Ord. 16-496)}

On page 339, strike lines 26 through 29, in their entireties, and substitute:

“Except as specified in subsection (b) of this section, this subtitle applies to all businesses that are located in any [Residence] RESIDENTIAL Zoning District, [Office-Residence] OFFICE-RESIDENTIAL Zoning District, or [B-1, B-2, or B-3 Business] C-1, C-1-E, C-1-VC, C-2, OR C-3 COMMERCIAL Zoning District.”;

and, on page 340, strike lines 2 through 5, in their entireties, and substitute:

“No business in [an R, O-R, B-1, B-2, or B-3] A RESIDENTIAL Zoning District, OFFICE-RESIDENTIAL ZONING DISTRICT, OR C-1, C-1-E, C-1-VC, C-2, OR C-3 COMMERCIAL ZONING DISTRICT may be open to the public at any time between the hours of midnight and 5 a.m. without having first obtained a late-night operations license under this subtitle.”

Amendment No. IO.8 {Clarifications and Correction}

On page 341, in line 4, before “ZONING”, insert “BALTIMORE CITY”; and, in the same line, after “§ 1-306(B)”, insert “{“ENTERTAINMENT: INDOOR”}”; and, on page 342, before “ZONING”, insert “BALTIMORE CITY”; and, in the same line, strike “§ 17-301” and substitute “TITLE 17, SUBTITLE 3 {“SIGN DIMENSION MEASUREMENT METHODOLOGY”}”

Amendment No. IO.9 {Stormwater Remediation Fees (Ord. 13-143)}

On page 3, after line 20, insert:

“ By repealing and reordaining, with amendments
Article 27 - Stormwater Remediation Fees
Section(s) 1-1(j)
Baltimore City Code
(Edition 2000)”;

and, on page 343, after line 6, insert:

**“Article 27. Stormwater Remediation Fees
Subtitle 1. Definitions; General Provisions**

§ 1-1. Definitions.

(i) “Single-family property” defined.

(1) In general.

“Single-family property” means a developed lot that contains but 1 dwelling unit and is used exclusively as a single-family dwelling.

(2) Supplemental definitions.

In this subsection, “dwelling”, “dwelling unit”, “lot”, [“multiple-family dwelling”,] and “single-family dwelling” have the meanings stated in the Baltimore City Zoning Code.”.

Amendment No. IO.10 {Clarifications}

On page 343, in line 11 and in line 14, in each instance, before “Zoning”, insert “BALTIMORE CITY”; and, in line 11, after “§ 1-305(s)”, insert “{“DWELLING UNIT”}”; and, in line 14, after “§ 1-306(G)”, insert “{“FAMILY”}”.

PORT COVINGTON DISTRICT

Amendment No. PC.1

On page 114, after line 31, insert:

“PC PORT COVINGTON ZONING DISTRICT”.

Amendment No. PC.2

On page 175, in line 14, after the semicolon, strike “AND”; and, in line 15, after “DISTRICTS”, insert:

“; AND

(11) PORT COVINGTON ZONING DISTRICTS”.

Amendment No. PC.3

On page 177, after line 16, insert:

“§ 12-211. PORT COVINGTON ZONING DISTRICT.

(A) IN GENERAL.

- (1) THE PORT COVINGTON ZONING DISTRICT IS INTENDED TO ESTABLISH THE STANDARDS TO ACCOMMODATE THE TRANSITION OF THE PORT COVINGTON AREA, LOCATED ALONG THE NORTH SHORE OF THE MIDDLE BRANCH OF THE PATAPSCO RIVER, FROM A HEAVY INDUSTRIAL AREA TO A HIGH INTENSITY, MIXED-USE, WATERFRONT-ORIENTED AREA OVER TIME.**
- (2) THE STANDARDS RECOGNIZE THAT THIS AREA IS UNIQUE BECAUSE OF BOTH ITS WATERFRONT ACCESS AND SEPARATION FROM ESTABLISHED NEIGHBORHOODS TO THE NORTH BY THE ELEVATED PORTION OF I-95 AND A HEAVY RAIL LINE.**
- (3) THE PC ZONING DISTRICT IS DESIGNED TO ACCOMMODATE AN OFFICE-INDUSTRIAL HEADQUARTERS CAMPUS AND ADJACENT HIGH-INTENSITY MIXED-USE WITH RECREATIONAL AND ENTERTAINMENT AMENITIES TO PROMOTE A LIVE-WORK-PLAY COMMUNITY WITHIN AN ECOLOGICALLY SUSTAINABLE ENVIRONMENT.**

(B) SUBDISTRICTS.

- (1) IN ORDER TO ADDRESS DIFFERENT CHARACTERISTICS WITHIN THIS DISTRICT, THE FOLLOWING 4 SUBDISTRICTS ARE ESTABLISHED:**
 - (i) THE PC-1, PC-2, AND PC-3 DISTRICTS, TO ACCOMMODATE THE MIXED-USE DEVELOPMENT, WITH THE PRIMARY DISTINCTIONS BETWEEN THEM BEING USES AND HEIGHT; AND**
 - (ii) THE PC-4 DISTRICT, TO ACCOMMODATE AN OFFICE-INDUSTRIAL HEADQUARTERS CAMPUS.**
- (2) THE STANDARDS PROVIDE FOR SYNERGY AMONG THE SUBDISTRICTS TO PROMOTE PEDESTRIAN CONNECTIVITY IN AND AMONG THOSE SUBDISTRICTS.”.**

Amendment No. PC.4

On page 198, after line 26, insert:

“SUBTITLE 13. PORT COVINGTON ZONING DISTRICT

§ 12-1301. SUBDISTRICTS.

FOUR SUBDISTRICTS ARE ESTABLISHED TO ACCOMMODATE AND ENCOURAGE REDEVELOPMENT OF THE PORT COVINGTON AREA, ALONG THE NORTH SHORE OF THE MIDDLE BRANCH OF THE PATAPSCO RIVER, AS FOLLOWS:

- (1) THE PC-1 PORT COVINGTON DISTRICT IS CHARACTERIZED BY COMMERCIAL USE, ENTERTAINMENT, ATTRACTIONS, OPEN-SPACE, WATERFRONT, AND RECREATION AMENITIES THAT CREATE A FOCAL POINT WITHIN THE PC ZONING DISTRICT. THE STANDARDS RECOGNIZE THAT DEVELOPMENT WITHIN THIS SUBDISTRICT IS TO BE ECOLOGICALLY SUSTAINABLE; ORIENTED TO BOTH THE STREET EDGES AND THE MIDDLE BRANCH WATERFRONT; AND PREDOMINANTLY PEDESTRIAN-ORIENTED. DEVELOPMENT IS GENERALLY MID-SCALE TO PROMOTE CONNECTIVITY BETWEEN THE WATERFRONT AND ADJOINING SUBDISTRICTS.
- (2) THE PC-2 PORT COVINGTON DISTRICT IS CHARACTERIZED BY A WIDE MIX OF USES, INCLUDING RESIDENTIAL, COMMERCIAL, OFFICE, OPEN-SPACE, RECREATION, AND ENTERTAINMENT AMENITIES, WATERFRONT, AND LIGHT INDUSTRIAL IN A DENSE URBAN SETTING. THE STANDARDS RECOGNIZE THAT THE DEVELOPMENT IN THIS SUBDISTRICT IS TO ACCOMMODATE A HIGH-DENSITY, WALKABLE, MIXED-USE ENVIRONMENT.
- (3) THE PC-3 PORT COVINGTON DISTRICT IS CHARACTERIZED BY A WIDE MIX OF USES, INCLUDING RESIDENTIAL, COMMERCIAL, OFFICE, OPEN-SPACE, RECREATION, AND ENTERTAINMENT AMENITIES, AS WELL AS INDUSTRIAL USES AS PART OF A LIVE-WORK-PLAY COMMUNITY. THE STANDARDS RECOGNIZE THAT THIS SUBDISTRICT IS DESIGNED TO ACCOMMODATE THE TRANSITION FROM AN HISTORICALLY INDUSTRIAL AREA TO A MEDIUM-DENSITY, WALKABLE, MIXED-USE ENVIRONMENT.
- (4) THE PC-4 PORT COVINGTON DISTRICT IS CHARACTERIZED AS AN OFFICE-INDUSTRIAL CAMPUS ON THE WATERFRONT THAT CAN ACCOMMODATE THE INTERNATIONAL HEADQUARTERS OF A MAJOR CORPORATION. THE STANDARDS ARE INTENDED FOR ARCHITECTURALLY COORDINATED OFFICE AND INDUSTRIAL STRUCTURES BUILT IN A CAMPUS-LIKE ATMOSPHERE, WHICH INCLUDES A FOCUS ON RECREATION AMENITIES. THIS SUBDISTRICT PROVIDES STANDARDS TO PROMOTE ECOLOGICALLY SUSTAINABLE DESIGN AND ACCOMMODATE A HIGH-DENSITY, WALKABLE ENVIRONMENT FOR THIS WATERFRONT CAMPUS.

§ 12-1302. USE REGULATIONS.

ONLY THOSE USES LISTED IN TABLE 12-1302: PORT COVINGTON DISTRICTS – PERMITTED AND CONDITIONAL USES ARE ALLOWED WITHIN THE PC ZONING DISTRICTS.

§ 12-1303. BULK AND YARD REGULATIONS

(A) AS LISTED IN TABLE 12-1303.

TABLE 12-1303: PORT COVINGTON DISTRICTS – BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE PC ZONING DISTRICTS, WHICH IS DIVIDED INTO 4 SUBDISTRICTS FOR THE PURPOSE OF BULK AND YARD REGULATIONS.

(B) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(C) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 12-1304. OTHER APPLICABLE STANDARDS.

(A) IN GENERAL.

THE PC ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SECTION.

(B) ACCESSORY STRUCTURES AND USES.

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

(C) SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OR THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) SIGNS.

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

(G) TEMPORARY USES.

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

Amendment No. PC.5

On page 200, in line 24, strike “AND”; and, in the same line, after “OR”, insert “, AND PC”.

Amendment No. PC.6

On page 217, in line 18, strike “DISTRICT” and substitute “AND PC DISTRICTS”.

Amendment No. PC.7

On page 225, in line 19, line 26, and line 28, in each instance, after “FEET”, insert “, EXCEPT IN A PC DISTRICT”.

Amendment No. PC.8

On page 231, in line 12, strike “AND” and substitute a comma; and, in the same line, after “C-1-E”, insert “, AND PC”.

Amendment No. PC.9

On page 266, after line 14, insert:

“(D) PC DISTRICTS.

IN A PC DISTRICT, OFF-STREET PARKING MAY BE LOCATED OFF-SITE AS LONG AS THE REQUIRED PARKING FACILITIES ARE LOCATED IN THAT OR ANY OTHER PC DISTRICT.”

Amendment No. PC.10

On page 271, at the start of line 36, insert the new paragraph designator “(1)”; and, after line 37, insert:

“(2) (I) IN THE PC DISTRICTS, THE FOLLOWING USES ARE EXEMPT FROM THE OFF-STREET PARKING REQUIREMENTS OF TABLE 16-406: REQUIRED OFF-STREET PARKING:

(A) OPEN-SPACE USES (EXCEPT FOR RECREATIONAL MARINAS); AND

(B) COMMERCIAL USES WITH A GROSS FLOOR AREA OF LESS THAN 25,000 SQUARE FEET.

(II) THE COMMERCIAL-USE EXEMPTION APPLIES TO ANY COMMERCIAL USE WITH A GROSS FLOOR AREA OF LESS THAN 25,000 SQUARE FEET, EVEN IF THERE ARE OTHER COMMERCIAL USES LOCATED ON THE SAME LOT.”

Amendment No. PC.11

On page 297, in line 19, strike “AND”; and, in the same line, after “H”, insert “, AND PC”.

Amendment No. PC.12

On page 298, in line 14, strike “AND” and substitute a comma; and, in the same line, after “C-4”, strike “DISTRICT” and substitute “, AND PC DISTRICTS”.

Amendment No. PC.13

On page 301, in line 16, strike “AND”; and, in the same line, after “TOD”, insert “, AND PC”.

Amendment No. PC.14

On page 302, in line 4, strike “AND”; and, in the same line, after “MI”, insert “, AND PC”.

Amendment No. PC.15

On page 303, in line 30, strike “AND”; and, in the same line, after “C-5”, insert “, AND PC”.

Amendment No. PC.16

On page 309, in line 3, strike “AND”; and, in line 4, after “MI”, insert “, AND PC”.

Amendment No. PC.17

On page 310, in line 21, strike “DISTRICT” and substitute “AND PC DISTRICTS”.

Amendment No. PC.18

On page 311, in line 3, line 5, and line 6, in each instance, strike “DISTRICT” or “*DISTRICT*”, as the case may be, and substitute “AND PC DISTRICTS” or “AND PC DISTRICTS”, as the case may be.

Amendment No. PC.19

On page 312, at the start of line 14, insert the paragraph designator “(1)”; and, after line 15, insert:

“(2) THE PC DISTRICT IS DESIGNATED AN AREA OF SPECIAL SIGN CONTROL, SUBJECT TO FURTHER APPROVAL BY THE PLANNING COMMISSION OF APPROPRIATE SIGN STANDARDS.”.

MISCELLANEOUS MISNOMERS AND INCONSISTENCIES

Amendment No. MM.1 {Typo}

On page 8, in line 34, strike “; AND” and substitute a period.

Amendment No. MM.2 {Typo}

On page 11, in line 11, strike “FINANCIAL” and substitute “FINANCIALLY”.

Amendment No. MM.3 {“Individual” vice “Person”}

On page 22, in line 18, on page 23, in line 5, on page 25, in line 18, on page 28, in line 24, on page 31, in line 2, on page 32, line 17, on page 49, in line 24, on page 49, in line 28, on page 55, in line 6, on page 219, in line 24, on page 245, in line 20, on page 251, in line 20, and on page 286, line 5, in each instance, strike “PERSONS” and substitute “INDIVIDUALS”.

Amendment No. MM.4 {“Occupancy Permit”}

On page 67, in line 20, after “USE PERMIT”, strike “OR OCCUPANCY PERMIT”; and, on page 243, in line 30, and on page 299, in line 9 and in line 23, in each instance, strike “OCCUPANCY PERMIT” and substitute “USE PERMIT”.

Amendment No. MM.5 {“Landscape Manual”}

In each of the following instances, after “LANDSCAPE”, strike “REVIEW”:

page 83, lines 2 and 13, page 84, lines 3, 9, 18, 25, and 33, page 85, lines 3 and 5, and page 191, lines 3 and 37.

Amendment No. MM.6 {Typo}

On page 83, in line 5, strike “TP” and substitute “TO”.

Amendment No. MM.7 {Cites to BFR Codes}

On page 87, in line 10, and, on page 101, in lines 30-31, in each instance, strike “BALTIMORE”; and, after “CODES”, insert “ARTICLE”; and, on page 219, in line 25, and on page 284, in lines 26-27, in each instance, before “BUILDING”, insert “CITY” and after “CODES”, strike “OF THE CITY” or “OF BALTIMORE CITY”, as the case may be, and substitute “ARTICLE”.

Amendment No. MM.8 {“Ordinance”}

On page 98, in line 27, after “BY”, strike “THE CITY COUNCIL” and substitute “ORDINANCE OF THE MAYOR AND CITY COUNCIL,”; and, on page 103, in line 22, after “THE CITY COUNCIL MAY”, strike “GRANT” and “APPROVE”; and, on page 176, in line 9 and line 18, in each instance, after “APPROVED BY” strike “THE CITY” and subtitle “ORDINANCE”; and, on page 183, in lines 6 and 7 and in line 16, in each instance, strike “TO THE CITY COUNCIL”; and, on page 207, in line 25, strike “ORDINANCE” and substitute “ORDINANCE”.

Amendment No. MM.9 {“Underlying Zoning District”}

On page 131, in line 14, and on page 194, in line 21 and in line 25, and on page 196, in line 17 and in line 21, and, on page 200, in line 9, in each instance, before “DISTRICT”, insert “ZONING”; and, on page 233, in line 7, strike “ZONE” and substitute “ZONING DISTRICT”.

Amendment No. MM.10 {Typo}

On page 137, in line 30, strike “COMPLIMENT” and substitute “COMPLEMENT”.

Amendment No. MM.11 {Typo}

On page 165, in line 23, strike “BRODGES” and substitute “BRIDGES”.

Amendment No. MM.12 {“Alcohol Sales”, “Alcohol Beverages”, etc.}

On page 182, in line 16, on page 185, in line 20, on page 194, in line 13, on page 220, in lines 5 and 6, on page 226, in line 17, on page 227, in line 23, on page 231, in lines 1, 3, 10, and 11, on page 324, in lines 25, 28, and 29, and on page 325, in line 8, in each instance, strike “ALCOHOL” and “ALCOHOL”, as the case may be, and, in the font of the deleted term, substitute “ALCOHOLIC BEVERAGE” and “ALCOHOLIC BEVERAGE”, as the case may be; and, on page 218, in line 11, strike “WITHOUT ALCOHOL SALES” and substitute “NO ALCOHOLIC BEVERAGE SALES”; and, on page 224, in line 13, strike “AND ALCOHOL” and substitute “OR ALCOHOLIC BEVERAGES”.

Amendment No. MM.13 {Measurements}

In each of the following instances, strike “IS LIMITED TO” or “ARE LIMITED TO”, as the case may be, and substitute “MAY NOT EXCEED”:

page 191, line 12, page 195, line 19, page 197, line 11, page 226, line 32, page 227, line 5, page 233, line 2, page 251, line 25, page 254, line 30, page 289, line 30, page 290, line 18, page 297, line 20, page 299, line 29, page 300, line 5, page 301, line 8, page 306, lines 4, 27, 32, and 33, page 307, lines 1, 13, and 15, page 308, lines 20, 21, 23, 31, 32, and 34, page 309, lines 21, 22, 29, and 30, page 310, line 3, and page 311, line 2;

and, on page 227, in line 1, strike “BE MORE THAN” and substitute “EXCEED”; and, in the same line, strike “HIGH” and substitute “IN HEIGHT”; and, on the same page, in line 7, strike “NO”; and, on page 289, in line 30, strike “A MAXIMUM OF”; and, on page 302, in line 22, strike “THE MAXIMUM SIZE IS LIMITED TO” and substitute “THE ELECTRONIC MESSAGE COMPONENT MAY NOT EXCEED”; and, on page 305, in line 25, strike “ALL OTHER USES ARE LIMITED TO” and substitute “FOR ALL OTHER USES, NAMEPLATE SIGNS MAY NOT EXCEED”.

Amendment No. MM.14 {Typo}

On page 246, in line 5, strike “PROPERTYFRONTS” and substitute “PROPERTY FRONTS”.

Amendment No. MM.15 {Typo}

On page 273, in line 1, before “4”, strike “FOUR”.

Amendment No. MM.16 {Table Descriptions}

Title 7

On page 118 of the Bill, in lines 2 and 3, and in the heading of the accompanying Table 7-202, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE OPEN SPACE ZONING DISTRICT*” and substitute “*OPEN SPACE DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 118 of the Bill, in line 6, and in the heading of the accompanying Table 7-203, in each instance, strike “*OPEN SPACE ZONING DISTRICT BULK AND YARD REGULATIONS*” and substitute “*OPEN SPACE DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 8

On page 136 of the Bill, in lines 17 and 18, and in the heading of the accompanying Table 8-301, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS*” and substitute “*DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 136 of the Bill, in line 22, and in the heading of the accompanying Table 8-401, in each instance, strike “*DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT BULK AND YARD REGULATIONS*” and substitute “*DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 9

On page 141 of the Bill, in lines 3 and 4, strike "*PERMITTED AND CONDITIONAL USES IN THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS*" and in the heading of the accompanying Table 9-301, strike "*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS PERMITTED AND CONDITIONAL USES*" and, in each instance, substitute "*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*"; and, on page 141 of the Bill, in line 9, and in the heading of the accompanying Table 9-401, in each instance, strike "*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*" and substitute "*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*".

Title 10

On page 158 of the Bill, in lines 6 and 7, and in the heading of the accompanying Table 10-301, in each instance, strike "*PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL ZONING DISTRICTS*" and substitute "*COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*"; and, on page 158 of the Bill, in line 10, and in the heading of the accompanying Table 10-401, in each instance, strike "*COMMERCIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*" and substitute "*COMMERCIAL DISTRICTS – BULK AND YARD REGULATIONS*".

Title 11

On page 169 of the Bill, in lines 13 and 14, and in the heading of the accompanying Table 11-301, in each instance, strike "*PERMITTED AND CONDITIONAL USES IN THE INDUSTRIAL ZONING DISTRICTS*" and substitute, in the same font as that being replaced, "*INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*"; and, on page 169 of the Bill, in line 17, and in the heading of the accompanying Table 11-401, in each instance, strike "*INDUSTRIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*" and substitute, in the same font as that being replaced, "*INDUSTRIAL DISTRICTS – BULK AND YARD REGULATIONS*".

Title 12

On page 177 of the Bill, in lines 19 and 20, and in the heading of the accompanying Table 12-301, in each instance, strike "*PERMITTED AND CONDITIONAL USES IN THE OFFICE-RESIDENTIAL ZONING DISTRICT*" and substitute, in the same font as that being replaced, "*OFFICE-RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*"; and, on page 177 of the Bill, in line 23, and in the heading of the accompanying Table 12-302, in each instance, strike "*OFFICE-RESIDENTIAL ZONING DISTRICT BULK AND YARD REGULATIONS*" and substitute, in the same font as that being replaced, "*OFFICE-RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*";

and, on page 178 of the Bill, in lines 32 and 33, and in the heading of the accompanying Table 12-402, in each instance, strike "*PERMITTED AND CONDITIONAL USES IN THE TOD DISTRICT*" and substitute, in the same font as that being replaced, "*TRANSIT-ORIENTED DEVELOPMENT DISTRICTS – PERMITTED AND CONDITIONAL USES*"; and, on page 179 of the Bill, in line 3, and in the heading of the accompanying Table 12-403, in each instance, strike "*TOD DISTRICTS BULK AND YARD REGULATIONS*" and substitute, in the same font as that being replaced, "*TRANSIT-ORIENTED DEVELOPMENT DISTRICTS – BULK AND YARD REGULATIONS*";

and, on page 182 of the Bill, in line 25, after “*CAMPUS*”, and insert “*DISTRICTS*–”; and, in the heading of the accompanying Table 12-502, strike “*DISTRICT*” and substitute “*DISTRICTS*–”; and, on page 183 of the Bill, in line 8, strike “*12-503*” and substitute “*12-502*”; and, on page 186 of the Bill, in line 4, after “*CAMPUS*”, insert “*DISTRICT*–”; and, in the heading of the accompanying Table 12-602, strike “*DISTRICT*” and substitute “*DISTRICTS*”; and, on page 189 of the Bill, in line 30, after “*BRANCH*”, insert “*WATERFRONT*”.

Title 16

In the heading of the accompanying Table 16-402, strike “*DIMENSION*” and substitute “*DIMENSIONS*”; and, on page 267 of the Bill, in line 37, page 269, lines 8 and 9, page 271, lines 32 and 40, page 272, lines 31 (twice) and 37, and page 273, line 6, and in the heading of the accompanying Table, in each instance, strike “*16-406(A)*” or “*16-406A*”, as the case may be, and substitute, in the same font as that being replaced, “*16-406*”; and, on page 46 of the accompanying Tables, strike “*Table 16-406(b)(1)*” and “*Table 16-406(b)(4)*”, in their entireties.

ALCOHOL BEVERAGE SALES ESTABLISHMENTS

{DLR CAUTION: THE FOLLOWING AMENDMENTS ARE UNVETTED, UNANNOTATED, UNEDITED, AND OTHERWISE UNCORRECTED, LITERAL TRANSCRIPTIONS OF THE AMENDMENTS ADOPTED ON 19OCT16 BY THE LAND USE COMMITTEE. END-OF-TERM SCHEDULING DID NOT PERMIT DLR TO DO MORE THAN FORMAT AND MAKE THE OCCASIONAL TECHNICAL ADJUSTMENT. NOTABLY, AMONG OTHER FLAWS, THESE AMENDMENTS FAIL TO ACCOUNT FOR MANY OF EVEN THE EARLIEST AMENDMENTS PREVIOUSLY APPROVED BY THE COMMITTEE, SUCH AS THE DISTINCTION BETWEEN THE 1ST READER’S CONDITIONAL-USE REQUIREMENTS AND PROCEDURES (APPROVAL ONLY BY BMZA) AND THOSE REQUIREMENTS AND PROCEDURES ADDED BY AMENDMENT TO REQUIRE APPROVAL BY ORDINANCE FOR CERTAIN USES.}

Amendment No. AB.1 {Purpose Clause; Function Paragraphs}

On page 1, in line 21, after the semicolon, insert:

“classifying alcoholic beverage sales establishments as conditional uses, subject to certain considerations and conditions, including compliance with certain special use standards; allowing alcoholic beverage sales establishments that legally pre-exist a certain date to continue, subject to certain conditions, including compliance with certain special use standards; establishing an Alcoholic Beverage Sales Public Nuisance Prevention Board and providing for its composition, administrative staff, and powers and duties; providing for the designation of certain Public Nuisance Prevention Officers to conduct inspections to ascertain compliance with certain standards and requirements; requiring alcoholic beverage sales establishments to pay an annual Public Nuisance Prevention Impact Fee and, for violations of certain standards and requirements, Enhanced Impact Fees;”;

and, on page 2, after line 38, insert:

“BY adding
Article 8 - Ethics
Section 7-8(1a) and (1b)
Baltimore City Code
(Edition 2000)”.

Amendment No. AB.2 {Title 1}

On page 10, after line 17, insert:

“(K) ALCOHOLIC BEVERAGE SALE.

“ALCOHOLIC BEVERAGE SALE” MEANS THE RETAIL SALE OF ALCOHOLIC BEVERAGES,
WHETHER FOR ON-PREMISE OR OFF- PREMISE CONSUMPTION.

(L) ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

“ALCOHOLIC BEVERAGE SALES ESTABLISHMENT” MEANS ANY ESTABLISHMENT IN
WHICH AN ALCOHOLIC BEVERAGE SALE OCCURS.”;

and, reletter that section’s ensuing subsection designators accordingly; and, on page 21, after line 30, insert:

“(D) DEEMED APPROVED STATUS.

“DEEMED APPROVED STATUS” HAS THE MEANING STATED IN § 18-201 OF THIS CODE.”;

and, reletter that section’s ensuing subsection designators accordingly; and, on page 44, after line 17, insert:

“(J) NEW (ALCOHOLIC BEVERAGE SALES ESTABLISHMENT).

“NEW”, WHEN USED WITH RESPECT TO AN ALCOHOLIC BEVERAGE SALES
ESTABLISHMENT, MEANS AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT
FIRST BEGINS LAWFUL ALCOHOLIC BEVERAGE SALES IMMEDIATELY FOLLOWING THE
EFFECTIVE DATE OF THESE REGULATIONS.”;

and, reletter that section’s ensuing subsection designators accordingly; and, on page 50, after line 7, insert:

“(T) PNP BOARD.

“PNP BOARD” MEANS THE ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE
PREVENTION BOARD ESTABLISHED UNDER § 3-207(A) (“PNP BOARD ESTABLISHED”)
OF THIS CODE.

(U) PNP IMPACT FEE.

“PNP IMPACT FEE” MEANS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION IMPACT FEE (OR ENHANCED IMPACT FEE) IMPOSED UNDER SUBTITLE 19-1A (“SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS”), OF THIS CODE.

(V) PNP OFFICER.

“PNP OFFICER” MEANS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICER DESIGNATED UNDER § 3-207(E) (“DESIGNATION OF PNP OFFICERS”) OF THIS CODE.”;

and, reletter that section’s ensuing subsection designators accordingly; and, on page 55, after line 30, insert:

“(C) THE FOLLOWING ARE TYPES OF RESTAURANTS WITH ALCOHOLIC BEVERAGE SALES.

1. RESTAURANT – INCLUDING ALCOHOLIC BEVERAGE SALES (GENERAL): A RESTAURANT THAT SERVES ALCOHOLIC BEVERAGES, AS LIMITED BY SUBSECTION (T)(1)(II) OF THIS SUBSECTION, AND THAT REMAINS OPEN AFTER MIDNIGHT ON ANY DAY.
2. RESTAURANT – INCLUDING ALCOHOLIC BEVERAGE SALES (LIMITED): A RESTAURANT THAT SERVES ALCOHOLIC BEVERAGES, AS LIMITED BY SUBSECTION (T)(1)(II) OF THIS SUBSECTION, AND THAT CLOSES EVERY DAY AT OR BEFORE MIDNIGHT.”;

and, on page 56, after line 8, insert:

“(3) IN GENERAL.

“RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES” INCLUDES ANY ESTABLISHMENT THAT WOULD BE INCLUDED UNDER 1-312(U) SUCH AS A GROCERY STORE, DELICATESSEN, OR OTHER SIMILAR ESTABLISHMENT THAT OFFERS FOR SALE BOTH GROCERIES AND ALCOHOLIC BEVERAGES.”;

and, in line 9, strike “(3)” and substitute “(4)”; and, on page 59, after line 29, insert:

“(W) SUBSTANTIAL MODIFICATION.

“SUBSTANTIAL MODIFICATION”, WHEN USED WITH RESPECT TO THE MODE OR CHARACTER OF OPERATION OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, MEANS:

- (1) ANY CHANGE IN ACTIVITIES (INCREASING HOURS OR DAYS OF OPERATION OR TYPES OF ALCOHOLIC BEVERAGES SOLD) FOR WHICH THE BALTIMORE CITY LIQUOR BOARD REQUIRES A DIFFERENT TYPE OF LICENSE;
- (2) ANY TRANSFER OF AN ALCOHOLIC BEVERAGES LICENSE TO A NEW PREMISES;
- (3) ANY FINE, SUSPENSION, OR REVOCATION OF AN ALCOHOLIC BEVERAGES LICENSE;
- (4) NO MORE THAN 20% INCREASE IN THE FLOOR AREA OR LAND AREA PRIMARILY DEVOTED TO THE DISPLAY OR SALE OF ALCOHOLIC BEVERAGES;
- (5) NO MORE THAN 20% EXPANSION OF A CUSTOMER SERVICE AREA PRIMARILY DEVOTED TO THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES;
- (6) ANY EXPIRATION WITHOUT RENEWAL OF THE ESTABLISHMENT’S ALCOHOLIC BEVERAGES LICENSE FOR LONGER THAN 30 DAYS;
- (7) ANY VOLUNTARY DISCONTINUANCE OF ACTIVE OPERATION FOR MORE THAN 90 CONSECUTIVE DAYS; OR
- (8) FOR RESTAURANTS ONLY, ANY CHANGE IN OPERATION THAT WOULD CHANGE THE TYPE FROM RESTAURANT LIMITED TO RESTAURANT GENERAL.”.

Amendment No. AB.3 {Title 3}

On page 75, after line 28, insert:

“§ 3-207. ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD.

(A) PNP BOARD ESTABLISHED.

THERE IS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD (“PNP BOARD”).

(B) APPOINTMENT AND QUALIFICATIONS.

THE PNP BOARD COMPRISES THE FOLLOWING 9 MEMBERS, APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, § 6:

- (1) 3 MEMBERS WHO REPRESENT NEIGHBORHOOD ASSOCIATIONS FROM DIVERSE CITY NEIGHBORHOODS;
- (2) 1 MEMBER WHO REPRESENTS A NON-PROFIT COMMUNITY-BASED LEGAL ORGANIZATION;
- (3) 1 MEMBER WHO REPRESENTS A FAITH-BASED ORGANIZATION;

(4) 1 MEMBER WHO REPRESENTS THE BALTIMORE CITY HEALTH DEPARTMENT;

(5) 1 MEMBER WHO REPRESENTS THE BALTIMORE CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(6) 2 MEMBERS:

(i) EACH OF WHOM OWNS OR MANAGES AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT IS LOCATED IN THE CITY AND THAT, WITHIN THE 6 YEARS IMMEDIATELY PRECEDING THE DATE OF APPOINTMENT, HAS HAD NO CITY LIQUOR BOARD VIOLATIONS NOR ANY USE STANDARDS IN § 14-401 OR § 14-402 OR OTHER CITY CODE VIOLATIONS;

(ii) 1 OF WHOM IS THE OWNER OR MANAGER OF AN "ON-SALE" ESTABLISHMENT; AND

(iii) 1 OF WHOM IS THE OWNER OR MANAGER OF AN "OFF-SALE" ESTABLISHMENT.

(c) ????.

THE PNP BOARD HAS THE FOLLOWING POWERS AND DUTIES:

(1) TO REVIEW COMPLAINTS RECEIVED BY OR REFERRED TO THE PNP BOARD THAT RELATE TO ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS;

(2) TO DESIGNATE COMPLAINT RESPONSE TEAMS TO INVESTIGATE AND REPORT ON THESE COMPLAINTS;

(3) TO ISSUE VIOLATION NOTICES REQUIRING CORRECTIVE ACTIONS BY ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT ARE IN VIOLATION OF 1 OR MORE USE STANDARDS IN § 14-401 OR § 14-402;

(4) TO ASSESS ENHANCED PNP IMPACT FEES ON ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT ARE IN VIOLATION 1 OR MORE USE STANDARDS IN § 14-401 OR § 14-402);

(5) AT ITS DISCRETION, TO SOLICIT PUBLIC INPUT INTO ITS DELIBERATIONS;

(6) TO RECOMMEND TO THE ZONING ADMINISTRATOR APPROPRIATE PENALTIES OR OTHER ENFORCEMENT ACTIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT CONTINUE OR REPEAT VIOLATIONS OF 1 OR MORE USE STANDARDS IN § 14-401 OR § 14-402;

(7) TO ADVISE THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT ON THE HIRING AND EVALUATION OF PNP OFFICERS;

- (8) TO RECOMMEND TO THE BOARD OF ESTIMATES ADJUSTMENTS TO THE ANNUAL AND ENHANCED PNP IMPACT FEES IMPOSED UNDER THIS ARTICLE;
- (9) TO TRACK AND MAINTAIN FILES AND STATISTICS ON COMPLAINTS RECEIVED BY IT AND THEIR DISPOSITION;
- (10) TO PROVIDE AND DISSEMINATE SIGNS THAT CLEARLY OUTLINE THE USE STANDARDS IN § 14-401 OR § 14-402 TO ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS; AND
- (11) TO RECOMMEND TO THE MAYOR AND CITY COUNCIL ANY NEEDED MODIFICATIONS TO THE PROVISIONS OF THIS CODE THAT GOVERN THE OPERATION OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

(D) TERMS; VACANCIES; COMPENSATION; EXPENSES.

(1) TERM OF OFFICE.

- (i) PNP BOARD MEMBERS SERVE FOR A TERM OF 4 YEARS, CONCURRENT WITH THE TERM OF THE MAYOR.
- (ii) AT THE END OF A TERM, A PNP BOARD MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(2) VACANCIES.

A MEMBER APPOINTED TO FILL A VACANCY:

- (i) MUST MEET THE SAME QUALIFICATIONS AS REQUIRED FOR THE MEMBER BEING SUCCEEDED; AND
- (ii) SERVES ONLY FOR THE REMAINDER OF THAT TERM.

(3) COMPENSATION; EXPENSES.

THE MEMBERS OF THE PNP BOARD:

- (i) SERVE WITHOUT COMPENSATION; BUT
- (ii) ARE ENTITLED TO TIMELY REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(4) REMOVAL ON FAILURE TO ATTEND MEETINGS.

IF ANY MEMBER IS ABSENT FROM REGULARLY SCHEDULED MEETINGS MORE THAN 3 TIMES IN 1 YEAR, NOT COUNTING ABSENCES EXCUSED BY THE CHAIR:

(I) THE MEMBER IS CONSIDERED TO HAVE RESIGNED; AND

(II) THE CHAIR MUST REQUEST THE MAYOR TO FILL THE RESULTANT VACANCY.

(E) OFFICERS; COMMITTEES; STAFF.

(1) CHAIR.

THE MAYOR MUST DESIGNATE A MEMBER OF THE PNP BOARD TO SERVE AS THE BOARD'S CHAIR.

(2) OTHER OFFICERS.

THE PNP BOARD, BY A MAJORITY OF ITS MEMBERS, MAY SELECT FROM AMONG ITS MEMBERS A VICE-CHAIR AND ANY OTHER OFFICERS THAT THE BOARD CONSIDERS NECESSARY OR APPROPRIATE.

(3) COMMITTEES.

THE CHAIR MAY APPOINT COMMITTEES TO ASSIST THE PNP BOARD IN CARRYING OUT ITS FUNCTIONS AND DUTIES.

(4) EXECUTIVE DIRECTOR; STAFF.

THE PNP BOARD MUST EMPLOY AN EXECUTIVE DIRECTOR AND STAFF AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(F) MEETINGS; QUORUM; VOTING.

(1) MEETINGS.

(I) REGULAR MEETINGS OF THE PNP BOARD ARE HELD MONTHLY.

(II) ADDITIONAL MEETINGS WILL BE HELD AT THE CALL OF THE CHAIR, AS NEEDED FOR THE BOARD TO PERFORM ITS DUTIES.

(2) QUORUM.

A MAJORITY OF THE PNP BOARD'S MEMBERS CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

(3) VOTING.

AN AFFIRMATIVE VOTE BY A MAJORITY OF A QUORUM IS NEEDED FOR ANY OFFICIAL ACTION.

(G) RULES AND REGULATIONS.

(1) BOARD TO ADOPT.

THE PNP BOARD MAY ADOPT RULES AND REGULATIONS AS NECESSARY OR APPROPRIATE TO:

- (i) ADMINISTER AND ENFORCE THE USE STANDARDS IN § 14-401 OR § 14-402 AND PNP IMPACT FEES IMPOSED BY THIS CODE; AND
- (ii) OTHERWISE, FOR THE PNP BOARD, PNP OFFICERS, AND COMPLAINT RESPONSE TEAMS, TO CARRY OUT THEIR RESPECTIVE POWERS AND DUTIES UNDER THIS CODE.

(2) FILING.

A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE PNP BOARD MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

(H) BUDGET.

THE PNP BOARD MAY EXPEND FUNDS AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(I) ANNUAL REPORT.

THE PNP BOARD MUST SUBMIT AN ANNUAL REPORT ON ITS ACTIVITIES TO THE MAYOR AND CITY COUNCIL.

(J) AGENCY COOPERATION.

AT THE REQUEST OF THE PNP BOARD, ALL CITY OFFICIALS AND AGENCIES MUST COOPERATE WITH THE PNP BOARD AND EXTEND THE SERVICES AND FACILITIES THAT THE PNP BOARD REQUIRES, TO THE EXTENT THAT THE OFFICIALS AND AGENCIES ARE ABLE TO DO SO GIVEN THEIR PERSONNEL AND BUDGETS AS PROVIDED IN THE ORDINANCE OF ESTIMATES.”.

Amendment No. AB.4 {§ 5-201}

On page 88, after line 2, insert:

“(F) ????”.

AN APPLICATION FOR CONDITIONAL USE APPROVAL OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST CONTAIN THE FOLLOWING INFORMATION:

- (1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT (AND, IF THE APPLICANT IS A CORPORATION, THE APPLICANT MUST SET FORTH THE CORPORATION'S NAME EXACTLY AS SHOWN IN ITS ARTICLES OF INCORPORATION);
- (2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH OF THE PROPOSED ESTABLISHMENT'S ALCOHOLIC BEVERAGES LICENSEES, AS NAMED ON THE LICENSE, OR, IF ISSUANCE OF THE LICENSE IS STILL PENDING, OF EACH APPLICANT FOR THE LICENSE, AS NAMED ON THE APPLICATION FOR THE LICENSE;
- (3) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON WHO WILL MANAGE AND OPERATE THE ESTABLISHMENT;
- (4) UNLESS THE APPLICATION IS FOR A RESTAURANT, THE NAME AND ADDRESS OF ALL OF THE FOLLOWING THAT ARE LOCATED WITHIN 500 FEET OF THE PROPOSED ESTABLISHMENT: PUBLIC OR PRIVATE ACCREDITED SCHOOLS, CHURCHES, PUBLIC PARKS, HOSPITALS, ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, AND UNIVERSITY FACILITIES WHERE STUDENTS RESIDE OR REGULARLY ATTEND CLASSES;
- (5) UNLESS THE APPLICATION IS FOR AN ESTABLISHMENT IN THE C-4 (HEAVY COMMERCIAL) OR C-5 (DOWNTOWN) ZONING DISTRICTS OR FOR A RESTAURANT IN ANY ZONING DISTRICT, THE NAME AND ADDRESS OF ALL EXISTING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS (OTHER THAN RESTAURANTS) WITHIN 300 FEET OF THE PROPOSED ESTABLISHMENT;
- (6) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PERSON AUTHORIZED TO ACCEPT SERVICE OF LEGAL NOTICES;
- (7) THE PROPOSED BUSINESS NAME OF THE ESTABLISHMENT AND A DESCRIPTION OF ALL OPERATING ASPECTS OF THE PROPOSED BUSINESS;
- (8) THE TYPE OF ALCOHOLIC BEVERAGES LICENSE THAT HAS BEEN ISSUED FOR THE ESTABLISHMENT OR, IF ISSUANCE IS STILL PENDING, THAT IS BEING SOUGHT FOR THE ESTABLISHMENT;
- (9) THE STREET ADDRESS OF THE PROPOSED ESTABLISHMENT AND THE BLOCK AND LOT NUMBER OF THE PROPERTY;
- (10) THE PLAN OF OPERATION, INCLUDING THE TYPES OF ALCOHOLIC BEVERAGES TO BE SOLD, THE LOCATION AND SIZE OF BAR SERVICE, IF ANY, THE NUMBER AND SIZE OF COOLERS, PROPOSED ENTERTAINMENT, AND FOOD SERVICE, AMONG OTHER OPERATIONAL FEATURES OF THE PROPOSED ESTABLISHMENT; AND
- (11) A PLOT PLAN FOR THE PROPERTY, DEPICTING THE LOCATION OF THE BUILDING HOUSING THE ESTABLISHMENT ON THE PROPERTY AND ALL

EXISTING AND PROPOSED PARKING, EXTERIOR LIGHTING, SIGNAGE, LANDSCAPING, TRASH ENCLOSURES, AND WAITING OR QUEUING AREAS.”.

Amendment No. AB.5 {§ 5-403}

On page 94, in line 17, strike “AND”; and, in line 20, after “IT”, insert:

“AND

(3) IN THE CASE OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, THE ZONING ADMINISTRATOR MUST REFER THE COMPLETED APPLICATION TO THE PNP BOARD”.

Amendment No. AB.6 {§ 5-405}

On page 95, in line 23, after “UNDER THIS SUBTITLE”, insert “OR UNDER § 14-401 OR § 14-402 OF THIS CODE”.

Amendment No. AB.7 {§ 5-406}

On page 95, after line 28, insert the paragraph designator and caption “(1) IN GENERAL.”; and, on page 95, in lines 31, 34, and 36, and on page 96, in line 1, strike “(1)”, “(2)”, “(3)” and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)” and “(IV)”, respectively; and, on page 96, after line 2, insert:

“(2) ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

IN ADDITION, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY NOT APPROVE A CONDITIONAL USE FOR ANY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT UNLESS, AFTER PUBLIC NOTICE AND HEARING AND ON CONSIDERATION OF THE STANDARDS PRESCRIBED IN THIS TITLE, IT ALSO FINDS THAT:

(I) THE PROPOSED ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS LOCATED IN A ZONING DISTRICT IN WHICH IT IS AN ALLOWED USE;

(II) THE ALCOHOLIC BEVERAGE SALES ESTABLISHMENT WILL NOT AGGRAVATE EXISTING PROBLEMS IN THE NEIGHBORHOOD CREATED BY THE SALE OF ALCOHOL, INCLUDING ALCOHOLIC BEVERAGE SALES TO MINORS, DISTURBANCE OF THE PEACE, ILLEGAL DRUG ACTIVITY, PUBLIC DRUNKENNESS, DRINKING IN PUBLIC, HARASSMENT OF PASSERSBY, GAMBLING, PROSTITUTION, TRAFFICKING IN STOLEN GOODS, PUBLIC URINATION, THEFT, ASSAULTS, BATTERIES, ACTS OF VANDALISM, EXCESSIVE LITTERING, LOITERING, GRAFFITI, ILLEGAL PARKING, EXCESSIVE LOUD NOISES (ESPECIALLY IN THE LATE NIGHT OR EARLY MORNING

HOURS), TRAFFIC VIOLATIONS, CURFEW VIOLATIONS, LEWD CONDUCT, OR OTHER BEHAVIORS RESULTING IN POLICE ARRESTS OR DETENTIONS; AND

(III) THE PROPOSED ESTABLISHMENT WILL NOT DETRIMENTALLY AFFECT NEARBY NEIGHBORHOODS CONSIDERING THE DISTANCE OF THE ESTABLISHMENT FROM RESIDENTIAL BUILDINGS, SCHOOLS, PARKS, PLAYGROUNDS OR RECREATIONAL AREAS, NONPROFIT YOUTH FACILITIES, PLACES OF WORSHIP, HOSPITALS, ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, OR OTHER ALCOHOLIC BEVERAGES SALES ESTABLISHMENTS.”;

and, on page 96, after line 24 *{best guess}*, insert:

“(13) FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST CONSIDER APPLICATION REQUIREMENTS AS LAID OUT IN § 5-201(F); AND”;

and, in line 25, strike “(14)” and substitute “(15)”.

Amendment No. AB.8 {§ 5-409}

On page 97, after line 8, insert the paragraph designator and caption “(1) IN GENERAL”; and, after line 12, insert:

“(2) ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

WHENEVER THE ZONING ADMINISTRATOR LEARNS OF A VIOLATION OF § 14-401 OR § 14-402:

- (I) THE ZONING ADMINISTRATOR MUST PROMPTLY REFER THE MATTER TO THE PNP BOARD; AND
- (II) THE PROCEDURES SET OUT IN SUBTITLE 19-1A {“SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS”}, PART I {“INVESTIGATIONS BY PNP BOARD ...”} MUST FIRST BE FOLLOWED AND EXHAUSTED BEFORE ISSUING A VIOLATION NOTICE UNDER THIS SUBTITLE.”;

and, in line 21, strike “AND”; and, in line 23, after “LIES”, insert:

“; AND

(V) IF IT CONCERNS AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, A COPY OF THE NOTICE MUST BE PROVIDED TO THE PNP BOARD”;

and, on page 98, in line 13, after “UNDER THIS SUBTITLE”, insert “OR UNDER § 14-401 OR § 14-402 OF THIS CODE”.

Amendment No. AB.9 {Title 14, Subtitle 4}

On page 213, in line 14, strike “SUBTITLE 3” and substitute “SUBTITLES 3 AND 4”; and, on page 237, after line 17, insert:

**“SUBTITLE 4. USE STANDARDS FOR
ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS**

§ 14-401. USE STANDARDS FOR ALL ESTABLISHMENTS.

(A) IN GENERAL.

THE FOLLOWING STANDARDS APPLY TO THE DESIGN, CONSTRUCTION, AND OPERATION OF EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, WHETHER THE ESTABLISHMENT IS A LAWFUL DEEMED APPROVED USE OR A NEWLY AUTHORIZED CONDITIONAL USE.

(B) PUBLIC HEALTH, SAFETY, ETC., OF SURROUNDING AREA.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT BE DESIGNED, CONSTRUCTED, OR OPERATED SO AS TO ADVERSELY AFFECT, JEOPARDIZE, OR ENDANGER THE PUBLIC HEALTH, SAFETY, WELFARE, OR QUALITY OF LIFE OF PERSONS RESIDING OR WORKING IN THE SURROUNDING AREA.

(C) NUISANCE ACTIVITIES.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT BE DESIGNED, CONSTRUCTED, OR OPERATED SO AS TO CONTRIBUTE TO NUISANCE ACTIVITIES WITHIN OR IN CLOSE PROXIMITY OF THE ESTABLISHMENT, INCLUDING ALCOHOLIC BEVERAGE SALES TO MINORS, DISTURBANCE OF THE PEACE, ILLEGAL DRUG ACTIVITY, PUBLIC DRUNKENNESS, DRINKING IN PUBLIC, HARASSMENT OF PASSERSBY, GAMBLING, PROSTITUTION, TRAFFICKING IN STOLEN GOODS, PUBLIC URINATION, THEFT, ASSAULTS, BATTERIES, ACTS OF VANDALISM, EXCESSIVE LITTERING, LOITERING, GRAFFITI, ILLEGAL PARKING, EXCESSIVE LOUD NOISES (ESPECIALLY IN THE LATE NIGHT OR EARLY MORNING HOURS), TRAFFIC VIOLATIONS, CURFEW VIOLATIONS, LEWD CONDUCT, OR OTHER BEHAVIORS RESULTING IN POLICE ARRESTS OR DETENTIONS.

(D) COMPATIBILITY WITH NEARBY LIVABILITY AND DEVELOPMENT.

THE DESIGN, CONSTRUCTION, OPERATION, AND UPKEEP OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING NEIGHBORHOOD.

(E) REMOVAL OF GRAFFITI.

ALL GRAFFITI MUST BE REMOVED FROM AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, INCLUDING ALL ADJACENT WALLS, FENCES, AND PAVEMENTS, WITHIN 24 HOURS OF DISCOVERING ITS APPEARANCE ON OR ADJACENT TO THE ESTABLISHMENT'S PREMISES.

(F) LOITERING.

LOITERING OR STANDING WITHIN 100 FEET OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT FOR MORE THAN 15 MINUTES MUST BE DISCOURAGED. LOITERERS MUST BE ASKED TO LEAVE THE AREA AND, IF THEY FAIL TO DO SO, LOCAL LAW ENFORCEMENT OFFICIALS MUST BE CONTACTED AND ASKED TO ENFORCE APPLICABLE TRESPASSING AND LOITERING LAWS.

(G) PUBLIC WARNINGS.

(1) IN GENERAL.

A SIGN PROVIDED BY THE ZONING ADMINISTRATOR MUST BE PROMINENTLY POSTED, IN A READILY VISIBLE MANNER, IN EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

(2) CONTENTS – LIQUOR STORES.

FOR ALL "LIQUOR STORES" TO WHICH CITY CODE ARTICLE 19, SUBTITLE 32 {"MINORS – SALES IN PROXIMITY TO LIQUOR STORES"}, APPLIES, AS DEFINED IN § 32-1(C) {"DEFINITIONS: LIQUOR STORE"} OF THAT ARTICLE, THE SIGN MUST CONTAIN THE FOLLOWING NOTICES:

- (i) "IN OR IN CLOSE PROXIMITY TO THIS ESTABLISHMENT, IT IS ILLEGAL TO SELL ANY MERCHANDISE (EVEN IF NONALCOHOLIC) TO ANYONE UNDER 18 YEARS OF AGE";
- (ii) "MARYLAND STATE LAW PROHIBITS THE SALE OF ALCOHOLIC BEVERAGES TO ANYONE UNDER 21 YEARS OF AGE";
- (iii) "NO LOITERING OR PUBLIC DRINKING"; AND
- (iv) "IT IS ILLEGAL TO POSSESS AN OPEN CONTAINER OF ALCOHOL IN THE VICINITY OF THIS ESTABLISHMENT".

(3) CONTENTS – ALL OTHER ESTABLISHMENTS.

FOR ALL OTHER ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, THE SIGN MUST CONTAIN THE NOTICES LISTED IN ITEMS (2), (3), AND (4) OF SUBSECTION (B) OF THIS SECTION, BUT NOT THE NOTICE LISTED IN ITEM (1) OF THAT SUBSECTION.

(H) SIGNS AND ADVERTISEMENTS – PLACEMENT GENERALLY.

ALL SIGNS AND ADVERTISING MUST BE PLACED AND MAINTAINED IN A MANNER THAT ENSURES THAT LAW ENFORCEMENT PERSONNEL HAVE A CLEAR AND UNOBSTRUCTED VIEW OF THE PREMISES' INTERIOR, INCLUDING THE AREA IN WHICH THE CASH REGISTERS ARE MAINTAINED, FROM THE EXTERIOR PUBLIC SIDEWALK OR ENTRANCE TO THE PREMISES. THIS REQUIREMENT DOES NOT APPLY TO PREMISES WHERE THERE ARE NO WINDOWS OR WHERE EXISTING WINDOWS ARE LOCATED AT A HEIGHT THAT PRECLUDES A PERSON STANDING OUTSIDE THE PREMISES FROM VIEWING THE INTERIOR.

(I) SIGNS AND ADVERTISEMENTS – AGGREGATE WINDOW COVERAGE.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST MEET THE REQUIREMENTS OUTLINED IN § 17-816 {"WINDOW SIGNS"} OF THIS CODE.

(J) SUBSTANTIAL MODIFICATIONS.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT SUBSTANTIALLY MODIFY THE MODE OR CHARACTER OF THE ESTABLISHMENT'S OPERATION, AS DEFINED IN § 1-313 {"SUBSTANTIAL MODIFICATION ..."} OF THIS ARTICLE.

(K) PNP IMPACT FEE.

ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ARE REQUIRED TO PAY THE ANNUAL PUBLIC NUISANCE PREVENTION IMPACT FEE IMPOSED UNDER TITLE 19, SUBTITLE 1A {"SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS"}, OF THIS ARTICLE.

(L) POSTING COPY OF THESE USE STANDARDS.

A COPY OF THIS SUBTITLE MUST BE POSTED IN THE INTERIOR OF THE ESTABLISHMENT, IN AT LEAST 1 PROMINENT LOCATION WHERE IT WILL BE READILY VISIBLE AND LEGIBLE TO THE EMPLOYEES AND PATRONS OF THE ESTABLISHMENT.

§ 14-402. USE STANDARDS FOR NEW ESTABLISHMENTS.

(A) MANDATORY COMPLIANCE.

(1) IN GENERAL.

ALL APPROVED NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS EXCEPT RESTAURANTS (LIMITED) MUST ALSO ADHERE TO THE FOLLOWING STANDARDS.

(2) DISTANCING REQUIREMENTS.

(i) A NEW TAVERN OR A RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC SALES IS NOT ALLOWED IN ANY OF THE FOLLOWING LOCATIONS:

(A) WITHIN 300 FEET OF ANY RESIDENCE;

(B) WITHIN 300 FEET OF A PUBLIC OR PRIVATE ACCREDITED SCHOOL, A CHURCH, AN ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITY, A HOSPITAL, A PUBLIC PARK, OR A UNIVERSITY FACILITY WHERE STUDENTS RESIDE OR REGULARLY ATTEND CLASSES;

(C) WHERE THE NEW ESTABLISHMENT WOULD LEAD TO A GROUPING OF MORE THAN 4 ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS (EXCLUDING RESTAURANTS) WITHIN A 500 FOOT RADIUS FROM THE NEW ESTABLISHMENT; OR

(D) WITHIN 300 FEET OF AN EXISTING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT (OTHER THAN A RESTAURANT).

(II) THESE DISTANCE RESTRICTIONS ARE AS MEASURED FROM PROPERTY LINE TO PROPERTY LINE.

(III) THESE DISTANCE RESTRICTIONS DO NOT APPLY TO:

(A) A RESTAURANT; OR

(B) IN THE CASE OF 1(A)(C) AND (D) ABOVE, THE C-4 (CENTRAL BUSINESS) OR C-5 (CENTRAL COMMERCIAL) ZONING DISTRICTS.

(3) "OFF-SALE" ESTABLISHMENTS – PRODUCT SALES.

AN "OFF-SALE" ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS PROHIBITED FROM SELLING ANY 1 OR MORE OF THE FOLLOWING PRODUCTS:

(I) CONTAINERS OF BEER OR MALT LIQUOR NOT IN THEIR ORIGINAL FACTORY PACKAGES OF 6 PACKS OR MORE;

(II) CONTAINERS OF BEER OR MALT LIQUOR LARGER THAN 18 FLUID OUNCES;

(III) DISTILLED SPIRITS IN BOTTLES OR CONTAINERS SMALLER THAN 200 MILLILITERS; OR

(IV) FLAVORED ALCOHOLIC BEVERAGE PRODUCTS, EITHER WINE BASED OR MALT BEVERAGE BASED, IN LESS THAN 4-PACK QUANTITIES.

(4) "OFF-SALE" ESTABLISHMENTS – DISTRIBUTION OF CUPS.

AN "OFF-SALE" ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS PROHIBITED FROM SELLING OR DISTRIBUTING TO A CUSTOMER ANY PAPER OR PLASTIC CUPS IN LESS THAN 50-PACK QUANTITIES.

(5) SECURITY CAMERAS.

(I) EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST INSTALL AND PROPERLY MAINTAIN ON THE BUILDING'S EXTERIOR, AT LOCATIONS RECOMMENDED BY THE BALTIMORE POLICE DEPARTMENT, AT LEAST TWO 24-HOUR TIME-LAPSE SECURITY CAMERAS.

(II) ALL CRIMINAL AND SUSPICIOUS ACTIVITIES RECORDED BY THESE CAMERAS MUST BE REPORTED TO POLICE.

(III) ALL TAPES OR OTHER RECORDING MEDIA FROM THE SECURITY CAMERAS MUST BE SAFELY STORED FOR AT LEAST 30 DAYS.

(IV) TO THE EXTENT ALLOWED BY LAW, THE ESTABLISHMENT'S OPERATORS MAY BE REQUIRED TO PROVIDE THESE TAPES OR OTHER RECORDING MEDIA TO POLICE.

(6) EXTERIOR LIGHTING.

EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST HAVE EXTERIOR LIGHTING IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY BUILDING, FIRE, AND RELATED CODES ARTICLE.

(7) PARKING.

EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST HAVE ADEQUATE PARKING IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY ZONING CODE.

(8) NO INTERIOR BULLET-PROOF WINDOWS.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT HAVE ANY BULLET PROOF WINDOW IN ITS INTERIOR.

(B) BMZA IMPOSED.

(1) IN GENERAL.

THE ZONING BOARD MAY REQUIRE AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT TO ADHERE TO 1 OR MORE OF THE FOLLOWING STANDARDS.

(2) SPECIAL SECURITY MEASURES.

SPECIAL SECURITY MEASURES, SUCH AS SECURITY GUARDS, DOOR MONITORS, AND BURGLAR ALARM SYSTEMS, MAY BE REQUIRED BY THE BOARD TO PREVENT THE CONGREGATION OF MINORS, VIOLENCE, DRUNKENNESS, VANDALISM, LOITERING, SOLICITATION, OR LITTER.

(3) ADDITIONAL STANDARDS.

THE ZONING BOARD MAY IMPOSE ANY ADDITIONAL STANDARDS THAT IT DETERMINES ARE NECESSARY OR DESIRABLE TO ENSURE THAT THE ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS ESTABLISHED, OPERATED, AND MAINTAINED IN ACCORDANCE WITH THE PURPOSES OF THIS ARTICLE.

(4) COPY OF STANDARDS TO BE MAINTAINED ON PREMISES.

A COPY OF ALL STANDARDS IMPOSED BY SUBSECTION (A) OF THIS SECTION AND ALL STANDARDS IMPOSED BY THE ZONING BOARD UNDER SUBSECTION (B) OF THIS SECTION MUST BE:

(I) MAINTAINED ON THE PREMISES OF THE ESTABLISHMENT AT ALL TIMES, READILY AVAILABLE TO ALL EMPLOYEES; AND

(II) PRESENTED TO ANY LAW ENFORCEMENT OFFICER OR AUTHORIZED CITY OFFICIAL ON REQUEST.”;

and, on page 237, in line 19, strike “4” and substitute “5”; and, on page 237, in line 20, through page 244, in line 15, strike §§ “14-401” through “14-416” and substitute §§ “14-501” through “14-516”.

Amendment No. AB.10 {§ 17-816}

On page 311, in line 36, after “than”, insert a colon, a paragraph return, and the new item designator “(1)”; and, in the same line, after “AREA”, insert:

“; OR

(II) FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, 15% OF THE SURFACE OF EACH WINDOW AREA”.

Amendment No. AB.11 {Title 18}

On page 314, in line 1, after “NONCONFORMITIES”, insert “AND DEEMED APPROVED USES”; and, in line 10, after “STRUCTURES”, insert “AND DEEMED APPROVED USES”; and, in line 12, after “signs”, insert “AND OF DEEMED APPROVED USES”; and, after line 27, insert:

“(E) DEEMED APPROVED USE.

(1) IN GENERAL.

“DEEMED APPROVED USE” MEANS THE STATUS CONFERRED UPON ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS IN EXISTENCE, IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS CODE.

(2) EXCEPTIONS.

ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS DESCRIBED IN § 18-701.”

and, after line 29, insert the paragraph designator and caption “(1) IN GENERAL.”; and, after line 34, insert:

“(2) DEEMED APPROVED USES.

EXCEPT AS OTHERWISE SPECIFIED IN THIS TITLE, ANY USE THAT EXISTED AS A LAWFUL DEEMED APPROVED USE AS OF THE EFFECTIVE DATE OF THIS CODE, MAY CONTINUE SUBJECT TO THE PROVISIONS OF THIS TITLE AND OF TITLE 14, AS LONG AS IT REMAINS OTHERWISE LAWFUL.”;

and, on page 324, after line 23, insert:

“SUBTITLE 7. DEEMED APPROVED USES

§ 18-701. CONTINUATION OF USE.

DEEMED APPROVED USES MAY BE CONTINUED, SUBJECT TO THE REGULATIONS OF THIS SUBTITLE, BUT ONLY AS LONG AS THE ESTABLISHMENT COMPLIES WITH THE USE STANDARDS SET FORTH IN TITLE 14.

§ 18-702. REPAIRS AND ALTERATIONS.

NO ALTERATION MAY BE MADE THAT CONSTITUTES A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT’S OPERATION, AS DEFINED IN § 1-313.

§ 18-703. DISCONTINUANCE OR ABANDONMENT.

EXCEPT AS SPECIFIED IN THIS SECTION, WHENEVER THE ACTIVE AND CONTINUOUS OPERATION OF A DEEMED APPROVED USE HAS BEEN DISCONTINUED FOR LONGER THAN ANY PERIOD THAT CONSTITUTES A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT’S OPERATION, AS DEFINED IN § 1-313:

(1) THE DISCONTINUANCE CONSTITUTES AN ABANDONMENT OF THE DISCONTINUED DEEMED APPROVE USE, OR DISCONTINUED PART OF THAT USE, REGARDLESS OF ANY RESERVATION OF AN INTENT TO RESUME ACTIVE OPERATIONS OR OTHERWISE NOT ABANDON THE USE; AND

(2) THE DISCONTINUED DEEMED APPROVED USE, OR DISCONTINUED PART OF THAT USE:

(i) MAY NOT BE REESTABLISHED WITHOUT OBTAINING A CONDITIONAL USE AS OUTLINED IN TITLE 5; AND

(II) ANY SUBSEQUENT USE OF ANY PART OF THE LAND OR STRUCTURE PREVIOUSLY USED FOR THE DISCONTINUED USE, OR DISCONTINUED PART OF THAT USE, MUST CONFORM TO THE REGULATIONS OF THE DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED.

§ 18-704. TERMINATION OF DEEMED APPROVE USE.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ANY DEEMED APPROVED USE THAT, ON EXHAUSTION OF THE PROCEDURES SET OUT IN TITLE 19, HAS BEEN DETERMINED TO BE IN CONTINUED OR REPEATED NON-COMPLIANCE WITH THE USE STANDARDS IMPOSED BY TITLE 14.

(B) EFFECT OF NONCOMPLIANCE.

IF A DEEMED APPROVED USE FAILS, AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION, TO COMPLY WITH THE USE STANDARDS SET OUT IN TITLE 14:

- (1) THE ESTABLISHMENT'S LAWFUL DEEMED APPROVED USE TERMINATES; AND
- (2) BEFORE THE ESTABLISHMENT MAY ENGAGE IN ANY FURTHER ALCOHOLIC BEVERAGE SALES, A CONDITIONAL USE APPROVAL MUST BE APPLIED FOR AND OBTAINED UNDER TITLE 5.

(C) NOTICE OF TERMINATION AND RIGHT OF APPEAL.

AS PROVIDED IN TITLE 19, THE ZONING ADMINISTRATOR MUST PROVIDE THE ESTABLISHMENT'S ALCOHOLIC BEVERAGES LICENSEE AND, IF DIFFERENT, THE PROPERTY'S OWNER OF RECORD WITH NOTICE OF THE TERMINATION AND OF THE RIGHT TO APPEAL THE TERMINATION TO THE ZONING BOARD UNDER TITLE 19.;

and, on page 324, in line 24, strike "7" and substitute "8"; and, on page 324, in line 25, and on page 326, in line 1, strike "§ 18-701" and "§ 18-702", respectively, and substitute "§ 18-801" and "§ 18-802", respectively.

Amendment No. AB.12 {Title 19}

On page 317, in line 5, strike "WHENEVER" and substitute "EXCEPT AS LIMITED BY SUBSECTION (B) OF THE SECTION, WHENEVER"; and, after line 21, insert:

"(B) ALCOHOLIC BEVERAGE SALES ACTIVITIES.

WHENEVER THE ZONING ADMINISTRATOR LEARNS OF A VIOLATION OF USE STANDARDS IN § 14-401 OR § 14-402:

(1) THE ZONING ADMINISTRATOR MUST PROMPTLY REFER THE MATTER TO THE PNP BOARD; AND

(2) THE PROCEDURES SET OUT IN SUBTITLE 19-1A {"SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS"}, PART I {"INVESTIGATIONS BY PNP BOARD ..."} MUST FIRST BE FOLLOWED AND EXHAUSTED BEFORE ISSUING A VIOLATION NOTICE UNDER THIS SUBTITLE."

and , in line 22 and line 29, strike "(B)" and "(C)", respectively, and substitute "(C)" and "(D)", respectively; and, on page 329, after line 33, insert:

"SUBTITLE 1A. SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS

PART I. INVESTIGATIONS BY PNP BOARD OF CERTAIN VIOLATIONS

§ 19-1A01. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART I, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) COMPLAINT.

(1) IN GENERAL.

"COMPLAINT" MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY COMPLAINT THAT:

(I) ASSERTS FACTS SUGGESTING A VIOLATION OF 1 OR MORE USE STANDARDS IN § 14-401 OR § 14-402; AND

(II) HAS BEEN REFERRED TO OR FILED WITH THE PNP BOARD BY:

(A) THE ZONING ADMINISTRATOR;

(B) A POLICE OFFICER; OR

(C) A MEMBER OF THE GENERAL PUBLIC.

(2) EXCLUSION.

"COMPLAINT" DOES NOT INCLUDE A MATTER REFERRED TO THE PNP BOARD BY A PNP OFFICER ACTING UNDER PART II OF THIS SUBTITLE.

§ 19-1A02. {Reserved}

§ 19-1A03. COMPLAINT RESPONSE TEAM.

(A) DESIGNATION.

IF THE PNP BOARD RECEIVES A COMPLAINT, AS DEFINED IN § 19-1A01 {"DEFINITIONS"} OF THIS PART I, THAT IS AT LEAST FACIALLY CREDIBLE, THE PNP BOARD MUST PROMPTLY DESIGNATE A 3-MEMBER COMPLAINT RESPONSE TEAM TO INVESTIGATE THE COMPLAINT AND REPORT TO THE PNP BOARD.

(B) TEAM COMPOSITION.

EACH COMPLAINT RESPONSE TEAM MUST COMPRISE:

(1) 1 PNP OFFICER; AND

(2) 2 PNP BOARD MEMBERS, AT LEAST 1 OF WHOM REPRESENTS A NEIGHBORHOOD ASSOCIATION.

§ 19-1A04. NOTICE OF VIOLATION.

(A) IN GENERAL.

IF, BASED ON THE REPORT OF THE COMPLAINT RESPONSE TEAM AND OTHER AVAILABLE EVIDENCE, THE PNP BOARD FINDS THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF 1 OR MORE OF THE USE STANDARDS IN § 14-401 OR § 14-402 AND IF THE BOARD IS UNABLE TO RESOLVE THE VIOLATION INFORMALLY AND PROMPTLY, THE PNP BOARD MUST ISSUE A NOTICE OF VIOLATION TO THE ESTABLISHMENT.

(B) CONTENTS OF NOTICE.

(1) IN GENERAL.

THE NOTICE MUST:

(I) CITE THE VIOLATION; AND

(II) SPECIFY:

(A) THE CORRECTIVE ACTION TO BE TAKEN; AND

(B) THE TIME WITHIN WHICH THAT ACTION MUST BE TAKEN, NOT TO EXCEED 3 WEEKS FROM THE DATE OF THE NOTICE.

(2) ENHANCED IMPACT FEE.

THE NOTICE MUST ALSO ADVISE THE ESTABLISHMENT THAT:

(i) AN ENHANCED ANNUAL PNP IMPACT FEE WILL BE IMPOSED ON THE ESTABLISHMENT, AS PROVIDED IN PART III {"PNP IMPACT FEES"} OF THIS SUBTITLE; UNLESS

(ii) THE PNP BOARD'S ASSESSMENT OF THE ENHANCED FEE IS TIMELY APPEALED TO AND, ON REVIEW, MODIFIED BY THE ZONING BOARD, AS PROVIDED IN § 19-1A38 {"APPEAL TO BMZA"}.

(3) POTENTIAL TERMINATION, ETC., OF USE STATUS.

THE NOTICE MUST ALSO ADVISE THE ESTABLISHMENT THAT ITS DEEMED APPROVED STATUS OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, MAY BE SUBJECT TO SUSPENSION OR REVOCATION BY THE ZONING ADMINISTRATOR, AS PROVIDED IN § 14-401 AND § 14-402 AND § 19-1A07 {"CONSIDERATION BY ADMINISTRATOR"} OF THIS SUBTITLE, AS THE CASE MAY BE.

§ 19-1A05. SUBSEQUENT REVISITS BY TEAM.

(A) INITIAL REVISIT TO DETERMINE CORRECTION.

AS SOON AS POSSIBLE AFTER THE DEADLINE SPECIFIED IN THE NOTICE FOR CORRECTIVE ACTION, THE COMPLAINT RESPONSE TEAM MUST REVISIT THE ESTABLISHMENT AND SURROUNDING COMMUNITY TO DETERMINE IF THE VIOLATIONS HAVE BEEN CORRECTED.

(B) SUBSEQUENT REVISITS TO VERIFY CONTINUED COMPLIANCE.

IF THE VIOLATIONS ARE FOUND TO HAVE BEEN CORRECTED, THE COMPLAINT RESPONSE TEAM MAY NONETHELESS UNDERTAKE SUBSEQUENT VISITS AND INSPECTIONS TO VERIFY THAT THE ESTABLISHMENT REMAINS IN COMPLIANCE.

§ 19-1A06. CONTINUING, REPEATED, OR NEW VIOLATIONS; FAILURE TO COOPERATE.

(A) NOTICE TO PNP BOARD.

IF 1 OR MORE VIOLATIONS ARE CONTINUED OR REPEATED, OR IF 1 OR MORE NEW VIOLATIONS OF USE STANDARDS IN § 14-401 OR § 14-402 ARE COMMITTED BY THE ESTABLISHMENT, OR IF THE OWNER OR MANAGER OF THE ESTABLISHMENT FAILS TO COOPERATE WITH THE COMPLAINT RESPONSE TEAM, THE TEAM'S PNP OFFICER MUST PROMPTLY NOTIFY THE OWNER OR MANAGER OF THE ESTABLISHMENT AND THE PNP BOARD OF THIS CONTINUED NONCOMPLIANCE.

(B) REFERRAL TO ZONING ADMINISTRATOR.

THE PNP BOARD MUST THEN DETERMINE WHETHER IT SHOULD REFER THE MATTER TO THE ZONING ADMINISTRATOR FOR HIS OR HER CONSIDERATION UNDER THIS PART I.

§ 19-1A07. CONSIDERATION BY ADMINISTRATOR.

(A) DETERMINATION OF NON-COMPLIANCE.

ON REFERRAL TO THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MUST DETERMINE WHETHER THE ESTABLISHMENT WAS IN CONTINUING NON-COMPLIANCE WITH THE USE STANDARDS OUTLINED IN § 14-401 AND § 14-402.

(B) DECISION.

BASED ON THIS DETERMINATION, THE ZONING ADMINISTRATOR MAY TAKE ANY 1 OR COMBINATION OF THE FOLLOWING ACTIONS:

- (1) REVOKE THE ESTABLISHMENT'S DEEMED APPROVED OR CONDITIONAL USE STATUS, AS THE CASE MAY BE;**
- (2) SUSPEND THE DEEMED APPROVED OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, PENDING CORRECTIVE ACTION OR OTHER CONDITION SET BY THE ZONING ADMINISTRATOR;**
- (3) AFFIRM THE DEEMED APPROVED OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, SUBJECT TO A SCHEDULE FOR CORRECTIVE ACTION, WITH PROVISION FOR AUTOMATIC TERMINATION OF THE USE IF THE SCHEDULE IS NOT MET AS DETERMINED BY THE ZONING ADMINISTRATOR; AND**
- (4) AFFIRM THE DEEMED APPROVED OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, AND ALLOW IT TO CONTINUE WITHOUT CONDITION OR FURTHER ACTION.**

(C) CONSIDERATIONS.

IN DETERMINING WHETHER AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT WAS IN CONTINUING NON-COMPLIANCE OR DETERMINING THE APPROPRIATENESS OF TAKING ONE OR ANOTHER ACTION UNDER THIS SECTION, THE ZONING ADMINISTRATOR MUST CONSIDER:

- (1) THE LENGTH OF TIME AND NUMBER OF TIMES THAT THE ESTABLISHMENT WAS OUT OF COMPLIANCE;**
- (2) THE IMPACT OF THE ESTABLISHMENT'S NONCOMPLIANCE ON THE COMMUNITY; AND**
- (3) THE SCOPE AND TIMELINESS OF EFFORTS MADE BY THE ESTABLISHMENT'S OWNER OR MANAGER TO REMEDY VIOLATIONS.**

§ 19-1A08. APPEAL TO BMZA.

(A) IN GENERAL.

A DECISION OF THE ZONING ADMINISTRATOR UNDER § 19-1A07 {"CONSIDERATION BY ADMINISTRATOR"} OF THIS SUBTITLE MAY BE APPEALED TO THE ZONING BOARD, AS PROVIDED IN:

- (1) SUBTITLE 2 {"APPEALS"} OF THIS TITLE;**
- (2) § 2-114 {"PUBLIC HEARINGS"} OF THIS CODE; AND**
- (3) THIS SECTION.**

(B) PUBLIC HEARING ON APPEAL.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, AN APPEAL UNDER THIS SECTION MUST BE CONDUCTED AS A PUBLIC HEARING AT WHICH THE ESTABLISHMENT, THE APPELLANT, A PNP BOARD REPRESENTATIVE, ALL PARTIES IN INTEREST AND AGGRIEVED PERSONS, AND MEMBERS OF THE GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD.

(C) PUBLIC NOTICE OF HEARING.

- (1) IN ADDITION TO ANY OTHER NOTICE REQUIRED BY LAW, NOTICE OF THE HEARING MUST BE POSTED IN A CONSPICUOUS PLACE ON THE EXTERIOR OF THE PROPERTY.**
- (2) THE POSTED NOTICE MUST BE:**
 - (i) IN THE FORM AND TENOR REQUIRED BY REGULATION OF THE ZONING BOARD;**
 - (ii) POSTED FOR AT LEAST 15 DAYS BEFORE THE SCHEDULED HEARING; AND**
 - (iii) GIVEN BY AND AT THE EXPENSE OF THE PERSON WHO FIRST FILED THE APPEAL.**

§ 19-1A09 TO 19-1A10. {RESERVED}

PART II. INSPECTIONS BY PNP OFFICERS FOR CERTAIN VIOLATIONS

§ 19-1A11. DESIGNATION OF PNP OFFICERS.

THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT MUST DESIGNATE AT LEAST 2 OF THE DEPARTMENT'S SPECIAL ENFORCEMENT OFFICERS, AS CERTIFIED AND APPOINTED UNDER CITY CODE ARTICLE 19, § 71-1, TO SERVE AS ALCOHOLIC

BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICERS (“PNP OFFICERS”)
UNDER THIS ARTICLE.

§ 19-1A12. INSPECTION PLAN.

THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT MUST DEVELOP AND IMPLEMENT, AS PROVIDED IN THIS SECTION, A PLAN FOR THE INITIAL AND PERIODIC INSPECTION BY PNP OFFICERS OF ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS IN THE CITY.

§ 19-1A13. PURPOSE AND SCOPE OF INSPECTIONS.

THE PRIMARY PURPOSE AND SCOPE OF THESE INSPECTIONS IS TO DETERMINE AN ESTABLISHMENT’S COMPLIANCE WITH ALL APPLICABLE USE STANDARDS IN § 14-401 AND § 14-402.

§ 19-1A14. INITIAL INSPECTIONS – WHEN CONDUCTED.

(A) DEEMED APPROVED ESTABLISHMENTS.

AN INITIAL INSPECTION OF ALL DEEMED APPROVED ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS MUST BE CONDUCTED WITHIN THE 12-MONTH PERIOD THAT BEGINS JANUARY 1, 2017.

(B) NEW ESTABLISHMENTS.

AN INITIAL INSPECTION OF EACH NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST BE CONDUCTED WITHIN 90 DAYS OF THAT ESTABLISHMENT’S START OF ALCOHOLIC BEVERAGE SALES.

§ 19-1A15. INITIAL INSPECTIONS – INTRODUCTORY ASSISTANCE.

IN ADDITION TO THE COMPLIANCE CHECKS DESCRIBED IN § 19-1A13 {“PURPOSE AND SCOPE OF INSPECTIONS”} OF THIS SUBTITLE, AN ADDITIONAL PURPOSE OF AN INITIAL INSPECTION IS FOR PNP OFFICERS TO:

- (1) PROVIDE OWNERS AND MANAGERS WITH EDUCATIONAL MATERIALS ON THE APPLICATION OF THIS CODE TO ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS; AND
- (2) REVIEW WITH OWNERS OR MANAGERS BEST PRACTICES FOR REDUCING PUBLIC NUISANCE ACTIVITIES.

§ 19-1A16. PERIODIC INSPECTIONS.

PNP OFFICERS MUST ALSO CONDUCT ONGOING, PERIODIC INSPECTIONS OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, WITH A MINIMUM OF 50 INSPECTIONS PER MONTH ONCE INITIAL INSPECTIONS HAVE BEEN COMPLETED.

§ 19-1A17. {RESERVED}

§ 19-1A18. NOTICE OF VIOLATION.

(A) IN GENERAL.

IF A PNP OFFICER FINDS THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF 1 OR MORE USE STANDARDS IN §14-401 OR §14-402 AND IF THE PNP OFFICER IS UNABLE TO RESOLVE THE VIOLATION INFORMALLY AND PROMPTLY, THE PNP OFFICER MUST ISSUE A NOTICE OF VIOLATION TO THE ESTABLISHMENT.

(B) CONTENTS OF NOTICE.

THE NOTICE MUST CONTAIN THE SAME INFORMATION AS THAT REQUIRED FOR A NOTICE OF VIOLATION ISSUED BY THE PNP BOARD UNDER § 19-1A04 {"NOTICE OF VIOLATION"} OF THIS SUBTITLE.

§ 19-1A19. CONTINUING, REPEATED, OR NEW VIOLATIONS; FAILURE TO COOPERATE.

(A) NOTICE TO ESTABLISHMENT AND PNP BOARD.

IF 1 OR MORE VIOLATIONS OF USE STANDARDS IN § 14-401 OR § 14-402 ARE CONTINUED OR REPEATED, OR IF 1 OR MORE NEW VIOLATIONS OF USE STANDARDS IN § 14-401 OR § 14-402 ARE COMMITTED BY THE ESTABLISHMENT, OR IF THE OWNER OR MANAGER OF THE ESTABLISHMENT FAILS TO COOPERATE WITH THE PNP OFFICER, THE PNP OFFICER MUST PROMPTLY NOTIFY THE OWNER OR MANAGER OF THE ESTABLISHMENT AND THE PNP BOARD OF THIS CONTINUED NON-COMPLIANCE.

(B) REFERRAL TO ZONING ADMINISTRATOR.

THE PNP BOARD MUST THEN DETERMINE WHETHER IT SHOULD REFER THE MATTER TO THE ZONING ADMINISTRATOR FOR HER OR HIS CONSIDERATION IN ACCORDANCE WITH § 19-1A20 {"CONSIDERATION BY ADMINISTRATOR"} OF THIS SUBTITLE.

§ 19-1A20. CONSIDERATION BY ADMINISTRATOR.

ON REFERRAL TO THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MUST MAKE THE DETERMINATION AND DECISIONS PROVIDED FOR IN § 19-1A07 {"CONSIDERATION BY ADMINISTRATOR"} OF THIS SUBTITLE.

§ 19-1A21. APPEAL TO BMZA.

A DECISION OF THE ZONING ADMINISTRATOR UNDER § 19-1A20 {"CONSIDERATION BY ADMINISTRATOR"} OF THIS SUBTITLE MAY BE APPEALED TO THE ZONING BOARD, AS PROVIDED IN § 19-1A08 {"APPEAL TO BMZA"} OF THIS SUBTITLE.

§ 19-1A22. {RESERVED}

§ 19-1A23. ACTION ON FINDING OTHER ZONING VIOLATIONS.

IF A PNP OFFICER HAPPENS TO FIND THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF A ZONING PROVISION OTHER THAN A THE USE STANDARDS IN § 14-401 AND § 14-402, THE PNP OFFICER MUST REPORT THAT VIOLATION TO THE ZONING ADMINISTRATOR FOR POSSIBLE ACTION BY THE ADMINISTRATOR UNDER SUBTITLE 1 {"ENFORCEMENT"} OF THIS TITLE.

§ 19-1A24. {RESERVED}

§ 19-1A25. UNDERAGE COMPLIANCE CHECKS.

THE PNP OFFICERS MAY ALSO WORK WITH THE BALTIMORE CITY POLICE DEPARTMENT TO ENCOURAGE REGULAR COMPLIANCE CHECKS OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS TO ENSURE THAT:

- (1) NO ALCOHOLIC BEVERAGES ARE BEING SOLD ILLEGALLY TO PERSONS UNDER 21 YEARS OF AGE; AND
- (2) NO MERCHANDISE (EVEN IF NON-ALCOHOLIC) IS BEING SOLD ILLEGALLY IN OR IN CLOSE PROXIMITY TO A "LIQUOR STORE", SS DEFINED IN CITY CODE ARTICLE 19, § 32-1(C) {"DEFINITIONS: LIQUOR STORE"}, TO PERSONS UNDER 18 YEARS OF AGE.

§§ 19-1A26 TO 19-1A30. {RESERVED}

PART III. PNP IMPACT FEES

§ 19-1A31. FEE IMPOSED.

(A) IN GENERAL.

AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION IMPACT FEE ("PNP IMPACT FEE") IS IMPOSED ANNUALLY ON EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IN THE CITY.

(B) FEE IN ADDITION TO OTHER CHARGES.

THIS PNP IMPACT FEE IS IN ADDITION TO ANY OTHER FEE OR CHARGE THAT THE CITY HAS THE RIGHT TO IMPOSE UNDER ANY OTHER LAW, RULE, OR REGULATION.

§ 19-1A32. PURPOSE; DISPOSITION.

(A) PURPOSE OF FEE.

THE PURPOSE OF THIS FEE IS TO COVER THE CITY'S COSTS AND EXPENSES INCURRED IN CARRYING OUT THIS SUBTITLE AND OTHERWISE IN ADMINISTERING AND ENFORCING THE USE STANDARDS IN § 14-401 AND § 14-402 AND RELATED PROVISIONS OF THIS CODE.

(B) DISPOSITION OF PROCEEDS.

IT IS THE LEGISLATIVE INTENT THAT THE PROCEEDS OF THE PNP IMPACT FEES BE SET ASIDE AND DEDICATED FOR THE PURPOSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION, TO INCLUDE BY WAY OF ILLUSTRATION:

- (1) THE COMPENSATION OF AND EXPENSES INCURRED BY THE PNP OFFICERS DESIGNATED UNDER PART II OF THIS SUBTITLE;
- (2) THE COMPENSATION OF AND EXPENSES INCURRED BY THE EXECUTIVE DIRECTOR AND STAFF OF THE PNP BOARD;
- (3) THE EXPENSES INCURRED BY THE ZONING ADMINISTRATOR IN CARRYING OUT THE ADDITIONAL DUTIES IMPOSED ON THE ZONING ADMINISTRATOR BY THIS SUBTITLE;
- (4) THE EXPENSES INCURRED BY THE ZONING BOARD IN CARRYING OUT THE ADDITIONAL NOTICE AND PUBLIC HEARING APPEAL REQUIREMENTS IMPOSED ON IT BY THIS SUBTITLE; AND
- (5) THE EXPENSES INCURRED BY THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT IN CARRYING OUT THE ADDITIONAL DUTIES IMPOSED ON THE COMMISSIONER BY THIS SUBTITLE.

§ 19-1A33. ANNUAL ASSESSMENT AND PAYMENT.

THE ANNUAL PNP IMPACT FEE IS AUTOMATICALLY ASSESSED AND PAYABLE, WITHOUT NEED FOR ANY NOTICE FROM THE CITY, ON A FISCAL YEAR (JULY 1 TO JUNE 30) BASIS.

§ 19-1A34. WHEN PAYABLE.

(A) ANNUAL PAYMENT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE PNP IMPACT FEE FOR AN ENSUING FISCAL YEAR MUST BE PAID TO THE DIRECTOR OF FINANCE ON OR BEFORE THE JUNE 30 THAT IMMEDIATELY PRECEDES THAT FISCAL YEAR.

(B) INITIAL PAYMENT.

FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT FIRST BEGINS TO MAKE ALCOHOLIC BEVERAGE SALES ON OR AFTER JULY 1 OF A FISCAL YEAR, THE PNP IMPACT FEE FOR THE CURRENT FISCAL YEAR MUST BE PAID TO THE DIRECTOR OF FINANCE ON OR BEFORE THE 30TH DAY AFTER THE DATE ON WHICH THE ESTABLISHMENT FIRST BEGAN SALES.

§ 19-1A35. BASE FEE.

(A) ANNUAL PAYMENT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BASE ANNUAL PNP IMPACT FEE DUE AND PAYABLE FOR AN ENSUING FISCAL YEAR IS \$350.

(B) INITIAL PAYMENT.

FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT FIRST BEGINS TO MAKE ALCOHOLIC BEVERAGE SALES ON OR AFTER JULY 1 OF A FISCAL YEAR, THE BASE PNP IMPACT FEE DUE AND PAYABLE FOR THE CURRENT FISCAL YEAR IS THE GREATER OF:

(1) THE BASE ANNUAL FEE PRORATED MONTHLY; AND

(2) \$175.

§ 19-1A36. ENHANCED ANNUAL FEE.

(A) IN GENERAL.

IF A NOTICE OF VIOLATION HAS BEEN ISSUED TO AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT UNDER § 19-1A04 {"NOTICE [BY PNB BOARD] OF VIOLATION [OF § 14-401 OR § 14-402 USE STANDARDS]}" OR § 19-1A18 {"NOTICE [BY [PNB OFFICER] OF VIOLATION [OF § 14-401 OR § 14-402 USE STANDARDS]"}, THE PNP BOARD MAY ASSESS THE ESTABLISHMENT WITH AN ENHANCED PNP IMPACT FEE.

(B) WHEN PAYABLE.

ONCE ASSESSED, THE ENHANCED FEE REPLACES THE BASE FEE FOR ENSUING FISCAL YEARS, BEGINNING WITH THE FISCAL YEAR IMMEDIATELY FOLLOWING THE DATE ON WHICH THE VIOLATION OCCURRED.

(C) SCHEDULE OF ENHANCEMENTS.

SUBJECT TO A REVERSION UNDER SUBSECTION (D) OF THIS SECTION, THE AMOUNT OF THE ENHANCED ANNUAL FEE FOR ENSUING FISCAL YEARS IS AS FOLLOWS:

<u>NUMBER OF OFFENSES</u>	<u>ENHANCED ANNUAL FEE</u>
<u>FOR A 1ST OFFENSE</u>	<u>\$ 500</u>
<u>FOR A 2ND OFFENSE WITHIN 24 MONTHS OF PREVIOUS OFFENSE</u>	<u>1,000</u>
<u>FOR A 3RD OR SUBSEQUENT OFFENSE WITHIN 24 MONTHS OF PREVIOUS OFFENSE</u>	<u>2,000</u>

(D) REVERSION TO BASE FEE.

FOR ANY FISCAL YEAR THAT IMMEDIATELY FOLLOWS 24 MONTHS DURING WHICH NO VIOLATION HAS BEEN COMMITTED BY AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, THE PNP IMPACT FEE REVERTS TO THE BASE FEE.

§ 19-1A37. PERIODIC ADJUSTMENTS TO BASE AND ENHANCED FEES.

THE AMOUNTS OF THE BASE FEE AND CORRESPONDING SCHEDULE OF ENHANCEMENTS MAY BE PERIODICALLY ADJUSTED IN ACCORDANCE WITH THE CITY FEE SCHEDULE OR AS OTHERWISE APPROVED BY THE BOARD OF ESTIMATES TO REFLECT INCREASED COSTS AND EXPENSES.

§ 19-1A38. LIEN FOR FEES; COLLECTION.

THE PNP IMPACT FEES IMPOSED ON AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT:

- (1) ARE A LIEN ON THE PROPERTY OF THE ESTABLISHMENT; AND
- (2) MAY BE COLLECTED AND ENFORCED IN THE SAME WAY THAT THE CITY COLLECTS AND ENFORCES DEBTS TO IT OR LIENS IN ITS FAVOR.

§ 19-1A39. APPEAL TO BMZA.

(A) IN GENERAL.

ANY PERSON AGGRIEVED BY THE PNP BOARD'S ASSESSMENT OF AN ENHANCED PNP IMPACT FEE MAY APPEAL THAT ASSESSMENT TO THE ZONING BOARD, AS PROVIDED IN:

- (1) SUBTITLE 2 {"APPEALS"} OF THIS TITLE FOR AN APPEAL FROM A DECISION BY THE ZONING ADMINISTRATOR;
- (2) § 2-114 {"PUBLIC HEARINGS"} OF THIS CODE; AND
- (3) THIS SECTION.

(B) WHEN AND HOW TAKEN.

(1) WHEN TAKEN.

THE NOTICE OF APPEAL MUST BE FILED WITHIN 10 WORKING DAYS OF THE DATE ON WHICH NOTICE OF THE ASSESSMENT WAS GIVEN.

(2) HOW TAKEN.

THE NOTICE OF APPEAL:

(i) MUST BE FILED WITH THE PNP BOARD, IN THE FORM REQUIRED BY REGULATION OF THE ZONING BOARD; AND

(ii) MUST SPECIFY THE GROUNDS FOR THE APPEAL.

(3) TRANSMITTAL OF RECORDS.

ON RECEIPT OF A NOTICE OF APPEAL, THE ZONING ADMINISTRATOR MUST FORTHWITH TRANSMIT TO THE ZONING BOARD ALL OF THE PAPERS THAT CONSTITUTE THE RECORD OF THE ACTION APPEALED FROM.

(C) PUBLIC HEARING ON APPEAL.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, AN APPEAL UNDER THIS SECTION MUST BE CONDUCTED AS A PUBLIC HEARING AT WHICH THE ESTABLISHMENT, THE APPELLANT, A PNP BOARD REPRESENTATIVE, ALL PARTIES IN INTEREST AND AGGRIEVED PERSONS, AND MEMBERS OF THE GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD.

(D) PUBLIC NOTICE OF HEARING.

(1) IN ADDITION TO ANY OTHER NOTICE REQUIRED BY LAW, NOTICE OF THE HEARING MUST BE POSTED IN A CONSPICUOUS PLACE ON THE EXTERIOR OF THE PROPERTY.

(2) THE POSTED NOTICE MUST BE:

(i) IN THE FORM AND TENOR REQUIRED BY REGULATION OF THE ZONING BOARD;

(ii) POSTED FOR AT LEAST 15 DAYS BEFORE THE SCHEDULED HEARING; AND

(iii) GIVEN BY AND AT THE EXPENSE OF THE PERSON WHO FIRST FILED THE APPEAL.

(E) NO STAY OF ASSESSMENT.

NOTWITHSTANDING § 19-201 {"STAY OF PROCEEDINGS"} OF THIS TITLE, THE FILING OF AN APPEAL UNDER THIS SECTION DOES NOT AUTOMATICALLY STAY PROCEEDINGS TO ENFORCE COLLECTION OF THE ENHANCED PNP IMPACT FEE.

Amendment No. AB.13 {Code Art. 1 – Environmental & Civil Citation Fines}

On page 335, after line 15 and after line 23, in each instance, insert:

<u>“§ 14-401. USE STANDARDS FOR ALL [ABS] ESTABLISHMENTS.</u>	
<u>1ST OFFENSE</u>	<u>\$500</u>
<u>2ND OR SUBSEQUENT OFFENSE WITHIN</u>	
<u>12 MONTHS OF PREVIOUS OFFENSE</u>	<u>\$1,000</u>
<u>§ 14-402. USE STANDARDS FOR NEW [ABS] ESTABLISHMENTS.</u>	
<u>1ST OFFENSE</u>	<u>\$500</u>
<u>2ND OR SUBSEQUENT OFFENSE WITHIN</u>	
<u>12 MONTHS OF PREVIOUS OFFENSE</u>	<u>\$1,000”.</u>

Amendment No. AB.14 {Code Art. 8 – Ethics}

On page 337, after line 4, insert:

“Article 8. Ethics

Subtitle 7. Financial Disclosure

§ 7-8. Persons required to file – Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

(1A) ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD (“PNP BOARD”).

(I) MEMBERS OF PNP BOARD.

(II) EXECUTIVE DIRECTOR.

(III) ALL NON-CLERICAL EMPLOYEES OF THE BOARD.

(1B) ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICERS (“PNP OFFICERS”).

(I) ALL PNP OFFICERS.”.

Amendment No. AB.15 {Enacting Clauses}

On page 343, after line 14, insert:

“SECTION 4. AND BE IT FURTHER ORDAINED, That:

- (a) Within 3 months of the effective date of this Ordinance, the Zoning Administrator shall send notice of the enactment of this Ordinance to the licensee, according to the records of the Baltimore City Liquor Board, and to the property owner, according to the City tax records, of each alcoholic beverage sales establishment that becomes a deemed approved use under the provisions of this Ordinance.**
- (b) The notice shall include a copy of:**

 - (i) Zoning Article Title 14, subtitle 401 and subtitle 402, as enacted by this Ordinance; and**
 - (ii) Zoning Article Title 19, Subtitle 1A, Part III, as enacted by this code, with instructions of when and how the first year’s fee must be paid.**
- (3) The notice shall be sent by Certified Mail, Return Receipt Requested. If the notice is returned undelivered, then the notice shall be resent by regular U.S. First Class Mail.**
- (4) Failure of any person to receive a notice under this section does not affect the deemed approved use status of the activity.**

SECTION 5. AND BE IT FURTHER ORDAINED, That, for 1 year after the effective date of this Ordinance, the 1st violation by an alcoholic beverage sales establishment of a use standard in Zoning Article § 14-401 or § 14-402, as enacted by this Ordinance, may be enforced only by issuance of a warning.”;

and, in line 15 and in line 18, strike “4” and “5”, respectively, and substitute “6” and “7”, respectively.