

**CITY OF BALTIMORE
COUNCIL BILL 15-0576
(First Reader)**

Introduced by: Councilmember Clarke, President Young, Councilmembers Middleton, Henry,
Stokes, Kraft, Welch, Holton, Reisinger, Mosby, Curran, Scott, Branch

Introduced and read first time: September 21, 2015

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Planning Commission – Site-Specific Matters –**
3 **Notice and Hearing on Applications for Final Administrative Decisions**

4 FOR the purpose of requiring a public hearing by the Planning Commission, with posted notice,
5 for all site-specific matters over which the Planning Commission has the final administrative
6 authority; specifying the size, contents, construction, and number of the signs to be posted
7 and the manner and timing of their posting; qualifying the Planning Commission’s authority
8 to determine what constitutes a “minor modification” to a Planned Unit Development;
9 modifying certain provisions requiring advance delivery to Councilmembers of Commission
10 meeting agendas; and correcting, clarifying, and conforming related language.

11 BY adding

12 Article 1. Mayor, City Council, and Administrative Agencies
13 Sections 16-1 through 16-10, to be codified under the new designation
14 “Part I. Posting and Hearing of Site-Specific Final Administrative Matters”
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 1. Mayor, City Council, and Administrative Agencies
19 Sections 16-1 and 16-2, to be renumbered as Sections 16-11 and 16-12 and
20 codified under the new designation “Part II. Miscellaneous Provisions”
21 Baltimore City Code
22 (Edition 2000)

23 BY repealing and reordaining, with amendments

24 Article - Zoning
25 Section 9-118(c)
26 Baltimore City Revised Code
27 (Edition 2000)

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

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

Council Bill 15-0576

Baltimore City Code

Article 1. Mayor, City Council, and Administrative Agencies

Subtitle 16. Planning Commission

PART I. POSTING AND HEARING OF SITE-SPECIFIC FINAL ADMINISTRATIVE MATTERS

§ 16-1. SCOPE OF PART.

(A) *MATTERS TO WHICH PART APPLIES.*

(1) THIS PART I APPLIES TO ALL SITE-SPECIFIC MATTERS OVER WHICH THE PLANNING COMMISSION HAS THE FINAL ADMINISTRATIVE AUTHORITY TO APPROVE OR DISAPPROVE.

(2) THESE MATTERS INCLUDE, AMONG OTHER THINGS:

(I) FINAL DEVELOPMENT PLANS;

(II) ESTABLISHMENT OF OR MODIFICATIONS TO URBAN RENEWAL PLANS;

(III) PLANS FOR THE SUBDIVISION OR CONSOLIDATION OF LAND PARCELS; AND

(IV) MINOR MODIFICATIONS TO PLANNED UNIT DEVELOPMENTS.

(B) *REQUIREMENTS APPLY NOTWITHSTANDING PLACEMENT ON CONSENT AGENDA.*

NOTWITHSTANDING ANY COMMISSION RULE OR REGULATION TO THE CONTRARY, THE REQUIREMENTS OF THIS PART I APPLY EVEN IF A MATTER HAS OTHERWISE BEEN PROPOSED FOR PLACEMENT OR HAS BEEN PLACED ON THE PLANNING COMMISSION'S CONSENT AGENDA.

§ 16-2. HEARING REQUIRED.

FOR ANY MATTER DESCRIBED IN § 16-1 {"SCOPE OF PART"} OF THIS PART I, THE PLANNING COMMISSION SHALL CONDUCT A PUBLIC HEARING AT WHICH:

(1) THE PARTIES IN INTEREST AND THE GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD; AND

(2) ALL STAFF REPORTS AND RECOMMENDATIONS WILL BE READ.

§ 16-3. POSTED NOTICE – REQUIRED.

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, AS PROVIDED IN THIS PART I.

Council Bill 15-0576

§ 16-4. POSTED NOTICE – CONTENTS.

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.

§ 16-5. POSTED NOTICE – 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 1 SIGN MUST BE VISIBLE FROM EACH OF THE PROPERTY’S STREET FRONTAGES;
- (2) FOR A NOTICE APPLICABLE TO MORE THAN 1 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 POSTED AT A PROMINENT LOCATION, NEAR THE SIDEWALK OR PUBLIC RIGHT-OF-WAY, SO THAT IT IS VISIBLE TO PASSING PEDESTRIANS AND MOTORISTS;
- (4) A WINDOW-MOUNTED SIGN MUST BE MOUNTED INSIDE THE WINDOW GLASS AND PLACED SO THAT IT IS CLEARLY VISIBLE TO PASSING PEDESTRIANS AND MOTORISTS;
- (5) EACH SIGN MUST BE AT LEAST 30" WIDE AND 40" HIGH, BUT NO MORE THAN 4' WIDE OR 5' HIGH;
- (6) EACH SIGN MUST BE COMPOSED OF WEATHERPROOF MATERIALS SUFFICIENT TO ENSURE THE SIGN WILL LAST THE REQUIRED POSTING PERIOD (CORRUGATED VINYL AND POLYURETHANE BANNER BEING ACCEPTABLE);
- (7) THE FONT USED MUST BE:
 - (I) FOR THE MAIN HEADLINE, ARIAL BOLD; AND
 - (II) FOR THE REMAINING BODY COPY, ARIAL;
- (8) THE FONT SIZE MUST BE:
 - (I) FOR THE MAIN BODY, NOT LESS THAN 20 POINT NOR MORE THAN 40 POINT; AND
 - (II) FOR THE HEARING EVENT, NOT LESS THAN 30 POINT NOR MORE THAN 50 POINT; AND

Council Bill 15-0576

1 (9) USAGE COLORS MUST BE ACCURATE TO THE MODEL:

2 (I) THE CENTRAL YELLOW MUST ACCURATELY MATCH BALTIMORE CITY YELLOW
3 (PMS 123 CVU);

4 (II) THE CENTRAL BLACK MUST BE 100% BLACK FROM THE CMYK SCALE; AND

5 (III) THE CENTRAL GRAY MUST BE 80% OF THE BLACK FROM THE CMYK SCALE.

6 **§ 16-6. POSTED NOTICE – POSTING PERIOD.**

7 EACH NOTICE MUST BE:

8 (1) POSTED FOR AT LEAST THE 15 CALENDAR DAYS IMMEDIATELY PRECEDING THE
9 HEARING; AND

10 (2) REMOVED WITHIN 48 HOURS AFTER THE HEARING CONCLUDES.

11 **§§ 16-7 TO 16-10. {RESERVED}**

12 ***PART II. MISCELLANEOUS PROVISIONS***

13 **§ 16-11. [§ 16-1. Notice] COPY of [meetings] MEETING AGENDA TO COUNCILMEMBERS.**

14 [The] ON OR BEFORE THE 4TH CALENDAR DAY PRECEDING ANY MEETING OF THE Planning
15 Commission, THE COMMISSION shall [give] DELIVER to each member of the City Council, [in
16 writing, delivered] by [mail] E-MAIL or in person, [by the Friday preceding any Tuesday
17 meeting, or by the 4th day preceding any other meeting,] an agenda of all matters [which]
18 THAT the Planning Commission proposes to consider [with respect to altering or amending
19 the master plan of the City of Baltimore] AT THAT MEETING.

20 **§ 16-12. [§ 16-2.] Fee for examination of subdivision plan.**

21 (a) *Fee authorized.*

22 The Department of Planning, with the approval of the City Council of Baltimore, may
23 establish and impose charges for subdivision plans, as defined in Article VII, § 76 of the
24 City Charter, submitted to the Planning Commission for examination and action by it, to
25 defray the cost and expenses incident to said examination and action.

26 (b) *When and how paid.*

27 (1) [Said] THIS charge shall be paid at the time a subdivision plan is first filed with the
28 Department of Planning in the usual course of business.

29 (2) Payment may be made either in cash or by certified check, made payable to the
30 Director of Finance of Baltimore.

Council Bill 15-0576

1 (c) *Fee non-refundable.*

2 [Said] THIS charge [shall] MAY not be refunded in whole or in part, under any
3 circumstances.

4 **Baltimore City Revised Code**

5 **Article – Zoning**

6 **Title 9. Planned Unit Developments**

7 ***Subtitle 1. Overview; General Requirements***

8 **§ 9-118. Modifications or deviations.**

9 (c) *Minor modifications — design features; interiors.*

10 (1) The Planning Commission may authorize minor modifications that:

11 (i) are limited to design features and interior planning; and

12 (ii) do not include any change in the applicable density or bulk regulations.

13 (2) The Planning Commission may determine what constitutes a “minor modification”
14 for purposes of this subsection, BUT ONLY IF THE LAW DEPARTMENT HAS REVIEWED
15 THE DETERMINATION AND HAS APPROVED IT IN WRITING FOR COMPLIANCE WITH THE
16 STANDARDS IN PARAGRAPH (1) OF THIS SUBSECTION AND OTHERWISE FOR LEGAL
17 SUFFICIENCY.

18 (3) NO MINOR MODIFICATION MAY BE AUTHORIZED BY THE PLANNING COMMISSION
19 WITHOUT PRIOR POSTING AND HEARING AS PROVIDED IN CITY CODE ARTICLE 1,
20 SUBTITLE 16 {“PLANNING COMMISSION”}, PART I {“POSTING AND HEARING OF SITE-
21 SPECIFIC ... MATTERS”}.

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

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