

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0412

Introduced by: President Rawlings-Blake, Councilmembers Clarke, Henry, Middleton, Cole,
Welch, Reisinger, Spector, Kraft, Conaway, Branch, Holton, Young
Introduced and read first time: October 19, 2009
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: February 22, 2010

AN ORDINANCE CONCERNING

Zoning – Cell Towers

FOR the purpose of requiring that conditional use applications for antenna towers, microwave relay towers, and similar installations for communications transmission or receiving be referred to the Historical and Architectural Preservation Division, Department of Planning, for certain determinations; and specifying certain required findings and conditions of approval for these uses.

By adding
Article - Zoning
Section(s) 14-317
Baltimore City Revised Code
(Edition 2000)

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

Baltimore City Revised Code

Article – Zoning

Title 14. Conditional Uses

Subtitle 3. Additional Considerations for Certain Uses

Part II. For Board Approval

§ 14-317. ANTENNA TOWERS, MICROWAVE RELAY TOWERS, ETC., FOR COMMUNICATIONS.

(A) REFERRAL FOR PRESERVATION REVIEW.

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

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1 FOR THE PLACEMENT OR ERECTION OF ANTENNA TOWERS, MICROWAVE RELAY TOWERS,
2 AND SIMILAR INSTALLATIONS FOR COMMUNICATIONS TRANSMISSION OR RECEIVING, THE
3 ZONING ADMINISTRATOR MUST, WITHIN 10 WORKING DAYS OF RECEIVING THE
4 APPLICATION, REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE
5 HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION OF THE DEPARTMENT OF
6 PLANNING FOR REVIEW.

7 (B) *PRESERVATION REPORT.*

8 (1) WITHIN 10 WORKING DAYS AFTER THE REFERRAL, THE HISTORICAL AND
9 ARCHITECTURAL PRESERVATION DIVISION MUST REPORT TO THE BOARD WHETHER
10 THE PROPOSED LOCATION OF THE INSTALLATION IS:

11 (i) ON A BALTIMORE CITY LANDMARK LIST PROPERTY OR WITHIN A BALTIMORE
12 CITY HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT;

13 (ii) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE MARYLAND INVENTORY
14 OF HISTORIC PROPERTIES; OR

15 (iii) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE NATIONAL REGISTER OF
16 HISTORIC PLACES.

17 (2) IF THE PROPOSED LOCATION MEETS ONE OR MORE OF THESE CRITERIA, THE DIVISION
18 MUST REPORT TO THE BOARD, WITHIN 45 DAYS AFTER THE REFERRAL:

19 (i) WHETHER THE INSTALLATION WILL HAVE AN ADVERSE EFFECT ON THE
20 PROPERTY OR DISTRICT; AND

21 (ii) IF SO, WHETHER AND HOW THAT ADVERSE EFFECT CAN BE ADEQUATELY
22 MITIGATED.

23 (C) *BOARD ACTION.*

24 THE BOARD MAY ACT ON THE APPLICATION:

25 (1) ON AFTER RECEIPT AND CONSIDERATION OF THE REPORT AND
26 RECOMMENDATIONS OF THE HISTORICAL AND ARCHITECTURAL PRESERVATION
27 DIVISION; OR

28 (2) WITHOUT THE REPORT AND RECOMMENDATIONS OF THE DIVISION IF THE DIVISION
29 FAILS TO SUBMIT ITS REPORT WITHIN THE PERIOD SPECIFIED IN SUBSECTION (B)(2)
30 OF THIS SECTION.

31 (D) *REQUIRED FINDINGS.*

32 TO APPROVE AN APPLICATION, THE BOARD MUST FIND, AND REQUIRE AS A CONDITION OF
33 APPROVAL, THAT:

34 (1) THE PROPOSED LOCATION DOES NOT MEET ANY OF THE CRITERIA LISTED IN
35 SUBSECTION (B)(1) OF THIS SECTION; OR

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1 (2) IF IT DOES MEET ONE OR MORE OF THESE CRITERIA:

2 (I) THE INSTALLATION WILL NOT HAVE AN ADVERSE EFFECT ON THE PROPERTY
3 OR THE DISTRICT; OR

4 (II) THE APPLICANT WILL ADEQUATELY MITIGATE ANY ADVERSE EFFECT, AS
5 SPECIFIED IN THE DIVISION'S REPORT AND RECOMMENDATIONS ~~OF THE~~
6 ~~DIVISION~~ OR, ABSENT A TIMELY REPORT FROM THE DIVISION, AS SPECIFIED
7 IN THE BOARD'S DECISION.

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City