

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0021 / BALTIMORE CITY ZONING CODE – LEGALIZATION – CORRECTIONS

CITY of
BALTIMORE
MEMO



TO

DATE:

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

March 24, 2017

At its regular meeting of March 23, 2017, the Planning Commission considered City Council Bill #17-0021, for the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore – Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0021 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0021 be amended and passed by the City Council.

The Planning Commission would also like to recognize the Fells Point Area residents, Ms. Denise Whitman, Ms. Deborah Tempera and Ms. Carolyn Boitnott for bringing to our attention certain discrepancies in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4).

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

TJS/WA

Attachments

- cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Patrick Fleming, DOT
Ms. Elena DiPietro, Law Dept.
Ms. Natawna Austin, Council Services
Mr. Francis Burnszynski, PABC



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 23, 2017

REQUEST: City Council Bill #17-0021/ Baltimore City Zoning Code – Legalization – Corrections:

For the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore - Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

RECOMMENDATION: Amendment and approval, with the following amendments:

- On page 53 of the corrective bill, after line 24, insert the following text, and in line 25 renumber paragraph (2) as (3):
“(1) IN the C-1, C-1-E, C-1-VC DISTRICTS, [and] THE FIRST THREE DWELLING UNITS, AND ANY RESTAURANTS, RETAIL GOODS ESTABLISHMENTS, PERSONAL SERVICES ESTABLISHMENTS, FINANCIAL INSTITUTIONS, AND CARRY-OUT FOOD SHOPS ARE EXEMPT FROM THE OFF-STREET PARKING REQUIREMENTS OF TABLE 16-406;
(2) THE C-5 [Districts] SUBDISTRICTS and all non-residential uses in the R-MU and D-MU Overlay Districts are exempt from parking requirements.”
- On page 85, line 8 of the corrective bill (Table 10-301), strike “Per § 14-327” from the Use Standards reference for Dwelling: Multi-Family.
- On page 95, line 7 of the corrective bill (Table 11-301), strike “Per § 14-327” from the Use Standards reference for Dwelling: Multi-Family.
- On page 104 of the corrective bill (Table 12-301), in line 5 in the Districts column, amend the “CB” to read “CB, P¹”. Then, before line 15, add text for the new footnote 1 as follows, renumbering the subsequent footnotes:
“¹ A Neighborhood Commercial Establishment is a permitted use only if: (i) the structure has 50 or more dwelling units; and (ii) non-residential uses are limited to 10% of the structure’s gross floor area.”
- The additional amendments proposed by the Department of Legislative Reference, Draft V, dated March 19, 2017.
- It has been brought to staff’s attention that text changes in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4), concerning substitution, at least, of “may” for “shall” in several places had been made prior to the Third Reader version of the bill. Staff recommends that the Department of Legislative Reference, Law Department and Council President’s office make a recommendation to the Land Use and Transportation Committee on which usage is correct.

STAFF: Eric Tiso

PETITIONER: The Administration, on behalf of the Department of Legislative Reference

HISTORY

- On March 21, 2013, the Planning Commission reviewed and forwarded a comprehensive list of recommendations on CCB #12-0152 (later adopted as Ord. #16-581).
- On September 19, 2013, the Planning Commission reviewed additional amendments and forwarded its recommendation on CCB #12-0152.
- On December 5, 2016, CCB #12-0152 was signed by the Mayor as Ord. #16-581, to take effect on June 5, 2017.

ANALYSIS

Background and Bill Effects: After a number of years of effort to establish a comprehensive replacement of the Zoning Code, it was approved by the City Council on the last day of the Council session, and then signed by the Mayor. Given the volume of work done on the bill leading up to its enactment at the close of the session, there was not sufficient time for the staff of various commenting agencies to review and help ensure the various amendments would be sufficient, would achieve what was intended, and would be clear and easy to understand. As a result, there are a number of corrections required ranging from simple spelling and punctuation errors, to ensuring that the text is internally consistent, and that it correctly conveys the legislative intent as approved.

The first 65 pages of the bill make corrections to the text, and the balance of the bill are the corrections to the tables. A separate bill will be introduced for corrections to the zoning map approved with Ord. #16-581. A listing and explanation of each and every correction proposed would be unwieldy, but the corrections can be categorized into a several groups below:

Corrections to typographical and grammatical errors: These are simple fixes for misspelling, number, correct use of English, and correct legal phraseology. Examples include on page 5 for the addition of a hyphen for “on-site” (in §1-303.c), and on page 7 for the addition of a comma following the words “shared wall” (in §1-305(s)).

Corrections to references: These corrections are to conform references to other parts of law, or other documents. An example is on page 15, where “Baltimore City Building Code” becomes “Baltimore City Building, Fire, and Related Codes” (in §2-203(2)).

Conforming or coordinating language across the code: These are corrections to ensure that terms are used consistently throughout the code, and in the most current forms. An example of making text consistent is found at the top of page 9 in the bill (in §1-307(b)), where the term “Greenhouse” is used throughout the code, where a variety of terms had been used in the text, including high tunnel, hoop-house, and cold-frame. Another example is on page 52, in §16-402(b)(2), where is updated from an older term “Handicap van accessible floors” to the preferred terminology of “Floors accessible to ADA-compliant vans ...”.

Simplifying or rearranging the text or tables for readability: These corrections are for consolidating related text, making things more visible, or arranging the text for better readability. An example is relocating a reference that requires Site Plan Review for all development within the C-5-IH district from Table 10-401, to a more obvious place - in the list of when Site Plan Review is applicable on page 18 (in §4-203, as a new (9)). Similarly, the minimum district size required to establish an Office-Industrial Campus is relocated from Table 11-401, to the text on page 25, under §11-201(a)(2).

Rearranging, or grouping text for brevity: This is simply rearranging parts of the text or tables to use less space, and the grouping together of similar or related text. An example is on page 38, in §13-202(b), where item (4) that required a minimum of five acres could be joined to item (1) above with the same requirement to save space. Similarly, in the tables, where one or more uses are identically allowed in a given district, those uses can be grouped into only one line to save space. An example is on page 79, in Table 9-301, Dwelling: Detached and Dwelling: Semi-Detached are treated identically, and so can be consolidated into one line as Dwelling: Detached or Semi-Detached.

Amendments: Staff proposes six amendments to the bill. The first amendment inserts a missing amendment adopted by Council (T-807). The second and third amendments remove a reference to §14-327 in Tables 10-301 and 11-301. The fourth reinserts a dropped footnote to Table 12-301. The fifth adopts the additional amendments proposed by the Department of Legislative Reference, Draft V, dated March 19, 2017. The sixth amendment notes that there were text changes in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4), concerning substitution of “may” for “shall” in several places. Staff recommends that the Law Department and Council President’s office make a recommendation to the Land Use and Transportation Committee on which usage is correct.

Staff believes that these changes correct errors in the final Ordinance, and that it improves the readability of the text so that it may be more easily understood and used. For these reasons, staff recommends approval of the bill.

Community Notification: Notice of this action was sent to 8,624 individuals via GovDelivery.



Thomas J. Stosur
Director