
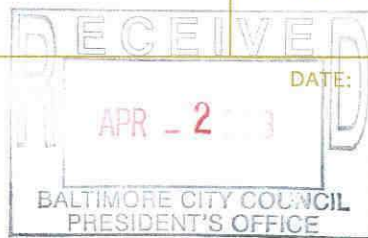


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 12-0152		

TO The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle
Room 400 – City Hall



DATE: April 1, 2013

I am herein reporting on City Council Bill 12-0152 introduced by the Council President on behalf of the Administration (Department of Planning).

The purpose of the Bill is to establish a new Zoning Code for Baltimore City; modify the laws governing the agencies and officials who administer the City’s zoning processes and provide for the respective powers and duties of these agencies and officials; establish new zoning districts and adopt maps and profiles for these districts; establish the requirements and procedures for obtaining zoning amendments, use permits, and other approvals; establish use regulations and bulk and yard regulations for various districts; establish design standards for development, off-street parking requirements, sign regulations and other regulations for various districts; require special reviews for certain proposed developments, including site plan review, environmentally sensitive areas review, design review, and landscape review; provide for the establishment and regulation of planned unit developments; establish certain transition rules and authorize the continuation of certain nonconforming uses and structures; provide for conditional uses, variances and other modifications or approvals; define certain terms; establish certain rules of construction; prohibit certain conduct; establish enforcement procedures, including civil and criminal penalties; conform cross-references in other articles; correct, clarify, and conform related provisions; provide for a special effective date; and generally relating to zoning and development laws of the City of Baltimore.

Article 66B of the Annotated Code of Maryland empowers the Mayor and City Council of Baltimore to adopt zoning regulations and to provide for their administration, enforcement and amendment. Ordinance 1051 of 1971 was the last major rewrite of the Zoning Code for Baltimore City. City Council Bill 12-0152 proposes a new Zoning Code, known as TransForm Baltimore, the purpose of which is “...to develop a state-of-the-art zoning code featuring new and more effective zoning tools to protect and enhance neighborhood character, guide private development and foster community revitalization.” This legislation is the product of years of meetings, and the Planning Commission, the Department of Planning and staff are to be commended for their inclusive process and their meticulous work.

The Department of Public Works does not routinely review and comment on Zoning bills. However, due to the significant nature of this legislation, the Department has reviewed the bill and offers these comments:

- The Zoning Code clarifies what is a minor variance to be reviewed by the Zoning Administrator and what is a major variance requiring review by the Board of Municipal and Zoning Appeals. Similarly, the Code also clarifies what triggers Site Plan Review or design review. This guidance should help limit confusion for applicants and will ensure consistent application of these requirements.

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The Honorable President and Members
of the Baltimore City Council
April 1, 2013
Page 2

- The proposed Open Space districts will be an important part of preserving critical environmental infrastructure as well as areas that contribute to the health and quality of life for our citizens.
- The Environmentally Sensitive Reviews (Subtitle 3) and Landscape Reviews (Subtitle 5) are two new sections of the Code that will dovetail with and help reinforce stormwater and sediment and erosion control goals.
- Zoning districts are modified to create categories within each that more reasonably reflect current conditions and anticipated future development, such as the newly defined Neighborhood Commercial categories that range from small “walk-to” commercial areas to a C-5 zoning designation for Downtown. Industrial Zoning districts are another good example of this evolution of the Code.
- The tables and graphics that appear throughout the Zoning Code are excellent quick reference guides.

The Department of Public Works asks that the following concerns be taken into consideration:

- “Yard” is defined as “...the space between a building and the adjoining lot lines that, except as otherwise permitted by this Code, is unoccupied, open, and unobstructed by any part of a structure from the ground to the sky.” Currently, a stormwater management facility or practice (detention/retention pond, rain garden, swale, etc.) that is a depression (below the surface of a Yard) and its appurtenances (e.g. overflow pipes), are not considered an obstruction. This is an important distinction that the Department would like have continue under the new Zoning Code, otherwise the Yard areas available for these facilities and practices would be severely limited.
- Subtitle 7 {Performance Standards} § 15-703(f), Environmental Performance Standards (page 261), indicates that the Department of Public Works must be notified at least 3 weeks prior to an operation beginning to produce radioactive or hazardous waste material. While these materials are governed by State law, if a local entity needs to be notified, the more appropriate agency would be the Department of Health.
- There appears to be an error under Title 9 {Rowhouse and Multi-Family Residential Districts} § 9-204(b) when referring to the R-6 District, as this section is referring to the R-7 Mixed Residential District. The error appears on page 140 line 7.

The Department of Public Works supports passage of City Council Bill 12-0152 provided that the above concerns are addressed.

Respectfully,



ALFRED H. FOXX
DIRECTOR

AHF/MMC:ela