

**CITY OF BALTIMORE
COUNCIL BILL 09-0412
(First Reader)**

Introduced by: President Rawlings-Blake, Councilmembers Clarke, Henry, Middleton, Cole,
Welch, Reisinger, Spector, Kraft, Conaway, Branch, Holton
Introduced and read first time: October 19, 2009
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,
Commission for Historical and Architectural Preservation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Cell Towers**

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

8 By adding

9 Article - Zoning
10 Section(s) 14-317
11 Baltimore City Revised Code
12 (Edition 2000)

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

15 **Baltimore City Revised Code**

16 **Article – Zoning**

17 **Title 14. Conditional Uses**

18 ***Subtitle 3. Additional Considerations for Certain Uses***

19 ***Part II. For Board Approval***

20 **§ 14-317. ANTENNA TOWERS, MICROWAVE RELAY TOWERS, ETC., FOR COMMUNICATIONS.**

21 (A) ***REFERRAL FOR PRESERVATION REVIEW.***

22 FOR THE PLACEMENT OR ERECTION OF ANTENNA TOWERS, MICROWAVE RELAY TOWERS,
23 AND SIMILAR INSTALLATIONS FOR COMMUNICATIONS TRANSMISSION OR RECEIVING, THE

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

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1 ZONING ADMINISTRATOR MUST, WITHIN 10 WORKING DAYS OF RECEIVING THE
2 APPLICATION, REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE
3 HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION OF THE DEPARTMENT OF
4 PLANNING FOR REVIEW.

5 (B) *PRESERVATION REPORT.*

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

9 (I) ON A BALTIMORE CITY LANDMARK LIST PROPERTY OR WITHIN A BALTIMORE
10 CITY HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT;

11 (II) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE MARYLAND INVENTORY
12 OF HISTORIC PROPERTIES; OR

13 (III) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE NATIONAL REGISTER OF
14 HISTORIC PLACES.

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

17 (I) WHETHER THE INSTALLATION WILL HAVE AN ADVERSE EFFECT ON THE
18 PROPERTY OR DISTRICT; AND

19 (II) IF SO, WHETHER AND HOW THAT ADVERSE EFFECT CAN BE ADEQUATELY
20 MITIGATED.

21 (C) *BOARD ACTION.*

22 ON RECEIPT AND CONSIDERATION OF THE REPORT AND RECOMMENDATIONS OF THE
23 HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION, THE BOARD MUST FIND, AND
24 REQUIRE AS A CONDITION OF APPROVAL, THAT:

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

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

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

30 (II) THE APPLICANT WILL ADEQUATELY MITIGATE ANY ADVERSE EFFECT, AS
31 SPECIFIED IN THE REPORT AND RECOMMENDATIONS OF THE DIVISION.

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

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