


FROM	NAME & TITLE	LAURIE FEINBERG, ACTING DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0277 / ZONING – IMU INDUSTRIAL MIXED-USE ZONING DISTRICTS		

TO

DATE: December 21, 2018

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

At its regular meeting of December 20, 2018, the Planning Commission considered City Council Bill #18-0277, for the purpose of establishing a new IMU-2 Industrial Mixed-Use Zoning District and specifying the permitted and conditional uses allowed in that district; renaming the current “IMU” Industrial Mixed-Use Zoning District to be known as the “IMU-1” Industrial Mixed-Use Zoning District; and correcting, clarifying, and conforming related provisions.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #18-0277 and adopted the following resolution; eight 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 #18-0277 be amended and passed by the City Council, with the following additional amendment:

- That on Page 7 of the bill, that footnote ² is removed from the Banquet Hall “P” use for the IMU-2 District in line six of the table on that page.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

- 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
 Mr. Kyron Banks, Mayor’s Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Tyrell Dixon, DCHD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

December 20, 2018

REQUEST: City Council Bill #18-0277/ Zoning – IMU Industrial Mixed-Use Zoning Districts: For the purpose of establishing a new IMU-2 Industrial Mixed-Use Zoning District and specifying the permitted and conditional uses allowed in that district; renaming the current “IMU” Industrial Mixed-Use Zoning District to be known as the “IMU-1” Industrial Mixed-Use Zoning District; and correcting, clarifying, and conforming related provisions.

RECOMMENDATION: Amendment and Approval, with the following amendments:

- On Page 3, in lines 19-27, adding emphasis that the potential for a variance is available to reduce the required percentages of required uses (added text in red below):
 - (1) In [the I-MU district:] AN IMU-1 DISTRICT, [(2)] a use other than residential and other than parking must account for a floor area (located anywhere in any building on the same lot) equal to at least 60% of the total ground-floor area of all buildings on the lot, **UNLESS OTHERWISE GRANTED A VARIANCE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.**
 - (2) IN AN IMU-2 DISTRICT, [(1) an industrial] A use LISTED IN THE “INDUSTRIAL USE CATEGORY” OF TABLE 11-301 {“INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES”} AS ALLOWED FOR AN IMU-2 DISTRICT must account for a floor area (located anywhere in any building on the same lot) equal to at least 50% of the total ground floor area of all buildings on the lot[; or], **UNLESS OTHERWISE GRANTED A VARIANCE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.**
- On Page 3, in lines 29-31, remove the deletion brackets, retaining the original text:
 - [(d) Floor area exception.]
 - [Subsection (c) of this section does not apply to lots located within 300 feet of a residential zoning district.]
- On Page 8, in Table 11-301, add Outdoor Dining as a conditional use (CB) under the Commercial uses allowed in the IMU-2 district.
- In Article 32, once amended by City Council Bill #18-0272, amend references to signage requirements as follows:
 - In Table 17-201: *Sign Regulations* and in Table 17-306: *Maximum Cumulative Area of Signs*, I-MU becomes IMU-1 and signage for IMU-2 be added duplicating all content related to signage as is listed for I-MU (new IMU-1) as shown in the attached exhibits.
 - On Page 5, delete lines 13-17. (Upon enactment of CCB #18-0272, *Subtitle 8. Permanent Signs* will no longer exist, nor will the sign type “Cabinet box wall signs” exist.)
 - On Page 5, in line 18, delete “9” and insert “5” and delete “Sign” and insert “Signage”.
 - On Page 13, delete Tables 17-804 and 17-812 (These tables will be removed upon enactment of CCB #18-0272).

STAFF: Laurie Feinberg and Eric Tiso

PETITIONER: The Council President, on behalf of The Administration (Department of Planning)

OWNERS: Citywide

HISTORY

- Article 32 – *Zoning* was enacted and corrected by Ordinances #16-581 and #17-015, and last amended by Ordinance #18-171.
- CCB #18-0272, which is now before the Mayor, will replace Title 17 of Article 32 – *Zoning* in its entirety.

ANALYSIS

The new Zoning Code was adopted by the City Council in December of 2016 and became effective on June 5, 2017. One of the new approaches in the code was an increase in mixed use districts. These included a number of industrial mixed use districts, such as Bio-science, Office-Industrial campuses and Industrial Mixed Use (I-MU). I-MU was intended for older industrial buildings in residential areas, or those areas directly adjacent to residential areas. The purpose of the districts was to encourage the productive reuse of the existing buildings in a manner that was compatible with surrounding residential while still providing for industrial uses and maker-type spaces.

This has worked well since it was implemented, and has led to a number of redevelopments. There have also been a number of requests since June 2017 to rezone properties from I-2 and standard industrial districts to I-MU in order to allow for a broader mix of uses such as live entertainment and some office uses. The properties requesting this rezoning have not been adjacent to residential, and were instead closer to heavier industry, rail lines, or highways. These areas have been appropriate for a broader mix of uses, but not residential uses. The existing I-MU category was therefore only half-way appropriate in those instances.

This led to staff recommending the creation of a new Industrial Mixed Use category. This new category would be similar to the existing I-MU, but will expressly prohibit residential and residentially-related uses. This new zoning category will help to continue to promote creative, mixed use redevelopments while not permitting residential use in areas adjacent to heavy industry, truck routes, or highways.

City Council Bill #18-0277 creates a new category called Industrial Mixed Use-2, or IMU-2, renames the original I-MU district to IMU-1, and clearly defines the purpose of the two districts. IMU-2 does not include any residential use, playgrounds, hotels, or health clinics. It does include all of the industrial uses of IMU-1 plus general industry, recycling, and composting by conditional use to the Board of Municipal and Zoning Appeals (BMZA). The description for the bill helps to clarify the distinction between the two districts:

- THE IMU-1 DISTRICT IS GENERALLY FOR INDUSTRIAL BUILDINGS THAT ARE ADJACENT TO EXISTING RESIDENTIAL BUILDINGS, TYPICALLY ROWHOUSES

- THE IMU-2 DISTRICT IS GENERALLY FOR INDUSTRIAL BUILDINGS THAT ARE ADJACENT TO HEAVIER INDUSTRY, PORT USES, HIGHWAYS, OR TRUCK ROUTES AND NOT RESIDENTIAL AREAS. THIS DISTRICT IS INTENDED TO PROTECT INDUSTRIAL LAND AND TRUCK ROUTES FROM PRESSURES OF RESIDENTIAL USES

In addition, the bill as drafted maintains a requirement for a percentage of buildings to be used for non-residential purposes in IMU-1 in order to help retain the mixed-use nature of the district, and to provide for small industrial users. In IMU-2, there is a similar provision, but it requires 50% of the floor area to be used by industrial uses. The bill, as written, would remove the exemption from these requirements for IMU-1 and IMU-2 properties within 300 feet of residential zones. The reason for this removal was that it essentially negated the requirement for mix of uses as the vast majority of IMU properties (88%) are within 300 feet of a residential district.

While the goal of this district is to have mixed-use and not exclusively residential projects, we received objections to this removal of the exemption from numerous property owners. We think this may need further discussion but at this time we recommend amending the bill to retain the exemption. Additionally, we recommend clarifying the text under §11-203(c) to emphasize that these percentages may be granted variances by the BMZA.

Staff proposes an amendment to Table 11-301 that will add Outdoor Dining as a conditional use (CB) in the IMU-2 district, under the Commercial uses category.

Upon enactment of CCB #18-0272, Title 17 of Article 32 – *Zoning* will be replaced. As this bill did not anticipate the creation of a new IMU-2 district, additional amendments will be needed to provide for regulation of signage in the new IMU-2 district.

Notification: Baltimore Industrial Group and City-wide email list have been notified of this action.



Laurie Feinberg
Acting Director

Exhibit: Recommended amendment of CCB #18-0277 is to Propose Amendments to Tables 17-201 and 17-306 of adopted legislation CCB #18-0272. The proposed amendments to those tables are shown in red text (deletions as strikethrus and insertions are underlined).

TABLE 17-201: SIGN REGULATIONS							
(ADDITIONAL SIGN STANDARDS ARE LOCATED IN TITLE 17)							
SIGN TYPES BY ZONING DISTRICT *		ZONING DISTRICT REQUIREMENTS			AREA OF SPECIAL SIGNAGE CONTROL (ASSC)		
	APPROVAL METHOD	MAXIMUM AREA PER SIGN	HEIGHT, WIDTH, AND LOCATION REQUIREMENTS	MAXIMUM QUANTITY	SIGN TYPES ALLOWABLE FOR ASSC DEVIATION	MAXIMUM PERCENTAGE DEVIATION FOR HEIGHT AND AREA	QUANTITY DEVIATION
R-1A THROUGH R-4							
FREESTANDING (MONUMENT)	A	32 SQ. FT.	MAXIMUM 6 FT.	1 PER LOT	NOT ELIGIBLE		
PROVISIONAL FENCE SIGN	A		MAXIMUM 12 FT.				
WINDOW SIGN	A	NO MORE THAN 40% OF EACH WINDOW AREA	GROUND FLOOR AND SECOND FLOOR ONLY				
I-MU <u>IMU-1</u>							
A-FRAME SIGN	A	8 SQ. FT. PER SIDE	MAXIMUM 4 FT.	1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS (CORNER TENANT 1 PER STREET FRONTAGE)			
ATTENTION-GETTING DEVICES	A						
AWNING OR CANOPY SIGN AND OPEN- STRUCTURAL FRAMEWORK SIGN	A				X	50%	PER APPROVED SIGNAGE PLAN
BANNER SIGN (FREESTANDING)	A	32 SQ. FT.	MAXIMUM 6 FT. EXCEPT FLAGS ON SINGLE POLE MAXIMUM HEIGHT 25 FT.	1 PER LOT	X	50%	PER APPROVED SIGNAGE PLAN

Exhibit: Recommended amendment of CCB #18-0277 is to Propose Amendments to Tables 17-201 and 17-306 of adopted legislation CCB #18-0272. The proposed amendments to those tables are shown in red text (deletions as strikethrus and insertions are underlined).

<u>LMU IMU-1</u> (CONT'D)	APPROVAL METHOD	MAXIMUM AREA PER SIGN	HEIGHT AND LOCATION REQUIREMENTS	MAXIMUM QUANTITY	SIGN TYPES ALLOWABLE FOR ASSC DEVIATION	MAXIMUM PERCENTAGE DEVIATION FOR HEIGHT AND AREA	QUANTITY DEVIATION
BANNER SIGN (PROJECTING)	A	20 SQ. FT.		1 PER STREET FRONTAGE	X	50%	PER APPROVED SIGNAGE PLAN
BANNER SIGN (WALL MOUNTED)	A	32 SQ. FT.	BELOW PARAPET	1 PER LOT	X	50%	PER APPROVED SIGNAGE PLAN
FREESTANDING SIGN (POLE)	A	50 SQ. FT.	MINIMUM POLE HEIGHT 10 FT./ MAXIMUM SIGN HEIGHT 24 FT.	1 PER LOT	X	50%	PER APPROVED SIGNAGE PLAN
FREESTANDING SIGN (PYLON)	A	50 SQ. FT.	MINIMUM HEIGHT- 6 FT./MAXIMUM SIGN HEIGHT-20 FT./MAXIMUM WIDTH 6 FT.	1 PER LOT	X	50%	PER APPROVED SIGNAGE PLAN
PROJECTING SIGN (GROUND FLOOR)	A	18 SQ. FT.		1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS/ CORNER TENANT 1 PER STREET FRONTAGE	X	50%	PER APPROVED SIGNAGE PLAN
PROJECTING SIGN (ABOVE GROUND FLOOR)	A	48 SQ. FT.		1 PER LOT	X	50%	PER APPROVED SIGNAGE PLAN
PROVISIONAL FENCE SIGN	A		MAXIMUM 12 FT.				
ROOF SIGN	ASSC ONLY	2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE	MAY NOT PROJECT ANY HIGHER THAN 20 FT. ABOVE THE ROOF	1 PER BUILDING	X	50%	PER APPROVED SIGNAGE PLAN
WALL SIGN (GROUND FLOOR)	A	12 SQ. FT.		1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS/ CORNER TENANT 1 PER STREET FRONTAGE	X	50%	PER APPROVED SIGNAGE PLAN

Exhibit: Recommended amendment of CCB #18-0277 is to Propose Amendments to Tables 17-201 and 17-306 of adopted legislation CCB #18-0272. The proposed amendments to those tables are shown in red text (deletions as strikethrus and insertions are underlined).

WALL SIGN (ABOVE GROUND FLOOR)	A	2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE		1 PER INTERIOR LOT/ 2 PER CORNER LOT	X	50%	PER APPROVED SIGNAGE PLAN
WINDOW SIGN	A	NO MORE THAN 25% OF EACH WINDOW AREA	GROUND FLOOR AND SECOND FLOOR ONLY		X	50%	PER APPROVED SIGNAGE PLAN
IMU-2							
<u>A-FRAME SIGN</u>	<u>A</u>	<u>8 SQ. FT. PER SIDE</u>	<u>MAXIMUM 4 FT.</u>	<u>1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS (CORNER TENANT 1 PER STREET FRONTAGE)</u>			
<u>ATTENTION-GETTING DEVICES</u>	<u>A</u>						
<u>AWNING OR CANOPY SIGN AND OPEN- STRUCTURAL FRAMEWORK SIGN</u>	<u>A</u>	-	-	-	X	50%	PER APPROVED SIGNAGE PLAN
<u>BANNER SIGN (FREESTANDING)</u>	<u>A</u>	<u>32 SQ. FT.</u>	<u>MAXIMUM 6 FT. EXCEPT FLAGS ON SINGLE POLE</u> <u>MAXIMUM HEIGHT 25 FT.</u>	<u>1 PER LOT</u>	X	50%	PER APPROVED SIGNAGE PLAN
<u>BANNER SIGN (PROJECTING)</u>	<u>A</u>	<u>20 SQ. FT.</u>	-	<u>1 PER STREET FRONTAGE</u>	X	50%	PER APPROVED SIGNAGE PLAN
<u>BANNER SIGN (WALL MOUNTED)</u>	<u>A</u>	<u>32 SQ. FT.</u>	<u>BELOW PARAPET</u>	<u>1 PER LOT</u>	X	50%	PER APPROVED SIGNAGE PLAN
<u>FREESTANDING SIGN (POLE)</u>	<u>A</u>	<u>50 SQ. FT.</u>	<u>MINIMUM POLE HEIGHT 10 FT./</u> <u>MAXIMUM SIGN HEIGHT 24 FT.</u>	<u>1 PER LOT</u>	X	50%	PER APPROVED SIGNAGE PLAN
<u>FREESTANDING SIGN (PYLON)</u>	<u>A</u>	<u>50 SQ. FT.</u>	<u>MINIMUM HEIGHT- 6 FT./MAXIMUM SIGN HEIGHT-20 FT./MAXIMUM WIDTH 6 FT.</u>	<u>1 PER LOT</u>	X	50%	PER APPROVED SIGNAGE PLAN
<u>PROJECTING SIGN (GROUND FLOOR)</u>	<u>A</u>	<u>18 SQ. FT.</u>	-	<u>1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS/ CORNER TENANT 1</u>	X	50%	PER APPROVED SIGNAGE PLAN

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				<u>PER STREET FRONTAGE</u>			
<u>PROJECTING SIGN (ABOVE GROUND FLOOR)</u>	<u>A</u>	<u>48 SQ. FT.</u>	<u>-</u>	<u>1 PER LOT</u>	<u>X</u>	<u>50%</u>	<u>PER APPROVED SIGNAGE PLAN</u>
<u>PROVISIONAL FENCE SIGN</u>	<u>A</u>	<u>-</u>	<u>MAXIMUM 12 FT.</u>	<u>PROVISIONAL FENCE SIGN</u>			
<u>ROOF SIGN</u>	<u>ASSC ONLY</u>	<u>2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE</u>	<u>MAY NOT PROJECT ANY HIGHER THAN 20 FT. ABOVE THE ROOF</u>	<u>1 PER BUILDING</u>	<u>X</u>	<u>50%</u>	<u>PER APPROVED SIGNAGE PLAN</u>
<u>WALL SIGN (GROUND FLOOR.)</u>	<u>A</u>	<u>12 SQ. FT.</u>	<u>-</u>	<u>1 PER TENANT WITH DIRECT GROUND FLOOR ACCESS/ CORNER TENANT 1 PER STREET FRONTAGE</u>	<u>X</u>	<u>50%</u>	<u>PER APPROVED SIGNAGE PLAN</u>
<u>WALL SIGN (ABOVE GROUND FLOOR)</u>	<u>A</u>	<u>2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE</u>	<u>-</u>	<u>1 PER INTERIOR LOT/ 2 PER CORNER LOT</u>	<u>X</u>	<u>50%</u>	<u>PER APPROVED SIGNAGE PLAN</u>
<u>WINDOW SIGN</u>	<u>A</u>	<u>NO MORE THAN 25% OF EACH WINDOW AREA</u>	<u>GROUND FLOOR AND SECOND FLOOR ONLY</u>	<u>-</u>	<u>X</u>	<u>50%</u>	<u>PER APPROVED SIGNAGE PLAN</u>
I-1							
ATTENTION-GETTING DEVICES	A						

* IF A SIGN TYPE IS NOT LISTED AS A SIGN TYPE IN A PARTICULAR ZONING DISTRICT IN THE "SIGN TYPES BY ZONING DISTRICT" SECTION OF THIS TABLE THEN THAT SIGN TYPE IS PROHIBITED IN THAT ZONING DISTRICT.

Exhibit: Recommended amendment of CCB #18-0277 is to Propose Amendments to Tables 17-201 and 17-306 of adopted legislation CCB #18-0272. The proposed amendments to those tables are shown in red text (deletions as strikethrus and insertions are underlined).

TABLE 17-306 MAXIMUM CUMULATIVE AREA OF SIGNS						
ZONING DISTRICT	MAXIMUM AREA PER LOT BY INCLUDED SIGN TYPES					
	PROPERTIES OUTSIDE OF AN AREA OF SPECIAL SIGNAGE CONTROL	PROPERTIES WITHIN AN AREA OF SPECIAL SIGNAGE CONTROL*				
	ALL NON-ELECTRONIC SIGN TYPES AND ELECTRONIC SIGN CATEGORIES I AND II	ALL NON-ELECTRONIC SIGN TYPES AND ELECTRONIC SIGN CATEGORIES I AND II	ALL NON-ELECTRONIC SIGN TYPES AND ELECTRONIC SIGN CATEGORIES I, II AND III	ALL NON-ELECTRONIC SIGN TYPES AND ELECTRONIC SIGN CATEGORIES I, II, III AND IV	ALL NON-ELECTRONIC SIGN TYPES AND ELECTRONIC SIGN CATEGORIES I, II, III, IV AND V	MAXIMUM PERCENTAGE DEVIATION FOR AREA
C-5-G	1000 SQ. FT.	1,000 SQ. FT.	1,500 SQ. FT.	-	-	50%
IMU <u>IMU-1</u>	350 SQ. FT.	350 SQ. FT.	-	-	-	25%
<u>IMU-2</u>	<u>350 SQ. FT.</u>	<u>350 SQ. FT.</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>25%</u>
OR-1	125 SQ. FT.	125 SQ. FT.	-	-	-	25%
OR-2	150 SQ. FT.	150 SQ. FT.	-	-	-	25%

*THIS SECTION APPLIES TO ALL PROPERTIES WITHIN A SIGNAGE PLAN. USE THE COLUMN THAT APPLIES TO THE LARGEST ELECTRONIC SIGN CATEGORY PROPOSED FOR THE SPECIFIC PROPERTY WITHIN THE SIGNAGE PLAN.