CITY OF BALTIMORE COUNCIL BILL 07-0710 (First Reader)

Introduced by: The Council President At the request of: The Administration (Department of Planning) Introduced and read first time: June 11, 2007

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of Recreation and Parks, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

An Ordinance concerning
Zoning – Open Space Zoning District
For the purpose of establishing a new zoning district, to be known as the Open Space District;
stating the purpose and scope of the district; establishing certain use and bulk regulations for
properties in the district; establishing certain off-street parking and sign requirements; and
generally relating to the establishment and requisites of an Open Space Zoning District.
By adding
Article - Zoning
Section(s) 2-201(a-1), 3A-101 through 3A-114, to be under the new title designation
"Title 3A. Open Space Districts", and 11-2A01 through 11-2A16, to be under the
new subtitle designation "Subtitle 2A. Signs in Open Space District"
Baltimore City Revised Code
(Edition 2000)
By repealing and reordaining, with amendments
Article - Zoning
Section(s) 3-107(b)(1) and 10-405(21)
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 2. Administration; Authorizations
Subtitle 2. Zoning Districts; Maps and Profiles

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

1	§ 2-201. Establishment of districts.
2	(A-1) Open Space Districts.
3	OS OPEN SPACE DISTRICT
4	Title 3. General Rules for Use, Bulk, and Other Regulations
5	Subtitle 1. Use Regulations
6	§ 3-107. Prohibited uses — storage, etc., of vehicles.
7	(b) Prohibited uses.
8	(1) Indoor or outdoor storage, etc.
9 10	The indoor or outdoor storage or maintenance of abandoned, junked, or derelict vehicles is prohibited in all:
11	(I) OPEN SPACE DISTRICTS;
12	(II) [(i)] Business Districts;
13	(III) [(ii)] M-1 and M-2 Districts; and
14	(IV) [(iii)] Public Use Districts.
15	TITLE 3A. OPEN SPACE DISTRICTS
16	Subtitle 1. Overview; General Requirements
17	Part I. Overview
18	§ 3A-101. Purpose.
19	(A) DESIGN.
20 21 22	THE PURPOSE OF THE OPEN SPACE DISTRICT IS TO ENHANCE THE QUALITY OF LIFE FOR CITY RESIDENTS BY PERMANENTLY PRESERVING OPEN SPACE AS AN IMPORTANT PUBLIC ASSET.
23	(B) REGULATORY INTENT.
24	The regulations for this district are intended to:
25	(1) PROTECT PARKS AND FRAGILE ENVIRONMENTAL AREAS FROM DEVELOPMENT;
26	(2) PROVIDE PUBLIC CULTURAL AND RECREATIONAL OPPORTUNITIES;

1	(3) PROVIDE PEDESTRIAN AND BICYCLE TRANSPORTATION CONNECTIONS;
2 3	(4) ENHANCE THE URBAN ENVIRONMENT AND ENCOURAGE NEIGHBORHOOD INVESTMENT THROUGH PRESERVATION OF NATURAL GREEN SPACES; AND
4 5	(5) ENSURE THE ENVIRONMENTAL BENEFITS OF ADEQUATE LIGHT, AIR, AND WATER QUALITY IN CITY NEIGHBORHOODS.
6	§ 3A-102. BASIC SCOPE.
7	(A) Public properties and cemeteries.
8 9	The Open Space District applies to publicly-owned open-space properties and private cemeteries.
10	(B) Private properties.
11 12	In addition, property owners may request an open-space designation for open or natural properties that fulfill the following criteria:
13	(1) THE PROPERTY IS USED SOLELY FOR RECREATIONAL OR SIMILAR PURPOSES;
14 15	(2) THE PROPERTY IS DEVOTED TO PROVIDING OPEN SPACE FOR THE PERMANENT USE AND ENJOYMENT OF THE PUBLIC; AND
16 17	(3) THE PRINCIPAL USES AND STRUCTURES ON THE PROPERTY ARE THOSE PERMITTED IN AN OPEN SPACE DISTRICT.
18	§ 3A-103. {RESERVED}
19	Part II. Use Regulations
20	§ 3A-104. Permitted uses.
21	In an Open Space District, permitted uses are as follows:
22 23	(1) RECREATIONAL FACILITIES: NONPROFIT OR PUBLICLY OWNED – INCLUDING THE FOLLOWING:
24	(I) ARBORETUMS AND BOTANICAL GARDENS.
25	(II) ATHLETIC FIELDS.
26	(III) BOWLING ALLEYS.
27	(IV) FIELD HOUSES.
28	(v) Gymnasiums.
29 30	(VI) GOLF COURSES, INCLUDING GOLF DRIVING RANGES AND MINIATURE GOLF COURSES.

1	(VII) ICE RINKS.
2	(VIII) INDOOR SOCCER, BASKETBALL, AND BOXING FACILITIES.
3	(IX) PARKS AND PLAYGROUNDS.
4	(x) Recreation buildings.
5	(XI) ROLLER RINKS.
6	(XII) ROWING CLUBS.
7	(XIII) RUNNING OR BICYCLE TRACKS.
8	(XIV) SKATEBOARD TRACKS AND FACILITIES.
9	(XV) SWIMMING POOLS AND ATHLETIC COURTS.
10	(XVI) SIMILAR RECREATIONAL FACILITIES.
11 12	(2) EDUCATIONAL AND CULTURAL INSTITUTIONS: NONPROFIT OR PUBLICLY OWNED, AS FOLLOWS - BUT ONLY IF LOCATED IN A PUBLIC PARK:
13	(I) Museums.
14	(II) NATURE CENTERS.
15	(3) Conservatories and greenhouses.
16	(4) Zoos.
17 18 19	(5) VIDEO AND ELECTRONIC GAMES AND COIN-OPERATED POOL TABLES IN RECREATION CENTERS OPERATED BY THE CITY — BUT ONLY IF THEIR INSTALLATION IS APPROVED BY THE BOARD OF RECREATION AND PARKS.
20	§ 3A-105. Accessory uses.
21	In an Open Space District, accessory uses are as follows:
22	(1) Accessory offices.
23	(2) AGRICULTURAL GARDENS.
24	(3) AUDITORIUMS AND BANQUET HALLS – BUT ONLY IF LOCATED IN A PUBLIC PARK.
25	(4) BAND SHELLS, OUTDOOR THEATERS.
26 27	(5) Club houses and similar structures on the grounds of golf courses, tennis clubs, and lacrosse clubs.

28

(6) CONCESSION SERVICES, AS FOLLOWS – BUT ONLY IF LOCATED IN A PUBLIC PARK:

1	(I) FOOD SALES AND SUNDRIES.
2	(II) RENTAL OF RECREATIONAL EQUIPMENT.
3	(7) Day care facilities, as follows – but only if located in a public park:
4	(I) DAY CARE CENTERS AND NURSERY SCHOOLS.
5	(II) SCHOOL-AGE CHILD CARE CENTERS.
6	(8) Fishing piers.
7	(9) Garages – but only if located within maintenance yards.
8	(10) Grandstands in athletic fields.
9	(11) Horse stables.
10	(12) Information Kiosks.
11 12	(13) Maintenance yards, including tool houses and maintenance buildings and work areas.
13 14	(14) Philanthropic, charitable institutions – but only if located in a public park.
15	(15) Picnic shelters and gazeboes.
16	(16) Public restrooms.
17 18 19 20	(17) RESIDENTIAL DWELLING UNITS — BUT ONLY IF THE UNITS ARE USED TO HOUSE INDIVIDUALS WITH CARETAKING RESPONSIBILITIES FOR A PROPERTY. CARETAKER QUARTERS ARE LIMITED TO 1 DWELLING UNIT PER PROPERTY; HOWEVER, AN EXISTING HISTORIC STRUCTURE MAY BE USED AS AN ADDITIONAL SINGLE DWELLING UNIT.
21	(18) Storage buildings, as follows:
22	(I) BUILDINGS NO MORE THAN 1 STORY HIGH.
23	(II) Mobile storage structures.
24 25 26	(19) TEMPORARY STORAGE OF BUILDING MATERIALS AND EQUIPMENT AND TEMPORARY STRUCTURES FOR ON-SITE CONSTRUCTION PURPOSES — BUT ONLY FOR A PERIOD NOT TO EXCEED THE DURATION OF ACTIVE CONSTRUCTION.
27	§ 3A-106. CONDITIONAL USES – BOARD APPROVAL REQUIRED.
28 29	In an Open Space District, conditional uses that require Board approval are as follows:

1 2	(1) Cemeteries, including accessory crematoriums, mausoleums, and columbariums.
3	(2) Dog Parks and dog runs – but only if located in a public park.
4	(3) GOVERNMENTAL SERVICES, AS FOLLOWS:
5	(I) WATER FILTRATION PLANTS, RESERVOIRS, AND PUMPING.
6	(4) Marinas: Accessory.
7	(5) MARINAS: RECREATIONAL BOAT LAUNCH / TIE UP.
8	(6) Public utility uses, as follows:
9 10	(I) Antenna towers, microwave relay towers, and similar installations for communications transmission or receiving.
11 12	(II) BUS AND TRANSIT TURNAROUNDS AND PASSENGER SHELTERS – BUT NOT INCLUDING ADVERTISING SIGNS.
13 14	(iii) Overhead electric transmission lines (above $69\text{-}kV$) on rights-ofway acquired before January 1, 1969.
15 16	(IV) RAILROAD RIGHTS-OF-WAY – BUT NOT INCLUDING RAILROAD YARDS AND SHOPS.
17 18	(v) Repeater, transformer, pumping, booster, switching, conditioning, and regulating stations, and similar installations.
19	(VI) TELEPHONE EXCHANGES.
20 21	(VII) RECYCLING COLLECTION STATIONS WHEN AN ACCESSORY USE TO A RECREATION OR PUBLIC FACILITY.
22 23	(7) Religious structures, including churches, temples, and synagogues – but only if:
24	(I) LOCATED WITHIN A PROPERTY USED PRINCIPALLY AS A CEMETERY; AND
25 26	(II) NOT USED AS A PRIMARY PLACE OF WORSHIP FOR A CONGREGATION OR ORGANIZATION.
27 28	(8) RESTAURANTS – INCLUDING LIVE ENTERTAINMENT OR DANCING, AND ACCESSORY OUTDOOR TABLE SERVICE – BUT ONLY IF LOCATED IN A PUBLIC PARK.
29	§ 3A-107. CONDITIONAL USES – ORDINANCE REQUIRED.
30 31	In an Open Space District, conditional uses that require approval by ordinance are as follows:

1 2	(1) Bus passenger shelters – including advertising signs that comply with $\S~11\text{-}424~\text{Of}$ this article.
3	§§ 3A-108 to 3A-110. {RESERVED}
4	Part III. Bulk Regulations
5	§ 3A-111. GENERAL.
6 7 8	In addition to all other requirements of this Part, the size, location, and design of all buildings, structures, lighting, and maintenance areas within public parks must be:
9 10	(1) EXPRESSLY APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS AND REVIEWED BY THE BOARD OF RECREATION AND PARKS; OR
11 12 13	(2) SHOWN ON A PARK MASTER PLAN THAT HAS BEEN PRESENTED TO THE COMMUNITY, HAS BEEN APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS, AND HAS BEEN REVIEWED BY THE BOARD OF RECREATION AND PARKS.
14	§ 3A-112. Lot area.
15	(a) Permitted uses.
16 17 18	The maximum lot area that may be covered by structures in an Open Space District is 10% of the aggregate of abutting lots that comprise an open-space property.
19	(B) Accessory uses.
20 21	LOT REQUIREMENTS FOR ACCESSORY USES ARE THE SAME AS THOSE REQUIRED FOR PERMITTED USES.
22	(c) Conditional uses.
23	(1) THE MINIMUM LOT AREA FOR CEMETERY PROPERTIES IS 2 ACRES.
24 25	(2) Additional lot requirements for conditional uses are as required by the Board.
26	§ 3A-113. YARDS.
27	(a) Permitted uses.
28 29	FOR ALL PRINCIPAL PERMITTED USES IN AN OPEN SPACE DISTRICT, YARDS MUST BE PROVIDED WITH THE FOLLOWING DEPTHS, EXCEPT AS NOTED:
30 31 32 33	Outdoor activity facility setbacks: No yard requirements apply, except for facilities such as swimming pools, basketball courts, tennis courts, or baseball diamonds that abut properties zoned residential or office-residential, in which case the activity facility must be set back 50 feet from abutting properties zoned residential or office-

1	DESIDENTIAL WHERE THE OUT	TDOOR ACTIVITY FACILITY ABUTS RESIDENTIAL OR OFFICE-
2		HOOL USES, THE REQUIRED SETBACK IS REDUCED TO ZERO.
3		LONG A PUBLIC STREET: AVERAGE FRONT YARD DEPTH OF
4 5	BUILDING(S) ALONG THE BLOCK PROPOSED BUILDING.	K OR 35 FEET IF NO BUILDINGS ARE WITHIN 500 FEET OF THE
3	PROPOSED BUILDING.	
6		SIDE YARDS ARE REQUIRED, EXCEPT ON LOTS THAT ABUT
7 8		AL OR OFFICE-RESIDENTIAL, IN WHICH CASE SIDE YARDS MUST BE THE ARD SETBACKS FOR NON RESIDENTIAL PERMITTED USES IN THE
9	ABUTTING RESIDENTIAL OR OFF	
10		O REAR YARDS ARE REQUIRED, EXCEPT ON LOTS THAT ABUT
11 12		AL OR OFFICE-RESIDENTIAL, IN WHICH CASE THE REAR YARD MUST BE EAR YARD SETBACK FOR NON RESIDENTIAL PERMITTED USES IN THE
13	ADJACENT RESIDENTIAL OR OFF	
14	(B) Accessory uses.	
15	`	PERMITTED USE IN AN OPEN SPACE DISTRICT APPLY TO
16		ESSORY PURPOSES. IN ADDITION, THE FOLLOWING YARD
17	REQUIREMENTS APPLY:	
18		YARD REQUIREMENTS
19	Club houses on golf course	
20	OR MARINA	MUST BE LOCATED AT LEAST 100 FEET FROM NEAREST LOT
21		LINE IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT
22	GRANDSTANDS IN	
23 24	ATHLETIC FIELDS	MUST BE LOCATED AT LEAST 200 FEET FROM THE NEAREST LOT
24		LINE IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT.
25	BAND SHELLS AND	
26	OUTDOOR THEATERS	Must be located at least 200feet from the nearest lot
27		LINE IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT.
28	Mausoleums,	
29	CREMATORIUMS, AND	
30	COLUMBARIUMS	As Board requires.
31	Tool houses	Must be located at least $200\mathrm{feet}$ from the nearest lot
32		LINE SHARED WITH A RESIDENTIAL PROPERTY.
33	(c) Conditional uses.	
34	THE VARD REQUIREMENTS FOR A	PERMITTED USE IN AN OPEN SPACE DISTRICT APPLY TO
35	ALL CONDITIONAL USES, EXCEPT	
36		YARD REQUIREMENTS
37	Cemeteries	No requirements.
38	GOVERNMENTAL	
39	SERVICES	As Board requires.
40	PUBLIC UTILITY USES	As Board requires.

1	§ 3A-114. Height.	
2 3	The maximum building height for a structure is 50 feet, except as foll	PERMITTED, ACCESSORY, OR CONDITIONAL USE OR OWS:
4 5		Maximum Building Height
6 7	GOVERNMENTAL SERVICES	As Board requires.
8	PUBLIC UTILITY USES	As Board requires.
9	Title 10. Off-S	treet Parking Regulations
10	Subtitle 4. Require	d Number of Off-Street Spaces
11	§ 10-405. Schedule of required spaces.	
12	Off-street parking spaces must be provi	ded as follows:
13	(21) Prepared food.	
14 15	(i) Restaurants; carry-out food shops	
16 17	OS, B-2-4, B-4-1, B-4-2, B-5-1, B-5-2	No requirement
18 19 20 21 22	B-1-2, B-1-3, B-2-2, B-2-3, B-3-2, B-3-3, M-2-2	1 per 400 square feet of floor area, plus, for drive-in establishments, the number of stacking spaces the Department of Public Works requires to avoid street congestion
23 24 25 26	All other districts	1 per 200 square feet of floor area., plus, for drive-in establishments, the number of stacking spaces the Department of Public Works requires to avoid street congestion
27	Title 11	Sign Regulations
28	SUBTITLE 2A. SIG	ENS IN OPEN SPACE DISTRICT
29	PART I.	Scope of Subtitle
30	§ 11-2A01. COMPLIANCE REQUIRED.	
31 32	In addition to the requirements of District must comply with the requ	Subtitle 2 of this title, signs in an Open Space jirements of this subtitle.
33	§§ 11-2A02 TO 11-2A03. {RESERVED}	

1	Part II. Prohibited Signs
2	§ 11-2A04. In general.
3	The following types of signs are prohibited in an Open Space District.
4	§ 11-2A05. Moving or flashing, etc., signs.
5	No sign may have or consist of:
6	(1) ANY MOVING, ROTATING, OR OTHERWISE ANIMATED PART; OR
7 8	(2) IF OTHERWISE PERMITTED TO BE ILLUMINATED, ANY FLASHING, BLINKING, FLUCTUATING, OR OTHERWISE ANIMATED LIGHT.
9	§ 11-2A06. Roof, wind, and general advertising signs.
10	No roof sign, wind sign, or general advertising sign is permitted.
11	§ 11-2A07. SALE, LEASE, AND SOLD SIGNS.
12	No sale, lease, or sold sign is permitted.
13	§ 11-2A08. EXTENSION ABOVE ROOF LINE.
14	No sign may extend above the roof line of a building to which it is attached.
15	§§ 11-2A09 TO 11-2A10. {RESERVED}
16	Part III. Regulated Signs
17	§ 11-2A11. In general.
18 19	The following types of signs are allowed in an Open Space District, subject to the limitations prescribed for them.
20	§ 11-2A12. Temporary construction signs.
21	(A) SIGNS ALLOWED.
22 23 24	Temporary non-illuminated construction signs of persons connected with work on buildings under active construction or alteration, indicating their names and information pertinent to the project, are followed.
25	(B) Limitations.
26	These signs may not:

1 2	(1) EXCEED A COMBINED AREA FOR ALL SIGNS OF 36 SQUARE FEET FOR EACH STREET FRONTAGE; OR
3	(2) BE MORE THAN 16 FEET HIGH EACH.
4	§ 11-2A13. Nameplates.
5	(A) SIGNS ALLOWED.
6 7	$1\mathrm{non}\text{-}\mathrm{illuminated}$ or indirectly illuminated nameplate is allowed on each side of a building.
8	(B) Limitations.
9	THE SIGN MAY NOT:
10	(1) BE MORE THAN 4 FEET HIGH: OR
11	(2) EXCEED 9 SQUARE FEET.
12	§ 11-2A14. DIRECTIONAL SIGNS.
13	(a) Signs allowed.
14 15 16	Non-illuminated signs that provide directions to destinations within open-space properties are allowed along the perimeter at entrances and within the interior of properties in an Open Space District.
17	(B) Limitations.
18 19 20	These signs may not: (1) exceed a combined area for all perimeter signs of 20 square feet along each street frontage;
21	(2) EXCEED A COMBINED AREA FOR ALL INTERIOR SIGNS OF 75 SQUARE FEET;
22	(3) BE MORE THAN 10 FEET HIGH EACH; OR
23	(4) PROJECT MORE THAN 18 INCHES ACROSS A STREET LINE.
24	§ 11-2A15. IDENTIFICATION SIGNS – PROPERTY.
25	(A) SIGNS ALLOWED.
26 27	$1\mathrm{non}\text{-}\mathrm{illuminated}$ or indirectly illuminated identification sign, indicating the name of the property, is allowed at each entrance to the property.
28	(B) Limitations.
29	These signs may not:

1	(1) EXCEED 30 SQUARE FEET EACH; OR
2	(3) BE MORE THAN 6 FEET HIGH.
3	§ 11-2A16. Identification signs – building.
4	(a) Signs allowed.
5 6	$1\mathrm{non}\text{-}\mathrm{illuminated},$ indirectly illuminated, or directly illuminated sign is allowed on each side of a building.
7	(B) Limitations.
8	These signs may not:
9	(1) EXCEED:
10	(I) 18 SQUARE FEET EACH; OR
11	(II) IF DIRECTLY ILLUMINATED, 12 SQUARE FEET;
12	(2) IF FREE-STANDING, BE MORE THAN 6 FEET HIGH; OR
13	(3) IF ATTACHED TO A BUILDING, BE MORE THAN 4 FEET HIGH.
14 15 16	SECTION 2. AND BE IT FURTHER ORDAINED , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.
17 18	SECTION 3. AND BE IT FURTHER ORDAINED , That this Ordinance takes effect on the 30 th day after the date it is enacted.