

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0113 / ZONING MODIFICATIONS		

TO

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

DATE: November 22, 2021

At its regular meeting of November 18, 2021, the Planning Commission considered City Council Bill #21-0113, for the purpose of making needed changes to certain provisions that, during the course of actively operating under the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; specifying that certain applications under the Zoning Code be filed either with the Board of Municipal and Zoning Appeals or the Zoning Administrator; extending certain time limits for the Board to act; authorizing the Zoning Administrator or the Board of Municipal and Zoning Appeals to deny an application under certain circumstances; modifying the outdoor seating specifications; authorizing certain reviews by the Site Plan Review Committee; authorizing that certain matters reviewed by the Site Plan Review Committee be approved by the Director of Planning; modifying certain off-street parking requirements; clarifying and establishing certain exceptions to bicycle parking design standards; establishing certain standards for long-term bicycle standards; establishing certain rules for certain circumstances involving signs; providing for measurement methodologies for building frontages; allowing electronic signs and painted/mural signs in residential districts, subject to conditional approval by the Board of Municipal and Zoning Appeals; specifying a time period after which the authorization for a conditional sign expires; specifying certain zoning district requirements; defining certain terms; correcting, clarifying, and conforming certain provisions; and generally relating to the zoning and land-use 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 #21-0113 and adopted the following resolution, with six members being present (six in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0113 be **amended and approved** by the City Council. In addition to the amendments presented in the staff report, the Planning Commission voted to add one additional amendment as follows:

On page 22 Line 29 of the bill change 50% to 25%.

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

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Matthew Stegman, City Council President's Office  
Ms. Nikki Thompson, City Council President's Office  
Mr. Colin Tarbert, BDC  
Ms. Kathleen Byrne, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

November 18, 2021

### **REQUEST: CITY COUNCIL BILL #21-0113/ ZONING CODE – MODIFICATIONS (VOTE):**

“For the purpose of making needed changes to certain provisions that, during the course of actively operating under the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; specifying that certain applications under the Zoning Code be filed either with the Board of Municipal and Zoning Appeals or the Zoning Administrator; extending certain time limits for the Board to act; authorizing the Zoning Administrator or the Board of Municipal and Zoning Appeals to deny an application under certain circumstances; modifying the outdoor seating specifications; authorizing certain reviews by the Site Plan Review Committee; authorizing that certain matters reviewed by the Site Plan Review Committee be approved by the Director of Planning; modifying certain off-street parking requirements; clarifying and establishing certain exceptions to bicycle parking design standards; establishing certain standards for long-term bicycle standards; establishing certain rules for certain circumstances involving signs; providing for measurement methodologies for building frontages; allowing electronic signs and painted/mural signs in residential districts, subject to conditional approval by the Board of Municipal and Zoning Appeals;...”

**RECOMMENDATION:** Amend and Approve (please see Appendix A: Proposed Planning Commission Amendments for details)

**STAFF:** Tamara Woods

**INTRODUCED BY:** President Mosby for the Administration (Department of Planning)

### **CONFORMITY TO PLANS**

The Zoning Code was enacted June 5, 2017. The Comprehensive plan had called for the new Zoning Code and this is consistent with the goal of keeping the Zoning Code up to date.

### **ANALYSIS**

#### **Background**

The latest Zoning Code, often referred to as TransForm Baltimore became law June 5, 2017. During the drafting and public hearing process of the code it was discussed and asked of the Planning Department that the code be reviewed annually so this code does not get as outdated as the 1971 code did. In other words, a goal was proposed to keep the document live and review it

regularly. The Planning Department began this current review in late 2018, and while there were various delays, this bill represents at least a partial review of the code with these amendments.

This review is primarily based on suggestions that have arisen from using the code. Suggestions came to us from Zoning Administration, the Executive Director of the Board of Municipal and Zoning Appeals, residents, businesses who have needed to use the Zoning Code for a project, and planners. On June 4, 2020, the Department held an open informational meeting about the list of amendments and opened the discussion up to more ideas. During that meeting the issue that raised the most discussion was parking requirements. The conversation appeared equally split between people advocating for total reduction in parking requirements and others concerned about not having enough available spaces.

Prior to this bill, we did have City Council Ordinance #18-216 (CCB #18-0272). This amendment to the Zoning Code's sign regulations was the result of the City's proactive response to the Supreme Court decision in *Reed, et. al. v. Town of Gilbert, Arizona, et. al.* that signage could not be governed by content. That being said, the proposed legislation included a few areas that would still maintain regulation over some content. Those areas include alcoholic beverage and cigarette signage, obscene signs, the loosening of the general prohibition of billboards, and some fuel station signage which are governed by state and federal regulations. The City Law Department believes that these areas of content regulation would withstand strict scrutiny.

Though the primary reason for the rewrite was the Reed case, this ordinance reflects a complete review and reorganization of Title 17 from the 2016 Zoning Code rewrite that was enacted in June 2017. In addition to the repeal and replacement of Title 17 in its entirety, this bill included other signage related amendments to other titles of Article 32. The new Title 17 is reorganized for clarity, more information is in tabular form, all sign types were defined clearly and the rules around Areas of Special Signage Control (ASSC) are clarified.

Now that the new Title 17 has been enacted since 2019, there has been the chance to review some things that need tweaks and add suggestions for new items. This bill includes proposed amendments based on that feedback.

### **Summary of bill**

This bill is based on the use of the code for the last three years by Planning and Zoning staff as well as the Executive Director of the Board of Municipal and Zoning Appeals (BMZA). It is essentially a reintroduction of City Council Bill #20-0601 with some modifications and the addition of a section of signage amendments. They are informed by public meetings and users' comments and concerns. The amendments include, but are not limited to the following;

1. Adding the ability to have small size digital signs in residential districts, conditionally to the BMZA. This includes all of the amendments in the Conditional Use section of the code to authorize. This has been requested by various schools and religious institutions. Initial concern about such signs is if pointing towards a house they may disturb residents and therefore it is recommended as a conditional use rather than just permitted.
2. Clarifying the definition of a block face to mean the full block between two streets excluding alleys and sidewalks.

3. Adding Farmers' markets as a use rather than just an event and permitting them in most zones, but conditional in residential zones.
4. Changing the title of Gas stations to Fueling stations, and expressly permitting charging stations.
5. Expressly adding recreation centers to the list of inclusions in Government facility.
6. Clarifying in the definition of Kennels to include nonprofit shelters as opposed to just business entities.
7. Add micro-blading to the inclusions in Personal services establishment along with beauty shops.
8. To make is clear in the transition rules that if a pre-existing use is or becomes conditional, that changes to the use must be approved by the BMZA.
9. To give the BMZA the authority to approve new accessory uses that are not otherwise listed as long as they meet the standard of accessory, that is incidental and subordinate to primary use.
10. To give the BMZA the authority to deny applications for properties with outstanding violations or unpaid fees or fines.
11. To clarify that outdoor seating for a Neighborhood commercial establishment must be on the street side of the property and not in the rear yard or on a roof deck.
12. Delete "(principal use)" from Parking garages (principal use), so standards apply to all garages.
13. To add a clarification on measuring heights of buildings when they are set back from the street more than 30 feet. This becomes an issue when the site has significant topography. The amendment provides for measuring from the ground adjoining the wall as opposed to from the curb.
14. Provide for Carriage houses without requiring them to be subdivided from main property.
15. Provide for expansion of non-conforming structures if they don't increase the degree of existing non-conformity.
16. Vehicle and bicycle parking space size flexibility.
17. Table edits include the following;
  - a. Provide for Farmer's markets;
  - b. Permit accessory parking in Open Space zones (this will be amended out of the bill);
  - c. Provide for Commercial or vocational programs in C-1 districts;
  - d. Make Arts studio: Industrial and Food processing: Light permitted in all commercial zones;
  - e. Correct a missing phrase, that is "per dwelling unit" in Table 10-401; and
  - f. Permit gazebos in side and rear yards.

#### Signage Amendments Specific Areas of Focus

- Conditional Signs to BMZA
- Electronic Signs for institutions and historic structures
- In local Historic Districts or on Local Historic Landmarks, to allow canopies with or without electronic signs if they had historically existed.
- Measurement Methodology for Quantity
- 2 square feet area exemption for signs required for life safety

- Special Rules for certain size uses and properties with more than one principal building and in-line retail, including max area bonuses.
- Signage and PUDs
- Painted Signs
- Definition Clarification for Ground Floor/ Above Ground Floor and Roof Signs/Wall Signs
- Table edits including increases in some Max Areas on Tables 17-201 and 17-306, inclusion of Conditional to the Board signs, new painted signs.

These changes are consistent with the goal to keep the Zoning Code up to date to meet the needs of the City and its residents.

### Approval Standards

According to Section 5-508(c) *Text amendments*, the Planning Commission must consider the following standards:

*(1) the amendment's consistency with the City's Comprehensive Master Plan;* The Comprehensive Plan called for a new Zoning Code and this bill is intended to keep that code up to date. The Zoning Code is functionally a part of the master plan, and we committed to trying to keep current and reevaluate periodically. The amendments proposed in City Council Bill #21-0113 are based on feedback received post June 5, 2017 and other items that have arisen through the past several years.

*(2) whether the amendment would promote the public health, safety, and welfare;* These amendments support and improve existing code's goal to promote the health, safety and welfare, examples include the expansion of Farmer's Markets and allow for outdoor dining in Neighborhood Commercial Establishments in residential zoning districts. In addition, the bill proposed giving the BMZA the authority to deny applications for properties with outstanding violations. Though Staff is proposing to amend the bill language (see Appendix A), this provision essentially prevents bad operators from postponing enforcement long enough that it becomes less meaningful. That is, you can't file an appeal and ignore it just to stay enforcement or try to get more approvals while not address the outstanding violations.

*(3) the amendment's consistency with the intent and general regulations of this Code;* These amendments maintain and enforce the intent of the code and reflect practical learning with real experience over time.

*(4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy;* and These amendments correct omissions as in Sq. ft./dwelling unit and maker spaces able to be establish on all commercial areas.

*(5) the extent to which the amendment would create nonconformities.* These amendments would not increase nonconformities and in a few cases, it would decrease them.

## **EQUITY ANALYSIS**

1) Short / long-term impact on surrounding community: The proposed amendments are Citywide, so they will only impact a particular community either by a change being particular to a specific zoning district or a certain developer/operator triggers a certain provision. Staff believes the Zoning Code amendments included in this bill should have overall positive long-term and short-term impacts on the community. As outlined above in the Approval Standards, Staff does believe that the proposed changes will support the overall welfare of the City and thus the citizens of Baltimore.

2) Impact on Baltimore's existing patterns of inequity: The proposed amendments are intended to help promote positive neighborhood change. The nature of zoning is that it is not about the who, but about the what. Changes such as, allowing Neighborhood Commercial Establishments to have outdoor dining could help improve operations, especially during the COVID 19 Pandemic. In addition, loosening the ability for Vocational Training Schools to be allowed or conditional in a larger variety of zoning districts will help bring a larger variety of training opportunities to underserved or disenfranchised communities within the City.

3) Has the community been meaningfully engaged: The process section below outlines the community engagement process, which has been robust. As mentioned, many of the ideas have come from comments and ideas given to the Department since June 2017 or ideas that may have not come to fruition in the 2016 adoption of the new zoning code. In addition, Staff has communicated with those that have chosen to email or call with ideas, comments and concerns outside of the formal meetings and hearings. These conversations have been included in Staff's analysis. Hearing and public meeting notifications we advertised through our Gov Delivery, which reaches approximately 20,000 people.

4) How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project: As mentioned above, our public notifications go out to approximately 20,000 people. In addition, the Community Planning & Revitalization staff have worked tirelessly to make sure that the Community Association Directory is up-to-date and they get the notifications. In addition, Staff has posted past presentations on our public website.

5) Impact on internal operations: The impact on internal operations is not yet known, but we do expect that there will be an impact as staff in various Agencies will have new or changed duties/reviews. In addition, there will be a learning curve to learn the new provisions and operationalize them.

## **RECOMMENDATION**

Planning Staff recommends the Planning Commission amend and approve City Council Bill #21-0113 /Zoning Modifications. The proposed amendements are located in Appendix A of this document. Staff did not identify a great deal of amendments. Many of the amedments proposed are based on testimony submitted at the October 7th Planning Commission meeting, and subsequent meetings and conversations on the items raised. Staff evaluated the concerns and comments and based on further analysis the amendments in Appendix A are what staff is proposing in our Staff Recommendation. Most of the amendments pertain to parking (vehicle

and bicycle), discretion to deny authority to the Board of Municipal and Zoning Appeals, and outdoor dining.

## **PROCESS AND NOTIFICATION**

Notification for this hearing went to our nearly 20,000-person email list. There was a robust outreach process that lead up to the 2020 legislation and continued through to the drafting of this bill. The Planning Department held a meeting June 4, 2020 that was announced through email to discuss possible amendments to the Zoning Code and to solicit additional ideas and concerns. The majority of comments were in either strong support or strong opposition to removing parking requirements. Based on the controversy regarding parking and the introduction of another zoning bill regarding parking, we eliminated those amendments. The timeline leading to this bill is as follows:

- Zoning Code adopted effective June 5, 2017
- June 4, 2020, the Department held an informational meeting about the list of amendments and opened the discussion to more ideas. Left comment document on our website for one month.
- Posted recommended amendments in early August 2020 with their justifications.
- City Council Bill #20-0601 introduced in September 2020
- Public hearing by Planning Commission October, 2020
- Not completed by City Council before end of session
- 1<sup>st</sup> Public Signage Meeting held November 19, 2020
- Zoning & Signage focus meeting held with Main Street and A&E Groups, December 16, 2020
- 2<sup>nd</sup> Public Meeting held March 2, 2021 (2 meetings)
- Planning Commission Hearing (Presentation and Testimony Only) held on October 7, 2021
- Virtual Public Meeting held on October 19, 2021
- Draft Amendments posted to our public Website on November 15, 2021

In addition, there will be another public meeting on October 19<sup>th</sup>, several weeks prior to staff bringing this bill back in November before the Planning Commission for a vote with proposed amendments. It is the November vote that would serve as the recommendation to City Council. The October 19<sup>th</sup> public meeting was advertised to the same email list of nearly 20,000 recipients.



**Chris Ryer**  
**Director**

# Appendix A: Proposed Planning Commission Amendments

CCB #21-0113 Zoning Code Modifications  
Proposed Planning Commission Amendments  
November 18, 2021

	A	B	C	D	E	F
	Topic	Bill Page #	Bill Line #	Amendment Code Reference	Proposed Amendment	Rationale
1	Discretion to Deny BMZA Variance Applications	14	Lines 22-26	5-310	Remove the bill language in lines 22-26 and replace with new language: 5-310 CODE COMPLIANCE DENIAL. THE ZONING ADMINISTRATOR OR THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS SHALL NOT PROCESS ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING NOTICE OF VIOLATION, FINE OR FEE THAT IS UNRESOLVED OR UNPAID UNTIL THE VIOLATION IS ABATED. EXCEPTION: THE ZONING ADMINISTRATOR OR THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY PROCESS THE APPLICATION FOR VARIANCE IF THE VARIANCE IS NEEDED TO RESOLVE THE OUTSTANDING NOTICE OF VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, OR FINE.	This amendment seeks to make the process clear by outlining certain situations that would trigger the inability to process a BMZA application due to outstanding violations, but outlines the exception that allows for abatement of a violation, fee or fine. This amendment allows the City to take a firmer stance on those that have done illegal work, but yet seek additional approvals without abating the other violations.
2	Conditional Use application referrals	15	Lines 13-18	5-403 (b)	Do not remove the existing (b) as noted in the bill, but instead modify the existing code language to remove deletion brackets on entirety and to replace "Zoning Administrator" in lines 14, 15 and 16 with "EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS" and the existing (c) will remain as (c).	Rather than do a wholesale deletion of this section, it should be just clarified that the ED of BMZA determines if the conditional use and sign application is complete.
3	Conditional Use Approval Standards	17	Lines 12 -14	5-406(a)	Reword the lead in paragraph of (a) Limited Criteria for Denying as follows: (a) Limited criteria for denying. [Neither] The Board of Municipal and Zoning Appeals [nor] OR the City Council, as the case may be, may NOT approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:	This change is part of a second change that would make clear that the Board has evaluated the "evaluation criterial" and found that based on that evidence the application cannot be approved because the 4 four criteria for denial are found to be met.
4						

CCB #21-0113 Zoning Code Modifications  
Proposed Planning Commission Amendments  
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	A	B	C	D	E	F
5	Conditional Use Approval Standards	17 and 18	pg 17- lines 10 -33 pg 18- lines 1 -11	5-406	On Line 23 Change the title of "(b) Required Considerations" to be titled "Evaluation Criteria" and delete the word "further" from line 24 Swap sections (a) and (b) so that the "Evaluation Criteria" becomes the new (a) and "Limited Criteria for Denying" becomes the new (b).	This swap is more consistent with the actual review process by which BMZA must evaluate conditional use applications before determining if the case should be denied based on inadequate meeting of the criteria for denial. The name change of Required Considerations acknowledges what are in practical reality evaluation criteria and not further considerations.
6	Discretion to Deny BMZA Conditional Use or Sign Applications	20	Lines 1 -5	5-410	Remove the bill language in lines 1 -5 and replace with new language: 5-410 CODE COMPLIANCE DENIAL. THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS SHALL NOT PROCESS ANY APPLICATION FOR A CONDITIONAL USE OR SIGN IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING NOTICE OF VIOLATION, FINE OR FEE THAT IS UNRESOLVED OR UNPAID UNTIL THE VIOLATION HAS BEEN ABATED. EXCEPTION: THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY PROCESS THE APPLICATION FOR CONDITIONAL USE OR SIGN IF THE APPROVAL IS NEEDED TO RESOLVE THE OUTSTANDING NOTICE OF VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, OR FINE.	This amendment seeks to make the process clear by outlining certain situations that would trigger the inability to process a BMZA application due to outstanding violations, but outlines the exception that allows for abatement of a violation, fee or fine. This amendment allows the City to take a firmer stance on those that have done illegal work, but yet seek additional approvals without abating the other violations.
7	Outdoor Dining	22	Lines 2 -24	14-329	see attached page; proposed amendments to the bill language are in red.	These amendments see to clarify conditions underwhich outdoor dining would be allowed, icluding reallocation of parking spaces to outdoor dining, use in required yard setbacks and outdoor dining.
8	Parking Exemption for Historic Structures	27	Lines 20-25	16-601(f)	Delete the proposed amendment (2) Exceptions lines 20- 25 and replace with new (2) as follows: (2) Permitting . (I) IF AN EXEMPTION IS GRANTED BY THE DIRECTOR OF PLANNING A PARKING VARIANCE IS NOT REQUIRED AND EVIDENCE OF AN APPROVED EXEMPTION SUBMITTED WITH THE PERMIT APPLICATION. (II) IF THE EXEMPTION IS DENIED BY THE DIRECTOR OF PLANNING, A VARIANCE MAY BE REQUESTED AND APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.	This modification makes it clear that the current exemption can apply to structures 50 years or older, including conversion applications. In addition, it provides clarity in the process of denial of exemption and permitting.

CCB #21-0113 Zoning Code Modifications  
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	A	B	C	D	E	F
9	Bike Parking space size	29	Lines 12- 13	16-701(2)(1)	Delete the proposed 16-710(2)(1) language exception for ground mounted bike spaces.	The attempt was to align to a DOT ROW standard, but the interior bike room conditions are such that the smaller space size may not be practical and cannot account for proper alternate direction bike installation in the racks that could make the smaller size feasible.
10	Bike Parking Floor Racks	29	Lines 23-25	16-701(i)(2)	Delete the proposed amendment, "HOWEVER IN NO CASE MAY MORE THAN...WALL OR CEILING RACKS." Replace with: "... of site plan review AS FOLLOWS: (i) IN NO CASE OF NEW CONSTRUCTION OF A BUILDING MAY MORE THAN 50% OF THE REQUIRED BICYCLE PARKING SPACES BE PROVIDED AS WALL OR CEILING RACKS; AND (ii) IN NO CASE OF BUILDING REHABILITATION OR ADAPTIVE REUSE OF A BUILDING MAY MORE THAN 75% OF THE REQUIRED BICYCLE PARKING SPACES BE PROVIDED AS WALL OR CEILING RACKS.	This modification makes it clear that some proportion of ground mounted bike racks must be provided and distinguishes the percentage of wall and ceiling rack designs based on new construction or building retrofit.
11	Long-term bikeparking standards	30	Lines 24-26	16-704(A)(4)(iii through v)	Move the current (4)(iii through v) to become the new (5)(i through iii). The new 5 would read: (5) Provided as outlined in (4) of this subsection, except in certain conditions of public assembly, such as for stadiums and arenas, the Director of Planning and Site Plan Review may approve in at least one of the following: (i) within view of an attendant or security guard; (ii) in an area that is monitored by a security camera; or (iii) in an area that is visible from employee work areas.	This provision and separation from (4) makes it clear that the first preference for long-term bike parking is in a locked room or enclosed space. But under certain conditions where the requirement or the crowds might be large that it might be suitable to provide that parking in an open area.
12	Cargo Bike Spaces	31	Line 9	16-705(B)(2)(III)	Change "2 Feet wide by 8 feet wide" to read "4 feet wide by 9 feet wide".	Cargo bikes tend to be longer and the cargo carriers are wider thus requiring more maneuvering space inside of the bike room.
13	Determination of Nonconformity	51	Lines 7-10	18-206	Delete the new (c) in its entirety.	This new section is not needed or has any value added.
14	Permitted Parking In Open Space	52	Line 17, 22 and 23	Table 7-202: Open Space Districts Permitted and Conditional Uses	Delete proposed amendment "P" and leave as "CO" and delete the footnote note 1 associated. The "second" footnote for Wireless Communications Services will remain as footnote 1.	There was substantial Opposition to Parking Lot (Accessory Use) in open space zones becoming permitted and preference to stay as it is in the code, which is Conditional by Ordinance.
15	<b>Additions to the Bill</b>					

CCB #21-0113 Zoning Code Modifications  
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	A	B	C	D	E	F
16	Light Industrial Bike Parking	61	above line 4	Table 16-705	Add in bike parking requirements for Industrial: Light. The requirements should mimic those for Industrial Warehouse (Long-Term 1 per 5,000 sq. ft. of GFA and short-term 1 per 5,000 sq. ft of GFA	The requirement needs to be added to the table.
17	Bicycle Parking Space Design Standard	Completely new table referenced on page 30	Line 6	16-704(m)	The table referenced does not exist and needs to be added. See attached new Table 16-701: Bicycle Parking Dimensions	The reference to the table was added to the bill on page 30, but the table was never created and left out of the bill.
18	Fuel/Gas Stations			14-314, use tables and code	In the Use Standards section 14-314 change the title and gas station references to Fuel Station. Where gas station appears as a use in the Use Tables in the Zoning Code, change the use name to Fuel Station. Change all other references to gas station in the code to fuel Renumber or letter accordingly.	Amendment on page 4 of the bill references the change from gas station to fuel station. The bill did not include the companion amendments to references throughout the code.

## Proposed Planning Commission Amendment to CCB #21-0113

### § 14-329. Outdoor dining.

#### (a) Nature of use.

(1) Outdoor dining is considered an accessory use to a principal use AND MAY BE LOCATED ON EITHER THE PROPERTY FOR WHICH THE PERMIT IS APPROVED OR EXTEND INTO THE PUBLIC RIGHTS-OF-WAY IMMEDIATELY ADJOINING THE BUILDING FRONTAGE OR STREET CORNER SIDE OF THE PROPERTY.

(2) ROOFTOP DINING IS ALLOWED IN ALL NON-RESIDENTIAL ZONING DISTRICTS ONLY. IT IS A PERMITTED USE, EXCEPT IN THE C-1, C-1-VC, C-2 ZONING DISTRICTS, WHICH WILL REQUIRE APPROVAL AS A CONDITIONAL USE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(3) PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THIS SECTION, AS APPLICABLE.

#### (b) Pedestrian and parking access.

(1) Outdoor dining may not interfere with the pedestrian access [or], parking AND SAFE VEHICLE MANUEVERABILITY.

(2) All outdoor dining areas located IN A PUBLIC RIGHT-OF-WAY must maintain a 5-foot sidewalk clearance at all times.

(3) IF REALLOCATING PARKING SPACES FOR OUTDOOR DINING THEN THE FOLLOWING APPLY:

(i) IF OFF STREET PARKING SPACES ARE BEING REALLOCATING AND RESULT IN THE LOSS OF REQUIRED PARKING, THEN A PARKING VARIANCE MUST BE OBTAINED FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(ii). IF ON-STREET PARKING SPACES ARE BEING REALLOCATED THEN THE APPLICANT MUST FOLLOW THE PROCESS AND GUIDELINES SET FORTH BY THE DEPARTMENT OF TRANSPORTATION.

#### (c) Minor privilege permit.

Any outdoor dining located in the public right-of-way requires a minor privilege permit.

#### (d) Required yard AND ROOFTOP DINING.

(1) Outdoor dining IN A NON-RESIDENTIAL ZONING DISTRICT may not be located in any required yard OR ROOFTOP that adjoins a residential ZONING district, unless an alley OR A STREET OF AT LEAST 20 FEET IN WIDTH ON THE SIDE IN WHICH THE OUTDOOR DINING IS PROPOSED is located between the use and the residential district.

(2) IF NO YARD IS REQUIRED OR IF NO ALLEY OR STREET IS PRESENT AS OUTLINED IN PARAGRAPH (1) OF THIS SUBSECTION, THE USE MUST MAINTAIN AT LEAST A 30-FOOT DISTANCE FROM THE PROPERTY LINE OF ANY ADJACENT NON-MIXED-USE RESIDENTIAL PROPERTY.

(e) Compactness.

An outdoor dining area LOCATED ON A PUBLIC SIDEWALK ADJOINING THE BUILDING STREET FRONTAGE SEEKING THE USE SHOULD BE AS COMPACT AS POSSIBLE AGAINST THE BUILDING WALL TO ALLOW FOR EASY CONNECTIVITY TO THE SIDEWALK ON THE REMAINDER OF THE BLOCK. [for an establishment must be as compact as possible by locating the outdoor dining area in a single portion of an establishment's frontage.]

(F) CONDITIONAL USE APPLICATIONS AND PERMITTING.

WHEN APPLYING FOR THE OUTDOOR DINING USE, CONDITIONAL USE APPLICATION, IF REQUIRED, AND USE PERMIT MUST BE ACCOMPANIED BY A SITE PLAN THAT SHOWS THE EXTENT AND LOCATION OF THE PROPOSED OUTDOOR DINING, INCLUDING ANY REQUIRED PEDESTRIAN ACCESS, CLEARANCE AND LOCATION REALLOCATED PARKING SPACES.

**TABLE 16-701: BICYCLE PARKING DIMENSIONS**

Parking Angle X°	Minimum Dimensions				
	Stall Width (a)	Stall Length (b)	Skew Width (c)	Aisle Width (d)	Overall Module (e)
0° (Floor Parallel)	2 feet	6 feet	2 feet	5 feet	9 feet
90° (Floor Head In)	2 feet	6 feet	2 feet	5 feet	17 feet
90° (Vertical Head In)	2 feet	4 feet	2 feet	5 feet	13 feet
45° (Floor Angled)	2 feet	4.3 feet	2.8 feet	5 feet	13.6 feet
0° (Floor Parallel – Family / Cargo / Adaptive)	4 feet	8 feet	4 feet	5 feet	13 feet
90° (Floor Head In – Family / Cargo / Adaptive)	4 feet	8 feet	4 feet	5 feet	21 feet

