



## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Alice Kennedy, Housing Commissioner



Date: February 24, 2022

### Re: City Council Bill 21-0113 Zoning Code – Modifications

The Department of Housing and Community Development (DHCD) has reviewed 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.

If enacted, City Council Bill 21-0113 would update the Baltimore City Zoning Code, enacted June 5, 2017, to incorporate lessons learned from its practical application over the past few years. At its regular meeting of November 18, 2021, the Planning Commission concurred with the recommendation of its departmental staff and recommended that City Council Bill 21-0113 be amended and approved by the City Council.

The Bill amends several areas of interest to DHCD within the Zoning Code, specifically concerning the Office of the Zoning Administrator, who is responsible for ensuring that construction activity and land uses comply with the City's zoning code. The amendments proposed in City Council Bill 21-0113 seek to streamline interactions and provide flexibility between the Zoning Administrator and the BMZA.

The Office of the Zoning Administrator receives, files, and forwards to the BMZA applications for conditional uses, variances, appeals, and other matters on which the Board is required to act. This Bill would simplify the application process for conditional use, conditional sign or appeal to the Zoning Administrator, by requiring applications be filed directly with the BMZA. This would alleviate the unnecessary step of filing those types of applications with the Zoning Administrator.

The Bill would provide the BMZA with the same authority as the Zoning Administrator in terms of making referrals to DOT for applications that meet traffic mitigation thresholds. This change will allow flexibility between the Zoning Administrator and the BMZA.

The Bill would also allow the Zoning Administrator to designate someone on staff to accept and process major and minor variance applications. This will provide checks and balances in the Office of the Zoning Administrator and allow for easier day-to-day work flow.

Of particular interest to DHCD is the amendment to allow the Zoning Administrator or the Board of Municipal and Zoning Appeals the authority to deny any application for a variance if the subject property has an outstanding notice of violations, code violation, or any other unresolved or unpaid fee, fine, or citation. This amendment provides the Board of Municipal and Zoning Appeals or the Zoning Administrator the discretion to dismiss or deny relief under an application for outstanding Code or other violations. This amendment may come in handy as an enforcement tool and allow the City to take a firmer stance on violations such as work done without a permit for applicants seeking additional approvals without abating existing violations on the property. Giving the BMZA & the Zoning Administrator the discretion to deny applications for properties with outstanding violations or unpaid fees or fines may dissuade bad operators from delaying addressing outstanding violations.

DHCD's Office of the Zoning Administrator worked closely with the Department of Planning and the Board of Municipal and Zoning Appeals to identify changes and make suggestions based on their hands-on application of the code. DHCD appreciates the goal of keeping the Zoning Code up to date and is not opposed to the changes outlined in City Council Bill 21-0113. These changes will help to promote the health, safety and welfare of the city and its residents.

DHCD **supports** the passage of City Council Bill 21-0113.

AK/sm

cc: Ms. Themelis, Nina, *Mayor's Office of Government Relations*