

Proposed Changes to Art 5

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§ 5-405. CONDITIONS ON CONDITIONAL USES.

16 (A) *CRITERIA FOR IMPOSING.*

17 BEFORE APPROVING ANY CONDITIONAL USE, THE BOARD OF MUNICIPAL AND ZONING APPEALS
18 MAY IMPOSE ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, OR OPERATION
19 OF THE CONDITIONAL USE ANY CONDITION, RESTRICTION, OR LIMITATION THAT IT CONSIDERS
20 NECESSARY FOR THE PROTECTION OF THE PUBLIC INTEREST. ANY CONDITION IMPOSED
PURSUANT TO THIS SUBSECTION MUST BE REASONABLY RELATED AND ROUGHLY
PROPORTIONAL TO THE EXPECTED IMPACT OF THE CONDITIONAL USE.

21 (B) *FAILURE TO COMPLY IS A VIOLATION OF CODE.*

22 FAILURE TO COMPLY WITH ANY CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS
23 SUBTITLE:

24 (1) CONSTITUTES A VIOLATION OF THIS CODE; AND

25 (2) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, IS
26 GROUNDS FOR MODIFICATION, SUSPENSION, OR REVOCATION OF THE CONDITIONAL USE.

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SUBTITLE 5. ZONING AMENDMENTS

§ 5-501. PURPOSE.

26 THE REGULATIONS IMPOSED AND THE ZONING DISTRICT BOUNDARIES CREATED UNDER AUTHORITY OF
27 THIS CODE MAY BE AMENDED FROM TIME TO TIME BY THE CITY COUNCIL IN ACCORDANCE WITH THIS
28 SUBTITLE.

§ 5-502. EXCEPTION FOR CORRECTIVE BILLS.

30 THIS SUBTITLE DOES NOT APPLY TO ANY TEXT AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN
31 PUNCTUATION, GRAMMAR, OR SPELLING AND DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THIS
32 CODE.

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§ 5-503. APPLICATION FOR AMENDMENT.

2 (A) *TEXT AMENDMENT.*

3 AN APPLICATION FOR A ZONING TEXT AMENDMENT MAY BE FILED BY ANY CITY COUNCILMEMBER
4 OR OTHER OFFICIAL OF CITY GOVERNMENT.

5 (B) *MAP AMENDMENT.*

6 AN APPLICATION FOR A ZONING MAP AMENDMENT (OTHER THAN A COMPREHENSIVE REZONING)
7 MAY BE FILED:

(1) BY THE OWNER OF THE PROPERTY TO WHICH APPLICATION APPLIES; 89

10 (2) BY ANY PERSON EXPRESSLY AUTHORIZED BY THAT OWNER IN WRITING; OR

11 (3) BY ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

12 (C) *COMPREHENSIVE REZONING.*

13 A COMPREHENSIVE REZONING MAY BE INITIATED ONLY BY CITY GOVERNMENT.

14

15 **§ 5-504. SUBMISSIONS AND REFERRALS.**

16 (A) *SUBMISSION.*

17 (1) ALL APPLICATIONS MUST BE FILED WITH ZONING ADMINISTRATOR IN ACCORDANCE WITH THE
18 REQUIREMENTS OF TITLE 5, SUBTITLE 2 {"APPLICATIONS"} OF THIS CODE.

19 (2) A ZONING AMENDMENTS INITIATED BY ~~THE CITY, A COUNCILMEMBER, OR OTHER~~ CITY
20 OFFICIAL ~~ALSO REQUIRES AN APPLICATION, BUT~~ IS EXEMPT FROM FEES.

21 (B) *REFERRAL TO PLANNING COMMISSION.*

22 ONCE THE ZONING ADMINISTRATOR DETERMINES THAT THE APPLICATION IS COMPLETE, THE
23 ZONING ADMINISTRATOR MUST REFER THE APPLICATION TO THE PLANNING COMMISSION FOR ITS
24 CONSIDERATION AND RECOMMENDATION.

25 (C) *REFERRAL TO OTHER AGENCIES.*

26 ONCE AN APPLICATION IS RECEIVED BY THE PLANNING COMMISSION, THE DIRECTOR OF PLANNING
27 MUST DETERMINE WHICH CITY AGENCIES AND OFFICIALS, IF ANY, SHOULD BE ASKED TO REVIEW
28 THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT. THE FAILURE
29 OF AN AGENCY OR OFFICIAL TO SUBMIT A REPORT AND RECOMMENDATIONS DOES NOT PREVENT
30 THE PLANNING COMMISSION FROM ACTING ON THE APPLICATION.

31 **§ 5-505. ACTION BY PLANNING COMMISSION.**

32 (A) *PUBLIC HEARING.*

33 (1) THE PLANNING COMMISSION MUST CONSIDER A PROPOSED ZONING AMENDMENT IN A PUBLIC
34 HEARING. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5,
35 SUBTITLE 6 {"NOTICES"} OF THIS CODE. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
36 SUBSECTION, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE
37 COMMISSION'S RECEIPT OF THE COMPLETED APPLICATION.

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1 (2) IF, IN THE PLANNING COMMISSION'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN
2 SUFFICIENT INFORMATION TO ENABLE THE COMMISSION TO PROPERLY DISCHARGE ITS
3 RESPONSIBILITIES, THE COMMISSION MAY REQUEST ADDITIONAL INFORMATION FROM THE
4 APPLICANT OR FROM CITY AGENCIES OR OFFICIALS. IN THAT EVENT, THE 60-DAY PERIOD WILL
5 BE SUSPENDED OR THE PUBLIC HEARING CONTINUED PENDING RECEIPT OF ALL REQUESTED
6 INFORMATION.

7 (3) THE PLANNING COMMISSION MUST RENDER ITS DECISION:

8 (I) WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING; OR

9 (II) IF ADDITIONAL INFORMATION WAS REQUESTED UNDER PARAGRAPH (2) OF THIS
10 SUBSECTION, WITHIN 30 DAYS OF RECEIPT OF THAT INFORMATION.

11 ~~(4) IF THE APPLICATION IS NOT HEARD OR DECIDED BY THE PLANNING COMMISSION WITHIN THE~~
12 ~~12 TIMES SPECIFIED, THE PROPOSED AMENDMENT MAY BE INTRODUCED INTO THE CITY COUNCIL.~~

13 (B) *REVIEW STANDARDS.*

14 THE PLANNING COMMISSION MUST EVALUATE EACH APPLICATION IN ACCORDANCE WITH THE
15 APPLICABLE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

16 (C) *WRITTEN RECOMMENDATIONS – REQUIRED.*

17 (1) THE PLANNING COMMISSION MUST ISSUE WRITTEN RECOMMENDATIONS ON THE ZONING
18 AMENDMENT.

19 (2) THESE RECOMMENDATIONS, TOGETHER WITH ALL AGENCY REPORTS AND RECOMMENDATIONS
20 RECEIVED, MUST BE FORWARDED WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING TO
21 THE APPLICANT AND TO THE CITY COUNCIL'S EXECUTIVE SECRETARY.

22 (D) *WRITTEN RECOMMENDATIONS – OPTIONS.*

23 (1) FOR A TEXT AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND APPROVAL,
24 AMENDMENT, OR DENIAL OF THE APPLICATION.

25 (2) FOR A MAP AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND:
26 (I) APPROVAL OR DENIAL OF THE APPLICATION;
27 (II) AN ALTERNATIVE ZONING DESIGNATION THAN THAT APPLIED FOR; OR
28 (III) THE REMOVAL OR ADDITION OF PROPERTIES FROM THE APPLICATION.

29 § 5-506. INTRODUCTION TO CITY COUNCIL AND REFERRALS.

(A) A MEMBER OF THE CITY COUNCIL MAY INTRODUCE A BILL AT ANY TIME TO AMEND THIS ARTICLE OR TO AMEND A ZONING MAP. UPON REFERRAL OF THE BILL TO THE PLANNING COMMISSION, THE PROPERTY OWNER OR DESIGNEE SHALL FILE AN APPLICATION PURSUANT TO SECTION 5-504(A) AND THE PROCEDURES ESTABLISHED IN SECTIONS 5-504 AND 5-505 SHALL APPLY.

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30 (B) INTRODUCTION OF BILL IN REPOSE TO APPLICATION.

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IF A BILL HAS NOT ALREADY BEEN INTRODUCED PURSUANT TO SUBSECTION A OF THIS SECTION:

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31 (1) ON ISSUANCE OF THE PLANNING COMMISSION'S REPORT AND RECOMMENDATIONS PURSUANT TO SECTIONS 5-505, A BILL

32 CONTAINING THE PROPOSED TEXT OR MAP AMENDMENT MAY BE INTRODUCED INTO THE CITY
33 COUNCIL.

34 (2) IF THE PLANNING COMMISSION FAILS TO SUBMIT ITS WRITTEN REPORT AND

35 RECOMMENDATIONS WITHIN THE REQUIRED 15-DAY PERIOD, A BILL CONTAINING THE PROPOSED TEXT OR MAP AMENDMENT MAY BE

36 INTRODUCED WITHOUT THAT REPORT AND RECOMMENDATIONS. THE APPLICANT MAY WAIVE

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1 THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF THE REPORTING PERIOD BY GIVING
2 WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE PRESIDENT OF THE CITY COUNCIL,
3 WITH COPIES TO THE PLANNING COMMISSION AND THE ZONING ADMINISTRATOR.

4 (C) REFERRALS – PLANNING COMMISSION TO ASSESS CONFORMANCE.

5 (1) ON INTRODUCTION OF A THE BILL, THE CITY COUNCIL MUST REFER IT TO THE PLANNING
6 COMMISSION FOR REVIEW AND RECOMMENDATIONS. IF A BILL HAS BEEN INTRODUCED PURSUANT TO
7 SUBSECTION B OF THIS SECTION, THE REVIEW MUST TO DETERMINE WHETHER THE BILL CONFORMS WITH
8 THE APPLICATION

9 PREVIOUSLY SUBMITTED TO THE PLANNING COMMISSION. THIS DETERMINATION MUST BE
10 COMPLETED WITHIN 15 DAYS.

11 (2) IF THE PLANNING COMMISSION DETERMINES THAT THE BILL IS NOT IN CONFORMANCE, THE
12 COMMISSION MAY SCHEDULE A PUBLIC HEARING ON THE BILL, TO BE HELD WITHIN 30 DAYS OF
13 THIS DETERMINATION.

14 (D) REFERRALS – BMZA FOR REPORT AND RECOMMENDATIONS.

15 (1) ON INTRODUCTION OF A THE BILL, THE CITY COUNCIL MUST ALSO REFER IT TO THE BOARD OF
16 MUNICIPAL AND ZONING APPEALS FOR ITS WRITTEN REPORT AND RECOMMENDATIONS.

17 (2) WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, BOARD OF MUNICIPAL AND ZONING APPEALS
18 MUST SUBMIT ITS WRITTEN REPORT AND RECOMMENDATION TO THE CITY COUNCIL, WITH A
19 COPY TO THE ZONING ADMINISTRATOR.

20 (E) REFERRALS – OTHER AGENCIES FOR REPORT AND RECOMMENDATIONS.

21 (1) ON INTRODUCTION OF A THE BILL, THE BILL MAY ALSO BE REFERRED FOR WRITTEN REPORTS AND
22 RECOMMENDATIONS TO ANY OTHER AGENCIES THAT THE CITY COUNCIL PRESIDENT SPECIFIES.

23 (2) WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, THESE AGENCIES MUST SUBMIT THEIR
24 WRITTEN REPORTS AND RECOMMENDATIONS TO THE CITY COUNCIL, WITH A COPY TO THE
25 ZONING ADMINISTRATOR.

26 (F) REFERRALS – DOT FOR POSSIBLE TRAFFIC MITIGATION.

27 WITHIN 15 BUSINESS DAYS A THE BILL'S INTRODUCTION, THE CITY COUNCIL MUST REFER THE BILL

26 AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND,
27 IF REQUIRED, TRAFFIC MITIGATION, AS PROVIDED IN § 5-201(C) {"[APPLICATIONS:] TRAFFIC
28 MITIGATION"} OF THIS CODE, IF:

29 (1) TRAFFIC MITIGATION REQUIREMENTS HAVE NOT ALREADY BEEN COMPLIED WITH IN
30 ACCORDANCE WITH THIS CODE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED
31 CODES; AND

32 (2) THE PROPOSED ZONING AMENDMENT:

33 (i) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING
34 CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS;

35 (ii) INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; OR

36 (iii) INVOLVES 50 OR MORE DWELLING UNITS.

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1 ~~(G)~~ AGENCY FAILURE TO REPORT.

2 (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF AN AGENCY FAILS TO
3 SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS WITHIN THE
4 PERIOD SPECIFIED BY THIS SECTION, THE CITY COUNCIL MAY PROCEED WITHOUT THAT REPORT
5 AND RECOMMENDATIONS.

6 (2) HOWEVER, THE APPLICANT MAY WAIVE THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF
7 THE REPORTING PERIOD BY GIVING WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE
8 PRESIDENT OF THE CITY COUNCIL, WITH COPIES TO THE BOARD OF MUNICIPAL AND ZONING
9 APPEALS, THE PLANNING COMMISSION, AND THE ZONING ADMINISTRATOR.

(3) IF A BILL PROPOSES TO CHANGE THE ZONING CLASSIFICATION OF ANY PROPERTY OR
THE BOUNDARIES OF A DISTRICT OR ZONE, THE CITY COUNCIL MAY NOT PROCEED
UNTIL IT HAS RECEIVED THE REPORTS AND RECOMMENDATIONS OF THE PLANNING
COMMISSION AND THE BOARD OF MUNICIPAL ZONING APPEALS.

9 § 5-507. ACTION BY CITY COUNCIL.

10 (A) COMMITTEE HEARING.

11 (1) THE BILL MUST BE CONSIDERED AT A PUBLIC HEARING OF A COMMITTEE OF THE CITY
12 COUNCIL, ~~TO BE HELD WITHIN 90 DAYS OF THE INTRODUCTION.~~ NOTICE OF THE PUBLIC
13 HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"}.

14 (2) THE COMMITTEE MUST EVALUATE THE BILL UNDER THE APPLICABLE STANDARDS IN § 5-508
15 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

16 (B) COUNCIL OPTIONS.

17 (1) FOR A TEXT AMENDMENT, THE CITY COUNCIL MAY APPROVE, DISAPPROVE, OR AMEND THE
18 BILL PROPOSING THE TEXT AMENDMENT.

19 (2) FOR A MAP AMENDMENT, THE CITY COUNCIL MAY:

20 (i) APPROVE OR DISAPPROVE THE BILL PROPOSING THE MAP AMENDMENT;

21 (ii) APPROVE AN ALTERNATIVE ZONING DESIGNATION THAN THAT PROPOSED IN THE MAP
22 AMENDMENT; OR

23 (iii) APPROVE THE REMOVAL OR ADDITION OF PROPERTIES FROM THE MAP AMENDMENT.

24 (C) REHEARING ON AMENDMENT.

25 (1) EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, WHENEVER A BILL PROPOSING ANY
26 ZONING AMENDMENT IS AMENDED:

27 (i) ANOTHER PUBLIC HEARING MUST BE HELD ON THE BILL AS AMENDED; AND

28 (ii) THE REQUIREMENTS OF THIS SUBTITLE FOR NOTICE AND FOR AGENCY REPORTS APPLY
29 TO THE ADDITIONAL HEARING.

30 (2) AN ADDITIONAL HEARING IS NOT REQUIRED FOR:

31 (i) AN AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR

32 SPELLING AND DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE ORDINANCE;
33 (II) ANY OTHER AMENDMENT THAT DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE
34 ORDINANCE;
35 (III) AN AMENDMENT PROPOSED BY THE COMMITTEE; OR

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1 (IV) AN AMENDMENT TO A COMPREHENSIVE REZONING IF, FOR AT LEAST 14 DAYS BEFORE
2 ANY VOTE IS TAKEN ON THE AMENDMENT, A DESCRIPTION OF THE AMENDMENT:
3 (A) HAS BEEN PROVIDED TO THE DEPARTMENT OF LEGISLATIVE REFERENCE AND
4 TO THE DEPARTMENT OF PLANNING AND BY THEM MADE AVAILABLE FOR
INSPECTION AND COPYING BY THE PUBLIC; AND 56
7 (B) HAS BEEN POSTED ON THE DEPARTMENT OF PLANNING'S WEBSITE.
8 (D) *FAILURE TO APPROVE*.
9 A BILL PROPOSING A ZONING AMENDMENT IS CONSIDERED TO HAVE FAILED AND THE APPLICATION
10 DENIED IF THE CITY COUNCIL FAILS TO ACT FINALLY ON THE BILL WITHIN 12 MONTHS FROM THE
11 EARLIER OF:
12 (1) THE DATE OF RECEIVING THE LAST OF THE REQUIRED AGENCY REPORTS AND
13 RECOMMENDATIONS; AND
14 (2) THE LAST DAY OF THE AGENCY REPORTING PERIOD, AS SET BY SUBSECTION (C) OF THIS
15 SECTION.

16 **§ 5-508. APPROVAL STANDARDS.**

17 (A) *IN GENERAL*.
18 THE PLANNING COMMISSION'S RECOMMENDATIONS AND THE CITY COUNCIL'S DECISION ON ANY
19 ZONING AMENDMENT MUST CONSIDER THE STANDARDS SET FORTH IN THIS SECTION.
20 (B) *MAP AMENDMENTS*.
21 (1) *REQUIRED FINDINGS*.
22 AS REQUIRED BY THE STATE LAND USE ARTICLE, THE CITY COUNCIL MAY GRANT THE
23 AMENDMENT BASED ON A FINDING THAT THERE WAS EITHER:
24 (I) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE
25 PROPERTY IS LOCATED; OR
26 (II) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

(2) IN MAKING THE DETERMINATION REQUIRED BY SUBSECTION B(1) OF THIS SECTION,
THE CITY COUNCIL MUST MAKE FINDINGS OF FACT THAT ADDRESS:

- (i) POPULATION CHANGES;
- (ii) THE AVAILABILITY OF PUBLIC FACILITIES;
- (iii) PRESENT AND FUTURE TRANSPORTATION PATTERNS;
- (iv) COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;
- (v) THE RECOMMENDATIONS OF CITY AGENCIES AND OFFICIALS; AND
- (vi) THE PROPOSED AMENDMENT'S CONSISTENCY WITH THE CITY'S
COMPREHENSIVE MASTER PLAN.

27 ~~(32)~~ *ADDITIONAL STANDARDS – GENERAL*.
28 ADDITIONAL STANDARDS THAT MUST BE CONSIDERED FOR MAP AMENDMENTS ARE:
29 (I) EXISTING USES OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN
30 QUESTION;
31 (II) THE ZONING CLASSIFICATION OF OTHER PROPERTY WITHIN THE GENERAL AREA OF THE
32 PROPERTY IN QUESTION;
33 (III) THE SUITABILITY OF THE PROPERTY IN QUESTION FOR THE USES PERMITTED UNDER ITS

34 EXISTING ZONING CLASSIFICATION; [and](#)
35 (IV) THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN
36 QUESTION, INCLUDING CHANGES, IF ANY, THAT HAVE TAKEN PLACE SINCE THE
37 PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION; ~~AND~~

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~~1 (V) AS DESCRIBED THE STATE LAND USE ARTICLE;~~
~~2 (A) POPULATION CHANGES;~~
~~3 (B) THE AVAILABILITY OF PUBLIC FACILITIES;~~
~~4 (C) PRESENT AND FUTURE TRANSPORTATION PATTERNS;~~
~~5 (D) COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;~~
~~6 (E) THE RECOMMENDATIONS OF CITY AGENCIES AND OFFICIALS; AND~~
~~7 (F) THE PROPOSED AMENDMENT'S CONSISTENCY WITH THE CITY'S~~
8 COMPREHENSIVE MASTER PLAN.
9 ~~(43)~~ *ADDITIONAL STANDARDS – REZONING FROM MI DISTRICT.*
10 (I) TO REZONE LAND FROM THE MARITIME INDUSTRIAL (“MI”) DISTRICT TO ANY OTHER
11 ZONING DISTRICT, THE PLANNING COMMISSION MUST FIND THAT THE PROPOSED
12 AMENDMENT:
13 (A) WOULD BE CONSISTENT WITH THE CITY’S COMPREHENSIVE MASTER PLAN;
14 (B) WOULD NOT IMPEDE, DIMINISH, OR PRECLUDE TRANSPORTATION ACCESS INTO OR
15 OUT OF THE MARITIME INDUSTRIAL DISTRICT;
16 (C) WOULD NOT RESULT IN OR ENCOURAGE A LOSS OF EXISTING DEEP WATER ASSETS
17 OF THE MARITIME INDUSTRIAL DISTRICT;
18 (D) WOULD NOT RESULT IN CHANGES TO THE ECONOMIC VIABILITY OF ADJACENT
19 MARITIME INDUSTRIAL LAND USES DUE TO THE ENCROACHMENT OF NON20
COMPATIBLE USES;
21 (E) WOULD NOT REDUCE OR IMPEDE CURRENT OR FUTURE MARITIME INDUSTRIAL
22 ECONOMIC DEVELOPMENT GROWTH IN THE MARITIME INDUSTRIAL DISTRICT;
23 (F) WOULD ESTABLISH AN ADEQUATE PHYSICAL SEPARATION THAT WILL BUFFER NON24
INDUSTRIAL LAND USES FROM MARITIME INDUSTRIAL USES; AND
25 (G) WOULD ADHERE WITH FEDERAL AND STATE LAWS REGARDING HOMELAND
26 SECURITY, GENERALLY, AND PORT SAFETY, SPECIFICALLY.
27 (II) IF AN APPLICATION IS FILED TO REZONE PROPERTY FROM THE MARITIME INDUSTRIAL
28 DISTRICT, THE DIRECTOR OF PLANNING MUST NOTIFY THE MARYLAND PORT
29 ADMINISTRATION AND ANY ADJACENT PROPERTY OWNERS OF THE APPLICATION. AT
30 LEAST 30 DAYS BEFORE THE PLANNING COMMISSION HEARINGS ON THE APPLICATION, THE
31 DIRECTOR OF PLANNING MUST SEEK AN OPINION FROM THE MARYLAND PORT
32 ADMINISTRATION ON THE APPLICATION OF THE CRITERIA LISTED IN SUBPARAGRAPH (I) OF
33 THIS PARAGRAPH.
34 ~~(C)~~ *TEXT AMENDMENTS.*
35 STANDARDS THAT MUST BE CONSIDERED [BY THE PLANNING COMMISSION](#) FOR TEXT AMENDMENTS
ARE:
36 (1) THE AMENDMENT’S CONSISTENCY WITH THE CITY’S COMPREHENSIVE MASTER PLAN;

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1 (2) WHETHER THE AMENDMENT WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, AND
2 WELFARE;
3 (3) THE AMENDMENT’S CONSISTENCY WITH THE INTENT AND GENERAL REGULATIONS OF THIS
4 CODE;

5 (4) WHETHER THE AMENDMENT WOULD CORRECT AN ERROR OR OMISSION, CLARIFY EXISTING
6 REQUIREMENTS, OR EFFECT A CHANGE IN POLICY; AND
7 (5) THE EXTENT TO WHICH THE AMENDMENT WOULD CREATE NONCONFORMITIES.
8 **§ 5-509. CHART OF AMENDMENT PROCESS.**
9 *FIGURE 5-509: AMENDMENT PROCESS SUMMAR*

Proposed revision to Chapter 13 – new zoning code

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§ 13-203. APPROVAL STANDARDS.

2 (A) IN REVIEWING A PLANNED UNIT DEVELOPMENT:

3 ~~(1)~~ THE CONDITIONAL USE STANDARDS OF ~~TITLE 5, SUBTITLE 4 (“CONDITIONAL USES”)~~ SECTIONS 5-
4 405(A) AND 5-406 OF THIS

4 CODE APPLY ~~;~~ AND

(B) THE PLANNED UNIT DEVELOPMENT MAY BE APPROVED ONLY IF THERE IS A FINDING THAT:

(1) THE USE IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD;

(2) THE USE FURTHERS THE PURPOSE OF THE PROPOSED RECLASSIFICATION; AND

(3) THE DEVELOPMENT PLAN ENSURES THAT THERE WILL BE NO DISCORDANCE WITH EXISTING
USES.

5 ~~(C)~~ ~~(2)~~ THE FOLLOWING ADDITIONAL FACTORS MUST BE CONSIDERED:

6 (I) WHETHER THE PLANNED UNIT DEVELOPMENT IS IN GENERAL CONFORMANCE WITH ALL

7 ELEMENTS OF THE COMPREHENSIVE MASTER PLAN, AND THE CHARACTER AND

8 NATURE OF ~~EXISTING AND~~ CONTEMPLATED DEVELOPMENT IN THE VICINITY OF THE

9 PROPOSED PLANNED UNIT DEVELOPMENT;

10 (II) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PRESERVE UNUSUAL TOPOGRAPHIC

11 OR NATURAL FEATURES OF THE LAND, AND THE DESIGN OF THE PLANNED UNIT

12 DEVELOPMENT WILL BEST UTILIZE AND BE COMPATIBLE WITH THE TOPOGRAPHY OF

13 THE LAND;

14 (III) WHETHER THE PHYSICAL CHARACTERISTICS OF THE PLANNED UNIT DEVELOPMENT

15 WILL NOT ADVERSELY AFFECT FUTURE DEVELOPMENT OR THE VALUE OF

16 UNDEVELOPED NEIGHBORING AREAS, OR THE USE, MAINTENANCE, OR VALUE OF

17 NEIGHBORING AREAS ALREADY DEVELOPED;

18 (IV) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PROVIDE THE SAME PROTECTION AS

19 THE BASIC DISTRICT REGULATIONS IN REGARD TO FIRE, HEALTH HAZARDS, AND OTHER

20 DANGERS; AND

21 (V) WHETHER THE PLANNED UNIT DEVELOPMENT WILL ENCOURAGE INNOVATIVE DESIGN

22 FEATURES OR ADAPTIVE REUSE OF STRUCTURES THAT WOULD NOT BE POSSIBLE BY

23 APPLICATION OF THE BASIC DISTRICT REGULATIONS.

§ 13-301. IN GENERAL.

3 (A) *4-STEP PROCESS.*

4 APPROVAL OF A PLANNED UNIT DEVELOPMENT IS A 4-STEP PROCESS COMPRISING:

5 (1) PRE-APPLICATION CONSULTATION;

6 (2) CONCEPT PLAN;

7 (3) PRELIMINARY DEVELOPMENT PLAN; AND

8 (4) FINAL DEVELOPMENT PLAN.

9 (B) *COMPLIANCE REQUIRED.*

10 THE PROCEDURES, REQUIREMENTS, RESTRICTIONS, AND CONDITIONS OF THIS TITLE MUST BE

11 ~~44~~ OBSERVED IN THE AUTHORIZATION OF A PLANNED UNIT DEVELOPMENT.

(C) A MEMBER OF THE CITY COUNCIL MAY INTRODUCE A BILL AT ANY TIME TO
PROVIDE FOR A PLANNED UNIT DEVELOPMENT. UPON REFERRAL OF THE BILL TO THE
PLANNING COMMISSION, THE PROPERTY OWNER SEEKING TO ESTABLISH A PLANNED
UNIT DEVELOPMENT WHICH IS THE SUBJECT OF THE BILL IS CONSIDERED THE
APPLICANT FOR PURPOSES OF THIS SUBTITLE 3 AND ALL OF ITS PROVISIONS APPLY.

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§ 13-302. PRE-APPLICATION CONSULTATION.

13 (A) *CONSULTATION REQUIRED.*

14 ~~BEFORE FILING ANY PLANS FOR A PLANNED UNIT DEVELOPMENT;~~ THE APPLICANT MUST ATTEND A
15 PRE-APPLICATION CONSULTATION WITH THE DIRECTOR OF PLANNING, EXCEPT FOR AN
APPLICANT FOR WHOM A BILL HAS BEEN INTRODUCED PURSUANT TO SECTION 13-301.
THE PRE-APPLICATION MEETING FOR AN APPLICANT MUST OCCUR BEFORE FILING ANY
PLANS FOR A PLANNED UNIT DEVELOPMENT. FOR APPLICANTS FOR WHOM A BILL HAS
BEEN INTRODUCED, THE CONSULTATION REQUIRED BY THIS SECTION MUST OCCUR AS
SOON AS POSSIBLE AFTER THE BILL'S INTRODUCTION.

16 (B) *INFORMATION TO BE SUBMITTED.*

17 FOR ~~THE PRE-APPLICATION PURPOSES OF THE~~ CONSULTATION REQUIRED BY THIS SECTION., THE
APPLICANT MUST PROVIDE THE FOLLOWING

18 INFORMATION:

19 (1) LOCATION OF THE PROPOSED DEVELOPMENT;

20 (2) PROPOSED USES;

21 (3) PROPOSED PUBLIC AND PRIVATE IMPROVEMENTS;

22 (4) A LIST OF ANY EXCEPTIONS TO DISTRICT REQUIREMENTS THAT THE APPLICANT

23 ANTICIPATES WILL BE REQUESTED ; AND

24 (5) ANY OTHER INFORMATION NECESSARY TO CLEARLY EXPLAIN THE PLANNED UNIT
25 DEVELOPMENT.

26 (C) *PURPOSE OF CONSULTATION.*

27 THE PURPOSE OF THE ~~PRE-APPLICATION~~ CONSULTATION IS TO MAKE ADVICE AND ASSISTANCE
28 AVAILABLE TO THE APPLICANT BEFORE PREPARATION OF THE CONCEPT PLAN, SO THAT THE
29 APPLICANT MAY DETERMINE:

30 (1) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT APPEARS IN GENERAL TO BE IN
31 COMPLIANCE WITH THE PROVISIONS OF THIS CODE AND OTHER APPLICABLE REGULATIONS;

32 (2) WHETHER ANY ZONING EXCEPTIONS ARE REQUIRED IN CONNECTION WITH THE PROPOSED
33 PLANNED UNIT DEVELOPMENT; AND

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1 (3) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT WILL BE IN CONFORMITY WITH
2 THE COMPREHENSIVE MASTER PLAN AND THE GOALS AND POLICIES OF THE CITY FOR
3 DEVELOPMENT.

4 (D) *APPLICATION AND FEE.*

5 THE PRE-APPLICATION CONSULTATION DOES NOT REQUIRE THE FILING OF AN APPLICATION OR
6 PAYMENT OF A FEE.

7 (E) *OPINIONS GIVEN NOT BINDING.*

8 OPINIONS OR ADVICE PROVIDED AT THE CONSULTATION ARE IN NO WAY BINDING ON THE
9 PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE
10 PLANNED UNIT DEVELOPMENT.

§ 13-303. CONCEPT PLAN.

12 (A) *SUBMISSION TO COMMISSION.*

13 AFTER THE ~~PRE-APPLICATION~~ CONSULTATION, THE APPLICANT MUST FILE A CONCEPT PLAN WITH
14 THE PLANNING DIRECTOR FOR THE PURPOSE OF OBTAINING INFORMATION AND GUIDANCE FROM
15 THE PLANNING COMMISSION BEFORE THE APPLICANT ENTERS INTO BINDING COMMITMENTS OR
16 INCURS SUBSTANTIAL EXPENSE.

17 (B) *PLAN COMPONENTS.*

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18 AT MINIMUM, THE CONCEPT PLAN MUST CONSIST OF THE FOLLOWING:
19 (1) A SITE PLAN THAT IS DRAWN TO AN APPROPRIATE SCALE AND, IN GENERAL FORM, SHOWS:
20 (I) PROPOSED LAND USES AND STRUCTURES;
21 (II) NATURAL FEATURES OF THE DEVELOPMENT SITE;
22 (III) APPROXIMATE LOCATION OF ALL ROADWAYS AND ACCESS DRIVES PROPOSED
23 WITHIN THE PLANNED UNIT DEVELOPMENT; AND
24 (IV) LOCATION OF ALL ADJACENT PUBLIC STREETS, THOROUGHFARES, AND PUBLIC
25 UTILITIES;
26 (2) A SITE LOCATION MAP THAT IS DRAWN TO AN APPROPRIATE SCALE AND SHOWS:
27 (I) THE PROPOSED PLANNED UNIT DEVELOPMENT IN RELATION TO SURROUNDING
28 STREETS AND PROPERTY WITHIN 600 FEET IN ALL DIRECTIONS OF THE
29 DEVELOPMENT SITE; AND
30 (II) THE LOCATION, HEIGHT, AND LAND USE OF ALL EXISTING BUILDINGS AND
31 STRUCTURES ADJOINING THE DEVELOPMENT SITE;
32 (3) SCHEMATIC DRAWINGS THAT SHOW THE SIZE, GROSS SQUARE FOOTAGE, CHARACTER, AND
33 DISPOSITION OF BUILDINGS CURRENTLY EXISTING ON THE SITE AND BUILDINGS PROPOSED
34 FOR THE SITE; AND
35 (4) A WRITTEN STATEMENT THAT CONTAINS:
36 (I) A GENERAL EXPLANATION OF THE PLANNED UNIT DEVELOPMENT;

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(II) A STATEMENT OF THE PRESENT OWNERSHIP OF ALL THE LAND WITHIN THE
2 DEVELOPMENT;
3 (III) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT
4 REQUIREMENTS, INCLUDING EXCEPTIONS TO THE REGULATIONS GOVERNING USE,
5 BULK, YARD, OFF-STREET PARKING, AND SIGNS, AS THEY APPLY TO THE ZONING
6 DISTRICT OR DISTRICTS IN WHICH THE PLANNED UNIT DEVELOPMENT IS TO BE
7 LOCATED; AND
8 (IV) PROPOSED PUBLIC BENEFITS AND AMENITIES.
9 (C) *COMMISSION TO PROVIDE GUIDANCE.*
10 THE PLANNING COMMISSION MUST REVIEW THE CONCEPT PLAN AND PROVIDE THE INFORMATION
11 AND GUIDANCE THAT IT CONSIDERS APPROPRIATE.
12 (D) *OPINIONS GIVEN NOT BINDING.*
13 OPINIONS OR ADVICE PROVIDED BY THE PLANNING COMMISSION ARE IN NO WAY BINDING ON THE
14 PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE
15 PLANNED UNIT DEVELOPMENT.
16 (E) *REVIEW TO BE AT PUBLIC MEETING.*
17 THE REVIEW OF THE CONCEPT PLAN IS A PUBLIC MEETING. PUBLIC COMMENT ON THE CONCEPT
18 PLAN WILL BE ACCEPTED AT THAT MEETING. NOTICE OF THE MEETING MUST BE GIVEN AS
19 SPECIFIED BY THE DIRECTOR OF PLANNING IN ACCORDANCE WITH THE PLANNING COMMISSION'S
20 RULES AND REGULATIONS [AND THE MARYLAND OPEN MEETINGS ACT.](#)

21 **§ 13-304. PRELIMINARY DEVELOPMENT PLAN.**

22 (A) *IN GENERAL.*
23 AFTER THE PLANNING COMMISSION'S REVIEW OF THE CONCEPT PLAN, THE APPLICANT MUST FILE
24 A PRELIMINARY DEVELOPMENT PLAN WITH THE PLANNING DIRECTOR, TOGETHER WITH THE
25 APPLICABLE FILING FEE.
26 (B) *PLAN COMPONENTS.*
27 THE PRELIMINARY DEVELOPMENT PLAN MUST INCLUDE THE FOLLOWING:
28 (1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;

29 (2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO
30 SURROUNDING PROPERTIES;
31 (3) THE PATTERN AND INTENDED DESIGN STANDARDS OF EXISTING AND PROPOSED ROADS,
32 DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER
33 PUBLIC OR PRIVATE;
34 (4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS,
35 STRUCTURES, AND BUILDING GROUPS;
36 (5) THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING;

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1 (6) ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND
2 CHARACTER OF PROPOSED STRUCTURES;
3 (7) THE LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
4 (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
5 (9) THE PROPOSED STORM DRAINAGE SYSTEM, SHOWING BASIC TOPOGRAPHIC CHANGES;
6 (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR
7 DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO
8 BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;
9 (11) STATISTICAL DATA ON:
10 (i) THE TOTAL SIZE OF THE PROJECT AREA;
11 (ii) DENSITY COMPUTATIONS;
12 (iii) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND
13 (iv) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF
14 THE PROPOSED PLANNED UNIT DEVELOPMENT;
15 (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT
16 DEVELOPMENT, INCLUDING A PROPOSED PHASING SCHEDULE, WHICH MUST INDICATE
17 WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED; AND
18 (13) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REGULATIONS,
19 CITING BY SECTION NUMBER EACH REGULATION FROM WHICH AN EXCEPTION IS SOUGHT.
20 (c) *PLANNING APPROVAL PROCEDURE – PLANNING COMMISSION.*
21 (1) BEFORE A PUBLIC HEARING IS SCHEDULED, THE PRELIMINARY DEVELOPMENT PLAN MUST BE
22 FORWARDED TO THE APPROPRIATE CITY AGENCIES, AS DETERMINED BY THE DIRECTOR OF
23 PLANNING, FOR REVIEW. THESE AGENCIES MUST REVIEW THE PRELIMINARY DEVELOPMENT
24 PLAN AND FORWARD THEIR REPORTS TO THE PLANNING COMMISSION WITHIN 30 DAYS OF
25 RECEIPT OF THE PLAN. THE PLANNING COMMISSION MUST SCHEDULE A PUBLIC HEARING ON
26 THE PRELIMINARY DEVELOPMENT PLAN WITHIN 60 DAYS OF RECEIPT OF A COMPLETE
27 APPLICATION.
28 (2) IF, IN THE PLANNING COMMISSION'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN
29 SUFFICIENT INFORMATION TO ENABLE IT TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE
30 PLANNING COMMISSION MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT AND
31 THE 60 DAY PERIOD IS SUSPENDED OR THE HEARING CONTINUED.
32 (3) AFTER COMPLETION OF THE PUBLIC HEARING, THE PLANNING COMMISSION MAY:
33 (i) RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE
34 PRELIMINARY DEVELOPMENT PLAN, AND SUBMIT ITS WRITTEN RECOMMENDATION TO
35 THE CITY COUNCIL IF A BILL CREATING A PLANNED UNIT DEVELOPMENT HAS BEEN INTRODUCED
PURSUANT TO SECTION 13-301 OR IS SUBSEQUENTLY INTRODUCED BY ONE OR MORE MEMBERS OF THE
CITY COUNCIL. THE WRITTEN RECOMMENDATION OF THE PLANNING COMMISSION MUST BE SUBMITTED;
OR
36 (ii) ADVISE THE APPLICANT IN WRITING OF ANY RECOMMENDED CHANGES, ADDITIONS, OR

(4) IF THE PLANNING COMMISSIONS RECOMMENDS CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PLAN FOR PLANNING COMMISSION CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE PLANNING COMMISSION MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PLAN. ONCE RESUBMITTED, THE PLANNING COMMISSION MAY THEN RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PRELIMINARY DEVELOPMENT PLAN AND SUBMIT ITS WRITTEN RECOMMENDATION TO THE CITY COUNCIL IN ACCORDANCE WITH SUBSECTION (C)(3)(I) OF THIS SECTION.

9 (D) *PLAN APPROVAL PROCEDURE – CITY COUNCIL.*

10 (1) AFTER THE CITY COUNCIL RECEIVES THE PLANNING COMMISSION’S RECOMMENDATION, ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY SPONSOR A BILL TO CREATE THE PLANNED UNIT DEVELOPMENT. THE

11 PRELIMINARY DEVELOPMENT PLAN MAY BE INTRODUCED INTO THE CITY COUNCIL, IF A BILL HAS NOT BEEN INTRODUCED FOR THE SAME PURPOSE PURSUANT TO SECTION 13-301-

12 (2) ONCE THE PRELIMINARY DEVELOPMENT PLAN IS INTRODUCED, THE CITY COUNCIL MAY:

13 (i) APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PLAN; OR

14 (ii) REQUIRE THAT THE APPLICANT CHANGE, ADD TO, OR CORRECT THE PRELIMINARY DEVELOPMENT PLAN BEFORE APPROVAL AND RESUBMIT THE PLAN TO THE CITY COUNCIL.

15 (3) IF THE CITY COUNCIL RECOMMEND CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PLAN FOR CITY COUNCIL CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE CITY COUNCIL MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PLAN. ONCE RESUBMITTED, THE CITY COUNCIL MAY APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PLAN.

16 (4) THE CITY COUNCIL’S PRELIMINARY DEVELOPMENT PLAN APPROVAL MUST BE IN THE FORM OF AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

17 (E) CHART OF PROCESS.

18 FIGURE 13-304: PRELIMINARY DEVELOPMENT PLAN SUMMARIZES THE PROCESS BY WHICH PRELIMINARY DEVELOPMENT PLANS MAY BE APPROVED.

§ 13-305. FINAL DEVELOPMENT PLAN:

19 (A) WHEN REQUIRED:

20 (1) WITHIN 2 YEARS AFTER APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN, THE APPLICANT MUST FILE A FINAL DEVELOPMENT PLAN WITH THE DIRECTOR OF PLANNING, TOGETHER WITH THE APPLICABLE FILING FEE.

21 (2) IF THE PRELIMINARY DEVELOPMENT PLAN WAS APPROVED TO BE CONSTRUCTED IN PHASES, THE APPLICANT MUST SUBMIT THE FINAL DEVELOPMENT PLAN FOR THE FIRST PHASE WITHIN 2 YEARS OF THE APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. FINAL DEVELOPMENT PLANS FOR SUBSEQUENT PHASES MAY BE SUBMITTED ACCORDING TO THE PHASING SCHEDULE APPROVED AS PART OF THE PRELIMINARY DEVELOPMENT PLAN.

22 (B) PLAN COMPONENTS:

23 THE FINAL DEVELOPMENT PLAN MUST INCLUDE THE FOLLOWING, IN FINAL FORM:

~~1 (1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;
2 (2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO
3 SURROUNDING PROPERTIES;
4 (3) THE PATTERN AND DESIGN OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING
5 FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;
6 (4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS,
7 STRUCTURES, AND BUILDING GROUPS;
8 (5) THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING;
9 (6) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND
10 CHARACTER OF PROPOSED STRUCTURES;
11 (7) THE LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
12 (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
13 (9) THE PROPOSED STORM DRAINAGE SYSTEM SHOWING BASIC TOPOGRAPHIC CHANGES;
14 (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR
15 DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO
16 BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;
17 (11) STATISTICAL DATA ON:
18 (i) THE TOTAL SIZE OF THE PROJECT AREA;
19 (ii) DENSITY COMPUTATIONS;
20 (iii) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND
21 (iv) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF
22 THE PROPOSED PLANNED UNIT DEVELOPMENT;
23 (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT
24 DEVELOPMENT, INCLUDING A PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE
25 PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED.
26 (13) A SCHEDULE SETTING FORTH THE EXCEPTIONS TO DISTRICT REGULATIONS THAT WERE
27 APPROVED AS PART OF THE PRELIMINARY DEVELOPMENT PLAN, CITING BY SECTION
28 NUMBER EACH REGULATION FOR WHICH AN EXCEPTION WAS APPROVED.
29 (c) CONFORMANCE REVIEW:
30 (1) THE DIRECTOR OF PLANNING MUST REVIEW THE FINAL DEVELOPMENT PLAN WITHIN 60 DAYS
31 OF ITS RECEIPT AND TAKE ACTIONS DESCRIBED IN THIS SUBSECTION.
32 (2) THE DIRECTOR OF PLANNING MAY RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT PLAN
33 TO THE PLANNING COMMISSION IF IT IS IN SUBSTANTIAL COMPLIANCE WITH THE PRELIMINARY
34 DEVELOPMENT PLAN AND ALL CITY REGULATIONS. THE DIRECTOR OF PLANNING WILL
35 CERTIFY TO THE PLANNING COMMISSION THAT THE FINAL PLAN IS IN SUBSTANTIAL
36 CONFORMANCE WITH THE PREVIOUSLY FILED PRELIMINARY DEVELOPMENT PLAN. WITHIN 60
37 DAYS OF RECEIPT OF THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING~~

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~~1 COMMISSION MUST REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A
2 PUBLIC MEETING.
3 (3) IF THE DIRECTOR OF PLANNING FINDS THAT THE FINAL DEVELOPMENT PLAN IS
4 SUBSTANTIALLY CHANGED FROM THE APPROVED PRELIMINARY DEVELOPMENT PLAN, OR IS
5 OTHERWISE NOT IN ACCORDANCE WITH CITY REGULATIONS, THEN THE DIRECTOR OF
6 PLANNING MAY RECOMMEND TO THE PLANNING COMMISSION THAT THE FINAL DEVELOPMENT
7 PLAN BE DENIED. IF THE PLANNING COMMISSION FINDS THAT THE FINAL DEVELOPMENT PLAN
8 IS NOT IN CONFORMITY WITH THE PRELIMINARY DEVELOPMENT PLAN OR OTHER REGULATIONS,
9 THE DIRECTOR OF PLANNING MUST INFORM THE APPLICANT OF THE SPECIFIC AREAS FOUND~~

~~10 NOT TO BE IN COMPLIANCE, AND THE APPLICANT MAY RESUBMIT THE FINAL PLAN TO THE
11 DIRECTOR OF PLANNING WITH CHANGES TO THOSE AREAS FOUND NOT TO BE IN COMPLIANCE.
12 (4) ONCE RESUBMITTED AND THE DIRECTOR OF PLANNING HAS DETERMINED THE FINAL
13 DEVELOPMENT PLAN TO BE IN SUBSTANTIAL COMPLIANCE WITH THE PRELIMINARY
14 DEVELOPMENT PLAN, THE DIRECTOR OF PLANNING MUST CERTIFY TO THE PLANNING
15 COMMISSION THAT THE FINAL DEVELOPMENT PLAN IS IN SUBSTANTIAL CONFORMANCE WITH
16 THE PREVIOUSLY FILED PRELIMINARY DEVELOPMENT PLAN. WITHIN 60 DAYS OF RECEIPT OF
17 THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING COMMISSION MUST
18 REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A PUBLIC MEETING.
19 (5) BEFORE FINAL APPROVAL OF THE FINAL DEVELOPMENT PLAN, THE PLANNING COMMISSION
20 MAY APPROVE MINOR CHANGES TO THE FINAL DEVELOPMENT PLAN THAT ARE NOT IN DIRECT
21 CONFORMANCE WITH THE PRELIMINARY DEVELOPMENT PLAN. THE MINOR CHANGES THAT
22 MAY BE APPROVED BY THE PLANNING COMMISSION ARE LIMITED TO THOSE THAT QUALIFY AS
23 MINOR VARIANCES UNDER § 5-302(B) ("MINOR AND MAJOR VARIANCES: MINOR VARIANCES")
24 OF THIS CODE.
25 (D) ~~APPROVED FINAL DEVELOPMENT PLAN:~~
26 AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE PLANNING COMMISSION, THE USE
27 OF THE LAND AND THE CONSTRUCTION, MODIFICATION, OR ALTERATION OF ANY STRUCTURES
28 WITHIN THE PLANNED UNIT DEVELOPMENT ARE GOVERNED BY THE APPROVED FINAL
29 DEVELOPMENT PLAN RATHER THAN BY THE PROVISIONS OF THIS CODE.
30 (E) ~~CHART OF PROCESS:~~
31 ~~FIGURE 13-305- FINAL DEVELOPMENT PLAN SU~~ [delete the remainder of this subsection]~~

SUBTITLE 4. MODIFICATIONS TO APPROVED ~~FINAL DEVELOPMENT PLANS~~ DEVELOPMENT PLAN

§ 13-401. ENGINEERING CORRECTIONS.

35 (A) *DIRECTOR MAY APPROVE.*

36 (1) DURING CONSTRUCTION ONLY, MINOR CHANGES REQUIRED BY ENGINEERING OR OTHER
37 PHYSICAL SITE CIRCUMSTANCES NOT FORESEEN AT THE TIME THAT THE ~~FINAL~~ DEVELOPMENT
38 PLAN WAS APPROVED, BUT ENCOUNTERED DURING CONSTRUCTION ON SITE, MAY BE
39 AUTHORIZED BY THE DIRECTOR OF PLANNING.

40 (2) HOWEVER, THE DIRECTOR OF PLANNING MAY NOT APPROVE ANY CHANGE THAT VIOLATES THE
41 ~~UNDERLYING ZONING,~~ ANY APPROVED EXCEPTION, OR ANY CONDITION ATTACHED TO THE

42 APPROVED PLANNED UNIT DEVELOPMENT.

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1 (B) *REVISED DEVELOPMENT PLAN.*

2 (1) A REVISED ~~FINAL~~ DEVELOPMENT PLAN MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING
3 WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE ~~ORDINANCE~~
4 ~~AND~~ PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT.

5 (2) THE REVISED ~~FINAL~~ DEVELOPMENT PLAN MUST BE REVIEWED AND APPROVED OR DENIED BY
6 THE DIRECTOR OF PLANNING WITHIN 15 DAYS.

7 (C) ~~AMENDMENTS: NEW DEVELOPMENT PLAN:~~

8 ALL CHANGES TO THE ~~FINAL~~ DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE
9 PLANNED UNIT DEVELOPMENT ~~ORDINANCE. A NEW PLAN REFLECTING THESE~~ ~~THE AMENDMENTS~~
10 ~~CHANGES~~ MUST BE

10 FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

§ 13-402. MINOR CHANGES.

12 (A) *COMMISSION MAY APPROVE.*

13 (1) THE PLANNING COMMISSION MAY APPROVE A CHANGE TO THE ~~APPROVED FINAL~~

14 DEVELOPMENT PLAN THAT IS NOT A MAJOR CHANGE GOVERNED BY § 13-403 {"MAJOR
15 CHANGES"} OF THIS SUBTITLE.

16 (2) HOWEVER, THE PLANNING COMMISSION MAY NOT APPROVE ANY CHANGE THAT VIOLATES THE
17 PROVISIONS OF THE APPROVED BILL UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR
18 ANY CONDITION ATTACHED TO THE
19 APPROVED PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A
20 PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE.

20 (B) *REVISED DEVELOPMENT PLAN.*

21 (1) A REVISED ~~FINAL~~ DEVELOPMENT PLAN MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING
22 WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE ORDINANCE
23 ~~AND~~ PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT. THE
24 DIRECTOR OF PLANNING MUST FORWARD THE REVISIONS TO THE PLANNING COMMISSION.

25 (2) THE PLANNING COMMISSION MUST REVIEW THE REVISED ~~FINAL~~ DEVELOPMENT PLAN AND
26 APPROVE, APPROVE WITH CONDITIONS, OR DENY IT WITHIN 30 DAYS OF ITS SUBMITTAL.

27 (C) *AMENDMENTS; ~~NEW DEVELOPMENT PLAN.~~*

28 ALL CHANGES TO THE ~~FINAL~~ DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE
29 PLANNED UNIT DEVELOPMENT ORDINANCE. THE AMENDMENTS A NEW PLAN REFLECTING THESE
30 CHANGES MUST BE

30 FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

31 **§ 13-403. MAJOR CHANGES.**

32 (A) *SCOPE OF SECTION.*

33 THIS SECTION APPLIES TO THE FOLLOWING MAJOR CHANGES:

34 (1) A 10% INCREASE OR 25% DECREASE IN THE APPROVED NUMBER OF DWELLING UNITS;

35 (2) A CHANGE IN BUILDING HEIGHT OVER THE STATED MAXIMUM HEIGHTS IN THE APPROVED

36 PLANNED UNIT DEVELOPMENT;

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(3) A SIGNIFICANT CHANGE IN THE TYPE, LOCATION, OR ARRANGEMENT OF LAND USE WITHIN
2 THE DEVELOPMENT, AS SHOWN ON THE PREVIOUSLY APPROVED DEVELOPMENT PLAN;

3 (4) A CHANGE IN THE BOUNDARIES OF THE PLANNED UNIT DEVELOPMENT;

4 (5) A DECREASE IN OPEN SPACE THAT HAD BEEN INCLUDED AS A PUBLIC BENEFIT OR AMENITY
5 UNDER § 13-204 {"EXCEPTIONS FROM DISTRICT REGULATIONS"} OF THIS TITLE; AND

6 (6) ANY CHANGE THAT VIOLATES THE PROVISIONS OF THE APPROVED BILL, UNDERLYING ZONING, ANY
APPROVED EXCEPTION, OR

7 ANY CONDITION OF APPROVAL ATTACHED TO THE APPROVED PLANNING UNIT

8 DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A PLANNED UNIT

9 DEVELOPMENT'S PHASING SCHEDULE.

(B) *CHANGE REQUIRES REPEAL OF PLAN AND RESUBMITTAL.*

11 A MAJOR CHANGE REQUIRES THE REPEAL OF THE ORDINANCE ESTABLISHING THE PLANNED UNIT
12 DEVELOPMENT AND THE PREVIOUSLY APPROVED PLANNED UNIT

13 DEVELOPMENT AND RESUBMITTAL OF A PLANNED UNIT DEVELOPMENT AT THE PRELIMINARY

14 DEVELOPMENT PLAN STAGE, INCLUDING ALL APPLICATION REQUIREMENTS AND FEES., AND MUST

15 FOLLOW THE PLANNED UNIT DEVELOPMENT APPROVAL PROCESS. THE PROCESS OF APPROVING

16 AND AMENDING A PLANNED UNIT DEVELOPMENT ESTABLISHED PURSUANT TO THIS

17 SECTION SHALL BE THE PROCESS ESTABLISHED IN THIS SUBTITLE 3.

Title 13 Edits

Based on 8/15 meeting with Law

1. First, do a word search and replace all instances of “preliminary development plan” with “master plan”
2. 13-304. MASTER PLAN – Add a new section (a) to read:
(a) IN GENERAL
THE PURPOSE OF THE MASTER PLAN IS TO SERVE AS THE LEGISLATIVELY APPROVED PLAN ENCOMPASSING ALL MAJOR ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS. WHERE CERTAIN ELEMENTS OF SITE DESIGN ARE UNKNOWN, IT IS SUFFICIENT TO REFLECT INTENT.
3. Existing 13-304(a) IN GENERAL should now be called WHEN REQUIRED. This and subsequent sections get re-lettered.
4. Revise 13-304(b) PLAN COMPONENTS to read:
 - (1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;
 - (2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO SURROUNDING PROPERTIES;
 - (3) THE PATTERN AND INTENDED DESIGN STANDARDS OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;
 - (4) THE USE, TYPE, SIZE, ARRANGEMENT OF EXISTING AND PROPOSED LOTS, STRUCTURES, AND BUILDING GROUPS;
 - (5) A GENERAL PLAN FOR LANDSCAPING THAT DEMONSTRATES DESIGN INTENT AND HOW ENVIRONMENTAL REQUIREMENTS ARE TO MET;
 - (6) ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN INTENT AND CHARACTER OF PROPOSED STRUCTURES;
 - (7) THE GENERAL LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
 - (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
 - (9) THE PROPOSED STORM DRAINAGE SYSTEM, SHOWING BASIC TOPOGRAPHIC CHANGES;
 - (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO BE OWNED AND MAINTAINED BY A PROPERTY OWNERS’ ASSOCIATION;
 - (11) STATISTICAL DATA ON:
 - (I) THE TOTAL SIZE OF THE PROJECT AREA;
 - (II) DENSITY COMPUTATIONS
 - (III) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND

(IV) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF THE PROPOSED PLANNED UNIT DEVELOPMENT;

- (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION FO THE PLANNED UNIT DEVELOPMENT, INCLUDING A PROPOSED PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED; AND
- (13) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REGULATIONS, CITING BY SECTION NUMBER EACH REGULATION FROM WHICH AN EXCEPTION IS SOUGHT.

5. 13-305: Add a new section (a) to read:

(a) IN GENERAL

THE PURPOSE OF THE FINAL DEVELOPMENT PLAN IS TO PROVIDE ADDITIONAL DETAILED INFORMATION ON ALL ASPECTS OF SITE DEVELOPMENT AND PUBLIC BENEFITS ONCE CONSTRUCTION IS IMMINENT.WHEREAS THE MASTER PLAN MAY REFLECT DESIGN INTENT, THE FINAL DEVELOPMENT PLAN MUST REFLECT ACTUAL AND FINAL PROPOSED CONDITIONS. THE FINAL DEVELOPMENT PLAN MUST CONFORM GENERALLY TO THE MASTER PLAN.

Comment [n1]: Should this statement be made subject to 13-305(c)?

6. Re-letter subsequent sections

7. Revise 13-305(c) PLAN COMPONENTS to read:

- (1) AS IN 13-304(B), EXCEPT THAT PLAN COMPONENTS SHOULD BE UPDATED TO REFLECT FINAL FORM
- (2) THE FINAL LOCATION, TYPE, AND SIZE OF PROPOSED LANDSCAPING FEATURES; AND
- (3) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES.

8. Strike lines 10 & 11 and substitute, "(1) After the City Council receives the Planning Commission's recommendation, the Master Plan may be introduced by the City Council for legislative authorization. Legislative authorization must be in the form of an ordinance."

Strike lines 12 through 25 and substitute:

"(2) Once the Master Plan is introduced for legislative authorization, the City Council may approve the Master Plan as proposed, amend the Master Plan, or fail to adopt the Master Plan."

(3) "If the City Council fails to adopt the Master Plan, the applicant may, within 30 days of being notified by the Planning Commission of the failure to adopt, submit a revised Master Plan to the City Council for legislative authorization. The City Council may approve the revised Master Plan as proposed, amend the revised Master Plan, or fail to adopt the revised Master Plan."

§ 14-339. WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, AND TOWER.

2 (A) *“CO-LOCATION” DEFINED.*

3 IN THIS SECTION, “CO-LOCATION” MEANS THE PLACEMENT OF WIRELESS TELECOMMUNICATIONS
4 ANTENNA OR FACILITIES FOR MORE THAN 1 SERVICE OR SERVICE PROVIDER ON A SINGLE TOWER OR
5 SITE.

6 (B) *PURPOSE.*

7 THE FOLLOWING STANDARDS FOR WIRELESS TELECOMMUNICATIONS ANTENNAS, FACILITIES, AND
8 TOWERS ARE INTENDED TO:

9 (1) ENSURE PUBLIC SAFETY AND WELFARE;

10 (2) ENSURE ACCESS TO RELIABLE WIRELESS TELECOMMUNICATIONS SERVICES THROUGHOUT
11 THE CITY;

12

13 (3) ENCOURAGE THE USE OF EXISTING TOWERS AND OTHER STRUCTURES FOR THE CO-
14 LOCATION OF WIRELESS TELECOMMUNICATIONS ANTENNA;

15 (4) ENCOURAGE THE LOCATION OF TOWERS, TO THE EXTENT POSSIBLE, IN AREAS WHERE THE
16 ADVERSE IMPACT ON THE CITY WILL BE MINIMAL AND, PREFERABLY, IN NON-RESIDENTIAL
17 DISTRICTS;

18 (5) ENCOURAGE THE LOCATION OF TOWERS, WHEN ALL CO-LOCATION OPPORTUNITIES HAVE
19 BEEN PROVEN INADEQUATE, IN AREAS WHERE THE ADVERSE IMPACT ON THE
20 SURROUNDING AREA WILL BE AS MINIMAL AS POSSIBLE AND, PREFERABLY, IN NON-
21 RESIDENTIAL DISTRICTS.

22 (C) *APPLICATION REQUIREMENTS.*

23 IN ADDITION TO THE GENERAL REQUIREMENTS FOR CONDITIONAL-USE APPLICATIONS, ALL
24 APPLICATIONS TO ERECT, CONSTRUCT, OR MODIFY ANY PART OF A WIRELESS
25 TELECOMMUNICATIONS ANTENNA, FACILITY, OR TOWER MUST INCLUDE THE FOLLOWING ITEMS:

26 (1) A SITE PLAN SHOWING:

27 (I) THE LOCATION, SIZE, SCREENING AND DESIGN OF ALL STRUCTURES, INCLUDING
28 FENCES;

29 (II) THE LOCATION AND SIZE OF ALL OUTDOOR EQUIPMENT;

30 (III) ELEVATIONS SHOWING ANTENNA HEIGHT;

31 (IV) A LANDSCAPE PLAN SHOWING ALL SCREENING; AND

32 (V) IF THE SITE PLAN IS FOR A NEW WIRELESS TELECOMMUNICATIONS TOWER,

33 INDICATION OF THE FALL ZONE (SHADED CIRCLE); 34 (2) A MAINTENANCE PLAN, AND ANY
APPLICABLE MAINTENANCE AGREEMENT, DESIGNED TO

35 ENSURE LONG-TERM, CONTINUOUS MAINTENANCE TO A REASONABLY PRUDENT

36 STANDARD, INCLUDING MAINTENANCE OF LANDSCAPING, KEEPING THE AREA FREE FROM

37 DEBRIS AND LITTER, AND IMMEDIATE REMOVAL OF ANY GRAFFITI;

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1 (3) A DESCRIPTION OF WHAT IS PROPOSED, DEMONSTRATING THE NEED FOR THE WIRELESS
2 TELECOMMUNICATIONS ANTENNA, FACILITY, OR TOWER TO BE LOCATED WHERE
3 PROPOSED.

4 (4) THE REASON OR PURPOSE FOR THE PLACEMENT, CONSTRUCTION, OR MODIFICATION, WITH
5 SPECIFIC REFERENCE TO THE PROVIDER’S COVERAGE, CAPACITY, AND QUALITY NEEDS,
6 GOALS, AND OBJECTIVES;

7 (5) THE SERVICE AREA OF THE PROPOSED WIRELESS TELECOMMUNICATIONS ANTENNA,
8 FACILITY, OR TOWER;

9 (6) IF THE PROPOSAL IS FOR A NEW TELECOMMUNICATIONS TOWER, A MAP SHOWING CO10
11 LOCATION OPPORTUNITIES WITHIN THE CITY AND WITHIN AREAS SURROUNDING THE
12 BORDERS OF THE CITY, TOGETHER WITH A JUSTIFICATION FOR WHY CO-LOCATION IS NOT
13 FEASIBLE AND THE NEW TOWER NEEDED WHERE PROPOSED;

14 (7) CERTIFICATION BY A PROFESSIONAL ENGINEER OF THE MANNER IN WHICH THE PROPOSED
15 STRUCTURE WILL FALL, WHICH CERTIFICATION MAY BE USED, ALONG WITH OTHER
16 CRITERIA SUCH AS APPLICABLE REGULATIONS FOR THE DISTRICT IN QUESTION, IN
17 DETERMINING IF ADDITIONAL SETBACK SHOULD BE REQUIRED FOR THE STRUCTURE AND
18 OTHER FACILITIES;

19 (8) A VISUAL SIMULATION OR RENDERING OF THE PROPOSED SUPPORT STRUCTURE THAT
20 ILLUSTRATES THE RELATIONSHIP BETWEEN THE HEIGHT AND THE VISUAL APPEARANCE OF
21 THE STRUCTURE. THE ZONING ADMINISTRATOR MAY REQUIRE THAT THE VISUAL
22 SIMULATION BE PROVIDED FROM 2 DIFFERENT PERSPECTIVES AND ACCURATELY DEPICT
23 THE SCALE OF THE PROPOSED STRUCTURE IN THE CONTEXT OF THE SURROUNDING AREA; AND

24 (9) . IF THE APPLICATION IS FOR A MODIFICATION OF AN EXISTING WIRELESS
25 TELECOMMUNICATIONS TOWER OR BASE STATION, A SHOWING THAT THE
26 MODIFICATION MEETS THE REQUIREMENTS OF SUBSECTION (N) OF THIS SECTION, IF
27 APPLICABLE.

28 (D) *SETBACKS.*

29 ALL WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES MUST BE SET BACK FROM ALL LOT
30 LINES IN ACCORDANCE WITH THE MINIMUM SETBACK REQUIREMENTS APPLICABLE TO THE DISTRICT
31 IN QUESTION.

32 (E) *HEIGHT.*

33 THE MAXIMUM HEIGHT OF A WIRELESS TELECOMMUNICATIONS TOWER IS THE MINIMUM NEEDED TO
34 FUNCTION SATISFACTORILY. THE CONDITIONAL-USE APPLICATION FOR APPROVAL OF A TOWER
35 MUST DEMONSTRATE THE HEIGHT NEEDED FOR THE TOWER.

36 (F) *LIGHTING AND MARKING.*

37 WIRELESS TELECOMMUNICATIONS ANTENNAS, TOWERS AND FACILITIES MAY NOT BE LIT OR
38 MARKED UNLESS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION OR THE FEDERAL
39 AVIATION ADMINISTRATION.

40 (G) *LANDSCAPING.*

41 ALL WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES MUST COMPLY WITH THE
42 LANDSCAPING REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

43 (H) *ADDITIONAL STANDARDS FOR ANTENNAS.*

44 (1) A WIRELESS TELECOMMUNICATIONS ANTENNA IS A CONDITIONAL USE IN ALL DISTRICTS,
45 EXCEPT WHERE, IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (N) OF THIS SECTION, IT IS
46 A PERMITTED USE AND WHERE, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION, IT IS A
47 PERMITTED USE SUBJECT TO SITE PLAN REVIEW dlr12-196-intro-1st/17Oct12

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1 (2) WIRELESS TELECOMMUNICATIONS ANTENNAS DO NOT INCLUDE SATELLITE DISHES, AS
2 REGULATED IN § 15-516 {"SATELLITE DISH ANTENNAS"} OF THIS CODE.

3 (I) *ADDITIONAL STANDARDS FOR FACILITIES.*

4 (1) A WIRELESS TELECOMMUNICATIONS FACILITY IS A CONDITIONAL USE IN ALL DISTRICTS.

5 (2) ANY BUILDING, CABINET, OR SHELTER MAY HOUSE ONLY EQUIPMENT AND SUPPLIES FOR
6 OPERATION OF THE WIRELESS TELECOMMUNICATION TOWER. EQUIPMENT NOT USED IN DIRECT
7 SUPPORT OF THE OPERATION MAY NOT BE STORED ON THE SITE.

8 (3) THE FACILITY MAY NOT BE STAFFED.

9 (4) SIGNS FOR THE WIRELESS TELECOMMUNICATIONS FACILITY ARE LIMITED TO OWNERSHIP AND
10 CONTACT INFORMATION, FCC ANTENNA REGISTRATION NUMBER (IF REQUIRED), AND ANY
11 OTHER INFORMATION REQUIRED BY GOVERNMENT REGULATION.

12 (5) COMMERCIAL ADVERTISING IS STRICTLY PROHIBITED.

13 (J) *ADDITIONAL STANDARDS FOR TOWERS.*

14 (1) A WIRELESS TELECOMMUNICATIONS TOWER IS A CONDITIONAL USE IN ALL DISTRICTS.

15 (2) A WIRELESS TELECOMMUNICATIONS TOWER MAY BE FREESTANDING OR SUPPORTED AND MAY
16 BE OF EITHER LATTICE OR MONOPOLE CONSTRUCTION.

17 (3) THE ABILITY FOR OTHER TELECOMMUNICATIONS PROVIDERS TO CO-LOCATE ON A TOWER IS
18 REQUIRED. WIRELESS TELECOMMUNICATIONS TOWERS MUST BE DESIGNED TO ACCOMMODATE
19 OTHER TELECOMMUNICATIONS PROVIDERS. THE AREA SURROUNDING A TOWER MUST BE OF A
20 SUFFICIENT SIZE TO ACCOMMODATE ACCOMPANYING WIRELESS TELECOMMUNICATIONS
21 FACILITIES FOR OTHER TELECOMMUNICATIONS PROVIDERS.

22 (4) UNLESS OTHERWISE REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION, THE
23 FEDERAL AVIATION ADMINISTRATION, OR THE CITY, TOWERS MUST HAVE A GALVANIZED
24 SILVER OR GRAY FINISH.

25 (K) *STEALTH DESIGN FOR ANTENNAS.*

26 (1) STEALTH DESIGN FOR WIRELESS ANTENNAS IS ENCOURAGED AND IS CONSIDERED A PERMITTED
27 USE IN ALL DISTRICTS, SUBJECT TO DESIGN REVIEW AND THE REQUIREMENTS OF THIS SECTION.

28 (2) AN APPLICATION FOR DESIGN REVIEW MUST INCLUDE ALL INFORMATION REQUIRED BY THIS
29 SECTION.

30 (3) TO QUALIFY AS A PERMITTED STEALTH DESIGN, A WIRELESS TELECOMMUNICATIONS ANTENNA:

31 (I) MUST BE ENCLOSED, CAMOUFLAGED, SCREENED, OBSCURED, OR OTHERWISE NOT
32 READILY APPARENT TO A CASUAL OBSERVER;

33 (II) MUST BE MOUNTED AT LEAST 40 FEET ABOVE GRADE, AS MEASURED FROM GRADE TO
34 THE BASE OF THE ANTENNA;

35 (III) MUST BE LOCATED ON OR IN A STRUCTURE ALREADY PERMITTED WITHIN THE ZONING
36 DISTRICT, SUCH AS WATER TOWERS, CLOCK TOWERS, STREETLIGHTS, PENTHOUSES,
37 PARAPET WALLS, AND STEEPLES, AND DESIGNED TO BLEND INTO THE STRUCTURE; AND

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1 (IV) MAY NOT INCREASE THE OVERALL HEIGHT OF THE STRUCTURE ON WHICH IT IS
2 MOUNTED.

3 (4) ANTENNAS THAT CO-LOCATE ON EXISTING WIRELESS TELECOMMUNICATIONS TOWERS ARE
4 ALSO CONSIDERED STEALTH DESIGN, IF THEY DO NOT SUBSTANTIALLY CHANGE THE PHYSICAL
5 DIMENSIONS OF THE WIRELESS TELECOMMUNICATIONS TOWER.

6 (L) *ABANDONMENT.*

7 (1) ANY WIRELESS TELECOMMUNICATIONS TOWER OR FACILITY THAT IS NOT OPERATED FOR 180
8 CONSECUTIVE DAYS IS CONSIDERED ABANDONED.

9 (2) THE OWNER MUST REMOVE THE TOWER OR FACILITY AND ALL ABOVEGROUND EQUIPMENT AND
10 RELATED DEBRIS WITHIN 180 DAYS OF ITS ABANDONMENT.

11 (M) *NONCONFORMITIES.*

12 (1) ORDINARY MAINTENANCE MAY BE PERFORMED ON NONCONFORMING WIRELESS
13 TELECOMMUNICATION ANTENNA OR FACILITIES.

14 HOWEVER, AND EXCEPT AS PROVIDED IN SUBSECTION (N) OF THIS SECTION, IF A
15 PROPOSED ALTERATION INTENSIFIES A NONCONFORMING CHARACTERISTIC OF
16 A WIRELESS TELECOMMUNICATION ANTENNA OR FACILITY, A VARIANCE IS REQUIRED.

17 (2) ORDINARY MAINTENANCE MAY BE PERFORMED ON NONCONFORMING WIRELESS
18 TELECOMMUNICATION TOWERS.

19

20 (N) *MODIFICATIONS*

(1) AS PROVIDED IN 47 U.S.C. § 6409(A), MODIFICATIONS OF AN EXISTING WIRELESS
TELECOMMUNICATIONS TOWER OR BASE STATION THAT DOES NOT

SUBSTANTIALLY CHANGE THE PHYSICAL DIMENSIONS OF THE TOWER OR BASE STATION ARE PERMITTED WHEN THE MODIFICATIONS ARE INTENDED TO SUPPORT ELIGIBLE FACILITIES. ELIGIBLE FACILITIES MEANS ANY REQUEST FOR MODIFICATION OF AN EXISTING TOWER OR BASE STATION THAT INVOLVES THE COLOCATION OF NEW TRANSMISSION EQUIPMENT; THE REMOVAL OF TRANSMISSION EQUIPMENT; OR THE REPLACEMENT OF TRANSMISSION EQUIPMENT.

- (2) AN APPLICANT FOR A MODIFICATION MUST SHOW THE FACILITY QUALIFIES UNDER THE FEDERAL STATUTE.
- (3) APPROVAL MAY BE SUBJECT TO CONDITIONS IMPOSED BY THE BMZA.

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

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