

TEXT AMENDMENTS TO COUNCIL BILL 12-152

MISCELLANEOUS MISNOMERS AND INCONSISTENCIES; UNCODIFIED PROVISIONS

(1st Reader Copy)

Proposed by: Various

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1 (DLR) {Effective Date}

On page 343, in lines 18 and 19, strike “the 180th day” and substitute “1 year”.

{DLR Note: As will become evident from the Notes and Queries that ensue, throughout these sets of amendments, the hundreds of as-yet ill-examined proposals leave – or themselves create – an extraordinary number of as-yet-unresolved problems : poorly organized or miscodified provisions; inchoately outlined concepts; vaguely, obtusely, inconsistently, or ambiguously worded standards, requirements, procedures, and other other important elements; and many substantively contradictory provisions (some, even, contradictions between amendments proffered by the same Councilmember or agency). DLR has, of course, attempted throughout these formatted sets to resolve many of these problems – but only where that is possible without substantive departure from the apparent intent. Even then: (i) these proposed DLR resolutions will require time-consuming vetting by the Council, and (ii) the many remaining, serious issues that couldn’t be resolved by DLR will need to be carefully considered and resolved by the Council . IN THE END, DLR FEARS THAT THE NOW-SCHEDULED 180-DAY HIATUS BETWEEN ENACTMENT AND IMPLEMENTATION WILL BE INSUFFICIENT TO UNDERTAKE THE RESEARCH, ANALYSIS, DELIBERATIONS, ETC., TO COMPLETE THE NUMEROUS, STILL-NEEDED CORRECTIONS.}

Amendment No. 2 (T-40, T-41) {Typo}

On page 8, in line 34, strike “; AND” and substitute a period.

Amendment No. 3 (T-53 to T-56) {Typo}

On page 11, in line 11, strike “FINANCIAL” and substitute “FINANCIALLY”.

Amendment No. 4 (T-190) {“Individual” vice “Person”}

On page 22, in line 18, on page 23, in line 5, on page 25, in line 18, on page 28, in line 24, on page 31, in line 2, on page 32, line 17, on page 49, in line 24, on page 49, in line 28, on page 55, in line 6, on page 219, in line 24, on page 245, in line 20, on page 251, in line 20, and on page 286, line 5, in each instance, strike “PERSONS” and substitute “INDIVIDUALS”.

Amendment No. 5 (DLR) {“Occupancy Permit”}

On page 67, in line 20, after “USE PERMIT”, strike “OR OCCUPANCY PERMIT”; and, on page 243, in line 30, and on page 299, in line 9 and in line 23, in each instance, strike “OCCUPANCY PERMIT” and substitute “USE PERMIT”.

{DLR NOTE: For zoning law purposes, “use permit” is the only correct name for the document that “states that [a] use or occupancy ... complies with [the Zoning] Code ... and ... is the authorized use for [a] structure or land”. See Bill § 5-702. And that is the term used (almost) exclusively for that purpose throughout the Bill and, indeed, the current Zoning Code. Inexplicably, however, the Bill contains 5 anomalous references to an “occupancy permit”. But “occupancy permit” is a distinct term used exclusively in the City’s Building Code for the document that evidences compliance with that code. See BC § 111. Given the absence here of any definition, narrative clarification, or even hint as to why this inapposite term was use in these 5 instances, we can only assume that it was an oversight.}

Amendment No. 6 (DLR) {“Landscape Review Manual”}

In each of the following instances, after “LANDSCAPE”, strike “REVIEW”:

page 83, lines 2 and 13, page 84, lines 3, 9, 18, 25, and 33, page 85, lines 3 and 5, and page 191, lines 3 and 37.

{DLR NOTE: Throughout the rest of this Bill, the many more references to this Manual are, simply, to the “Landscape Manual”, which the Planning Department conforms is the intended name. This amendment, then, is but a modest attempt to bring about a modicum of consistent usage to this Bill.}

Amendment No. 7 (T-286) {Typo}

On page 83, in line 5, strike “TP” and substitute “TO”.

Amendment No. 8 (DLR) {Cites to BFR Codes}

On page 87, in line 10, and, on page 101, in lines 30-31, in each instance, strike “BALTIMORE”; and, after “CODES”, insert “ARTICLE”; and, on page 219, in line 25, and on page 284, in lines 26-27, in each instance, before “BUILDING”, insert “CITY” and after “CODES”, strike “OF THE CITY” or “OF BALTIMORE CITY”, as the case may be, and substitute “ARTICLE”.

Amendment No. 9 (DLR) {“Ordinance”}

On page 98, in line 27, after “BY”, strike “THE CITY COUNCIL” and substitute “ORDINANCE OF THE MAYOR AND CITY COUNCIL,”; and, on page 103, in line 22, after “THE CITY COUNCIL MAY”, strike “GRANT” and “APPROVE”; and, on page 176, in line 9 and line 18, in each instance, after “APPROVED BY” strike “THE CITY” and subtitle “ORDINANCE”; and, on page 183, in lines 6 and 7 and in line 16, in each instance, strike “TO THE CITY COUNCIL”; and, on page 207, in line 25, strike “ORDINANCE” and substitute “ORDINANCE”.

Amendment No. 10 (DLR) {“Underlying Zoning District”}

On page 131, in line 14, and on page 194, in line 21 and in line 25, and on page 196, in line 17 and in line 21, and, on page 200, in line 9, in each instance, before “DISTRICT”, insert “ZONING”; and, on page 233, in line 7, strike “ZONE” and substitute “ZONING DISTRICT”.

Amendment No. 11 (T-366) {Typo}

On page 137, in line 30, strike “COMPLIMENT” and substitute “COMPLEMENT”.

Amendment No. 12 (T-747) {Typo}

On page 165, in line 23, strike “BRODGES” and substitute “BRIDGES”.

Amendment No. 13 (DLR) {“Alcohol Sales”, “Alcohol Beverages”, etc.}

On page 182, in line 16, on page 185, in line 20, on page 194, in line 13, on page 220, in lines 5 and 6, on page 226, in line 17, on page 227, in line 23, on page 231, in lines 1, 3, 10, and 11, on page 324, in lines 25, 28, and 29, and on page 325, in line 8, in each instance, strike “ALCOHOL” and “ALCOHOL”, as the case may be, and, in the font of the deleted term, substitute “ALCOHOLIC BEVERAGE” and “ALCOHOLIC BEVERAGE”, as the case may be; and, on page 218, in line 11, strike “WITHOUT ALCOHOL SALES” and substitute “NO ALCOHOLIC”.

BEVERAGE SALES”; and, on page 224, in line 13, strike “AND ALCOHOL” and substitute “OR ALCOHOLIC BEVERAGES”.

{DLR NOTE: The vast majority of references in the Bill correctly use the term “alcoholic beverages” and “alcoholic beverage sales”. Those relatively few that use the slang – and misleadingly broad – terms “alcohol” and “alcohol sales” have been corrected on this amendment. }

{NOTA BENE TO PLANNING: All Tables using the “alcohol” shorthand will also need corrective amendments. }

Amendment No. 14 (DLR) {Measurements}

In each of the following instances, strike “IS LIMITED TO” or “ARE LIMITED TO”, as the case may be, and substitute “MAY NOT EXCEED”:

page 191, line 12, page 195, line 19, page 197, line 11, page 226, line 32, page 227, line 5, page 233, line 2, page 251, line 25, page 254, line 30, page 289, line 30, page 290, line 18, page 297, line 20, page 299, line 29, page 300, line 5, page 301, line 8, page 306, lines 4, 27, 32, and 33, page 307, lines 1, 13, and 15, page 308, lines 20, 21, 23, 31, 32, and 34, page 309, lines 21, 22, 29, and 30, page 310, line 3, and page 311, line 2;

and, on page 227, in line 1, strike “BE MORE THAN” and substitute “EXCEED”; and, in the same line, strike “HIGH” and substitute “IN HEIGHT”; and, on the same page, in line 7, strike “NO”; and, on page 289, in line 30, strike “A MAXIMUM OF”; and, on page 302, in line 22, strike “THE MAXIMUM SIZE IS LIMITED TO” and substitute “THE ELECTRONIC MESSAGE COMPONENT MAY NOT EXCEED”; and, on page 305, in line 25, strike “ALL OTHER USES ARE LIMITED TO” and substitute “FOR ALL OTHER USES, NAMEPLATE SIGNS MAY NOT EXCEED”.

{DLR NOTE: This amendment is yet another modest attempt to bring about some consistent usage to this Bill. }

Amendment No. 15 (T-521, T-869) {Typo}

On page 246, in line 5, strike “PROPERTYFRONTS” and substitute “PROPERTY FRONTS”.

Amendment No. 16 (DLR) {Typo}

On page 273, in line 1, before “4”, strike “FOUR”.

Amendment No. 17 (DLR) {Table Descriptions}

{DLR CAVEAT: Proofreading and possible correction still needed.}

Title 7

On page 118 of the Bill, in lines 2 and 3, and in the heading of the accompanying Table 7-202, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE OPEN SPACE ZONING DISTRICT*” and substitute “*OPEN SPACE DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 118 of the Bill, in line 6, and in the heading of the accompanying Table 7-203, in each instance, strike “*OPEN SPACE ZONING DISTRICT BULK AND YARD REGULATIONS*” and substitute “*OPEN SPACE DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 8

On page 136 of the Bill, in lines 17 and 18, and in the heading of the accompanying Table 8-301, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS*” and substitute “*DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 136 of the Bill, in line 22, and in the heading of the accompanying Table 8-401, in each instance, strike “*DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT BULK AND YARD REGULATIONS*” and substitute “*DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 9

On page 141 of the Bill, in lines 3 and 4, strike “*PERMITTED AND CONDITIONAL USES IN THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS*” and in the heading of the accompanying Table 9-301, strike “*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS PERMITTED AND CONDITIONAL USES*” and, in each instance, substitute “*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 141 of the Bill, in line 9, and in the heading of the accompanying Table 9-401, in each instance, strike “*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*” and substitute “*ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 10

On page 158 of the Bill, in lines 6 and 7, and in the heading of the accompanying Table 10-301, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL ZONING DISTRICTS*” and substitute “*COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 158 of the Bill, in line 10, and in the heading of the accompanying Table 10-401, in each instance, strike “*COMMERCIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*” and substitute “*COMMERCIAL DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 11

On page 169 of the Bill, in lines 13 and 14, and in the heading of the accompanying Table 11-301, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE INDUSTRIAL ZONING DISTRICTS*” and substitute, in the same font as that being replaced, “*INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 169 of the Bill, in line 17, and in the heading of the accompanying Table 11-401, in each instance, strike “*INDUSTRIAL ZONING DISTRICTS BULK AND YARD REGULATIONS*” and substitute, in the same font as that being replaced, “*INDUSTRIAL DISTRICTS – BULK AND YARD REGULATIONS*”.

Title 12

On page 177 of the Bill, in lines 19 and 20, and in the heading of the accompanying Table 12-301, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE OFFICE-RESIDENTIAL ZONING DISTRICT*” and substitute, in the same font as that being replaced, “*OFFICE-RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 177 of the Bill, in line 23, and in the heading of the accompanying Table 12-302, in each instance, strike “*OFFICE-RESIDENTIAL ZONING DISTRICT BULK AND YARD REGULATIONS*” and substitute, in the same font as that being replaced, “*OFFICE-RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS*”;

and, on page 178 of the Bill, in lines 32 and 33, and in the heading of the accompanying Table 12-402, in each instance, strike “*PERMITTED AND CONDITIONAL USES IN THE TOD DISTRICT*” and substitute, in the same font as that being replaced, “*TRANSIT-ORIENTED DEVELOPMENT DISTRICTS – PERMITTED AND CONDITIONAL USES*”; and, on page 179 of the Bill, in line 3, and in the heading of the accompanying Table 12-403, in each instance, strike “*TOD DISTRICTS BULK AND YARD REGULATIONS*” and substitute, in the same font as that being replaced, “*TRANSIT-ORIENTED DEVELOPMENT DISTRICTS – BULK AND YARD REGULATIONS*”;

and, on page 182 of the Bill, in line 25, after “*CAMPUS*”, insert “*DISTRICT–*”; and, in the heading of the accompanying Table 12-502, after “*DISTRICT*”, insert a dash; and, on page 183 of the Bill, in line 8, strike “*12-503*” and substitute “*12-502*”; and, on page 186 of the Bill, in line 4, after “*CAMPUS*”, insert “*DISTRICT–*”; and, in the heading of the accompanying Table 12-602, after “*DISTRICT*”, insert a dash; and, on page 189 of the Bill, in line 30, after “*BRANCH*”, insert “*WATERFRONT*”.

Title 16

In the heading of the accompanying Table 16-402, strike “*DIMENSION*” and substitute “*DIMENSIONS*”; and, on page 267 of the Bill, in line 37, page 269, lines 8 and 9, page 271, lines 32 and 40, page 272, lines 31 (twice) and 37, and page 273, line 6, and in the heading of the accompanying Table, in each instance, strike “*16-406(A)*” or “*16-406A*”, as the case may be, and substitute, in the same font as that being replaced, “*16-406*”; and, on

page 46 of the accompanying Tables, strike “Table 26-406(b)(1)” and “Table 16-406(b)(4)”, in their entireties.

{NOTE TO PLANNING: Table 16-501 is out of order amongst the Tables, misplaced *before* the Subtitle 4 Tables.}

OMITTED PROPOSALS

{T-691 (ARTICLE DESIGNATION): T-691, initially proposed by Planning in 2013, would assign to the new Zoning Code a no-longer-befitting designation as an unnumbered article of the “Baltimore City Revised Code”. DLR only learned of the proposal in late July-early August of 2016, when we were first asked to review and format the proposed Transform amendments. DLR advised Planning of the reasons that this amendment would be inappropriate. Planning, in response, noted that its proposal had been qualified by the phrase, “defer to [L]eg. Reference”. And, acknowledging the merits of DLR’s objection, PLANNING HAS WITHDRAWN THAT PROPOSAL.}