



Legislation Details (With Text)

**File #:** 09-0412    **Version:** 0    **Name:** Zoning - Cell Towers  
**Type:** Ordinance    **Status:** Enacted  
**File created:** 10/19/2009    **In control:** City Council  
**On agenda:**    **Final action:** 3/10/2010  
**Enactment date:**    **Enactment #:** 10-262  
**Title:** Zoning - Cell Towers

FOR the purpose of requiring that conditional use applications for antenna towers, microwave relay towers, and similar installations for communications transmission or receiving be referred to the Historical and Architectural Preservation Division, Department of Planning, for certain determinations; and specifying certain required findings and conditions of approval for these uses.

**Sponsors:** Stephanie President Rawlings-Blake, Mary Pat Clarke, Bill Henry, Sharon Green Middleton, William H. Cole, IV, Agnes Welch, Edward Reisinger, Rochelle Spector, James B. Kraft, Belinda Conaway, Warren Branch, Helen L. Holton

**Indexes:** Cell Towers, Zoning

**Code sections:**

**Attachments:** 1. 09-0412 - 1st Reader.pdf, 2. BDC - 09-0412.pdf, 3. Planning - 09-0412.pdf, 4. BMZA - 09-0412.pdf, 5. HCD - 09-0412.pdf, 6. Law - 09-0412.pdf, 7. CHAP - 09-0412.pdf, 8. Real Estate - 09-0412.pdf, 9. 09-0412 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
3/10/2010	0	Mayor	Signed by Mayor	
3/8/2010	0	City Council	Approved and Sent to the Mayor	
2/22/2010	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	
2/22/2010	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
1/19/2010	0	Land Use and Transportation Committee	Advertising	
1/11/2010	0	Land Use and Transportation Committee	Scheduled for a Public Hearing	
11/3/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/22/2009	0	The City Council	Referred for a Report	
10/19/2009	0	City Council	Assigned	
10/19/2009	0	City Council	Introduced	

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.  
INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: President Rawlings-Blake

A BILL ENTITLED

AN ORDINANCE concerning  
**Zoning - Cell Towers**

FOR the purpose of requiring that conditional use applications for antenna towers, microwave relay towers, and similar installations for communications transmission or receiving be referred to the Historical and Architectural Preservation Division, Department of Planning, for certain determinations; and specifying certain required findings and conditions of approval for these uses.

BY adding

Article - Zoning  
Section(s) 14-317  
Baltimore City Revised Code  
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Zoning

Title 14. Conditional Uses

Subtitle 3. Additional Considerations for Certain Uses

Part II. For Board Approval

§ 14-317. ANTENNA TOWERS, MICROWAVE RELAY TOWERS, ETC., FOR COMMUNICATIONS.

(A) REFERRAL FOR PRESERVATION REVIEW.

FOR THE PLACEMENT OR ERECTION OF ANTENNA TOWERS, MICROWAVE RELAY TOWERS, AND SIMILAR INSTALLATIONS FOR COMMUNICATIONS TRANSMISSION OR RECEIVING, THE ZONING ADMINISTRATOR MUST, WITHIN 10 WORKING DAYS OF RECEIVING THE APPLICATION, REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION OF THE DEPARTMENT OF PLANNING FOR REVIEW.

(B) PRESERVATION REPORT.

(1) WITHIN 10 WORKING DAYS AFTER THE REFERRAL, THE HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION MUST REPORT TO THE BOARD WHETHER THE PROPOSED LOCATION OF THE INSTALLATION IS:

(I) ON A BALTIMORE CITY LANDMARK LIST PROPERTY OR WITHIN A BALTIMORE CITY HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT;

(II) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE MARYLAND INVENTORY OF HISTORIC PROPERTIES; OR

(III) ON A PROPERTY OR WITHIN A DISTRICT LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

(2) IF THE PROPOSED LOCATION MEETS ONE OR MORE OF THESE CRITERIA, THE DIVISION MUST REPORT TO THE BOARD, WITHIN 45 DAYS AFTER THE REFERRAL:

(I) WHETHER THE INSTALLATION WILL HAVE AN ADVERSE EFFECT ON THE PROPERTY OR DISTRICT; AND

(II) IF SO, WHETHER AND HOW THAT ADVERSE EFFECT CAN BE ADEQUATELY MITIGATED.

(C) BOARD ACTION.

ON RECEIPT AND CONSIDERATION OF THE REPORT AND RECOMMENDATIONS OF THE HISTORICAL AND ARCHITECTURAL PRESERVATION DIVISION, THE BOARD MUST FIND, AND REQUIRE AS A CONDITION OF APPROVAL, THAT:

(1) THE PROPOSED LOCATION DOES NOT MEET ANY OF THE CRITERIA LISTED IN SUBSECTION (B)(1) OF THIS SECTION; OR

(2) IF IT DOES MEET ONE OR MORE OF THESE CRITERIA:

(I) THE INSTALLATION WILL NOT HAVE AN ADVERSE EFFECT ON THE PROPERTY OR THE DISTRICT; OR

(II) THE APPLICANT WILL ADEQUATELY MITIGATE ANY ADVERSE EFFECT, AS SPECIFIED IN THE REPORT AND RECOMMENDATIONS OF THE DIVISION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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Zg/cell towers/aa:me

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Zg/cell towers/aa:me

