

## **After nearly 40 years, Baltimore is overhauling its zoning code.**

By Ann Lolordo, *The Baltimore Brew*, July 7, 2009

Baltimore officials have begun rewriting the city's byzantine zoning code with the goal of producing a comprehensive, practical, user-friendly set of rules that reflect the city's changing landscape and anticipate future development needs.

But in seeking a simplified, speedier approval process, the proposal changes some tried-and-true routines, introduces a new form of zoning that puts a priority on design, integrates urban renewal plans within the code — and has generated criticism already.

Some see the revisions as a power grab by city planners and a move toward less oversight by the City Council. Roland Park residents, who opposed construction of an assisted living facility on a leafy piece of country club property, are especially wary. Under the proposed code revisions, the Keswick Multi-Care Center's Planned Unit Development arguably would have had a better chance of coming before the City Council.

“An effort to streamline the overall process is a good thing, we think, but we should be sure we don't do things we'll regret,” said Phil Spevak, president of the Roland Park Civic League, who argues it's “a mistake to de-emphasize the role of the council” by taking them out of the early stages of the process.

Others are watching the revisions closely as well, including City Councilman William H. Cole IV, who agrees the current code is archaic but worries that a diminished council role would reduce what little voice citizens have now, as they confront development pressure.

“The number one challenge facing neighborhoods that are revitalizing is the conversion of homes and buildings to multi-unit dwellings,” he said, adding that such conversions produce more people, more cars and more trash than the neighborhood was meant to handle.

Such issues are being discussed this summer in a series of city-run *charrettes*. The effort so far has involved a dozen work groups that reviewed zoning regulations for neighborhoods, entertainment districts and commercial and industrial areas and considered a new code's impact on Baltimore's waterfront, design and health. It also looks to promote smart growth, landscape design and green development.

The draft plan, dubbed “TransForm Baltimore,” is most definitely a work-in-progress and city planning officials are encouraging residents to review the proposal and comment on it. It's in their interest, says Thomas J. Stosur, the director of the Planning Department, which is undertaking the effort to update the decades-old code that was last revised in 1971.

“I can’t stress enough how important it is that we want public involvement,” says Stosur. “Folks don’t find zoning a very stimulating topic but it does have an effect on every single parcel of property in the entire city. It will have an effect on you as a property owner sooner or later. ”

The 55-page draft discusses such topics as open space and university-related growth to transit-oriented development and mixed-used districts. It seeks to streamline the approval process, make uses conform across districts, tighten notice requirements, define a non-conforming use of property, demand complete applications and reduce the ability to negotiate zoning changes as reflected in a planned unit development.

Here are a few proposals that should stir debate:

–Establish an **administrative approval process for routine variance requests**. This is intended to reduce the 1,000 variance applications heard by the Board of Municipal Zoning and Appeals, requests that often are minor changes. The proposal attempts to define an administrative variance for changes in set back requirements, parking and lot sizes. But it retains appeal rights for the applicant and in contested cases.

–Introduce **form-based zoning**, which seeks to retain the architectural character of a neighborhood and establish design standards. While new to Baltimore, this form of zoning is used in cities throughout the country to promote good design.

–**Eliminate certain steps in the City Council approval process**. For example, a planned unit development proposal would be vetted first by the Planning Department with a public hearing to be held by the planning commission before the request went before the City Council for approval. The current system requires introduction of a City Council bill to initiate a request for a planned unit development. Since the establishment of single-member Council districts, individual council members have the power to block such proposals.

In this year’s controversy over a proposal to build an assisted living facility in Roland Park, once Councilwoman Sharon Green Middleton announced her opposition to the plan, the developers had no shot at having their request for a planned unit development on the site introduced into the Council.

Phil Spevak, Roland Park Civic League president, and City Councilwoman Sharon Green Middleton, at a meeting last fall in which residents voiced opposition to a proposed assisted living facility.

Spevak said the Civic League is pushing for other changes as well, including having the city notify communities about projects as they move through the planning and zoning process. Right now, it’s up to the developer to let civic leaders know about upcoming meetings or deadlines.

But he and others are most concerned about the way the proposed change would usurp the authority of elected officials. Baltimore's City Council has a larger role in some of these zoning matters than its counterparts across the state. For example, in Baltimore County, the county council has no role in individual zoning cases.

Stosur, the director of the planning department, described the present zoning code as "cumbersome" and contrary to the city's development goals. The city has a chance to learn from its mistakes over the past 20 years and incorporate those lessons into the revised code. "Let's do the best we can with it," he said. "The net effect will be to raise the quality of development and our built environment across the city."

Jody Landers, executive director of the Greater Baltimore Board of Realtors, recently attended a presentation on the Planning Department's proposed rewrite of the code. He said he recognizes the need to replace "a prescriptive list of dos and don'ts" with a broad concept of permitted uses that reflects changes in the economy.

Landers, a former city councilman, cited the example of a photographer's studio, a business that is barred from an office or residential area under the current zoning code.

"The reason behind that is, for 30-40 years, all photography shops had chemicals. Now, a photography shop . . . is all digital," he said.

At the same time, Landers, a long time community activist, said a revised zoning code has to lay out a fair process for property owners and ensure due process "so that they are not prevented from doing things with their property that aren't going to be detrimental to the community."

A succession of Baltimore planning chiefs have been talking about undertaking a major zoning code overhaul for years. Al Barry, a veteran Baltimore-area planning expert, said he hopes Stosur succeeds.

"You're talking about a document that is well over 40 years old," said Barry, a development consultant and former city planner. "It clearly needs to be updated. Many uses are no longer relevant. Many uses aren't in the code."