2011-502

TJS

FROM	
NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8TH FLOOR
SUBJECT	BMZA / 3800 Newgate Avenue

CITY of BALTIMORE

MEMO

TO Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: December 12, 2011

REQUEST
The Department of Planning has received Consolidation Coal Company's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the property as a helipad. We understand that this appeal is scheduled for hearing on December 20, 2011.

SITE
3800 Newgate Avenue is located on both sides of the street, east of but not bordering Clinton Street, and predominantly south of Keith Avenue along the Patapsco River. This waterfront property contains approximately 136.818 acres and is currently unimproved except for stationary machinery for unloading and transshipment of coal. This site is zoned M-3 and is located within the Canton Industrial Area Urban Renewal Plan area and the Maritime Industrial [Zone] Overlay District (referred to hereafter in this memorandum as "MIZOD").

ANALYSIS
Use: In this zoning district, helipads (known in the Zoning Code as "helistops") are listed as a conditional use, and so may be allowed (§7-407). Heliports are also a conditional use (§7-407) approvable by the Board. In this case, the property was last authorized for use as a shipyard and for warehousing and storage, which are permitted uses in this M-3 Industrial District.

MIZOD Use regulations: Notwithstanding any other provision of this article, the following uses are prohibited within the Overlay District: … (6) Any other use that is not expressly allowed by this article for an Industrial District (§8-407.b.). As noted above, because helipads are not listed as a permitted or conditional use in Industrial Districts (and specifically in M-3 Districts) the MIZOD regulations in the Zoning Code prevent approval of this application in its present form. The applicant may wish to consider amending the proposed use to be an accessory use helistop or heliport, which could make it more compatible with MIZOD regulations.

RECOMMENDATION
The Department of Planning recommends approval of either a helistop or a heliport as an accessory use only, because commercial use of the property for a use other than a maritime industrial use is prohibited by operation of the MIZOD (Title 8, Subtitle 4) portion of the Zoning Code.

Eastern

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cc: Consolidation Coal Company, Appellant