PLANNING REVIEW OF ZONING ISSUES

What does the Planning Department review?

Board of Municipal and Zoning Appeals (BMZA) actions: The Zoning Ordinance of Baltimore City requires the Planning Department staff to review and comment on all conditional uses (zoning appeals) and conversion actions. Additionally, the Planning Department staff may respond to any other BMZA action of special interest to the Department.

City Council Ordinances: Article 66B (State enabling legislation regarding land use), and/or the Zoning Ordinance of Baltimore City requires that the Planning Commission review zoning changes, Planned Unit Developments (PUD), conditional uses requiring an ordinance, and Zoning Ordinance text amendments. The Planning Commission is a publicly appointed body and must make their decisions at a public hearing. They make a formal recommendation to the City Council. Planning staff reviews actions and makes a recommendation to the Commission.

What does Planning require as part of the review process?

TECHNICAL REVIEW

? Staff reviews the request to insure that what is proposed matches the zoning request. Sometimes an applicant has not selected the appropriate land use category, has not included all the variances required to complete the project, or requires a different review process.

? Is the request allowed in accordance with Article 66B? This is State enabling legislation.

? Is the request in accordance with the Zoning Ordinance? Sometimes applicants request a variance or use which is not listed at all in the Zoning Ordinance or in the zoning category for the project. Under the City's Zoning Ordinance if a use is not listed, it is not allowed.

An applicant has the right to proceed with the request, even if the Planning Department or other City agency staff indicates that the application is not permissible by State enabling legislation or the Zoning Ordinance. This information is provided to the applicant and may indicate a low probability of approval.

If the application does not meet the technical standards of the State enabling legislation or the Zoning Ordinance of Baltimore City, the Planning Department may not recommend approval of the request.

DESIRABILITY

Planning Department staff will request a variety of information from the applicant in order to evaluate the desirability of a project.

1. **Project Summary:** The summary of the project includes the square footage of the buildings, the number and type of dwelling units or a list of uses, parking, and any other information that is pertinent to the proposal.

2. **Comprehensive Planning Efforts:** Is the proposal in conflict with or consistent with the goals and objectives of master planning efforts for the City or the given neighborhood? These include the City's comprehensive plan, urban renewal plans, conservation area plans, Empowerment Zone goals and objectives, or neighborhood plans.

3. **Built Environment:** Does the proposal work within the environment where it is proposed to be located? This involves a variety of review processes and is most significant for new construction projects.

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◆ **Environmental Review:** Prior to beginning design work on a proposed project the Flood Plain, the Critical Area and or the grading area (more than 20,000 square feet) needs to be reviewed. The grading standard may trigger Forest Conservation. You will need to meet the environmental regulations and should be aware of the standards prior to developing your site plan. The Planning Department may also suggest you discuss storm water management issues with the Department of Public Works.

◆ **Site Plan Review Committee (SPRC):** A site plan must be prepared. This is an engineered plan that shows where buildings, parking, loading, dumpsters, sidewalks, public streets and other related practical issues are proposed. The SPRC is an inter-agency committee which reviews your proposed project to insure it will function. The City does not charge for this service and encourages project review early on in the process. This saves the developer time and money.

◆ **Traffic Impact:** A traffic impact study may be requested. It may only include information on vehicle trip generation or may be a traffic study showing how your project will or will not impact existing traffic volumes on public streets.

◆ **Design Review:** Projects in an urban renewal area, requiring a PUD, or which are seen as having a significant impact on the surrounding community; require Design Advisory Panel (DAP) review. DAP is a panel of architects who are appointed to advise the City regarding architecture and design. Other projects may require only Planning Department staff review of architecture and design.

◆ **Other:** Staff will also review the project and alert the applicant to other City procedures or issues that may impact the project. This is not a requirement; it is done as a courtesy. The Planning Department is not responsible if there is a procedure or issues that is not mentioned. It is the developer's responsibility to fulfill the City's requirements.

The goal of this review is to insure that the project will function well within the context of the environment it is being developed in.

4. **Community Review:** For projects reviewed by the BMZA there is one public hearing. For land use regulations that require an ordinance there are two (2) public hearings (Planned Commission and the Land Use Committee of City Council).

◆ The Planning Department staff will provide an applicant a list of the appropriate community contacts. It is highly advisable that the applicant contacts the community and work with them. Since a public hearing is involved the developer usually does not want any surprises at the public hearing. It is better to address issues prior to the time of the public hearing.

◆ The community knows the area. They can provide comments on how the project may impact surrounding property owners and if special details of the design can address those issues. Their comments can be very helpful to the City staff and the developer in insuring that the project works well after it is competed and in operation.

The Planning Department staff will listen to the issues raised by the community. They will evaluate them and may ask the applicant to amend the proposal based on community comments. The Planning Department listens to the community and the developer, and does not always agree with either.

5. **Economic Impact:** For projects which are reviewed by the Planning Commission, the Planning Department staff will request background information on a project including:
◆ total project costs;
◆ funding sources;
◆ potential property tax or other tax revenue benefits;
◆ job benefits for both the construction period and the long term; and
◆ other economic benefits information.

After this review is complete the Planning Department will prepare a recommendation to the Board of Municipal and zoning Appeals or schedule the City Council Bill (proposed ordinance) for Planning Commission.