

Staff Report
O-31-14
Technical Corrections to the Zoning Code

The list below describes each change to the zoning code by section. The changes are all technical in nature—largely to ensure that Title 21 and other sections of the code are compliant with the Land Use Article of the Annotated Code of Maryland. The state code requires that zoning actions be “consistent” with the comprehensive plan of the jurisdiction and defines both consistency and the comprehensive plan. Other changes in this ordinance are small corrections in our naming system. There are several miscellaneous code amendments that are correcting previous errors or references that have changed. Tolling expired in July 2014, so any references to tolling have been removed. Also, the notification requirements have been updated to be consistent with one another.

Changes to Comply with State Code

2.52.070 Required findings. The change in this section ensures that annexations are consistent with the City’s Comprehensive Plan.

20.04.051 and 20.04.060 Adds the definition from state law for “Comprehensive Plan” and “Consistency” to Title 20.

20.08.010 Compliance with other requirements. The change in this section ensures that subdivisions are consistent with the City’s Comprehensive Plan.

20.24.010 Street design considerations generally. The change in this section ensures that street design for new subdivisions are consistent with the City’s Comprehensive Plan.

20.24.020 Street arrangement. The change in this section ensures that street arrangements in new subdivisions are consistent with the City’s Comprehensive Plan.

20.24.040 Right-of-way width. The change in this section ensures that right-of-way widths in new subdivisions are consistent with the City’s Comprehensive Plan.

21.22.080 Review criteria and findings. The change in this section ensures that projects approved through site design plan review are consistent with the City’s Comprehensive Plan.

21.24.010 Purposes, authority and types. The change in this section ensures that planned developments are consistent with the City’s Comprehensive Plan.

21.24.090 Planned development review criteria and findings. The change in this section ensures that planned developments are consistent with the City’s Comprehensive Plan.

21.24.110 Expiration. The change in this section ensures that expired planned developments that want to be re-approved are consistent with the City’s Comprehensive Plan.

21.26.050 - Review criteria and findings. The change in this section ensures that special exceptions are consistent with the City’s Comprehensive Plan.

21.34.040 Planning Commission review criteria and findings. The change in this section ensures that zoning map amendments are consistent with the City’s Comprehensive Plan.

21.64.240 Dwellings, multi-family. The change in this section reiterates that the subdivision plats granted in the BCE zoning district are consistent with the City's Comprehensive Plan

21.64.300 Food and beverage-related uses. The change in this section ensures that food and beverage-related uses are consistent with the City's Comprehensive Plan

21.72.010 Terms. Adds the definition from state law for "Comprehensive Plan" and "Consistency" to Title 21.

22.02.010 Purpose. The change in this section ensures the reference to the City's Comprehensive Plan is linked to the definition in Title 21.

22.10.010 Development or redevelopment to be included. The change in this section ensures the reference to the City's Comprehensive Plan is linked to the definition in Title 21.

Nomenclature Changes

20.24.150 Public sites and open spaces. The changes in this section are to make consistent all references to the "Comprehensive Plan"

21.50.310 Bulk Regulations Table WME District. Changes the wording from "structures" to "lots" since structures cannot be subdivided.

Miscellaneous Technical Changes

20.32.020 – Required findings. Make the language for variance criteria consistent with Title 21.

21.06.010 Establishment of zoning districts. Adds the previously left-off overlay district "Eastport Gateway Conservation Overlay District"

Section 21.08.030 – Planning Commission. Clarifies voting rules for Planning Commission

Section 21.08.040 – Board of Appeals. Clarifies voting rules for the Board of Appeals

Section 21.28.050 – Review criteria and findings. Make the language for variance criteria consistent with Title 20.

21.48.010 Residential Zoning Districts. Adds private schools as a special exception in C1. During the 2005 code re-write, public schools and private schools were separated as uses and the corresponding use was not correctly translated in this instance.

21.50.020 Bulk Regulations Table R1-A District. Adds height requirements for single-family detached dwellings and accessory structures in R1-A.

21.50.280 Bulk Regulations Table WMC District. Corrects a code reference

21.48.030 Table of Uses—Office and Mixed Use Zoning Districts. Deletes restrictions in alcohol beverage licenses in the MX District from the Bulk Regulations and moves it to Standards for Restaurants, see below

21.64.540 Restaurants, standard. See above. Also, there is a correction of a code reference.

21.64.550 Retail sales of non maritime-related goods. Corrects a code reference

21.59.080 Signs. Moves this section from the Eastport Gateway Conservation Regulations to the general Sign Regulations, see below.

21.70.095 Signs See above.

Removing Expired Tolling Clause from Code and Making Notification Requirements Consistent

21.08.040 Board of Appeals. Removes expired tolling clause and changes advertising requirements to fifteen days instead of seven.

21.08.050 Planning and Zoning Director. Removes expired tolling clause

21.10.020 Notice requirements. No longer requiring that notice of mailing is posted in a central location in the Department. Also changes newspaper advertising requirements from twice to once. Changes deadline from seven days in advance to fifteen for newspaper advertising. Also combines two notice sections to make them easier to understand and consistent.

21.10.030 Administrative procedures for review of applications. Notice of decision requirement combined with one above.

21.14.020 Procedures. Notice of decision requirement for demolition permits now refers to the general requirement.

21.16.030 - Procedures. Notice of decision requirement for administrative interpretation now refers to the general requirement.

21.18.020 Procedures. Notice of decision requirement for administrative adjustments now refers to the general requirement.

21.20.020 Procedures. Notice of decision requirement for zoning district boundary adjustments now refers to the general requirement

21.22.060 - Procedures for major site design plan applications and **21.22.070 - Procedures for minor site design plan applications.** Notice of decision requirements for site design now refers to the general requirement

21.24.070 - Procedures for planned developments. Notice of decision requirements for planned developments now refers to the general requirement

21.26.030 - Procedures for special exceptions. Notice of decision requirements for special exceptions now refers to the general requirement

21.28.020 Procedures. Notice of decision requirement for variances now refers to the general requirement

21.30.020 Procedures. Notice or decision requirement for appeals now refers to the general requirement