

# CODE OF BALTIMORE REGULATIONS ANNOTATED

*Regulations Effective as of January 15, 2021*

## **Title 28 DEPARTMENT OF PLANNING**

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**Title 28 DEPARTMENT OF PLANNING**

**SUBTITLE 01 RULES AND REGULATIONS FOR LAND SUBDIVISION**

**SUBTITLE 02 RULES OF THE PLANNING COMMISSION**

**SUBTITLE 03 SMALL WIRELESS FACILITIES, DESIGN AND AESTHETIC  
REQUIREMENTS**

**Subtitle 01 RULES AND REGULATIONS FOR LAND SUBDIVISION**

Administrative History

Effective Date: December 1, 2018

# **RULES AND REGULATIONS FOR LAND SUBDIVISION**



**City of Baltimore,  
Department of Planning**

**Adopted by the Planning Commission, 18 Oct 2018  
Effective 1 Dec 2018**

# **Table of Contents**

## **Chapter 1: General Administration**

1.1 Authority and Adoption.....	4
1.2 Purpose.....	4
1.3 Title .....	4
1.4 Waivers .....	4
1.5 Penalties .....	5
1.6 Conflicting Provisions.....	5
1.7 Interpretation.....	5
1.8 Severability.....	5
1.9 Minor Text Changes and Corrections .....	5
1.10 Definitions .....	6

## **Chapter 2: Subdivision Procedures**

2.1 Summary of Subdivision Review Procedures.....	12
2.2 Pre-Application Review.....	12
2.3 Minor Subdivisions .....	13
2.4 Major Subdivisions.....	16
2.5 Technical Corrections .....	19
2.6 Revisions.....	20
2.7 Plan Submittal Requirements .....	20
2.8 Dedications to the City.....	27
2.9 Fees .....	27
2.10 Expiration of Plans .....	28

## **Chapter 3: Required Improvements and Design Standards**

### **Section A: Policy**

3.1 Intent .....	29
3.2 Complete Streets .....	29
3.3 Variances .....	29

### **Section B: Design Requirements**

3.4 General .....	29
3.5 Mews.....	30
3.6 Street Frontage and Parking Access .....	31
3.7 Residential Design .....	33
3.8 Commercial and Industrial Design .....	33

### **Section C: Technical Requirements**

3.9 Blocks.....	34
3.10 Lot Frontage Requirements .....	34
3.11 Right-of-Way Requirements.....	35
3.12 Easements .....	36
3.13 Street Lighting .....	37
3.14 Street Names and Street Signs .....	37
3.15 Stormwater Management.....	37
3.16 Drains and Sewers.....	38
3.17 Water Supply.....	38
3.18 Public Utilities.....	38
3.19 Refuse Collection .....	39
3.20 Off-Street Parking and Loading .....	39
3.21 Traffic Impact Study (TIS) Requirements.....	39
3.22 Additional Standards for Subdivisions and Development in Flood Plains .....	40
3.23 Additional Standards for Subdivisions and Development in the Critical Area .....	41
3.24 Forest Conservation Requirements .....	42

3.25 Baltimore City Green Building Requirements .....	42
3.26 Sustainable Site Design .....	42
3.27 Department of Transportation Developer's Agreement .....	43

## **Chapter 4: References**

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## Chapter 1: General Administration

### 1.1 Authority and Adoption

The Planning Commission derives its authority to review and approve subdivision from the Charter of Baltimore City, Article VII, §§75 through 79.

#### **§75. Department of Planning: subdivisions – in general.**

The Commission shall publish rules and regulations for the development of subdivisions which will require that development plans include adequate provision for all public improvements, enterprises and all public utilities, whether privately or publicly owned or operated; for the proper width, grade and arrangement of streets, and all uses of land for public transportation, and the relation thereof to existing streets; for adequate and convenient open spaces for traffic and the access of fire fighting apparatus; for proper drainage; and which will require that all such subdivisions and the owners thereof comply in all respects with the Master Plan.

The Planning Commission amends the Rules and Regulations for Land Subdivision, as first formulated and approved April 15, 1940 and most recently revised March 31, 2017. These amended rules and regulations are effective as of December 1, 2018, and all previous editions of the Rules and Regulations for Land Subdivision are repealed. These amended rules and regulations will not apply to any complete subdivision submittal received prior to the effective date of the amended rules and regulations.

### 1.2 Purpose

These Rules and Regulations for Land Subdivision are adopted to promote the health, safety, and general welfare of the community; to ensure that the subdivision of property is in accordance with the Master Plan for Baltimore City; to foster orderly urban development by ensuring that new development and redevelopment is compatible with its surroundings; to promote the principles and standards enacted in the Baltimore City Sustainability Plan by encouraging the most efficient and sustainable use of land; to protect the physical environment and public natural resources for all residents; to protect property values through harmony of land use; and to ensure adequate provision for open space, public access, off-street parking, and public utilities.

### 1.3 Title

These rules and regulations shall be known as *The City of Baltimore, Maryland, Rules and Regulations for Land Subdivision*, alternately referred to as the “Subdivision Regulations.”

### 1.4 Waivers

Unless expressly stated otherwise, the Planning Commission may grant waivers of the requirements of these Subdivision Regulations in cases where it finds that undue hardships or practical difficulties may result from strict compliance, or in cases in which it is determined that the purposes of these Subdivision Regulations may be better served by an alternate design that demonstrates creativity and is compatible with its surroundings and the general purpose of these regulations. If a waiver is sought from any requirements of these Subdivision Regulations, the request must be made in a public meeting before the Planning Commission. This public meeting requirement does

not apply to waivers which are expressly stated to be at the discretion of the Director of Planning. NOTE: Certain lot standards, including but not limited to minimum width and lot area, will not require waivers in the instance of a resubdivision that proposes to reinstate one or more historic lot lines where no new development, excepting renovation of existing structures, is proposed. Zoning code relief may still be required from the Board of Municipal and Zoning Appeals.

#### 1.5 Penalties

Any person in violation of any of the provisions of the Baltimore City Charter, Article VII, §75 through §79, or in violation of these Subdivision Regulations, shall be subject to the penalties imposed in Baltimore City Code.

#### 1.6 Conflicting Provisions

These Subdivision Regulations do not in any way supersede or impair any existing or future laws, ordinances, private or public restrictions and covenants. If any condition or requirement imposed by a provision of these Subdivision Regulations is either more or less restrictive than a comparable condition or requirement imposed by any other provision of these Subdivision Regulations or of any other law, rule, or regulation of any kind, than the condition or requirement that is more restrictive governs.

#### 1.7 Interpretation

“Must,” “shall,” and “will” are each mandatory terms used to express a requirement or to impose a duty. “Must not,” “may not,” “will not,” and “no... may” are each mandatory negative terms used to establish a prohibition. “May” is permissive.

Words used in the present tense shall include the future. Words used in the singular number shall include the plural. Words used in the plural number shall include the singular.

#### 1.8 Severability

If it is judicially determined that any word, phrase, clause, sentence, paragraph or section of these Subdivision Regulations, or its application to any person or circumstance is invalid, the remaining provisions and the application of such provisions shall not be affected in the same manner, the Planning Commission hereby declaring that it would have adopted the remaining provisions of these Subdivision Regulations without the word, phrase, clause, sentence, paragraph or section, or its applications, so held invalid.

#### 1.9 Minor Text Changes and Corrections

It may periodically be necessary to make corrections to these Subdivision Regulations. Such minor corrections may include typographical errors, updates to various citations or references, links to online resources, and corresponding corrections to the Table of Contents. Any such non-substantive correction shall be considered minor in nature and authority to make such corrections is assigned to the Director of Planning. All other changes are considered substantive in nature must be approved by the Planning Commission.

## 1.10 Definitions

- a. *Access* – A general term meaning the entrance or exit way to or from a lot or building, for use by persons or vehicles.
- b. *Block* – The land adjoining one side of a street between two consecutive junctions of that street with other streets or with railway rights-of-way or waterways that cross or meet that side of the street.
- c. *Building envelope* – The area of a lot in which the principal building shall be located. The envelope is formed by the setback requirements of the underlying zoning of the property in question.
- d. *City* – The City of Baltimore, Maryland.
- e. *Concept Plan* – The first iteration of a project as part of the Major Subdivision process. Concept Plans are intended for projects that may be complicated, include multiple phases, or that are controversial. While they are not recorded, they will be used as a master plan to guides future phases of the project. (See Section 2.4 *Major Subdivisions*, Subsection b, below for more detail.)
- f. *Condominium and Condominium Regime* – Property established as a condominium regime under Title 11 of the State Real Property Article (Maryland Condominium Act), available here:  
<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/202bf/20a2a>
- g. *Condominium unit* – As established under Title 11 of the State Real Property Article (Maryland Condominium Act) "means a three-dimensional space identified as such in the declaration and on the condominium plat and shall include all improvements contained within the space except those excluded in the declaration, the boundaries of which are established in accordance with §11-103(a)(3) of this title. A unit may include 2 or more noncontiguous spaces."
- h. *Curb* – The lateral boundary of a roadway.
- i. *Curb cut* – A depression in a curb created to provide smooth transition from a street to adjoining property. Curb cuts may be provided in the form of a ramp and may feature flared sides. For more information, please see the City's curb cut policy, available on the Department of Planning's website here:  
<http://planning.baltimorecity.gov/files/curb-cut-policy-3-sept-2014-finalpdf>

- j. *Dedication* – The offering for conveyance of land or public improvements for any general and public uses, reserving to the owner no other rights than those of the general public.
- k. *Developer* – Any individual, partnership, public agency, corporation, or representative thereof having sufficient proprietary interest in land to be subdivided so as to undertake responsibility for any or all of the activities covered by these Subdivision Regulations. The term “developer” is intended to include the term “subdivider,” though the individuals involved in successive stages of the project may vary.
- l. *Developer’s Agreement* – A binding agreement between the developer and the City’s Department of Transportation’s Right of Way Services Division for all work performed in the public right-of-way. For more information, please see the Developer’s Agreement reference guide available on the Department of Transportation’s website, or by clicking here:  
<http://transportation.baltimorecity.gov/sites/default/files/Developers%20Agreement%20process.pdf>
- m. *Development* – (1) Any man-made change to improved or unimproved real estate, including but not limited to any construction, reconstruction, modification, expansion, or demolition of structures, placement of fill or concrete, construction of new or replacement infrastructure, dredging, drilling, mining, grading, paving, land excavation, land clearing, land improvement, storage of materials, or any combination thereof; (2) This term shall also include the subdivision of land.
- n. *Double frontage lot* – See *Frontage* below.
- o. *Driveway* – As defined in Baltimore City Code, Article 31, *Transit and Traffic*, reprinted here for convenience: "...a communicating way between a roadway and an off-street facility designed in such a manner as to permit a vehicle to leave said roadway at grade and enter entirely into said off-street facility."
- p. *Dwelling* – As defined in the Zoning Code under § 1-136, reprinted here for convenience:
  - 1. In general. “Dwelling” means a building or part of a building used for residential occupancy.
  - 2. Exclusions. “Dwelling” does not include an apartment hotel, hotel, rooming house, trailer, or mobile home.
  - 3. Types of dwellings.  
 The following are the types of dwellings:
    - (a) Attached dwelling: a dwelling that is joined to another dwelling at 1 or more sides by an approved party wall or walls.
    - (b) Detached dwelling: a dwelling that is surrounded on all sides by yards on the same lot.

- (c) Multiple-family dwelling: a dwelling that contains 2 or more dwelling units.
  - (d) Semi-detached dwelling: a dwelling that is:
    - (i) joined to another dwelling at only 1 side by an approved party wall; and
    - (ii) otherwise surrounded by yards on the same lot.
  - (e) Single-family dwelling: a dwelling that contains only 1 dwelling unit.
- q. *Dwelling Unit* – As defined in the Zoning Code under § 1-137, reprinted here for convenience: “...means 1 or more rooms in a dwelling that:
1. are used as living quarters for occupancy by 1 family; and
  2. contain permanently installed bathroom and kitchen facilities reserved for the occupants of the room or rooms.”
- r. *Easement* – A right granted for the purpose of limited private, public, or quasi-public use over, across, on, or under private land.
- s. *Final Plans* – Final Plans are divided into the Final Subdivision Plan and the Final Development Plan and are for filing and recording purposes. For this reason, Final Plans must be based on professionally surveyed drawings. Proposed Architectural Building Elevations for new construction must accompany Final Plans, along with an Existing Conditions Plan, Forest Stand Delineation, and Landscape Plan, as appropriate. For more information, see Section 2.7.
1. *Final Subdivision Plan* – A complete and exact plan, prepared in form for official recording to define property lines, existing and proposed rights-of-ways, easements, and dimensions and bearings of all lines. A detailed list of plan requirements can be found in Section 2.7.
  2. *Final Development Plan* – A complete and exact plan which includes all of the information shown on a Final Subdivision Plan, plus the location of all proposed improvements and the location of existing and proposed utilities. A detailed list of plan requirements can be found in Section 2.7.
- t. *Frontage* – That portion of a lot's perimeter that coincides with the right-of-way line of an existing or dedicated public or private street or pedestrian way that complies with the design requirements for streets and pedestrian ways in Chapter 3, and does not include any point or portion of perimeter coinciding with an alley (as defined in the Zoning Code under § 1-108), lane or unimproved street. Variations include:
1. *Double Frontage Lot* – A lot extending between and having frontage on two streets or highways with the principal structure facing the addressed street, also known as a “through lot.”
  2. *Reverse frontage lot* – A lot extending between and having frontage on two streets or highways, with the principal structure facing the non-addressed street. Most typically used in the context of lots that have frontage on both a

major street or highway and a residential street, with the principal structure facing the residential, or lesser, street.

- u. *Lot* – A portion of land that is a lot of record or has been established as a lot by an approved subdivision plat; used interchangeably with “parcel.”
- v. *Master Plan* – The maps, plats, charts, and descriptive matter adopted by the Planning Commission under Article VII, §74 of the City Charter.
- w. *Owner* – A title holder of record, or if title is held in trust, the beneficiary of the trust or the person or persons who have acquired any interest in the property by contract or purchase or otherwise.
- x. *Panhandle lot* – A lot that is separated from the nearest road by another lot, except for one or more narrow strips of land providing frontage and generally used for vehicular access or utility connections only; may alternatively be referred to as a flag lot.
- y. *Parking; Parking facility, parking space, etc.* – As defined in the Zoning Code under § 1-168.2.
- z. *Person* – Any individual, firm, partnership, corporation, company, association, or body politic except the City, including any personal representative, agent, trustee, receiver, assignee or other similar representative thereof.
- aa. *Preliminary Plans* – Preliminary Plans are divided into the Preliminary Subdivision Plan and the Preliminary Development Plan and are not for filing and recording purposes. Proposed Architectural Building Elevations for new construction must accompany Preliminary Plans, along with an Existing Conditions Plan, Forest Stand Delineation, and Landscape Plan, as appropriate. For more information, see Section 2.7.
  - 1. *Preliminary Subdivision Plan* – A preliminary plan showing the existing and proposed property lines, rights-of-way, and easements. A detailed list of plan requirements can be found in Section 2.7.
  - 2. *Preliminary Development Plan* – A preliminary plan which includes all of the information shown on a Preliminary Subdivision Plan, plus the location of all proposed improvements and the location of existing and proposed utilities. A detailed list of plan requirements can be found in Section 2.7.
- bb. *Reverse frontage lot* – See *Frontage* above.
- cc. *Right-of-way* – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates curbs, parkways, sidewalks, lighting, and drainage facilities.

- dd. *Roadway* – A general term to indicate a fixed route, public or private, used for vehicular and bicycle transport. When used in the same context as right-of-way, roadway shall mean (a) the width of the road surface, curb to curb, measured at a right angle to the direction of travel, or (b) for a road without curbs, the width of the paved surface, or (c) the width of the graded surface where there are neither curbs nor pavement. The term “roadway” may be used interchangeably with “cartway.”
- ee. *Site Plan Review Committee (SPRC)* – The interagency committee charged by the Director of Planning with the responsibility to review development plans in accordance with the Zoning Code of Baltimore City and the Committee’s published Site Plan Review Guidelines, available online here:  
[http://planning.baltimorecity.gov/sites/default/files/RSitePlanReviewGuidelines2013\\_0.pdf](http://planning.baltimorecity.gov/sites/default/files/RSitePlanReviewGuidelines2013_0.pdf)
- ff. *Stormwater Management Facility* – One or more facilities on a site dedicated to fulfilling the stormwater management requirements as mandated by Baltimore City Code, Article VII : Natural Resources, available online here:  
<http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>
- gg. *Street* – Any way that is open to common use and affords the principal means of vehicular access to adjoining or adjacent property. The various street classifications defined below are determined by the Baltimore City Department of Transportation, (definitions below are from AASHTO 2011, with additional notes applicable to Baltimore City.
1. *Major Street* – “This system serves the major centers of activity of urbanized areas, the highest traffic volume corridors, and the longest trip desires. This system carries a high proportion of the total urban area travel even though it constitutes a relatively small percentage of the total roadway network. This arterial system carries most of the trips entering & leaving the urban area, as well as most of the through movements bypassing the central city. In addition, significant intra-area travel such as between central business districts & outlying residential areas, between major inner-city communities, major suburban centers, and carries intra- urban & inner-city bus routes. It provides continuity for all rural arteries that intercept the urban boundary.”
  2. *Collector Street* – “This street system provides land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. It penetrates residential neighborhoods, distributing trips from the arterials through the area to their ultimate destination. It collects traffic from local streets in residential neighborhoods and channels it into the arterial system. In the central business district, and in other areas of similar development and traffic density, the collector street system may include the entire street grid and may also carry local bus routes.”
  3. *Local Access Street* – “The local street system comprises all facilities not in one of the higher systems. It primarily permits direct access to abutting

lands and connections to the higher order systems. It offers the lowest level of mobility and usually contains no bus routes.”

4. *Alley/Lane* – “Alleys provide access to the side or rear of individual land parcels. They are characterized by a narrow right-of-way and range in width of 16’ to 20’ in residential areas & up to 30’ in industrial areas.” Note that in Baltimore City, alleys may be as narrow as 10’, and while some may be named, they are not streets.
5. *Cul-de-sac* – “A local street open at one end only should have a special turning area at the closed end. This turning area desirably should be a circulator and have a radius appropriate to the vehicle types expected. Minimum outside radii of 30’ in residential areas & 50’ in commercial & industrial areas are commonly used.”
6. *Private Street* – “...means a non-dedicated road not designed, built, or maintained by State Department of Transportation, or any political subdivision of the state.”
7. *Rotary* – “Rotaries are old-styled circular intersections characterized by large diameter (often in excess of 300’). This large diameter typically results in travel speeds within the circulatory roadway that exceed 30 mph. They provide little or no horizontal deflection of paths of through traffic and may even operate according to the traditional “yield-to-the-right” rule; that is circulating traffic yields to the entering traffic.” May be used interchangeably with Traffic Circle.

hh. *Structure* – As defined in the Zoning Code under § 1-193, reprinted here for convenience:

“... (a) In general. “Structure” means all or any part of anything erected that:

- (1) has a fixed location on the ground; or
- (2) is attached to something having a fixed location on the ground.

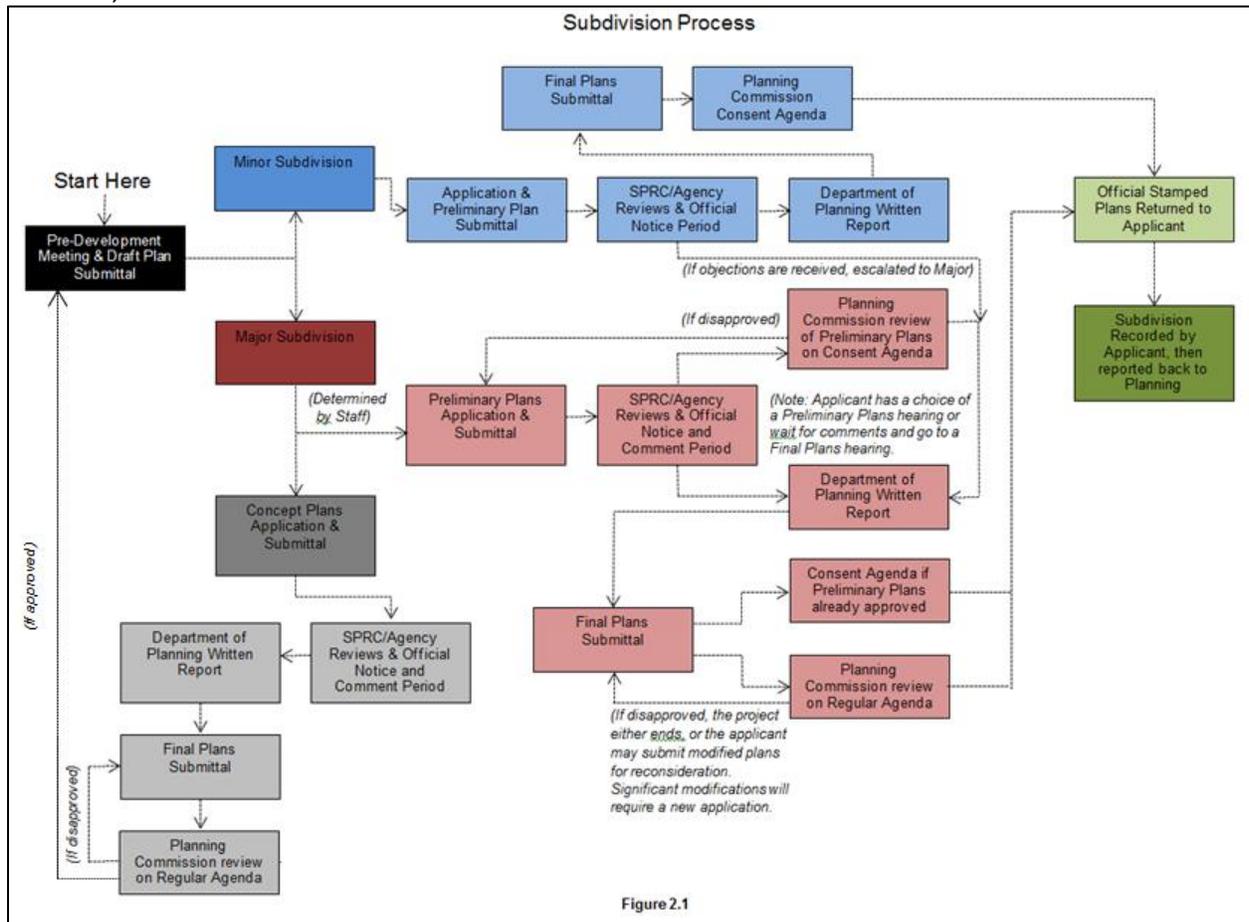
(b) Inclusions. “Structure” includes any building, fence, wall, sign, or tower.”

- ii. *Subdivision* – The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the immediate or future purposes of selling the land or for development. The adjustment of existing lot lines that results in no additional lots being created also falls under this definition. The term “subdivision” includes “resubdivision.” For the purposes of these Subdivision Regulations, there are two principal types of subdivision: Minor and Major (as defined in Sections 2.3 and 2.4).

## Chapter 2: Subdivision Procedures

### 2.1 Summary of Subdivision Review Procedures

The flow chart below summarizes the review process for all categories of subdivisions, and outlines the differences in Major and Minor subdivisions (defined in Sections 2.3 and 2.4).



### 2.2 Pre-Application Review

The submission of a draft plan and a formal Predevelopment Meeting are required to supply the applicant with information, to advise applicants of the appropriate subdivision procedure, and to resolve points of disagreement, if any, before a subdivider incurs the cost of preparing a submittal package. At the Predevelopment Meeting, the applicant will be advised of relevant Building, Environmental, Housing, Zoning and any other City Codes, Plans, or policies that may impact the proposal.

Predevelopment Meetings can be arranged by completing the online request form found on the Department of Planning's homepage, or by clicking here:

<http://cityservices.baltimorecity.gov/ppt/>. Once the request form has been submitted, a staff member will contact the applicant to schedule a Predevelopment Meeting.

At the Predevelopment Meeting, the applicant must present a draft plan for staff's review. The Planner will review the applicant's draft plan and determine whether the subdivision will initially be reviewed as a Minor Subdivision or as a Major Subdivision, and will provide recommendations and guidance on how best to proceed. The Predevelopment Meeting is for informational purposes only, and does not guarantee in any way that the subdivision will ultimately be approved. Final approval may only be granted through the complete subdivision process, as described below.

Please note that subdivisions are reviewed in their entirety, and the staff will determine whether the process will follow the Minor or Major Subdivision process, especially in cases where more than one category may apply, where there are two subdivisions in close proximity, or where subdivisions are pursued in series as multiple parts of a larger development. It is important to note that environmental regulations may apply to projects that are attempted in a piecemeal fashion.

### 2.3 Minor Subdivisions

#### a. Minor Subdivision Types

1. *Resubdivision* – The reestablishment of a previously existing lot line(s) for adjoining lots that have been consolidated, without any adjustment in lot lines. These proposals do not include any new development, with the exception of the renovation of existing structures. A proposal that includes the building of new structures shall be considered a Lot Split.
2. *Lot Line Adjustment* – The sale or exchange of land between adjoining lots, or for dedication to a public right-of-way, where such sale or exchange does not create an additional buildable lot or lots.
3. *Lot Split* – The subdivision of a parent lot into no more than three total lots to enable to transfer of ownership of some or all of the lots.

#### b. Minor Subdivision Procedure

Following a Predevelopment Meeting with the Department of Planning to explain the project, the Minor Subdivision process formally begins when the applicant submits a Preliminary Plans package to the Department of Planning (in accordance with the requirements of Section 2.7) that is accompanied by the application, the required fee (see Section 2.9), and a project summary.

The Department of Planning will circulate the Preliminary Plans submittal package for review and comment to the Site Plan Review Committee (SPRC) and other agencies of City government for their comment, as needed. The Department of Planning may schedule a separate meeting of the SPRC to review the Preliminary Plans for new construction and/or site work, or the applicant may be asked to schedule SPRC review directly.

Where a waiver of the Subdivision Regulations is requested, the written request and statement of justification will accompany the submittal package.

Where zoning relief is needed, a list or description of the specific zoning relief required and a statement of justification will accompany the submittal package. It is the applicant's responsibility to obtain approval from both the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA). When considering the order of reviews, it is important to note that the Planning Commission's perspective is broader than that of the BMZA (which is limited to zoning matters), and that BMZA approval of a particular appeal does not guarantee approval by the Planning Commission. If an applicant appeals to the BMZA in advance of Planning Commission review, it is possible that changes required by the Planning Commission may affect the BMZA's approval, which will result in the need for further review by the BMZA. For that reason, scheduling review by the Planning Commission first is encouraged (See Section 3.3 *Variances*).

Applicants will be required to post the property for a minimum of twenty working days to provide public notice that a subdivision application has been submitted. The specific posting requirements will be provided by Department of Planning staff. The Department of Planning will also notify potentially impacted property owners and those formal community groups within close proximity to the property proposed for subdivision that an application for subdivision has been filed. At a minimum, this will include adjacent property owners and community organizations as listed in the Community Association Directory located on the Department of Planning's website. Those receiving notice will have twenty working days from the date indicated on the letter to contact the Department of Planning to arrange to review the submittal, and to submit their written comment. Applicants are strongly advised to communicate with impacted property owners and associated community groups as early as possible, so as to provide information about their intentions as well as to receive input from those impacted.

If a written objection or concern is received, the Director of Planning will review the objection or concern for substantive relevancy to the Subdivision Regulations. Department of Planning staff will provide the applicant with a copy of any written objection or concerns received. Based on this review, the Director of Planning may escalate the project to Major Subdivision status. Though the application need not be resubmitted, it must from then on follow the procedures set forth in Section 2.4 *Major Subdivisions*. If a Minor Subdivision application is escalated to Major Subdivision status by the Director of Planning, this decision will be conveyed promptly to the applicant in writing, along with the content of the objection or concern. If no significant objections or concerns are received, then the Minor Subdivision may continue to follow the procedures outlined in this section.

Additionally, if the applicant requests a waiver from any of the requirements of these Subdivision Regulations, the application need not be resubmitted, but will be escalated to Major Subdivision status and must follow the procedures set forth in Section 2.4 *Major Subdivisions*. In these instances where a project is elevated to Major Subdivision status solely due to the need for one or more waivers, only a Minor Subdivision application fee shall be required.

After receipt of all SPRC and agency comments, the Department of Planning will provide the applicant with a written summary of findings, including a list of required plan modifications, if any. The Department of Planning may schedule a separate meeting with the applicant to review the information contained in this summary report.

Although there is no formal approval of Minor Subdivision Preliminary Plans, the Department of Planning's summary of agency findings serve as authority to proceed to the Final Plans phase. The applicant will revise the Preliminary Plans in accordance with the Department of Planning's written summary of findings and will resubmit Final Plans as a complete package, in accordance with the requirements of Section 2.7 *Plan Submittal Requirements*.

Upon verification by the Department of Planning that the Final Plans meet all relevant requirements, including having successfully implemented necessary plan modifications, the Minor Subdivision Final Plans will be scheduled for an administrative meeting before the Planning Commission, at which time they will be voted upon on the Consent Agenda.

Following the Planning Commission meeting, the Department of Planning will provide a letter to the applicant indicating the outcome of that meeting. If approved, the Department of Planning will stamp its endorsement on the Final Plans and will forward them to the Department of Transportation's Right of Way Services Division for their review and endorsement. Once the Final Plans are returned to Planning, the applicant will be notified to pick them up for recordation. Recordation of the Final Plans is the responsibility of the applicant. Once recorded, the applicant will notify the Department of Planning of the recordation number and the date the Final Plans were recorded. Failure to record the Final Plans will result in expiration of the plans, and a requirement to restart the review process with a new application (see section 2.10 *Expiration of Plans*).

In the instance of a resubdivision being approved by the Planning Commission that does not include a subdivision plat to be recorded, an approval letter shall be provided to the applicant describing the date of Planning Commission approval and nature of the request. This approval letter shall be recorded by the applicant with Maryland Land Records along with any instrument separating the subject lots. Once recorded, the applicant will notify the Department of Planning and the Property Location Section of the Department of Transportation.

A copy of the approved Final Plans will be retained in the Department of Planning for verification of compliance on subsequent building permit applications.

## 2.4 Major Subdivisions

### a. Major Subdivision Types

1. *Escalated Minor Subdivisions* – Any minor subdivision for which written objection or concern has been received by Department of Planning staff within the 20 day required notice period (See Section 2.3 *Minor Subdivisions*). Or, any Minor Subdivision for which a waiver from any of the requirements of the Subdivision Regulations is requested.
2. *Lot Split* – Any subdivision of a parent lot(s) into four or more total lots to enable the transfer of ownership of some or all of the lots.
3. A *Lot Split* that requires the widening or extension of an existing public roadway, involves new right-of-way dedication, or requires extension of public utilities (*i.e.* beyond simple connection to existing utilities).
4. *Simple Vertical Subdivision* – The subdivision of an existing property not less than a half-acre (21,780 sqft) in size into legal surface, sub-surface, and/or air space parcels to enable the transfer of ownership of portions of the lot that are vertically separated by simple planes across the entire extent of the lot. The vertical subdivision is intended to allow each vertical component of the lot to be located within a separate legal parcel, and not to subdivide individual tenant spaces and/or residential units.
5. *Complex Vertical Subdivision* – The subdivision of an existing property not less than one acre in size into legal surface, sub-surface, and/or air space parcels to enable the transfer of ownership of portions of the lot that are separated by anything other than simple planes across the entire breadth of the lot. The vertical subdivision is intended to allow the lot to be split into new lots that are defined by complex multi-dimensional volumes.
6. *Waiver Requests* – Any subdivision which requires the Planning Commission's approval of a waiver of any of the requirements of the Subdivision Regulations.
7. All other subdivision proposals.

### b. Major Subdivision Procedure

**Overview:** Major Subdivisions are reviewed as Concept, Preliminary and Final Plans. The Concept Plan submittal is intended for projects that may be complicated, include multiple phases, or that are controversial. These plans may be referred to the SPRC and reviewing agencies for their comment, and they will be presented to the Planning Commission for their consideration. The

purpose for the Concept Plan phase is to provide the applicant with an initial reaction from the Planning Commission that will help guide the project to a successful conclusion. In cases of multi-phase projects, it can serve as the master plan for the entire project, and helps direct review of subsequent phases when they are submitted. This phase may be omitted with the Department of Planning's approval.

The Preliminary Plans phase is intended to be where typically less complicated, or projects affecting smaller areas will begin the formal review process. Plans will be referred to the SPRC and reviewing agencies for their comment, those comments will be consolidated and provided to the applicant for revisions, and the revised plans will be submitted by the applicant as Final Plans.

The Final Plans phase is intended to be where the Planning Commission conducts a public hearing, and takes a final vote on the proposed subdivision. If approved, the plans may be recorded. If they are rejected, revised plans may be considered.

**Process:** Following a Predevelopment Meeting with the Department of Planning where the applicant presents a draft plan and introduces the project, the Department of Planning staff will make a determination of the starting phase for subdivision review as either Concept Plans or as Preliminary Plans. The Major Subdivision process formally begins when the applicant submits a Major Subdivision submittal package to the Department of Planning, in accordance with the requirements of Section 2.7 *Plan Submittal Requirements*, accompanied by the application, required fee (See Section 2.9 *Fees*), and a one-page project summary. Review of the submittal may not begin until all materials are received (see Section 2.7 *Plan Submittal Requirements*, subsection b.2 "When Materials Are Required").

Where a waiver of the Subdivision Regulations is requested, the written request and statement of justification will accompany the submittal package.

Where zoning relief is needed, a list or description of the specific zoning relief required and a statement of justification will accompany the submittal package. It is the applicant's responsibility to obtain approval from both the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA). When considering the order of reviews, it is important to note that the Planning Commission's perspective is broader than that of the BMZA (which is limited to zoning matters), and that BMZA approval of a particular appeal does not guarantee approval by the Planning Commission. If an applicant appeals to the BMZA in advance of Planning Commission review, it is possible that changes required by the Planning Commission may affect the BMZA's approval, which will result in the need for further review by the BMZA. For that reason, scheduling review by the Planning Commission first is encouraged (See Section 3.3 *Variances*).

Applicants will be required to post the property for a minimum of twenty working days to provide public notice that a subdivision application has been submitted. The specific posting requirements will be provided by Department of Planning staff. The Department of Planning will also notify potentially impacted property owners and those formal community groups within close proximity to the property proposed for subdivision that an application for subdivision has been filed. At a minimum, this will include adjacent property owners and community organizations as listed in the Community Association Directory located on the Department of Planning's website. Those receiving notice are encouraged to contact the Department of Planning to arrange to review the submittal, and to submit their written comment within twenty working days. Applicants are strongly advised to communicate with impacted property owners and associated community groups as early as possible, so as to provide information about their intentions as well as to receive input from those impacted.

The Department of Planning will circulate the Major Subdivision Concept Plans package for review and comment to the Site Plan Review Committee (SPRC) and other agencies of City government for their comment, as needed. The Department of Planning may schedule a separate meeting of the SPRC to review the Concept Plans package, or the applicant may be asked to schedule SPRC review directly.

**Concept Plans:** After receipt of all SPRC and agency comments, the Department of Planning will provide the applicant with a written summary of findings, including a list of required plan modifications, if any. The Department of Planning may schedule a separate meeting with the applicant to review the information contained in this summary report. The applicant will submit revised Concept Plans in accordance with the Department of Planning's report. Upon verification by the Department of Planning that the revised Concept Plans meet all relevant requirements, including having successfully implemented necessary plan modifications, the Major Subdivision Concept Plans will be scheduled for review by the Planning Commission at a public meeting. Approval of the Concept Plans by the Planning Commission will serve as authority to proceed to the Preliminary Plans phase. Please note that significant deviations from the Concept Plan in subsequent reviews may require re-review and replacement of the Concept Plan.

**Preliminary Plans:** Upon receipt of a Major Subdivision Preliminary Plans package that meets the requirements of Section 2.7 *Plan Submittal Requirements*, The Department of Planning will circulate the Preliminary Plans package for review and comment to the Site Plan Review Committee (SPRC) and other agencies of City government for their comment, as needed. The Department of Planning may schedule a separate meeting of the SPRC to review the Concept Plans package, or the applicant may be asked to schedule SPRC review directly.

After receipt of all SPRC and agency comments, the Department of Planning will provide the applicant with a written summary of findings, including a list of required plan modifications, if any. The Department of Planning may schedule a separate meeting with the applicant to review the information contained in this summary report. The Department of Planning's summary of agency findings will serve as authority to proceed to the Final Plans phase.

The applicant will revise the Preliminary Plans in accordance with the Department of Planning's report and will resubmit Major Subdivision Final Plans as a complete package, in accordance with the requirements of Section 2.7 *Plan Submittal Requirements*. Upon verification by the Department of Planning that the Final Plans meet all relevant requirements, including having successfully implemented necessary plan modifications, the Final Plans package will be scheduled for review by the Planning Commission at a public meeting. In advance of any public meeting, Applicants will be required to comply with specific site posting requirements, as provided by Department of Planning staff (See the *Rules and Regulations of the Baltimore City Planning Commission, Article 1, Section 9*). Following the Planning Commission meeting, the Department of Planning will transmit a letter to the applicant indicating the outcome of that meeting. If approved, the Department of Planning will stamp its endorsement on the Final Plans and will forward them to the Department of Transportation's Right of Way Services Division for their review and endorsement. Once the Final Plans are returned to Planning, the applicant will be notified to pick them up for recordation. Recordation of the Final Plans is the responsibility of the applicant. Once recorded, the applicant will notify the Department of Planning of the recordation number and the date the Final Plans were recorded. Failure to record the Final Plans will result in expiration of the plans, and a requirement to restart the review process with a new application (see Section 2.10 *Expiration of Plans*).

A copy of the approved Final Plans will be retained in the Department of Planning for verification of compliance on subsequent building permit applications.

## 2.5 Technical Corrections

Technical Corrections are those amendments to previously approved subdivision plans that require correction, either to remedy an error in drafting, to meet agency requirements that were not discovered at the point of initial approval, or for another minor change to the approved plans that remedy some defect. Technical Corrections may not significantly impact the design or intent of the initial approval, and may be approved by the Director of Planning. Examples of Technical Corrections include typographical and labeling errors, minimal line corrections, and adjusting plans to meet agency requirements discovered after the point of initial approval. Technical Corrections do not include Revisions (See Section 2.6 below).

## 2.6 Revisions

Revisions to approved Final Subdivision and/or Development Plans, whether Minor or Major, will be reviewed as new subdivision applications. The applicant will meet with Planning staff in a predevelopment meeting to present a draft plan, and to explain the scope of the changes. Staff will make the determination of whether the revisions will be reviewed by the Minor or Major Subdivision process. Factors influencing this decision may include the degree of change from the previously reviewed plans, the amount of time that has passed since the previous review, and the impact of the proposed changes. Revisions do not include Technical Corrections (See Section 2.5 above).

## 2.7 Plan Submittal Requirements

### a. All Plans

#### 1. Scaling and Sheet Size

All plans will be prepared by a surveyor (subdivision plan), architect (elevations and renderings) or engineer (development plan) and drawn to an engineer's scale at either 1"=20" or 1"=40" (for sites less than three acres in size) and 1"=100" (for sites three acres or more in size). Other engineer's scales may be accepted with prior staff approval. Plans (other than elevations) will not be accepted if drawn to an architect's scale. Sheet size will be a minimum of 24" x 36".

#### 2. Collation of Submittal Sets

One copy of each of the required plans sheets will be stapled together to form one set and folded to not more than 8.5" x 14". Rolled plans will not be accepted for processing, and Subdivision and Development Plan sheets will not be individually folded.

#### 3. Title Block

Each plan sheet must include a title block along the lower edge or the right edge of the page, identifying the name of the subdivision and the full name, address, and telephone number of the owner or duly authorized agent. Also include the name, address, and telephone number of the engineer.

#### 4. North Arrow

A north arrow will be shown and will indicate whether the survey is based on the true meridian or the magnetic meridian. Where possible, north should be oriented towards the top of the page.

#### 5. Certification

All plans must be prepared by a State of Maryland registered engineer or land surveyor, who will affix their seal to the plans along the lower edge of the page, near the Title Block. All plans must show the date prepared and all subsequent revision dates.

6. Approval Stamp

Upon approval, Final Plans will show the stamped and dated approval of the Department of Planning and the Department of Transportation's Right of Way Services Division. Space will be reserved for notation of approval directly above the title block, along the right edge of the page. A 3.5" by 3.5" clear space must be provided for the Department of Planning stamp, and a 3" by 3" clear space must be provided for the Right of Way Services Division stamp. Submittals that do not provide this clear space may be rejected without further processing or review.

7. Complex Vertical Subdivision Model

Depending on the complexity of a proposed *Complex Vertical Subdivision*, Planning staff may require a graphic model, and/or sections that clearly show the proposed volumes of the lots to be created. Each lot's volume should be shown in contrasting colors from at least two perspectives so that the proposal can be more readily understood. The purpose of this model is to both assist staff that are reviewing the proposal, as well as to help those in the future who may need to look at the record copy without any context or other explanation.

b. Concept Plans Submittal Package

1. Number of Materials Submitted

- (5) Existing Conditions Plan
- (5) Print sets of the Concept Subdivision Plan
- (5) Print sets of the Concept Development Plan
- (1) Concept Landscape Plan (may be included in the Development Plan if not too cluttered)
- (1) Forest Stand Delineation (when required)
- (1) Complete Set of Elevations (showing all sides of buildings, with materials labeled). Massing diagrams for larger projects, and colored renderings (strongly preferred) may also be requested.
- (1) Digital copy of all sheets, in .pdf format. If you need to submit other digital formats, please inquire in advance with Department of Planning staff.
- Any other sheets as determined by Department of Planning staff.

2. When Materials are Required

- The application, fee, project summary, and a minimum of the Existing Conditions Plan and Concept Development Plan are required for all applications, at the time of submittal, both in print and in .pdf format.
- Concept Landscape Plans are required as a separate sheet when the landscaping details would overly clutter the Development Plan, or when required for Forest Conservation or Critical Area program review.

- Forest Stand Delineation plans are required with the application package when Forest Conservation program review is needed (*i.e.* when a project will disturb more than 20,000 sqft of land).
- When concept elevations, massing and/or renderings are submitted for consideration they should be included at the time of submittal, if possible. **NOTE: If elevations are submitted after the initial application and material submission, adequate time for review will be required, and may delay issuance of the consolidated agency comments.**

c. Preliminary Plans Submittal Package (Major and Minor)

1. Number of Materials Submitted – Resubdivisions without construction ONLY

- (5) Existing Conditions Plans (this may be waived if the City block plat map is found acceptable by the Department of Transportation's Right of Way Services Division's Property Location Section)
- (5) Print sets of the Preliminary Subdivision Plan (this may be waived if an acceptable property description is available and approved by the Department of Transportation's Right of Way Services Division's Property Location Section).
- (1) Digital copy of all sheets and photos, in .pdf format. If you need to submit other digital formats, please inquire in advance with Department of Planning staff.
- Any other information as determined by Department of Planning staff.

2. Number of Materials Submitted – Lot Line Adjustments without construction ONLY

- (11) Existing Conditions Plans.
- (11) Print sets of the Preliminary Subdivision Plan.
- (11) Print sets of the Preliminary Development Plan.
- (1) Landscape Plan (may be included in the Development Plan if not too cluttered).
- (1) Forest Stand Delineation (when required).
- (1) Digital copy of all sheets, in .pdf format. If you need to submit other digital formats, please inquire in advance with Department of Planning staff.
- Any other sheets as determined by Department of Planning staff.

3. Number of Materials Submitted – Vertical Subdivisions, Lot Splits and Major Subdivisions (all types)

- (25) Existing Conditions Plan.
- (25) Print sets of the Preliminary Subdivision Plan.
- (25) Print sets of the Concept or Preliminary Development Plan.

- (1) Landscape Plan (may be included in the Development Plan if not too cluttered), where applicable.
- (1) Forest Stand Delineation (when required).
- (1) Complete Set of Elevations (showing all sides of buildings with materials labeled and dimensions shown). Massing diagrams for larger projects, and colored renderings (strongly preferred) may also be requested.
- (1) Digital copy of all sheets, in .pdf format. If you need to submit other digital formats, please inquire in advance with Department of Planning staff.
- Any other sheets as determined by Department of Planning staff.

#### 4. When Materials are Required

- For Preliminary Plans review, the application, fee, project summary, and a minimum of the Existing Conditions Plan, Subdivision Plan, and Development Plan are required for all applications, at the time of submittal, both in print and in .pdf format. If zoning relief or a request for waiver of Subdivision Regulations requirements are necessary, their descriptions and statement of justification must be present at the time of submittal (with the understanding that they may change or be adjusted as part of the review process).
- Landscape Plans are required as a separate sheet when the landscaping details would overly clutter the Development Plan, or when required for Forest Conservation or Critical Area program review.
- Forest Stand Delineation plans are required with the application package when Forest Conservation program review is needed (*i.e.* when a project will disturb more than 20,000 sqft of land).
- Elevations are required for design review when new construction, additions, or exterior alterations are proposed. If design review is part of another required review process (such as through the Zoning Code, or due to the site's location in a historic district, Planned Unit Development (PUD), Urban Renewal Plan area, or the like), those controls remain in effect and the results of that other design review may be accepted by the Planning Commission. When elevations, massing and/or renderings are submitted for consideration they should be included at the time of submittal, if possible.

**NOTE: If elevations are submitted after the initial application and material submission, adequate time for review will be required, and may delay issuance of the consolidated agency comments.**

#### 5. Plan Requirements – Existing Conditions Plan

For all applications, an Existing Conditions Plan must be prepared in accordance with the official published guidelines of the Site Plan Review Committee (SPRC). This requirement may be waived or modified in cases where it is determined that existing conditions can be depicted adequately on Preliminary Subdivision and/or Development Plans (*e.g.* where a

subdivision is for disposition only and has no development, the Existing Conditions Plan is functionally the same as the Development Plan, and may serve as both – label this sheet with both titles, such as: "Existing Conditions and Development Plan").

6. Plan Requirements – Preliminary Subdivision Plan

- Label all land proposed for dedication to the City (see Section 2.8).
- The location of flood zone, base flood elevation levels, and/or Critical Area boundary lines on or adjacent to the property to be developed, as well as any significant subsurface conditions present.
- A location or key map indicating the relationship of the proposed subdivision to major streets, existing community facilities, schools, parks, and other features of significance.
- New lines of division will be clearly identified and labeled.
- The existing and proposed boundary lines of the entire tract of land from which the subdivision is taken (an exception may be made if land is to be subdivided from a parcel that spans multiple City blocks). Boundaries must contain accurate bearings and distances. A metes and bounds table may be used, if necessary. Curves will show radius, arc lengths, tangents and chord bearing and distance.
- A reference dimension from the corner of an interior parcel of land to the nearest intersecting street, where appropriate.
- The official description of the property, as established by the Department of Transportation's Right of Way Services Division (Property Location). This includes the property's Ward, Section, Block, Lot, and Address.
- The names of owners of properties abutting the tract, as shown on tax assessment records.
- Existing improvements on the subject property and existing improvements on adjacent properties.
- The location of existing utilities within the tract, abutting, or connecting the tract.
- The location of existing sewers, water mains, manholes, and all existing natural drainage courses.
- The names and widths of all rights-of-way.
- Identify all easements by area, width, and include reference information.
- Coordinates of boundary corners (may be listed in tabular form).
- Position by coordinates of not less than four markers/monuments "set" on the subdivision.
- Monuments such as pipes, rebar and cap, etc., will be shown and noted if "found" or "found and held."
- Area of each subdivided lot will be shown in square feet or acres, along with a tabulation of the total area of the entire tract of land to be subdivided.
- Proposed addresses for lots created as part of the subdivision.

## 7. Plan Requirements – Preliminary Development Plan

- Label all land proposed for dedication to the City (see Section 2.8).
- The location of flood zone, base flood elevation levels, and/or Critical Area boundary lines on or adjacent to the property to be developed, as well as any significant subsurface conditions present.
- A plan for streets showing the exact location, name and dimension of all platted streets (paved or unpaved), and the location and dimension of all proposed streets, lanes, alleys, rights-of-way, reservations, and easements, whether located within, abutting, or connecting with the tract.
- The Zoning District classification taken from the Official Zoning Map and accurate references to any appeals or recent decisions of the Board of Municipal and Zoning Appeals dealing with the land proposed for subdivision.
- A zoning analysis of existing and proposed development, including: lot area, lot coverage, heights of buildings, gross floor area, floor area ratio tabulations (where applicable), dwelling unit counts, required yard setbacks, and parking tabulations for existing and proposed development. Note where variances are required, if any, on the plans and include a statement of justification on a separate page.
- The location of proposed utility connections within the tract, abutting, or connecting the tract.
- The size, type, and location of stormwater management facilities.
- The type and location of refuse collection facilities within or external to any structure(s).
- Parking areas, delineating individual parking spaces, plus all driveways and curb cuts.
- Truck loading and unloading platforms.
- All proposed landscape and site improvements (e.g. hardscape), if a separate Landscape Plan is not required.
- **NOTE: If the subdivision is for disposition purposes only, and no new development is proposed, then the Development Plan need only show the allowable building envelope(s) based on the property's Zoning District classification. When development is pursued on the newly created lot(s), a Revised Final Development Plan, subject to Planning Commission approval, will be required. All subject properties will be flagged in the City's Real Property system, and all applications for building permit will be subject to this additional review requirement. The Department of Planning may require that a Development Plan be submitted if it is unclear how a lot to be created for disposition purposes may be developed in the future.**

8. Plan Requirements – Landscape Plan and Forest Stand Delineation (FSD)

- For sites of 20,000 square feet in size or more, a Forest Stand Delineation and Landscape Plan must be prepared as separate sheets in accordance with Forest Conservation requirements (see City Code, Article 7, Division IV, Subtitles 43 and 44: <http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>) and the official published guidelines of the Site Plan Review Committee.
- Show planting species, size, location, and two year survival guarantee, along with calculations demonstrating required mitigation for Forest Conservation or Critical Area Programs are met. Detail whether the mitigation is being met on site, off-site, by a fee-in-lieu, or a combination of those options (subject to City approval).
- Show designated Forest Conservation easements. Easements must be approved by the Department of Planning prior to release of permits.
- Street trees planted in the right-of-way may be counted towards a project's Forest Conservation or Critical Area planting requirements, subject to City approval. Removal of street trees (even if later replaced) will require prior permission from the City's Forestry Division, at a rate of 1:1 caliper inches.
- Show all significant natural features, such as steep slopes, streams and other waterways. Show required setbacks from each of these features.
- Consult the Division of Forestry's Street Tree Species List for more information about species appropriate for right-of-way plantings. Native trees and plants are strongly preferred, and invasive trees and plants are not allowed.
- The preferred minimum width for tree pits is 5' and the preferred minimum area for tree pits is 48 square feet. When sizing and locating tree pits, minimum Americans with Disabilities Act (ADA) requirements must be taken into consideration for adjacent paths.

9. Plan Requirements – Elevations

- All sides of proposed buildings must be shown (excluding portions that are party walls).
- Indicate materials used.
- Indicate building heights, setbacks, and other significant dimensions.
- Color elevations are strongly preferred.

d. Final Plans Submittal Package (Major and Minor)

1. Number of Materials Submitted

- (1) Existing Conditions Plan.
- (3) **Mylar** sets of the Final Subdivision Plan, signed by owners and sealed by the surveyor.
- (3) **Print** sets of the Final Subdivision Plan, signed by owners and sealed by the surveyor.
- (3) Print sets of the Final Development Plan, sealed by the engineer.

- (1) Landscape Plan (may be included in the Development Plan if not too cluttered), where applicable.
- (1) Complete Set of Elevations (showing all sides of buildings, with materials labeled). Massing diagrams for larger projects, and colored renderings (strongly preferred) may also be requested.
- (1) Digital copy of all sheets, in .pdf format. If you need to submit other digital formats, please inquire in advance with Department of Planning staff.
- Any other sheets as determined by Department of Planning staff.

2. Plan Requirements – All Sheets: As per Preliminary Plans requirements above (*cf.* Section 2.7 *Plan Submittal Requirements*, subsection c, items 5-9).

### 2.8 Dedications to the City

No Final Subdivision and Development plans will be approved by the Planning Commission until all dedications of land to the City have been deemed acceptable by all impacted City agencies.

### 2.9 Fees

Article I *Mayor, City Council, and Municipal Agencies*, §16-2 of the Baltimore City Code (as last amended by Ord. #15-389) authorizes the Department of Planning, with the approval of the City Council of Baltimore, may establish and impose charges for subdivision plans. The charges are to be paid at the time a subdivision plan is first filed with the Department of Planning in the usual course of business. Payment may be made either in cash or by certified check made payable to the Director of Finance of Baltimore City. This charge shall not be refunded in whole or in part, under any circumstances. The current fee schedule for subdivisions (last amended by Ord. #11-531, Nov 22, 2011), is as follows:

- a. Major Subdivisions – Residential  
 \$75 per lot  
 \$350 minimum  
 \$2,000 maximum
- b. Major Subdivisions – Commercial and Industrial  
 \$200 per acre  
 \$750 minimum  
 \$3,000 maximum
- c. Minor Subdivisions  
 \$150
- d. Plan Revision  
 \$150

## 2.10 Expiration of Plans

Concept Plans do not have a specific expiration date, as they are intended to provide the applicant with an early determination of acceptability by the Planning Commission. While the Concept Plans may be used as a guide plan in the case of multi-phase projects that may span many years from start to finish, each phase must be reviewed on its own, according to the regulations and processes in force at that time. In the event that significant changes in regulations, process, or area context have occurred, the Department of Planning will recommend a new review of the Concept Plans.

Preliminary Plans automatically expire **one year** from the date of the Department of Planning's summary report of agency findings provided to the applicant, if Final Plans are not submitted within the same time period, and a new application will be required.

The official stamped Final Subdivision Plan returned to the applicant by the Planning Commission must be filed in the Land Records Office of the Circuit Court for Baltimore City, Room 610. The applicant will notify the Department of Planning of the date of recordation and folio number promptly. **NOTE:** Permits associated with the subdivision will not be released until the Department of Planning receives notice of recordation, and only if the permit complies with the Development Plan.

Final Subdivision Plans automatically expire **one year** from the stamped date of approval if they have not been recorded. Upon request of the applicant made within the initial one year period, the Department of Planning may approve an extension of up to one additional year.

Final Development Plans automatically expire **one year** from the stamped date of approval, unless a permit to begin work on the approved project has been issued. Upon request of the applicant made within the initial one year period, the Department of Planning may approve an extension of up to one additional year.

## Chapter 3: Required Improvements and Design Standards

### Section A: Policy

#### 3.1 Intent

The Planning Commission's intent in this update is to emphasize the quality of design in the subdivision and development of land. The Commission recognizes that merely adhering to the minimum requirements of the regulations is not in itself sufficient to bring about development that is sustainable, and in the best interest of the City overall. For that reason, design requirements are included as a guideline for development in order to help ensure that creative and well considered designs are offered from the point of application, and that they are not just an end goal that a project may hopefully evolve into during the course of review.

#### 3.2 Complete Streets

Subdivisions must plan for access to the created lots, not only to meet an abstract legal requirement for frontage, but also to ensure that our streets are accessible for pedestrians, bicyclists, and motorists to the greatest extent possible. Streets need to include practical features that accommodate as many of the users of the street network as possible, as appropriate to their context. Streets should also support sustainability generally, and environmental program requirements specifically, by incorporating appropriate landscaping and adding to the City's tree canopy in order to provide shading and more desirable urban spaces.

#### 3.3 Variances

For new development, the proposed lots must be designed to meet the requirements of the underlying zoning district, so that new noncomplying lots and structures are not created. Proposed lots that do not meet the standards of the underlying zoning district require a waiver of this restriction, and should only be considered where very compelling reasons or truly unique circumstances exist. Should such a case exist, the Planning Commission will prefer proposals that do not require variances in large numbers or in significant degree. Applicants will provide a statement of justification for the variances or waivers requested.

### Section B: Design Requirements

#### 3.4 General

Design review will be conducted by the Design Staff based on the following criteria:

- Is the general architectural style and organization of the project compatible with that of surrounding properties? In the case of an addition and or alteration, is it compatible with that of the existing structure? If substantially different, does the design create an interesting blend of the historic and contemporary?
- How does the project relate in scale to surrounding properties, or in the case of additions and alterations, with that of the existing structure? If substantially different, how is this justified?
- Are construction materials compatible with those of surrounding properties, or in the case of additions and alterations, with that of the existing structure? If substantially different, how is this justified? Has an effort been made to use the

highest quality materials possible for those elevations visible from the nearest public or private street?

- Is the front entrance or major points of entry clearly defined?
- Has external mechanical equipment been concealed to the greatest extent possible?
- Has signage been clearly depicted, and does it conform to applicable requirements? Is placement and scale appropriate?
- Is exterior building lighting in scale with the project, and has it been designed to minimize adverse impact on surrounding properties?
- Does it meet the requirements of the Landscaping Guidelines?
- If the proposal is a phased development, or involves temporary construction or features, will the interim or temporary condition complement the surrounding properties until the next phase or improvement is made?

### 3.5 Mews

The use of pedestrian-only rights-of-way (mews) to provide frontage for lots should be used only where streets cannot be provided. The goal is to provide access to the lots, using quality design, as opposed to a means of meeting the technical requirement to provide frontage for each lot. The design purpose should be to provide an elevated public experience for the owners of the lots and the users of the property, as opposed to a device that allows for increased density by mathematically yielding the highest amount of units possible (i.e. as an alternative to prohibited flag lots). Mews should be used for challenging infill development sites, and should not generally be used for large-scale development. Where the use of a mews is permitted, protecting the integrity of the City's public street grid is an important design goal. An acceptable alternate use would be for a broad mews that simultaneously serves as frontage for the lots as well as a park or community green that provides usable open space.

Where providing frontage to a street is not possible and mews are necessary, the following design considerations should be used in the following ways:

- Passing completely through a block, and linking two streets;
- Where connected to only one street at one point, not extending more than 150'. The end of the mews must have a visual terminus as a design feature, and must not simply end at the rear of another property.
- Ensure that the front of the lot adjoining the mews actually functions as the front, and that homes are not practically "reverse fronted" on the lot, unless access make reverse fronting a practical necessity (See Section 3.10.e below).
- Ensure that there will be appropriate access to utilities, fire protection, trash service, and that deliveries and move-in/move-out can be accommodated without undue impact on surrounding properties or inconvenience to residents and users of the properties. **NOTE:** Be advised that provision of utility connections in the mews is strongly discouraged. If the applicant can demonstrate that there is no other workable alternative for utility connection, and reviewing agencies agree, then: a utility easement must be provided, the applicant must unconditionally accept that any utility maintenance requiring the

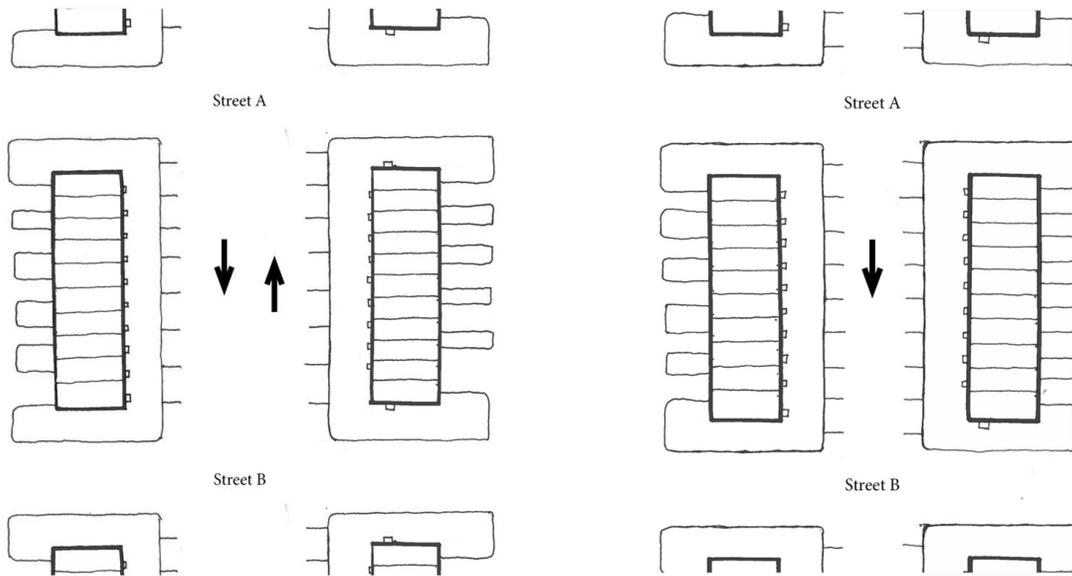
removal of landscape and/or hardscape in the mews will only be replaced at the property owners' expense and effort, and a note will be added to the submittal plan sheets acknowledging that condition.

- Mews must be open and unobstructed to the sky. Structures may not project into the mews.

### 3.6 Street Frontage and Parking Access

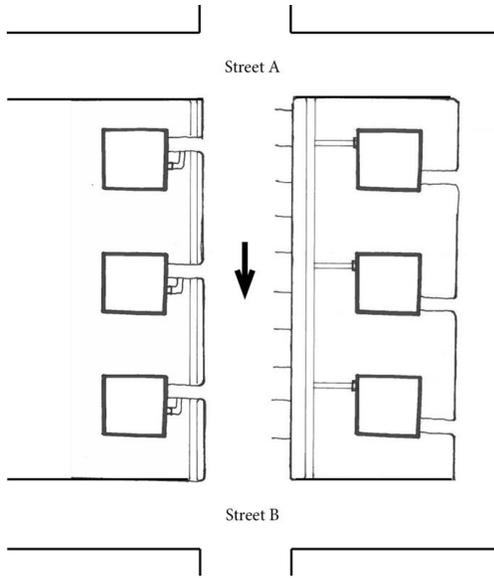
For residential properties, the design priority order listed and illustrated below applies (considering both sides of a street):

Priority	Frontage	Access to Parking
1st	2-way Street	Rear Alley
2nd	One-way street	Rear Alley
3rd	One-way street	Alley behind one side of the street, garage front homes on the other with no alley behind.
4th	Mews	Rear Alley
5th	One-way street with no street parking	Front-loading garages may be permitted, subject to design approval.

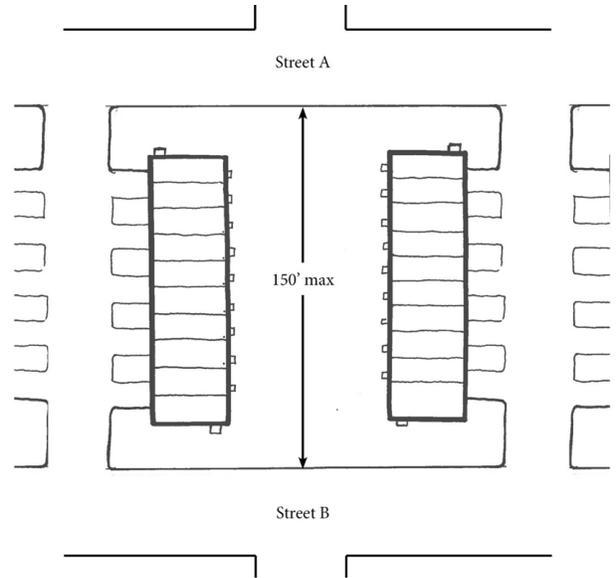


**Priority 1:** Two-way street; Rear alley parking access.

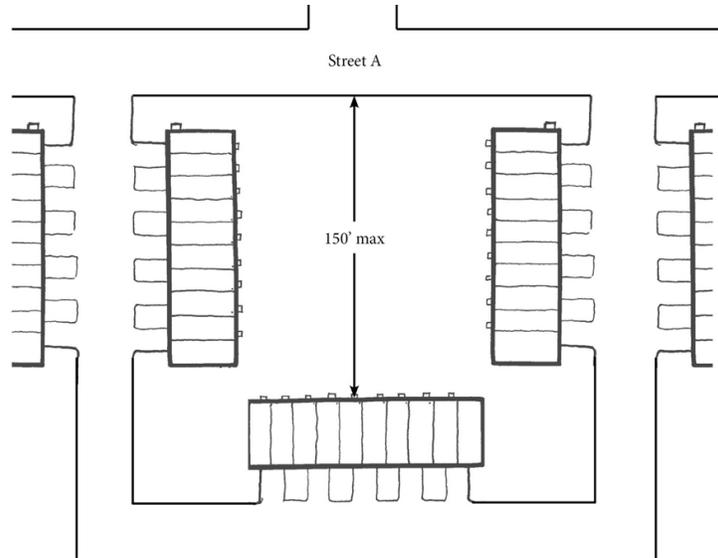
**Priority 2:** One-way street; Rear alley parking access.



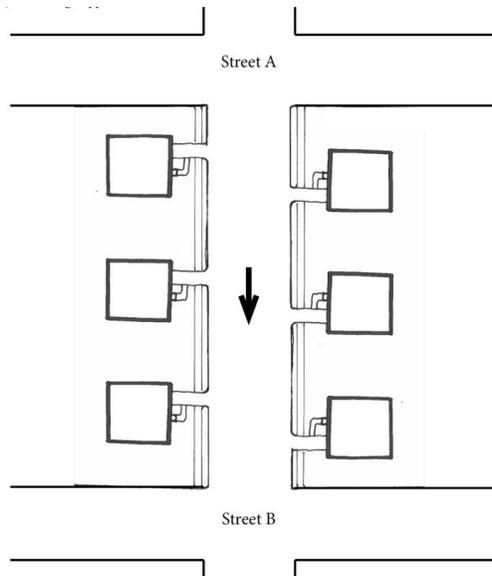
**Priority 3:** One-Way street; Rear alley parking access behind one side of the street, garage-front homes on the opposite side with no alley behind.



**Priority 4:** Homes fronting on mews; Rear alley parking access.



**Priority 4:** Homes fronting on mews; If not connecting to a street, maximum length of 150', and must terminate at an appropriate design feature.



**Priority 5:** One-Way street with no street parking; Front-loading garages may be permitted, subject to design approval.

Please note that garage front homes will be affected by the City's Curb Cut Policy and may require additional design review. This condition will normally only be a practical solution where there is no street parking or alley access. The functionality of the design will need to be demonstrated. The design of the sidewalk must prioritize the pedestrian over vehicular traffic.

### 3.7 Residential Design

- Homes will address fronts or sides of other homes across streets. Fronts of homes facing rears of homes are prohibited.
- Creation of new lots fronting on alleys is prohibited. Alley streets may be considered for development where the historic pattern of the neighborhood supports such development, there are other existing developed lots fronting on that street, and access to and functionality of the new lots are adequate.
- Garage front homes are discouraged. Where it is determined to be a reasonable necessity, design of the front façade will strive to de-emphasize the garage entry, and focus on creating a clear, identifiable entry that will improve the public and pedestrian environment. Designs that only provide a garage door on the front façade are strongly discouraged. **NOTE:** The proposal will need to comply with the requirements of the City's Curb Cut Policy.

### 3.8 Commercial and Industrial Design

- Lots should be designed to share access points and service to the greatest extent practical. This includes creating lots to maximize access to public services and amenities.
- Where the lots front on more than one street, primary entrances should face primary (or larger) streets.

- Servicing (deliveries, trash removal) should not be visible from adjacent streets, or the visibility minimized to the extent possible.
- Where lots are created adjacent to lower intensity uses (such as residential lots), the layout of the lots should minimize impact to those neighboring lots, to the extent possible.

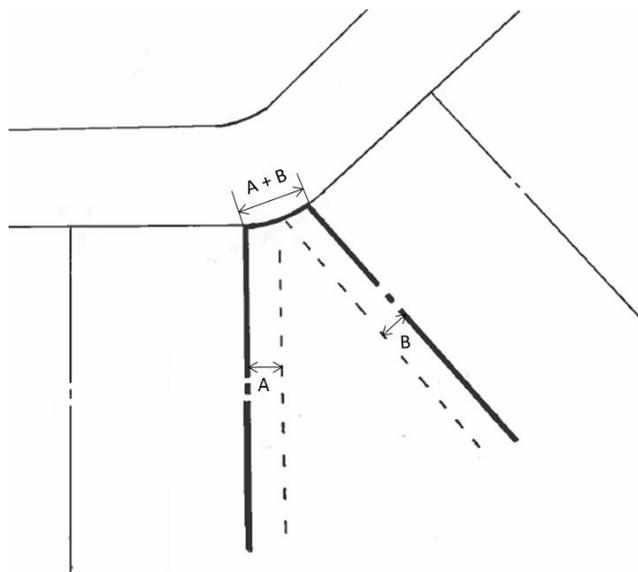
## Section C: Technical Requirements

### 3.9 Blocks

- The length of blocks on the building line, from street to street, will not exceed 500', unless depicted on a master plan approved by the Planning Commission and/or recommended by the Department of Transportation.
- The length and width of commercial and industrial blocks will be designated by the Planning Commission and will be determined by the nature of the prospective use, including its off-street parking, service areas, and ingress and egress patterns.

### 3.10 Lot Frontage Requirements

- For each proposed lot, frontage must be provided. Frontage cannot be provided on an alley, lane, unimproved street, or a street that does not meet the Complete Streets guidelines of Section A, above.
- Width of frontage along the Right Of Way:
  - Residential: The greater of 16' or the sum of applicable side yard setbacks must be provided. For example: this requirement could be met by providing frontage that is twice the interior side yard setback for an interior parcel, or that is the total of the interior side yard and street corner side yard setbacks for a corner parcel, or twice the street corner side yard setback for a lot that spans a block face (see illustration below).
  - Non-residential: A minimum of 50'.



**Frontage:** Sum of required side setbacks.

- c. Applicants must demonstrate that adequate access is provided for each proposed lot to the City’s street network, and that such access meets all requirements for pedestrian and vehicular access. Frontage must be provided by way of a public street, unless the applicant can demonstrate that the use of a private street is necessary. In any case, the frontage must meet the requirements of the reviewing agencies.
- d. Double frontage or “through” lots will not be encouraged in residential areas except under unusual physical conditions or where the secondary or minor street is to be developed to eliminate the necessity of providing direct driveway access to the primary or major street, where doing so would increase potential traffic hazards.
- e. Reverse frontage lots will be provided where required for protection of residential properties from through-traffic and adverse non-residential uses, for separation of through and local traffic, to overcome the difficulties of topography or other specific conditions, or to protect the traffic carrying capacity of major streets.
- f. Residential lots with frontage on a mews must meet the design requirements of Section 3.5 above.
- g. Panhandle lots are prohibited.

### 3.11 Right-of-Way Requirements

#### a. Existing Rights-of-Way

1. Existing rights-of-way that are to be used for frontage must meet the design guidelines for Complete Streets under Section 3.2 above.
2. Notwithstanding the requirement above, existing rights-of-way that are substandard and do not meet the Complete Streets guidelines must be determined to be adequate for use by reviewing agencies.

#### b. New Streets, Mews, Alleys and Walkways

1. The amount of land dedicated to the City for new public streets, or provided as a new private street, must be sufficient to accommodate paving, sidewalks, landscape, utilities, and other public facilities, as determined by the Planning Commission, with the advice of the Departments of Transportation and Public Works. The design of the street must be appropriate to its street classification level.
2. Rights-of-way to be used as streets for frontage purposes must be entirely dedicated for that purpose, and must connect to the City street network. Access to the lot cannot be provided solely by an easement across another

lot. Rights-of-way for streets must be a minimum of 40' in width, and rights-of-way for Mews must be a minimum of 30'.

3. Dead-end streets must meet both the frontage requirements above, as well as functional requirements of the Site Plan Review Committee (SPRC) and the commenting agencies.
4. Alleys to be dedicated must be a minimum of 16' wide for residential use, or a minimum of 20' for commercial use.
5. Pedestrian walkways other than those installed along public or private streets, lanes, or alleys may be required by the Department of Planning where deemed essential to provide for circulation or access to schools, playgrounds, and other community facilities. The dimension of such walkways will be subject to Site Plan Review Committee (SPRC) approval.

c. Rights-of-Way Design

The width and design of streets provided for frontage, whether public or private, will be determined by the Planning Commission, with the advice of the Departments of Transportation and Public Works. All street improvements required for proposed subdivisions will be constructed at the subdivider's expense. For more details, see the Green Book:

<http://generalservices.baltimorecity.gov/gm-major-projects/greenbook>

Required widths of the various elements of the roadway design may be determined by the sum of the features in the list below, subject to approval by the Site Plan Review Committee (SPRC) and the commenting agencies:

1. Sidewalk: a minimum 5', 8-12' preferred.
2. Landscaping strip: a minimum of 5' each.
3. Parking Lane: 8' each.
4. Bicycle accommodations per the Bicycle Master Plan
5. Street Lane: 10' minimum, each.

3.12 Easements

- a. The minimum width for utility easements will be determined by the Department of Public Works.
- b. Where a subdivision is traversed by a water course, drainage way, channel, pipe, or stream, a stormwater easement or drainage right-of-way may be required. The width of such an easement or right-of-way will be determined by the Department of Public Works.
- c. If forest conservation easements are required through the application of Baltimore City Code, *Article 7, Natural Resources*, the area and boundaries of such an easement will be determined by Department of Planning staff. The easement, restrictive covenants, map, and legal description must be recorded

by the subdivider in the Land Records Office of the Circuit Court for Baltimore City, Room 610, and a stamped copy returned to the Department of Planning. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below.

- d. Reserved strips of land or "spite strips" that are designed to prevent access by adjacent property owners to, or from streets within a subdivision are prohibited.

### 3.13 Street Lighting

The subdivider will make application to the Transportation Maintenance Division of the Department of Transportation for necessary street lighting. Street lighting will be installed or relocated, when necessary, at the subdivider's expense. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below.

### 3.14 Street Names and Street Signs

The subdivider will make application to the Transportation Maintenance Division of the Department of Transportation for necessary street name identification signs. Street names must receive approval by the Department of Transportation's Right of Way Services Division (Property Location Section) before approval of any Final Subdivision Plan by the Planning Commission. Street signs will be installed at the subdivider's expense. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below.

### 3.15 Stormwater Management

Certain development projects, depending on their nature and size, may be required to have an approved stormwater management plan and sediment and erosion control plan. These plans must be reviewed and approved by the Baltimore City Department of Public Works prior to the issuance of a building permit. They typically involve a combination of environmental site design practices (such as conserving natural drainage patterns and minimizing impervious area) and structural stormwater management measures (such as stormwater management ponds or filtration systems). For the full regulatory text, please see Baltimore City Code, Article 7 – Natural Resources, Division II – Stormwater Management, available online here: <http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>

Because of the potential for stormwater management regulations to greatly impact development plan formulation, applicants are encouraged to contact the Department of Public Works as early in the process as possible, preferably immediately following the subdivision pre-application review phase.

### 3.16 Drains and Sewers

#### a. Storm Drainage

1. All subdivision plans submitted to the Planning Commission will indicate the drainage pattern for the subdivided tract or parcel, and will include reasonable provisions for storm drainage in accordance with the standards set forth or adopted by the City and as otherwise provided by law.
2. Alley drainage shall be built in accordance with the standards set forth or adopted by the City and as otherwise provided by law (see also The Rules and Regulations for Water and Wastewater).
3. Street drainage will be provided at the subdivider's expense. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below.

#### b. Sanitary Sewers

All sanitary sewers will be installed at the subdivider's expense. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below.

### 3.17 Water Supply

- a. All subdivision plans submitted to the Planning Commission will indicate the location of water main extensions and meters, in accordance with standards designated by the Department of Public Works.
- b. The subdivider will make application to the Department of Public Works for water main extensions and meter installations at the subdivider's expense. Please see the Department of Transportation's Right of Way Services Division Developer's Agreement Section below. (See also The Rules and Regulations for Water and Wastewater.)
- c. Except as otherwise determined by the Department of Public Works, all water meter pits and their associated appurtenances shall be located at the curb line nearest to the distribution main from which water service is provided. See The Rules and Regulations for Water and Wastewater, Section IV(d).

### 3.18 Public Utilities

The subdivider will place or make arrangements to be placed any extensions of telephone, electric, and gas distributions lines necessary to furnish permanent service to new detached, semi-detached, group, or townhouse single-family residences within a new residential subdivision, or to new apartment buildings, in accordance with the Code of Maryland Regulations (COMAR), Title 20 – Public Service Commission, available by clicking here:

[http://www.dsd.state.md.us/comar/subtitle\\_chapters/20\\_Chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/20_Chapters.aspx).

Please see subtitles 45, 50, and 55 for service supplied by telephone, electric, and gas companies.

### 3.19 Refuse Collection

Facilities for refuse collection should be depicted on all Development Plans, in accordance with official published guidelines of the Site Plan Review Committee.

### 3.20 Off-Street Parking and Loading

Off-street parking and loading areas should be depicted on all Development Plans, in accordance with official published guidelines of the Site Plan Review Committee.

### 3.21 Traffic Impact Study (TIS) Requirements

TIS requirements are reprinted here from the Zoning Code and from the Building Code, Part II, Chapter 38, for convenience.

From the Zoning Code, §2-305 *Traffic Mitigation*:

"(a) Referral to DoT.

Within 15 business days of receiving a completed application, the Zoning Administrator must refer the application and all accompanying documents to the Director of Transportation, if:

- (1) traffic-mitigation requirements for the proposed structure or use have not already been complied with in accordance with this article or the City Building, Fire, and Related Codes Article; and
- (2) the proposed structure or use:
  - (i) is in a Traffic-Mitigation Zone designated in Baltimore City Building Code § 3805 and involves 10 or more dwelling units;
  - (ii) involves 15,000 sq. ft. or more of gross floor area; or
  - (iii) involves 50 or more dwelling units."

From the Building Code, Part II, Chapter 38:

"3802.2 Outside a Traffic-Mitigation Zone. A traffic-impact study is required for any proposed work outside of a Traffic-Mitigation Zone if the proposed work involves any 1 of the following:

1. an impact area that includes an intersection performing at Level of Service D or worse,
2. 50 or more dwelling units, or
3. a gross floor area that equals or exceeds:
  - a. for a warehouse use, 100,000 sq. ft., or
  - b. for any other use or combination of uses, 50,000 sq. ft.

3802.2.1. Determination of impact area. For purposes of this § 3802.2, an impact area must include the entire area located ½ mile or less from any point on the development's property line, unless the Director, in accordance with the rules and regulations adopted under this Chapter, determines that extraordinary circumstances exist that require that a larger impact area of up to 1 mile from the development's property line be considered.

3802.3 Within a Traffic-Mitigation Zone. A Traffic-Mitigation Fee is required for any proposed new construction or change in occupancy within a Traffic-Mitigation Zone if the proposed work involves any 1 of the following:

1. 10 or more dwelling units, or
2. a gross floor area that equals or exceeds:
  - a. for a warehouse use, 100,000 sq. ft., or
  - b. for any other use or combination of uses, 50,000 sq. ft."

For more information, please see the Rules and Regulations for Traffic Mitigation available online here:

<http://transportation.baltimorecity.gov/sites/default/files/traffic%20mitigation%20regulations.pdf>

As well as Chapter 38 *Traffic Impact and Mitigation* of Part II of the Building Code, available online here:

<http://ca.baltimorecity.gov/codes/Art%2000%20-%20Bldg,%20Fire.pdf>

### 3.22 Additional Standards for Subdivisions and Development in Flood Plains

Development in the flood plain is governed by federal, state, and local regulations. Federal regulations relating to flood plain development are located in the Code of Federal Regulations (CFR), Title 44 – Emergency Management and Assistance, Part 60, Subpart A, §60.3 – Floodplain management criteria for flood-prone areas, available here: <https://www.gpo.gov/fdsys/pkg/CFR-2011-title44-vol1/pdf/CFR-2011-title44-vol1-sec60-3.pdf>.

State floodplain regulations are located in Title 26 Department of the Environment, Subtitle 17 – Water Management, Chapter 4 – Construction on Nontidal Waters and Floodplains, available here:

[http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=26.17.04.\\*](http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=26.17.04.*)

City regulations are codified in Article 7 – Natural Resource Code, Division I, available here: <http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>, as well as in the Baltimore City Zoning Code, Title 8 (Overlay Districts), Subtitle 2 (Flood Plain Overlay), available here:

<http://ca.baltimorecity.gov/codes/Art%2000%20-%20Zoning.pdf>

- a. Subdivision proposals are to be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that:
  1. All such proposals are consistent with the need to minimize flood damage within the flood-prone area,
  2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
  3. Adequate drainage is provided to reduce exposure to flood hazards,

4. Subdivision proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures,
  5. Subdivision access roads shall have the driving surface at least one foot above the base flood elevation.
  6. Proposals will take into account the anticipated impacts from climate change, the increased amount of heavy precipitation for this region, and the potential for sea level rise.
- b. Require that all new subdivision proposals provide the determination of the base flood elevations and the Flood Protection Elevations (FPE), with at least five lots or at least five acres, whichever is the lesser, in special flood hazard areas where base flood elevations are not provided by the Floodplain Administrator or available from other sources or are not shown on the FIRM; if hydrologic and hydraulic engineering analyses are submitted, such analyses shall be performed in accordance with the requirements and specifications of the Maryland Department of the Environment (MDE) and the Federal Emergency Management Association (FEMA). Subdivisions in non-tidal areas require subdividers to furnish delineations for floodways before approval of a subdivision.
- c. Subdivision proposals shall be laid out such that proposed buildings are located outside of the special flood hazard area and any portion of platted lots that include land areas that are below the flood protection elevation shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.

### 3.23 Additional Standards for Subdivisions and Development in the Critical Area

All subdivision applications for property that is entirely or partially within the Critical Area must comply with the Code of Maryland Regulations (COMAR), Title 27 – Critical Area Commission for the Chesapeake and Atlantic Coastal Bays and must be reviewed and approved by the Maryland State Critical Area Commission. COMAR 27 can be found by clicking here:

[http://www.dsd.state.md.us/comar/subtitle\\_chapters/27\\_Chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/27_Chapters.aspx).

To further the goals of the Critical Area Management Program, Baltimore City has adopted the Critical Area Overlay District as part of its zoning code, available by clicking here (see Zoning Code, Title 8, Subtitle 3):

<http://ca.baltimorecity.gov/codes/Art%2000%20-%20Zoning.pdf>

The Baltimore City Critical Area Management Program and other materials may be found by clicking here: <http://www.baltimoresustainability.org/permits/critical-areas/>

### 3.24 Forest Conservation Requirements

All subdivision applications for sites 20,000 square feet in size or more trigger additional forest and tree conservation requirements. Projects that are developed by phases will trigger forest conservation requirements when the total area disturbed reaches 20,000 square feet in size or more. See Baltimore City Code, Article 7 – Natural Resources, Division IV – Forest and Tree Conservation: <http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>, and the official published guidelines of the Site Plan Review Committee. Other resources are available online here: <http://www.baltimoresustainability.org/permits/forest-conservation/>

### 3.25 Baltimore City Green Building Requirements

All subdivision and development plans must meet the requirements of the Building, Fire, and Related Codes of Baltimore City, to include Part IX, International Green Construction Code, as applicable (added by Ord. #14-311, effective April 1, 2015).

### 3.26 Sustainable Site Design

The Baltimore City Planning Commission and the Department of Planning are committed to proactively applying elements of Sustainability to our neighborhood planning, master planning, and development review functions. Sustainability is defined by the Baltimore Office of Sustainability as meeting the current environmental, social, and economic needs of the community without compromising the ability of future generations to meet these needs. Directly, it is a term that involves reducing the demand on natural resources and stress on ecological systems. Indirectly, it promotes healthy lifestyles, community building, higher quality of life, and efficiency. In order for Baltimore and the greater community to have a prosperous future, various issues relating to sustainability must be addressed in the design process of development projects. While not all projects will trigger specific environmental regulatory controls, applicants are asked to incorporate the following sustainable design principles into their development proposals to the greatest extent possible:

- a. Minimize ecological disturbance by preserving natural vegetation and habitat areas.
- b. Maximize planted areas both indoors and out.
- c. Maximize land use efficiency by clustering development, mixing uses where allowable by zoning, protecting open space, and reducing parking demand as much as possible.
- d. Encourage pedestrian and bike access, with linkages to the broader network, and provide bike parking in a secure location.
- e. Minimize impervious ground cover while maintaining density by stacking floor plans or tucking parking under buildings.

- f. Consider solar access in building placement.
- g. Harvest natural site resources such as daylight, wind, and geothermal heat.
- h. Select low-impact construction materials (locally sourced, sustainably produced, non-toxic, or recycled materials).
- i. Reduce electricity consumption by installing Energy Star rated appliances and maximizing the efficiency of building design and location.
- j. Encourage tenant waste recycling by providing convenient recycling stations and pick-up areas.
- k. Maintain natural water flows by minimizing erosion and encouraging stormwater infiltration.
- l. Harvest on-site water flows by reclaiming gray water, roof runoff, or groundwater for use in landscaping or gray water plumbing systems.

### 3.27 Department of Transportation Developer's Agreement

The subdivider must make application to the City of Baltimore, Right of Way Services Division of the Department of Transportation to enter in to a "Public Works Agreement" for all streets and public utilities. For more information, please see the Developer's Agreement reference guide available on the Department of Transportation's website, or by clicking here:

<http://transportation.baltimorecity.gov/sites/default/files/Developers%20Agreement%20process.pdf>

## Chapter 4: References

### Works Cited:

Baltimore City Charter:

<http://legislative.reference.baltimorecity.gov/city-codes#charter>

Baltimore City Circuit Court:

<http://www.baltocts.state.md.us/>

Land Records Division is located in Room 610 of the Clarence M. Mitchell, Jr. Courthouse (410-333-3760).

Baltimore City Code, Article 31 *Transit and Traffic*:

<http://ca.baltimorecity.gov/codes/Art%2031%20-%20Transit&Traff.pdf>

Baltimore City Curb Cut Policy:

<http://planning.baltimorecity.gov/files/curb-cut-policy-3-sept-2014-final.pdf>

Baltimore City Department of Transportation Developer's Agreement reference guide:

<http://transportation.baltimorecity.gov/sites/default/files/Developers%20Agreement%20process.pdf>

Baltimore City Development Guidebook:

<http://planning.baltimorecity.gov/sites/default/files/RDevelopmentGuidebook.pdf>

Baltimore City Forest Conservation Program, City Code Article 7, Division IV *Forest and Tree Conservation*:

<http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>

Baltimore City Supplement to State Forest Conservation Manual:

<http://www.baltimoresustainability.org/wp-content/uploads/2015/12/Supplement2StateForestConservationManual.pdf>

<http://www.baltimoresustainability.org/wp-content/uploads/2015/12/State-Forest-Conservation-Technical-Manual.pdf>

Baltimore City Stormwater Management, City Code Article 7, Division II *Stormwater Management*: <http://ca.baltimorecity.gov/codes/Art%2007%20-%20NatRes.pdf>

Baltimore City Sustainability Plan:

<http://www.baltimoresustainability.org/wp-content/uploads/2015/12/Baltimore-Sustainability-Plan.pdf>

Building, Fire, and Related Codes of Baltimore City:

<http://ca.baltimorecity.gov/codes/Art%2000%20-%20Bldg,%20Fire.pdf>

For the Baltimore City Green Building Requirements, see *Part XI, International Green Construction Code*.

Code of Maryland Regulations  
(COMAR): <http://www.dsd.state.md.us/COMAR/ComarHome.html>

Code of Maryland and Rules (Unannotated):  
<http://www.lexisnexis.com/hottopics/mdcode/>

Floodplain Regulations:

- a. Federal: [http://edocket.access.gpo.gov/cfr\\_2002/octqtr/pdf/44cfr60.3.pdf](http://edocket.access.gpo.gov/cfr_2002/octqtr/pdf/44cfr60.3.pdf)
- b. State: [http://www.dsd.state.md.us/comar/subtitle\\_chapters/27\\_Chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/27_Chapters.aspx)
- c. Local: <http://www.baltimoresustainability.org/floodplain-management-program/>

Green Book:

<http://generalservices.baltimorecity.gov/gm-major-projects/greenbook>

Maryland Condominium Act:

<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/202bf/20a2a>

Maryland Public Service Commission:

[http://www.dsd.state.md.us/comar/subtitle\\_chapters/20\\_Chapters.aspx](http://www.dsd.state.md.us/comar/subtitle_chapters/20_Chapters.aspx).

Predevelopment Meetings Request Form: <http://cityservices.baltimorecity.gov/ppt/>

Site Plan Review Committee (SPRC) Guidelines:

[http://planning.baltimorecity.gov/sites/default/files/RSitePlanReviewGuidelines2013\\_0.pdf](http://planning.baltimorecity.gov/sites/default/files/RSitePlanReviewGuidelines2013_0.pdf)

Zoning Code of Baltimore City:

<http://ca.baltimorecity.gov/codes/Art%2000%20-%20Zoning.pdf>

**Subtitle 02 RULES OF THE PLANNING COMMISSION**

Administrative History

Effective Date: August 25, 2021

## **Subtitle 28 RULES OF THE PLANNING COMMISSION**

### CHAPTER 01 GENERAL PROVISIONS

Authority: City Charter Article VII, § 72

#### **28.01.01.01. General.**

##### A. Authority and Rules.

These rules and regulations are promulgated by the Baltimore City Planning Commission pursuant to [City Charter](#) Article VII, §72(a).

##### B. Amendments.

(1) Webpage links, which have been inserted in these regulations for the convenience of readers, may be added, deleted, or updated as needed by Department of Planning staff without the need for Planning Commission approval, as they are not substantive changes.

(2) These rules may be amended by a majority vote of the entire Commission.

##### C. Suspension of Rules.

These rules may be suspended by a majority vote of the entire Commission.

## **28.01.01.02. Meetings and Attendance.**

### **A. Regular Meetings.**

(1) Regular meetings of the Planning Commission shall be held in accordance with a schedule:

- (a) presented by the Director of Planning to the Commission; and
- (b) duly adopted by the Commission.

(2) Meetings will normally begin:

- (a) at 1:00 p.m., in the Commission Board Room;
- (b) or at such other time and location the Chairperson (the President) designates.

### **B. Special Meetings.**

Special meetings of the Planning Commission will be called by the Chairperson at the written request of three Commissioners.

### **C. Cancellation of Meetings.**

The Chairperson may cancel any meeting:

- (1) with the concurrence of most Commissioners; and
- (2) by posting cancellation notice on the [Department of Planning's webpage](#) at least 48 hours before the scheduled start of the meeting.

### **D. Notice of Meetings.**

(1) Publication of meetings.

Notice of regular and special meetings shall be published on the [Department of Planning's webpage](#) at least ten days before the scheduled start of the meeting.

(2) Distribution to Commissioners.

(a) In general.

A schedule of regular meetings shall be distributed:

- (i) following the adoption of the schedule; and
- (ii) after changes to the schedule are made.

(b) Distribution to new Commissioners.

A schedule of regular meetings shall be distributed to new Commissioners following their appointment to the Planning Commission.

### **E. Open Meetings.**

All regular and special Commission meetings shall be open to the general public in accordance with the Maryland Open Meetings Act.

F. Working sessions.

The regular meetings or special meetings of the Commission may be preceded by a working session that shall be open to the general public in accordance with the Maryland Open Meetings Act at which the Commission may:

- (1) discuss matters of general interest;
- (2) hear staff presentations on departmental activities; and
- (3) by invitation of the Chairperson on matters of general interest and concern to the Commission, hear presentations by citizens or representatives of other governmental agencies.

G. Rules of Order.

Meetings shall be conducted according to Robert's Rules of Order Revised, unless a different procedure is adopted by a majority vote of the Commissioners.

H. Public Comments.

Any party in attendance wishing to make statements regarding matters under consideration by the Commission may do so under procedures established by the Chairperson:

- (1) at the beginning of the meeting; or
- (2) at the beginning of a specific agenda item.

I. Agenda.

(1) Regular meeting agenda.

The Director of Planning is responsible for establishing the Planning Commission agenda for each regular meeting.

(2) Special meeting agenda.

For special meetings called at the request of three or more Commissioners, the Commissioners for whom the meeting was called will propose the agenda.

(3) Consent Agenda.

(a) Matters requiring action by the Commission may be placed on a consent agenda within either a regular meeting or special meeting agenda.

(b) Items scheduled for the consent agenda may include:

(i) items previously reviewed by the Commission; or

(ii) items that are consistent with:

(A) previous actions by the Commission;

(B) Minor Subdivision Final Plans; or

(C) any other items designated by the Director of Planning.

(c) Unless there is an objection from a Commissioner, consent agenda items shall be acted upon in accordance with the staff recommendation.

J. Posted Notice Requirements.

(1) In general.

(a) Site-specific actions.

Applicants must post public notice of Planning Commission meetings in a conspicuous location for regular agenda items in accordance with [City Code Article 32, § 5-604](#) {"Planning Commission consideration of site-specific projects"}.

(b) Non-site-specific actions.

Posting for non-site-specific items may be required:

- (i) if the relevant action has the potential to significantly impact surrounding property owners and residents; or
- (ii) to comply with other regulations or statutes.

(c) Consent agenda items.

Posting for a consent agenda item is only required when:

- (i) the consent agenda item might significantly impact surrounding property owners and residents; or
- (ii) other regulations or statutes require the posting.

(2) Duration of posting.

The property or location will be posted continuously for a minimum of ten calendar days preceding the meeting:

- (a) in accordance with [City Code Article 32, § 5-604](#) {"Planning Commission consideration of site-specific projects"}; and
- (b) as directed by Department of Planning staff.

(3) Posting template.

The sign providing posted notice must follow the requirements specified in the [common style of template](#) the Department of Planning provides to applicants.

(4) Evidence of posting.

Evidence of posting shall be submitted to Department of Planning:

- (a) as soon as practicable after posting; and
- (b) unless otherwise permitted, via digital photographs displaying the placement and context of the posting on the property.

K. Consideration for Postponement

The Commission reserves the right to postpone consideration of a matter if:

- (1) the applicant or a representative of the applicant is not present;
- (2) additional individuals or information are required to reach a fair and equitable decision; or
- (3) both the applicant or a representative of the applicant is not present and additional individuals or information are required to reach a fair and equitable decision.

L. Attendance.

- (1) Commissioners are expected to attend Commission meetings.
- (2) If a Commissioner has three unexcused absences within one year, the Chairperson may recommend:
  - (a) the Mayor replace a Commissioner, as permitted by the [City Code](#) Article 1, § 6-2; or
  - (b) if the Commissioner is the City Council representative to the Commission, the President of the City Council replace the Commissioner by vote of the City Council, in accordance with [City Charter](#) Article VII, § 6-1.

### **28.01.01.03. Committees and Duties of Officers.**

#### **A. Commission Committees.**

- (1) The Commission may establish committees to investigate and report on matters the Commission determines.
- (2) The composition and chairperson of Commission committees shall be designated by the Commission Chairperson.

#### **B. Vice Chairperson.**

- (1) The Chairperson may designate a Vice Chairperson to act as temporary Chairperson:
  - (a) at meetings where the appointed Chairperson will be absent; or
  - (b) for individual agenda items for which the Chairperson must recuse themselves.
- (2) The Chairperson may appoint a different Commissioner to act as temporary Chairperson if the designated Vice Chairperson:
  - (a) is also absent; or
  - (b) must recuse themselves from deliberations regarding an issue.

#### **C. Executive Secretary.**

##### **(1) Role.**

- (a) The Director of Planning shall be the Executive Secretary to the Commission.
- (b) In the absence of the Director of Planning, an Assistant Director or other designee shall act as temporary Executive Secretary for the Commission.

##### **(2) Maintenance of records.**

- (a) The Executive Secretary, or the Executive Secretary's designee, shall maintain the records and minutes of all Commission meetings in accordance with [City Charter Article VII, Section 72\(e\)](#).
- (b) The records and minutes of all Commission meetings must reflect:
  - (i) the attendance of the Commissioners at Commission meetings; and
  - (ii) the action taken on all matters before the Commission.
- (c) The Executive Secretary must keep a copy of all meeting minutes within the Department of Planning.

##### **(3) Delivery of Commission reports.**

The Executive Secretary must deliver Commission reports to the City Council and other necessary parties in a timely manner.

##### **(4) Preliminary staff recommendation.**

If requested by the City Council, the Executive Secretary may make a preliminary staff recommendation to the City Council prior to a Commission review.

#### **28.01.01.04. Quorum and Voting.**

##### **A. Quorum.**

A majority of five members shall constitute a quorum of the Commission.

##### **B. Voting Rules.**

- (1) For matters concerning zoning changes, an affirmative 2/3 vote of the membership is required to carry the motion (*cf.* [City Charter](#) Art. VII, Sec. 72(1)).
- (2) For all other matters, a simple majority affirmative vote of the membership is required to carry the motion.

##### **C. Motions.**

- (1) Motions shall be restated by the Chairperson before a vote is taken.
- (2) The names of the Commissioners making the motion and seconding the motion shall also be restated and recorded in the minutes.

Administrative History

Effective Date: August 25, 2021

**Subtitle 03 SMALL WIRELESS FACILITIES, DESIGN AND AESTHETIC  
REQUIREMENTS**

Administrative History

Effective Date: March 28, 2019



## Small Wireless Facilities: Design and Aesthetic Requirements

This regulation establishes the design and aesthetic standards for the installation of Small Wireless Facilities and Structures on public right of way. It augments any Streetscape Guideline that may be applied to regulate the design and appearance of Wireless Facilities and Structures on public right of way.

### **I. Scope of the regulations – Small Wireless Facilities.**

- (a) If a Small Wireless Facility installation on public right of way meets the standards expressed in this regulation, the facility will be fast-tracked through the Planning Department and otherwise presumed to be permitted as a matter of right, provided the appropriate permits are obtained and all other requirements are satisfied.
- (b) If a Small Wireless Facility installation fails to meet one or more of the expressed standards, the proposed facility must undergo a review performed on proposed facilities that have not been fast-tracked and otherwise presumed to have been permitted as a matter of right.

### **II. Scope of the regulations – Replacement Structures.**

As expressed in this regulation, the installation of a Replacement Structure may be fast-tracked and otherwise presumed to be permitted as a matter of right.

### **III. Scope of the regulations – Structures other than Replacement Structures**

- (a) The installation of a Structure other than a Replacement Structure cannot be fast-tracked or presumed to be permitted as a matter of right.
- (b) A Structure is eligible for approval only if the Structure meets the aesthetic standards contained in this regulations, as well as any other requirements that may established by law or regulation.

### **IV. Scope of the regulations = Exclusions.**

This regulation does not affect:

- (a) The permits required for the installation of a Small Wireless Facility or a Structure on public right of way;
- (b) The zoning regulations applicable to the installation of a Small Wireless Facility or a Structure on private property; or

- (c) The installation of a cell tower.

## **V. Definitions**

- (a) “Antenna” means an apparatus designed for the purpose of transmitting and receiving telecommunications signals.
- (b) “Antenna Equipment” means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an Antenna, located at the same fixed location as the Antenna, and, when collocated on a Structure, is mounted or installed at the same time as such Antenna.
- (c) “Antenna Facility” means an Antenna and Antenna Equipment.
- (d) “Collocation” means:
  - (1) Mounting or installing an antenna facility on a pre-existing structure; and/or
  - (2) Modifying a structure for the purpose of mounting or installing an antenna facility on that structure.
- (e) “Distributed Antenna System” or “DAS” means a network of multiple, spatially separate antenna Nodes connected to a common source via a high capacity transport medium (such as fiber optic cable), for the purpose of providing wireless service within a geographic area.
- (f) “Node” means an electronic device that is attached to a Network, and is capable of creating, receiving, or transmitting information over a communications channel.
- (g) “Replacement Structure” means a Structure:
  - (1) That is installed at the same location as the original Structure;
  - (2) That is no more than 3 feet or 10 percent taller than the original Structure;
  - (3) That is consistent with the quality and appearance of the original Structure; and
- (h) “Small Cell” means a wireless communications technology installation that typically employs low powered wireless base stations, each of which may include only a single node.

- (i) “Small Wireless Facility” means Small Cell or Distributed Antenna System equipment, including Antenna Equipment, at a fixed location.
  - (1) The term includes any radio transceiver, Antenna Facilities including visible coaxial or fiber-optic cable on a structure, regular or backup power supply, and comparable equipment, regardless of technological configuration.
  - (2) The term does not include:
    - a. The structure or improvements on, under, or within which the equipment is located; or
    - b. Coaxial or fiber-optic cable that located between wireless structures or Poles; or not otherwise immediately adjacent to or directly associated with a particular Antenna.
- (j) “Structure” means a pole used or to be used for the provision of personal wireless service on public right of way. The term does not include a structure commonly known as a “cell tower.”

## **VI. Standards for a Small Wireless Facility**

- (a) A Small Wireless Facility must be installed on a Structure when installed in the public right of way.
- (b) A Small Wireless Facility may not be installed with 125 feet of another Small Wireless Facility unless it is collocated on a Structure on which a Small Wireless Facility is already installed.
- (c) A Small Wireless Facility that is installed within 30 feet in the direct perpendicular line of sight from a full-sized window on the side of a residential structure may not increase the amount of blockage when looking out of said window.
- (d) A Small Wireless Facility may not be installed within 12 feet of a front residential lot line, as measured from the perpendicular from said lot line.
- (e) A Small Wireless Facility may not be installed within 6 feet of a side residential lot line, as measured from the perpendicular from said lot line.
- (f) A Small Wireless Facility may not be installed on a Structure less than 14 feet in height.
- (g) An Antenna may not be installed at a height of less than 14 feet from the ground surface.

- (h) A Small Wireless Facility may not be installed on a Structure whose combined height exceeds 35 feet.
- (i) The dimension of a Small Wireless Facility installed on a Structure may not exceed 22 cubic feet. This dimension includes the sum of all associated equipment installed on the Structure.
- (j) The coloration of a Small Wireless Facility must be visually similar to and consistent with the coloration of the Structure on which it is installed.
- (k) A Small Wireless Facility must be consistent and uniform in appearance and installed to achieve a visually smooth transition between different attachments.
- (l) A Small Wireless Facility must be shrouded.
- (m) A shroud must be installed at least 8 feet from the ground surface.
- (n) Wiring that extrudes from the location of shrouded equipment must itself be shrouded with a flex shroud whose color matches the structure.
- (o) Wiring that extrudes from the location of shrouded equipment may not cumulatively exceed 24 inches.
- (p) A Small Wireless Facility must be installed in an elongated fashion to comport with the elongation of the Structure so that the length of the installed equipment is greater than its width.
- (q) A Small Wireless Facility may not advertise products or contain pictorial drawings or written messages unrelated to the equipment's functionality.
- (r) A Small Wireless Facility may not employ flashing lights.
- (s) In a local historic district, a Small Wireless Facility must be screened and be designed for stealth.

**VII. Standards for a Replacement Structure.**

- (a) A Replacement Structure may be installed on public right of way.
- (b) A Replacement Structure must be designed to accommodate a luminaire that is consistent with the appearance of the luminaires in the immediate vicinity of the Replacement Structure.

**VIII. Standards for a Structure.**

- (a) A Structure must be designed to accommodate a luminaire that is consistent with the appearance of the luminaires in the immediate vicinity of the Replacement Structure.
- (b) A Small Wireless Facility that is installed within 30 feet in the direct perpendicular line of sight from a full-sized window on the side of a residential structure may not increase the amount of blockage when looking out of said window.
- (c) A Structure may not be installed within 125 feet of a pole that is currently installed, regardless of whether the existing pole is capable of supporting a Small Wireless Facility.
- (d) The installation of a series of Structures on the same blockface must comport with the uniform pole spacing of an adjoining blockface.
- (e) A Structure may not exceed the height of any pole on a blockface.
- (f) A Structure must have the same general dimensions, coloration and appearance as other poles on a blockface.