

# New Concept In Building Is Eyed

By JACK LEWIS

THE BALTIMORE ZONING

COMMISSION is eying creation within the framework of a new zoning ordinance proposal an exciting concept meant to encourage unique design and layout of multiple types of structures on sites as small as 5 acres.

Being formulated is the Planned Development Provision which would, if adopted by City Council as part of the new ordinance, permit construction of the variety of types of buildings within specific zoning classifications.

James J. Denbeck, commission director, said he is not yet prepared to give examples of types of structures which would be permitted under classifications since many details of the provision remain to be developed and certified by the commission.

Meanwhile, Larry Reich, Department of Planning director, hailed the provision as a progressive, forward-looking body of law permitting construction of numerous types of compatible structures under a unified plan.

### Would Become Law

"In effect, a developer's plan for a single site, once approved by city planners, would become the zoning law," said Mr. Reich.

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Mr. Denbeck said the provision will rely heavily on planners' review, critiques and demands for change to carry out the full intent of the provision.

Besides good design, it is understood the provision will emphasize compatibility of different-use structures with each other and surroundings, fitting of buildings onto the landscape, open space and creation of pleasant working and living atmospheres.

If adopted, the Planned Development Provision would supplement the current district-by-district zoning law that utilizes a land-use map to identify uses of property in the city and regulations that set forth minimum and maximum standards for struc-

tures.

### Variety Of Structures

Under planned development, Mr. Reich cited the possibility of a mix of garden apartments, townhouses, single families, and commercial structures on an eligible site. "It makes more sense in contemporary development," he said.

Mr. Reich, an assistant director of planning in Chicago previous to being named planning director here a year ago, holds that construction of houses on 16-foot-wide lots,

which is permitted in Baltimore, is unsound. He deplores poor design quality of some new housing subdivisions and said much of such design is evident for new dwelling units that builders want to erect in Negro areas of the city. "They're building our future slums for us," he said.

Mr. Reich called progressive and exciting in Hyde Park near Chicago one developer's project of atrium-type row houses and questioned why such dwelling units aren't being constructed here. Those houses have a court surrounded by 10-foot-high walls, with living and sleeping rooms opening onto the court. "People living in the atrium houses say they never before saw so much sky," said Mr. Reich.

Mr. Denbeck said the Planned Development Provision would permit more flexibility in design and layout of in-city acreage comparable to the Village of Cross Keys which is within the city limits.

Cross Keys, consisting of 72 acres, has a shopping plaza with offices on the second floor. There are townhouses in groups of eight-unit buildings and garden apartments. Under construction is a 100,000-square-foot office complex of five buildings, and a four-story apartment building with a garage on the lower level. Planned for some 1,000 families, Cross Keys has two swimming pools and a three-court indoor tennis club with

pro shop.

### In Cross Keys

Tracts are zoned for high-rise apartment buildings and there is space for a planned 50 to 100-room inn with restaurant coffee shop and meeting rooms.

Thus, Cross Keys stands as an example of the Planned Development concept which has been adopted elsewhere and which Mr. Denbeck said would be tailored in its developmental phase to fit the needs of Baltimore.

With Planned Development approved here, developers could acquire square blocks of land, and working within the general zoning classification set on the land develop something on the order of what Mr. Reich called a "town-in-town."

If commission study on inclusion of Planned Development proceeds, it is understood that segments of the construction industry would be informed by the commission on the full meaning and impact of the new provision.

# Zoning Proposal Text Revealed, Maps Delayed Until Fall

By Thomas B. Edsall

The City Zoning Commission business, commercial and industrial released today the text of a controversial plan within it as long as completely new simplified system of his plan meets with the approval zoning laws for the city, but the most controversial part is still to come.

The proposed law, which has been ten years in the making, is far simpler than the present law and defines more specifically the types of land uses permitted in each area of the city.

The commission did not release the crucial part: the actual map of how the city will be rezoned if the new law is passed by the City Council.

James A. Dembeck, commission director, said the maps have not been completed and will not be ready until next September when the City Council convenes its next session.

## Only 19 Categories

The most striking aspect of the proposed law is that it reduces the number of possible zones from 270 to 19.

The present law has six different use (industrial, residential, etc.) possibilities, five different height possibilities and nine area possibilities, resulting in the potential of 270 different kinds of zoned areas in the city.

In actuality, there are 70 different types of zones in the city. To determine what can be built in a given area, an individual must look at two different maps and three different lists of regulations.

The proposed law reduces these different zones to nineteen and each of the nineteen is carefully defined. These are:

Ten different types of residential areas, ranging from R-1 where only six families per acre are allowed, to R-10, where 218 families an acre would be the maximum.

## Office-Residence Area

An office-residence area, called O-R, for semi-business areas where the first few floors of a building may be offices and the upper stories apartments.

Five business districts, ranging from B-1 for small, neighborhood stores to B-5 for downtown commercial areas.

Three industrial districts ranging from M-1 for "clean" industries such as electronics or laboratories, to M-3 for "dirty" industry such as steel works.

A unique feature of the proposed law is that it permits the creation of what the commission calls "planned development areas."

This would allow a developer to construct a complex with

## Cross Keys Idea

This is meant to encourage such developments as Cross Keys where apartments, shopping areas and cultural activities can be incorporated into a unified development.

Mr. Dembeck said the proposed rezoning of the city will not force any existing commercial or industrial activities to change but instead will reflect more accurately what the present uses are.

The amount of industrially zoned land will be increased, especially for light industry, he said, in an effort to bring new business into the city.

Also, he said, an effort will be made to reduce the permitted densities in inner city areas to prevent overcrowding. This would act to prevent landlords from splitting up row houses into small apartments.

Mayor D'Alesandro, who said he endorses the general outline of the text, said he will introduce it for examination, not as an ordinance, at the next City Council session.

In an apparent move to have the general text approved in principle before tackling the more difficult problem of the specific changes in zoning, public hearing will be held soon on the text.

The actual ordinance, including the specific zoning changes, will be introduced to the City Council next September, the Mayor said.

## Analysis

# Proposed City Zoning Code Stresses Positive Approach

By ROBERT A. ERLANDSON

Thirty-seven years ago this week Baltimore City adopted a new zoning code. In the intervening years, it has become seriously outmoded and exceedingly complicated, as more than 100 additions to the code itself and nearly 2,000 changes in the zoning maps have amended it into a patchwork.

In 1957, Mayor Thomas D'Alesandro, Jr., appointed a commission to draft a new code. The commission submitted its proposal in 1962, but political squabbles and opposition from business and industry groups forced reconsideration.

Last week, the present Mayor D'Alesandro unveiled the latest effort to draft a code and urged the public, as individuals and as members of neighborhood and community groups, to examine it closely. The proposed new ordinance was introduced informally in the City Council last night and will be formally presented in September when the new zoning maps, which are expected to be the most controversial part of the packages, are completed.

The Mayor and William Donald Schaefer, the Council president, are aiming for enactment by Christmas.

Although the new code contains manifold changes from the old law and offers what the drafters consider the most modern zoning concepts, they believe its greatest over-all virtue is simplification, for the bill is "written in positive fashion," according to James J. Dembeck, Zoning Commission director and last remaining member of the group that began the work ten years ago.

The existing law was written in negative terms—specifying what uses were prohibited in various zoning districts. Thus, anything not prohibited was considered legal and the result has been a hodge-podge of different uses within a single district.

The proposed bill spells out what is permitted in each of the nineteen types of zoning districts and anything else is auto-

matically prohibited unless the City Council chooses to allow it. The maintenance or storage of junked, abandoned or derelict vehicles is forbidden in all but the heavy industry zone.

In streamlining the zoning code, Mr. Dembeck said the commission sought to avoid the overlapping zoning districts that complicate present laws and force potential builders to examine two different maps and three different lists of regulations to determine whether a project is legal in a given zoning area.

As Mayor D'Alesandro put it: "The new ordinance simplifies residential districting by eliminating separate use, height and area regulations. It differentiates between commercial uses in local neighborhood shopping areas and those in the downtown central business district. And it encourages the healthy industrial growth of the city's economic base."

Another major feature of the new code is the provision for "planned development" zoning which allows flexibility in the development of a large tract, so that different, but harmonious, uses can be developed side-by-side, but without the need for lot-by-lot regulation.

Examples of such planned development would be the Village of Cross Keys in Baltimore, Crofton in Anne Arundel county and Columbia in Howard county and Charles Center.

In establishing the new zoning districts, the commission proposed ten kinds of residential zones ranging from single-family detached dwellings to general residence districts that permit all types of housing uses including apartments, row houses and semi-detached houses plus a wide variety of "conditional uses" including cemeteries, medical institutions, heliports, off-street parking areas, swimming pools, hospitals and non-profit homes for alcoholics and the indigent.

The commission proposed various regulations for the conditional uses, subject to rulings

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by the Zoning Board, concerning minimum lot areas and maximum lot coverage by structures.

As the first step in the municipal zoning chain, the new code proposes creation of the office of zoning administrator under the Civil Service System. The administrator would serve basically the same function as the present zoning commissioner, but would have somewhat broader authority.

#### To Certify Compliance

For example, the law would forbid any city agency from issuing any permit pertaining to the use of land or structures unless the zoning administrator first certified that the proposal complied with the code.

The zoning administrator would also have authority to certify compliance with performance standards such as noise and smoke levels and occupancy standards in cases of applications to change the use of land or a structure.

A combination district known as "office-residence" is provided in the new code. It is designed to accommodate office and residential uses in locations near major thoroughfares and in areas providing for a mixture of the uses.

The provision is divided into three subdistricts: permitted uses, including apartments and other dwellings, educational, religious and cultural institutions, recreational areas and offices except those for sales and bulk merchandise storage; accessory uses incidental to the principal land use; and a long list of conditional uses which may be allowed.

#### Five Business Districts

Five business districts are provided to meet the shopping and business needs in neighborhood areas, community areas and the central business district.

The neighborhood business zone is designed for the shopping convenience of persons living in the area, and it is restricted to those businesses which satisfy daily basic shopping needs.

The commercial restrictions are expanded through each succeeding class until the maximum is reached in the two central business district zones: one restricted to the immediate downtown area and the other broadly embracing the "central commercial district."

The latter zone would include uses normally involved in the waterfront area such as marine terminals, marinas, rescue missions, ship chandleries, newspa-

per publishing plants and trade centers. These provisions also spell out maximum floor-area-height ratios in the subdistricts.

#### Pyramiding Restrictions

The three industrial districts recognize Baltimore's diverse industrial and manufacturing operations and the fact that they are expected to increase in the future.

Present law permits the "pyramiding" of uses, so that all those allowed in a residential zone are also allowed in the highest industrial zone. The new law, however, would prohibit new residential development and other such uses in the industrial zones, "both to protect industrial development from the intrusion of non-industrial uses and to insure the reservation of adequate areas for industrial development."

## ZONERS ADD TO INDUSTRY AREA IN CITY

NOV 20 1968 SUN  
Proposed New Maps  
Show Change-Over  
Of 1,000 Acres

By John B. O'Donnell, Jr.

The city zoning commission unveiled proposed new zoning maps for the city yesterday which would create about 1,000 additional acres of industrially-zoned land, most of it for light industry.

The zoning commission has also made an effort to meet the problems of high density in residential neighborhoods by prohibiting the use of houses for apartments in widespread sections of the city.

The new zoning maps accompany a proposed new zoning law which would drastically revise the 1931 law now in effect.

#### Bill Set For Monday

The proposed text, which was revealed last March, and the zoning maps will be introduced in the City Council as a bill next Monday, William Donald Schaefer, the council president, said.

The maps were presented by the zoning commission to the City Council yesterday.

Aside from the new industrial land and restrictions on apartments and houses, the new maps basically reflect the land usages now outlined in existing zoning maps.

The proposed zoning law is one which states the types of uses permitted in each zoning district, while the existing zoning law outlines uses that are prohibited in each zoning district.

The additional industrial land was included in the proposed zoning maps in an effort to attract new industry to the city, James J. Dembeck, director of the Zoning Commission, said. Much of the land is now vacant, he added.

#### Industrial Area Defined

Included in the new industrial land is the West Baltimore land area south of Wabash avenue near the city line, a section

of Jones Falls Valley south of Cold Spring lane and north of Television, Hill, and a large area around the Moravia industrial park in East Baltimore.

All three areas are now zoned residential.

The area in the Jones Falls valley is part of the 385-acre tract which Mayor D'Alesandro said last week will be developed as a "new town in town."

#### Four Classifications

The restrictions on the use of existing houses for apartment buildings was used extensively in drawing up the city-wide maps.

There are four different residential zoning classifications, two for buildings which stand alone and two for row houses, which prohibit the use of houses for apartments.

Areas such as Guilford, Ten Hills, Roland Park, Hamilton, and large sections of East and West Baltimore were included in these districts, Mr. Dembeck said.

The proposed zoning bill reduces the number of possible zones from 270 to 19. Mr. Dembeck said yesterday that there are now 73 different districts on the city zoning map.

Under the new ordinance there would be 10 residential districts, a residential-office district, five business districts and three industrial districts.

# ZONING - BALTIMORE

## Zoning Curbs To Check Slums Planned

One of the vital phases of what housing experts call a master plan to rehabilitate Baltimore is a scheme to halt further spread of slums by new zoning restrictions, in certain heavily populated areas.

The Commission on City Plan has elaborate plans—some already in effect—to change to a "residential" classification a number of areas now designated "first commercial," "second commercial" or "industrial."

The "residential" designation bars commercial establishments.

Thus, the planners have entertained hopes that by this device they could "stabilize" densely populated sections.

### Eve Sun

#### Aims Explained

In other words, they sought to keep out of these localities, none to livable to start with, the juke joints, filling stations, and junk yards which would degrade them further.

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That the rezoning idea is something less than a success is due to a factor that is characteristic of the whole Baltimore housing picture—opposition from a minority of business men.

The record of the Commission on City Plan in respect to the zoning scheme is as follows:

Two areas have been rezoned; two other areas are being studied with this end in view; proposals for the rezoning of a fifth section are soon to be submitted for approval to the City Council.

Re-zoning of a sixth area has been stymied since July 1, 1946, because an ordinance with this aim in view has remained since then, unacted upon, in a City Council committee.

#### Opposition Cited

The bill—known as Ordinance 903—has lain dormant because of the same opposition by small business men that is thought to have played an important part in the defeat of another proposal. This was the apparently popular \$3,000,000 loan for the Baltimore Redevelopment Commission, voted down in the May 6 balloting.

The area covered by Ordinance 903 is approximately the same as one of the twelve so-called "blighted" areas the Redevelopment Commission proposed to attack—Redevelopment Area No. 6.

The same section also includes the 1½ blocks that the Housing Law Enforcement Committee has been able to remodel after eighteen months' work, in the face of landlord opposition.

This area is in South Baltimore and is bounded by: Montgomery street on the north; Plum alley on

the west; West street to the south, and just west of Hanover street to the east.

#### Promised Vital Role

Before Ordinance 903 reached the City Council it promised to play an important role in staying off further depreciation of the section.

The Commission on City Plan readily grants that the area is a slum now. It hoped at least to forestall its sinking to a stage of degradation that would make it actually uninhabitable.

The scheme to stabilize residential areas by barring commercial establishments is based on two factors.

First, it is pointed out, with the encroachment of the business structures many residents of the already over-crowded zones would be forced out. This, in turn, creates problems, sometimes racial, in other sections where they seek new dwellings.

#### No Incentive

Of equal importance, is a psychological factor, the Commission on City Plan says.

For example, the persons who live in the 900 block of Leadenhall street, may be dismayed by a junk shop there. The proprietors recently gained permission from the Board of Zoning Appeals to enlarge the establishment.

City planners theorize that the presence of such a place does not serve as an incentive to residents to take pride in their neighborhood and keep it livable.

Ordinance 903, had it been enacted, would have served as a stopgap to maintain a standard of decent living conditions in the area housing officials say—at least until the day when housing could be found elsewhere for residents.

#### Expansion Blocked

Underlying the opposition to the ordinance, it is reported, is a realization by businessmen that if an area were to be rezoned "residential," they would not be able to expand their enterprises into that zone.

That is, of course, correct.

And, says the Commission on City Plan, an area that is now a slum will in five years be beyond salvaging, if the restriction on commercialism is not effected.

The geographical areas that have been rezoned to a residential classification, or where that is contemplated, are as follows:

Already rezoned:

1. An area west of the Edgar Allan Poe Homes, bounded by Fremont avenue, Edmondson

avenue, Fayette street, and Fulton avenue.

2. The so-called Latrobe area, bounded by Fallsway, Hoffman street, Central avenue, and Eager street.

#### Other Areas Listed

To be rezoned "residential, according to an ordinance to be submitted to the new City Council, is a section—a quarter-square mile in size—within Eastern avenue, Baltimore street, Ann street and west of Patterson Park.

Two sections under study, with the rezoning end in view, are:

1. In the so-called Canton area with Elliott street as an axis.
2. In the Locust Point section, on Fort avenue, just north of Riverside Park.

# A new philosophy for city zoning is weighed

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FEB 9 1969

Commission's proposal to end 'negative' land use regulation ready for hearings

By JOHN B. O'DONNELL

A MAJOR change in Baltimore's approach to the control of land uses—expected in coming decades to affect significantly existing as well as new developments—is embodied in a massive bill that has "laid" quietly in the City Council hopper for two months.

Twelve years in the making, the proposed comprehensive zoning code will get its first extensive public examination this week and probably will be the subject of extended, sometimes heated argument before final action is taken.

The new zoning bill consists of two parts, a 187-page text, which will be the subject of two hearings next week, and new zoning maps for the entire city. The maps show what uses may be made of all land within the city.

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The council's Zoning Committee will hold hearings on the text at 7:30 P.M. Tuesday and Thursday in the council chambers, and later will hold at least six hearings on the maps, one for each councilmanic district.

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## Residential density controlled

The maps basically were drawn up so that the zoning would conform to the present uses of land, but they made several changes which will have a major impact on residential areas and on industrial development.

The Zoning Commission, which drafted the proposed code, moved to meet the increasingly pressing problem of residential density by zoning most neighborhoods so that the density cannot be increased, and by prohibiting the conversion of single-family houses to apartments in many sections of the city.

The commission also recommended that nearly 1,100 acres of mostly residentially zoned, but now vacant, land be changed to industrial classifications. Most of that land falls into a new zoning district for light industry which imposes stringent controls.

While it rezoned 1,100 acres for industrial use, the commission removed industrial and heavy commercial classifications from about 2,600 acres of land which were already committed to other uses.

The commission has proposed that 34,260 acres, or 68 per cent of the city, be zoned for residential use, that 3,944 acres, or 8 per cent, be zoned for business use, and that 12,177 acres, or 24 per cent, be zoned for industrial use.

The text of the proposed zoning law—which Mayor D'Alesandro called a "modern, forward-looking document" when he made it public last March—reverses the city's approach to zoning.

The 74-page zoning law under which the city now operates is a "negative one" that specifies only what uses are prohibited in each zoning district. The proposed law, however, outlines in great detail the particular uses that are permitted in each zoning district and excludes any

others which are not mentioned.

Such an approach, according to proponents of the proposed code, avoids the danger, inherent in the old, negative approach to zoning, that a use, no matter how obnoxious, that is not prohibited because of an oversight can go into a zoning district.

The zoning code also scraps the complicated, three-part zoning classification system which could allow up to 270 different zoning districts. It has, in fact, produced 73 different districts on the existing zoning map. There now are seven use classifications, such as residential, commercial and industrial; nine area classifications, which control density, and five height classifications in the present zoning code.

The bill now before the council would create ten residential districts, four office-residential districts, five business districts and three industrial districts.

Two of the residential districts—which are extensively used on the proposed zoning map—restrict the use of row houses to single-family dwelling units, while two others permit detached and semi-detached houses to be used only as single-family units.

The R-1 and R-3 districts are for single family, detached dwelling units only, and limit the number of units to six an acre. Neighborhoods such as Guilford, Ten Hills and Roland Park are included in these classifications.

## Density standards raised

The two districts which would limit row houses to use as single family dwelling units are the R-5 district, which limits density to 17 units an acre, and the R-6 district, which limits density to 29 units an acre. Large sections of East and West Baltimore would be placed in these classifications.

In some cases, according to James J. Dembeck, the director of the Zoning Commission, neighborhoods where much higher densities, such as 80 families an acre, are permitted but in fact meet the density standards of the R-5 and R-6 categories, were placed in those districts on the proposed zoning maps.

Many of these zoning changes were made at the insistence of neighborhood groups which feared that absentee landlords would move in, and cut up houses into apartments, causing a heavy influx of people into the neighborhood.

The R-2 and R-4 districts permit a mixture of single family, semi-detached dwellings and multiple-family detached units. The other residential districts allow these and additional uses.

The five business districts, replacing the commercial districts in the present code, are designed to meet shopping and commercial needs in residential areas, community areas, and in the central business district downtown.

In addition to the specific zoning dis-

tricts, the proposed code provides for "planned development" zoning. This would give the developers of communities such as Cross Keys added flexibility without the need to conform to the normal lot-by-lot regulation. Both the Planning Commission and the Zoning Board would have the power to review plans for such developments.

One of the most controversial aspects of the text itself will be the chapter on the regulation of signs.

The bill would impose strict limitations on the types and sizes of signs which may be used in all parts of the city. Signs that do not conform to the regulations would have to be removed within five years of the bill's becoming effective.

The new sign regulations would have broader application and be more restrictive than a sign bill, passed in 1962, which raised the heckles of many businessmen. That bill, amended in 1967 to reduce standards slightly, regulated signs in residential areas that antedated the present law.

The zoning bill replaces a 1931 law that has been amended more than 100 times and a zoning map that has undergone more than 1,180 zoning changes.

Optimists hope that the council completes work on the measure by the time the council adjourns for the summer in June. The complexity of the proposed law—coupled with the approaching budget season which requires many hours of work by the lawmakers—could keep the zoning bill in the council well beyond June.

# CITY ZONE LAW IS 35 YEARS OLD

SUN MAY 19 1958  
Ordinance Survived Rocky  
Childhood In Courts

By ODELL M. SMITH

Today marks the thirty-fifth anniversary of Maryland's first zoning law — Baltimore's initial attempt to regulate the structure of buildings, the density of population and the use of land.

It was on May 19, 1923, that the City Council, "with some misgivings and a great deal of skepticism," in the words of a man who witnessed the procedure, adopted the first zoning ordinance.

#### Warning Sounded

The Council had been warned by the city solicitor who drafted the measure that "the whole damned thing is unconstitutional and illegal."

It passed the legislation, nevertheless, only to learn later that Roland Marchant, the city solicitor, was right.

The Court of Appeals, in softer words, agreed entirely with Mr. Marchant's dictum.

Baltimore, like many other large cities of the country, followed the lead of New York city in attempting to plan its growth by placing limitations on types of buildings and the use of land.

New York's law, enacted on July 25, 1916, was a result of the first skyscraper splurge on Manhattan, in which buildings became so congested and so tall that the streets were gloomy, dark canyons.

The original purpose was to regulate only the height of buildings, but a study of objectives extended this to the use and size of buildings.

Baltimore became interested in zoning during the first administration of Mayor Broening, largely through the encouragement of Maj. Joseph W. Shirley, then engineer of the Topographical Survey Commission, and Henry G. Perring, who was the city's chief engineer.

By an ordinance passed July 19, 1921, a commission was set up to prepare a zoning ordinance.

Members of the commission, in addition to Major Shirley, and Mr. Perring, were Frank M. Crowther, inspector of buildings; James Carey Martien, representing the Real Estate Board; Edward H. Bouhton, president of the Roland Park Company; John H. Richardson, a lawyer, and George W. Bahlike, an insurance executive.

After many studies, public hearings and consultations with zoning experts, the commission presented its set of zoning regulations and plats to the city solicitor for drafting an ordinance.

Albert M. Greenfield, who is now director of zoning in the Department of Municipal and Zoning Appeals, was at that time a young engineer on the staff of the Zoning Commission.

He recalls that the commission sent him to Mr. Marchant's office to inquire about the ordinance.

"There it is, son," the city solicitor said, pointing to a document on his desk, "and in my opinion the whole damned thing is unconstitutional and illegal." This was before the Supreme Court of the United States had ruled, in the Euclid Village Case, that governing bodies, under their police powers, could restrict the usage of private property.

Mr. Greenfield remembers that astonished citizens used to come to his office and express amazement that they were being told what they could or could not do with their property.

"Many would retort, 'I'll show you,'" he recalls. "had to find some reply to make to these people, and after a lot of thought I adopted this reply:

"Well, sir, I believe that a good zoning law, properly administered, is a good thing for the people."

The courts took over in a case in which Daniel Goodman set up a tailoring shop in the basement of 1513 Park avenue without applying for a permit.

In that suit, the Court of Appeals, on February 3, 1925, ruled that all of the use regulations and the residential-use districts were invalid and unconstitutional.

A zoning ordinance, denuded of its control of the use of properties, was a travesty on zoning.

Philip B. Perlman, the city solicitor who was to become the Solicitor General of the United States, drafted a stop-gap measure to protect residential neighborhoods from commercial encroachments.

This was called the "Mayor's Ordinance," for under it the Mayor was given the authority to deny permits in 29 different classes of commercial enterprises.

This law was tested in what became known as "the First Tighe Case," the question at issue being whether a permit should be issued for a stable for 30 horses on Cokesbury avenue between Montebello avenue and Adams street.

Again, the Court of Appeals declared the law invalid, and once more an ordinance was drafted which attempted to place some regulation on the use of properties.

#### Validity Upheld

In the "Second Tighe Case," the Court of Appeals, for some reason, upheld the validity of the legislation, giving the city for the first time the right to limit the use of property under its police powers.

Then came the Euclid Village Case, from Cleveland, in which the Supreme Court upheld this exercise of police powers.

In July, 1927, the General Assembly passed an enabling act authorizing certain cities, including Baltimore, to enact zoning laws.

#### "Atmosphere Of Doubt"

A new study commission went to work in Baltimore in the Summer of 1927, and on March 30, 1931, the City Council, after much wrangling, came up with Ordinance No. 1247, which is substantially the one under which the city operates at the present.

This law, in the words of Mr. Greenfield, "was adopted in an atmosphere of doubt and almost despair of getting the Court of Appeals . . . to sustain zoning in the State."

It has been modified to a certain extent through the years, and indeed was repealed and re-ordained in 1953, but it is essentially the same legislation.

A new Zoning Commission, created by an ordinance of March 22, 1957, is now at work preparing a new comprehensive zoning law and use map for the city.

# Blacks more active in zoning hearings

Sun Jan 30



KENNETH WILSON  
"... more of an opportunity"

By TRACIE ROZHON

More and more black protesters are showing up at weekly zoning board meetings, a trend black leaders attribute to growing community awareness and the 3-year-old zoning code revision. **JAN 30 1974**

"The interest you see now is what the new zoning code has done," said Councilman Clarence (Du) Burns (D., 2d). "Before, people in the black neighborhoods wouldn't come." **SUN**

"It was a foregone conclusion that if someone with influence wanted to open a bar, we could have brought 100 people to protest, but we would have ended up with that bar," he continued. "We have reached the day it can't happen anymore."

The passage of the comprehensive zoning ordinance in 1971 marked the first rezoning in 40 years and, for the first time, spelled out exactly what is allowed in each residential, business and industrial district. The old code allowed more arbitrary administration.

The board, of course, has never separated its recorded protesters and applicants by race, so there are no statistics to indicate a change in black participation. **SUN**

But Kenneth O. Wilson, a black publisher and a zoning board member, said he had seen a definite increase.

"There's more of an opportunity for them (city blacks) to express themselves now," he said. "They live in Baltimore city, too, and they know they have recourse when they come here." **JAN 30 1974**

Like other board members, Mr. Wilson said his own presence had little to do with the increase.

"The board is fair in general and . . . I don't think I'm any more sensitive to blacks than the board in general," he said.

Philip H. Sachs, a lawyer, and the chairman of the board, agreed. "Sometimes I vote for blacks and he doesn't. Property owners have certain rights, period." **JAN 30 1974**

Regardless of whether Mr. Wilson actually is "more sensitive" to blacks, at least some of the protesters feel better seeing him sitting there.

"I think our people have begun to feel they have finally achieved representation on some of these boards," said the Rev. James S. Wise, pastor of the First Immanuel Baptist Church in the 2200 block of Park avenue. **SUN**

Mr. Wise, leaving the board meeting yesterday after a case he was protesting had been postponed, said black representation had "given our people new hope, a new arousal."

"I don't know if we're any more aware — we've always been aware," continued the minister, "but the feeling we can't do anything about it [zoning problems] has passed."

The leaders of the city's two most influential civil rights groups do believe black people are growing more aware — especially about zoning. **SUN**

"They are becoming more sophisticated," said Travis Vauls, head of the Baltimore Urban League. "They want to have a say at the point where decisions are made."

Enolia V. McMillan, president of the Baltimore chapter of the NAACP, maintained that blacks are "better informed about the implications and results of zoning."

"They know that if certain areas are zoned for a large number of apartments it not only increases the density of population, but it also creates problems with schools. . . .

"And if large homes are converted to apartments, they know they'll have a number of renters unable to buy," she continued. "They'll have quite a different type of person, with different concerns than the owner-residents have."

Mrs. McMillan and Mr. Vauls agreed that the new, more specific zoning laws have additionally bolstered black confidence in the system.

Originally, the NAACP "vigorously protested" parts of the proposed code. But largely because of civil rights groups' appearances at City Council hearings before the law was passed, Mrs. McMillan asserted the code—especially in black neighborhoods—was toughened up. **JAN 30 1974**

As passed, the code contains both allowed uses and conditional uses, where the board is flexible. If there is well-reasoned protest, of a proposed conditional use, the board tends to rule against the applicant.

"Primarily, we decide whether any conditional use is detrimental to the public health, the public security, the general welfare or the morals of the neighborhood," said Gilbert V. Rubin, the board's executive secretary, citing parts of the law. "And neighborhood complaints are very, very important." **JAN 30 1974**

"People have stopped a lot of things," said Councilman Burns. "And now it's no problem to get people to come down, especially to the zoning board."

Zoning

DO NOT CIRCULATE

## 2 ZONING BILLS INTRODUCED IN LEGISLATURE

Amendment To Constitution And Municipal Enabling Act Sought.

CIVIC GROUPS HERE SPONSOR MEASURES

City Administration To Support One And Tentatively Back Other.

[The Senate adjourned at 9:05 o'clock last night and the House at 8:50. Both will meet at noon today.]

[Annapolis Bureau of The Sun.]  
Annapolis, Jan. 25.—Two State-wide zoning bills were introduced in the House of Delegates tonight.

One proposes the submission of a zoning amendment to the Constitution to the voters of the State in 1928. The other would confer upon the municipalities of the State special legislative authority to enact zoning regulations.

Both bills were sent to Annapolis by the zoning committee of the Allied Civic Improvement and Protective Associations of Baltimore and will be indorsed, it was said tonight, at a meeting of representatives of the various civic and improvement organizations of Baltimore to be held at 4 P. M. Friday at the Maryland Academy of Sciences in Baltimore.

**Marbury Introduces One Bill.**  
The bill for a constitutional amendment was introduced by Fendall Marbury and was referred to the Committee on Amendments to the Constitution, of which he is chairman.

Francis A. Michel, chairman of the Judiciary Committee, introduced the other bill, and it was sent to his committee.

It was announced here tonight that the city administration of Baltimore would support the proposed constitutional amendment measure and tentatively back Mr. Michel's bill.

The two bills were drawn after conferences with Mayor Jackson and other municipal officers of Baltimore and are designed to vest in the city of Baltimore and other cities and towns of Maryland the power to adopt technical zoning ordinances.

**Text Of Amendment.**  
The proposed amendment to the Constitution reads as follows:

The General Assembly of Maryland shall have power to enact general laws, under which the city of Baltimore and other municipalities and incorporated towns of the State may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, the courts and open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and to divide the city of Baltimore, other municipalities and incorporated villages into districts of such number, shape and area as may be best suited to the purposes of such regulation and restriction, and within such districts to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures and land.

### "Grant Of Power" Cited.

Section 1 of the Michel bill, under "grant of power," contains the following:

For the purpose of promoting the health, security and morals of the community the Mayor and City Council of Baltimore city and the legislative bodies of cities and incorporated towns of the State are hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

Provision is made for dividing the municipality into districts "of such number, shape and area as may be best suited to carry out the provisions of this act, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or lands."

### Uniformity Required.

It is provided further that "all such regulations shall be uniform for each class or kind of buildings throughout such district, but the regulations in one district may differ from those in other districts."

## COUNTIES PROPOSE METROPOLITAN ZONE

Montgomery And Prince Georges Delegates Ask Legislative Permit.

*Maryland-Washington*  
WOULD FORM COMMISSION

Rapidity Of Suburban Development Cited In Favor Of Project.

*Evening Sun 3/1/27*  
[From The Evening Sun Bureau.]

State House, Annapolis, March 1.—Montgomery and Prince George's counties, through their representation in the House of Delegates, today applied for legislative authority to create a Maryland-Washington metropolitan district.

The bill sponsored by the joint delegation asks authority to create the "Maryland National Capital Park and Planning Commission," and to give to that commission planning, parking and zoning jurisdiction throughout suburban Montgomery and Prince George's county.

The area described in the bill embraces the territory now included in the Washington suburban sanitary district and extensions beyond that district to a point north of Burnt Hills, where the commission is planning a reservoir to serve both counties.

**Tax Proposed.**  
The bill provides a mandatory tax of three cents on the territory affected to pay cost of creating plans for the district and Montgomery and Prince George's counties are made subject to a mandatory tax of seven cents. The seven-cent tax will be expended within the two counties.

The commission is to consist of six members, three from each county, appointed by the Governor. The chairman will receive an annual salary of \$3,600 and the others \$500.

The bill is said to have the unanimous recommendation of the Maryland Park and Planning Committee appointed by Gov. Albert C. Ritchie in 1926 and is sponsored by the entire membership of the county delegations, including Speaker E. Brooke Lee.

**Rapid Development Cited.**  
The rapidity of suburban development, it was said, has made the problem of parking, planning and zoning acute and the creation by Congress of the National Capital Park and Planning Commission, with jurisdiction throughout the greater Washington area, which that commission regards as extending twenty miles, makes this action upon the part of Maryland authorities particularly important.

Those who drew the bill explained that Virginia is taking similar action in the Virginia counties opposite Washington at the present special session of that State's Legislature.

It was said the national commission has an annual appropriation of \$100,000 expendable for parks, driveways,

Maryland Special V. F

etc., and expresses willingness to expend a fair portion of that fund in adjacent Maryland.

### Other Bills Offered.

The Prince George's county House delegation also introduced a number of bills affecting the Washington Suburban Sanitary Commission.

One requires the commission to give thirty days' notice by publication before application can be made to Public Service Commission for permission to increase its bonded indebtedness. Same notice must be given to the county commissioners of Prince George's and Montgomery counties before tax rate can be raised.

Another bill would make it mandatory upon the part of the commission to have its accounts audited by the State auditor once a year within six months after the close of the fiscal year.

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## ZONING ENABLING ACT IS ADVOCATED

House Committee Told Plan  
Is Preferred To Constitutional Amendment.

### SPEAKERS URGE ACTION

E. M. Bassett Cites Adverse Court Decisions In States Having No Statutes Of Kind Sought.

[Annapolis Bureau of The Sun.]  
Annapolis, March 1.—Declarations that the pending enabling act for zoning is preferable to a constitutional amendment were made before the Judiciary Committee of the House of Delegates by a number of speakers this afternoon.

Edwin M. Bassett, who was introduced by W. S. Norris as "the recognized leading authority on zoning in the United States," said the home-rule provision in the Baltimore charter was not enough.

"In every case where the State has not had an enabling act, the courts have decided adversely to zoning restrictions," he asserted.

#### Advocates Safeguards.

Mr. Bassett indicated as one of the objections to a constitutional amendment the tremendous campaign of education which would be needed to convince voters throughout the State that the city really needed the protection of zoning.

The Legislature should impose checks and safeguards, Mr. Bassett said, and easy changes should not be made by the Council. He suggested that if twenty per cent. of the residents of the zone which it was proposed to change from one classification to another protest,

it should require a three-fourths vote of the Council to make the change.

#### List Of Other Speakers.

Other speakers were:

F. J. Muller, chairman of the zoning committee of the Allied Civic and Protective Associations.

J. G. Requardt, representing the Engineers' Club.

Mrs. Montimer W. West, of the North Forest Park Association.

W. W. Emmart, representing the Institute of Architects.

James Carey Martien, of the Real Estate Board.

Miss Lavinia Engle, executive secretary of the Maryland League of Women Voters.

Randolph Barton, Jr., representing the Baltimore Association of Commerce.

Mrs. Calvin N. Gabriel, representing the Peabody Heights Improvement Association.

Mr. Bassett and other speakers pointed out that an adequate zoning law would be a protection to investors, but that it should be put into operation as soon as possible, as it could not be retroactive and the character of a neighborhood might be settled injuriously by the erection of buildings of unsightly appearance and for objectionable purposes.

## FAVORABLE REPORT MADE ON ZONING ACT

State-Wide Measure Approved  
By House Judiciary Committee.

[Annapolis Bureau of The Sun.]  
Annapolis, March 14.—The State-wide Zoning Enabling act was reported favorably to the House of Delegates tonight by the Judiciary Committee.

Favored by the city administration and the Board of Zoning Appeals, the bill would confer upon the Mayor and City Council of Baltimore and upon every incorporated city and town in the State the right to adopt zoning laws and regulations.

Three minor amendments, to clarify the measure, were adopted by the Judiciary Committee.

It is similar to a bill prepared some time ago by a national commission appointed to foster technical zoning in the United States.

SUN - MAR 15, 1927

## WALLACE TO STUDY STATE ZONING BILL

Jackson To Seek Change  
Present Ordinance If A  
Conveys Powers.

### TEN PERMITS GRANTED

Osborne Approves Drug Store  
St. Paul Street And Five Sheds  
On Patapsco Avenue.

Mayor Jackson yesterday directed Charles C. Wallace, City Solicitor, to study the State-wide zoning bill of last Legislature and to advise him what additional powers, if any, it conferred on the city of Baltimore in matter of zoning. It is one of the Governor Ritchie will take up April 26.

"If the Governor signs the bill, if it is found to confer additional power on the city, I propose to request Wallace to prepare an entirely new zoning ordinance or strengthen the existing ordinance by such amendments as may be necessary," the Mayor said.

#### Wants To Be Prepared.

"I want to be prepared to act in matter as soon as possible if the bill comes a law with the approval of Governor."

#### Ten Permits Approved.

Ten zoning permits were approved yesterday by Charles H. Osborne, head of the Bureau of Buildings. They are as follows:

Drug store at 3228 St. Paul street.  
Five stores on the north side of Patapsco avenue, 150 feet west of Fifth street.

Produce store at 1811 Bank street.  
Tailor shop at 206-210 South Charles street.

Clothing store at 905 South Charles street.

Confectionery at the southeast corner of Frisby and Montpelier streets.  
Confectionery at the northeast corner of Sefton and Schaffer avenues in Hamilton.

Drug store, grocery, dry goods store and a tailor shop at 700 West Thirty-fourth street.

Pumphouse for the Standard Oil Company at the southwest corner of First avenue and Fourteenth street.

Signboard on the south side of Railroad avenue, east of Annapolis avenue.

Mr. Osborne said protestants against any of the permits would have five days in which to file appeals.

SUN - APR. 10, 1927

## MAY DECIDE STATUS OF ZONING IN STATE

Appellate Court Likely To Get Alta Vista Case Now Before Judge R. B. Peter.

### TWO HOUSES INVOLVED

Assembly's Right To Give Citizens' Group Building Standards Power At Issue.

[Washington Bureau of The Sun]

Washington, Oct. 3.—A case that may go to the Maryland Court of Appeals for a decision as to the present status of zoning in that State now is being considered by Judge Robert B. Peter, who recently heard testimony in the Circuit Court for Montgomery county at Rockville.

The case has arisen out of the construction of two small houses in the village of Alta Vista, near here. The dwellings do not comply with the building regulations of Alta Vista, promulgated under authority delegated by the State Legislature, which placed the government of the village in the hands of a citizens' committee.

#### Called Mere Formality.

The builder, it is said, contended that a permit from the authorities of Montgomery county was all that was necessary, but the citizens' committee has asserted that this is merely a formality for the information of the tax assessor, that the county has no system to check structural work and that any contemplated building project must first meet with its approval.

Alta Vista is one of fourteen special taxing districts in Montgomery county created by the Legislature and given local government under citizens' committees, with authority to effect zoning regulations.

#### Fears Cheap Building.

Should the authority of the Legislature to delegate power to fix building standards be declared void, the citizens' committee holds, millions of dollars invested in property in the Maryland communities near the National Capital would be affected.

The committee believes that if the bars were thus let down there would be an increase in cheap construction, which would lower the value of existing improvements.

SUN - MAR 2, 1927

SUN - OCT 4, 1927