

**CITY OF BALTIMORE
COUNCIL BILL 09-0366
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Board of Municipal and Zoning Appeals)
Introduced and read first time: July 13, 2009
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Noncomplying Rowhouses – Expansions**

3 FOR the purpose of authorizing certain expansions of noncomplying attached or semi-detached
4 dwellings; establishing procedures and standards for the review, approval, and disapproval of
5 applications for expansion; authorizing the imposition of conditions on the approval of an
6 expansion; requiring compliance with those conditions; providing for a special effective date;
7 and generally relating to noncomplying attached or semi-detached dwellings.

8 BY repealing and reordaining, with amendments

9 Article - Zoning
10 Section(s) 13-506
11 Baltimore City Revised Code
12 (Edition 2000)

13 BY adding

14 Article - Zoning
15 Section(s) 13-507
16 Baltimore City Revised Code
17 (Edition 2000)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Laws of Baltimore City read as follows:

20 **Baltimore City Revised Code**

21 **Article – Zoning**

22 **Title 13. Nonconformance**

23 ***Subtitle 5. Noncomplying Structures***

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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§ 13-506. Expansions of structure – GENERAL RESTRICTIONS.

(A) *SCOPE OF SECTION.*

THIS SECTION APPLIES TO ALL EXPANSIONS OF A NONCOMPLYING STRUCTURE, EXCEPT AS SPECIFICALLY AUTHORIZED UNDER:

(1) § 13-507 {“EXPANSIONS OF STRUCTURE – ATTACHED OR SEMI-DETACHED DWELLINGS”} OF THIS SUBTITLE; OR

(2) TITLE 15 {“VARIANCES”} OF THIS ARTICLE.

(B) *RESTRICTION ON EXPANSION.*

A noncomplying structure may not be expanded if the expansion would either:

(1) create a new noncompliance; or

(2) increase the degree of noncompliance of any part of the structure.

§ 13-507. EXPANSIONS OF STRUCTURE – ATTACHED OR SEMI-DETACHED DWELLINGS.

(A) *IN GENERAL.*

NOTWITHSTANDING § 13-506(B) {“RESTRICTION ON EXPANSION”} OF THIS SUBTITLE, AN ATTACHED OR SEMI-DETACHED DWELLING THAT IS A NONCOMPLYING STRUCTURE MAY BE EXPANDED SO AS TO:

(1) INCREASE THE LOT COVERAGE THAT EXISTED WHEN THE STRUCTURE BECAME NONCOMPLYING BY NOT MORE THAN 10%; AND

(2) DECREASE THE REAR YARD SET BACK THAT EXISTED WHEN THE STRUCTURE BECAME NONCOMPLYING BY NOT MORE THAN 2 FEET.

(B) *APPLICATION.*

(1) AN APPLICATION FOR AN EXPANSION UNDER THIS SECTION MUST BE FILED BY THE PROPERTY OWNER OR WITH THE WRITTEN CONSENT OF THE PROPERTY OWNER

(2) THE APPLICATION MUST BE FILED WITH THE ZONING ADMINISTRATOR, IN THE FORM AND WITH THE INFORMATION AND ACCOMPANYING PLANS THAT THE ZONING ADMINISTRATOR REQUIRES.

(3) ON RECEIPT OF AN APPLICATION, THE ZONING ADMINISTRATOR MUST PROMPTLY REFER IT TO THE DIRECTOR OF PLANNING FOR DESIGN REVIEW.

(C) *REVIEW AND APPROVAL.*

THE PLANNING DIRECTOR MAY APPROVE THE APPLICATION IF, AFTER DESIGN REVIEW, THE DIRECTOR FINDS THAT THE PROPOSAL:

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- 1 (1) IS IN HARMONY WITH THE GENERAL CHARACTER, ARRANGEMENT, DESIGN, AND
- 2 ARCHITECTURAL FEATURES OF SIMILAR DWELLINGS WITHIN A RADIUS OF 300 FEET;
- 3 (2) IS NOT CONTRARY TO THE PUBLIC INTEREST; AND
- 4 (3) IS CONSISTENT WITH THE PURPOSES AND INTENT OF THIS ARTICLE.

5 (D) *IMPOSITION OF CONDITIONS.*

6 TO THE EXTENT NECESSARY OR DESIRABLE TO REDUCE OR MINIMIZE ANY EFFECT OF A
7 PROPOSED EXPANSION ON OTHER PROPERTIES IN THE NEIGHBORHOOD, THE PLANNING
8 DIRECTOR MAY:

- 9 (1) REQUIRE CHANGES IN ANY DESIGN OR PLAN OF ANY EXISTING STRUCTURE OR ANY
- 10 ALTERATION OF THE STRUCTURE; AND
- 11 (2) IMPOSE CONDITIONS, RESTRICTIONS, AND LIMITATIONS GOVERNING:
 - 12 (I) SCREENING OR FENCING;
 - 13 (II) TYPE OF LIGHTING; AND
 - 14 (III) ANY OTHER RELEVANT MATTER.

15 (E) *FINAL DECISION.*

- 16 (1) A COPY OF THE PLANNING DIRECTOR'S DECISION ON THE APPLICATION MUST BE FILED
- 17 WITH THE ZONING ADMINISTRATOR.
- 18 (2) WHEN ISSUED, THE DIRECTOR'S DECISION CONSTITUTES A FINAL DECISION OF THE
- 19 ZONING ADMINISTRATOR FOR PURPOSES OF ADMINISTRATIVE APPEAL UNDER TITLE
- 20 17, SUBTITLE 2 {"ADMINISTRATIVE APPEALS"}.

21 (F) *COMPLIANCE REQUIRED.*

- 22 (1) FAILURE TO COMPLY WITH ANY CHANGE, CONDITION, RESTRICTION, OR LIMITATION
- 23 IMPOSED UNDER THIS SECTION CONSTITUTES A VIOLATION OF THIS ARTICLE.
- 24 (2) NO CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SECTION MAY BE
- 25 CHANGED UNLESS, ON THE FILING OF A NEW APPLICATION, THAT CHANGE IS
- 26 AUTHORIZED UNDER THIS SECTION.

27 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
28 are not law and may not be considered to have been enacted as a part of this or any prior
29 Ordinance.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
31 is enacted.