

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 09-0366**

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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

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: September 21, 2009

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**AN ORDINANCE CONCERNING**

**Zoning – Noncomplying Rowhouses – Expansions**

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

BY repealing and reordaining, with amendments

Article - Zoning  
Section(s) 13-506  
Baltimore City Revised Code  
(Edition 2000)

BY adding

Article - Zoning  
Section(s) 13-507  
Baltimore City Revised Code  
(Edition 2000)

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

**Baltimore City Revised Code**

**Article – Zoning**

**Title 13. Nonconformance**

***Subtitle 5. Noncomplying Structures***

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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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, SINGLE-FAMILY 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, SINGLE-FAMILY DWELLINGS.**

(A) *IN GENERAL.*

NOTWITHSTANDING § 13-506(B) {“RESTRICTION ON EXPANSION”} OF THIS SUBTITLE, AN ATTACHED OR SEMI-DETACHED, SINGLE-FAMILY 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% OF THAT LOT COVERAGE; AND

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

(B) *APPLICATION; CERTIFICATIONS.*

(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) THE APPLICATION MUST INCLUDE A CERTIFICATION BY THE PROPERTY OWNER:

(i) THAT THE STRUCTURE IS A NONCOMPLYING STRUCTURE; AND

(ii) THAT A COPY OF THE APPLICATION HAS BEEN GIVEN TO THE IMMEDIATELY ADJOINING PROPERTY OWNERS.

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1            ~~(4) (3)~~ ON RECEIPT OF AN APPLICATION, THE ZONING ADMINISTRATOR MUST PROMPTLY  
2            REFER IT TO THE DIRECTOR OF PLANNING FOR DESIGN REVIEW.

3            (C) *REVIEW AND APPROVAL.*

4            THE PLANNING DIRECTOR MAY ~~APPROVE~~ RECOMMEND APPROVAL OF THE APPLICATION IF,  
5            AFTER DESIGN REVIEW, THE DIRECTOR FINDS THAT THE PROPOSAL:

6                    (1) IS IN HARMONY WITH THE GENERAL CHARACTER, ARRANGEMENT, DESIGN, AND  
7                    ARCHITECTURAL FEATURES OF SIMILAR DWELLINGS WITHIN A RADIUS OF 300 FEET;

8                    (2) IS NOT CONTRARY TO THE PUBLIC INTEREST; AND

9                    (3) IS CONSISTENT WITH THE PURPOSES AND INTENT OF THIS ARTICLE.

10           (D) *IMPOSITION OF CONDITIONS.*

11           TO THE EXTENT NECESSARY OR DESIRABLE TO REDUCE OR MINIMIZE ANY EFFECT OF A  
12           PROPOSED EXPANSION ON OTHER PROPERTIES IN THE NEIGHBORHOOD, THE PLANNING  
13           DIRECTOR MAY RECOMMEND:

14                    (1) ~~REQUIRE~~ REQUIRING CHANGES IN ANY DESIGN OR PLAN OF ANY EXISTING  
15                    STRUCTURE OR ANY ALTERATION OF THE STRUCTURE; AND

16                    (2) ~~IMPOSE~~ IMPOSING CONDITIONS, RESTRICTIONS, AND LIMITATIONS GOVERNING:

17                            (I) SCREENING OR FENCING;

18                            (II) TYPE OF LIGHTING; AND

19                            (III) ANY OTHER RELEVANT MATTER.

20           (E) *FINAL DECISION.*

21                    (1) A COPY OF THE PLANNING DIRECTOR'S ~~DECISION~~ RECOMMENDATION ON THE  
22                    APPLICATION MUST BE FILED WITH THE ZONING ADMINISTRATOR.

23                    (2) WHEN ISSUED, THE DIRECTOR'S DECISION CONSTITUTES A RECOMMENDATION TO THE  
24                    ZONING ADMINISTRATOR. IF ADOPTED BY THE ZONING ADMINISTRATOR, IT BECOMES  
25                    A FINAL DECISION OF THE ZONING ADMINISTRATOR FOR PURPOSES OF  
26                    ADMINISTRATIVE APPEAL UNDER TITLE 17, SUBTITLE 2 {"ADMINISTRATIVE  
27                    APPEALS"}.

28           (F) *COMPLIANCE REQUIRED.*

29                    (1) FAILURE TO COMPLY WITH ANY CHANGE, CONDITION, RESTRICTION, OR LIMITATION  
30                    IMPOSED UNDER THIS SECTION CONSTITUTES A VIOLATION OF THIS ARTICLE.

31                    (2) NO CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SECTION MAY BE  
32                    CHANGED UNLESS, ON THE FILING OF A NEW APPLICATION, THAT CHANGE IS  
33                    AUTHORIZED UNDER THIS SECTION.

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

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

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City