



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	March 12th, 2025
SUBJECT	25-0006 Zoning Code – Modifications

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0006 Zoning Code – Modifications for the purpose of amending provisions of the Baltimore City Zoning Code relating to variances to conform to relevant State law; making modifications to the process of granting variances; clarifying provisions of the Zoning Code relating to nonconforming structures; and generally relating to the zoning and land use laws of the City of Baltimore.

If enacted, Council Bill 25-0006 would generally modify the Baltimore City Zoning Code, notably those sections relating to variances and non-conforming structures. If approved, this Bill will take effect the 30th day after its enactment.

SUMMARY OF POSITION

This Bill continues the efforts of CCB 23-0435, which died at the end of the last term. Some of the content contained within that prior iteration is carried over to CCB 25-0006, with many of the concerns raised by both City agencies and Council members factored into this updated version. Relevant to DHCD was a concern that in its prior form, variance applicants may have not known in advance whether their request would have been classified as a major or minor variance. This would in turn create further confusion regarding whether their variance application should be filed with the Zoning Administrator or the BMZA. CCB 25-0006 remedies this issue by removing the dual filing track entirely, noting that either the Zoning Administrator or the BMZA may grant variances.

At its regular meeting of February 27th, 2025, the Planning Commission concurred with the recommendation of its departmental staff and recommended that City Council Ordinance 25-0006 be amended and approved by the City Council. While in support of this Bill and the

amendments suggested by the Planning Commission, DHCD does have some concerns about the section pertaining to variance lapses contained on Page 11, line 1. This Bill would render void any variance that has not received a Use and Occupancy permit within two years of its granting. This change may prove problematic for a variety of reasons. For example, large projects may take longer than two years to complete, despite steady work towards that end. Also, some projects with granted variances do not require a Use and Occupancy permit at all. The continuing validity of a variance may be better based on building permits issued with a demonstrable history of active work and successful inspections.

DHCD appreciates the goal of keeping the Zoning Code up-to-date and is not opposed to the changes outlined in City Council Bill 25-0006. These changes may help to promote the health, safety and welfare of the city and its residents by updating and aligning the code to make process improvements that match Baltimore's ever evolving Development landscape.

FISCAL IMPACT

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

AMENDMENTS

DHCD supports the amendments suggested by the Planning Commission that are contained within their report.