

**AMENDMENTS TO COUNCIL BILL 25-0006
(1st Reader Copy)**

By: Land Use and Transportation Committee
{To be offered on the Council floor}

Amendment No. 1

On page 1, in line 17, after “Sections” insert “New 1-313(g)”; and, on that same page, in line 17, strike “5-503, 10-403,” and substitute “5-503”; and, on that same page, after line 19, insert:

“BY renumbering

Article 32 - Zoning

Section 1-313(g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), and (r)

To be

Section 1-313(h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), and (s), respectively

Baltimore City Code

(Edition 2000)”.

Amendment No. 2

On page 3, in line 11, strike “*Variances*” and substitute “*Definitions*”.

Amendment No. 3

On page 3, in line 19, strike “RECREATION: OUTDOOR,”; and, on that same page, in that same line, strike “facilities.” and substitute “facilities THAT ARE OPERATED BY A GOVERNMENT AGENCY.”.

Amendment No. 4

On page 3, after line 21, insert:

“§ 1-313. “Roofline” to “Substantial construction”.

(G) SHARED-USE PATH.

“SHARED-USE PATH” MEANS A DEDICATED WAY THAT:

(I) HAS A PAVED OR HARD SURFACE;

(II) IS DESIGNED FOR INDIVIDUAL TRAVEL OR RECREATIONAL USE;

(III) THAT ACCOMMODATES WALKING, RUNNING, BIKING, USE OF A MOBILITY
DEVICE, SCOOTER, OR OTHER RECREATIONAL VEHICLE; AND

(IV) IS NOT FOR VEHICULAR TRAFFIC.

(H) [(g)] *Shielded lighting.*

. . .

(I) [(h)] *Shipyard.*

. . .

(J) [(i)] *Side lot line.*

. . .

(K) [(j)] *Sign.*

. . .

(L) [(k)] *Significant development.*

. . .

(M) [(l)] *Social club.*

. . .

(N) [(m)] *Solid waste sanitary landfill.*

. . .

(O) [(n)] *Special exception.*

. . .

(P) [(o)] *Stadium.*

. . .

(Q) [(p)] *Stacking space.*

. . .

(R) [(q)] *Stormwater.*

. . .

(S) [(r)] *Story.*

. . . ”

Amendment No. 5

On page 4, strike in their entirety line 11 through 14, respectively, and substitute:

“(7) TO CONDUCT FROM TIME TO TIME A COMPREHENSIVE REZONING PROCESS IN CONFORMANCE WITH THE COMPREHENSIVE MASTER PLAN FOR THE CITY OF BALTIMORE, WHICH INCLUDES THE LAND USE MAP;”

and, on that same page, strike beginning with “LAND” in line 15 down through “AND” in line 16 and substitute “LAND USE MAP, NO LESS THAN QUADRENNIALLY; AND”.

Amendment No. 6

On page 6, in line 15, strike “AND”; and, on that same page, in line 21, strike “District.” and substitute “District; AND”; and, on that same page, after line 21, insert:

“(17) NEW CONSTRUCTION OR SUBSTANTIVE MODIFICATIONS THAT INCLUDE A SHARED-USE PATH.”

Amendment No. 7

On page 7, in line 18, in each instance, strike the bracket; and, on that same page, in that same line, strike “OWNER.”; and, on page 10, strike in their entirety lines 19 through 32.

Amendment No. 8

On page 8, in line 5, strike “ADMINISTRATOR OR” and substitute “ADMINISTRATOR,”; and, on that same page, in line 6, strike “APPEALS” insert “APPEALS, OR THE CITY COUNCIL”.

Amendment No. 9

On page 11, strike beginning with “SAME,” in line 2 down through “OBTAINED.” in line 3 and substitute “UNLESS SUBSTANTIAL CONSTRUCTION HAS OCCURRED WITHIN THAT SAME 2-YEAR PERIOD.”

Amendment No. 10

On page 11, in line 13, strike “process” and substitute “APPROVE”; and, on that same page, in line 18, strike “process:” and substitute “APPROVE:”.

Amendment No. 11

On page 13, in line 27, strike “AND”; and, on that same page, strike in their entirety lines 28 through 30, inclusive, and substitute:

“(5) AN AFFIDAVIT EXECUTED BY THE APPLICANT STATING THE FOLLOWING:

“I, [APPLICANT NAME], SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE INFORMATION GIVEN IN THIS STATEMENT OF INTENT IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.”; AND

(6) OTHER INFORMATION REQUIRED TO VERIFY COMPLIANCE WITH THE STANDARDS FOR CONDITIONAL USES, VARIANCES, AND OTHER PROVISIONS OF THIS CODE.”.

Amendment No. 12

On page 14, strike in its entirety line 4; and, on that same page, in lines 6, 7, 9, 10, 16, 17, and 20, in each instance, strike the bracket; and, on that same page, in lines 7, 9, 10, 16, 17, and 20, strike “(I)”, “(A)”, “(B)”, “(II)”, “(A)”, and “(B)”, respectively; and, on that same page, strike in their entirety lines 24 through 30, inclusive; and, on that same page, strike beginning with “amendment” in line 31 down through “(2)” in line 32 and substitute “amendment”; and, on that same page, strike beginning with “amendment;” in line 33 down through “by” in line 34.

Amendment No. 13

On page 1, in line 10, after “9-703,” insert “12-303(i)”; and, on that same page, after line 19, insert:

“BY repealing
Article 32 - Zoning
Section 9-703(b), (c), and (f)
Baltimore City Code
(Edition 2000)

BY renumbering
Article 32 - Zoning
Section 9-703(d), (e), and (g)
To be
Section 9-703(b), (c), and (d)
Baltimore City Code
(Edition 2000)”;

and, on page 16, strike in their entirety lines 14 through 23; and, on that same page, in line 24, strike “(d)” and substitute “(B)”; and, on page 17, in lines 1 and 6, strike “(e)” and “(F)”, respectively, and substitute “(C)” and “(D)”, respectively; and, on that same page, after line 21 insert:

“Subtitle 3. Office-Residential Districts

§ 12-303. Other applicable standards.

(i) Residential conversions.

The conversion of a single-family dwelling to a multi-family dwelling is allowed in an OR Zoning District, subject to the requirements of § 9-702 {“Residential Conversions: Design review”} [and § 9-703 {“Residential Conversions: Conversion standards”}] of this Code.”.

Amendment No. 14

On page 16, strike beginning with “creates” in line 7 down through “amendment.” in line 8 and substitute “improves formatting for clarity and compliance with the drafting style of this Code.”.

Amendment No. 15

On page 17, strike in their entirety line 11 through 20, inclusive.

Amendment No. 16

On page 18, in line 7, strike “AND”; and, on that same page, in line 8, strike “PROPERTY.” and substitute “PROPERTY; AND”; and, on that same page, in line 9, in the first instance, strike the bracket; and, on that same page, in that same line, after “the” insert a bracket; and, on that same page, in that same line, after “property;]” insert “PROPERTY.”.

Amendment No. 17

On page 18, in line 15, strike “**dining.**” and substitute “**DINING AND ROOFTOP DINING.**”; and, on that same page, strike in their entirety lines 17 through 26, inclusive, and substitute:

“(1) OUTDOOR DINING.

(1) OUTDOOR DINING IS CONSIDERED AN ACCESSORY USE TO A PRINCIPAL USE AND MAY BE LOCATED ON EITHER THE PROPERTY FOR WHICH THE PERMIT IS APPROVED OR EXTEND INTO THE PUBLIC RIGHTS-OF-WAY IMMEDIATELY ADJOINING THE BUILDING FRONTAGE OR STREET CORNER SIDE OF THE PROPERTY.

(II) OUTDOOR DINING ON THE PROPERTY FOR WHICH THE PERMIT IS APPROVED IN A C-1, C-1-E, C-1-VC, AND C-2 ZONING DISTRICT REQUIRES APPROVAL AS A CONDITIONAL USE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

(A) WHERE IT ADJOINS A RESIDENTIAL ZONING DISTRICT ON THE SIDE IN WHICH THE OUTDOOR DINING IS PROPOSED; AND

(B) IS SEPARATED FROM THE RESIDENTIAL DISTRICT BY AN ALLEY OR STREET OF LESS THAN 20 FEET IN WIDTH ON THE SIDE IN WHICH THE OUTDOOR DINING IS PROPOSED, OR IF NO ALLEY OR STREET IS PRESENT.

(2) ROOFTOP DINING.

(I) ROOFTOP DINING IS ALLOWED IN ALL NON-RESIDENTIAL ZONING DISTRICTS.

(II) ROOFTOP DINING IS A PERMITTED USE IN ALL NON-RESIDENTIAL ZONING DISTRICTS, EXCEPT IN THE C-1, C-1-E, C-1-VC, AND C-2 ZONING DISTRICTS.

(III) ROOFTOP DINING IN A C-1, C-1-E, C-1-VC, OR C-2 ZONING DISTRICT REQUIRES APPROVAL AS A CONDITIONAL USE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.”;

and, on page, 21, strike line 25 in its entirety and substitute:

“⁵ UNDER § 14-329(A)(1) AND (A)(2), BOTH OUTDOOR DINING AND ROOFTOP DINING, RESPECTIVELY, REQUIRE APPROVAL AS A CONDITIONAL USE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS IF LOCATED IN A C-1, C-1-E, C-1-VC, OR C-2 ZONING DISTRICT.”.

Amendment No. 18

On page 19, strike in their entirety line 23 through 24, inclusive, and substitute:

“(2) THE REQUIREMENTS OF SITE PLAN REVIEW AND DESIGN REVIEW ARE MET.”.

Amendment No. 19

On page 1, in line 11, after “16-207” insert “16-601(b), 18-206(b),”; and, on that same page, in that same line, after “18-403,” insert “18-412,”; and, on page 21, after line 4, insert:

“Subtitle 6. Required Off-Street Parking

§ 16-601. Exemptions and reductions from requirements.

(b) Exemptions within certain districts.

(1) RESIDENTIAL USES.

ALL RESIDENTIAL USES IN ANY ZONING DISTRICT WITH UP TO AND INCLUDING 3 DWELLING UNITS ARE EXEMPT FROM OFF-STREET PARKING REQUIREMENTS.

(2) [(1)] Commercial districts.

The COMMERCIAL districts included in this paragraph are exempt from OFF-STREET parking requirements:

(i) C-1;

(ii) C-1-E;

(iii) C-1-VC;

(iv) C-5;

(v) C-5-IH;

(vi) C-5-DE;

(vii) C-5-HT;

(viii) C-5-TO;

(ix) C-5-HS; AND

(x) [C-5-G;] C-5-G.

[(xi) Harford Road Overlay District;]

[(xii) R-MU Overlay District (non-residential uses); and]

[(xiii) D-MU Overlay District (non-residential uses).]

(3) OVERLAY DISTRICTS.

THE OVERLAY DISTRICTS INCLUDED IN THIS PARAGRAPH ARE EXEMPT FROM OFF-STREET PARKING REQUIREMENTS:

(I) HARFORD ROAD OVERLAY DISTRICT;

(II) R-MU OVERLAY DISTRICT (NON-RESIDENTIAL USES); AND

(III) D-MU OVERLAY DISTRICT (NON-RESIDENTIAL USES).

(4) [2] PC SUBDISTRICTS.

[(i)] In the PC Subdistricts, the following uses are exempt from the off-street parking requirements of Table 16-406: Required Off-Street Parking:

(I) [(A)] open-space uses (except for recreational marinas); and

(II) [(B)] commercial uses with a gross floor area of less than 25,000 square [feet.] FEET, EVEN IF THERE ARE OTHER COMMERCIAL USES LOCATED ON THE SAME LOT.

[(ii)] The commercial-use exemption applies to any commercial use with a gross floor area of less than 25,000 square feet, even if there are other commercial uses located on the same lot.];”;

and, on that same page, after line 5, insert:

“Subtitle 2. Definitions; General Provisions

§ 18-206. Determination of nonconformity.

(b) By Administrator.

The Zoning Administrator may issue a use permit, without referring the matter to the Board of Municipal and Zoning Appeals, if:

(1) permits, ordinances, the Police Survey of 1931, or other records on file with the Zoning Administrator:

(i) document the existence of a CONTINUING AND UNINTERRUPTED lawful nonconforming [use, nonconforming density, or other nonconformance; and] USE; OR

[(ii) clearly show its continued and uninterrupted use to the date of inquiry or application; and]

(II) DOCUMENT THE EXISTENCE OF A LAWFUL NONCONFORMING DENSITY, OR OTHER NONCONFORMANCE; AND

(2) a field inspection of the construction, design, and arrangement of the structure or use in question confirms these records.”;

and, on that same page, after line 18, insert:

“§ 18-412. Exceptions – Multi-family structures.

(a) Scope.

(1) Except as provided in paragraph (2) of this subsection, this section applies to any structure that:

(i) at any time, with or without authorization of the Board of Municipal and Zoning Appeals, has been converted for 4 or more dwelling units or, if originally built for 4 or more dwelling units, has been converted to increase the number of dwelling units; and

(ii) now fails to comply with the minimum lot area requirements of the district in which it is located.

(2) This section does not apply to any nonconforming structure that:

(i) in compliance with this Code or before June 5, 2017, was originally designed and built as a multi-family dwelling for 4 or more dwelling units, as evidenced by permits or records of the City; and

(ii) has not been altered, added to, or subdivided in any way that increases the number of dwelling units to more than the maximum now allowed under this Code.

[(b) *Discontinuance of dwelling unit.*]

[Whenever the active and continuous use of a dwelling unit in a nonconforming multi-family structure subject to this section has been discontinued for 12 consecutive months:]

[(1) the discontinuance constitutes an abandonment of that dwelling unit, regardless of any reservation of an intent to resume active use of or to reoccupy the unit or otherwise not to abandon it; and]

[(2) the number of dwelling units allowed to continue in the structure is reduced by 1.]

(B) [(c)] *Abandonment of dwelling unit.*

If, at any time, actual abandonment is [in fact is] evidenced [by removal of plumbing or kitchen facilities, by alterations that indicate an abandonment of any nonconforming dwelling unit, including consolidation with another dwelling unit, or] by the issuance of a use permit for fewer dwelling units:

(1) that action constitutes an abandonment of the dwelling unit;

(2) all rights to continue or reestablish the previous number of dwelling units immediately terminate; and

(3) the number of dwelling units allowed to continue in the structure is reduced by 1.

(C) [(d)] Exceptions.

This section does not apply to § 18-306(c) {"Change of use . . . Reversion prohibited."} of this Code."

Amendment No. 20

On page 21, strike in their entirety lines 8 through 15 and substitute:

"A NONCONFORMING STRUCTURE MAY BE EXPANDED UNDER:

(1) TITLE 5, SUBTITLE 3 {"VARIANCES"} OF THIS CODE; OR

(2) § 18-411 {"EXCEPTIONS - ADMINISTRATIVE BULK ADJUSTMENTS"} OF THIS CODE."

Amendment No. 21

On page 22, in line 28, strike "commercial" insert "commercial. The"; and, on that same page, in that same line, strike "measurers" and substitute "measurements"; and, on that same page, in that same line, after "to" insert "reflect the reference to maximum gross floor area by use."; and, on that same page, strike beginning with "work" in line 28 down through "Use." in line 29.

Amendment No. 22

On page 23, strike beginning with "the" in line 10 down through "district." in line 12 and substitute "when the former singular "I-MU zoning district was split into 2 separate zoning districts, "IMU-1" and "IMU-2", by Ordinance 19-244, effective April 29, 2019, the "P" (for "permitted") was omitted in error from the IMU-1 zoning district for the use "Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)".".

Amendment No. 23

On page 24, in line 9, in the second column, insert "CB, P¹"; and, on that same page, in that same line, in the third column, insert "PER § 14-328"; and, on that same page, after line 10, insert:

"

<u>DAY CARE CENTERS: ADULT OR CHILD</u>	<u>CB, P¹</u>	<u>PER § 14-309</u>
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"