

**CITY OF BALTIMORE
COUNCIL BILL 18-0209
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
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, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning Code – Modifications**

3 FOR the purpose of making needed improvements to certain provisions that, during the course of
4 actively implementing the new Zoning Code, were discovered to be functionally impractical
5 or otherwise in need of modification to abate previously unanticipated consequences; ;
6 correcting various errors, omissions, and inconsistencies; correcting, clarifying, and
7 conforming various references and terminology; and generally relating to the zoning and
8 development laws of the City of Baltimore.

9 BY repealing and reordaining, with amendments

10 Article 32 - Zoning

11 Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7),
12 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d),
13 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402,
14 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and
15 19-207(d)(1)

16 and

17 Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601,
18 12-903(4), 12-1302, 15-601, and 16-406

19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, without amendment

22 Article 32 - Zoning

23 Sections 1-310(j), 15-501(a), and 16-407(c)

24 Baltimore City Code
25 (Edition 2000)

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

Council Bill 18-0209

1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 1. General Provisions**

14 *Subtitle 2. Rules of Interpretation*

15 **§ 1-217. Uses[,] -- generic, [and] specific, AND PROHIBITED.**

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as “generic uses”.

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

Council Bill 18-0209

1 **COMMENT:** Restates, for greater emphasis and clarity, the basic rule of interpretation
2 that a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 ***Subtitle 3. Definitions***

5 **§ 1-302. “Abut” to “Awning”.**

6 (b) *Accessory structure.*

7 “Accessory structure” means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
- 9 (2) subordinate in lot coverage and floor area to the principal structure served; and
- 10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
13 below.

14 (c) *Accessory use.*

15 “Accessory use” means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
- 18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
21 below.

22 **§ 1-307. “Government facility” to “Industrial boat repair”.**

23 (d) *Gym.*

24 *See “Health AND FITNESS center”.*

25 (g) *Health AND FITNESS center.*

26 (1) *In general.*

27 “Health AND FITNESS center” means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

Council Bill 18-0209

(ii) contains equipment, such as weight resistance machines, treadmills, stationary bicycles, whirlpools, saunas, showers, and lockers, for that purpose.

(2) *Inclusions.*

“Health AND FITNESS center” includes the following accessory uses designed and intended primarily for patrons of the facility:

- (i) retail sales; and
- (ii) a restaurant or refreshment stands.

COMMENT: Modifies name to better describe the nature of this use, especially as distinguished from the sound-alike “health clinic”.

§ 1-310. “Motor vehicle” to “Owner”.

(j) *Neighborhood commercial establishment.*

“Neighborhood commercial establishment” means a non-residential use that is within a residential or office-residential zoning district, but in a structure that is non-residential in its construction and original use.

COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected below.

Title 3. Outline of Code Administration

Subtitle 2. Administrative Agencies and Officials

§ 3-202. Board of Municipal and Zoning Appeals.

(f) *Public hearings – Open to public.*

[(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must be open to the public.

[(2) At least once in every 2 calendar months, at least 1 session of hearings must be scheduled to begin after 5 p.m.]

COMMENT: Deletes a scheduling provision that has proven to be functionally impractical to implement.

§ 3-204. Director of Planning.

(b) *Powers and duties.*

In addition to the powers and duties specified in City Charter Article VII, §§ 74 through 80, the Director of Planning has the following powers and duties under this Code:

Council Bill 18-0209

(1) to perform the following reviews in sessions [open to the public and for which public notice is provided]:

- (i) site plan review (Title 4, Subtitle 2);
 - (ii) environmentally sensitive areas review (Title 4, Subtitle 3);
 - (iii) design review (Title 4, Subtitle 4; Design Manual); and
 - (iv) landscape review (Title 4, Subtitle 5; Landscape Manual);
-

COMMENT: Deletes a scheduling provision that has proven to be functionally impractical to implement.

Title 4. Development Reviews

Subtitle 2. Site Plan Review

§ 4-203. Applicability.

Site plan review is required for the following types of development applications:

...

- (7) any development within an environmentally sensitive area, including projects in a [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the Critical Area (*See* Subtitle 3 {“Environmentally Sensitive Areas Review”} of this title);

....

COMMENT: Conforms spelling of “floodplain” to conform with that uniformly adopted throughout this and all other articles of the Baltimore City Code.

Subtitle 4. Design Review

§ 4-405. Applicability.

(a) *In general.*

Except as provided in subsection (b) of this section, design review is required for the following types of development:

...

(13) any new construction that involves:

...

- (iii) [construction in an area designated a “Main Street” in accordance with criteria set by The National Trust for Historic Preservation] ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or

....

COMMENT: Aligns design-review requirement to the specific zoning district (the C-1 District) and specifies the intended scope of that review.

Council Bill 18-0209

Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) Application.

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board’s long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (*Cf., e.g.,* pre-TransForm Zoning Article §§ 15-208 and 15-209 {“Variances: Off-street parking”}.)

§ 5-308. Approval standards.

(b) Other required findings.

The Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, must also find that:

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City’s Comprehensive Master Plan; or

Council Bill 18-0209

1 (iii) any Historical and Architectural Preservation District; [and]

2 (7) THE VARIANCE WILL NOT:

3 (I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;

4 (II) OVERCROWD THE LAND;

5 (III) CREATE AN UNDUE CONCENTRATION OF POPULATION;

6 (IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;

7 (V) CREATE HAZARDOUS TRAFFIC CONDITIONS;

8 (VI) ADVERSELY AFFECT TRANSPORTATION;

9 (VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC
10 FACILITIES;

11 (VIII) INCREASE THE DANGER OF FIRE; OR

12 (IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND

13 (8) [(7)] the variance will not otherwise:

14 (i) be detrimental to or endanger the public health, safety, or welfare; or

15 (ii) be in any way contrary to the public interest[;].

16 **COMMENT:** Item (7) of this subsection reinstates standards that have long-been required
17 by the Zoning Code (*see* pre-TransForm Zoning Article, § 15-219(5)), but were
18 inadvertently omitted from Ordinance 16-581 {“TransForm Baltimore – Zoning”}.

19 ***Subtitle 4. Conditional Uses***

20 **§ 5-407. Expiration of approval.**

21 (a) *Exercise within year required.*

22 A conditional use lapses and becomes void 1 year from the date of its final approval
23 unless, within that year:

24 (1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT
25 UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT
26 USE; [and]

27 (2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS
28 LAWFULLY BEGUN; or

29 (3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

Council Bill 18-0209

1 (G) [would adhere] ADHERES with federal and state laws regarding homeland
2 security, generally, and port safety, specifically.

3 **COMMENT:** Industry requested these changes, to conform to the standards originally
4 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (*see pre-*
5 *TransForm Zoning Code § 8-411(c)*).

6 **Title 7. Open-Space and Environmental Districts**

7 ***Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District***

8 **§ 7-414. Variances and conditional uses.**

9 (d) *Applications.*

10 The Board of Municipal and Zoning Appeals must furnish copies of all applications for a
11 conditional use or variance to the Planning Department [and the Chesapeake Bay Critical
12 Area Commission].

13 **COMMENT:** The Chesapeake Bay Critical Area Commission has advised that submitting
14 these applications to Commission is wholly unnecessary.

15 **Title 12. Special Purpose Districts**

16 ***Subtitle 5. Educational Campus Districts***

17 **§ 12-502. Bulk and Yard Regulations.**

18 (a) *In general.*

19 [(1)] Except as provided in § 12-503 {“Educational Campus Master Plan”} of this
20 subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets
21 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
22 Districts.

23 [(2) Educational buildings existing as of June 5, 2017, regardless of height
24 and yards, are deemed conforming.]

25 **COMMENT:** The legal fiction created by paragraph (2) (“*deemed conforming*”) carries
26 with it a potential unintended consequence: As a “conforming” structure, if it were later
27 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
28 only *non-nonconforming* structures to be rebuilt “in kind”; instead, like all other
29 *conforming* structures, the rebuilt structure arguably would be limited to the then existing
30 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

Council Bill 18-0209

Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

Residential, office-residential, business, and industrial planned unit developments approved before the effective date of this Code (June 5, 2017) remain valid as long as they continue to comply with all requirements and conditions of their approvals and [of] WITH the Zoning Code regulations in effect immediately preceding [that effective date] THE DATE OF THOSE APPROVALS.

COMMENT: Corrects misleading reference to the date from which continued compliance with “Zoning Code regulations” is required.

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments [must] MAY ONLY be established by AN ordinance of the Mayor and City Council ENACTED in accordance with the provisions of this title.

COMMENT: Corrects misleading use of “must”; emphasizes exclusivity of authorization.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building’s parking garage.

Council Bill 18-0209

1 (b) *Service area.*

2 Any service and repair facilities must also comply with the standards § 14-326 {“Motor
3 vehicle service and repair”} of this subtitle.

4 (C) *SCREENING.*

5 A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR
6 RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL
7 ZONING DISTRICT.

8 **COMMENT:** Adds screening requirement for operations that otherwise would be visible
9 from the ground level of a residential district.

10 **§ 14-326. Motor vehicle service and repair: Major or minor.**

11 (b) *Outdoor storage limitations.*

12 Motor vehicle service and repair shops may not store the same vehicles outdoors on the
13 site for longer than [10] 30 days.

14 **COMMENT:** Extension needed to account for delays in ability to undertake repairs
15 pending verification of insurance coverage.

16 **§ 14-328. Neighborhood commercial establishments.**

17 (a) [*In general*] *MINIMUM LOT AREA REQUIREMENTS.*

18 [Neighborhood commercial establishment uses are limited to the reuse of existing
19 buildings that were originally constructed and used for non-residential uses in what are
20 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
21 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
22 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
23 required for non-residential uses in Residential or Office-Residential Zoning Districts.

24 **COMMENT:** Deletes unnecessary – and substantively inconsistent – paraphrase of the
25 governing definition in § 1-310(j).

26 [(e) *Off-street parking.*]

27 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

28 **COMMENT:** Moved to § 16-601(e), as amended below. *See* Comment to that section.

Council Bill 18-0209

Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

(2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, AS APPLICABLE:

(A) FROM the mean curb level of the right-of-way on which the property fronts; [or]

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of the ground between that wall and the curb; OR

(C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND SUBJECT TO ARTICLE 7, DIVISION I); and

(ii) to the following, AS APPLICABLE:

(A) in the case of a flat roof, to the highest point of the roof that adjoins the street wall; or

(B) in the case of a pitched roof, to the mean height level of the roof as measured between the eaves and the peak in the case of pitched roofs.

COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-Hazard Area, for which the governing law imposes a higher base elevation than the options listed in item (i)(A) and (B).

Subtitle 5. Accessory Structures and Uses

§ 15-501. General regulations.

(a) *Must be on same lot as principal structure.*

An accessory structure or use must be limited to and located on the same lot with the use of the principal structure to which it is accessory.

COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as corrected above.

Council Bill 18-0209

Title 16. Off-Street Parking and Loading

Subtitle 4. Design of Off-Street Parking Facilities

§ 16-402. Minimum dimensions of off-street parking spaces.

[(a) *As in Table 16-402.*]

Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street Parking Dimensions.*

[(b) *Vertical clearance.*]

[(1) All parking spaces must have a minimum vertical clearance of 7 feet 6 inches.]

[(2) Floors accessible to ADA-compliant vans must have a minimum vertical clearance of 8 feet 2 inches.]

COMMENT: Deletes provisions that conflict with Building Code requirements.

§ 16-404. Driveways.

(c) *Parking spaces.*

(1) Single-family detached and semi-detached dwellings and rowhouse dwellings are allowed a paved parking space. This parking space may not be located in the required front or corner-side yard. In addition, no parking space may be located forward of the front building line.

[(2) No parking space may exceed 18 feet in depth, as measured from the property line or right-of-way.]

COMMENT: Deletes provision that prevents compliance with other requirements and practical needs, such as access to garages or corner-side yards.

(2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT., REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

COMMENT: Eases requirements for small lots.

§ 16-407. Surfacing.

(a) *In general.*

Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the Baltimore City Building Code. [Semi-pervious materials, such as grass-crete and pervious pavers, may also be used.]

Council Bill 18-0209

1 (b) *Vehicles permitted to park overnight.*

2 Only standard-sized, passenger vehicles including, but not limited to, automobiles,
3 passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks
4 are permitted to be stored or parked outdoors overnight on private property that is zoned
5 for residential use [or that is in a block predominantly zoned for residential use].

6 (c) *Vehicle prohibited from parking overnight.*

7 All other commercial vehicles including, but not limited to, semi-truck tractor units, with
8 or without attached trailers, commercial trailers, buses, limousines (excluding passenger
9 size livery vehicles), tow trucks, or construction vehicles, are prohibited from being
10 stored or parked outside overnight on private property that is zoned for residential use [or
11 that is in a block predominantly zoned for residential use].

12 **COMMENT:** Removes a scope application that is vaguely worded, is difficult to apply,
13 and, as a consequence, has proven to be functionally impractical to enforce.

14 **§ 16-802. Parking OR STORING of recreational vehicles.**

15 (a) *In general.*

16 The parking or storage of recreational vehicles or similar camping equipment must meet
17 the following conditions.

18 [(b) *48-hour limit in street or driveway of residential district.*]

19 [No recreational vehicle or trailer licensed to transport recreational vehicles or
20 equipment may be parked in the public right-of-way in or in the driveway of a
21 residential district for more than 48 hours.]

22 [(c) *Locations for parking or storage.*]

23 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
24 parked or stored to the rear of the front building line of the lot and located at least
25 3 feet from the side and rear lot lines. This requirement does not apply to
26 recreational vehicles offered for sale in an approved outdoor sales and display
27 area of a recreational vehicle dealership. Temporary storage tents for recreational
28 vehicles are not considered a fully enclosed structure.]

29 (B) *PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.*

30 (1) *IN GENERAL.*

31 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
32 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
33 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

34 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
35 TENT; OR

Council Bill 18-0209

1 (II) ON A PAVED SURFACE:

2 (A) IN THE REAR YARD OF THE LOT; AND

3 (B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

4 (2) *EXCEPTION.*

5 THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN
6 AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE
7 DEALERSHIP.

8 (C) [(d)] *Use as dwelling, etc., prohibited.*

9 (1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

10 (2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity,
11 water, gas, or sanitary sewer facilities.

12 (D) [(e)] *Maintenance and current registration required.*

13 All recreational vehicles must be maintained in mobile condition. No recreational
14 vehicle may be parked or stored in a manner that creates a dangerous or unsafe condition
15 on the lot where parked or stored. Parking or storage in a way that the recreational
16 vehicle, whether loaded or not, might tip or roll is considered a dangerous and unsafe
17 condition. The recreational vehicle equipment must be kept in good repair and must
18 carry a current year’s license and registration.

19 **COMMENT:** Revises section to more clearly delineate parking and storing restrictions in
20 residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to
21 parking in a “public right-of-way”), is redundant of a broader limitation in Article 31,
22 § 6-22 {“Continuously parking in 1 spot”} and, in its other part (as to parking in a
23 “driveway”), is inconsistent with the limitations elsewhere in this very section.
24

25 **Title 18. Nonconformities**

26 *Subtitle 3. Nonconforming Uses*

27 **§ 18-302. Expansion of use OR STRUCTURE.**

28 (A) *IN GENERAL.*

29 A nonconforming use may not be expanded in any manner, nor may any structure be
30 erected or expanded, unless the use of the land and the structure are made to conform to
31 the regulations of the district in which they are located.

Council Bill 18-0209

1 (B) *EXCEPTION.*

2 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
3 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
4 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
5 EXISTED AS OF JUNE 5, 2017.

6 **COMMENT:** Allows a limited GFA variance, subject to all standards applicable to
7 variances, for non-conforming uses or structures in commercial and industrial districts.

8 **§ 18-306. Change of use.**

9 (b) *When change allowed.*

10 (1) *IN GENERAL.*

11 A nonconforming use may not be changed to any other use except one that is allowed
12 within the zoning district in which it is located.

13 (2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*

14 A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE
15 SALES SUBJECT TO § 18-701 {“RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC
16 BEVERAGE SALES”} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702
17 {“TAVERNS”} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,
18 TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE
19 STANDARDS OF § 14-328 {“NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS”} OF THIS
20 CODE AND ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL
21 ESTABLISHMENTS ARE OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE
22 APPLICABLE TO THE UNDERLYING ZONING DISTRICT.

23 **COMMENT:** Eases the ability of non-conforming liquor stores and taverns, facing
24 imminent termination, to convert to certain other uses in certain districts.

25 **Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review**

26 ***Subtitle 2. Enforcement***

27 **§ 19-207. Service.**

28 (d) *Method of service – Posting.*

29 Adequate and sufficient notice may be made by posting a copy of the notice on the
30 property in question if:

- 31 (1) the identity or whereabouts of the person responsible IS unknown; or
32

33 **COMMENT:** Inserts missing verb.

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Council Bill 18-0209

Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	R-5	R-6	R-7	R-8	R-9	R-10	Use Standards
....							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ¹	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based ¹ ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services ² ³	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

¹ A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC."}.

¹ ² A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

² ³ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
....						

....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

Council Bill 18-0209

**Table 10-301: Commercial Districts –
Permitted and Conditional Uses**

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
...								
Health AND FITNESS Center	P	P	P	P	P	P	P	
....								
INDUSTRIAL								
....								
Mini-Warehouse					CB	P	CB ¹	
....								

¹ Allowed only in [an existing] A structure LAWFULLY EXISTING AS OF JUNE 5, 2017.

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

Council Bill 18-0209

Table 10-401: Commercial Districts (C-1 to C-4) – Bulk and Yard Regulations

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1 ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
....						

....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must **both** (i) be “buil[t] to the corner-side lot line” **and** (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

Council Bill 18-0209

**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

Council Bill 18-0209

**Table 11-301: Industrial Districts –
Permitted and Conditional Uses**

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			CB				
....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	P	P	P				
...							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	CB		PER § 14-326
Motor Vehicle Service and Repair: Minor			CO	[CO] CB	CB		Per § 14-326
....							

....

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

Council Bill 18-0209

**Table 12-301: Office-Residential Districts –
Permitted and Conditional Uses**

Uses	OR	Use Standards
....		
COMMERCIAL		
...		
Neighborhood Commercial Establishment ¹	CB, P	Per § 14-328
....		

¹ A Neighborhood Commercial Establishment is a permitted use only [if]: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] IF non-residential uses are limited to 10% of the structure's gross floor area; OR (II) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}.

....

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

Table 12-402: Transit-Oriented Development Districts – Permitted and Conditional Uses

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
.....					
COMMERCIAL					
...					
Health AND FITNESS Center	P	P	P	P	
.....					

.....

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
....				

....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

Council Bill 18-0209

Table 12-601: Hospital Campus Districts – Permitted and Conditional Uses

Uses	H	Use Standards
.....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
.....		

.....

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

Council Bill 18-0209

*Table 12-1302: Port Covington District –
Permitted and Conditional Uses*

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
.....					
COMMERCIAL					
...					
Health AND FITNESS Center		P	P	P	
.....					

.....

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
BICYCLE PARKING SPACE	x	x	x
Chimney – No more than 2' into a required yard	x	x	x
...			
[Deck]			[x]
...			
Mechanical equipment (§ 15-508)	x	x	x
OFF-STREET LOADING SPACES, OPEN		x	x
OFF-STREET PARKING SPACES, OPEN		x	x
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.			x
...			
Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.	[x]	[x]	x
.....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

Council Bill 18-0209

Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
. . .	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
. . . .	

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Ordinance 17-015
{“Baltimore City Zoning Code – Legalization – Corrections”}

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {“Zoning”} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds “footnote[s]” to the illustrative list of “statutory unit[s]”; they, too, will benefit from administrative renumbering or relettering.

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

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