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Case #: EA #000204420
Description:

Bill No. 17-0021 The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/21/2017

Darlene Miller, Public Notice Coordinator
(Representative Signature)

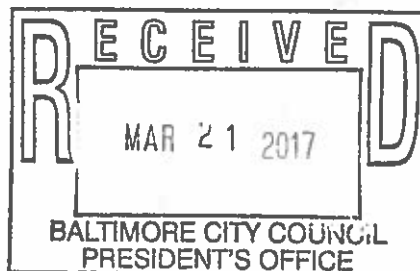
BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0021

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 5, 2017 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing on City Council Bill No. 17-0021.

CC 17-0021 ORDINANCE - Baltimore City Zoning Code - Legalization - Corrections - FOR the purpose of legalizing new City Code Article 32 ["Zoning"], as enacted by Ordinance 16-681 ["TransForm Baltimore - Zoning"], and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore

NOTE: This bill is subject to amendment by the Baltimore City Council.
EDWARD REISINGER, Chair.

mh21



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 30, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

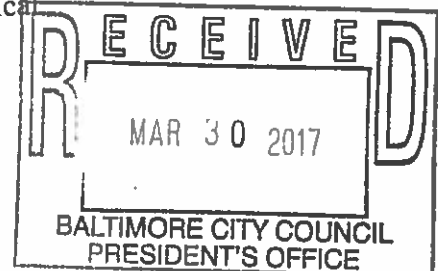
Re: City Council Bill 17-0021 – Baltimore City Zoning Code - Legalization -
Corrections

Dear President and City Council Members:

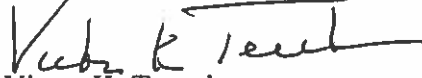
The Law Department has reviewed City Council Bill 17-0021 and approves it for form and legal sufficiency. The bill performs two tasks: (1) It legalizes new City Code Article 32 as enacted by Ordinance 16-581; and (2) it amends Article 32 to correct various technical errors, omissions, and inconsistencies and corrects, clarifies and conforms various references and language. The bill provides for a special effective date.

The Law Department notes that the legislative procedures applicable to this bill are not addressed by the current zoning code or Article 32. Article 32 has yet to take effect. Therefore, the legislative procedures contained in the Article do not apply to Council Bill 17-0021. The legislative procedures provided by the City's current zoning code apply only to "legislative authorizations" or "zoning legislation." See Baltimore City Zoning Code ("ZC"), Article 16 generally. Amendments to the text of Article 32, however, are neither "legislative authorizations" nor "zoning legislation" as defined by Article 16. See ZC § 16-101(c). The procedures applicable to the bill are found in State law, which require only a public hearing advertised for at least 15 days. MD. Land Use Art. § 10-303.

Council Bill 17-0021 primarily is a corrective bill in that it intends to correct technical errors, omissions, and inconsistencies as well as clarifying and conforming various Article 32 references and language. In reviewing the bill, if the City Council concludes that any of its provisions are more substantive in nature than corrective, those provisions can be struck and offered in subsequent legislation. The Law Department points out, however, that whether a bill amending the text of Article 32 is corrective in nature or substantive, until Article 32 becomes effective, the legislative process for either type of bill is identical.




Sincerely,

A handwritten signature in black ink, appearing to read "Victor K. Tervala". The signature is written in a cursive style with a long horizontal stroke at the end.

Victor K. Tervala
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0021 / BALTIMORE CITY ZONING CODE – LEGALIZATION – CORRECTIONS		

DATE: March 24, 2017

TO
 The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

At its regular meeting of March 23, 2017, the Planning Commission considered City Council Bill #17-0021, for the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore – Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0021 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0021 be amended and passed by the City Council.

The Planning Commission would also like to recognize the Fells Point Area residents, Ms. Denise Whitman, Ms. Deborah Tempera and Ms. Carolyn Boitnott for bringing to our attention certain discrepancies in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4).

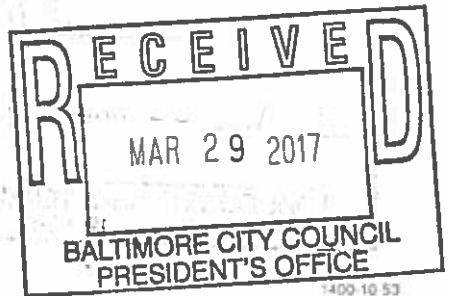
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachments

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawma Austin, Council Services
- Mr. Francis Burnszynski, PABC

Fa v w/ Award





Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 23, 2017

REQUEST: City Council Bill #17-0021/ Baltimore City Zoning Code – Legalization – Corrections:

For the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore - Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

RECOMMENDATION: Amendment and approval, with the following amendments:

- On page 53 of the corrective bill, after line 24, insert the following text, and in line 25 renumber paragraph (2) as (3):
“(1) IN the C-1, C-1-E, C-1-VC DISTRICTS, [and] THE FIRST THREE DWELLING UNITS, AND ANY RESTAURANTS, RETAIL GOODS ESTABLISHMENTS, PERSONAL SERVICES ESTABLISHMENTS, FINANCIAL INSTITUTIONS, AND CARRY-OUT FOOD SHOPS ARE EXEMPT FROM THE OFF-STREET PARKING REQUIREMENTS OF TABLE 16-406;
(2) THE C-5 [Districts] SUBDISTRICTS and all non-residential uses in the R-MU and D-MU Overlay Districts are exempt from parking requirements.”
- On page 85, line 8 of the corrective bill (Table 10-301), strike “Per § 14-327” from the Use Standards reference for Dwelling: Multi-Family.
- On page 95, line 7 of the corrective bill (Table 11-301), strike “Per § 14-327” from the Use Standards reference for Dwelling: Multi-Family.
- On page 104 of the corrective bill (Table 12-301), in line 5 in the Districts column, amend the “CB” to read “CB, P¹”. Then, before line 15, add text for the new footnote 1 as follows, renumbering the subsequent footnotes:
“¹ A Neighborhood Commercial Establishment is a permitted use only if: (i) the structure has 50 or more dwelling units; and (ii) non-residential uses are limited to 10% of the structure’s gross floor area.”
- The additional amendments proposed by the Department of Legislative Reference, Draft V, dated March 19, 2017.
- It has been brought to staff’s attention that text changes in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4), concerning substitution, at least, of “may” for “shall” in several places had been made prior to the Third Reader version of the bill. Staff recommends that the Department of Legislative Reference, Law Department and Council President’s office make a recommendation to the Land Use and Transportation Committee on which usage is correct.

STAFF: Eric Tiso

PETITIONER: The Administration, on behalf of the Department of Legislative Reference

HISTORY

- On March 21, 2013, the Planning Commission reviewed and forwarded a comprehensive list of recommendations on CCB #12-0152 (later adopted as Ord. #16-581).
- On September 19, 2013, the Planning Commission reviewed additional amendments and forwarded its recommendation on CCB #12-0152.
- On December 5, 2016, CCB #12-0152 was signed by the Mayor as Ord. #16-581, to take effect on June 5, 2017.

ANALYSIS

Background and Bill Effects: After a number of years of effort to establish a comprehensive replacement of the Zoning Code, it was approved by the City Council on the last day of the Council session, and then signed by the Mayor. Given the volume of work done on the bill leading up to its enactment at the close of the session, there was not sufficient time for the staff of various commenting agencies to review and help ensure the various amendments would be sufficient, would achieve what was intended, and would be clear and easy to understand. As a result, there are a number of corrections required ranging from simple spelling and punctuation errors, to ensuring that the text is internally consistent, and that it correctly conveys the legislative intent as approved.

The first 65 pages of the bill make corrections to the text, and the balance of the bill are the corrections to the tables. A separate bill will be introduced for corrections to the zoning map approved with Ord. #16-581. A listing and explanation of each and every correction proposed would be unwieldy, but the corrections can be categorized into a several groups below:

Corrections to typographical and grammatical errors: These are simple fixes for misspelling, number, correct use of English, and correct legal phraseology. Examples include on page 5 for the addition of a hyphen for “on-site” (in §1-303.c), and on page 7 for the addition of a comma following the words “shared wall” (in §1-305(s)).

Corrections to references: These corrections are to conform references to other parts of law, or other documents. An example is on page 15, where “Baltimore City Building Code” becomes “Baltimore City Building, Fire, and Related Codes” (in §2-203(2)).

Conforming or coordinating language across the code: These are corrections to ensure that terms are used consistently throughout the code, and in the most current forms. An example of making text consistent is found at the top of page 9 in the bill (in §1-307(b)), where the term “Greenhouse” is used throughout the code, where a variety of terms had been used in the text, including high tunnel, hoop-house, and cold-frame. Another example is on page 52, in §16-402(b)(2), where is updated from an older term “Handicap van accessible floors” to the preferred terminology of “Floors accessible to ADA-compliant vans ...”.

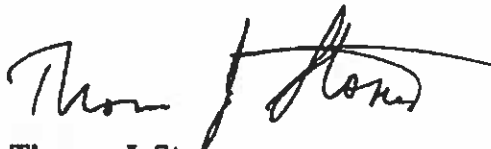
Simplifying or rearranging the text or tables for readability: These corrections are for consolidating related text, making things more visible, or arranging the text for better readability. An example is relocating a reference that requires Site Plan Review for all development within the C-5-IH district from Table 10-401, to a more obvious place - in the list of when Site Plan Review is applicable on page 18 (in §4-203, as a new (9)). Similarly, the minimum district size required to establish an Office-Industrial Campus is relocated from Table 11-401, to the text on page 25, under §11-201(a)(2).

Rearranging, or grouping text for brevity: This is simply rearranging parts of the text or tables to use less space, and the grouping together of similar or related text. An example is on page 38, in §13-202(b), where item (4) that required a minimum of five acres could be joined to item (1) above with the same requirement to save space. Similarly, in the tables, where one or more uses are identically allowed in a given district, those uses can be grouped into only one line to save space. An example is on page 79, in Table 9-301, Dwelling: Detached and Dwelling: Semi-Detached are treated identically, and so can be consolidated into one line as Dwelling: Detached or Semi-Detached.

Amendments: Staff proposes six amendments to the bill. The first amendment inserts a missing amendment adopted by Council (T-807). The second and third amendments remove a reference to §14-327 in Tables 10-301 and 11-301. The fourth reinserts a dropped footnote to Table 12-301. The fifth adopts the additional amendments proposed by the Department of Legislative Reference, Draft V, dated March 19, 2017. The sixth amendment notes that there were text changes in Tables 12-903 (1), 12-903 (2), 12-903 (3), and 12-903 (4), concerning substitution of “may” for “shall” in several places. Staff recommends that the Law Department and Council President’s office make a recommendation to the Land Use and Transportation Committee on which usage is correct.

Staff believes that these changes correct errors in the final Ordinance, and that it improves the readability of the text so that it may be more easily understood and used. For these reasons, staff recommends approval of the bill.

Community Notification: Notice of this action was sent to 8,624 individuals via GovDelivery.



Thomas J. Stosur
Director

**AMENDMENTS TO COUNCIL BILL 17-021
(1st Reader Copy)**

Proposed By: Department of Legislative Reference
{To be offered to the Land Use and Transportation Committee}

ADDITIONAL TEXT CORRECTIONS

Amendment No. 1 {§ 7-202}

On page 1, in line 17, after “5-901,” insert “7-202.”; and, on page 22, after line 18, insert:

“§ 7-202. Use regulations.

Only those uses of land listed in Table 7-202: Open-Space Districts – Permitted and Conditional Uses are allowed within [the] AN Open-Space Zoning District.”.

Amendment No. 2 {§ 11-301}

On page 1, in line 19, after “11-202(a),” insert “11-301.”; and, on page 25, after line 23, insert:

“Subtitle 3. Use Regulations

§ 11-301. As listed in Table 11-301

Only those uses of land listed [under] IN Table 11-301: Industrial Districts – Permitted and Conditional Uses are allowed within these zoning districts.”.

Amendment No. 3 {§ 12-301}

On page 29, in line 3, after “listed”, strike “under” and substitute “IN”.

Amendment No. 4 {§ 12-402}

On page 1, in line 21, after “and (i),” insert “12-402.”; and, on page 29, after line 25, insert:

“§ 12-402. Use regulations.

Only those uses of land listed [under] IN Table 12-402: Transit-Oriented Development Districts – Permitted and Conditional Uses are allowed within [the] A TOD Zoning [Districts] DISTRICT.”.

ADDITIONAL TABLE CORRECTIONS

Amendment No. 5 {Table 7-203}

On page 73, in the unnumbered row after line 12, in the 1st column, insert “MINIMUM YARDS”; and, in line 14, strike “MINIMUM YARDS” and substitute “Interior-Side Yard”; and, in line 15, strike “Corner Side” and substitute “Corner-Side”.

Amendment No. 6 {Table 8-401}

On page 77, in line 27, in columns for R-1A through R-1E Districts, in each instance, strike “25%” and substitute “40%”; and, in the same line, in the columns for R-1 through R-4 Districts, strike “30%” or “35%”, as the case may be, and, in each instance, substitute “50%”.

Amendment No. 7 {Table 9-401}

On page 83, in line 5, in the column for the R-7 District, strike “21 feet” and substitute “15 feet”.

Amendment No. 8 {Table 10-301}

On page 85, in line 22, in the column for the C-2 District, strike “CB” and substitute “P”.

Amendment No. 9 {Table 12-602}

On page 115, in line 20, strike “20 feet” and substitute “10 feet”; and, on the same page, in line 22, strike “10 feet” and substitute “15 feet”.

Amendment No. 10 {Table 12-1303}

On page 135, in the unnumbered row after line 3, strike the column headings “TOD-1”, “TOD-2”, “TOD-3”, and “TOD-4”, and substitute “PC-1”, “PC-2”, “PC-3”, and “PC-4”, respectively.

EDUCATIONAL AND HOSPITAL CAMPUS DISTRICTS – TEXT-TO-TABLE TRANSFERS

Amendment No. 11 {Title Function Paragraphs}

On page 1, in line 22, before “12-502(a)(2)”, insert “12-501.”; and, in the same line, before “12-602(a)(2)”, insert “12-601.”; and, on page 2, in line 15, strike “12-601(a)(6).”.

Amendment No. 12 {§ 12-501}

On page 30, after line 16, insert:

“12-501. Use Regulations.

[(a) EC-1 Educational Campus: Primary or Secondary.]

[(1) Permitted uses.]

[In an EC-1 Educational Campus District, the following uses are permitted:

- (i) Community-managed open-space gardens (See § 14-307 for use standards).**
- (ii) Day-care centers: Child (See § 14-309 for use standards).**
- (iii) Educational facilities: Primary or secondary, including ancillary dormitory and residential uses.**
- (iv) Parking garages (principal use) (See § 14-331 for use standards).**
- (v) Parking lots (See § 14-331 for use standards).**
- (vi) Places of worship (See § 14-332 for use standards).**
- (vii) Telecommunications base stations – Stealth design (See § 14-338 for use standards).**
- (viii) Urban agriculture (See § 14-339 for use standards).**
- (ix) Utilities (See § 14-340 for use standards).**
- (x) Wireless communications services – as modification to, but without substantial change in physical dimensions of, an existing telecommunications facility (See § 14-338 for use standards).]**

[(2) Conditional uses.]

[In an EC-1 Educational Campus District, the following uses are conditional uses, requiring approval by the Board of Municipal and Zoning Appeals:

- (i) Community-managed open-space farms (See § 14-307 for use standards).**
- (ii) Telecommunications facilities not otherwise permitted (See § 14-338 for use standards).]**

[(b) EC-2 Educational Campus: Post-Secondary.]

[(1) Permitted uses.]

[In an EC-2 Educational Campus District, the following uses are permitted:

- (i) Community-managed open-space gardens (See §14-307 for use standards).
- (ii) Day-care centers: Adult or Child (See §14-309 for use standards).
- (iii) Educational facilities: Post-secondary, including ancillary dormitory and residential uses.
- (iv) Educational facilities: Primary or secondary, including ancillary dormitory and residential uses.
- (v) Fraternity or sorority houses (See § 14-313 for use standards).
- (vi) Parking garages (principal use) (See §14-331 for use standards)
- (vii) Parking lots (See §14-331 for use standards).
- (viii) Personal services establishments.
- (ix) Places of worship (See §14-332 for use standards).
- (x) Retail goods establishments – no alcoholic beverage sales.
- (xi) Restaurants.
- (xii) Telecommunications base stations – Stealth design (See § 14-338 for use standards).
- (xiii) Urban Agriculture (See § 14-339 for use standards).
- (xiv) Utilities (See § 14-340 for use standards).
- (xv) Wireless communications services – as modification to, but without substantial change in physical dimensions of, an existing telecommunications facility (See § 14-338 for use standards).]

[(2) Conditional uses.]

[In an EC-2 Educational Campus District, the following uses are conditional uses, requiring approval by the Board of Municipal and Zoning Appeals:

- (i) Community-managed open-space farms (See § 14-307 for use standards).
- (ii) Telecommunications facilities not otherwise permitted (See § 14-338 for use standards).]

ONLY THOSE USES OF LAND LISTED IN TABLE 12-501: EDUCATIONAL CAMPUS DISTRICTS – PERMITTED AND CONDITIONAL USES ARE ALLOWED WITHIN AN EDUCATIONAL CAMPUS ZONING DISTRICT.”.

Amendment No. 13 {§ 12-601}

On page 31, strike lines 11 through 15, in their entireties, and substitute:

“[(a) Permitted uses.]

[In a Hospital Campus District, the following uses are permitted:

- (1) Day-care centers: Adult or Child (See § 14-309 for use standards).
- (2) Educational facilities: Post-secondary, including ancillary dormitory and residential uses.
- (3) Health-care clinics.
- (4) Hospitals, including ancillary dormitory and residential uses.

- (5) {Reserved}
- (6) Medical support facilities.
- (7) Offices.
- (8) Parking garages (Principal use) (See §14-331 for use standards).
- (9) Parking lots (See § 14-331 for use standards).
- (10) Personal services establishments.
- (11) Places of Worship (See §14-332 for use standards).
- (12) Recreation - Indoor and outdoor.
- (13) Research and development.
- (14) Residential-care facilities (See § 14-334 for use standards).
- (15) Restaurants.
- (16) Retail goods establishments – no alcoholic beverage sales.
- (17) Telecommunications base stations – Stealth design (See § 14-338 for use standards).
- (18) Utilities (See § 14-340 for use standards).
- (19) Wireless communications services – as modification to, but without substantial change in physical dimensions of, an existing telecommunications facility (See § 14-338 for use standards).]

[(b) Conditional uses.]

[In a Hospital Campus District, the following uses are conditional uses, requiring approval by the Board of Municipal and Zoning Appeals:

- (1) Helistop.
- (2) Hotels, motels, and rooming houses.
- (3) Telecommunications facilities not otherwise permitted (See § 14-338 for use standards).]

ONLY THOSE USES OF LAND LISTED IN TABLE 12-601: HOSPITAL CAMPUS DISTRICTS – PERMITTED AND CONDITIONAL USES ARE ALLOWED WITHIN A HOSPITAL CAMPUS ZONING DISTRICT.”.

Amendment No. 14 {Substituted Tables}

After page 112, insert new *Table 12-501: Educational Campus Districts – Permitted and Conditional Uses* and, after page 114, insert new *Table 12-601: Hospital Campus Districts – Permitted and Conditional Uses*, to read as shown on the following pages:

{PAGE LEFT INTENTIONALLY BLANK}

**TABLE 12-501: EDUCATIONAL CAMPUS DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS		USE STANDARDS
	EC-1	EC-2	
RESIDENTIAL			
Dormitory (Ancillary to Educational Facility)	P	P	
Dwelling (Ancillary to Educational Facility)	P	P	Per § 14-327
Fraternity or Sorority House		P	Per § 14-313
Rooming House (Ancillary to Educational Facility)		CB	
INSTITUTIONAL			
Community Center (Ancillary to Educational Facility)		CB	
Cultural Facility (Ancillary to Educational Facility)		CB	Per § 14-308
Educational Facility: Commercial-Vocational		P	
Educational Facility: Post-Secondary		P	
Educational Facility: Primary and Secondary	P	P	
Place of Worship	P	P	Per § 14-332
OPEN-SPACE			
Community-Managed Open-Space Farm	CB	CB	Per § 14-307
Community-Managed Open-Space Garden	P	P	Per § 14-307
Park or Playground	P	P	
Urban Agriculture	P	P	Per § 14-339
COMMERCIAL			
Broadcasting Station (TV or Radio)		P	
Carry-Out Food Shop		P	
Day-Care Center: Adult or Child	P	P	Per § 14-309
Entertainment: Indoor		P	Per § 14-312

Commercial (cont'd)	EC-1	EC-2	
Office	P	P	
Personal Services Establishment		P	
Recreation: Indoor or Outdoor (Ancillary to Educational Facility)	P	P	Per § 14-312
Restaurant		P	
Retail Goods Establishment (No Alcoholic Beverages Sales)		P	
Stadium (Ancillary to Educational Facility)		CB	
INDUSTRIAL			
Research and Development Facility		P	
OTHER			
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	Per § 14-340
Parking Garage (Principal Use)	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	Per § 14-331
Telecommunications Facility ¹	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	Per § 14-340
Wireless Communications Services ²	CB, P	CB, P	Per § 14-338

¹ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

² 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.


**TABLE 12-601: HOSPITAL CAMPUS DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS	USE STANDARDS
	H	
RESIDENTIAL		
Dormitory (Ancillary to Hospital or Educational Facility: Post-Secondary)	P	
Dwelling (Ancillary to Hospital or Educational Facility: Post-Secondary)	P	
Residential-Care Facility	P	Per §14-334
Rooming House	CB	
INSTITUTIONAL		
Community Center (Ancillary to Educational Facility: Post-Secondary)	CB	
Cultural Facility (Ancillary to Educational Facility: Post-Secondary)	CB	Per § 14-308
Educational Facility: Post-Secondary	P	
Hospital	P	
Place of Worship	P	Per §14-332
COMMERCIAL		
Carry-Out Food Shop	P	
Day-Care Center: Adult or Child	P	Per §14-309
Health-Care Clinic	P	
Health Center	P	
Helistop	CB	
Hotel or Motel	CB	
Office	P	
Personal Services Establishment	P	

Commercial (cont'd)	H	
Recreation: Indoor and Outdoor (Ancillary to Hospital or Educational Facility: Post-Secondary)	P	Per §14-312
Restaurant	P	
Retail Goods Establishment (No Alcoholic Beverages Sales)	P	
INDUSTRIAL		
Research and Development Facility	P	
OTHER		
Electric Substation: Enclosed, Indoor, or Outdoor	CB	Per § 14-340
Parking Garage (Principal Use)	P	Per § 14-331
Parking Lot (Principal Use)	P	Per § 14-331
Telecommunications Facility ¹	CB, P	Per § 14-338
Utilities	CB	Per § 14-340
Wireless Communications Services ²	CB, P	Per § 14-338

¹ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

² 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.

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0021	M E M O	

April 3, 2017

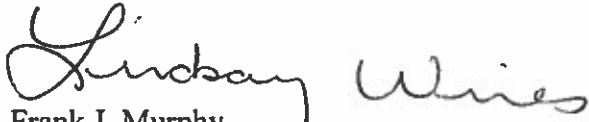
TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

I am herein reporting on City Council Bill 17-0021 for the of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore – Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

The Department of Transportation supports this bill as it provides technical corrections such as spelling, punctuation, textual consistency and ensuring legislative intent.

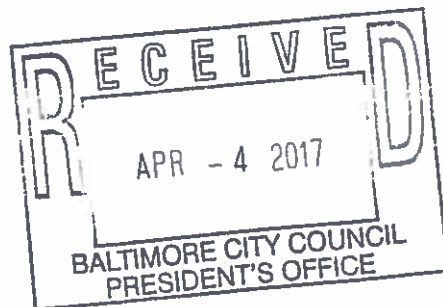
Thank you for this opportunity to comment.

Respectfully,


Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



F

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND
ZONING APPEALS**

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

March 6, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0021: Zoning - Baltimore City Zoning Code - Legalization –
Corrections.

Ladies and Gentlemen:

City Council Bill No. 17-0021 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0021 is to legalize City Code Article 32 {"Zoning"}, as
enacted by Ordinance 16-581 {"TransForm Baltimore - Zoning"} and edited, codified, and
published by the Baltimore City Department of Legislative Reference; further amending new
Article 32 to correct various technical errors, omissions, and inconsistencies and to correct,
clarify, and conform various references and language; providing for a special effective date; and
generally relating to the zoning and development laws of the City of Baltimore.

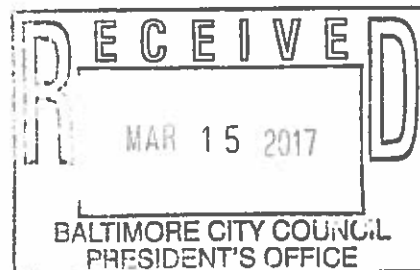
The BMZA has reviewed the legislation and recommends approval to the passage of Bill
Number 17-0021.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations





BALTIMORE HOUSING

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner *MB*

Date: March 31, 2017

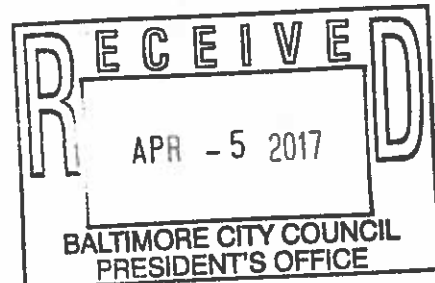
Re: **City Council Bill 17-0021 - Baltimore City Zoning Code – Legalization
– Corrections**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0021, for the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 {"TransForm Baltimore – Zoning"} and edited, codified, and published by the Baltimore City Department of Legislative Reference; further amending new Article 32 to correct various technical errors, omissions, and inconsistencies and to correct, clarify, and conform various references and language; providing for a special effective date; and generally relating to the zoning and development laws of the City of Baltimore.

The Department of Housing and Community Development encourages the passage of City Council Bill 17-0021.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



**CITY OF BALTIMORE
COUNCIL BILL 17-0021
(First Reader)**

Introduced by: The Council President
At the request of: Department of Legislative Reference
Introduced and read first time: February 27, 2017
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: Law Department, Planning Commission, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Baltimore City Zoning Code – Legalization – Corrections**

3 FOR the purpose of legalizing new City Code Article 32 {"Zoning"}, as enacted by Ordinance
4 16-581 {"Transform Baltimore – Zoning"} and edited, codified, and published by the
5 Baltimore City Department of Legislative Reference; further amending new Article 32 to
6 correct various technical errors, omissions, and inconsistencies and to correct, clarify, and
7 conform various references and language; providing for a special effective date; and
8 generally relating to the zoning and development laws of the City of Baltimore.

9 BY repealing and reordaining, with amendments

10 Article 32 - Zoning

11 Sections 1-303(c)(1)(i), (f), and (t), 1-304(f) and (y), 1-305(p), (r) through (s), and (bb),
12 1-306(l), 1-307(a), (b), and (o)(2), 1-308(a)(3), (b)(3), (c)(2)(vi), and (q)(2), 1-310(c)(2),
13 (m)(1), (n)(2), 1-312(q)(1) and (u), 1-311(c), (e), and (o)(4), 1-314(j), 2-201(a), 2-202(b),
14 (h), (i), (j)(1), and (k)(1) and (2), 3-201(c)(intro), 3-202(a) and (l), 3-204(b)(intro) and
15 (3)(iii), 3-205(intro), 4-203(3) through (8), 4-405(a)(13)(iii), 5-202(b)(1), 5-301(b),
16 5-302(b)(1)(v)(intro), 5-305(b)(3)(i), 5-308(b)(7), 5-406(a) and (b)(10), 5-409(d),
17 5-504(intro), 5-601(f), 5-602(e), 5-603(d), 5-604(e) and (f), 5-703, 5-705, 5-901,
18 7-204(c) and (e), 7-306(b), 8-603, 8-606, 9-703(c) and (d), 9-803, 9-806, 10-204(a),
19 10-207(c)(1), 10-502(b), 10-603, 10-606, 11-201(a), 11-202(a), 11-603, 11-606,
20 12-101(11), 12-201 through 12-211, Subtitle 3(caption), 12-301, 12-302(a), 12-303(a),
21 (c), (f), and (i), 12-403(a), 12-405(a)(2) and (d), 12-406(c) and (f), Subtitle 5(caption),
22 12-502(a)(2), 12-503(b), 12-504(c) and (f), Subtitle 6(caption), 12-602(a)(2),
23 12-603(b)(1), 12-604(c) and (f), Subtitle 7(caption), 12-701(intro), Subtitle 9(caption),
24 12-901, 12-904(a)(1), 12-905(b)(4) and (c)(1), 12-906(a)(1), (3), and (6) and (b)(1),
25 (3)(i)(intro), (5), and (12), Subtitle 10(caption), 12-1001(a), 12-1002(intro),
26 12-1003(a)(intro) and (7) and (b)(intro), 12-1004(a), 12-1005(a) and (b)(1), Subtitle
27 11(caption), 12-1101(a), 12-1102(intro), 12-1103(a)(intro) and (b)(intro), 12-1104,
28 12-1105(a), 12-1301, 12-1302, 12-1303(a), 12-1304(a), (c) and (e), 13-102(a), 13-201(a),
29 13-202(b), 13-501, 13-503(b), 14-307(b)(2), 14-309(a), 14-310(a), 14-311(g),
30 14-313(a)(2)(ii), 14-316(b), 14-318(e), 14-324(b)(1), 14-325(a), 13-326(a) and (d)(2),
31 14-327(c)(intro), 14-331(a)(2) and (b)(5), 14-333(b)(1), 14-334(a)(3) and (b)(2),
32 14-338(d)(2)(i) and (k)(3)(i), 14-339(b), 14-340, 14-401(a) through (d) and (e)(3), (4)(ii),

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

Council Bill 17-0021

1 and (5), 15-201(a), 15-301(b)(5), 15-401(a), 15-403(c), 15-502(c), 15-503, 15-504(intro),
2 15-506, 15-508(b), 15-509(f) and (g), 15-510(b)(4), 15-511(b)(3)(intro), (4) through (6),
3 and (c)(3), 15-515(c) through (e), 15-516(c)(2)(iii) and (3)(iii), 15-517(d), 15-518(c)(2),
4 15-701, 15-702(a)(intro), 16-201(b), 16-203(b), 16-401(e), 16-402(b), 16-404(a) and (c),
5 16-405(a) and (b)(1), 16-601(b)(2)(i)(intro) and (f), 16-602(b) and (e), 16-701(h)(4)
6 and (8), (i), (j)(3), and (k), 16-705(a) through (d), 16-901(b)(2) and (g), 16-902(a)(1)
7 and (c), 18-201(b), (c), and (d), 18-202, 18-206(b)(1)(i), 18-311(a), 18-401(a), 18-406,
8 18-411(e)(2), 18-412(a)(2)(i), 18-413, 18-601(b), 18-701(a), (b)(2) and (3)(i)(intro),
9 and Title 19 in its entirety.

10 Baltimore City Code
11 (Edition 2000)

12 **BY repealing**

13 Article 32 - Zoning

14 Section(s) 1-302(p) and (s), 1-306(u), 1-309(j) and (u), 1-310(s), and (w), and (x), 1-311(w),
15 1-312(c) and (e), 1-314(e), 2-201(f), 3-202(b)(3), 12-601(a)(6), 15-514(1), 16-411, and
16 18-301.

17 Baltimore City Code
18 (Edition 2000)

19 **BY adding**

20 Article 32 - Zoning

21 Section 1-302(k), 1-305(q-1), 1-306(z), 1-310(i), 1-311(q-1), 1-312(s), 1-315(f) and (g),
22 4-203(9), 12-102, 12-505, and 12-605

23 Baltimore City Code
24 (Edition 2000)

25 **BY repealing and reordaining, without amendments**

26 Article 32 - Zoning

27 Section 1-305(o), (q), (t), and (u)

28 Baltimore City Code
29 (Edition 2000)

30 **BY repealing**

31 Article 32 - Zoning

32 In Title 6, the subtitle designation "Subtitle 4. Exempt Essential Services"

33 Baltimore City Code
34 (Edition 2000)

35 **BY renumbering, with amendments**

36 Article 32 - Zoning

37 Section 6-401

38 to be

39 Section 2-202

40 and

41 Section 2-202

42 to be

43 Section 2-203

44 Baltimore City Code
45 (Edition 2000)

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1 BY repealing
2 Article 32 - Zoning
3 Tables 7-202 through 17-812
4 Baltimore City Code
5 (As enacted by Ordinance 16-581))

6 BY adding
7 Article 32 - Zoning
8 Tables 7-202 through 17-812
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing
12 Article 1 - Mayor, City Council, and Municipal Agencies
13 Section 40-14(e)(8) and 41-14(7)
14 Baltimore City Code
15 (Edition 2000)

16 BY renumbering
17 Article 1 - Mayor, City Council, and Municipal Agencies
18 Section 40-14(e)(5) and (5a)
19 to be
20 Section 40-14(e)(5a) and 5(c), respectively
21 Baltimore City Code
22 (Edition 2000)

23 BY adding
24 Article 1 - Mayor, City Council, and Municipal Agencies
25 Section 40-14(e)(5b) and 41-14(4a)
26 Baltimore City Code
27 (Edition 2000)

28 BY repealing
29 Article 19 - Police Ordinances
30 Section 71-2(i)(3)
31 Baltimore City Code
32 (Edition 2000)

33 BY renumbering
34 Article 19 - Police Ordinances
35 Section 71-2(i)(3a)
36 to be
37 Section 71-2(i)(3)
38 Baltimore City Code
39 (Edition 2000)

Council Bill 17-0021

1 BY adding
2 Article 19 - Police Ordinances
3 Section 71-2(i)(5)
4 Baltimore City Code
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
7 City Code Article 32 {"Zoning"}, as enacted by Ordinance 16-581 and as edited, codified, and,
8 on March 15, 2017, published by the Baltimore City Department of Legislative Reference, is
9 legalized. That Article, as further amended by this Ordinance, is and may be taken by all public
10 officials and others as evidence of all general zoning ordinances of the Mayor and City Council
11 in effect as of the effective date of this Ordinance.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
13 follows:

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Baltimore City Code

Article 32. Zoning

Title 1. General Provisions

Subtitle 3. Definitions

§ 1-302. “Abut” to “Awning”.

(K) *AGE-RESTRICTED RESIDENTIAL-CARE FACILITY.*

“AGE-RESTRICTED RESIDENTIAL-CARE FACILITY” MEANS A RESIDENTIAL-CARE FACILITY THAT RESTRICTS RESIDENTS TO INDIVIDUALS 62 YEARS OLD OR OLDER.

[(p) *Alternative energy system: Private.*

“Alternative energy system: Private” means an alternative energy system that:

- (1) primarily produces energy for consumption on site by a property owner;
and
- (2) secondarily might supply excess energy to an electric grid.]

[(s) *Arbor.*]

[“Arbor” means a freestanding structure used in a garden to support vines or climbing plants.]

§ 1-303. “Bail bond establishment” to “Child day-care home”.

(c) *Banquet hall.*

(1) *In general.*

“Banquet hall” means an establishment:

- (i) for which all events are directly managed by the owner of the facility or by a person [or persons] regularly employed by the owner and responsible to the owner for the [onsite] ON-SITE management of all events held in that facility and for event arrangements;

.....

(f) *Bed and breakfast.*

“Bed and breakfast” means an owner-occupied, single-family dwelling that:

- (1) is used primarily as a the owner’s personal home; but

Council Bill 17-0021

1 (2) also, while the owner is in residence, [offers] PROVIDES lodging in 3 or fewer
2 guest rooms to members of the general public who have primary residences
3 elsewhere.

4 (t) *Carry-out food shop.*

5 “Carry-out food shop” means [a restaurant or other] AN establishment where prepared
6 food is served in disposable containers or wrappers from a serving counter, primarily for
7 off-premises consumption.

8 § 1-304. “Chimney” to “Day-care center: Child”.

9 (f) *Commercial vehicle.*

10 “Commercial vehicle” [means:] HAS THE MEANING STATED IN CITY CODE ARTICLE 31
11 {“TRANSIT AND TRAFFIC”}, § 1-1(F) {“DEFINITIONS – A TO L: COMMERCIAL VEHICLE”}.

12 [(1) every vehicle designed, maintained, and used primarily for the
13 transportation or hauling of property, including equipment, merchandise,
14 parcels, earth, trash, refuse, scrap, or motor vehicles;

15 (2) every vehicle, except a passenger car (as defined in Maryland Vehicle
16 Law § 11-144.1), that has commercial advertising on the exterior of the
17 vehicle or on equipment attached to the vehicle;

18 (3) every vehicle that has a maximum gross vehicle weight of 7,000 pounds or
19 more or a manufacturer’s rated capacity of ¾-ton or more; and

20 (4) every vehicle that is designed to carry more than 15 passengers and is
21 used to carry people.]

22 (y) *Day-care center: Child.*

23 (1) *In general.*

24 “Day-care center: Child” means an establishment that provides care for 3 or more
25 children on less than a 24-hour basis.

26 [(2) *Inclusions.*]

27 [“Day-care center: Child” includes nursery schools and Montessori schools.]

28 (2) [(3)] *Exclusions.*

29 “Day-care center: Child” does not include:

30 (i) a program that, as an accessory use to an educational facility or a place
31 of worship, provides care for children; or

32 (ii) a child day-care home.

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1 § 1-305. “Day-care home: Adult” to “Electric substation: Outdoor”.

2 (o) *Dwelling: Detached.*

3 “Dwelling: Detached” means a dwelling that contains a single dwelling unit and is not
4 attached to any other dwelling.

5 (p) *Dwelling: Live-Work.*

6 “Dwelling: Live-Work” means a structure that combines a SINGLE dwelling unit with a
7 non-residential use that:

8 (1) is permitted in the zoning district in which the structure is located and used
9 predominantly by 1 or more of the unit’s residents; or

10 (2) is an arts-related activity, such as painting, photography, sculpture, music, and
11 film, and conducted predominantly by 1 or more of the unit’s residents.

12 (q) *Dwelling: Multi-family.*

13 (1) *In general.*

14 “Dwelling: Multi-family” means a dwelling that contains 2 or more dwelling units.

15 (2) *Inclusions.*

16 “Dwelling: Multi-family” includes common facilities for residents, such as laundry
17 rooms.

18 (Q-1) *DWELLING: MULTI-FAMILY (AGE-RESTRICTED).*

19 *SEE “AGE-RESTRICTED MULTI-FAMILY DWELLING”.*

20 (r) *Dwelling: Rowhouse.*

21 “Dwelling: Rowhouse” means 1 of 3 or more buildings [that are], EACH OF WHICH
22 CONTAINS A SINGLE DWELLING UNIT used for residential occupancy, with each building
23 having its own private entrance and being joined to the others by a party or shared wall.

24 (s) *Dwelling: Semi-detached.*

25 “Dwelling: Semi-detached” means 1 of 2 buildings [that are], EACH OF WHICH CONTAINS
26 A SINGLE DWELLING UNIT used for residential occupancy, with each building having its
27 own private entrance and being joined to the other by a party or shared wall[,] and not
28 otherwise attached to any other dwelling.

29 (t) *Dwelling: Single-family.*

30 “Dwelling: Single-family” means a dwelling that contains only 1 dwelling unit.

Council Bill 17-0021

1 (u) *Dwelling unit.*

2 “Dwelling unit” means 1 or more rooms in a dwelling that:

- 3 (1) are used as living facilities for no more than 1 family; and
4 (2) contain permanently installed bathroom and kitchen facilities reserved
5 for the occupants of those rooms.

6 (bb) *Electric substation: Enclosed.*

7 “Electric substation: Enclosed” means an electric substation that is WITHIN AN ENCLOSED
8 STRUCTURE OR OTHERWISE screened from [any] public [right-of-way by an architectural
9 perimeter wall with a minimum height of 10 feet and a maximum height of 20 feet] VIEW
10 IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE
11 MANUAL.

12 § 1-306. “Encroachment” to “Golf course”.

13 (l) *Food processing: Light.*

14 “Food processing: Light” means an establishment for preparing, processing, canning, or
15 packaging food AND BEVERAGE products, where all these activities are within an enclosed
16 structure and create no outside impacts.

17 [(u) *Gas and electric distribution equipment.*]

18 [(1) *General.*]

19 [“Gas and electric distribution equipment” means aboveground and
20 underground equipment used for electric, gas, communications, or
21 telecommunications systems.]

22 [(2) *Illustrations.*]

23 [“Gas and electric distribution equipment” includes poles, crossarms, anchors,
24 guys, wires, lines, cables, mains, pipes, valves, conduits, manholes, vaults,
25 aboveground and underground transformers, switchgear, regulators, meters,
26 capacitors, pads, street lights, other equipment, and enclosures.]

27 (z) *HOUSING COMMISSIONER; COMMISSIONER OF HOUSING.*

28 “HOUSING COMMISSIONER” OR “COMMISSIONER OF HOUSING” MEANS THE
29 COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT OR THE COMMISSIONER’S
30 DESIGNEE.

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

2 (a) *Government facility[: Public works]*.

3 (1) *In general.*

4 “Government facility[: Public works]” means a structure or land that is operated by
5 a government agency.

6 (2) *Inclusions.*

7 “Government facility[: Public works]” includes [public works facilities,] AGENCY
8 OFFICES, storage yards, PUBLIC WORKS FACILITIES, and utility facilities.

9 (b) *Greenhouse.*

10 (1) *IN GENERAL.*

11 “Greenhouse” means a structure that is:

12 (i) [(1)] devoted to the protection or cultivation of flowers or other tender plants;
13 and

14 (ii) [(2)] constructed chiefly of glass, glass-like or translucent material, cloth, or
15 lath.

16 (2) *BY ANY OTHER NAME.*

17 “GREENHOUSE” INCLUDES A “HIGH TUNNEL”, “HOOP-HOUSE”, “COLD-FRAME”, OR
18 SIMILAR STRUCTURE.

19 (o) *Hospital.*

20 (2) *Inclusions.*

21 “Hospital” includes related facilities integral to the hospital, such as laboratories,
22 outpatient centers, health-care clinics, helistops, training facilities, classrooms, staff
23 OFFICES, ON-SITE MEDICAL WASTE AND STORAGE FACILITIES, and central service
24 facilities.

25 § 1-308. “Industrial: General” to “Lot: Interior”.

26 (a) *Industrial: General.*

27 (3) *Exclusions.*

28 “Industrial: General” does not include or authorize any[: (i) incinerator; (ii) junk or
29 scrap storage and yards; (iii) solid waste sanitary landfill; or (iv) vehicle dismantling
30 facility] USE PROHIBITED BY § 1-218 {“USES PROHIBITED CITYWIDE”} OF THIS TITLE.

Council Bill 17-0021

1 (b) *Industrial: Light.*

2 (3) *Exclusions.*

3 “Industrial: Light” does not include or authorize any[: (i) incinerator; (ii) junk or
4 scrap storage and yards; (iii) solid waste sanitary landfill; or (iv) vehicle dismantling
5 facility] USE PROHIBITED BY § 1-218 {“USES PROHIBITED CITYWIDE”} OF THIS TITLE.

6 (c) *Industrial: Maritime-dependent.*

7 (2) *Inclusions.*

8 “Industrial: Maritime-dependent” includes:

9 . . .

10 (vi) facilities that:

11 (A) are educational in nature, including visitors centers, museums, and
12 interpretive areas, indoor or outdoor[,]; AND

13 (B) [provided those facilities have a connection] ARE SUBSTANTIALLY
14 RELATED to an existing industrial maritime-dependent use,
15 whether on the same parcel or an adjacent parcel to that use.

16 (q) *Lodge or social club.*

17 (2) *Inclusions.*

18 “Lodge or social club” includes:

19 (i) a union hall; and

20 (ii) a non-residential [post-graduate] POST-BACCALAUREATE fraternity and
21 sorority center.

22 § 1-309. “Lot line” to “Motel”.

23 [(j) *Main Street.*]

24 [“Main Street” means a traditional and historic commercial district that adopts the
25 trademarked designation “Main Street” in accordance with criteria set by The
26 National Trust for Historic Preservation.]

27 [(u) *Medical support facility.*]

28 [(1) *In general.*]

29 [“Medical support facility” means a facility commonly associated with the
30 operation of hospitals.]

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1 (2) *Inclusions.*

2 [“Medical support facility” includes:

3 (i) onsite medical waste storage and disposal; and

4 (ii) warehousing and storage of medical related equipment and supplies.]

5 § 1-310. “Motor vehicle” to “Owner”.

6 (c) *Motor vehicle operations facility.*

7 (2) *Exclusions.*

8 “Motor vehicle [dealership] OPERATIONS FACILITY” does not include a [public works
9 or public safety] facility[, where] IN WHICH vehicles for fire, police, or other
10 municipal [departments] AGENCIES are [dispatched,] stored[,] or maintained OR FROM
11 WHICH THESE VEHICLES ARE DISPATCHED.

12 (i) *MULTI-FAMILY DWELLING (AGE-RESTRICTED).*

13 SEE “AGE-RESTRICTED MULTI-FAMILY DWELLING”.

14 (m) *Nursery.*

15 (1) *In general.*

16 “Nursery” means a business whose principal activity is the [retail] sale of plants
17 grown on site.

18 (n) *Office.*

19 (2) *Exclusions.*

20 “Office” does not include[: (i)] fabricating, assembling, repairing, or warehousing
21 physical products for the retail or wholesale market[; or (ii) a government office].

22 [(s) *Outdoor fireplace.*]

23 [“Outdoor fireplace” means a self-contained, manufactured, noncombustible
24 cooking unit that is provided with a tight-fitting screen or lid and supported off
25 the ground by noncombustible legs.]

26 [(w) *Outdoor theater.*]

27 [(1) *In general.*]

28 [“Outdoor theater” means an outdoor venue that is open to the general public,
29 with or without an admission charge, for public speaking, concerts, or other
30 live entertainment.]

Council Bill 17-0021

1 [(2) *Illustration.*]

2 ["Outdoor theater" includes a band shell structure.]

3 [(x) *Overlay District.*]

4 ["Overlay District" means a district established by ordinance that
5 prescribes special regulations to be applied to a site in combination with the
6 underlying zoning district. The overlay district modifies or supplements the
7 regulations of the underlying zoning districts, in recognition of
8 unique circumstances in the area while maintaining the general character and
9 purpose of the underlying zoning districts over which it is located.]

10 § 1-311. "Parapet" to "Processed metal".

11 (c) *Parking garage (principal use).*

12 "Parking garage (principal use)" means a structure the principal use of which is to
13 provide [the public with] off-street parking for motor vehicles, whether for compensation
14 or not.

15 (e) *Parking lot.*

16 "Parking lot" means an open area the principal use of which is to provide [the public
17 with] off-street parking for operable motor vehicles, whether for compensation or not.

18 (o) *Person.*

19 "Person" means:

20 . . .

21 (4) except as used in Title 19, [Subtitle 1] SUBTITLE 2 {"Enforcement"} of this Code
22 for the imposition of civil or criminal penalties, a governmental entity or an
23 instrumentality or unit of a governmental entity.

24 (Q-1) *PLANNING DIRECTOR; DIRECTOR OF PLANNING.*

25 "PLANNING DIRECTOR" OR "DIRECTOR OF PLANNING" MEANS THE DIRECTOR OF THE
26 DEPARTMENT OF PLANNING, AS APPOINTED UNDER CITY CHARTER ARTICLE VII, § 73, OR
27 THE DIRECTOR'S DESIGNEE.

28 [(w) *Private alternative energy system.*]

29 [See "Alternative energy system: Private."]

30 § 1-312. "Property line" to "Roof deck".

31 [(c) *Public works.*]

32 [See "Government facility: Public works"]

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1 [(e) *Rain barrel.*]

2 [“Rain barrel” means a receptacle, reservoir, or tank for storing rainwater.]

3 (q) *Research and development facility.*

4 (1) *In general.*

5 “Research and development facility” means an establishment where research and
6 development activities are conducted in various [fields] DISCIPLINES, including
7 biotechnology, pharmaceuticals, medical instrumentation or supplies, communication
8 and information technology, electronics and instrumentation, and computer hardware
9 and software.

10 (s) *RESIDENTIAL-CARE FACILITY (AGE-RESTRICTED).*

11 *SEE “AGE-RESTRICTED RESIDENTIAL-CARE FACILITY”.*

12 (u) *Retail: Big Box Establishment.*

13 “Retail: Big Box Establishment” means any single-use commercial building, whether
14 stand-alone or within a multi-building development, which single-use [establishment]
15 BUILDING occupies at least 75,000 square feet of gross [leasable] FLOOR area.

16 § 1-314. “Tavern” to “Wholesale Goods”.

17 [(e) *Trellis.*]

18 [“Trellis” means a frame that is:

19 (1) made of wood or metal bars crossed over each other;

20 (2) affixed to a wall; and

21 (3) used to support vines or other climbing plants.]

22 (j) *Urban agriculture.*

23 (1) *In general.*

24 “Urban agriculture” means the cultivation, processing, and marketing of food, with
25 a primary emphasis on operating as a business enterprise [for income-generation].

26 § 1-315. “Yard” to “Zoo”.

27 (F) *ZONING ADMINISTRATOR; ADMINISTRATOR.*

28 “ZONING ADMINISTRATOR” OR “ADMINISTRATOR” MEANS THE EXECUTIVE HEAD OF THE
29 OFFICE OF ZONING ADMINISTRATOR, AS ESTABLISHED UNDER § 3-201 {“ZONING
30 ADMINISTRATOR”} OF THIS CODE, OR THE ADMINISTRATOR’S DESIGNEE.

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1 (G) *ZONING BOARD; BMZA.*

2 "ZONING BOARD" OR "BMZA" MEANS THE BOARD OF MUNICIPAL AND ZONING APPEALS,
3 AS ESTABLISHED IN CITY CHARTER ARTICLE VII, § 82.

4 **Title 2. Purpose, Applicability, Short Title**

5 *Subtitle 2. Applicability*

6 **§ 2-201. Application of Code.**

7 (a) [*Territorial application*] *IN GENERAL.*

8 Except as provided in [§ 6-401] § 2-202 {"Exempt utility and governmental uses"} of
9 this [Code] SUBTITLE, this Code applies to all land, uses, and structures within the
10 corporate limits of Baltimore City.

11 [(f) *Conflicts.*]

12 [If any condition or requirement imposed by this Code contains an actual,
13 implied, or apparent conflict, the more restrictive condition or requirement
14 governs.]

15 **§ 2-202. [§ 6-401.] Exempt utility and governmental uses.**

16 [(a) *Uses allowed.*]

17 Notwithstanding § 2-201 {"Application of Code"} OF THIS SUBTITLE, this Code does not
18 apply to the following uses and structures, unless otherwise specifically provided in this
19 Code:

- 20 (1) overhead electric distribution [cable and] CABLES [equipment,] and telephone lines;
21 (2) underground utility [distribution] lines and equipment;
22 (3) conduits, vaults, pipeline laterals, and mains;
23 (4) traffic signals and government-owned signs;
24 (5) similar installations and equipment or accessories of a public utility or
25 governmental service;
26 (6) public transit shelters;
27 (7) car- and bike-sharing facilities;
28 (8) automobile charging stations, whether electric or solar;

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1 (9) any installation, structure, equipment, or accessory that is owned by a government
2 entity and located in a public right-of-way; and

3 (10) any installation, structure, equipment, or accessory that is located in a public
4 right-of-way and granted a franchise by Ordinance of the Mayor and City Council.

5 [(b) *Gas, electric equipment exempt from setback, screening requirements.*]

6 [The following gas and electric distribution equipment are exempt from the
7 setback and screening requirements of § 14-340(b) {"Aboveground utility
8 structures and electric substations"} of this Code:

9 (1) gas and electric distribution equipment that is located in a commercial
10 or industrial zone; and

11 (2) gas and electric distribution equipment that is:

12 (i) located in an open-space, residential, office-residential or TOD
13 zoning district; and

14 (ii) is no more than 10 feet wide, 10 feet long, or 8 feet high.]

15 § 2-203. [§ 2-202.] Transition rules.

16 (b) *Preexisting unlawful structures and uses.*

17 A structure or use that was unlawful at the time [of the adoption of] this Code BECAME
18 EFFECTIVE (JUNE 5, 2017):

19 (1) does not become lawful solely by the adoption of this Code or any amendment to
20 it; and

21 (2) even if made lawful by this Code or an amendment to it, remains unlawful to the
22 extent that the structure or use conflicts with any of the requirements of this Code
23 or of the Baltimore City [Building Code] BUILDING, FIRE, AND RELATED CODES
24 ARTICLE, including any failure to obtain the necessary use permit AND
25 OCCUPANCY PERMIT.
26

27 (h) *Previously established planned unit development.*

28 For planned unit developments established before [the effective date of this Code] JUNE
29 5, 2017, transition rules are set forth in § 13-102 {"Transition rules"} of this Code.

30 (i) *Previously issued building permits.*

31 If a building permit for a structure was [lawfully] issued before JUNE 5, 2017, OR BEFORE
32 the effective date of [this Code or of] any RELEVANT amendment to [it] THIS CODE and if
33 substantial construction has occurred within 180 days of the issuance of that permit, the
34 structure may be completed in accordance with the plans on the basis of which the
35 building permit was issued.

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1 (j) *Previously granted variances and conditional uses.*

2 (1) All variances and conditional uses granted before JUNE 5, 2017, OR BEFORE the
3 effective date of [this Code or] any RELEVANT amendment to [it] THIS CODE
4 remain effective, and the recipient of the variance and conditional use may proceed
5 to develop the property in accordance with the approved plans.

6 (k) *Pending applications.*

7 (1) An application that has been submitted and considered complete before JUNE 5, 2017,
8 OR BEFORE the effective date of [this Code or of] any relevant amendment to this
9 Code is governed by the Code provisions in effect when the application was
10 submitted.

11 (2) A new application submitted after JUNE 5, 2017, OR AFTER the effective date of [this
12 Code or of] any relevant amendment to this Code is governed by the Code provisions
13 in effect when the application was submitted.

14 **Title 3. Outline of Code Administration**

15 *Subtitle 2. Administrative Agencies and Officials*

16 **§ 3-201. Zoning Administrator.**

17 (c) *Powers and duties – Specific.*

18 The Zoning Administrator[, or his or her designee,] has the following powers and duties
19 under this Code:

20

21 **§ 3-202. Board of Municipal and Zoning Appeals.**

22 (a) *Board established.*

23 There is a Board of Municipal and Zoning Appeals, as established in City Charter Article
24 VII, [§§ 81 and] § 82.

25 (b) *Powers and duties.*

26 In addition to the powers and duties specified in City Charter Article VII, §§ 83 through
27 89 and in State law, the Board of Municipal and Zoning Appeals has the following
28 powers and duties under this Code:

29 . . .

30 [(3) to edit and certify zoning map amendments (Title 5, Subtitle 5);]

31

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1 (l) *Voting – Number of votes.*

2 The number of votes specified in the State Land Use Article is required for the Board to:

3 (1) reverse any order, requirement, decision, or determination MADE OR IMPOSED
4 UNDER THIS CODE [of] BY the Zoning Administrator OR BY SOME OTHER
5 AUTHORIZED ADMINISTRATIVE OFFICER OR ADMINISTRATIVE UNIT; or

6 (2) decide in favor of the applicant on any matter on which it is required to
7 pass under this Code.

8 **§ 3-204. Director of Planning.**

9 (b) *Powers and duties.*

10 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
11 80, the Director of Planning], or his or her designee,] has the following powers and duties
12 under this Code:

13 ...

14 (3) from time to time, to initiate a study of this Code, the Design Manual, and the
15 Landscape Manual and report his or her recommendations to:

16 ...

17 (iii) the HOUSING Commissioner [of Housing and Community Development];

18 ...

19

20 **§ 3-205. Commissioner of Housing and Community Development.**

21 In addition to the powers and duties specified elsewhere in the City Code, the Commissioner
22 of Housing and Community Development (who also serves as the Building Official)[, or his
23 or her designee,] has the power and duty under this Code:

24

25 **Title 4. Development Reviews**

26 *Subtitle 2. Site Plan Review*

27 **§ 4-203. Applicability.**

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

29 ...

30 (3) additions or [major] structural alterations to an existing structure, other than a single-
31 family detached or semi-detached dwelling, that results in a 50% increase in gross
32 floor area over the gross floor area of the existing structure prior to the addition or
33 alteration;

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- 1 (4) planned unit development;
- 2 (5) conditional use, unless the conditional use can and will be fully [accommodated by]
- 3 CONTAINED WITHIN an existing structure;
- 4 (6) parking lot or structures containing 5 or more MOTOR VEHICLE PARKING spaces;
- 5 (7) any development within an environmentally sensitive area, including projects
- 6 in a 100-Year Flood Plain and projects within the Buffer of the Critical Area
- 7 (see Subtitle 3 {"Environmentally Sensitive Areas Review"} of this title); [and]
- 8 (8) urban agriculture or community-managed open-space farm; AND
- 9 (9) ANY DEVELOPMENT WITHIN THE C-5-IH SUBDISTRICT.

Subtitle 4. Design Review

§ 4-405. Applicability.

(a) *In general.*

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

15 ...

16 (13) any new construction that involves:

17 ...

18 (iii) construction [on a] IN AN AREA designated A“Main Street” IN
19 ACCORDANCE WITH CRITERIA SET BY THE NATIONAL TRUST FOR HISTORIC
20 PRESERVATION; or

21

Title 5. Applications and Authorizations

Subtitle 2. Applications

§ 5-202. Completeness review.

(b) *Subsequent changes.*

- 26 (1) After an application is determined to be complete, any change made by the applicant
- 27 to the application must be submitted to the Zoning Administrator and the Board of
- 28 Municipal and Zoning Appeals no later than 15 days before the date scheduled for the
- 29 hearing to be held under this [subtitle] TITLE.

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Subtitle 3. Variances

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§ 5-301. Purpose.

(b) Application.

The variance procedure applies only to changes in bulk and yard [requirements] REGULATIONS. It does not apply to changes in the uses allowed within a zoning district.

§ 5-302. Minor and major variances.

(b) Minor variances.

(1) Minor variances comprise the following specified variances:

...

(v) a variance to bulk or yard [requirements] REGULATIONS if:

...

....

§ 5-305. Major variances.

(b) Procedures before the BMZA.

(3) Decision by Board.

(i) The Board of Municipal and Zoning Appeals must render its written decision, approving, approving with [qualifications] CONDITIONS, or denying the application, within 30 days of the close of the public hearing.

...

....

§ 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:

...

(7) the variance will not otherwise:

- (i) be detrimental to or endanger the public health, safety, or welfare; or
- (ii) be in any way [be] contrary to the public interest.

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Subtitle 4. Conditional Uses

§ 5-406. Approval standards.

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals nor the City Council, as the case may be, may approve a conditional use unless, AFTER PUBLIC NOTICE AND HEARING AND on consideration of the standards required by this subtitle, it finds that:

(1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;

(2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;

(3) the authorization would not be contrary to the public interest; [or] AND

(4) the authorization would [not] be in harmony with the purpose and intent of this Code.

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

...

(10) the provisions of the [City] CITY'S Comprehensive Master Plan;

....

§ 5-409. Revocations, etc., of conditional use.

(d) *How notice served.*

All notices must be served by 1 of the [following] methods[: (1) first class mail; (2) personal service by an authorized representative of the City, which service must be certified on the records of the Zoning Administrator; or (3) if service by either of those methods fails, posting of the property] SPECIFIED IN § 9-207 {"VIOLATION NOTICE: SERVICE"} OF THIS CODE.

Subtitle 5. Legislative Authorizations

§ 5-504. Referrals.

Once a bill proposing a [legislation] LEGISLATIVE authorization has been introduced, the City Council must refer the bill to the following for their written reports and recommendations:

....

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Subtitle 6. Notices

§ 5-601. Map or text amendments; PUDs.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice MUST BE:

- (1) [must be] posted [at least] at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

§ 5-602. Major variances; Conditional uses.

(e) Timing of notice.

The posted notice MUST BE:

- (1) [must be] posted [at least] at least [30] 21 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

§ 5-603. Minor variances.

(d) Timing of notice.

The posted notice MUST BE:

- (1) [must be] posted [at least] at least 10 days before the Zoning Administrator makes a decision on the application; and
- (2) removed within 48 hours after a written decision is issued.

§ 5-604. Planning Commission consideration of site-specific projects.

(e) Timing of notice.

THE POSTED NOTICE MUST BE:

- (1) [must be] posted [for] at least [the] 10 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the hearing.

(f) Copy of agenda to Councilmembers.

[On or before the] AT LEAST 4 calendar days [preceding] BEFORE any meeting of the Planning Commission, the Commission must deliver to each member of the City Council, by email or in person, an agenda of all matters that the Planning Commission proposes to consider at that meeting.

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Subtitle 7. Use Permits

§ 5-703. Authorization and issuance.

A use permit for a structure or land is:

(1) authorized by the Zoning Administrator; and

(2) issued by the HOUSING Commissioner [of Housing and Community Development].

§ 5-705. Procedure.

The procedure for authorizing and obtaining a use permit is as determined by the HOUSING Commissioner [of Housing and Community Development].

Subtitle 9. Zoning Verifications

§ 5-901. Purpose.

A zoning verification is a document issued by the Zoning Administrator, at an applicant's request and for the applicant's own use, that states whether a property complies with the use REGULATIONS [and] OR bulk AND YARD regulations of the district in which it is located. It is not required by this Code.

Title 6. Zoning Districts; Maps and Profiles

[Subtitle 4. Exempt Essential Services]

Title 7. Open-Space and Environmental Districts

Subtitle 2. Open-Space Zoning District

§ 7-204. Other applicable standards.

(c) *Site development standards.*

On-site development standards[, such as permitted encroachments and exterior lighting regulations,] are [as] set forth in Title 15 {"Site Development Standards"} of this Code.

(c) *Landscaping and screening.*

All landscaping and screening must comply with the [regulations] REQUIREMENTS of the Baltimore City Landscape Manual.

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Subtitle 3. Floodplain Overlay Zoning District

§ 7-306. Variances and conditional uses.

(b) *Warning letters.*

If the Board of Municipal and Zoning Appeals grants a variance or conditional use under this section, the Board must attach to its decision a warning that:

- (1) construction [located] below the base flood level [will] MAY result in increased premium rates for flood insurance; and
- (2) construction below the base flood level increases risks to life and property.

Title 8. Detached and Semi-Detached Residential Districts

§ 8-603. Site development.

On-site development standards[, such as permitted encroachments and exterior lighting regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

§ 8-606. Landscaping and screening.

All landscaping and screening must comply with the [regulations] REQUIREMENTS of the Baltimore City Landscape Manual.

Title 9. Rowhouse and Multi-Family Residential Districts

Subtitle 7. Residential Conversions

§ 9-703. Conversion standards.

(c) *GFA per dwelling unit.*

The converted dwelling must meet the following gross floor area per unit type:

- | | |
|------------------------------------|--------------------|
| [(1) efficiency unit: | 500 square feet.] |
| (1) [(2)] 1-bedroom unit: | 750 square feet. |
| (2) [(3)] 2-bedroom unit: | 1,000 square feet. |
| (3) [(4)] 3- or more bedroom unit: | 1,250 square feet. |

(d) *Bulk AND YARD regulations.*

The dwelling must continue to conform to the applicable bulk AND YARD regulations, including lot area per dwelling unit, for the district in which the building is located.

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Subtitle 8. Other Applicable Standards

§ 9-803. Site development.

On-site development standards[, such as permitted encroachments and exterior lighting regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

§ 9-806. Landscaping and screening.

All landscaping and screening must comply with the [regulations] REQUIREMENTS of the Baltimore City Landscape Manual.

Title 10. Commercial Districts

Subtitle 2. District Descriptions

§ 10-204. C-2 Community Commercial District.

(a) *Areas for which intended.*

The C-2 Community Commercial Zoning District is intended for areas of small to medium-scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, [the automobile] AUTOMOBILES.

§ 10-207. C-5 Downtown District.

(c) *Subdistricts.*

(1) *In general.*

In order to address the different character areas that make up Downtown, the C-5 District is divided into the following subdistricts, for which varied [height and] bulk AND YARD [standards] REGULATIONS are provided to recognize the different physical characteristics of Downtown.

Subtitle 5. Design Standards for C-5 District

§ 10-502. Open-space plazas.

(b) *Design requirements.*

[(1)] Open-space plazas must comply with the following design requirements[.]:

- (1) [(2) Plazas] A PLAZA must be designed to be accessible from adjoining buildings and for generally unobstructed pedestrian circulation throughout the plaza[.]; AND
- (2) [(3) Visibility] VISIBILITY into the plaza may not be entirely blocked by structures.

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Subtitle 6. Other Applicable Standards

§ 10-603. Site development.

On-site development standards[, such as permitted encroachments and exterior lighting regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

§ 10-606. Landscaping and screening.

All landscaping and screening must comply with the [regulations] REQUIREMENTS of the Baltimore City Landscape Manual.

Title 11. Industrial Districts

Subtitle 2. District Descriptions

§ 11-201. OIC Office-Industrial Campus District.

(a) *IN GENERAL.*

(1) *Intent.*

The OIC Office-Industrial Campus Zoning District is intended for developments of large office structures, research and development facilities, and light industrial uses.

(2) *MINIMUM SIZE OF DISTRICT.*

AN OIC DISTRICT MUST ENCOMPASS AT LEAST 1 ACRE OF LAND.

§ 11-202. BSC Bio-Science Campus District.

(a) *IN GENERAL.*

(1) *Intent.*

The BSC Bio-Science Campus Zoning District is intended to accommodate bio-science campuses, including supportive uses, and some residential uses.

(2) *MINIMUM SIZE OF DISTRICT.*

A BSC DISTRICT MUST ENCOMPASS AT LEAST 1 ACRE OF LAND.

Subtitle 6. Other Applicable Standards

§ 11-603. Site development.

On-site development standards[, such as permitted encroachments and exterior lighting regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

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1 **§ 11-606. Landscaping and screening.**

2 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
3 Baltimore City Landscape Manual.

4 **Title 12. Special Purpose Districts**

5 *Subtitle 1. Purpose of Title*

6 **§ 12-101. In general.**

7 The purpose of this title is to set out the use regulations, bulk and yard regulations, and other
8 standards for:

9 . . .

10 (11) Port Covington Zoning [Districts] DISTRICT.

11 **§ 12-102. PURPOSE OF OVERLAY DISTRICTS.**

12 AN OVERLAY DISTRICT IS A DISTRICT, ESTABLISHED BY ORDINANCE, BY WHICH A LAYER OF
13 REGULATIONS IS SUPERIMPOSED ON THE REGULATIONS OF AN UNDERLYING ZONING DISTRICT.
14 THE OVERLAY DISTRICT IS INTENDED TO MODIFY OR SUPPLEMENT THE REGULATIONS OF ITS
15 UNDERLYING ZONING DISTRICTS IN RECOGNITION OF UNIQUE CIRCUMSTANCES IN THE
16 AREA, WHILE MAINTAINING THE GENERAL CHARACTER AND PURPOSE OF THE UNDERLYING
17 ZONING DISTRICTS OVER WHICH IT IS LOCATED.

18 *Subtitle 2. District Descriptions*

19 **§ 12-201. OR Office-Residential [District] DISTRICTS.**

20 [The] OR Office-Residential Zoning [District is] DISTRICTS ARE intended for areas where
21 there is a mix of office and residential uses. The regulations [of the OR District] FOR THESE
22 DISTRICTS are designed to ensure that office uses remain compatible with residential uses,
23 thereby permitting the area to maintain a more residential character.

24 **§ 12-202. TOD Transit-Oriented Development Districts.**

25 The purpose of [the] TOD Transit-Oriented Development Zoning [District] DISTRICTS is to
26 encourage the location of uses and forms of development conducive to increased transit
27 usage. [The TOD District is] THESE DISTRICTS ARE intended to promote new, well-
28 integrated residential and commercial development around transit stations, TO ensure that
29 new development occurs in the form of compatible, higher density, transit-friendly design in
30 close proximity to transit systems, TO encourage a pedestrian-orientation in new
31 development, TO decrease reliance on motor vehicles by increasing transit uses, and TO
32 encourage a mix of buildings and activities that provides settings for social interaction and
33 active community life. In order to address the different characteristics of transit locations
34 within the City, 4 TOD Districts are established: the TOD-1 District, TOD-2 District, TOD-3
35 District and the TOD-4 District. The primary distinctions among these 4 TOD Districts are
36 height, residential density, and use mix.

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1 § 12-203. EC Educational Campus [District] DISTRICTS.

2 [The] EC Educational Campus Zoning [District is] DISTRICTS ARE intended for the campuses
3 of educational facilities to facilitate an orderly and efficient regulation process for these types
4 of users. There are 2 Educational Campus Zoning Districts: a campus district for colleges
5 and universities that allows for certain non-educational uses and dormitories for students and
6 a second campus for primary and secondary educational facilities that is restricted to
7 education-related uses. [The EC Zoning District provides] THESE DISTRICTS PROVIDE a set
8 of base district regulations that offers a certain intensity of development by right. [It] THEY
9 also [provides] PROVIDE an allowance for a Campus Master Plan, which must be approved by
10 ordinance, that allows for flexibility in the development and expansion of the campus above
11 the base district regulations.

12 § 12-204. H Hospital Campus [District] DISTRICTS.

13 [The] H Hospital Campus Zoning [District is] DISTRICTS ARE intended to address the special
14 needs and impacts of large-scale, multi-functional hospitals and medical campuses, including
15 hospital-related and support service uses, such as offices and commercial uses. [The H
16 Zoning District provides] THESE DISTRICTS PROVIDE a set of base district regulations that
17 offers a certain intensity of development by right. [It] THEY also [provides] PROVIDE an
18 allowance for a General Development Plan, which must be approved by ordinance, that
19 allows for flexibility in the development and expansion of the hospital campus above the
20 base district regulations.

21 § 12-205. T Transportation [District] DISTRICTS.

22 [The] T Transportation Zoning [District is] DISTRICTS ARE intended to preserve, protect and
23 enhance road, rail and other transportation corridors within the City.

24 § 12-206. *{Reserved}*

25 § 12-207. W Waterfront Overlay Districts.

26 [The] W Waterfront Overlay Zoning [District is] DISTRICTS ARE intended to preserve, create,
27 and enhance public views of and access to the waterfront and creatively encourage use of the
28 waterfront by providing a waterfront promenade, including connections to nearby public
29 rights-of-way, open spaces, and other public amenities. [It serves] THESE DISTRICTS SERVE
30 to establish a process to encourage new waterfront development to occur in a manner that
31 seeks to minimize substantial change to existing public views of the waterfront from adjacent
32 public streets and neighborhoods, and TO enhance the existing waterfront promenade by
33 creating a continuous public access via a promenade along non-industrial portions of the
34 City's waterfront.

35 § 12-208. R-MU Rowhouse Mixed-Use Overlay [District] DISTRICTS.

36 [The] R-MU Rowhouse Mixed-Use Overlay Zoning [District is] DISTRICTS ARE intended to
37 address those areas of rowhouse development where a mixed-use environment is desired,
38 where some rowhouse structures are used for residential uses and others for first-floor
39 commercial uses. [This overlay district is] THESE OVERLAY DISTRICTS ARE tied directly to
40 the underlying rowhouse district in order to maintain the existing character of the

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1 development and the neighborhood. Commercial uses are restricted to only those uses that
2 are compatible with residential uses.

3 § 12-209. D-MU Detached Dwelling Mixed-Use Overlay [District] DISTRICTS.

4 [The] D-MU Detached Dwelling Mixed-Use Overlay Zoning [District addresses] DISTRICTS
5 ADDRESS those areas of detached dwelling development where a mixed-use environment is
6 desired, where some detached dwellings are used for residential uses and others for first-floor
7 non-residential uses. [This overlay district is] THESE OVERLAY DISTRICTS ARE tied directly
8 to the underlying detached residential district in order to maintain the existing character of
9 the development and the neighborhood. Non-residential uses are restricted to only those uses
10 that are compatible with residential uses.

11 § 12-210. AU Adult Use Overlay [District] DISTRICTS.

12 [The] AU Adult Use Overlay Zoning [District is] DISTRICTS ARE intended to provide [an
13 area] AREAS in which to operate an adult use. [The AU Overlay District is a floating zone,
14 which will not be designated on the zoning map until an application is made and a
15 recommendation is made by action of the Planning Commission and approved by the City
16 Council.]

17 § 12-211. PC Port Covington Zoning District.

18 [(a) *In general.*]

19 [(1)] The Port Covington Zoning District is intended to establish the standards to
20 accommodate the transition of the Port Covington area, located along the north shore of the
21 Middle Branch of the Patapsco River, from a heavy industrial area to a high intensity, mixed-
22 use, waterfront-oriented area over time. [(2)] The standards recognize that this area is unique
23 because of both its waterfront access and separation from established neighborhoods to the
24 north by the elevated portion of I-95 and a heavy rail line. [(3)] The [PC] PORT COVINGTON
25 Zoning District is designed to accommodate an office-industrial headquarters campus and
26 adjacent high-intensity mixed-use with recreational and entertainment amenities to promote a
27 live-work-play community within an ecologically sustainable environment.

28 [(b) *Subdistricts.*]

29 [(1) In order to address different characteristics within this District, the
30 following 4 subdistricts are established:

31 (i) the PC-1, PC-2, and PC-3 Districts, to accommodate the mixed-use
32 development, with the primary distinctions among them being uses
33 and height; and

34 (ii) the PC-4 District, to accommodate an office-industrial
35 headquarters campus.]

36 [(2) The standards provide for synergy among the subdistricts to promote
37 pedestrian connectivity in and among those subdistricts.]

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1 *Subtitle 3. Office-Residential Zoning [District] DISTRICTS*

2 § 12-301. Use regulations.

3 Only those uses of land listed under *Table 12-301: Office-Residential Districts – Permitted*
4 *and Conditional Uses* are allowed within [the] AN OR Zoning District.

5 § 12-302. Bulk and yard regulations.

6 (a) *In general.*

7 *Table 12-302: Office-Residential Districts – Bulk and Yard Regulations* sets forth the
8 applicable bulk and yard regulations for [the] AN OR District[, which is divided into 2
9 subdistricts for the purpose of bulk and yard regulations].

10 § 12-303. Other applicable standards.

11 (a) *In general.*

12 [The] OR Zoning [District is] DISTRICTS ARE also subject to the standards listed in this
13 section.

14 (c) *Site development.*

15 On-site development standards[, such as permitted encroachments and exterior lighting
16 regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code

17 (f) *Landscaping and screening.*

18 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
19 Baltimore City Landscape Manual.

20 (i) *Residential conversions.*

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

25 *Subtitle 4. Transit-Oriented Development Districts*

26 § 12-403. Bulk and yard regulations.

27 (a) *In general.*

28 *Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations* sets
29 forth the applicable bulk and yard regulations for [the OR] A TOD District[, which is
30 divided into 2 subdistricts for the purpose of bulk and yard regulations].

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1 § 12-405. Parking requirements.

2 (a) *In general.*

3 (2) For all commercial and mixed-use structures, OFF-STREET parking is prohibited in
4 front of the CORNER-SIDE OR front building line.

5 (d) *Lots.*

6 [(1)] Parking lots [must be located to the rear of buildings and] may not exceed 1 acre in
7 size.

8 [(2) Parking lots are prohibited in front of structures.]

9 § 12-406. Other applicable standards.

10 (c) *Site development.*

11 On-site development standards[, such as permitted encroachments and exterior lighting
12 regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

13 (f) *Landscaping and screening.*

14 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
15 Baltimore City Landscape Manual.

16 *Subtitle 5. Educational Campus [District] DISTRICTS*

17 § 12-502. Bulk and Yard Regulations.

18 (a) *In general.*

19 (2) Educational buildings existing as of [the effective date of this Code] JUNE 5, 2017,
20 regardless of height and yards, are deemed conforming.

21 § 12-503. Educational Campus Master Plan.

22 (b) *Applicability; Effect.*

23 A Campus Master Plan may be applied only to those properties owned by [the] AN
24 educational facility.

25 § 12-504. Other applicable standards.

26 (c) *Site development.*

27 On-site development standards[, such as permitted encroachments and exterior lighting
28 regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

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1 (f) *Landscaping and screening.*

2 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
3 Baltimore City Landscape Manual.

4 **§ 12-505. MINIMUM SIZE OF DISTRICT.**

5 AN EDUCATIONAL CAMPUS DISTRICT MUST ENCOMPASS AT LEAST THE SMALLER OF THE
6 FOLLOWING:

7 (1) 2 ACRES OF LAND; OR

8 (2) THE ENTIRE CITY BLOCK ON WHICH IT IS SITUATED.

9 *Subtitle 6. Hospital Campus [District] DISTRICTS*

10 **§ 12-601. Use regulations.**

11 (a) *Permitted uses.*

12 In a Hospital Campus District, the following uses are permitted:

13 . . .

14 [(6) Medical support facilities.]

15

16 **§ 12-602. Bulk and yard regulations.**

17 (a) *In general.*

18 (2) Hospital buildings existing as of [the effective date of this Code] JUNE 5, 2017,
19 regardless of height and yards, are deemed conforming.

20 **§ 12-603. Hospital General Development Plan.**

21 (b) *Applicability; Effect.*

22 (1) A General Development Plan may be applied only to those properties owned by [the]
23 A hospital facility at the time of the plan's approval.

24 **§ 12-604. Other applicable standards.**

25 (c) *Site development.*

26 On-site development standards[, such as permitted encroachments and exterior lighting
27 regulations,] are set forth in Title 15 {"Site Development Standards"} of this Code.

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1 (f) *Landscaping and screening.*

2 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
3 Baltimore City Landscape Manual.

4 § 12-605. MINIMUM SIZE OF DISTRICT.

5 A HOSPITAL CAMPUS DISTRICT MUST ENCOMPASS AT LEAST 1 THE SMALLER OF THE
6 FOLLOWING:

7 (1) 2 ACRES OF LAND; OR

8 (2) THE ENTIRE CITY BLOCK ON WHICH IT IS SITUATED.

9 *Subtitle 7. Transportation [District] DISTRICTS*

10 § 12-701. Use regulations.

11 In [the] A Transportation District, the following uses are permitted:

12 . . .

13 *Subtitle 9. Waterfront Overlay Zoning [District] DISTRICTS*

14 § 12-901. Applicability.

15 (a) *In general.*

16 The [W-1 and W-2] Waterfront Overlay Districts apply to all waterfront lots as shown on
17 the zoning map. Unless modified by this section, the underlying zoning district and
18 critical area regulations apply (*see* Title 7, Subtitle 4).

19 (b) *Subdistricts.*

20 (1) [The] 2 subdistricts of [the] A Waterfront Overlay Zoning District apply, as provided
21 in this subsection.

22 (2) The W-1 [Overlay Zoning District] SUBDISTRICT applies to land along the waterfront
23 areas characterized by a hardscape boundary with the water, such as bulkheads, port
24 facilities, or a hard-surface promenade.

25 (2) The W-2 [Overlay Zoning District] SUBDISTRICT applies to areas with a soft
26 shoreline, such as wetlands, vegetation, or habitat areas that directly abut the water,
27 most notably along the Middle Branch. To ensure a compatible development pattern
28 along the shoreline, property owners are encouraged to cooperate as development
29 proceeds in [the] A W-2 [Overlay Zoning District] SUBDISTRICT.

30 (c) *Industrial properties excluded.*

31 The [W-1 and W-2] Waterfront Overlay Districts do not apply to industrially zoned
32 properties.

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1 § 12-904. Protection of public right-of-way view corridors.

2 (a) *W-1 Overlay Subdistrict.*

- 3 (1) No development may block the view of the waterfront from any public street that
4 extends to the waterfront or that terminates before reaching the waterfront but adjoins
5 the boundaries of this [district] SUBDISTRICT. These view corridors must be of the
6 same width as the adjoining public street, and continue to the waterfront as a straight
7 line extension of the adjoining street. This extension may be modified with approval
8 of a view corridor modification by the Director of Planning.

9 § 12-905. Building requirements.

10 (b) *W-1 Overlay Subdistrict.*

- 11 (4) Retail uses along the promenade are encouraged. Outdoor extension of these uses are
12 restricted to a maximum of 8 feet into the required promenade easement and must be
13 separated from the paved portion with planting beds, raised planters, or a minimum
14 [a] 2-foot vertical separation. Where planting beds or raised planters are used to
15 provide separation, landscape should be provided in accordance with the Baltimore
16 City Landscape Manual. No extensions of residential structures are permitted.

17 (c) *W-2 Overlay Subdistrict.*

- 18 (1) The floor area ratio within this [district] SUBDISTRICT may not exceed a maximum of
19 2.0. However, mixed-use developments with residential units that constitute 80% or
20 more of the overall development plan are permitted a floor area ratio of 2.5 for the
21 entire development area.

22 § 12-906. Waterfront public access promenade, open space, and required easements.

23 (a) *W-1 Overlay Zoning District.*

- 24 (1) In addition to the uses allowed by the underlying zoning districts, on waterfront lots
25 within the W-1 Overlay [Zoning District] SUBDISTRICT, a continuous public access
26 waterfront promenade, accessible to the public but built and maintained by the
27 owners of the underlying land, must be provided on lots, or development parcels
28 consisting of lots, that adjoin the waterline of the Inner Harbor of the Chesapeake
29 Bay and, where applicable, the Middle Branch of the Patapsco.

- 30 (3) These required easement improvements must be built and maintained by the property
31 owner. Public access must be available 24 hours a day, 7 days a week unless
32 OTHERWISE agreed to by the Director of Planning and stated in the easement. The
33 completion of the promenade easement area must coincide with the completion of the
34 adjacent development on the property.

- 35 (6) No mechanical or service equipment may be located adjacent to the promenade
36 easement [without benefit of full permanent screening] UNLESS IT IS WITHIN AN
37 ENCLOSED STRUCTURE OR OTHERWISE SCREENED FROM PUBLIC VIEW IN
38 ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE
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1 (b) *W-2 Overlay Subdistrict.*

2 (1) In addition to the uses allowed by the underlying zoning districts, on waterfront lots
3 within the W-2 Overlay [Zoning District] SUBDISTRICT, a conservation easement,
4 accessible to the public but built and maintained by the owners of the underlying
5 land, must be provided on lots, or development parcels consisting of lots, that adjoin
6 the waterline of Middle Branch of the Patapsco.

7 (3) (i) To allow flexibility for development while preserving and creating habitat, the
8 Director of Planning may approve a reduction of the 100-foot wide buffer to NOT
9 LESS THAN 50 feet (from the mean high water line) if:
10

11 (5) The hiking and biking trail, TOGETHER WITH A 12-FOOT HARD SURFACE AND A
12 MEADOW OR MOWN STRIP A MAXIMUM OF 3 FEET WIDE ON EITHER SIDE, must be at
13 least 50 feet from the mean high tide line[, with a 12-foot hard surface and a meadow
14 or mown strip a maximum of 3 feet wide on either side]. Public access corridors to
15 the trail must be provided and included in the easements for the property where they
16 are located. The trail on any given property must connect to the trail on adjoining
17 properties. The trail takes the place of the promenade and these hard surfaces are
18 exempt from the Critical Area buffer requirement, but are not exempt from
19 stormwater requirements.

20 (12) [Mechanical] NO MECHANICAL or service equipment may be located adjacent to the
21 conservation easement [only when full permanent screening is installed] UNLESS IT IS
22 WITHIN AN ENCLOSED STRUCTURE OR OTHERWISE SCREENED FROM PUBLIC VIEW IN
23 ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE
24 MANUAL.

25 ***Subtitle 10. Rowhouse Mixed-Use Overlay [District] DISTRICTS***

26 **§ 12-1001. Applicability.**

27 (a) *In general.*

28 [The] A Rowhouse Mixed-Use Overlay District may be applied to rowhouse dwellings in
29 the R-5, R-6, R-7, R-8, R-9, R-10, and OR Districts. This Overlay District allows the
30 rowhouse dwelling to be used for 1 of the non-residential uses listed in § 12-1003 {"Use
31 regulations"} of this subtitle.

32 **§ 12-1002. Minimum size of district.**

33 [The] AN R-MU Overlay District may only be applied to a minimum of:
34

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1 § 12-1003. Use regulations.

2 (a) *Permitted non-residential uses.*

3 In [the] AN R-MU Overlay District, 1 (but no more than 1) of the following non-
4 residential uses is permitted on the ground floor of a rowhouse structure:

5 . . .

6 (7) Retail goods establishment – no [alcohol Sales] ALCOHOLIC BEVERAGE SALES.

7 (b) *Conditional uses.*

8 In [the] AN R-MU Overlay District, the following uses are conditional uses requiring
9 approval by the Board of Municipal and Zoning Appeals:

10 § 12-1004. Bulk and yard regulations.

11 (a) *In general.*

12 The bulk and yard regulations for rowhouses in the underlying zoning district apply to
13 [the] A Rowhouse Mixed-Use Overlay District, except as provided in subsection (b) of
14 this section.

15 § 12-1005. Design and performance standards.

16 (a) *In general.*

17 The design standards for rowhouse dwellings in the underlying zoning district apply to
18 [the] A Rowhouse Mixed-Use Overlay District.

19 (b) *Additional standards.*

20 (1) Conversion of [the Rowhouse] A ROWHOUSE to a use allowed by § 12-1003 {"Use
21 regulations"} of this subtitle requires design review. This conversion is subject to the
22 following design and performance standards.

23 *Subtitle 11. Detached Dwelling Mixed-Use Overlay [District] DISTRICTS*

24 § 12-1101. Applicability.

25 (a) *In general.*

26 [The] A Detached Dwelling Mixed-Use Overlay District may be applied to detached
27 dwellings. This Overlay District allows the detached dwelling to be used for 1 of the
28 non-residential uses listed in § 12-1103 {"Use regulations"}.

29 § 12-1102. Minimum Size of District.

30 [The] A D-MU Overlay District may only be applied to a minimum of:

31

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1 **§ 12-1103. Use regulations.**

2 (a) *Permitted non-residential uses.*

3 In [the] A D-MU Overlay District, 1 (but no more than 1) of the following non-residential
4 uses is permitted on the ground floor of a detached dwelling:

5

6 (b) *Conditional uses.*

7 In [the] A D-MU Overlay District, the following uses are conditional uses requiring
8 approval by the Board of Municipal and Zoning Appeals:

9

10 **§ 12-1104. Bulk and yard regulations.**

11 The bulk and yard regulations for detached dwellings in the underlying zoning district apply
12 to [the Detached Dwelling Mixed-Use] A D-MU Overlay District.

13 **§ 12-1105. Design and performance standards.**

14 (a) *In general.*

15 The design standards for detached dwellings in the underlying zoning district apply to
16 [the] A Detached Dwelling Mixed-Use Overlay District.

17 *Subtitle 13. Port Covington Zoning District*

18 **§ 12-1301. Subdistricts.**

19 4 Subdistricts are established to accommodate and encourage redevelopment of the Port
20 Covington area, along the north shore of the Middle Branch of the Patapsco River, as
21 follows:

22 (1) The PC-1 [Port Covington District] SUBDISTRICT is characterized by commercial use,
23 entertainment, attractions, open-space, waterfront, and recreation amenities that
24 create a focal point within the [PC] PORT COVINGTON Zoning District. The standards
25 recognize that development within this subdistrict is to be ecologically sustainable,
26 oriented to both the street edges and the Middle Branch Waterfront, and
27 predominantly pedestrian-oriented. Development is generally mid-scale to promote
28 connectivity between the waterfront and adjoining subdistricts.

29 (2) The PC-2 [Port Covington District] SUBDISTRICT is characterized by a wide mix of
30 uses, including residential, commercial, office, open-space, recreation, and
31 entertainment amenities, waterfront, and light industrial in a dense urban setting. The
32 standards recognize that the development in this subdistrict is to accommodate a
33 high-density, walkable, mixed-use environment.

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1 (3) The PC-3 [Port Covington District] SUBDISTRICT is characterized by a wide mix of
2 uses, including residential, commercial, office, open-space, recreation, and
3 entertainment amenities, as well as industrial uses as part of a live-work-play
4 community. The standards recognize that this subdistrict is designed to accommodate
5 the transition from an historically industrial area to a medium-density, walkable,
6 mixed-use environment.

7 (4) The PC-4 [Port Covington District] SUBDISTRICT is characterized as an office-
8 industrial campus on the waterfront that can accommodate the international
9 headquarters of a major corporation. The standards are intended for architecturally
10 coordinated office and industrial structures built in a campus-like atmosphere, which
11 includes a focus on recreation amenities. This subdistrict provides standards to
12 promote ecologically sustainable design and accommodate a high-density, walkable
13 environment for this waterfront campus.

14 § 12-1302. Use regulations.

15 Only those uses listed in *Table 12-1302: Port Covington [Districts] DISTRICT – Permitted*
16 *and Conditional Uses* are allowed within the PC [Zoning Districts] SUBDISTRICTS.

17 § 12-1303. Bulk and yard regulations.

18 (a) *In general.*

19 *Table 12-1303: Port Covington [Districts] DISTRICT – Bulk and Yard Regulations* sets
20 forth the applicable bulk and yard regulations for the PC [Zoning Districts]
21 SUBDISTRICTS[, which is divided into 4 subdistricts for the purpose of bulk and yard
22 regulations].

23 § 12-1304. Other applicable standards.

24 (a) *In general.*

25 The PC [Zoning Districts] SUBDISTRICTS are also subject to the standards listed in this
26 section.

27 (c) *Site development.*

28 On-site development standards[, such as permitted encroachments and exterior lighting
29 regulations,] are set forth in Title 15 {“Site Development Standards”} of this Code.

30 (e) *Landscaping and screening.*

31 All landscaping and screening must comply with the [regulations] REQUIREMENTS of the
32 Baltimore City Landscape Manual.

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Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

[Previously approved residential] RESIDENTIAL, office-residential, business, and industrial planned unit developments APPROVED BEFORE THE EFFECTIVE DATE OF THIS CODE (JUNE 5, 2017) remain valid [and must] AS LONG AS THEY continue to comply with all requirements and conditions of their [initial approval,] APPROVALS [including all] AND OF THE ZONING Code regulations in effect immediately preceding [the] THAT effective date [of this Code].

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments must be [introduced and enacted] ESTABLISHED by ordinance of the Mayor and City Council in accordance with [a development and public hearing process in which the Planning Commission and other City agencies must report their recommendations to City Council within 60 days of introduction as part of that legislative process. Once a Planned Unit Development is enacted, any major changes can be enacted only by Ordinance of the Mayor and City Council] THE PROVISIONS OF THIS TITLE.

§ 13-202. General requirements.

(b) *Minimum areas.*

Planned unit developments must meet the following minimum areas:

(1) at least 5 acres in the R-1A, R-1B, R-1C, R-1D, R-1E, R-1, R-2, R-3, R-4, [and] R-5, OIC, AND BSC Districts;

(2) at least 2 acres in the R-6, R-7, R-8, R-9, R-10, C-1, C-2, C-3, C-4, I-MU, TOD, OR, and PC Districts; AND

(3) at least 1½ acres in the C-5 District[; and].

[(4) at least 5 acres in the OIC and BSC Districts.]

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Subtitle 5. Enforcement

§ 13-501. Ordinance and development plan as binding agreement.

The ordinance and approved final development plan constitute a binding agreement by the [applicant] PROPERTY OWNER AND THE DEVELOPER to proceed with the development in strict accordance with the approved final development plan, including the detailed time schedule.

§ 13-503. Noncompliance.

(b) *Notice.*

The Zoning Administrator must provide the [applicant] PROPERTY OWNER AND THE DEVELOPER at least 15 days notice to appear before the Zoning Administrator and answer to any charge of noncompliance.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-307. Community-managed open-space gardens and farms.

(b) *Open-space gardens and farms – Structures.*

(2) Temporary greenhouses[, including high tunnels, hoop-houses, cold-frames, and similar structures] are permitted to extend the growing season.

§ 14-309. Day-care centers: Adult or Child.

(a) *In general.*

[Day] ADULT AND CHILD DAY-care centers must meet all federal, state, and local requirements, including licensing, health, safety, and building code requirements.

§ 14-310. Day-care homes: Adult or Child.

(a) *In general.*

[Day] ADULT AND CHILD DAY-care homes must meet all federal, state, and local requirements, including licensing, health, safety, and building code requirements.

§ 14-311. Drive-through facilities.

(g) *Screening.*

[(1)] All drive-through facilities must be [properly] screened FROM PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

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1 [(2) Drive aisles of drive-through facilities must be effectively screened from
2 view along the public right-of-way and at the edges of sites adjoining
3 residential properties, in order to minimize the impact of exterior site
4 lighting, headlight glare, and any menu intercom displays.]

5 [(3) Screening may be approved during the site plan review process and must
6 consist of:

7 (i) an opaque masonry wall (stone, stucco, or brick);

8 (ii) a solid wood or simulated wood screen fence; or

9 (iii) landscaping in accordance with the Baltimore City Landscape
10 Manual.]

11 **§ 14-313. Fraternity or sorority houses.**

12 (a) *Location.*

13 (2) (ii) [Within 2 years of the effective date of this Code] ON OR BEFORE JUNE 5, 2019,
14 all fraternity or sorority houses must either secure a use permit or terminate the
15 fraternity or sorority use.

16 **§ 14-316. Junk or scrap storage and yards.**

17 (b) *Screening.*

18 A junk or scrap storage and yard must be screened FROM PUBLIC VIEW in accordance with
19 the requirements of the Baltimore City Landscape Manual.

20 **§ 14-318. Landfill: Industrial.**

21 (e) *Screening.*

22 An industrial landfill must be screened FROM PUBLIC VIEW in accordance with the
23 requirements of the Baltimore City Landscape Manual.

24 **§ 14-324. Materials recovery facilities.**

25 (b) *Operations to be enclosed OR SCREENED.*

26 (1) All loading and unloading must be performed either within an enclosed [building]
27 STRUCTURE or [within a screened area] OTHERWISE SCREENED FROM PUBLIC VIEW IN
28 ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE
29 MANUAL.

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1 **§ 14-325. Motor vehicle pr recreational vehicle dealerships or rental establishments.**

2 (a) *Lot size.*

3 Motor VEHICLE or recreational vehicle dealerships or rental establishments must have a
4 lot size of at least 20,000 square feet, except in a PC [District] SUBDISTRICT.

5 **§ 14-326. Motor vehicle service and repair: Major or minor.**

6 (a) *Lot size.*

7 (1) Major motor vehicle service and repair shops must have a lot size of at least 20,000
8 square feet, except in a PC [District] SUBDISTRICT.

9 (2) Minor motor vehicle service and repair shops must have a lot size of at least 10,000
10 square feet, except in a PC [District] SUBDISTRICT.

11 (d) *Operations to be enclosed OR SCREENED.*

12 (2) Wrecked or junked vehicles must be KEPT WITHIN AN ENCLOSED STRUCTURE OR
13 OTHERWISE screened from [the public right-of-way and any adjacent residential
14 districts] PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE
15 CITY LANDSCAPE MANUAL.

16 **§ 14-327. Multi-family dwellings – Accessory non-residential uses.**

17 (c) *Aggregate area of uses.*

18 [The] THE aggregate AREA of [all] these uses may not exceed the following:

19

20 **§ 14-331. Parking garages (principal use) and parking lots.**

21 (a) *Parking garages (principal use).*

22 (2) In all other [cases] DISTRICTS, if a parking garage does not include active ground floor
23 uses along at least 50% of the ground floor [or incorporate architectural treatments to
24 screen views of parked cars at the ground level], the [parking structure] GROUND
25 FLOOR must be screened [and landscaped] FROM PUBLIC VIEW in accordance with the
26 REQUIREMENTS OF THE Baltimore City Landscape Manual.

27 (b) *Parking lots.*

28 (5) The parking [lots] LOT must be screened [and landscaped] FROM PUBLIC VIEW in
29 accordance with the REQUIREMENTS OF THE Baltimore City Landscape Manual. [All
30 landscape must be maintained in a healthy growing condition.]

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1 § 14-333. **Recyclable materials recovery facilities.**

2 (b) *Operations to be enclosed OR SCREENED.*

3 (1) All loading and unloading must be performed either within an enclosed building or
4 within [a screened] AN area SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE
5 REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

6 § 14-334. **Residential-care facilities.**

7 (a) *Single-family dwelling.*

8 A residential-care facility may locate where single-family dwellings are allowed under
9 this Code AS PERMITTED OR CONDITIONAL USES, if the facility:

10 . . .

11 (3) meets the general requirements, the bulk AND YARD regulations, and all other
12 requirements of this Code applicable to dwellings in the zoning district within
13 which the facility is located.

14 (b) *Multi-family dwelling.*

15 A residential-care facility may locate where multi-family dwellings are allowed AS
16 PERMITTED OR CONDITIONAL USES under this Code, if the facility:

17 . . .

18 (2) meets the general requirements, the bulk AND YARD regulations, and all other
19 requirements of this Code applicable to dwellings in the zoning district within
20 which the facility is located.

21 § 14-338. **Telecommunications facilities.**

22 (d) *Approval and application requirements.*

23 (2) *Application requirements.*

24 In addition to the general requirements for conditional-use applications, site plan
25 review submissions, eligible facilities requests, or other documentation, all
26 applications to erect, construct, or modify any part of a telecommunications facility
27 must include the following items:

28 (i) a site plan showing:

29 (A) the location, size, screening, and design of all structures,
30 including fences;

31 (B) the location and size of all outdoor equipment;

32 (C) elevations showing antenna height;

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(D) a landscape plan [showing all screening]; and

(E) if the site plan is for a new tower, indication of the fall zone (shaded circle);

....

(k) *Stealth design.*

(3) To qualify as a permitted stealth design:

(i) the base station must be [enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer] WITHIN AN ENCLOSED STRUCTURE OR OTHERWISE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL;

....

§ 14-339. Urban agriculture.

(b) *Greenhouses, etc.*

(1) Greenhouses (permanent or temporary)[, high tunnels, hoop-houses, cold-frames, and similar structures] used to extend the growing season are permitted.

§ 14-340. Utilities AND ELECTRIC SUBSTATIONS.

(a) *Affect on traffic, adjacent properties, etc.*

[(1)] Utilities AND ELECTRIC SUBSTATIONS must be designed so that the location of entrances and exits, exterior lighting, service areas, and parking and loading facilities will minimize traffic congestion, pedestrian hazards, and adverse impacts on adjacent properties.

[(2) Additional landscaping and screening may be required.]

(b) *Aboveground structures.*

[Electric] EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF THIS SECTION, ELECTRIC substations and [any] aboveground utility structures [that are part of an underground utility system], such as pedestals for cable wire access or other access points for underground infrastructure (communications wiring, fiber optic, etc.):

(1) may not encroach into a required front yard; and

(2) must be screened from [any] public [right-of-way] VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(C) *EXEMPTIONS FROM SETBACK AND SCREENING REQUIREMENTS.*

THE FOLLOWING ARE EXEMPT FROM THE SETBACK AND SCREENING REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION:

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1 (1) AN ABOVE-GROUND, FULLY-ENCLOSED TRANSFORMER, SWITCHGEAR, REGULATOR,
2 METER, OR CAPACITOR THAT IS LOCATED IN AN INDUSTRIAL ZONING DISTRICT; AND

3 (2) AN ABOVE-GROUND, FULLY-ENCLOSED TRANSFORMER, SWITCHGEAR, REGULATOR,
4 METER, OR CAPACITOR THAT:

5 (I) IS LOCATED IN A RESIDENTIAL, OFFICE-RESIDENTIAL, COMMERCIAL, OR
6 TOD ZONING DISTRICT; AND

7 (II) DOES NOT EXCEED 7 FEET IN WIDTH, 7 FEET IN LENGTH, OR 6 FEET IN
8 HEIGHT.

9 (D) [(c)] *Modifications to electric substations.*

10 On a property where an electric substation has been approved as a conditional use, a
11 modification of the electric substation is allowed without amendment of the conditional
12 use, as long as:

13 (1) the modification conforms to the bulk and yard regulations of the underlying
14 zoning district;

15 (2) the modification either:

16 (i) is located solely within the existing perimeter fence or wall; or

17 (ii) covers an area beyond the existing perimeter fence or wall that is not more
18 than [20%] 10% of the area within the existing perimeter fence or wall;

19 (3) the modification is located solely on the property governed by the conditional use;
20 and

21 (4) the electric substation, as so modified, complies with all conditions of the existing
22 conditional use approval other than a condition that restricts the electric
23 substation to the equipment configuration allowed under the existing conditional
24 use approval.

25 ***Subtitle 4. Temporary-Use Standards***

26 **§ 14-401. Permits.**

27 (a) *APPLICATIONS.*

28 Any person [desiring] THAT DESIRES a temporary-use permit, as required by this Code,
29 must file with the Zoning Administrator a written application, [on a] IN THE form
30 [provided by] THAT the [City] ZONING ADMINISTRATOR REQUIRES.

31 (b) *AUTHORIZATION.*

32 (1) The Zoning Administrator may grant temporary-use permits for [those] TEMPORARY
33 uses, WHETHER THE PROPOSED USE IS SPECIFICALLY listed in this subtitle OR, EXCEPT

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1 FOR A USE THAT INVOLVES ALCOHOLIC BEVERAGE SALES, NOT SPECIFICALLY LISTED IN
2 THIS SUBTITLE, as long as the Zoning Administrator determines that the proposed use
3 complies with [the] ALL APPLICABLE requirements [of this] of this subtitle and this
4 Code.

5 [(c) (1) Temporary uses not specifically listed in this subtitle, except those with
6 alcoholic beverage sales, require the specific approval of the Zoning
7 Administrator.]

8 (2) [(c)(2)] Unless otherwise limited, temporary uses may be allowed in any zoning
9 district[,] as long as that use is consistent with the purpose and intent of this Code and
10 the zoning district in which it is located.

11 (C) *CONDITIONS, RESTRICTIONS, ETC.*

12 (1) [(d)(2)] No temporary use is [permitted] ALLOWED in any district if it would have a
13 significant negative impact on any adjacent property or on the area as a whole.

14 (2) [(b)(2)] Unless expressly provided in this subtitle, every temporary use or structure
15 must comply with the bulk [requirements] AND YARD REGULATIONS applicable [in]
16 TO the district in which it is located.

17 (3) [(d)(1)] As part of the temporary-use permit approval, the Zoning Administrator [or
18 Board of Municipal and Zoning Appeals] may impose other conditions,
19 RESTRICTIONS, OR LIMITATIONS as necessary to achieve the purposes of this Code and
20 to protect the public health, safety, and welfare.

21 (D) [(e)] *ENFORCEMENT.*

22 (3) All notices must be served by [either first class mail or by personal service by an
23 authorized representative of the City. If service by either of those methods fails,
24 notice must be given by posting of the property] BY 1 OF THE METHODS SPECIFIED IN
25 § 9-207 {"VIOLATION NOTICE: SERVICE"} OF THIS CODE.

26 (4) The notice of the proposed revocation must be sent to:
27 . . .

28 (ii) the persons to whom the temporary-use [approval] PERMIT was granted or
29 the current operator; and
30

31 (5) The notice must specify the nature of the violation and warn the recipient that, unless
32 the violation is corrected within the time specified in the notice, the [temporary use]
33 ZONING ADMINISTRATOR will [be] either:

34 (i) [revoked] REVOKE THE PERMIT;

35 (ii) [suspended] SUSPEND THE PERMIT subject to completion of corrective action
36 or other condition; or

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1 (iii) [affirmed] subject to a schedule for corrective action, with provision for
2 automatic termination if the schedule is not met.

3 **Title 15. Site Development Standards**

4 ***Subtitle 2. Applicability of Development Standards***

5 **§ 15-201. Compliance required.**

6 (a) *Bulk and yard regulations – New construction.*

7 No structure may be erected except in accordance with the bulk AND YARD regulations
8 prescribed for the district in which the structure is located or proposed to be located.

9 ***Subtitle 3. Measurement Methodologies***

10 **§ 15-301. Measurement of building height.**

11 (b) *Exclusions from height regulations.*

12 The height regulations of this Code do not apply to the following:

13 . . .

14 (5) parapet walls used to screen mechanical equipment, as long as these walls do not
15 exceed the height necessary to screen the mechanical equipment listed in
16 [paragraph] ITEM (3) of this subsection;

17

18 ***Subtitle 4. Exceptions and Requirements***

19 **§ 15-401. Street, public transit, and open-space dedications.**

20 (a) *Dedicated area added to area used to compute maximum dwelling units.*

21 Subject to the requirements and limitations of this section, if the owner of a lot gives or
22 dedicates to the Mayor and City Council of Baltimore any land on or adjacent to the lot
23 for the purpose of establishing or improving a public street, for the purpose of
24 establishing or improving public transit, or for the purpose of establishing open space, the
25 area of the land so given or dedicated may be added to the lot area used to compute the
26 maximum number of dwelling units that, under the bulk AND YARD regulations of this
27 Code, are permitted on that lot.

28 **§ 15-403. Rear yard reduction.**

29 (c) *Compliance with other regulations.*

30 A reduction may [only] be taken under this section ONLY if all other bulk AND YARD
31 regulations are complied with.

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Subtitle 5. Accessory Structures and Uses

§ 15-502. Amateur (ham) radio equipment.

(c) ?????

(1) Certain additional types of antenna systems that are not freestanding towers are permitted in any yard if they implement stealth design and receive design review approval.

(2) To qualify as a stealth design, antennas must be [enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer] WITHIN AN ENCLOSED STRUCTURE OR OTHERWISE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 15-503. Automobile charging station (electric and solar).

Parking spaces within parking lots or parking garages, whether the parking is a principal use or accessory to a principal use, may include [public] electric automobile charging stations, including models that charge by solar energy.

§ 15-504. Carriage house.

An accessory carriage house EXISTING ON JUNE 5, 2017, in [all] A residential [districts] DISTRICT [and the] OR IN AN OR District[, existing on the effective date of this Code,] may be subdivided and converted into a detached dwelling, if:

....

§ 15-506. Greenhouses [and hoop-houses].

Any lighting used to illuminate a greenhouse [or hoop-house] must be directed and shielded so as to minimize illumination of any adjacent lots. All exterior lighting must comply with the requirements of § 15-505 {"Exterior Lighting"} of this subtitle.

§ 15-508. Mechanical equipment.

(b) ?????

If ground-based mechanical equipment is located in a non-residential district adjoining a residential, office-residential, or industrial mixed-use district, the equipment must be [completely screened if visible from the public right-of-way, excluding alleys, or from the adjoining residential, office-residential, or industrial mixed-use district. Screening materials may be masonry, wood, landscape, or other opaque material, and must effectively screen mechanical equipment so no portion is visible from a street or adjacent lot. Where landscape is used to screen mechanical equipment, it must be provided in accordance with the Baltimore City Landscape Manual. Color and texture of a masonry screen wall must be compatible with the color and texture of the principal building on the site. If a principal or accessory structure or landscape blocks the view of ground-based mechanical equipment, the equipment is considered screened] SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

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1 § 15-509. Outdoor sales and displays by retail goods establishments.

2 (f) *Screening area abutting residential district.*

3 If the rear or interior-side yard of an outdoor sales and display area abuts a residential
4 district, the area must be [effectively screened from view by an opaque masonry wall
5 (stone, stucco, or brick), a solid wood or simulated wood screen fence, or landscaping]
6 SCREENED FROM PUBLIC VIEW in accordance with the REQUIREMENTS OF THE Baltimore
7 City Landscape Manual.

8 (g) *Screening vehicle display.*

9 [Motor] IF AN OUTDOOR SALES AND DISPLAY LOT OF A MOTOR vehicle OR RECREATIONAL
10 VEHICLE dealership or rental [establishments] ESTABLISHMENT [with outdoor sales and
11 display lots must be designed with permanent screening of the outdoor sales and display
12 area if abutting the] ABUTS A public right-of-way, [excluding alleys] OTHER THAN AN
13 ALLEY, THE LOT MUST BE[, The screening may consist of landscape screening] SCREENED
14 in accordance with the REQUIREMENTS OF THE Baltimore City Landscape Manual [or a
15 low pedestrian wall at least 3 feet high].

16 § 15-510. Outdoor storage.

17 (b) *Standards.*

18 Permitted outdoor storage uses must comply with the following provisions:

19 (4) except in the I-2 and MI Districts, where no screening is required, all outdoor
20 storage must [comply with the following screening requirements:] MUST BE
21 SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE REQUIREMENTS OF THE
22 BALTIMORE CITY LANDSCAPE MANUAL.

23 [(i) no materials stored or displayed outdoors may be of a greater
24 height than that of the screening provided;

25 (ii) all outdoor storage areas must be completely screened by an
26 opaque masonry wall (stone, stucco, or brick) or a solid wood or
27 simulated wood screen fence that is at least 6 feet high; and

28 (iii) if feasible, plant materials must be installed along the fence or
29 wall located along the public right-of-way in accordance with the
30 Baltimore City Landscape Manual to provide a softening effect.]

31 § 15-511. Parking garages (residential).

32 (b) *Front-loaded attached garages.*

33 (3) [Attached front-loaded] FRONT-LOADED ATTACHED garages must be located at least
34 5 feet behind the main front facade of the dwelling. This measurement must be taken
35 from the part of the front facade that adjoins the garage, except that the measurement
36 may be taken from the part of the house closest to the street if all of the following
37 conditions are met:

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(4) Windows, doors, and roof treatments of that part of [the] A FRONT-LOADED ATTACHED garage facing the street must incorporate architectural detail expressive of a residence.

(5) Upper level dormers and pitched roof elements must be used to de-emphasize [the] A FRONT-LOADED ATTACHED garage. Garage openings, windows, columns, trims, decorative paneling, and color must de-emphasize the visual impact of the garage in relation to the building as a whole.

[(6) No garage may be used for commercial body repair, painting, or engine rebuilding.]

(D) [(c)(3)] *All residential garages.*

No RESIDENTIAL garage may be used for commercial body repair, painting, or engine rebuilding.

§ 15-514. Recycling collection stations.

(b) *Standards.*

Recycling collection stations are conditional uses, subject to the following standards:

[(1) recycling collection stations are allowed as a conditional use in the C-4, I-1, and I-2 Districts;]

....

§ 15-515. Refuse disposal containers and refuse storage areas.

(c) ?????

(1) All refuse disposal containers must be fully enclosed on 3 sides by a 6- FEET HIGH OR HIGHER:

(i) solid wood or simulated wood screen fence[.];

(ii) [an] opaque masonry wall (stone, stucco, or brick)[.]; or

(iii) [a] principal structure wall [6 feet high].

[The enclosure must be gated.]

(2) The materials used for [screening, including] the enclosure[,] must complement the architecture of the principal structure.

(3) THE ENCLOSURE MUST BE GATED.

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1 (d) ?????

2 An extension of an exterior principal structure wall may be used as one of the [screening]
3 walls for ENCLOSING a refuse disposal container[,] as long as the [wall] EXTENSION
4 meets the minimum [6-foot height] 6- FEET HIGH requirement and is of the same building
5 materials as the principal structure. [This wall may not be the gated enclosure.]

6 (e) ?????

7 (1) [IF] THIS SECTION DOES NOT APPLY TO A refuse disposal [containers are] CONTAINER
8 used as part of on-site construction [this section does not apply. However,] AS LONG
9 AS:

10 (i) the container [must be kept] IS MAINTAINED on the [site of the] construction
11 SITE[,] OR

12 (ii) [unless] a minor privilege permit is obtained to allow the container on the
13 public right-of-way.

14 (2) The container must be removed once construction is complete.

15 § 15-516. Satellite dish antennas.

16 (c) *Large satellite dish antennas.*

17 (2) *Residential districts.*

18 (iii) A large dish antenna must be [located and] screened FROM PUBLIC VIEW [so that
19 it cannot be readily seen from public streets or adjacent properties. Screening
20 includes fences, landscaping, or earth berms located to conceal the sides and rear
21 of the antenna and its support structure. Landscape screening must be] in
22 accordance with the REQUIREMENTS OF THE Baltimore City Landscape Manual.

23 (3) *Non-residential districts.*

24 (iii) A ground-mounted large dish antenna must [provide screening, which includes
25 fencing, berming, or landscaping] BE SCREENED FROM PUBLIC VIEW in accordance
26 with the REQUIREMENTS OF THE Baltimore City Landscape Manual [so that all
27 ground-mounted accessory equipment and the lower part of the support structure
28 are completely screened].

29 § 15-517. Alternative energy systems: Solar.

30 (d) *Screening and safety – Ground-mounted.*

31 All ground-mounted systems must:

32 (1) be [visually] screened [with fencing or landscape screening] FROM PUBLIC VIEW
33 IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE
34 MANUAL; and

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1 (2) display warning signs indicating voltage and dangers.

2 **§ 15-518. Alternative energy systems: Wind.**

3 (c) *Yard and setback limitations.*

4 (2) No part of the wind system structure, including guy wire anchors, may extend closer
5 than 10 feet to any lot line [of the installation site]. The system tower must be
6 setback from all lot lines equal to the height of the system.

7 ***Subtitle 7. Performance Standards***

8 **§ 15-701. Purpose.**

9 The performance standards in this [title] SUBTITLE are designed to promote and protect
10 commercial districts, business areas, and the I-MU and I-1 Districts, as light industrial areas,
11 thereby promoting and maintaining the most appropriate and beneficial use of these areas.
12 The application of these standards protect business and residential areas in or adjacent to a
13 commercial district or an I-MU or I-1 District from adverse [characteristics] EFFECTS that
14 might otherwise result from the operation of the uses allowed in those districts.

15 **§ 15-702. Applicability of standards.**

16 (a) ?????

17 Except as specified in subsection (b) of this section, the performance standards in this
18 [title] SUBTITLE apply to:

19

20 **Title 16. Off-Street Parking and Loading**

21 ***Subtitle 2. General Applicability***

22 **§ 16-201. Existing off-street parking facilities.**

23 (b) ?????

24 If a building permit was lawfully issued before [the effective date of this Code] JUNE 5,
25 2017, and if construction began within 180 days of the permit's issuance, [the number of]
26 off-street parking and loading spaces must be provided in the amount required for the
27 issuance of that building permit, regardless of the requirements of this title.

28 **§ 16-203. Additions or expansions to existing structures.**

29 (b) ?????

30 However, a non-residential use that was lawfully established before [the effective date of
31 this Code] JUNE 5, 2017, does not need to provide additional off-street parking for that

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1 increase until the aggregate increase in units of measurement equals 10% or more of the
2 units of measurement existing on [the effective date of this Code] JUNE 5, 2017. Once
3 that level of increase has been reached, however, off-street parking facilities must be
4 provided, as required by this title, for the total increase.

5 ***Subtitle 4. Design of Off-street Parking Facilities***

6 **§ 16-401. Location of off-street parking.**

7 (e) *PC [Districts] Subdistricts.*

8 In a PC [District] SUBDISTRICT, off-street parking may be located off-site as long as the
9 required parking facilities are located in that or any other PC [District] SUBDISTRICT.

10 **§ 16-402. Minimum dimensions of off-street parking spaces.**

11 (b) *Vertical clearance.*

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

13 (2) [Handicap van accessible floors] FLOORS ACCESSIBLE TO ADA-COMPLIANT VANS
14 must have a minimum VERTICAL clearance of 8 feet 2 inches.

15 **§ 16-404. Driveways.**

16 (a) *Conformance to DoT Book of Standards.*

17 [All] THE DESIGN OF EVERY driveway [designs] with access onto A City-owned
18 [roadways] ROADWAY must conform to the City Department of Transportation's Book of
19 Standards.

20 (c) *Parking spaces.*

21 (1) Single-family detached and semi-detached dwellings and rowhouse dwellings are
22 allowed a paved parking [pad] SPACE. This parking [pad] SPACE may not be located
23 in the required front or corner-side yard. In addition, no parking [pads] SPACE may be
24 located forward of the front building line.

25 (2) [Parking pads] NO PARKING SPACE may [not] exceed 18 feet in depth, as measured
26 from the property line or right-of-way.

27 [(3) Any driveway must comply with the requirements of this section.]

28 (3) [(4)] The maximum impervious surface requirement for [the] A lot may not be
29 exceeded to accommodate a parking [pad] SPACE.

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1 § 16-405. Curb cuts.

2 (a) *Permit required.*

3 (1) Curb cuts for driveways require a curb-cut permit from the Department of [General
4 Services] TRANSPORTATION, [with] SUBJECT TO review [and approval] by [the
5 Department of Transportation and] the Department of Planning.

6 (2) No person may construct, widen, remove, or alter any driveway or curb cut without a
7 permit issued by the Department of [General Services] TRANSPORTATION.

8 (b) *Considerations.*

9 (1) For residential-, commercial-, and industrial-zoned properties, curb cuts will be
10 considered [under the following conditions] FOR THE FOLLOWING SITUATIONS:

11 (i) for access to parking garages (principal use);

12 (ii) for access to parking lots with more than 5 PARKING spaces;

13 (iii) for dwelling units without rear or side access, where no on-street
14 parking is allowed along the front lot line;

15 (iv) for dwelling units that are capable of securing side street access
16 to A garage or [pad] PARKING SPACE; and

17 (v) in cases where the proposed private parking will provide a net gain
18 over the displaced amount of on-street parking.

19 [§ 16-411. Landscaping and screening.]

20 [All parking lots must be landscaped in accordance with the Baltimore City Landscape
21 Manual.]

22 *Subtitle 6. Required Off-street Parking*

23 § 16-601. Exemptions from off-street parking requirements.

24 (b) *Zoning districts exempt.*

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

27

28 (f) *Structures over 50 years old, etc.*

29 Structures over 50 years old or structures that have received an historic tax credit are
30 exempt from the parking requirements, subject to review and approval by the Director of
31 Planning, if they have not historically provided parking and they lack sufficient space on
32 the lot to accommodate parking. However, any conversions of rowhouse dwellings

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1 (Title 9, Subtitle 7) existing as of [the effective date of this Code] JUNE 5, 2017, must
2 provide additional parking spaces for the additional dwelling units required by this Code.

3 **§ 16-602. Required off-street parking.**

4 (b) ?????

5 No more than 1 parking space need be provided for every 2 dwelling units in dwellings
6 that are erected or rehabilitated subject to a restriction that the units be leased to residents
7 with incomes at or below 60% of the Area Median Income, with that restriction being for
8 a term of not less than 15 years from the date of the issuance of a use permit and recorded
9 in the Land Records of Baltimore City. The HOUSING Commissioner [of the Department
10 of] Housing and Community Development] must verify, by letter to the PLANNING
11 Director [of Planning] AND THE ZONING ADMINISTRATOR, the recordation, term, and
12 tenor of the restriction.

13 (e) ?????

14 Compact spaces may be substituted for required parking spaces, subject to site plan
15 review and approval. The use of compact spaces [may] DOES not reduce or increase the
16 amount of parking required by *Table 16-406* and this Code.

17 *Subtitle 7. Required Bicycle Parking*

18 **§ 16-701. Design standards for all bicycle parking.**

19 (h) *Lockers,*

20 [Where] IF required bicycle parking is provided in lockers, the lockers must be:

21 . . .

22 (4) constructed from a strong, weather-resistant, and [low-to-no] LOW- TO NO-
23 MAINTENANCE material;

24 . . .

25 (8) if THE lockers are stacked on top of each other, [provided] EQUIPPED with a wheel
26 guide tray or other mechanism to assist the user with lifting the bicycle.

27 (i) *Floor racks.*

28 (1) Required bicycle parking may be provided in floor racks.

29 (2) Wall and ceiling rack designs are subject to the approval of the Director of Planning
30 as part of site plan review.

31 (3) [Where] IF required bicycle parking is provided in racks, the racks must meet the
32 following standards:

33 (I) [(1)] the bicycle frame and 1 wheel must be lockable to the rack with a high
34 security, U-shaped shackle lock if both wheels are left on the bicycle;

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(II) [(2)] a bicycle 6-feet long can be securely held with its frame supported, so that the bicycle cannot be pushed or fall in a manner that will damage the bicycle in any way;

(III) [(3)] THE racks must support [the] A bicycle in at least 2 places, preventing it from falling over; and

(IV) [(4)] THE racks must be [anchored so that they cannot be easily removed,] solidly constructed, resistant to rust and corrosion, [and] resistant to hammers and saws, AND ANCHORED SO THAT THEY CANNOT BE EASILY REMOVED.

(j) *Parking and maneuvering areas.*

[Parking] BICYCLE PARKING and maneuvering areas for bicycling parking must meet the following standards:

...

(3) [where] IF the [bicycle] PARKING AREA adjoins a sidewalk, the maneuvering area may extend into the right-of-way.

(k) *Covered parking.*

(1) Covered bicycle parking [can] MAY be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures.

(2) [Where] IF required [covered] bicycle parking IS TO BE COVERED AND is not within a building or locker, the cover must be:

(I) [(1)] permanent;

(II) [(2)] designed to protect the bicycle from rainfall; and

(III) [(3)] at least 7 feet and 6 inches above the floor or ground.

§ 16-705. Required number of bicycle spaces.

(a) *In general.*

[Where off-street parking facilities are provided for motor vehicles, the number of bicycle] BICYCLE parking spaces must be provided as indicated in *Table 16-705: Required Bicycle Spaces*. No bicycle parking is required for uses not listed in *Table 16-705*. Structures under 2,500 square feet in gross floor area are exempt from bicycle parking requirements.

(b) *Minimum spaces.*

In all cases where ONLY 1 OF EITHER OR BOTH A LONG-TERM OR SHORT-TERM bicycle parking SPACE [is] WOULD BE required BY A *TABLE 16-705 CALCULATION*, a minimum of 2 LONG-TERM OR SHORT-TERM spaces, AS THE CASE MAY BE, must be provided.

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1 [(c) Where bicycle parking is required, it must be provided even if vehicle parking is
2 exempted.]

3 (c) [(d) ?????]

4 After the first 50 bicycle parking spaces are provided, additional bicycle parking spaces
5 required are at one-half OF THE space-per-unit listed.

6 ***Subtitle 9. Off-Street Loading Requirements***

7 **§ 16-901. Design of off-street loading spaces.**

8 (b) *Dimensions*

9 (2) All structures that, on [the effective date of this Code] JUNE 5, 2017, maintain loading
10 spaces that do not comply with the dimensions required by this section are considered
11 to be legally conforming in terms of loading space dimensions. If new loading spaces
12 are constructed, those spaces must match the dimensions of the existing loading
13 spaces rather than those of this section.

14 (g) *Landscaping and screening.*

15 All loading facilities must be landscaped AND SCREENED FROM PUBLIC VIEW in
16 accordance with the REQUIREMENTS OF THE Baltimore City Landscape Manual.

17 **§ 16-902. Required off-street loading spaces.**

18 (a) ?????

19 (1) Off-street loading spaces must be provided IN ACCORDANCE WITH TABLE 16-902:
20 OFF-STREET LOADING REQUIREMENTS for a building, structure, or use that requires the
21 receipt or distribution of materials or merchandise by trucks or other vehicles [in
22 accordance with Table 16-902: Off-Street Loading Requirements].

23 (c) ?????

24 All structures that were constructed before [the effective date of this Code] JUNE 5, 2017,
25 without on-site loading spaces are considered to be legally conforming in terms of
26 loading space requirements. No new loading spaces are required to be constructed.

27 **Title 18. Nonconformities**

28 ***Subtitle 2. Definitions; General Provisions***

29 **§ 18-201. Definitions.**

30 (b) *Nonconforming lot.*

31 “Nonconforming lot” means [any] A lawfully existing lot that, AS OF THE EFFECTIVE DATE
32 OF THIS CODE (JUNE 5, 2017) OR THE EFFECTIVE DATE OF AN AMENDMENT TO THIS CODE,

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1 does not [meet] COMPLY WITH the lot area or lot width [requirements of] REGULATIONS
2 APPLICABLE TO the district in which it is located.

3 (c) *Nonconforming structure.*

4 “Nonconforming structure” means [any] A lawfully existing structure that, AS OF THE
5 EFFECTIVE DATE OF THIS CODE (JUNE 5, 2017) OR THE EFFECTIVE DATE OF AN
6 AMENDMENT TO THIS CODE, does not comply with the [applicable] bulk, [or] yard, OR
7 OTHER regulations [of] APPLICABLE TO the district in which it is located [or with other
8 applicable regulations of this Code].

9 (d) *Nonconforming use.*

10 “Nonconforming use” means [any] A lawfully existing use of a structure or of land that,
11 AS OF THE EFFECTIVE DATE OF THIS CODE (JUNE 5, 2017) OR THE EFFECTIVE DATE OF AN
12 AMENDMENT TO THIS CODE, does not conform to the [applicable] use regulations [of]
13 APPLICABLE TO the district in which it is located.

14 **§ 18-202. Authority to continue.**

15 (a) *Legal use, structure, or lot.*

16 Except as otherwise specified in this title, any use, structure, or lot that existed as a
17 lawful nonconforming use, structure, or lot as of [the effective date of this Code] JUNE 5,
18 2017, and any use, structure, or lot that has been made nonconforming because of the
19 terms of this Code or any subsequent amendment to this Code, may continue subject to
20 the provisions of this title so long as it remains otherwise lawful.

21 (b) *Unlawful use or structure.*

22 A use or structure that was [illegal] UNLAWFUL as of [the effective date of this Code]
23 JUNE 5, 2017, remains [illegal] UNLAWFUL [if it does not conform] TO THE EXTENT THAT
24 THE USE OR STRUCTURE CONFLICTS with [each and every requirement] ANY OF THE
25 REQUIREMENTS of this Code OR OF THE BALTIMORE CITY BUILDING, FIRE, AND RELATED
26 CODES ARTICLE, INCLUDING THE REQUIREMENTS TO OBTAIN A USE PERMIT AND AN
27 OCCUPANCY PERMIT.

28 **§ 18-206. Determination of nonconformity.**

29 (b) *By Administrator.*

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

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

34 (i) document the existence of a [bona fide] LAWFUL nonconforming use,
35 nonconforming density, or other nonconformance; and
36 . . .

37

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Subtitle 3. Nonconforming Uses

[§ 18-301. In general.]

[A nonconforming use is a lawfully existing use of land or structure that, as of the effective date of this Code or an amendment to this Code, is no longer allowed in the zoning district in which they are located.]

§ 18-311. Junk or scrap storage and yards; Vehicle dismantling facilities; Landfills.

(a) *Status.*

A junk or scrap storage and yard, a vehicle dismantling facility, or a landfill lawfully existing as of [the effective date of this Code] JUNE 5, 2017, is considered a lawful nonconforming conditional use, subject to the conditions and restrictions previously imposed.

Subtitle 4. Nonconforming Structures

§ 18-401. [In general] APPLICATION OF SUBTITLE.

(a) [Applicable only to nonconformance with bulk regulations.] SUBTITLE INAPPLICABLE TO NONCONFORMING SIGNS.

[(1) A nonconforming structure is a structure that, as of the effective date of this Code or an amendment to this Code, does not comply with the bulk regulations of the district in which the structure is located.]

[(2)] THIS SUBTITLE DOES NOT APPLY TO NONCONFORMING SIGNS. Nonconforming signs are INSTEAD regulated by Subtitle 5 of this title.

§ 18-406. Relocation.

A nonconforming structure may not be moved, in whole or in part, to any other location on the lot, unless the structure or the moved part of the structure is made to comply with the bulk AND YARD regulations of the district in which the structure is located.

§ 18-411. Exceptions – Administrative bulk adjustments.

(e) *Final decision.*

(2) When issued, the Director’s decision constitutes a recommendation to the Zoning Administrator. The Zoning Administrator’s decision is a final decision for purposes of administrative appeal under Title 19, [Subtitle 2 {“Appeals”}] SUBTITLE 3 {“ADMINISTRATIVE AND JUDICIAL REVIEW”} of this Code.

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1 **§ 18-412. Exceptions – Multi-family structures.**

2 (a) *Scope.*

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

4 (i) in compliance with THIS CODE or before [the effective date of this Code] JUNE
5 5, 2017, was originally designed and built as a multi-family dwelling for 4 or
6 more dwelling units, as evidenced by permits or records of the City; and
7

8 **§ 18-413. Structures in Hospital Campus and Educational Campus Districts.**

9 All lawfully existing structures that, as of [the effective date of this Code] JUNE 5, 2017, are
10 located in a Hospital Campus Zoning District or an Educational Campus Zoning District are
11 considered to be conforming structures.

12 *Subtitle 6. Nonconforming Lots*

13 **§ 18-601. Construction of single-family dwelling.**

14 (b) *When allowed.*

15 On a nonconforming lot that was established before [April 20, 1971] JUNE 5, 2017, a
16 single-family dwelling may be erected regardless of the minimum lot area requirements
17 imposed by this Code[,] as long as:
18 ...

19 *Subtitle 7. Mandatory Termination of Certain Uses*

20 **§ 18-701. Retail goods establishment – with alcoholic beverage sales.**

21 (a) *In general.*

22 Except as provided in subsection (b) of this section, retail goods establishments with
23 alcoholic beverage sales in a residential district must be terminated as follows:

24 (1) for an establishment with alcoholic beverage sales that existed as a lawful
25 nonconforming use [prior to the effective date of this Code] BEFORE JUNE 5, 2017,
26 no later than [2 years after the effective date of this Code] JUNE 4, 2019,
27 notwithstanding the issuance of any prior use permit as a nonconforming package
28 goods liquor store; and

29 (2) for an establishment that becomes nonconforming on or after [the effective date of
30 this Code] JUNE 5, 2017, whether by the enactment of this Code, by the enactment
31 of an amendment to this Code, or by the reclassification of the property, no later
32 than 3 years after the date on which the use became nonconforming.

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1 (b) *Waiver for hardship.*

2 (2) *Timely application.*

3 To obtain an extension, the property owner or lessee must apply to the Board, in
4 writing, within 1 year after the effective date of this Code (JUNE 5, 2017), of the
5 amendment to this Code, or of the property reclassification, as the case may be.

6 (3) *General considerations.*

7 (i) For nonconforming uses existing [prior to the effective date of this Code] BEFORE
8 JUNE 5, 2017, the property owner or lessee seeking an extension must establish
9 the existence of one of the following factors that would render termination within
10 the time required by subsection (a) of this section a hardship:
11

12 **Title 19. PROHIBITED CONDUCT; Enforcement;**
13 **[Appeals] ADMINISTRATIVE AND JUDICIAL REVIEW**

14 ***SUBTITLE 1. PROHIBITED CONDUCT***

15 **§ 19-101. [§ 19-104.] Prohibited conduct.**

16 No person may:

- 17 (1) violate any provision of this Code, of any rule, regulation, or manual adopted under
18 this Code, or of any permit, notice, or order issued under this Code;
- 19 (2) refuse, neglect, omit, or otherwise fail to comply with any provision of this Code, of
20 any rule, regulation, or manual adopted under this Code, or of any permit, notice, or
21 order issued under this Code;
- 22 (3) resist the enforcement of any provision of this Code, of any rule, regulation, or
23 manual adopted under this Code, or of any notice or order issued under this Code; or
- 24 (4) cause any of these acts or omissions to be done.

25 **§ 19-102. EACH DAY A SEPARATE OFFENSE.**

26 EACH DAY THAT A VIOLATION CONTINUES AFTER WRITTEN NOTICE FROM THE ZONING
27 ADMINISTRATOR CONSTITUTES A SEPARATE OFFENSE.

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SUBTITLE 2. ENFORCEMENT
[Subtitle 1. Enforcement]

PART I. DEFINITIONS

§ 19-201. "PERSON RESPONSIBLE" DEFINED.

IN THIS SUBTITLE, "PERSON RESPONSIBLE" MEANS ANY OWNER, OPERATOR, MANAGER, OR TENANT OF A PROPERTY OR USE SUBJECT TO THIS CODE, OR ANY OTHER PERSON RESPONSIBLE FOR OR HAVING THE CARE, CONTROL, OR POSSESSION OF THAT PROPERTY OR USE, WHETHER AS A PRINCIPAL OR AS AN AGENT, PERSONAL REPRESENTATIVE, TRUSTEE, GUARDIAN, OR OTHERWISE, AND WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON.

§§ 9-202 TO 9-205. {RESERVED}

PART II. VIOLATION NOTICE

§ 19-206. [§ 19-101. Notice of violation] ISSUANCE.

(a) *In general.*

[(1)]Whenever the Zoning Administrator learns of a violation of § 19-101 {"PROHIBITED CONDUCT"} OF this Code, [of any rule, regulation, or manual adopted under this Code, or of any notice or order issued under this Code,] the Zoning Administrator [must] MAY issue a [notice of violation] VIOLATION NOTICE to:

- (1) [(i)] the owner of record of the property, as shown on the tax records of Baltimore City; and
- (2) [(ii)] any other person [against whom] WHO the Zoning Administrator [intends to proceed for the violation] HAS REASON TO BELIEVE IS A PERSON RESPONSIBLE FOR THE VIOLATION.

(B) [(2)] *CONTENTS OF NOTICE.*

The notice must:

- (1) [(i)] specify the LOCATION AND nature of the violation;
- (2) [(ii)] cite the provisions of this Code or of the rules, regulations, manual, PERMIT, notice, or order that have been violated; [and]

[(iii)] served by:

- (A) first class mail; or
- (B) personal service by an authorized representative of the City, which service must be certified on the records of the Zoning Administrator.]

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(3) STATE THE REQUIREMENTS THAT MUST BE COMPLIED WITH TO RECTIFY THE VIOLATION AND THE TIME WITHIN WHICH THE VIOLATION MUST BE RECTIFIED; AND

(4) ADVISE THE RECIPIENT OF THE RIGHT TO REQUEST A HEARING WITHIN 10 DAYS OF THE DATE ON WHICH THE NOTICE WAS SERVED.

[(b) *Reported violations in certain districts.*]

[The Zoning Administrator may issue a notice of violation under this section on receipt of 2 or more separate statements that:

(1) describe an unauthorized activity or use in a C-1, C-1-E, C-1VC, C-2, or C-3 District;

(2) give the date, time, and location at which the violation occurred; and

(3) are signed by owners or lessees of different properties.]

(c) *Compliance required.*

On receipt of a VIOLATION notice from the Zoning Administrator, the recipient must immediately take appropriate steps to correct the violation.

§ 19-207. SERVICE.

(A) *IN GENERAL.*

EXCEPT AS OTHERWISE SPECIFIED IN THIS CODE, ALL NOTICES ISSUED BY THE ZONING ADMINISTRATOR MUST BE SERVED ON:

(1) THE PERSON FOR WHOM THE NOTICE IS INTENDED; OR

(2) AN AUTHORIZED AGENT OR REPRESENTATIVE OF THAT PERSON.

(B) *MORE THAN 1 PERSON RESPONSIBLE.*

IF MORE THAN 1 PERSON IS RESPONSIBLE FOR THE VIOLATION OR OTHERWISE RESPONSIBLE FOR COMPLYING WITH THIS CODE, AS IN A CASE OF PROPERTY OWNED BY MORE THAN 1 PERSON, NOTICE MAY BE SERVED ON ANY 1 OF THOSE PERSONS OR ON ANY AUTHORIZED AGENT OR REPRESENTATIVE OF ANY OF THEM.

(C) *METHOD OF SERVICE – IN GENERAL.*

A NOTICE IS PROPERLY SERVED ON A PERSON IF:

(1) SERVED PERSONALLY ON THAT PERSON (OR ON THAT PERSON’S AUTHORIZED AGENT OR REPRESENTATIVE);

(2) HAND-DELIVERED TO THE HOME OR BUSINESS ADDRESS OF THAT PERSON (OR OF THAT PERSON’S AUTHORIZED AGENT OR REPRESENTATIVE); OR

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1 (3) SENT BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO THE
2 HOME OR BUSINESS ADDRESS OF THAT PERSON (OR OF THAT PERSON'S AUTHORIZED
3 AGENT OR REPRESENTATIVE).

4 (D) *METHOD OF SERVICE – POSTING.*

5 ADEQUATE AND SUFFICIENT NOTICE MAY BE MADE BY POSTING A COPY OF THE NOTICE ON
6 THE PROPERTY IN QUESTION IF:

7 (1) THE IDENTITY OR WHEREABOUTS OF THE PERSON RESPONSIBLE UNKNOWN; OR

8 (2) A NOTICE THAT WAS HAND-DELIVERED OR MAILED UNDER SUBSECTION (C) OF THIS
9 SECTION IS REFUSED, RETURNED UNCLAIMED, OR DESIGNATED UNDELIVERABLE BY
10 THE POST OFFICE FOR ANY REASON, AND NEITHER OF THE FOLLOWING SOURCES
11 CAN PROVIDE A MORE ACCURATE ADDRESS:

12 (i) THE TAX RECORDS OF THE CITY'S BUREAU OF TREASURY MANAGEMENT,
13 COLLECTIONS DIVISION; AND

14 (ii) THE PROPERTY REGISTRATION FILES OF THE DEPARTMENT OF HOUSING
15 AND COMMUNITY DEVELOPMENT.

16 **§ 19-208. EXTENSION OF TIME LIMIT.**

17 THE ZONING ADMINISTRATOR MAY EXTEND THE TIME WITHIN WHICH TO COMPLY WITH A
18 VIOLATION NOTICE IF, IN THE ADMINISTRATOR'S JUDGMENT, MORE TIME IS NEEDED TO
19 COMPLY.

20 **§§ 19-209 TO 19-210. {RESERVED}**

21 *PART III. SUBSEQUENT PROCEEDINGS*

22 **§ 19-211. [§ 19-102.] [Enforcement] REMEDIES generally.**

23 (a) *Administrator [to] MAY [institute appropriate proceedings] SEEK.*

24 If a violation is not promptly discontinued [or abated] AND RECTIFIED or if a violation
25 notice [or order] is not complied with promptly, the Zoning Administrator may institute
26 or cause to be instituted any appropriate civil or criminal ACTION OR [enforcement
27 proceedings] PROCEEDING TO SECURE COMPLIANCE.

28 (b) *Types of proceedings.*

29 These enforcement proceedings [may] include:

30 (1) [injunctive or other equity proceedings] CIVIL COURT PROCEEDINGS (*SEE*
31 § 19-213);

32 (2) [criminal prosecution] SERVICE OF CITATIONS (*SEE* § 19-2134; [or] AND

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1 (3) [administrative proceedings] CRIMINAL PROSECUTION (*SEE* § 19-215).

2 **§ 19-212. [§ 19-103.] Remedies not exclusive.**

3 In pursuing a violation, the Zoning Administrator may use any one or more available
4 remedies or enforcement actions. The initiation of any one remedy or enforcement action
5 does not preclude pursuing any other remedy or enforcement action authorized by law.

6 **§ 19-213. [§ 19-106.] [Civil penalties and costs.] CIVIL COURT PROCEEDINGS.**

7 (a) [*Injunctive or other equity proceedings*] *IN GENERAL.*

8 [In injunctive or other equity proceedings instituted under this Code:] THE ZONING
9 ADMINISTRATOR, ON BEHALF OF THE MAYOR AND CITY COUNCIL, MAY FILE A PETITION IN
10 CIRCUIT COURT TO COMPEL COMPLIANCE WITH OR OBTAIN OTHER RELIEF UNDER THIS
11 CODE.

12 (b) [*Additional legal action*] *JUDICIAL RELIEF.*

13 [The imposition of penalties does not preclude the City from instituting appropriate legal
14 proceedings to] IN AN ACTION BROUGHT UNDER THIS SECTION, THE COURT MAY COMPEL
15 COMPLIANCE WITH THIS CODE BY:

16 (1) ISSUING AN ORDER TO CEASE AND DESIST FROM A VIOLATION; AND

17 (2) GRANTING OTHER INJUNCTIVE RELIEF, AS APPROPRIATE TO:

18 (i) [(1)] prevent unlawful construction;

19 (ii) [(2)] restrain, correct, or abate a violation;

20 (iii) [(3)] prevent illegal occupancy of a structure or premises; or

21 (iv) [(4)] stop an illegal act, conduct, business, or use of a structure on or
22 about any premises.

23 (c) *CIVIL FINES AND COSTS.*

24 IN AN ACTION BROUGHT UNDER THIS SECTION, THE COURT MAY ALSO:

26 (1) [a violation for which equitable relief is sought is subject to] IMPOSE a civil fine
27 of [not more than] UP TO \$500 for each day that [the] A violation continues
28 [unabated]; and

29 (2) [the defendant is liable for the City's] AWARD TO THE CITY REASONABLE
30 enforcement costs and [reasonable attorneys'] ATTORNEY'S fees, [at the rate
31 established by the Court of Appeals,] whether or not the attorney is a salaried
32 employee of the City.

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1 § 19-214. [§ 19-105.] Enforcement by citation.

2 In addition to any other civil or criminal remedy or enforcement procedure, [certain
3 provisions of] this Code may be enforced by issuance of the following:

- 4 (1) an environmental citation under City Code Article 1, Subtitle 40 {"Environmental
5 Control Board"};
- 6 (2) a civil citation under City Code Article 1, Subtitle 41 {"Civil Citations"}; and
- 7 (3) a pre-payable criminal citation under City Code Article 19, Subtitle 71 {"Special
8 Enforcement Officers"}.

9 § 19-215. [§ 19-107.] Criminal penalties.

10 [(a) *Violation a misdemeanor.*]

11 Any person who violates any provision of [§ 19-104] § 19-101 {"Prohibited conduct"} of
12 this [subtitle] TITLE is guilty of a misdemeanor and, on conviction, is subject to [the penalties
13 specified in this section] A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE
14 THAN 30 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

15 [(b) *Each day a separate offense.*]

16 [Each day that a violation continues after written notice from the Zoning
17 Administrator constitutes a separate offense.]

18 [(c) *Penalties.*]

19 [(1) Except as otherwise specified in this section, the penalty for a violation is a
20 fine of not more than \$500 for each offense.]

21 [(2) For occupying or using any land or structure in violation of a required use
22 permit after written notice from the Zoning Administrator, the penalty is a fine
23 of not more than \$500 or imprisonment for not more than 30 days or both fine
24 and imprisonment for each offense.]

25 [(3) For violating any provision of § 17-602 {"Alcoholic beverage and cigarette
26 advertising signs"}, the penalty is a fine of not more than \$1,000 for each
27 offense.]

28 *SUBTITLE 3. ADMINISTRATIVE AND JUDICIAL REVIEW*

29 [*Subtitle 2. Appeals*]

30 § 19-301. [§ 19-201.] Administrative appeals.

31 (a) *Who may appeal.*

32 A decision of the Zoning Administrator OR OTHER AUTHORIZED ADMINISTRATIVE
33 OFFICER OR UNIT, including the issuance of a violation notice under Subtitle [1] 2

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1 {"Enforcement"} of this title, may be appealed to the Board of Municipal and
2 Zoning Appeals by:

3 (1) any person aggrieved by the decision; or

4 (2) any officer[,] OR department, board, [or] bureau, OR OTHER UNIT of the City
5 AFFECTED BY THE DECISION.

6 (b) *When and how taken.*

7 (1) The notice of appeal must be filed as follows:

8 (i) in the case of a violation notice, within 10 days of the date the notice was
9 served; and

10 (ii) in the case of any other decision, within 10 days of the date on which notice of
11 the decision was given.

12 (2) The notice of appeal must:

13 (i) be filed with the Zoning Administrator, in the form that the rules of the
14 Board of Municipal and Zoning Appeals require; and

15 (ii) specify the grounds for the appeal.

16 (3) Once the Zoning Administrator determines the notice of appeal is timely and
17 complete, the Zoning Administrator must transmit the notice to the Board of
18 Municipal and Zoning Appeals, together with all information that constitutes the
19 record of the action appealed from.

20 (c) *Stay of proceedings.*

21 (1) If the appeal is timely filed and pursued, an appeal to the Board of Municipal and
22 Zoning Appeals stays all proceedings in furtherance of the action appealed from,
23 except as provided in paragraph (2) of this subsection.

24 (2) If the Zoning Administrator certifies to the Board of Municipal and Zoning Appeals
25 that, by reason of facts stated in the certification, a stay would, in his or her opinion,
26 cause imminent peril to life or property or is not justified by any material fact, the
27 proceedings are not stayed, unless otherwise ordered by the Board of Municipal and
28 Zoning Appeals or, on application to a court of competent jurisdiction, with notice to
29 the Zoning Administrator, by the court on good cause shown.

30 (d) *Decision of Board.*

31 (1) Within 30 days of the public hearing, the Board of Municipal and Zoning Appeals
32 must render its decision in writing, setting forth its findings of fact and conclusions of
33 law. If, however, the Board of Municipal and Zoning Appeals determines that
34 additional time is needed to render a decision, the Board may, on written notice to the
35 parties, extend the time for an additional 30 days.

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1 (2) In exercising its powers of review, the Board of Municipal and Zoning Appeals may:

2 (i) reverse or affirm, wholly or in part, or modify the decision appealed
3 from; and

4 (ii) make any order, requirement, decision, or determination as ought to
5 be made in accordance with this Code.

6 (3) For these purposes, the Board of Municipal and Zoning Appeals has all the powers
7 conferred by this Code on the Zoning Administrator.

8 **§ 19-302. [§ 19-202.] Judicial review.**

9 (a) *Final administrative decision.*

10 All decisions and findings of the Board of Municipal and Zoning Appeals that are made
11 on appeals, on application for conditional uses or variances, and in all other matters on
12 which the Board of Municipal and Zoning Appeals is required to act after public notice
13 and hearing, are final administrative decisions, subject to judicial review.

14 (b) *Who may seek.*

15 Judicial review of a final administrative decision of the Board of Municipal and Zoning
16 Appeals may be sought by [those authorized to do so under State Land Use Article
17 § 4-401(a) {"Who may file"}]:

18 (1) ANY PERSON AGGRIEVED BY THE DECISION; OR

19 (2) ANY OFFICER OR DEPARTMENT, BOARD, BUREAU, OR OTHER UNIT OF THE CITY
20 AGGRIEVED BY THE DECISION.

21 (c) *How and when taken.*

22 (1) This review must be sought within the time and in the manner required by law and
23 the Maryland Rules of Procedure.

24 (2) Before the petition for judicial review is filed with the court, the petitioner must file
25 a copy with the Board of Municipal and Zoning Appeals and the Zoning
26 Administrator.

27 (3) The Board of Municipal and Zoning Appeals must promptly notify the City Solicitor
28 of the filing of every petition for judicial review.

29 (d) *Stay of proceedings.*

30 (1) The filing of a petition for judicial review does not stay the proceedings for which the
31 review is sought.

32 (2) On motion and hearing, the court may grant a stay on good cause shown, subject to
33 the conditions of bond or otherwise that the court considers proper.

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1 **§ 19-303. APPELLATE REVIEW.**

2 [(e) *Appellate review.*]

3 [A] ANY party to the judicial review may appeal the court's final judgment to the Court of
4 Special Appeals in accordance with the Maryland Rules of Procedure.

5 **Article 1. Mayor, City Council, and Municipal Agencies**

6 **Subtitle 40. Environmental Control Board**

7 **§ 40-14. Violations to which subtitle applies.**

8 (c) *Provisions and penalties enumerated.*

9 (5A) [(5)] *Article 31. Transit and Traffic*

10

11 (5B) **ARTICLE 32. ZONING**

12 § 19-101. PROHIBITED CONDUCT

\$500

13 (5C) [(5a)] *Building, Fire, and Related Codes Article – Building Code*

14

15 [(8) *Zoning Code*]

16 [§ 2-402. Use permit required

\$500]

17 [§ 3-107. Prohibited uses - storage, etc., of vehicles

\$ 50]

18 [§ 17-401(c). Conditional-use live entertainment

\$500]

19 **Subtitle 41. Civil Citations**

20 **§ 41-14. Offenses to which subtitle applies – Listing.**

21 (4A) **ARTICLE 32. ZONING**

22 § 19-101. PROHIBITED CONDUCT

\$500

23 [(7) *Zoning Code*]

24 [§ 3-107. Prohibited uses - storage, etc., of vehicles

\$ 50]

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Article 19. Police Ordinances

Subtitle 71. Special Enforcement Officers

§ 71-2. Prepayable criminal citations.

(i) Enumeration of code violations and penalties.

The authority of a Special Enforcement Officer to issue prepayable criminal citations is limited to the following provisions of the City Code:

...	[(3) Zoning Code]	
	[§ 2-402. Use permit required	\$100]
	[§ 3-107. Prohibited uses – Storage, etc., of vehicles	\$ 50]
(3) [(3a)]	Article 7. Natural Resources	
	Division I. Floodplain Management	\$500
...		
(5)	ARTICLE 32. ZONING	
	§ 19-101. PROHIBITED CONDUCT	\$500

SECTION 3. AND BE IT FURTHER ORDAINED, That (i) Tables 7-202 through 17-812, as adopted by Ordinance 16-581, are repealed, and (ii) new Tables 7-202 through 17-812 are substituted, to read as follows:

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**TABLE 7-202: OPEN-SPACE DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS	USE STANDARDS
	OS	
RESIDENTIAL		
Dwelling: Caretaker's	P	
INSTITUTIONAL		
Cultural Facility	CB	Per 14-308
Government Facility	P	
OPEN-SPACE		
Cemetery	CB	
Community-Managed Open-Space Farm	CB	Per 14-307
Community-Managed Open-Space Garden	P	Per 14-307
Fishing Pier	CB	
Forest and Nature Preserve	P	
Horse Stable	CB	
Marina: Recreational	CB	Per 14-323
Park or Playground	P	
Urban Agriculture	CB	Per 14-339
Zoo	CB	
COMMERCIAL		
Country Club	P	
Driving Range	CB	
Fairground	CB	
Golf Course	CB	
Recreation: Indoor	CB	Per 14-312
Recreation: Outdoor	P	Per 14-312
Restaurant (Within Publicly-Owned Park)	CO	

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	<i>OS</i>	
OTHER		
Electric Substation: Enclosed or Indoor	CB	Per 14-340
Parking Lot (Accessory Use)	CO	Per 14-331
Parking Garage (Accessory Use)	CO	
Telecommunications Facility	CB	Per 14-338
Utilities	CB	Per 14-340
Wireless Communications Services ¹	CB, P	Per 14-338

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¹ 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.

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**TABLE 7-202: OPEN-SPACE DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS	USE STANDARDS
	OS	
RESIDENTIAL		
Dwelling: Caretaker's	P	
INSTITUTIONAL		
Cultural Facility	CB	Per 14-308
Government Facility	P	
OPEN-SPACE		
Cemetery	CB	
Community-Managed Open-Space Farm	CB	Per 14-307
Community-Managed Open-Space Garden	P	Per 14-307
Fishing Pier	CB	
Forest and Nature Preserve	P	
Horse Stable	CB	
Marina: Recreational	CB	Per 14-323
Park or Playground	P	
Urban Agriculture	CB	Per 14-339
Zoo	CB	
COMMERCIAL		
Country Club	P	
Driving Range	CB	
Fairground	CB	
Golf Course	CB	
Recreation: Indoor	CB	Per 14-312
Recreation: Outdoor	P	Per 14-312
Restaurant (Within Publicly-Owned Park)	CO	

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	<i>OS</i>	
OTHER		
Electric Substation: Enclosed or Indoor	CB	Per 14-340
Parking Lot (Accessory Use)	CO	Per 14-331
Parking Garage (Accessory Use)	CO	
Telecommunications Facility	CB	Per 14-338
Utilities	CB	Per 14-340
Wireless Communications Services ¹	CB, P	Per 14-338

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¹ 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.

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**TABLE 7-203: OPEN-SPACE DISTRICTS –
BULK AND YARD REGULATIONS**

CATEGORIES	SPECIFICATIONS (FOR ALL OS DISTRICTS)
MINIMUM LOT AREA	
Cemetery	2 acres
All Other Uses	None
MAXIMUM BUILDING HEIGHT	
Principal Structure - Private	35 feet
Principal Structure - Public	50 feet
Accessory Structure – Private	20 feet (but no more than 1 story)
Accessory Structure – Public	None
Front Yard	20 feet
MINIMUM YARDS	25 feet
Corner Side Yard	20 feet
Rear Yard	25 feet

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