

**CITY OF BALTIMORE
COUNCIL BILL 07-0695
(First Reader)**

Introduced by: Councilmembers Clarke, Holton, Spector, Welch, Middleton, Crider, Kraft,
Curran, Conaway, Reisinger, Mitchell

Introduced and read first time: May 21, 2007

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Nonconforming Uses of Structures (Class III)**

3 FOR the purpose of repealing an exception for certain districts to the rules governing the
4 discontinuance or abandonment of Class III nonconforming uses; and generally relating to
5 the regulation of nonconforming uses and noncomplying structures in the various districts.

6 BY repealing and reordaining, without amendments

7 Article - Zoning

8 Section(s) 13-401

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY repealing and reordaining, with amendments

12 Article - Zoning

13 Section(s) 13-407

14 Baltimore City Revised Code

15 (Edition 2000)

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

18 **Baltimore City Revised Code**

19 **Article – Zoning**

20 **Title 13. Nonconformance**

21 **Subtitle 4. Nonconforming Uses of Structures (Class III)**

22 **§ 13-401. Scope of subtitle.**

23 This subtitle applies to Class III nonconforming uses, which comprise:

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

Council Bill 07-0695

1 (1) any nonconforming use of all or part of a structure that was designed and erected
2 primarily for a use that is no longer allowed in the district in which it is located;

3 (2) any nonconforming use of the lot on which that structure is located; and

4 (3) any nonconforming use of land or structures not regulated as Class I or Class II.

5 **§ 13-407. Discontinuance or abandonment.**

6 (a) *Discontinuance of use.*

7 (1) Except as specified in this section, whenever the active and continuous operation of
8 any Class III nonconforming use, or any part of that use, has been discontinued for 12
9 consecutive months:

10 (i) the discontinuance constitutes an abandonment of the discontinued
11 nonconforming use, or discontinued part of that use, regardless of any
12 reservation of an intent to resume active operations or otherwise not abandon
13 the use; and

14 (ii) the discontinued nonconforming use, or discontinued part of that use:

15 (A) may not be reestablished; and

16 (B) any subsequent use of any part of the land or structure previously used
17 for the discontinued use, or discontinued part of that use, must
18 conform to the regulations of the district in which the land or structure
19 is located.

20 (2) In accordance with Subtitle 7 {“Modifications and Continuances by Board”} of this
21 title, the Board may extend the time limit for discontinuance for 1 or more additional
22 periods. In no case, however, may the total of the additional time exceed 12 months.

23 (b) *Abandonment of use.*

24 Except as specified in this section, if, at any time, actual abandonment in fact is
25 evidenced by removal of structures, machinery, or equipment, or by alterations that
26 indicate a change in the use of any part of the land or structure:

27 (1) that action constitutes an abandonment of the nonconforming use, or affected part
28 of that use; and

29 (2) all rights to continue or reestablish the nonconforming use, or part of that use,
30 immediately terminate.

31 [(c) *Exceptions for R-6 to R-10 Districts.*

32 This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9,
33 or R-10 District.]

Council Bill 07-0695

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

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