

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 25-0006

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Cosponsored by: Councilmember Schleifer
Introduced and read first time: January 13, 2025
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: April 7, 2025

AN ORDINANCE CONCERNING

Zoning Code – Modifications

FOR the purpose of amending provisions of the Baltimore City Zoning Code relating to variances to conform to relevant State law; making modifications to the process of granting variances; clarifying provisions of the Zoning Code relating to nonconforming structures; and generally relating to the zoning and land use laws of the City of Baltimore.

BY repealing and re-ordaining, with amendments

Article 32 - Zoning

Sections 1-205, 1-307(a), 3-203(b)(7) to (8), 4-203, 4-405, 5-201(b), 5-301, 5-302(b), 5-308 to 5-310, 5-406(a), 5-407, 5-601(b), 5-603(d), 5-604(b), 5-901, 9-703, 12-303(i), 12-405(e), 14-328(j), 14-329(a), 16-207, 16-601(b), 18-206(b), 18-403, 18-412, Table 10-301, Table 10-401, Table 11-301, Table 12-301, Table 12-402, Table 12-1403, and Table 15-601

Baltimore City Code
(Edition 2000)

BY adding

Article 32 - Zoning

Sections New 1-313(g), ~~5-503~~, ~~10-403~~, 5-503, and 15-203
Baltimore City Code
(Edition 2000)

BY repealing

Article 32 - Zoning

Section 9-703(b), (c), and (f)

Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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BY renumbering

Article 32 - Zoning

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

To be

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

Baltimore City Code

(Edition 2000)

BY renumbering

Article 32 - Zoning

Section 9-703(d), (e), and (g)

To be

Section 9-703(b), (c), and (d)

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 32. Zoning

Title 1. General Provisions

Subtitle 2. Rules of Interpretation

§ 1-205. [Tables.] USE SYMBOLOGY.

[(a) *In general.*]

[(1) Except for the Cumulative Table of Uses, the “Tables” contained in this Code and the statutory references to them are part of this Code and of the laws enacted by it.]

[(2) The Cumulative Table of Uses that accompanies this Code:]

[(i) is for convenience of reference only, intended as a guide to this Code; and]

[(ii) is not law and is not to be taken as affecting the meaning or effect of the law.]

[(b) *Use symbology.*]

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(A) *USE SYMBOLOGY.*

[(1) In Tables of Uses:] IN TABLES OF USES:

- (1) [(i)] a “P” indicates that a use is permitted within that zoning district;
- (2) [(ii)] a “CB” indicates that a use is a conditional use within that zoning district requiring approval by the Board of Municipal and Zoning Appeals;
- (3) [(iii)] a “CO” indicates that a use is a conditional use within that zoning district requiring approval by Ordinance of the Mayor and City Council;
- (4) [(iv)] no letter (that is, a blank space) or the absence of the use from the table indicates that the use is not allowed within that zoning district; and
- (5) [iv] each Table of Uses organizes its lists of uses under the following “Use Categories”: “Residential”, “Institutional”, “Open-Space”, “Commercial”, “Industrial”, and “Other”.

(B) *SIGNAGE SYMBOLOGY.*

[(2) In Signage Tables] IN SIGNAGE TABLES:

- (1) [(i)] an “A” indicates that a sign type is allowed in that Zoning District;
- (2) [(ii)] an “ASSC Only” indicates that a sign type is only allowed in an approved Area of Special Signage Control; and
- (3) [(iii)] a “CB” indicates that a sign type requires conditional approval by the Board of Municipal and Zoning Appeals.

{EXPLANATORY NOTE: This text was retained from the prior Zoning Code in error. Before the comprehensive rewrite of the Zoning Code, the use tables at the back of that edition were unofficial and for readers’ convenience only, which made such a declaration in §1-208 of that former code necessary. As a part of the comprehensive overhaul of the Zoning Code, the tables were adopted as part the official code, and so this outdated reference to the previous Cumulative Uses Table, now under §1-205, is no longer needed.}

Subtitle 3. Variances Definitions

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

(a) *Government facility.*

(1) *In general.*

“Government facility” means a structure or land that is operated by a government agency.

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(2) *Inclusions.*

“Government facility” includes agency offices, storage yards, public works facilities, recreation: indoor, ~~RECREATION- OUTDOOR,~~ and utility facilities: facilities THAT ARE OPERATED BY A GOVERNMENT AGENCY.

{EXPLANATORY NOTE: This amendment clarifies a question from the Department of Recreation and Parks that recreational centers are intended to be included under the definition of “government facilities”.}

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

(G) SHARED-USE PATH.

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

(I) HAS A PAVED OR HARD SURFACE;

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

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

(IV) IS NOT FOR VEHICULAR TRAFFIC.

(H) [(g)] Shielded lighting.

...

(I) [(h)] Shipyard.

...

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

...

(K) [(j)] Sign.

...

(L) [(k)] Significant development.

...

(M) [(l)] Social club.

...

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

...

(O) [(n)] Special exception.

...

(P) [(o)] Stadium.

...

(Q) [(p)] Stacking space.

...

(R) [(q)] Stormwater.

...

(S) [(r)] Story.

...

Title 3. Outline of Code Administration

Subtitle 2. Administrative Agencies and Officials

§ 3-203. Planning Commission.

(b) Powers and duties.

In addition to the powers and duties specified in City Charter Article VII, § 72, the Planning Commission has the following powers and duties under this Code:

(1) to make recommendations on amendments to the zoning text and maps (Title 5, Subtitle 5);

(2) to make recommendations on planned unit developments (Title 13);

(3) to develop and revise from time to time a Design Manual (Title 4, Subtitle 4);

(4) to develop and revise from time to time a Landscape Manual (Title 4, Subtitle 5);

(5) unless specifically provided for otherwise, to hear appeals from the decisions of the Director of Planning on:

(i) site plan review (Title 4, Subtitle 2);

(ii) environmentally sensitive areas review (Title 4, Subtitle 3);

(iii) design review (Title 4, Subtitle 4); and

(iv) landscape review (Title 4, Subtitle 5; Landscape Manual); and

(6) with the approval of the Board of Estimates, to set fees for filing and hearing appeals and for the various other functions required or authorized by this Code;

[(7) to begin the next comprehensive rezoning process by January 1, 2024, and submit a bill by June 30, 2025, and to repeat the process every 10 years; and]

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~~(7) TO CONDUCT AN ANNUAL COMPREHENSIVE REZONING PROCESS, IN CONFORMANCE WITH § 3-301 {"PLAN REVISION"} OF THE STATE LAND USE ARTICLE AND THE COMPREHENSIVE MASTER PLAN FOR THE CITY OF BALTIMORE, WHICH INCLUDES THE GENERAL LAND USE MAP;~~

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

~~(8) TO REVIEW AND PROPOSE UPDATES TO THE LAND USE MAP ON A QUADRENNIAL BASIS; AND LAND USE MAP, NO LESS THAN QUADRENNIALLY; AND~~

(9) [(8)] to perform all other functions assigned to the Commission by this Code.

{EXPLANATORY NOTE: This amendment aligns the Zoning Code with the 2024 Comprehensive Master Plan for the City of Baltimore, approved and enacted as of November 27, 2024, by the Mayor and City Council. *Ord. 24-426.*}

Title 4. Development Reviews

Subtitle 2. Site Plan Review

§ 4-203. Applicability.

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

(1) new construction that involves any of the following:

(i) any proposed development over 15,000 square feet of gross floor area;

(ii) developments with multiple structures on a single lot, excluding accessory structures; and

(iii) all multi-tenant commercial development, including mixed-use development;

(2) subdivision of land;

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

(4) planned unit development;

(5) conditional use, unless the conditional use can and will be fully contained within an existing structure;

(6) parking lot or structures containing 5 or more motor vehicle parking spaces;

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- (7) any development within an environmentally sensitive area, including projects in a Floodplain District and projects within the Buffer of the Critical Area (*see* Subtitle 3 {"Environmentally Sensitive Areas Review"} of this title);
- (8) urban agriculture or community-managed open-space farm; [and]
- (9) any development within the C-5-IH [Subdistrict.] SUBDISTRICT; AND
- (10) MULTIPLE PRINCIPAL STRUCTURES ON A RESIDENTIAL LOT PER § 15-203.

{EXPLANATORY NOTE: Recent requests for a second principal structure on a residential lot have shown that the Zoning Code is not clear as to how these are to be treated. Given increased interest by the State of Maryland in accessory dwelling units, the Department of Planning wants to add the requirement for Site Plan Review and Design Review to better incorporate these options into our neighborhoods.}

Subtitle 4. Design Review

§ 4-405. Applicability.

(a) *In general.*

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

- (1) new construction of [dwellings, excluding additions;] DWELLINGS;
- [(2) new construction of rowhouses;]
- (2) [(3)] upper floor additions and roof decks on existing rowhouses;
- (3) [(4)] ADDITIONS ON STREET-FRONT FACADES, TO INCLUDE deck, porch, and balcony [additions on street-front facades;] ADDITIONS;
- (4) [(5)] when exterior modifications are proposed for residential conversions in the R-7, R-8, R-9, and R-10 Districts;
- (5) [(6)] the establishment of a non-residential use within the R-MU Overlay District;
- (6) [(7)] all new construction and additions in the C-5 District;
- (7) [(8)] all substantial modifications of the facade of a structure in the C-5 District;
- (8) [(9)] planned unit development;
- (9) [(10)] any sign that is conditional on Board of Municipal and Zoning Appeals approval, but without regard to its copy or message;
- (10) [(11)] any painted/mural sign, but without regard to its copy or message;
- (11) [(12)] any sign over 100 square feet in area;

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(12) [(13)] any electronic sign, freestanding sign, or roof sign, but without regard to its copy or message;

(13) [(14)] any freestanding sign in the C-5 or PC District, and any banner sign, projecting sign, or wall sign above the ground floor in the C-5 OR PC District, but without regard to its copy or message;

(14) [(15)] any Signage Plan and any sign, but without regard to its copy or message, within an Area of Special Sign Control; [and]

(15) MULTIPLE PRINCIPAL STRUCTURES ON A RESIDENTIAL LOT PER § 15-203; ~~AND~~

(16) [(17)] any new construction that involves:

(i) a proposed development over 15,000 square feet;

(ii) a multi-tenant commercial development, including mixed-use development;

(iii) alteration to a street-front facade in a C-1 District; or

(iv) construction in a TOD District or in the W Overlay ~~District~~; District; AND

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

(b) *Exception.*

Design review is not required for development projects that are subject to review by the Commission for Historical and Architectural Preservation.

{EXPLANATORY NOTE: This amendment corrects and clarifies conflicting provisions where paragraph (1) in subsection (a) requires design review for new construction of dwellings, excluding additions, but later in the same list requires design review for additions. The list clearly states that design review is required for construction of new dwellings *and* for certain named types of additions. In addition, this amendment eliminates duplicative language in striking “rowhouses”, as they are considered a “dwelling” and covered by paragraph (1). Lastly, in response to recent requests for accessory dwelling units as a second principal structure on a residential lot, this amendment now addresses this developing area of zoning law with clarity.}

Title 5. Applications and Authorizations

Subtitle 2. Applications

§ 5-201. Introduction of proposed authorization.

(b) *Introduction by application.*

(1) Notwithstanding subsection (a) of this section, a person must file an application under this subsection to request:

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(i) a minor variance;

(ii) a major variance that at the time of filing, is not the subject of legislation before the City Council;

(iii) a conditional use that, at the time of filing, is not the subject of legislation before the City Council;

(iv) a use permit;

(v) a zoning appeal; and

(vi) a zoning consultation.

(2) An application for a variance, conditional use, use permit, or zoning appeal must be filed IN WRITING by:

(i) the owner of property to which the application applies; or

(ii) a person expressly authorized by the {owner in writing.} ~~OWNER.~~

(3) An application for a zoning interpretation must be filed by:

(i) an owner of any property in the City;

(ii) a person expressly authorized by a property owner in writing; or

(iii) any City Councilmember or other official of City government.

{EXPLANATORY NOTE: This amendment requires both property owners and their agents to submit applications in writing.}

Subtitle 3. Variances.

§ 5-301. Purpose.

(a) *In general.*

The purpose of the variance procedure is to afford a property owner relief from certain regulations of [the Zoning Code] THIS CODE when [unnecessary hardship or] practical difficulty exists.

(b) *Application.*

[The variance procedure applies only to changes in bulk and yard regulations and changes in signage, parking, and loading requirements. It does not apply to changes in the uses, the maximum quantity of signs, the location requirements of signs, or the types of signs allowed within a zoning district.] ~~THE ZONING ADMINISTRATOR OR ADMINISTRATOR,~~ THE BOARD OF MUNICIPAL AND ZONING APPEALS APPEALS, OR THE CITY COUNCIL MAY GRANT VARIANCES FROM THE PROVISIONS OF THIS CODE PURSUANT TO THE STANDARDS SET FORTH IN THIS SUBTITLE.

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1 (C) *EXCEPTIONS TO VARIANCE PROCEDURE PROVISIONS: SIGNS.*

2 THE VARIANCE PROCEDURE PROVISIONS IN THIS TITLE DO NOT APPLY TO APPLICATIONS
3 REQUESTING AN EXEMPTION FROM:

4 (1) THE MAXIMUM QUANTITY OF SIGNS;

5 (2) THE LOCATION REQUIREMENTS OF SIGNS; OR

6 (3) THE TYPES OF SIGNS ALLOWED WITHIN A ZONING DISTRICT.

7 (D) *USE MAY NOT CHANGE BY VARIANCE.*

8 ~~THE VARIANCE PROCEDURE PROVISIONS SET FORTH IN THIS SUBTITLE SHALL NOT BE~~
9 ~~CONSTRUED TO PERMIT THE ZONING ADMINISTRATOR OR THE BOARD TO AUTHORIZE A~~
10 ~~USE OF LAND NOT OTHERWISE PERMITTED UNDER THE GUISE OF A VARIANCE. THE~~
11 ~~VARIANCE PROCEDURE PROVISIONS MAY NOT BE USED TO AUTHORIZE A USE NOT~~
12 ~~OTHERWISE PERMITTED IN THE ZONING DISTRICT.~~

13 (E) *AUTHORITY NOT EXCLUSIVE.*

14 THE AUTHORITY GRANTED IN THIS SUBTITLE 3 TO THE ZONING ADMINISTRATOR OR THE
15 BOARD OF MUNICIPAL AND ZONING APPEALS TO GRANT A VARIANCE FROM PROVISIONS
16 OF THIS CODE IS NOT INTENDED TO LIMIT ANY OTHER AUTHORITY THAT MAY EXIST
17 ELSEWHERE WITHIN THIS CODE TO PROVIDE RELIEF OR MODIFICATION FROM THE CODE'S
18 REQUIREMENTS.

19 {EXPLANATORY NOTE: This amendment conforms the Zoning Code to case law by removing "unnecessary
20 hardship" and maintaining "practical difficulty". In addition, this amendment empowers both the Zoning
21 Administrator and the BMZA to review and approve a variance application to any provision within the
22 Zoning Code, excluding the maximum quantity of signs, the location requirements of signs, or the types of
23 signs allowed within a zoning district.}

24 **§ 5-302. Minor and major variances distinguished.**

25 (b) *Minor variances.*

26 (1) Minor variances comprise the following specified variances:

27 (i) a reduction in lot width by no more than 10% of the applicable minimum lot
28 width requirements;

29 (ii) a reduction in required yards and setbacks by no more than 10% or 2 feet,
30 whichever is less;

31 (iii) a reduction in the number of off-street parking spaces by no more than 10%
32 of the applicable minimum requirements;

33 (iv) a reduction in the required alley width for access to off-street parking; and

34 (v) a variance to bulk or yard regulations if:

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(A) the parcel of land is improved with a nonconforming structure that has been in existence for at least 50 years;

(B) the variance would not permit more than a 10% cumulative increase in the bulk and density of a structure that has been in existence for 50 or more years; and

(C) in the opinion of the Zoning Administrator, the application complies with all applicable approval criteria for variances.

(2) The Zoning Administrator OR THE BOARD OF MUNICIPAL AND ZONING APPEALS may grant minor variances from the regulations of this Code.

{EXPLANATORY NOTE: This amendment adds an omitted reference to match the language in Title 5, Subtitle 4, as variances are approved both by the BMZA and by the City Council, depending on the zoning district.}

§ 5-308. Approval standards.

(a) *Required finding of [unnecessary hardship or] practical difficulty.*

[In order to] TO grant a variance, the Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, as the case may be, [must] SHALL find [that,] THAT:

(1) because of the CONDITIONS PECULIAR TO THE PROPERTY, INCLUDING particular physical surroundings, shape, or topographical conditions of the specific structure or land involved, A PRACTICAL DIFFICULTY, AS DISTINGUISHED FROM A MERE INCONVENIENCE, WOULD RESULT IF THE STRICT LETTER OF THE APPLICABLE REQUIREMENT WERE CARRIED OUT; OR

(2) BECAUSE OF EXCEPTIONAL CIRCUMSTANCES RELATED TO THE SPECIFIC STRUCTURE OR LAND INVOLVED, [an unnecessary hardship or] A practical difficulty, as distinguished from a mere inconvenience, would result if the strict letter of the applicable requirement were carried out.

(b) *Other required findings.*

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

[(1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;]

(1) [(2)] the [unnecessary hardship or] practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;

(2) [(3)] the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

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(3) [(4)] the variance will not:

(i) be injurious to the use and enjoyment of other property in the immediate vicinity; or

(ii) substantially diminish and impair property values in the neighborhood;

(4) [(5)] the variance is not precluded by and will not adversely affect:

(i) any Urban Renewal Plan;

(ii) the City's Comprehensive Master Plan; or

(iii) any Historical and Architectural Preservation District; and

(5) [(6)] the variance will not otherwise:

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

(ii) be in any way contrary to the public interest.

{EXPLANATORY NOTE: This amendment removes the "uniqueness" and "unnecessary hardship" standards that are difficult for applicants to prove and are an outlier among peer counties.}

~~While this amendment removes "uniqueness" and "unnecessary hardship" from the City Code, it is important to note that §§ 1-101(s) and 4-206 of the State Land Use Article maintain that a variance is "a modification only of density, bulk, dimensional, or area requirements in the zoning law that is not contrary to the public interest, and where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty, as specified in the zoning law." Md. Code, Land Use, § 1-101(s) (emphasis added). The substantive provision of State law relating to variances is § 4-206 of the Land Use Article. Subsection (a) of § 4-206 empowers local legislative bodies to "specify in a zoning law the allowable modifications that may be made by variance." However, this power is limited by subsection (b), which states that the modifications in a variance "(1) may be only of density, bulk, dimensional, or area requirements of the zoning law; (2) may be only allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law; and (3) may not be contrary to the public interest." Md. Code, Land Use, § 4-206 (emphasis added).}~~

§ 5-309. [Expiration of approval] TIME LIMIT FOR UTILIZATION OF VARIANCE; EXTENSIONS.

(a) *Exercise [within year] of approval required.*

[A variance lapses and becomes void 1 years from the date of its final approval, unless substantial construction has occurred within that year.]

A VARIANCE LAPSES AND BECOMES VOID 2 YEARS FROM THE DATE OF ITS FINAL ORDER GRANTING SAME, UNLESS A USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED. UNLESS SUBSTANTIAL CONSTRUCTION HAS OCCURRED WITHIN THAT SAME 2-YEAR PERIOD.

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(b) *Extension by BMZA.*

The Board of Municipal and Zoning Appeals may grant an extension of this period for both minor and major variances, on written application and for good cause shown, without notice or hearing.

{EXPLANATORY NOTE: This amendment updates time requirements to match current practice and necessity as it relates to development time lines.}

§ 5-310. Code compliance denial.

(a) *In general.*

Neither the Zoning Administrator nor the Executive Director of the Board of Municipal and Zoning Appeals may ~~process~~ APPROVE any application for A variance OR A CONDITIONAL USE if the subject property has any outstanding notices of violation, fines, or fees that are either unresolved or unpaid.

(b) *Exception.*

The Zoning Administrator or the Executive Director of the Board of Municipal and Zoning Appeals may ~~process~~: APPROVE:

(1) the application for A variance [if the variance applied for] OR CONDITIONAL USE IF THAT APPLICATION is required to resolve an outstanding notice of violation, fine, or fee that is either unresolved or [unpaid.] UNPAID; AND

(2) THE APPLICATION FOR A VARIANCE OR CONDITIONAL USE IF AN OUTSTANDING VIOLATION OR FINE IS THE SUBJECT OF A STILL PENDING ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.

{EXPLANATORY NOTE: This amendment confirms applicability to both a variance and a conditional use application.}

Subtitle 4. Conditional Uses.

§ 5-406. Approval standards.

(a) *Evaluation criteria.*

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

(1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

(2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;

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- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

{EXPLANATORY NOTE: This amendment adds an omitted reference, as conditional uses are approved both by the BMZA and by the City Council, depending on the zoning district. This amendment conforms the text to the following paragraph in §5-406(b) which refers to both approval bodies.}

§ 5-407. [Expiration of approval] TIME LIMIT FOR UTILIZATION OF CONDITIONAL USE; EXTENSIONS.

(a) *Exercise [within year] OF APPROVAL required.*

A conditional use and a conditional sign approval lapses and becomes void in [1] 2 years from the date of its final [approval] ORDER GRANTING SAME unless, within that [year] PERIOD:

- (1) a use permit under this Code and an occupancy permit under the Baltimore City Building Code have been obtained for that use;
- (2) the erection or alteration of a structure for that use has lawfully begun;
- (3) the use has lawfully begun; or
- (4) a building permit under this Code and any other applicable Codes has been obtained for the [sign.] USE OR THE SIGN, AS THE CASE MAY BE.

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(b) *Extension by BMZA.*

The Board of Municipal and Zoning Appeals may grant an extension of this period on written application and for good cause shown, without notice or hearing.

{EXPLANATORY NOTE: This amendment updates time requirements to match current practice and necessity as it relates to development time lines.}

Subtitle 5. Legislative Authorizations.

§ 5-503. INTRODUCTORY STATEMENT OF INTENT.

(A) *STATEMENT REQUIRED.*

ON INTRODUCTION OF A BILL PROPOSING A LEGISLATIVE AUTHORIZATION UNDER § 5-501(2) {"'LEGISLATIVE AUTHORIZATION' DEFINED"} OF THIS SUBTITLE, THE APPLICANT SHALL SUBMIT A WRITTEN STATEMENT IN THE FORM PROVIDED BY THE DEPARTMENT OF LEGISLATIVE REFERENCE THAT INFORMS THE CITY COUNCIL, THE AGENCIES TO WHICH THE PROPOSED BILL IS REFERRED, AND THE PUBLIC OF THE CHANGES SOUGHT AND INTENDED USES.

(B) *CONTENTS.*

THE STATEMENT SHALL CONTAIN, AT A MINIMUM:

- (1) A DESCRIPTION OF ALL PROPOSED CHANGES TO THE SUBJECT PROPERTY;
- (2) PROPERTY INFORMATION, INCLUDING THE NAME OF THE OWNER AND DEED REFERENCE AS RECORDED AMONG THE LAND RECORDS OF BALTIMORE CITY;
- (3) A DESCRIPTION OF ANY CONTRACT THAT IS CONTINGENT ON THE PROPOSED LEGISLATIVE AUTHORIZATION, INCLUDING THE NAMES AND CONTACT INFORMATION OF ALL PARTIES;
- (4) THE NAMES AND CONTACT INFORMATION OF ALL INDIVIDUALS FOR WHOM THE APPLICATION BENEFITS, INCLUDING THE NAMES AND CONTACT INFORMATION OF INDIVIDUALS HOLDING A MAJORITY STAKE IN A CORPORATE ENTITY; ~~AND~~
- ~~(5) OTHER INFORMATION AS MAY REASONABLY BE REQUIRED BY THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF LEGISLATIVE REFERENCE, OR THE DEPARTMENT OF COUNCIL SERVICES.~~

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

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

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

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{EXPLANATORY NOTE: This amendment addresses Zoning Code requirements for legislative authorizations codifying historic practices maintained by the City Council.}

Subtitle 6. Notices

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

(b) *Notice of hearing required.*

~~(1) IN GENERAL.~~

Notice of the hearing must be given by each of the following methods, as applicable:

{(1)} by publication in a newspaper of general circulation in the City;

{(2)} for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:

{(A)} {(i)} by posting in a conspicuous place on the subject property; and

{(B)} {(ii)} by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be [rezoned; and] REZONED AND EACH PERSON THAT APPEARS ON THE TAX RECORDS OF THE CITY AS AN OWNER OF PROPERTY THAT IS WITHIN THE PLANNED UNIT DEVELOPMENT TO BE AMENDED; AND

{(H)} {(3)} for a comprehensive rezoning:

{(A)} {(i)} by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and

{(B)} {(ii)} by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

~~(2) EXCEPTIONS.~~

~~WHERE A PROPERTY IS ADDED TO A PROPOSAL BY AMENDMENT, THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION (B) DO NOT APPLY IF:~~

~~(I) A NOTICE WAS PREVIOUSLY MAILED TO THE OWNER OF RECORD OF THE PROPERTY ABOUT THE PROPOSED INCLUSION; OR~~

~~(II) THE PROPERTY OWNER OF RECORD HAS AGREED TO THE PROPOSED INCLUSION BY AMENDMENT EITHER IN PERSON AT A PUBLIC MEETING OR IN WRITING.~~

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{EXPLANATORY NOTE: This amendment: (1) removes the requirement for publishing a notice in a newspaper of general circulation; (2) amendment requires that notice be mailed to owners of property within a PUD of a proposed PUD amendment; and (3) creates exceptions to certain notice requirements if a property is added to a proposal by amendment.}

§ 5-603. Minor variances.

(d) *Timing of notice.*

The posted notice must be:

(1) posted at least [10] 21 days before the Zoning Administrator makes a decision on the application; and

(2) removed within 48 hours after a written decision is issued.

{EXPLANATORY NOTE: This amendment updates time requirements to match current practice and necessity as it relates to development time lines.}

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

(b) *Notice of hearing.*

(1) *IN GENERAL.*

In addition to any other form of notice required by law or regulation, notice of the hearing must be given by posting in conspicuous places within and around the perimeter of the subject property or area.

(2) *EXCEPTIONS.*

WHERE A PROPERTY IS ADDED TO A PROPOSAL BY AMENDMENT, THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION (B) DO NOT APPLY IF:

(I) A NOTICE WAS PREVIOUSLY MAILED TO THE OWNER OF RECORD OF THE PROPERTY ABOUT THE PROPOSED INCLUSION; OR

(II) THE PROPERTY OWNER OF RECORD HAS AGREED TO THE PROPOSED INCLUSION BY AMENDMENT EITHER IN PERSON AT A PUBLIC MEETING OR IN WRITING.

{EXPLANATORY NOTE: This amendment creates exceptions to certain notice requirements if a property is added to a proposal by amendment.}

Subtitle 9. Zoning Verifications

§ 5-901. Purpose.

(A) *IN GENERAL.*

A zoning verification is a document issued by the Zoning Administrator, at an applicant's request and for the applicant's own use, [that] THAT:

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(1) states whether a property complies with the use regulations [or] OF THE DISTRICT
IN WHICH IT IS LOCATED;

(2) STATES WHETHER A PROPERTY COMPLIES WITH the bulk and yard regulations of the
district in which it is [located.] LOCATED; OR

(3) STATES WHETHER A REQUESTED VARIANCE QUALIFIES AS A MINOR VARIANCE OR
AS A MAJOR VARIANCE IN THE DISTRICT IN WHICH THE PROPERTY IS LOCATED.

(B) *NOT REQUIRED BY CODE.*

[It] A ZONING VERIFICATION is not required by this Code.

{EXPLANATORY NOTE: This amendment ~~creates exceptions to certain notice requirements if a
property is added to a proposal by amendment.~~} improves formatting for clarity and compliance
with the drafting style of this Code.}

Title 9. Rowhouse and Multi-Family Residential Districts

Subtitle 7. Residential Conversions

§ 9-703. Conversion standards.

(a) *In general.*

All conversions must meet the standards set forth in this section.

~~(b) Existing dwelling.~~

~~(1) The existing dwelling must be:~~

~~(i) a structure originally constructed as a single-family dwelling; and~~

~~(ii) 1,500 square feet or more in gross floor area.~~

~~(2) For purposes of this subsection, gross floor area does not include any basement area.~~

~~(c) GFA per dwelling unit.~~

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

~~(1) 1-bedroom unit: 750 square feet.~~

~~(2) 2-bedroom unit: 1,000 square feet.~~

~~(3) 3- or more bedroom unit: 1,250 square feet.~~

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(B) ~~(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.

(C) ~~(e)~~ *Occupancy regulations.*

No residential conversion may violate any dwelling unit occupancy regulations or restrictions of the City Code.

[(f)] *Off-street parking.*

[At least 1 off-street parking space must be provided for each dwelling unit.]

(D) ~~(F)~~ [(g)] *Residential character.*

Following the conversion, the exterior of the dwelling must retain its existing residential character.

{EXPLANATORY NOTE: This amendment cures inconsistency with the Zoning Code as it applies to off-street parking requirements.}

~~Title 10. Commercial Districts~~

~~Subtitle 4. Bulk and Yard Regulations~~

~~§ 10-403. MAXIMUM FLOOR AREA BY USE.~~

~~TABLE 10-403: C-1 COMMERCIAL DISTRICT MAXIMUM FLOOR AREA BY USE SETS FORTH THE APPLICABLE MAXIMUM GROSS FLOOR AREA BY USE FOR NEW CONSTRUCTION IN THE C-1 ZONING DISTRICT.~~

~~{EXPLANATORY NOTE: This amendment reinforces the C-1 zoning district as a walk-up commercial zoning district by creating a maximum gross floor area by use within C-1. This update prevents use of a relatively small lot for a large tenant, such as a supermarket, by increasing building height and thereby gross floor area.}~~

Title 12. Special Purpose Districts

Subtitle 3. Office-Residential Districts

§ 12-303. Other applicable standards.

(i) Residential conversions.

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

Subtitle 4. Transit-Oriented Development Districts

§ 12-405. Parking requirements.

(e) *Ingress and egress.*

[Where feasible, ingress] INGRESS to and egress from parking must be from side streets or alleys.

{EXPLANATORY NOTE: This amendment creates a requirement to apply for a variance if the applicant is unable to adhere to Zoning Code requirements.}

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-328. Neighborhood commercial establishments.

(j) *Outdoor dining.*

(1) *In general.*

Where the right-of-way is 10 feet or greater, outdoor dining may:

(i) be on the street side of the property; ~~AND~~

(ii) be on the interior of the [property;] ~~PROPERTY. PROPERTY; AND~~

~~{(iii) be in the rear yard of the [property;] PROPERTY.~~

~~[(iv) be on the deck above the ground floor; and]~~

~~[(v) be on the roof of the property.]~~

(2) *Deck dining - prohibition.*

No deck used for outdoor dining shall be constructed in the 10 foot right-of-way described under this section.

§ 14-329. Outdoor ~~dining.~~ DINING AND ROOFTOP DINING.

(a) *Nature of use.*

~~(1) Outdoor dining is considered an accessory use to a principal use and may be located on either the property for which the permit is approved or extend into the public right-of-way immediately adjoining the building frontage or street corner side of the property.~~

~~(2) Rooftop dining is allowed in all non-residential zoning districts.~~

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(i) ~~Rooftop dining is a permitted use in all non-residential zoning districts, except the C-1, C-1-VC, C-1-E, and C-2 zoning districts.~~

(ii) ~~[Outdoor] ROOFTOP dining in a C-1, C-1-VC, C-1-E, or C-2 zoning district requires approval as a conditional use by the Board of Municipal and Zoning Appeals.~~

(1) OUTDOOR DINING.

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

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

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

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

(2) ROOFTOP DINING.

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

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

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

(3) Paragraphs (1) and (2) of this subsection are subject to the requirements set forth in this section, as applicable.

{EXPLANATORY NOTE: This amendment rescinds more permissive outdoor dining rules implemented in response to the COVID-19 emergency and corrects an erroneous use of "Outdoor" to "Rooftop" to conform with the text of this section.}

Title 15. Site Development Standards

Subtitle 2. Applicability of Development Standards

§ 15-203. NUMBER OF STRUCTURES ON A LOT.

(A) *IN GENERAL.*

EXCEPT IN A PLANNED UNIT DEVELOPMENT OR AS AUTHORIZED IN SUBSECTION (B) OF THIS SECTION:

(1) NO MORE THAN 1 PRINCIPAL DETACHED STRUCTURE MAY BE LOCATED ON:

(I) ANY RESIDENTIAL LOT; OR

(II) ANY LOT ADJACENT TO A RESIDENTIAL LOT; AND

(2) NO PRINCIPAL DETACHED STRUCTURE OR ANY OTHER FREE-STANDING STRUCTURE MAY BE LOCATED WITH ANY OTHER PRINCIPAL STRUCTURE ON THE SAME:

(I) RESIDENTIAL LOT, EXCEPT AS SPECIFIED IN § 1-210 {"USE AND SITE DEVELOPMENT STANDARDS"} OR § 15-601 {"PERMITTED PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS"}; OR

(II) ANY LOT ADJACENT TO A RESIDENTIAL LOT.

(B) *EXCEPTIONS.*

NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ZONING ADMINISTRATOR SHALL APPROVE THE CONSTRUCTION OF MORE THAN 1 PRINCIPAL DETACHED STRUCTURE OR OTHER FREE-STANDING STRUCTURE ON A RESIDENTIAL LOT OR ANY LOT ADJACENT TO A RESIDENTIAL LOT, IF:

(1) THE DEVELOPMENT OTHERWISE WOULD CONFORM TO THE REQUIREMENTS OF THIS ARTICLE; AND

~~(2) THE PLANNING COMMISSION APPROVES THE DESIGN OF THE PROPOSED DEVELOPMENT.~~

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

{EXPLANATORY NOTE: This amendment addresses recent interest in multiple principal structures on 1 lot.}

Title 16. Off-Street Parking and Loading

Subtitle 2. General Applicability

§ 16-207. Computation of off-street parking requirements.

(a) In general.

The total number of required parking, loading, and bicycle spaces is based on the requirements for the use of the lot. However, if a lot contains more than 1 use, the number of required spaces is the sum of the separate requirements for each use. All off-street parking facilities must be completed before occupancy of the structure.

(b) Computation standards.

(1) IN GENERAL

In computing the number of off-street parking, loading, or bicycle spaces required by this title, the following standards of computation apply.

(2) FRACTIONS — HOW TO COMPUTE.

A fraction of less than one-half may be disregarded, and a fraction of one-half or more is counted as 1 parking or loading space.

(3) PLACES OF ASSEMBLY.

In places of assembly in which patrons or spectators occupy benches, pews or similar seating facilities, each 24 inches of the seating facility is counted as 1 seat for the purpose of determining the requirement for off-street parking facilities. Floor area of a prayer hall is counted as one 1 seat per marked prayer mat space or, if prayer mat spaces are not marked, 1 seat for every 5 square feet in the prayer hall.

(4) EMPLOYEE BASIS.

Except as otherwise specified, parking or loading spaces required on an employee basis is based on the maximum number of employees normally present on the premises at any one time. If the determination of the number of parking spaces is based on the number of employees, the owner and the manager are counted as employee.

(5) SPLIT-ZONED PROPERTY.

THE NUMBER OF REQUIRED OFF-STREET PARKING, LOADING, OR BICYCLE SPACES REQUIRED BY THIS TITLE SHALL BE CALCULATED FOR A PROPERTY THAT IS SPLIT BETWEEN 2 ZONING DISTRICTS ON A RATIO BASIS WHERE THE PERCENT OF THE PROPERTY WITHIN A ZONING DISTRICT THAT REQUIRES PARKING IS MULTIPLIED AGAINST THE APPLICABLE PARKING REQUIREMENT TO YIELD A PROPORTIONAL NUMBER OF REQUIRED PARKING SPACES.

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EXAMPLE: IF A PROPERTY IS 40% C-1 AND 60% R-8, THEN 60% OF THE TOTAL
PARKING REQUIRED BY LAND USE SHALL BE PROVIDED.

{EXPLANATORY NOTE: This amendment clarifies how parking requirements are computed when a
property has portions of a lot in different zoning districts.}

Subtitle 6. Required Off-Street Parking

§ 16-601. Exemptions and reductions from requirements.

(b) Exemptions within certain districts.

(1) RESIDENTIAL USES.

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

(2) [(1)] Commercial districts.

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

(i) C-1;

(ii) C-1-E;

(iii) C-1-VC;

(iv) C-5;

(v) C-5-IH;

(vi) C-5-DE;

(vii) C-5-HT;

(viii) C-5-TO;

(ix) C-5-HS; AND

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

[(xi) Harford Road Overlay District;]

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

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

(3) OVERLAY DISTRICTS.

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

(I) HARFORD ROAD OVERLAY DISTRICT;

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

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

(4) [2] PC SUBDISTRICTS.

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

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

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

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

Title 18. Nonconformities

Subtitle 4. Nonconforming Structures

Subtitle 2. Definitions; General Provisions

§ 18-206. Determination of nonconformity.

(b) By Administrator.

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

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

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

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

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

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

§ 18-403. Expansion of structure.

~~(A) SCOPE.~~

~~THIS SECTION APPLIES TO ALL EXPANSIONS OF A NONCONFORMING STRUCTURE, EXCEPT AS
MAY BE SPECIFICALLY AUTHORIZED UNDER:~~

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

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

~~(B) RESTRICTION ON EXPANSION.~~

~~A nonconforming structure may not be expanded if the expansion would[,] create a new
nonconformity or increase the degree of any nonconformity.~~

A NONCONFORMING STRUCTURE MAY BE EXPANDED UNDER:

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

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

{EXPLANATORY NOTE: This amendment clarifies how nonconforming structures may be modified
to match current practice and necessity as it relates to how variances and exceptions are
approved.}

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

(a) Scope.

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

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

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

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

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

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

[(b) Discontinuance of dwelling unit.]

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

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

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

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

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

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

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

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

(C) [(d)] Exceptions.

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

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Zoning Tables

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

Uses	Districts							Use Standard
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
COMMERCIAL								
Outdoor Dining	[P] P, CB ⁵	[P] P, CB ⁵	[P] P, CB ⁵	[P] P, CB ⁵	P	P	P	Per § 14-329

⁵ SEE § 14-329 FOR ROOFTOP DINING, WHICH IS A CONDITIONAL USE.

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

{EXPLANATORY NOTE: This amendment adds the reference for the conditional use approval path referenced in § 14-329(f) in text, but was omitted from the relevant table.}

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

Categories	Specifications (Per District)					
	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
Minimum Lot Area						
Residential-Care Facility (Age-Restricted)	200 sq.ft/du	200 sq.ft/du	200 sq.ft/du	120 sq.ft/du	120 sq.ft/du	[120 sq.ft/du] NONE
....						
[Maximum Lot Area] MAXIMUM GROSS FLOOR AREA BY USE						
Restaurant	None	4,000 sq. ft.	None	None	None	None
Retail Goods Establishment (Food Store)	[20,000] 10,000 sq. ft	15,000 sq. ft	20,000 sq. ft.	None	None	None

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Categories	Specifications (Per District)					
	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
All other uses	10,000 sq. ft	2,000 sq. ft	10,000 sq. ft.	None	None	None
...						
Minimum Rear Yard						
All Uses	If rear yard abuts A STREET OR an alley: None. Otherwise: 20 ft.	30 feet	If rear yard abuts A STREET OR an alley: None. Otherwise: 20 ft.	If rear yard abuts A STREET OR an alley: None. Otherwise: 20 ft.	20 feet	20 feet

{EXPLANATORY NOTE: (1) Department of Planning staff was made aware that there is a general need for clarifying how Age-Restricted facilities should be handled, but that will require a more substantial amendment. For the moment, removing the unnecessary use limitation will conform to the rest of the Zoning Code. Likewise, that use is not listed as allowed in the C-4 district, so the minimum lot area requirement should be removed from that zone. (2) To clarify that the C-1 zoning district is intended to be walk-to-commercial commercial. The maximum lot area ~~measures~~ measurements are updated to reflect the reference to maximum gross floor area by use. ~~work together with a new Table 10-403: C-1 Commercial District - Maximum Floor Area by Use.~~ (3) To clarify that there is no setback requirement in the C-1, C-1-E, and C-2 zoning districts for a through lot that goes to a rear street.}

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

Uses	Districts							Use Standards
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
...								
Commercial								
...								
Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)		CB	P	P				Per § 14-319

{EXPLANATORY NOTE: This amendment corrects for an error in the prior Zoning Code, now making the use "Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)" permitted in the IMU-1 zoning district. When the former singular "I-MU" zoning district was split into 2 separate zoning districts, "IMU-1" and "IMU-2", by Ordinance 19-244, effective April 29, 2019, the "P" (for "permitted") was omitted in error from the IMU-1 zoning district for the use "Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)".

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

Uses	Districts	Use Standards
	OR	
RESIDENTIAL		
Bed and Breakfast	CB	
Day-Care Home: Adult or Child	P	Per § 14-310
Dwelling: Detached	P	
Dwelling: Semi-Detached	P	
Dwelling: Multi-Family	P	Per § 14-327
Dwelling: Rowhouse	P	
Fraternity or Sorority House	CO	Per § 14-313
Residential-Care Facility (16 or Fewer Residents)	P	Per § 14-334
Residential-Care Facility (17 or More Residents)	CO	Per § 14-334
Rooming House	CO	
INSTITUTIONAL		
Cultural Facility	P	Per 14-308
Educational Facility: Primary and Secondary	P	
Government Facility	CB	
Place of Worship	P	Per § 14-332
OPEN-SPACE		
Community-Managed Open-Space Farm	CB	Per § 14-307
Community-Managed Open-Space Garden	P	Per § 14-307
Park or Playground	P	
Urban Agriculture	CB	Per § 14-339
COMMERCIAL		
ART GALLERY	CB, P ¹	PER § 14-328
ART STUDIO	<u>CB, P¹</u>	<u>PER § 14-328</u>
Broadcasting Station (TV or Radio)	CB	
<u>Day Care Centers: Adult or Child</u>	<u>CB, P¹</u>	<u>PER § 14-309</u>
Farmers Market	CB	Per § 14-312.1

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Uses	Districts	Use Standards
	OR	
Health-Care Clinic	P	
Lodge or Social Club	CB	Per § 14-320
[Neighborhood Commercial Establishment ¹]	[CB, P]	[Per § 14-328]
Office	P	
PERSONAL SERVICES ESTABLISHMENT	CB, P ¹	PER § 14-328
RESTAURANT	CB, P ¹	PER § 14-328
RETAIL GOODS ESTABLISHMENT (NO ALCOHOLIC BEVERAGES SALES)	CB, P ¹	PER § 14-328
OTHER		
Electric Substation: Enclosed, Indoor, or Outdoor	CB	Per § 14-340
Parking Garage (Principal Use)	CB	Per § 14-331
Parking Lot (Principal Use)	CB	Per § 14-331
Telecommunications Facility ²	CB, P	Per § 14-338
Utilities	CB	Per § 14-340
Wireless Communications Services ³	CB, P	Per § 14-338

¹ [A Neighborhood Commercial Establishment is a] THESE ARE permitted [use] USES only if: (i) the structure has 50 or more dwelling units; and (ii) THESE non-residential uses are limited to 10% of the structure's gross floor area.

² Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

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

{EXPLANATORY NOTE: To fix conflict between § 14-328 and this Table 12-301.}

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

Uses	Districts				Use Standards
	TOD-1	TOD-2	TOD-3	TOD-4	
Commercial					
Animal Clinic	P	P	P	P	Per § 14-317

{EXPLANATORY NOTE: The TOD use list has Animal Clinics as “P” (a permitted use by-right) for TOD-1, TOD-3, and TOD-4 zones, but it was omitted for TOD-2 in error.}

**TABLE 12-1403: HARFORD ROAD OVERLAY DISTRICT –
OFFICE, COMMERCIAL, AND INDUSTRIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	C-2	C-3	IMU-1	
RESIDENTIAL						
Dwelling (Above Non-Residential Ground Floor)	P	P	P	P	P	
Dwelling: Multi-Family	P	P	P	P	P	Per § 12-1404
Dwelling: Rowhouse	P	P	[P] CB	[P] CB	[P]	
Dwelling: Live-Work	P	P	P	P	P	
INSTITUTIONAL						
Community Center	[P] CB	[P] CB	[P] CB	[P] CB	P	
Cultural Facility	[P] CB	[P] CB	[P] CB	P	[P] CB	Per § 14-308
Place of Worship	[CB] P	CB	CB	CB	CB	Per § 14-332
OPEN-SPACE						
Community-Managed Open-Space Farm	[P] CB	[P] CB	[P] CB	[P] CB	[P] CB	Per § 14-307
Community-Managed Open-Space Garden	P	P	P	P	P	Per § 14-307
Park or Playground	P	P	P	P	P	
Urban Agriculture	[P] CB	[P] CB	[P] CB	[P] CB	P	Per § 14-339

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	USES	SUBDISTRICTS					USE STANDARDS
		OR-1	C-1	C-2	C-3	IMU-1	
1	COMMERCIAL						
2	Art Gallery	P	P	P	P	P	
3	Arts Studio	P	P	P	P	P	
4	Arts Studio: Industrial	P	P	P	P	P	
5	Body Art Establishment	P	P	P	P	P	
6	Carry-Out Food Shop	P	P	P	P	P	
7	Day-Care Center: Adult or Child	[P]	[P] CB	P	P	P	Per § 14-309
8	Entertainment: Indoor	[P]	[P] CB	P	P	P	Per § 14-312
9	Entertainment: Live	[P]	[P]	[P]	P	[P] CB	Per § 14-319
10	Financial Institution	[P]	P	P	P	P	
11	Greenhouse or Nursery	[P]	P	P	P	P	Per § 14-339
12	Health-Care Clinic	P	[P]	P	P	P	
13	Health and Fitness Center	[P]	P	P	P	P	
14	Hotel or Motel	[P]	P	P	P	P	
15	Kennel	[P]	[P]	[P]	[P] CB	[P] CB	Per § 14-317
16	Office	P	P	P	P	P	
17	Outdoor Dining	P	P	P	P	P	Per § 14-329
18	Personal Services Establishment	P	P	P	P	P	
19	Recreation: Indoor	P	P	P	P	P	Per § 14-312
20	Recreation: Outdoor	P	P	P	P	P	Per § 14-312
21	Restaurant	P	P	P	P	P	
22	Retail Goods Establishment (No Alcoholic	P	P	P	P	P	
23	Beverages Sales)						
24	Retail Goods Establishment (With	[P]	P	P	P	P	Per § 14-336
25	Alcoholic Beverages Sales)						
26	Tavern	P	P	P	P	P	Per § 14-337
27	INDUSTRIAL						
28	Alternative Energy System: Commercial	[CB]	[CB]	[CB]	[CB]	[CB] P	
29	Food Processing: Light	[P] CB	P	P	P	P	
30	Industrial: Light	[P]	[P]	[P]	[P]	P	

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USES	SUBDISTRICTS					USE STANDARDS
	OR-1	C-1	C-2	C-3	IMU-1	
Movie Studio	[P]	[P]	[P]	[P]	P	
Printing Establishment	[P]	[P]	P	P	P	
Research and Development Facility	[P]	[P]	[P]	[P]	P	
OTHER						
Alternative Energy System: Community-Based	[P]	P	P	P	P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	Per § 14-340
Telecommunications Facility ¹	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	CB	CB	CB	Per § 14-340
Wireless Communications Services ²	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

{EXPLANATORY NOTE: The Department of Legislative Reference erred in the creation of the 3rd Reader copy of cb24-0544 (Ordinance 24-436) failing to incorporate Amendment No. 3 included in the floor amendments passed by the City Council on November 4, 2024, the Twenty-Third Day of the Fourth Councilmanic Year - Session of 2020-2024. This update cures that error.}

Table 15-601: Permitted Encroachments into Required Yards

Permitted Encroachments	Front Yard/ Corner-Side Yard	Interior-Side Yard	Rear Yard
...			
Fence or wall (Front or corner-side yard) – No more than [3.5'] 4'	x	x	x
...			

{EXPLANATORY NOTE: Fence heights allowed in front and side yards have been 3.5' for decades, but staff in the Department of Planning have heard that there is a practical problem in meeting this requirement, since the most commonly available fence materials are typically offered in 4' and 6' heights. Strict compliance with the existing requirement would require shortening the stock fence materials by 6 inches.}

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Council Bill 25-0006

Certified as duly passed this 28th day of April, 2025



President, Baltimore City Council

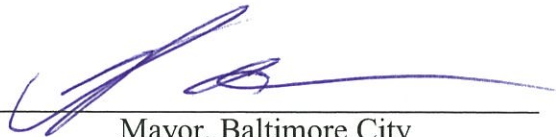
Certified as duly delivered to His Honor, the Mayor,

this 29th day of April, 2025



Chief Clerk

Approved this 1 day of May, 2025



Mayor, Baltimore City

Approved for Form and Legal Sufficiency,

this 29th day of April, 2025



Chief Solicitor