



**BALTIMORE CITY COUNCIL
ECONOMIC AND COMMUNITY DEVELOPMENT
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities. ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

November 28, 2023

2:30 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

23-0407

**Zoning - Discontinuance or Abandonment of Nonconforming Use -
Reporting**

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BILL SYNOPSIS

Committee: Economic and Community Development

Bill: 23-0407

Zoning – Discontinuance or Abandonment of Nonconforming Use - Reporting

Sponsor: Councilmember Ramos

Introduced: June 26, 2023

Purpose:

For the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for consecutive months or actually abandoned.

Effective: The 30th day after it is enacted

Agency Reports

City Solicitor	Favorable w/ amendments
Planning Commission/Department	Favorable w/ amendments
Dept Housing & Community Development	Favorable w/ amendments
BMZA	
BDC	Favorable
Dept Transportation	No Objection

Analysis

Current Law

Article 32 (Zoning) Title 18 regulates nonconforming uses and structures in the zoning code. Subtitle 3 specifically describes and regulates nonconforming uses. Which is defined as "... a lawfully existing use of a structure or of land that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this Code, does not conform to the use regulations applicable to the district in which it is located."

The zoning code describes the discontinuance of a nonconforming use as being the "... abandonment or discontinued part of that use regardless of any reservation of an intent to resume active operations or otherwise not abandon the use..." for a period of 12 consecutive months (32-18-307).

Once abandoned the nonconforming use may not be re-established and any further use must conform to the zoning code.

Abandonment may be evidenced by "... the removal of structures, machinery or equipment, or by alterations that indicate a change in the use of any part of the land or structure..."

Bill Summary

If enacted this bill would create a report to the Zoning Administrator for the public to inform the City of an abandonment of a nonconforming use. It would require the Zoning Administrator to investigate and initiate action to secure compliance with the code if violations are found.

The report to the Zoning Administrator would include the following:

- I. The location of the discontinued or abandoned use.
- II. A description of the discontinued or abandoned use.
- III. The date the person last observed the use.
- IV. A statement by the person affirming that the person reasonably believes the use described in subparagraph (ii) of this paragraph has not occurred in the past 12 months.
- V. The signature or signatures of the person reporting the discontinued or abandoned use.

Amendments

Several reporting agencies are suggesting amendments to this bill:

- I. On page 2, line 12 delete the word "COMPLAINT" and insert the word "REPORT" in its place. (Law Dept)
- II. On page 2, line 14 insert a period after the word "CODE" and delete the remainder of line 14 and line 15. (Law Dept)

- III. That on page two, after line 15, insert a new sub-paragraph (4) requiring the Zoning Administrator to make findings and issue a final decision. (Planning Commission)
- IV. On page 2, in line 2, strike “SHALL INCLUDE” and substitute “MUST BE IN THE FORM THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REQUIRES AND CONTAIN THE FOLLOWING INFORMATION:”. (Dept of Housing & Community Development)
- V. On page 2, in line 8, strike “AND”; and, on that same page, in line 10, strike the period and substitute “; AND”; and, on that same page, after line 10, insert: “(VI) ANY SUPPORTING DOCUMENTS AND PHOTOGRAPHS THAT EVIDENCE THE DISCONTINUED OR ABANDONED USE.” (Dept of Housing & Community Development)

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 23-0407.

Analysis by: Anthony Leva Direct Inquiries to: 410-396-1091

Analysis Date: November 21, 2023

**CITY OF BALTIMORE
COUNCIL BILL 23-0407
(First Reader)**

Introduced by: Councilmember Ramos

Introduced and read first time: June 26, 2023

Assigned to: Economic and Community Development Committee

Referred to the following agencies: City Solicitor, Planning Commission, Department of Housing and Community Development, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Discontinuance or Abandonment of Nonconforming Use - Reporting**

3 FOR the purpose of establishing a process for a person to report to the Zoning Administrator that
4 a nonconforming use, or any part of that use, has been discontinued for 12 consecutive
5 months or actually abandoned.

6 BY adding

7 Article 32 - Zoning
8 Section 18-307(c)
9 Baltimore City Code
10 (Edition 2000)

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

13 **Baltimore City Code**

14 **Article 32. Zoning**

15 **Title 18. Nonconformities**

16 ***Subtitle 3. Nonconforming Uses***

17 **§ 18-307. Discontinuance or abandonment.**

18 (C) *REPORT TO ZONING ADMINISTRATOR.*

19 (1) *IN GENERAL.*

20 IF A PERSON REASONABLY BELIEVES THAT A NONCONFORMING USE HAS BEEN, IN
21 WHOLE OR IN PART, DISCONTINUED OR ABANDONED AS DESCRIBED UNDER THIS
22 SECTION, THE PERSON MAY FILE A REPORT WITH THE ZONING ADMINISTRATOR.

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

Council Bill 23-0407

1 (2) *CONTENTS.*

2 THE REPORT SHALL INCLUDE:

- 3 (I) THE LOCATION OF THE DISCONTINUED OR ABANDONED USE;
- 4 (II) A DESCRIPTION OF THE DISCONTINUED OR ABANDONED USE;
- 5 (III) THE DATE THE PERSON LAST OBSERVED THE USE;
- 6 (IV) A STATEMENT BY THE PERSON AFFIRMING THAT THE PERSON REASONABLY
- 7 BELIEVES THE USE DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH
- 8 HAS NOT OCCURRED IN THE PAST 12 MONTHS; AND
- 9 (V) THE SIGNATURE OR SIGNATURES OF THE PERSON REPORTING THE
- 10 DISCONTINUED OR ABANDONED USE.

11 (3) *ZONING ADMINISTRATOR TO INVESTIGATE.*

12 UPON RECEIPT OF A COMPLAINT ISSUED UNDER THIS SUBSECTION, THE ZONING
13 ADMINISTRATOR SHALL INSPECT STRUCTURES AND USES OF LAND TO DETERMINE
14 COMPLIANCE WITH THIS CODE AND, WHERE VIOLATIONS ARE FOUND, INITIATE
15 ACTION TO SECURE COMPLIANCE.

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

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

**23-0407
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 9, 2023

Honorable President
Members of the City Council
c/o Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202

RE: City Council Bill 23-0407– Zoning – Discontinuance or Abandonment of Nonconforming Use - Reporting

Dear President and Members,

The Law Department reviewed City Council Bill 23-0407 for form and legal sufficiency. City Council Bill 407 amends the Zoning Code, Article 32, Title 18 (Nonconformities), Subtitle 3 (Nonconforming Uses) for the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months, or abandoned. Specifically, the bill would add Article 32, § 18-307(c) to the Zoning Code. The ordinance would take effect 30 days after enactment.

Under new § 18-307(c), a person who reasonably believes that a nonconforming use has been discontinued or abandoned can file a report with the Zoning Administrator. The bill describes the requirements for the content of such a report, and contains an additional section, (c)(3), entitled “Zoning Administrator to Investigate.” The Law Department has several issues with the wording of section (c)(3). Section (c)(3) provides:

(3) ZONING ADMINISTRATOR TO INVESTIGATE.

UPON RECEIPT OF A COMPLAINT ISSUED UNDER THIS SUBSECTION, THE ZONING ADMINISTRATOR SHALL INSPECT STRUCTURES AND USES OF LAND TO DETERMINE COMPLIANCE WITH THIS CODE AND, WHERE VIOLATIONS ARE FOUND, INITIATE ACTION TO SECURE COMPLIANCE.

New § 18-307(c) establishes a process by which an individual can file a report with the Zoning Administrator regarding a nonconforming use that he or she reasonably believes to have been discontinued or abandoned. The wording of § 18-307(c)(3), however, refers to “receipt of a complaint issued under this subsection.” As noted, subsection (c)(1) and (2) describe a report which can be filed with the Zoning Administrator. There is no other mention of a complaint. Moreover, subsection (c)(3) requires the Zoning Administrator to “inspect structures and uses of

land to determine compliance with this Code, and where violations are found, initiate action to secure compliance.” The subject matter of the new reporting system created in § 18-307(c) is the discontinuance or abandonment of a nonconforming use. As discussed below, a nonconforming use is by definition a lawful use of a property. Given the provisions of § 18-307(c)(1) & (2), presumably the intent of subsection (c)(3) is for the Zoning Administrator to investigate whether the statements contained in the report regarding the discontinuance or abandonment of a nonconforming use are accurate. The use of the word “violations” in subsection (c)(3) is unclear. Accordingly, the Law Department suggests the following amendment to proposed § 18-307(c)(3):

On page 2, line 12 delete the word COMPLAINT and insert the word REPORT in its place;

On page 2, line 14 insert a period after the word CODE and delete the remainder of line 14 and line 15.

A nonconforming use is “a lawfully existing use of a structure or of land that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this Code, does not conform to the use regulations applicable to the district in which it is located.” Zoning Code Art. 32, §18-201(d). Zoning Code §18-307 defines and regulates the discontinuance and abandonment of a nonconforming use. The discontinuance of a nonconforming use, or part of a nonconforming use, for a consecutive 12-month period constitutes an abandonment of the nonconforming use, and it may not be reestablished. Any future use must conform to applicable use regulations. This is true regardless of expressions of intent to resume operation of a nonconforming use, or not to abandon the use. See Art. 32, §18-307(a). If there is evidence of actual abandonment of the nonconforming use, which includes removal of structures, machinery or equipment or alterations indicating a change in the use of the land or structure, all rights to the nonconforming use are terminated immediately. Art. 32, §18-307(b).

The question of whether a nonconforming use of a property has been continuous is a question of fact. See 8A McQuillin Mun. Corp. § 25:263 (3d ed.). See also *Vogl v. City of Baltimore*, 228 Md. 283, 288 (1962) (“And whether a non-conforming use exists or has been abandoned are questions of fact to be decided by the Board.”); *Tuzeer v. Yim, LLC*, 201 Md.App. 443, 473 (2011) (A determination whether a use has been discontinued is a question of fact.). *Vogl* states that a finding by the Board of Municipal and Zoning Appeals of abandonment of a nonconforming use must be established by substantial evidence. *Id.* at 290. See also *Tuzeer*, *supra*.

The City’s zoning authority is derived from Title 10 of the Maryland Land Use Article. Section 10-401 authorizes the City to provide by ordinance for the enforcement of its zoning regulations. The changes made by Bill 23-0407 are designed to assist the City in determining when a nonconforming use has been abandoned or discontinued, so that any future use of the building, structure, or land would be required to conform to existing zoning regulations. Council Bill 23-0407 appears to establish one method by which the Zoning Administrator may be notified that a nonconforming use has been discontinued or abandoned.

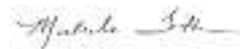
The Court of Appeals has recognized “Maryland’s well-established policy against the expansion of nonconforming uses.” *Trip Associates v. Mayor and City Council of Baltimore*, 392 Md. 563, 573 (2006).

“Indeed, in *Grant*, this Court stated, “[T]he earnest aim and ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned.” 212 Md. at 307, 129 A.2d at 365.” (citing *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301 (1957)).

Id. Simultaneously, however, “a ‘nonconforming use is a vested right entitled to constitutional protection.’” *Id.* at 574 (quoting *Amereihn v. Kotras*, 194 Md. 591, 601 (1950)); *Tuzeer*, supra, 201 Md.App. at 460. The Court in *Trip Associates* noted that a nonconforming use can be reduced to conformance or eliminated by ‘requiring its termination over a reasonable period of time [known as amortization], or “by ‘abandonment,’ *i.e.* non-use for a specific [period] of time.”’ *Id.* at 575. Under the zoning code provisions set forth above, abandonment can be established by non-use for a consecutive 12-month period, or evidence of actual abandonment of a particular use. As the *Trip Associates* court noted, “the abandonment or discontinuance must be active and actual.” *Id.* at 577.

Council Bill 23-0407 creates a system for reporting by a member of the public that a nonconforming use has been discontinued or abandoned. The bill also requires the Zoning Administrator to conduct an investigation based on a report filed regarding a discontinued or abandoned nonconforming use. Council Bill 23-0407 would create a means by which the Zoning Administrator can establish facts supporting the discontinuance or abandonment of a nonconforming use. As noted above, whether a nonconforming use has been discontinued or abandoned is a question of fact. Therefore, it is within the authority of the City Council to create a method for establishing required facts. The Law Department approves City Council Bill 23-0407 for form and legal sufficiency with the recommended amendment.

Sincerely yours,



Michele Toth
Assistant Solicitor

cc: Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Jeff Hochstetler
Teresa Cummings



MEMORANDUM

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

From: Alice Kennedy, Housing Commissioner

Date: August 21, 2023

Re: City Council Bill 23-0407 Zoning - Discontinuance or Abandonment of Nonconforming Use – Reporting

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 23-0407 for the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

If enacted, City Council Bill 23-0407 would clarify what is needed to prove that a non-conforming use no longer is in use and allows individuals to report it. Currently, discontinuance occurs whenever the active and continuous operation of any nonconforming use, or any part of that use, has been discontinued for 12 consecutive months. This is either determined by the issuance of a VBN or by conducting monthly inspections of the subject property over the course of a year from the time a complaint is received and documenting that the non-conforming use is in fact, not taking place.

Title 18, Subtitle 3, Section 18-307 of the Baltimore City Zoning Code speaks to discontinuance or abandonment of use.

(a) Discontinuance of use.

Whenever the active and continuous operation of any nonconforming use, or any part of that use, has been discontinued for 12 consecutive months:

- (1) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use, regardless of any reservation of an intent to resume active operations or otherwise not abandon the use; and
- (2) the discontinued nonconforming use, or discontinued part of that use:
 - (i) may not be reestablished; and
 - (ii) any subsequent use of any part of the land or structure previously used for the discontinued use, or discontinued part of that use, must conform to the regulations of the district in which the land or structure is located.

There are several non-conforming uses around the city as a result of the city-wide comprehensive rezoning which went into effect on June 5, 2017. Non-conforming uses are comparable to “grandfathered in” uses. If there was a use on a property that does not fit with the new zoning, those uses can continue. If the use stops and is discontinued for 12 months, the new zoning designation takes over.

The challenge for some communities has been how to know if a use was discontinued for 12 months. Typically, if a property has a Vacant Building Notice the use has been discontinued. But not all buildings qualify for a vacant building notice when not in use. For instance, the property may have no open notices or citations, or the first floor of a building may not be in use but the second floor has a separate active use. Currently the zoning board and administrator uses a vacant building notice (VBN) to indicate a use is non-conforming for 12 months or by conducting monthly inspections when complaints are received.

DHCD would like to suggest two friendly clarifying amendments to City Council Bill 23-0407.

Amendment No. 1

On page 2, in line 2, strike “SHALL INCLUDE” and substitute

“MUST BE IN THE FORM THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REQUIRES AND CONTAIN THE FOLLOWING INFORMATION:”.

Amendment No. 2

On page 2, in line 8, strike “AND”; and, on that same page, in line 10, strike the period and substitute “; AND”; and, on that same page, after line 10, insert:

“(VI) ANY SUPPORTING DOCUMENTS AND PHOTOGRAPHS THAT EVIDENCE THE DISCONTINUED OR ABANDONED USE.”

This legislation would allow for other factors like photos and affidavits from residents and additional research to be used to designate a discontinued use. DHCD would create a reporting form that will be accessible through our website. The online reporting form will be useful to constituents as a quick and easy way to provide all the needed information. This Bill, as amended, would support the work that DHCD presently undertakes.

DHCD **supports the amendment and passage** of Council Bill 23-0407 and respectfully request a favorable report.

AK/sm



cc: Ms. Nina Themelis, *Mayor's Office of Government Relations*

**AMENDMENTS TO COUNCIL BILL 23-0407
(1st Reader Copy)**

By: Department of Housing and Community Development
{To be offered to the Economic and Community Development Committee}


Amendment No. 1

On page 2, in line 2, strike “SHALL INCLUDE” and substitute “MUST BE IN THE FORM THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT REQUIRES AND CONTAIN THE FOLLOWING INFORMATION:”.

Amendment No. 2

On page 2, in line 8, strike “AND”; and, on that same page, in line 10, strike the period and substitute “; AND”; and, on that same page, after line 10, insert:

“(VI) ANY SUPPORTING DOCUMENTS AND PHOTOGRAPHS THAT EVIDENCE THE DISCONTINUED OR ABANDONED USE.”.

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #23-0407 – ZONING – DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USE – REPORTING		

TO

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

DATE: September 22, 2023

At its regular meeting of September 21, 2023, the Planning Commission considered City Council Bill #23-0407, for the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0407 and adopted the following resolutions, with 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 #23-0407 be **amended and approved** by the City Council, with the following amendment:

That on page two, after line 15, insert a new sub-paragraph (4) requiring the Zoning Administrator to make findings and issue a final decision.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

September 21, 2023

REQUEST: City Council Bill #23-0407/ Zoning – Discontinuance or Abandonment of Nonconforming Use – Reporting:

For the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

RECOMMENDATION: Approval

STAFF: Eric Tiso

INTRODUCED BY: Councilmember Ramos

SITE/GENERAL AREA: Citywide

HISTORY

The last change to how nonconforming uses are handled occurred with the establishment of the current edition of Article 32 – *Zoning* which became effective June 5, 2017.

ANALYSIS

This bill will create a new section in Title 18 of the zoning code, which will formalize how concerned members of the public can file a report with the Zoning Administrator with details about a potentially discontinued or abandoned nonconforming use. This change provides guidance on what information is needed from the public, and is followed by directing the Zoning Administrator to inspect the property concerned for potential verification of the alleged discontinuance or abandonment. Staff understands that the Department of Housing and Community Development (DHCD) may offer friendly amendments to refine the details of the process.


Equity:

Staff does not believe there would be any equity impediments to the adoption of this bill. The purpose is to help the concerned public better understand the process, so that a more effective report can be made. While there isn't anything preventing such a report today, this amendment to the code offers helpful guidance to the process. There are no anticipated negative impacts to internal operations within Planning. DHCD may comment separately.

Notification: As this is a citywide bill, notice of this item was published via GovDelivery to over 18,600 subscribers.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Chris Ryer
Director

F R O M	NAME & TITLE	Corren Johnson, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	Council Bill 23-0407		

DATE: 11/27/2023

TO: Mayor Brandon Scott
TO: Economic and Community Development Committee
FROM: Department of Transportation
POSITION: **No Objection**
SUBJECT: Council Bill 23-0407

INTRODUCTION - Zoning - Discontinuance or Abandonment of Nonconforming Use - Reporting

PURPOSE/PLANS - For the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

COMMENTS – Council Bill 23-0407 seeks to establish a process for reporting discontinuance or abandonment of nonconforming zoning properties to the Zoning Administrator. In general, areas with nonconforming use are lots, structures, or land that does not conform with the current Zoning District in the area and has received special permission to do so by the City Council. The reporter must include the location, description, date of last seen used, an affirmation of belief of non-use for a minimum of 12 months, and a signature in the report submitted to the Zoning Administrator. The Zoning Administrator is then tasked with inspecting the nonconforming structures and land to confirm status of the reported nonconforming use.

AGENCY/DEPARTMENT POSTION – The Baltimore City Department of Transportation foresees no direct operational or fiscal impact resulting from the legislation and has **no objection** towards the advancement of Council Bill 23-0407.

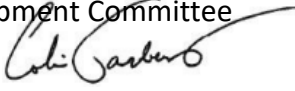
If you have any questions, please do not hesitate to contact Liam Davis at Liam.Davis@baltimorecity.gov or at 410-545-3207

Sincerely,

Corren Johnson,
Director



MEMORANDUM

DATE: November 15, 2023
TO: Economic and Community Development Committee
FROM: Colin Tarbert, President and CEO 
POSITION: Favorable
SUBJECT: City Council Bill No. 23-0407
Zoning – Discontinuance or Abandonment of Non-Conforming Use – Reporting

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill No. 23-0407 introduced by Councilmember Ramos.

PURPOSE

City Council Bill 23-0407 will establish a process for individuals to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or been abandoned.

BRIEF HISTORY

This bill will trigger the creation of an official framework through which members of the public can file a report with the Zoning Administrator if they believe that a nonconforming use of a given property has been discontinued or abandoned. This will allow community members to act quickly and through an official process when they notice a nonconforming use has ceased, as they will often be among the first to be aware. The public reporting system will allow the Zoning Administration to crowdsource a tedious task and will help them ensure that buildings are being used appropriately according to the zoning code.

FISCAL IMPACT TO BDC

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable** response to City Council Bill No. 23-0407. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations

[TW]

**ECONOMIC AND COMMUNITY
DEVELOPMENT COMMITTEE**

23-0407

ADDITIONAL DOCUMENTS

THE INFORMATION BETWEEN THE DOUBLE LINES MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION **BY NOVEMBER 13, 2023.**

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 23-0407**

The Committee on Economic and Community Development of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0407 on Tuesday, November 28, 2023, at 2:30 PM in the Clarence “Du” Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

CC 23-0407 - Zoning - Discontinuance or Abandonment of Nonconforming Use

For the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

By adding Article 32 – Zoning, Section 18-307(c)
Baltimore City Code (Edition 2000)

Applicant: Baltimore City Council - Sponsor: Councilmember Ramos
For more information, contact committee staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON
Chair

SEND CERTIFICATION TO:
Natawna B. Austin
NatawnaB.Austin@Baltimorecity.gov

SEND BILL TO:
Baltimore City Council Office of Council Service
C/O Mr. Larry Green
100 Holiday Street
Baltimore, MD 21202
410-396-7215
larry.greene@baltimorecity.gov



200 St Paul Street Suite 2490
Baltimore, MD 21202
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 7516987

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Baltimore City Council - CU80133931
100 Holliday St
Ste 420
Baltimore,MD 21202-3465

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Baltimore,MD 21202-3465

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Shanna Evans

By _____

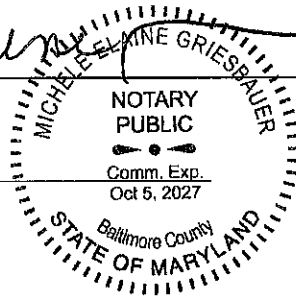
Subscribed and sworn to before me this 14 day of Nov 2023

By _____

Michelle Elaine Griesbauer

Notary Public

My commission expires _____



Material for adit Order ID:

« Previous Next »

7516987

Material #1

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 23-0407**

The Committee on Economic and Community Development of the Baltimore City Council will conduct a public hearing on City Council Bill No. 23-0407 on Tuesday, November 28, 2023, at 2:30 PM in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

CC 23-0407 - Zoning - Discontinuance or Abandonment of Nonconforming Use

For the purpose of establishing a process for a person to report to the Zoning Administrator that a nonconforming use, or any part of that use, has been discontinued for 12 consecutive months or actually abandoned.

by adding Article 32 - Zoning, Section 19-307(c)

Baltimore City Code (Edition 2000)

Applicant: Baltimore City Council - Sponsor: Councilmember Ramos

For more information, contact committee staff at (410) 396-1091.

NOTE: This bill is subject to amendment by the Baltimore City Council.

SHARON GREEN MIDDLETON

Chair

11/13/23 7516987