



**BALTIMORE CITY COUNCIL  
LAND USE & TRANSPORTATION COMMITTEE**

**Mission Statement**

*On behalf of the Citizens of Baltimore City, The Land Use & Transportation Committee is committed to shaping a reliable, equitable, and sustainable future for Baltimore's land use and transportation systems. Through operational oversight and legislative action, the committee aims to develop and support lasting solutions grounded in principles of good governance.*

**The Honorable Ryan Dorsey  
Chairperson**

**PUBLIC HEARING**

**Thursday March 20, 2025  
10:00 AM  
CLARENCE "DU" BURNS COUNCIL CHAMBERS**

**25-0006  
*Zoning Code Modifications***

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*Staff: Marguerite Currin (443-984-3485)*



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**LEGISLATIVE SYNOPSIS**

**Committee: Land Use and Transportation**  
**25-0006**

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**Zoning Code – Modifications**

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**Purpose:**

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, 12-405(e), 14-328(j), 14-329(a), 16-207, 18-403, 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 5-503, 10-403, and 15-203

Baltimore City Code  
(Edition 2000)

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**REPORTING AGENCIES**

Agency	Report
Law Dept	Approve for form & sufficiency w/ amendments
Board Of Municipal & Zoning Appeals	Favorable
Housing & Community Development	Favorable w/ amendments
Parking Authority	Favorable
Dept Of Legislative Reference	
Planning Commission	Favorable with amendment
Planning Dept	Favorable with amendment



### ***BACKGROUND***

This bill offers over thirty amendments to the Zoning Code to correct previous errors, conflicts or admissions, or address new concerns. Below is a summarized list of the proposed changes. The Planning Department is also proposing several amendments – to which the Planning Commission has agreed.

This bill if enacted would make the following changes to the Zoning Code of Baltimore City (Article 32)

1. Update section 1-205(a) to remove text that was kept in error from before a comprehensive rewrite of the zoning code.
2. Update section 1-307(a) to include recreation & outdoor facilities owned by BCRP in the definition of government facilities.
3. Update to section 3-203(b) to align with the 2024 Comprehensive Master Plan by adding a requirement for an annual comprehensive rezoning process, and updates to the land use map on a quadrennial basis.
4. Update to section 4-203 to include a site plan review and a design review as a part of the process of adding additional principal structures to a residential lot.
5. Update to section 4-405 – this removes a conflict regarding the design review of all additions to some additions listed in the code. It will also add second principal structures to the design review list.
6. Update to section 5-201 – this update will require property owners & their agents to submit applications in writing.
7. Update to section 5-302 - this amendment will add an omitted reference to clarify that both BMZA & City Council approve variances depending on the zoning district.
8. Update to section 5-308 – this amendment will remove the uniqueness and unnecessary hardship from the requirements to grant a variance.
9. Update to section 5-309 – this amendment will update the timelines for variances authorization to be utilized to match current practice.
10. Update to section 5-310 – this would confirm that both variances and conditional use applications are subject to the section on code compliance denial.
11. Update to section 5-406 – adds omitted reference to make sure that both BMZA & the Council are included as approving bodies for conditional uses.

12. Update to section 5-407 – this amendment updates the timeline for conditional use extensions to match current practice.
13. Creation of section 5-503 – this section codifies practices used by the Council for legislative authorizations
14. Update to section 5-601 – this amendment would (1) remove the requirement for publishing a notice in a newspaper of general circulation; (2) require 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.}
15. Update to section 5-603 – this updates timelines to match current practice for minor variances.
16. Update to section 5-604 – creates exceptions for notice requirements if property is added by amendment.
17. Update to section 5-901 – creates exceptions for notice requirements if property is added by amendment.
18. Update to section 9-703 – removes the requirement for off street parking for residential conversions – this removes an inconsistency in the Code.
19. Update to section 10-403 – this amendment prevents large tenants from occupying small lots in the C-1 district.
20. Update to section 12-405 – requires applicants to apply for a variance if they cannot adhere to zoning requirements.
21. Update to section 14-328 & 329 – to reinstate prior rules about outdoor dining relaxed in response to COVID 19 and to correct the confusion between outdoor and rooftop.
22. Creation of section 15-203 which is addressing standards around additional principal structures to be built on a residential lot..
23. Update to section 16-207- this clarifies how parking is calculated when a lot has portions in different zones
24. Update to section 18-403 – this clarifies how nonconforming structures may be modified.
25. Update to table 10-301 – adds omitted path on conditional use that is referenced in text.
26. Update to table 10-401 – removes unnecessary restriction on age restricted facilities to conform with the rest of the Code.
27. Update to table 11-301 – which corrects an error regarding live entertainment in IMU-1 zoning
28. Update to table 12-301 - which corrects a conflict with table 14-328

29. Update to table 12-402 – allowing animal clinics in TOD-2 which was omitted in error.
30. Update to table 12-1403 – which incorporates previously approved amendments not included in error.
31. Update to table 15-601 – would modify the allowable fence height so as to match widely available stock -currently fences are required in 3.5 feet but stock is in 4 or 6 foot sections

## **Agency reports**

### **Planning Department**

The Planning Department has requested amendments (included in the bill file). This bill is part of the department's efforts to revise and keep current the Zoning Code following its most recent complete rewrite in 2017.

### **Law Dept**

The Law Dept has several suggestions to the bill:

1. Allow flexibility in scheduling both the comprehensive rezoning process and the 4-year update to the land use map. This will allow the City to carefully study and implement these processes even if more time is needed than currently laid out.
2. Clarify language over the variance authorization procedure section 5-301(d).
3. Amend the term "reasonably required" in section 5-503(b)(5) as that term is too vague.

The Planning Commission is aligned with these changes broadly.

### **Planning Commission**

The Planning Commission did not have any formal amendments except to change one of the planning department amendments. The Commission also has some suggestions for further study including:

1. Looking at different language to soften the requirement for an annual comprehensive rezoning and 4-year land use map update. They did not think the Law dept suggestion was sufficient but did not have a better suggestion.
2. Review of notice procedures and looking into how community associations could be notified about proceedings on land use.

3. On Page 4, in Line 12, the Planning Commission noted that the reference to "... § 3-301 {"Plan Revision"} of the State Land Use Article ..." may not be necessary.

4. On Page 22, in Line 17 (Table 10-401), the Planning Commission noted that "Retail Goods Establishment (Food Store)" was not a defined term in the Zoning Code, and should either be defined, or the use conformed to those that are defined.

Board of Municipal Zoning Appeals (BMZA)

The BMZA noted in their report that these amendments (the one to 5-308, #8 in the list above) to the Zoning Code could (emphasis added by BMZA) allow it to grant variances that it believes it can not currently grant under the uniqueness standard of the Zoning Code. BMZA feels that this will not be a significant change and sees difficulty in applying a variance under the exceptional standard - "exceptional circumstances related to the specific structure or land involved" as they do not have relevant case law to help guide them.

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**ADDITIONAL INFORMATION**

**Fiscal Note:** None

**Information Source(s):**

- Agency Reports
- 1<sup>st</sup> reader 25-0006

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Analysis by: Tony Leva                      Direct Inquiries to: 410-396-1091  
Analysis Date: March 14, 2025

**CITY OF BALTIMORE  
COUNCIL BILL 25-0006  
(First Reader)**

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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

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Zoning Code – Modifications**

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

7 BY repealing and re-ordaining, with amendments

8 Article 32 - Zoning  
9 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  
10 to 5-310, 5-406(a), 5-407, 5-601(b), 5-603(d), 5-604(b), 5-901, 9-703, 12-405(e),  
11 14-328(j), 14-329(a), 16-207, 18-403, Table 10-301, Table 10-401, Table 11-301,  
12 Table 12-301, Table 12-402, Table 12-1403, and Table 15-601  
13 Baltimore City Code  
14 (Edition 2000)

15 BY adding

16 Article 32 - Zoning  
17 Sections 5-503, 10-403, and 15-203  
18 Baltimore City Code  
19 (Edition 2000)

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

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



**Council Bill 25-0006**

**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.*]

(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;

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1 (2) [(ii)] an “ASSC Only” indicates that a sign type is only allowed in an approved  
2 Area of Special Signage Control; and

3 (3) [(iii)] a “CB” indicates that a sign type requires conditional approval by the  
4 Board of Municipal and Zoning Appeals.

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

11 ***Subtitle 3. Variances***

12 **§ 1-307. “Government facility” to “Industrial boat repair”.**

13 (a) *Government facility.*

14 (1) *In general.*

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

17 (2) *Inclusions.*

18 “Government facility” includes agency offices, storage yards, public works facilities,  
19 recreation: indoor, RECREATION: OUTDOOR, and utility facilities.

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

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

23 ***Subtitle 2. Administrative Agencies and Officials***

24 **§ 3-203. Planning Commission.**

25 (b) *Powers and duties.*

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (8) TO REVIEW AND PROPOSE UPDATES TO THE LAND USE MAP ON A QUADRENNIAL  
16 BASIS; AND

17 (9) [(8)] to perform all other functions assigned to the Commission by this Code.

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

21 **Title 4. Development Reviews**

22 ***Subtitle 2. Site Plan Review***

23 **§ 4-203. Applicability.**

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

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

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

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

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

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- 1 (2) subdivision of land;
- 2 (3) additions or structural alterations to an existing structure, other than a single-  
3 family detached or semi-detached dwelling, that results in a 50% increase in gross  
4 floor area over the gross floor area of the existing structure prior to the addition or  
5 alteration;
- 6 (4) planned unit development;
- 7 (5) conditional use, unless the conditional use can and will be fully contained within  
8 an existing structure;
- 9 (6) parking lot or structures containing 5 or more motor vehicle parking spaces;
- 10 (7) any development within an environmentally sensitive area, including projects  
11 in a Floodplain District and projects within the Buffer of the Critical Area  
12 (*see* Subtitle 3 {“Environmentally Sensitive Areas Review”} of this title);
- 13 (8) urban agriculture or community-managed open-space farm; [and]
- 14 (9) any development within the C-5-IH [Subdistrict.] SUBDISTRICT; AND
- 15 (10) MULTIPLE PRINCIPAL STRUCTURES ON A RESIDENTIAL LOT PER § 15-203.

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

### *Subtitle 4. Design Review*

#### **§ 4-405. Applicability.**

##### (a) *In general.*

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

- 25 (1) new construction of [dwellings, excluding additions;] DWELLINGS;
- 26 [(2) new construction of rowhouses;]
- 27 (2) [(3)] upper floor additions and roof decks on existing rowhouses;
- 28 (3) [(4)] ADDITIONS ON STREET-FRONT FACADES, TO INCLUDE deck, porch, and  
29 balcony [additions on street-front facades;] ADDITIONS;
- 30 (4) [(5)] when exterior modifications are proposed for residential conversions in the  
31 R-7, R-8, R-9, and R-10 Districts;
- 32 (5) [(6)] the establishment of a non-residential use within the R-MU Overlay District;

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- 1 (6) [(7)] all new construction and additions in the C-5 District;
- 2 (7) [(8)] all substantial modifications of the facade of a structure in the C-5 District;
- 3 (8) [(9)] planned unit development;
- 4 (9) [(10)] any sign that is conditional on Board of Municipal and Zoning Appeals
- 5 approval, but without regard to its copy or message;
- 6 (10) [(11)] any painted/mural sign, but without regard to its copy or message;
- 7 (11) [(12)] any sign over 100 square feet in area;
- 8 (12) [(13)] any electronic sign, freestanding sign, or roof sign, but without regard to
- 9 its copy or message;
- 10 (13) [(14)] any freestanding sign in the C-5 or PC District, and any banner sign,
- 11 projecting sign, or wall sign above the ground floor in the C-5 OR PC District,
- 12 but without regard to its copy or message;
- 13 (14) [(15)] any Signage Plan and any sign, but without regard to its copy or message,
- 14 within an Area of Special Sign Control; [and]
- 15 (15) MULTIPLE PRINCIPAL STRUCTURES ON A RESIDENTIAL LOT PER § 15-203; AND
- 16 (16) [(17)] any new construction that involves:
  - 17 (i) a proposed development over 15,000 square feet;
  - 18 (ii) a multi-tenant commercial development, including mixed-use
  - 19 development;
  - 20 (iii) alteration to a street-front facade in a C-1 District; or
  - 21 (iv) construction in a TOD District or in the W Overlay District.

22 (b) *Exception.*

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

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

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**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:

(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.

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1 (b) *Application.*

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

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

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

- 11 (1) THE MAXIMUM QUANTITY OF SIGNS;
- 12 (2) THE LOCATION REQUIREMENTS OF SIGNS; OR
- 13 (3) THE TYPES OF SIGNS ALLOWED WITHIN A ZONING DISTRICT.

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

15 THE VARIANCE PROCEDURE PROVISIONS SET FORTH IN THIS SUBTITLE SHALL NOT BE  
16 CONSTRUED TO PERMIT THE ZONING ADMINISTRATOR OR THE BOARD TO AUTHORIZE A  
17 USE OF LAND NOT OTHERWISE PERMITTED UNDER THE GUISE OF A VARIANCE.

18 (E) *AUTHORITY NOT EXCLUSIVE.*

19 THE AUTHORITY GRANTED IN THIS SUBTITLE 3 TO THE ZONING ADMINISTRATOR OR THE  
20 BOARD OF MUNICIPAL AND ZONING APPEALS TO GRANT A VARIANCE FROM PROVISIONS  
21 OF THIS CODE IS NOT INTENDED TO LIMIT ANY OTHER AUTHORITY THAT MAY EXIST  
22 ELSEWHERE WITHIN THIS CODE TO PROVIDE RELIEF OR MODIFICATION FROM THE CODE’S  
23 REQUIREMENTS.

24 {**EXPLANATORY NOTE:** This amendment conforms the Zoning Code to case law by removing “unnecessary  
25 hardship” and maintaining “practical difficulty”. In addition, this amendment empowers both the Zoning  
26 Administrator and the BMZA to review and approve a variance application to any provision within the  
27 Zoning Code, excluding the maximum quantity of signs, the location requirements of signs, or the types of  
28 signs allowed within a zoning district.}

29 **§ 5-302. Minor and major variances distinguished.**

30 (b) *Minor variances.*

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

- 32 (i) a reduction in lot width by no more than 10% of the applicable minimum lot  
33 width requirements;
- 34 (ii) a reduction in required yards and setbacks by no more than 10% or 2 feet,  
35 whichever is less;

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

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

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

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

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

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

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

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

17 **§ 5-308. Approval standards.**

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

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

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

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

30 (b) *Other required findings.*

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

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



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

4 (2) [(3)] the purpose of the variance is not based exclusively on a desire to increase  
5 the value or income potential of the property;

6 (3) [(4)] the variance will not:

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

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

10 (4) [(5)] the variance is not precluded by and will not adversely affect:

11 (i) any Urban Renewal Plan;

12 (ii) the City’s Comprehensive Master Plan; or

13 (iii) any Historical and Architectural Preservation District; and

14 (5) [(6)] the variance will not otherwise:

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

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

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

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

33 **§ 5-309. [Expiration of approval] TIME LIMIT FOR UTILIZATION OF VARIANCE; EXTENSIONS.**

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

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

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1 A VARIANCE LAPSES AND BECOMES VOID 2 YEARS FROM THE DATE OF ITS FINAL ORDER  
2 GRANTING SAME, UNLESS A USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT  
3 UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED.

4 (b) *Extension by BMZA.*

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

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

10 **§ 5-310. Code compliance denial.**

11 (a) *In general.*

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

16 (b) *Exception.*

17 The Zoning Administrator or the Executive Director of the Board of Municipal and  
18 Zoning Appeals may process:

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

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

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

27 ***Subtitle 4. Conditional Uses.***

28 **§ 5-406. Approval standards.**

29 (a) *Evaluation criteria.*

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

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

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

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

21 **§ 5-407. [Expiration of approval] TIME LIMIT FOR UTILIZATION OF CONDITIONAL USE;**  
22 **EXTENSIONS.**

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

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

- 27 (1) a use permit under this Code and an occupancy permit under the Baltimore  
28 City Building Code have been obtained for that use;
- 29 (2) the erection or alteration of a structure for that use has lawfully begun;
- 30 (3) the use has lawfully begun; or

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1 (4) a building permit under this Code and any other applicable Codes has been  
2 obtained for the [sign.] USE OR THE SIGN, AS THE CASE MAY BE.

3 (b) *Extension by BMZA.*

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

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

8 ***Subtitle 5. Legislative Authorizations.***

9 **§ 5-503. INTRODUCTORY STATEMENT OF INTENT.**

10 (A) *STATEMENT REQUIRED.*

11 ON INTRODUCTION OF A BILL PROPOSING A LEGISLATIVE AUTHORIZATION UNDER  
12 § 5-501(2) {“LEGISLATIVE AUTHORIZATION’ DEFINED”} OF THIS SUBTITLE, THE  
13 APPLICANT SHALL SUBMIT A WRITTEN STATEMENT IN THE FORM PROVIDED BY THE  
14 DEPARTMENT OF LEGISLATIVE REFERENCE THAT INFORMS THE CITY COUNCIL, THE  
15 AGENCIES TO WHICH THE PROPOSED BILL IS REFERRED, AND THE PUBLIC OF THE CHANGES  
16 SOUGHT AND INTENDED USES.

17 (B) *CONTENTS.*

18 THE STATEMENT SHALL CONTAIN, AT A MINIMUM:

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

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

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***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;]

(I) [(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

(II) [(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.

{**EXPLANATORY NOTE:** This amendment: (1) removes the requirement for publishing a notice in a newspaper of general circulation; (2) 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.}

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1 **§ 5-603. Minor variances.**

2 (d) *Timing of notice.*

3 The posted notice must be:

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

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

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

9 **§ 5-604. Planning Commission consideration of site-specific projects.**

10 (b) *Notice of hearing.*

11 (1) *IN GENERAL.*

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

15 (2) *EXCEPTIONS.*

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

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

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

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

24 ***Subtitle 9. Zoning Verifications***

25 **§ 5-901. Purpose.**

26 (A) *IN GENERAL.*

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

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

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

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

5 (B) *NOT REQUIRED BY CODE.*

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

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

9 **Title 9. Rowhouse and Multi-Family Residential Districts**

10 ***Subtitle 7. Residential Conversions***

11 **§ 9-703. Conversion standards.**

12 (a) *In general.*

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

14 (b) *Existing dwelling.*

15 (1) The existing dwelling must be:

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

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

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

19 (c) *GFA per dwelling unit.*

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

21 (1) 1-bedroom unit: 750 square feet.

22 (2) 2-bedroom unit: 1,000 square feet.

23 (3) 3- or more bedroom unit: 1,250 square feet.

24 (d) *Bulk and yard regulations.*

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

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1 (e) *Occupancy regulations.*

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

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

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

6 (F) [(g)] *Residential character.*

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

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

11 **Title 10. Commercial Districts**

12 ***Subtitle 4. Bulk and Yard Regulations***

13 **§ 10-403. MAXIMUM FLOOR AREA BY USE.**

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

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

21 **Title 12. Special Purpose Districts**

22 ***Subtitle 4. Transit-Oriented Development Districts***

23 **§ 12-405. Parking requirements.**

24 (e) *Ingress and egress.*

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

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



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**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.
- [(iii) be in the rear yard of the 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.**

(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.

(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.

(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.}

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**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.

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

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

5 **Title 18. Nonconformities**

6 ***Subtitle 4. Nonconforming Structures***

7 **§ 18-403. Expansion of structure.**

8 (A) *SCOPE.*

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

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

12 (2) § 18-411 {"EXCEPTIONS - ADMINISTRATIVE BULK ADJUSTMENTS"} OF THIS CODE.

13 (B) *RESTRICTION ON EXPANSION.*

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

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

19 **Zoning Tables**

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

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

24 \_\_\_\_\_  
25 <sup>5</sup> SEE § 14-329 FOR ROOFTOP DINING, WHICH IS A CONDITIONAL USE.

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

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

Categories	Specifications (Per District)					
	C-1	C-1-VC <sup>1</sup>	C-1-E	C-2	C-3	C-4
<b>Minimum Lot Area</b>						
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
....						
<b>[Maximum Lot Area] MAXIMUM GROSS FLOOR AREA BY USE</b>						
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
All other uses	10,000 sq. ft	2,000 sq. ft	10,000 sq. ft.	None	None	None
...						
<b>Minimum Rear Yard</b>						
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 maximum lot area measurers are updated to 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.}

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

Uses	Districts							Use Standards
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
...								
<b>Commercial</b>								
...								
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.

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

Uses	Districts	Use Standards
	<b>OR</b>	
<b>RESIDENTIAL</b>		
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	
<b>INSTITUTIONAL</b>		
Cultural Facility	P	Per 14-308
Educational Facility: Primary and Secondary	P	
Government Facility	CB	

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	<b>Uses</b>	<b>Districts</b>	<b>Use Standards</b>
		<b>OR</b>	
1	Place of Worship	P	Per § 14-332
2	<b>OPEN-SPACE</b>		
3	Community-Managed Open-Space Farm	CB	Per § 14-307
4	Community-Managed Open-Space Garden	P	Per § 14-307
5	Park or Playground	P	
6	Urban Agriculture	CB	Per § 14-339
7	<b>COMMERCIAL</b>		
8	ART GALLERY	CB, P <sup>1</sup>	PER § 14-328
9	ART STUDIO		
10	Broadcasting Station (TV or Radio)	CB	
11	Farmers Market	CB	Per § 14-312.1
12	Health-Care Clinic	P	
13	Lodge or Social Club	CB	Per § 14-320
14	[Neighborhood Commercial Establishment <sup>1</sup> ]	[CB, P]	[Per § 14-328]
15	Office	P	
16	PERSONAL SERVICES ESTABLISHMENT	CB, P <sup>1</sup>	PER § 14-328
17	RESTAURANT	CB, P <sup>1</sup>	PER § 14-328
18	RETAIL GOODS ESTABLISHMENT (NO ALCOHOLIC	CB, P <sup>1</sup>	PER § 14-328
19	BEVERAGES SALES)		
20	<b>OTHER</b>		
21	Electric Substation: Enclosed, Indoor, or Outdoor	CB	Per § 14-340
22	Parking Garage (Principal Use)	CB	Per § 14-331
23	Parking Lot (Principal Use)	CB	Per § 14-331
24	Telecommunications Facility <sup>2</sup>	CB, P	Per § 14-338
25	Utilities	CB	Per § 14-340
26	Wireless Communications Services <sup>3</sup>	CB, P	Per § 14-338

<sup>1</sup> [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.

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

**Council Bill 25-0006**

<sup>3</sup> 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	
<b>Commercial</b>					
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	
<b>RESIDENTIAL</b>						
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	
<b>INSTITUTIONAL</b>						
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



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	USES	SUBDISTRICTS					USE STANDARDS
		OR-1	C-1	C-2	C-3	IMU-1	
1	<b>OPEN-SPACE</b>						
2	Community-Managed Open-Space Farm	[P] CB	[P] CB	[P] CB	[P] CB	[P] CB	Per § 14-307
3	Community-Managed Open-Space Garden	P	P	P	P	P	Per § 14-307
4	Park or Playground	P	P	P	P	P	
5	Urban Agriculture	[P] CB	[P] CB	[P] CB	[P] CB	P	Per § 14-339
6	<b>COMMERCIAL</b>						
7	Art Gallery	P	P	P	P	P	
8	Arts Studio	P	P	P	P	P	
9	Arts Studio: Industrial	P	P	P	P	P	
10	Body Art Establishment	P	P	P	P	P	
11	Carry-Out Food Shop	P	P	P	P	P	
12	Day-Care Center: Adult or Child	[P]	[P] CB	P	P	P	Per § 14-309
13	Entertainment: Indoor	[P]	[P] CB	P	P	P	Per § 14-312
14	Entertainment: Live	[P]	[P]	[P]	P	[P] CB	Per § 14-319
15	Financial Institution	[P]	P	P	P	P	
16	Greenhouse or Nursery	[P]	P	P	P	P	Per § 14-339
17	Health-Care Clinic	P	[P]	P	P	P	
18	Health and Fitness Center	[P]	P	P	P	P	
19	Hotel or Motel	[P]	P	P	P	P	
20	Kennel	[P]	[P]	[P]	[P] CB	[P] CB	Per § 14-317
21	Office	P	P	P	P	P	
22	Outdoor Dining	P	P	P	P	P	Per § 14-329
23	Personal Services Establishment	P	P	P	P	P	
24	Recreation: Indoor	P	P	P	P	P	Per § 14-312
25	Recreation: Outdoor	P	P	P	P	P	Per § 14-312
26	Restaurant	P	P	P	P	P	
27	Retail Goods Establishment (No Alcoholic	P	P	P	P	P	
28	Beverages Sales)						

**Council Bill 25-0006**

	USES	SUBDISTRICTS					USE STANDARDS
		OR-1	C-1	C-2	C-3	IMU-1	
1	Retail Goods Establishment (With	[P]	P	P	P	P	Per § 14-336
2	Alcoholic Beverages Sales)						
3	Tavern	P	P	P	P	P	Per § 14-337
4	<b>INDUSTRIAL</b>						
5	Alternative Energy System: Commercial	[CB]	[CB]	[CB]	[CB]	[CB] P	
6	Food Processing: Light	[P] CB	P	P	P	P	
7	Industrial: Light	[P]	[P]	[P]	[P]	P	
8	Movie Studio	[P]	[P]	[P]	[P]	P	
9	Printing Establishment	[P]	[P]	P	P	P	
10	Research and Development Facility	[P]	[P]	[P]	[P]	P	
11	<b>OTHER</b>						
12	Alternative Energy System: Community-	[P]	P	P	P	P	Per § 14-306
13	Based						
14	Electric Substation: Enclosed, Indoor, or	CB	CB	CB	CB	CB	Per § 14-340
15	Outdoor						
16	Telecommunications Facility <sup>1</sup>	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338
17	Utilities	CB	CB	CB	CB	CB	Per § 14-340
18	Wireless Communications Services <sup>2</sup>	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 3<sup>rd</sup> 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.}

**Council Bill 25-0006**

***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 30<sup>th</sup> day after the date it is enacted.

# **Baltimore City Council**



## **Land Use & Transportation Committee**

**25-0006**

**Zoning Code Modifications**

## **Agency Reports**

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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



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

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February 5, 2025

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

Re: City Council Bill 25-0006 – Zoning Code – Modifications

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0006 for form and legal sufficiency. The bill would amend several sections of the City’s Zoning Code (Article 32 of the Baltimore City Code).

The Law Department notes that the term “reasonably required” in proposed Section 5-503(b)(5) lacks sufficient guidance as to the information required of applicants. As written, it is so broad that the applicant’s political party or net worth could be requested. To avoid a challenge that it is too vague, the bill should be amended to make clear exactly what information is required in the applicant’s statement. *See, e.g., A.B. Small Co. v. American Sugar Refining Co.*, 267 U.S. 233, 238-240(1925) (law is void for vagueness when there is “exaction of obedience to a rule or standard which was so vague and indefinite as really to be no rule or standard at all.”). Attached to this report is a suggested amendment to remove the vague language and a blank for this legislation to list the information it is requiring.

The City Council must consider the following when evaluating changes to the text of the City’s Zoning Code:

- (1) the amendment’s consistency with the City’s Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment’s consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

Baltimore City Code, Art. 32, § 5-508(c).

If the Planning Commission Report does not evaluate these factors, the City Council must take care to evaluate them.

Any bill that authorizes a change in the text of the Zoning Code is a “legislative authorization,” which requires that certain procedures be followed in the bill’s passage, including

a public hearing. Baltimore City Code, Art. 32, §§ 5-501; 5-507; 5-601(a). Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §§ 5-601(b)(1), (c), (e). The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. Baltimore City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council's ability to amend the bill apply. Baltimore City Code, Art. 32, § 5-507(c).

Although normally the Law Department waits until after the Planning Commission has had a chance to review a zoning bill, the Law Department is submitting this report to point out several practical matters that the Planning Commission or the City Council may wish to consider when evaluating this bill.

First, the proposed changes to Section 3-203(b)(7) envision that Planning Commission will conduct an annual comprehensive rezoning process. Since one of the required elements for a proposed rezoning to qualify as comprehensive is that it be the product of "careful study and consideration" it behooves evaluating whether the City could conduct the necessary study every year. *County Council of Prince George's County v. Zimmer Dev. Co.*, 444 Md. 490, 509 (2015). It may be more realistic to insert the word "endeavor" before "to conduct an annual comprehensive rezoning" to allow the City flexibility. Similarly, it may make sense to have flexibility in the mandatory four-year update of the Land Use Map in proposed Section 3-203(b)(8). It could also be good to clarify that this is a reference to the General Land Use Map within the Comprehensive Plan.

Language in proposed Section 5-301(d) could be more clearly worded to avoid any confusion over the phrase "under the guise of". It could be changed to "The variance procedure provisions may not be used to authorize a change in the use of real property." Similarly, to avoid confusion over the term "process," that word could be deleted from the proposed language in Section 5-310(a) and changed to "approve."

Aside from these practical suggestions, the only amendment required to make the bill legally sufficient is the clarification of the proposed requirements for the applicant statement in Section 5-503(d). Assuming this required amendment is adopted, and all the procedural requirements are met, the Law Department can approve the amended bill for form and legal sufficiency.

Very truly yours,



Hilary Ruley  
Chief Solicitor


cc: Ebony M. Thompson, City Solicitor  
Ty'lor Schnella, Mayor's Office of Government Relations  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor  
Desiree Lucky, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 25-0006**  
(1<sup>st</sup> Reader Copy)

Proposed by: Law Dep't

**Amendment No. 1** (Guidelines for Applicant Information)

On page 13, in line 28, insert "THE FOLLOWING" before "OTHER"; and in lines 28 through 30, delete "AS MAY BE REASONABLY REQUIRED BY THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF LEGISLATIVE REFERENCE, OR THE DEPARTMENT OF COUNCIL SERVICES" and substitute a colon and then a list of the required information.

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #25-0006 / ZONING CODE – MODIFICATIONS		

TO

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

DATE: February 28, 2025

At its regular meeting of February 27, 2025, the Planning Commission considered City Council Bill #25-0006, 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #25-0006 and adopted the following resolution, with six members being present (six in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and adopts the proposed amendments with one minor change – on page 1 of the staff report, second bullet from the bottom, the revised amendment should read: “On Page 19, strike Lines 23 and 24 in their entirety, and replace with the following: (2) THE REQUIREMENTS OF SITE PLAN REVIEW AND DESIGN REVIEW ARE MET.” With that change, the Planning Commission recommends that City Council Bill #25-0006 be **amended and approved** by the City Council as recommended by Planning staff.

While the Planning Commission did not have any other formal amendments, there were a few topics that they believe needs further study, and may result in future modifications, namely:

1. They understood the concern in the Law Department’s recommendation (page 2, third paragraph) on possible adjustments to soften what may appear as a mandate to conduct annual rezoning efforts or quadrennial reviews of the Land Use Map in the Comprehensive Plan, but did not feel the “endeavor to...” suggestion would work. They did not have a better solution at this time, but agree in principle.
2. Some review of notice procedures is definitely warranted, and the Commission was interested in exploring if there is a way to include notification of known community organizations. A discussion on the limitations of the Community Association Directory (CAD) ensued, but there are enough technical and process concerns that prevented offering a formal amendment at this time.
3. On Page 4, in Line 12, the Planning Commission noted that the reference to “... § 3-301 {“Plan Revision”} of the State Land Use Article ...” may not be necessary.
4. On Page 22, in Line 17 (Table 10-401), the Planning Commission noted that “Retail Goods Establishment (Food Store)” was not a defined term in the Zoning Code, and should either be defined, or the use conformed to those that are defined.



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 John Bullock, Council Rep. to Planning Commission  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Hilary Ruley, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Luciano Diaz, DOT  
Ms. Nancy Mead, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

February 27, 2025

**REQUEST:** City Council Bill #25-0006/ 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.

**RECOMMENDATION:** Amendment and Approval, with the following amendments:

- On Page 3, in Line 11, strike *Variances* and replace with *Definitions*.
- On Page 3, in Line 19, before the final period, insert THAT ARE OPERATED BY A GOVERNMENT AGENCY
- On Page 3, after Line 21, insert the following, and re-letter subsequent definitions as needed:  
**§ 1-313. “Roofline” to “Substantial Construction”**  
...  
(d) *Shared-use path*.  
"Shared-use path" means a paved or hard-surface, off-road facility designed for travel or recreational use for a variety of users including walkers, stroller pushers, mobility device users, dog walkers, skaters, runners, bicyclists, and scooter riders.
- On Page 6, after Line 21, insert: (18) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS THAT INCLUDE A SHARED-USE PATH.
- On Page 8, in Line 5, strike OR and insert a comma, and in Line 6, after Municipal and Zoning Appeals, insert a comma and OR THE CITY COUNCIL, AS THE CASE MAY BE,
- On Page 11, in Lines 13 and 18, strike “process” and replace with “ACCEPT” in each instance.
- On Page 13, strike Lines 28–30, in their entirety, and replace with the following:  
(5) OTHER INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THE STANDARDS FOR CONDITIONAL USES, VARIANCES, OR OTHER REQUIREMENTS OF THIS CODE.
- On Page 16, in Lines 7-8: This explanatory note is duplicated or misplaced. The purpose of amendments to § 5-901 is to improve the format of this subsection, for clarity and to match current code drafting style.
- On Page 17, strike Lines 11–20, in their entirety.
- On Page 19, strike Lines 23 and 24 in their entirety, and replace with the following:  
(2) THE REQUIREMENTS OF SITE PLAN REVIEW AND DESIGN REVIEW.
- On page 22, in Lines 27–29 – Explanatory Note: Amend Item (2) as follows: “(2) To clarify that the C-1 zoning district is intended to be walk-to commercial, AND SO THE maximum lot area [measurers] MEASUREMENTS are corrected to [work together with a new Table 10-403: C-1 Commercial District – Maximum Floor Area by Use.] REFLECT THE REFERENCE TO MAXIMUM GROSS FLOOR AREA BY USE INSTEAD.”

- On Page 23, in Lines 10-12, replace the explanatory note to read as follows:  
{**EXPLANATORY NOTE:** This amendment corrects for an error upon the splitting of the former singular I-MU District into the two separate IMU-1 and IMU-2 Districts. When Ord. #19-244, dated April 29, 2019, was enacted, the “P” for permitted for “Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)” was inadvertently omitted from the IMU-1 District.}
- On Page 24, in the amended Table 12-301, insert a new line in the Commercial use group after Line 10, to add DAY-CARE CENTERS: ADULT OR CHILD as CB, P<sup>1</sup>, and subject to the use standards of § 14-309.

**STAFF:** Eric Tiso

**PETITIONER:** The Administration (Department of Planning)

### **HISTORY**

- City Council Bill #23-0435 – Zoning Code – Modifications was introduced into Council on October 2, 2023, but failed at the end of the previous Council term.

### **ANALYSIS**

Background: Following a comprehensive re-write of the Zoning Code in 2017, the Department of Planning intended to monitor the Code and to offer periodic updates to solve problems as we discover them. This bill is a continuation of the efforts in CCB #23-0435, and covers some of the same material from that bill, recommended amendments from the Planning Commission at that time, amendments raised in the Council Committee hearing, as well as new amendments. To make the Commission’s review a bit simpler, this report will walk through each of the changes proposed, and will mark where each topic is repeated from the prior bill, where it might’ve changed or has been updated, and where it’s completely new.

**[Repeated, Prior Planning Commission Amendment] Page 2, Line 5 – Page 3, Line 4 – Use Symbology:** This change removes text that was retained from the prior Zoning Code in error. In that prior edition of the Zoning Code, the use tables at the back of the code were unofficial and for readers’ convenience only. When the new Zoning Code was adopted, the material in those tables were adopted in new tables as a part of the official code, and so this outdated reference to the previous Cumulative Uses Table, now under §1-205, is no longer needed, and can be removed as an administrative clean-up.

**[New Amendment]** Staff is proposing to add a new definition for a “Share-use path” to work with the amendment proposed on Page 6 that will refer to projects including a Shared-use path to Design Review.

- On Page 3, after Line 21, insert the following, and re-letter subsequent definitions as needed:  
**§ 1-313. “Roofline” to “Substantial Construction”**  
...  
(d) *Shared-use path.*  
"Shared-use path" means a paved or hard-surface, off-road facility designed for travel or recreational use for a variety of users including walkers, stroller pushers, mobility device users, dog walkers, skaters, runners, bicyclists, and scooter riders.

**[Repeated, Prior Planning Commission Amendment] Page 3, Line 12 – Line 19 – “Government Facility”:** This amendment adds “*Government Facility*” to add RECREATION: OUTDOOR to the list of inclusions in the definition. This change was at the request of the Department of Baltimore City Recreation and Parks (BCRP).

**[New] Page 3, Line 24 – Page 4, Line 17 – Planning Commission:** This amendment shifts the scheduling for an annual comprehensive rezoning process, to acknowledge the adoption of the new Comprehensive Master Plan for the City of Baltimore in December 2024, and for a quadrennial review of the Land Use Map that was also adopted as part of that plan. Staff acknowledges a recommended amendment by the Law Department, to soften the language somewhat, so that there isn’t an implied hard deadline for each update. We’re willing to work together to improve the language, but don’t have a suggestion for what that might be at this time. In part, the concern may be that what Planning staff has in mind is an annual bulk zoning bill that is comprehensive in that it includes a number of properties across the City (we typically see about fifteen bills per year), but is not so Comprehensive that we’re examining every single parcel City-wide. If there’s a better term for that bulk rezoning that clarifies our intent, we’re open to suggestions here as well.

**[New] Page 4, Line 23 – Page 6, Line 21 – Design Review:** Under the prior zoning code (under § 3-301), there was a requirement that multiple principal structures on a residential lot needed Planning Commission approval. The purpose of that requirement at that time was to allow for design review of the proposal, as that edition of the Zoning Code didn’t have a formal Site Plan Review or Design Review process as today’s Zoning Code does. With increased interest in accessory dwelling units, or alternate arrangements for multi-family use of property, staff recognizes that the current Design Review process does not anticipate that need. New triggers for Site Plan Review and Design Review are added here accordingly. The Design Review section is also clarified on which additions require review. See also the related amendment in the new §15-203 on Page 19 of the bill.

**[New Amendment] Page 6, after Line 21, insert:** (18) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS THAT INCLUDE A SHARED-USE PATH. This staff amendment is proposed so that projects including a Shared-use path (as will be defined in this bill) get a referral for Design Review.

**[Changed] Page 7, Line 1-22 - Introduction of proposed authorization:** This amendment was carried over from the prior bill, moving the “IN WRITING” requirement up in paragraph (2) to apply equally to the property owner, as well as to an applicant, and clarifies that the applicant must be authorized by the owner. This has become necessary based on recent experience by the Board of Municipal and Zoning Appeals (BMZA). Under the prior bill, paragraph (c) was also amended, but that change is no longer desired and has not been included in this bill.

**[Changed] Page 7, Line 25 – Page 8, Line 23 – Variances:** This amendment clarifies the variance procedures by removing the need for an “unnecessary hardship”, but retains “practical difficulty” as the trigger for relief. It rearranges the text as compared to the prior bill in

explaining that the Zoning Administrator or BMZA may grant variances generally, while only limiting certain signage provisions. The prohibition of variances to uses is retained.

**[Changed] Page 8, Line 29 – Page 9, Line 13 – Minor and major variance distinguished:** Most of the previously proposed amendments to this section of the code have been moved to CCB #25-0016, only retaining and repeating the missing reference to the BMZA on Page 9, in Line 12 in both bills.

**[Repeated] Page 9, Line 17 – Page 10, Line 16 – Approval standards:** This section is repeated from the prior bill, with only minor changes to arrangement. This amendment removes the requirement of “uniqueness” of a property in order to grant a variance, and removes “unnecessary hardship” while retaining “practical difficulty”. This is the key provision of the bill that in the past year or so has been more strictly applied by the BMZA than in years prior. The requirement for “uniqueness” is a nearly-impossible standard to meet in much of the City, when that provision is literally applied. This is most evident in large sections of the City where neighborhoods were built with identical lot sizes and structure types.

**[Repeated] Page 10, Line 33 – Page 11, Line 7 – Expiration of approval:** This amendment is carried over from the prior bill. Its purpose is to extend the approval of a variance from one to two years. The need for a longer valid period has been made evident by the BMZA’s receipt of several requests monthly for extensions. While this was most obvious during the COVID-19 emergency, it persists to this day. Extending the initial approval period will remove the need for the Board’s approval of extensions, that can only be issued in a public hearing, and are only infrequently disapproved.

**[New] Page 11, Lines 10–24 – Code compliance denial:** In the current Zoning Code, neither the Zoning Administrator, nor the BMZA may process an application for a variance if the property has outstanding notices of violation, fines, or fees that are unresolved or unpaid. This amendment adds conditional uses to the existing prohibition as well. An exception is retained to allow processing of those applications where the variance or conditional use approval itself would resolve the outstanding violation, fine, or fee. This prohibition is necessary to avoid the mechanics of the system being abused. Applications for a variance or for a conditional use typically stay enforcement of violations in order for the process to play out and possibly be abated by an approval. It is therefore possible to abuse the process if a property owner gets a violation notice, files an appeal, subsequently does nothing to move the case forward, all the while continuing the violation, only to eventually withdraw the appeal or when the Board dismisses it for lack of prosecution.

**[Repeated, Prior Planning Commission Amendment] Page 11, Line 28 – Page 12, Line 17 – Approval standards:** 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. It mirrors the text to the following paragraph in § 5-406(b) which refers to both approval bodies.

**[Repeated] Page 12, Line 21 – Page 13, Line 8 – Expiration of approval:** This amendment extends approval for conditional uses to two years, instead of one. This is similar to the amendment to variance time limits on Page 10 of the bill, discussed above.

**[New] Page 13, Lines 9–30 – Introductory statement of intent:** This amendment codifies the requirement for submitting a statement of intent, which has been used for every City Council bill for decades. Recently, it was noted that there wasn't a statutory requirement for this submittal, so this amendment cures that omission. Staff understands the Law Department's concerns with possible vagueness in the proposed § 5-503(b)(5) (*i.e.* Page 13, Lines 28–30), and we offer an amendment to narrow the requirement by striking Lines 28–30, in their entirety, and replace with the following: (5) OTHER INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THE STANDARDS FOR CONDITIONAL USES, VARIANCES, OR OTHER REQUIREMENTS OF THIS CODE.

**[New] Page 14, Lines 1–30 – Map or text amendments; PUDs:** This amendment seeks to remove providing notice of map or text amendments for Planned Unit Developments (PUDs) in a newspaper as an outmoded form of public notice. A new exceptions section will allow the addition of properties to a bill for a rezoning or the creation or modification of a PUD, without the need to readvertise, reschedule, and repost provided that direct mailed notice or in-person consent is provided by the property owner(s) in question.

**[Repeated] Page 15, Line 1 – Line 6 – Minor Variances:** This amendment carries over a committee amendment that requires posted notice for 21 days instead of 10 days, aligning the posting duration with major variances.

**[New] Page 15, Lines 9-21 – Planning Commission consideration of site-specific projects:** This amendment is similar to posting requirements for map or text amendments and PUDs above. It will allow the addition of properties to a bill for a rezoning or the creation or modification of a PUD, without the need to reschedule and repost, provided that direct mailed notice or in-person consent is provided by the property owner(s) in question.

**[New] Page 15, Line 24 – Page 16, Line 6 – Zoning Verifications:** The purpose of amendments to § 5-901 is to improve the format of this subsection, for clarity and to match current code drafting style.

**[New] Page 16, Line 9 – Page 17, Line 8 – Residential Conversions:** This amendment removes the requirement for a parking space from the Residential Conversions standards. This section is referenced in several other zones, to include commercial zones, and most specifically the C-1 zones – where parking isn't required by Table 16-406. This section appears to override the general exemption from parking in those specific districts, with a more specific requirement for parking – this was unintentional. Removing this section will cure this error.

**[New] Page 17, Lines 11–20 - Bulk and Yard Regulations:** This section was added by mistake. A separate table is not required, as edits to Table 10-401 are sufficient so the reference to a new Table 10-403 should be removed. See also related table changes on page 22.

**[New] Page 17, Lines 21–26 - Parking requirements:** This amendment clarifies the intent of this section, removing the vague "Where feasible" language and making it a positive requirement in Transit-Oriented Development (TOD) Districts.

**[New] Page 18, Lines 1–28 – Neighborhood Commercial Establishments (NCEs):** This amendment will remove some permissions for *Outdoor dining* that were expanded during the COVID-19 emergency.

**[New] Page 18, Line 24 – Outdoor dining:** This amendment will correct a typographical error (replacing Outdoor in Line 24 with Rooftop).

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1. **[Repeated, Prior Planning Commission Amendment]** The unnecessary minimum lot area reference for *Residential-care facility (age restricted)* is corrected to NONE as that use is not allowed in the C-4 district at all.
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**[New] On page 22, in Lines 27–29 – Explanatory Note:** Item (2) should be amended as follows: “(2) To clarify that the C-1 zoning district is intended to be walk-to commercial, AND SO

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**[New] Page 23, Lines 1–12 – Table 11-301:** This amendment inserts a “P” for permitted use in the IMU-1 District for *Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)* to correct an accidental omission. The explanatory text in Lines 10-12 would be a bit more accurate if it read: “This amendment corrects for an error upon the splitting of the former singular I-MU District into the two separate IMU-1 and IMU-2 Districts. When Ord. #19-244, dated April 29, 2019, was enacted, the “P” for permitted for *Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)* was inadvertently omitted from the IMU-1 District.”

**[New] Page 23, Line 13 – Page 24, Line 27 – Table 12-301:** This amendment corrects a short-cut usage of *Neighborhood Commercial Establishment* (NCE) to allow for the seven component land uses in the OR District. The problem with using that short-cut in terminology, is that the definition of NCE in § 1-310(j) defines them as being “a non-residential use that is within a residential or office-residential zoning district, but in a structure that: (1) is non-residential in its construction and original use’ or (2) has received prior zoning approval for a non-residential use, as evidenced by permits, construction, or historical evidence of lawful non-residential use.” That expectation of an existing structure does not take into account the possibility of a newly-constructed building. To cure this error, this amendment adds those component uses as conditional uses in general, or as permitted uses when they are located in structures that have 50 or more dwelling units, and limiting them to 10% of the structure’s gross floor area. An amendment is needed to add *Day-care centers: adult or child* in the commercial use group of Table 12-301, since it was accidentally omitted and since they are different than the *Day-care Home: Adult or Child* listed in the residential use group.

**[Repeated, Prior Planning Commission Amendment] Page 25, Lines 4–8 – Table 12-402:** This amendment corrects an omission, and inserts “P” for permitted use for an *Animal Clinic* in the TOD-2 District to correct a typographical error.

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Equity:

- Impact: Staff believes that the proposed modifications to the Zoning Code will serve to reduce established patterns of inequity in Baltimore, specifically by clarifying how nonconforming structures may be expanded. The bill may have different effects on some



communities depending on the age of structures, the prevalence of redevelopment activity, and their real estate submarkets.

- Internal Operations: While Planning Department operations would not be affected directly by passage of this bill, there may be effects on operations of the Zoning Administration and BMZA offices that should be considered.

Notification: This item was advertised by GovDelivery, was sent to 17,439 unique subscribers.



**Chris Ryer**  
**Director**



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

February 27, 2025

**REQUEST:** City Council Bill #25-0006/ 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.

**RECOMMENDATION:** Amendment and Approval, with the following amendments:

- On Page 3, in Line 11, strike *Variances* and replace with *Definitions*.
- On Page 3, in Line 19, before the final period, insert THAT ARE OPERATED BY A GOVERNMENT AGENCY
- On Page 3, after Line 21, insert the following, and re-letter subsequent definitions as needed:  
**§ 1-313. “Roofline” to “Substantial Construction”**  
...  
(d) *Shared-use path*.  
"Shared-use path" means a paved or hard-surface, off-road facility designed for travel or recreational use for a variety of users including walkers, stroller pushers, mobility device users, dog walkers, skaters, runners, bicyclists, and scooter riders.
- On Page 6, after Line 21, insert: (18) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS THAT INCLUDE A SHARED-USE PATH.
- On Page 8, in Line 5, strike OR and insert a comma, and in Line 6, after Municipal and Zoning Appeals, insert a comma and OR THE CITY COUNCIL, AS THE CASE MAY BE,
- On Page 11, in Lines 13 and 18, strike “process” and replace with “ACCEPT” in each instance.
- On Page 13, strike Lines 28–30, in their entirety, and replace with the following:  
(5) OTHER INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THE STANDARDS FOR CONDITIONAL USES, VARIANCES, OR OTHER REQUIREMENTS OF THIS CODE.
- On Page 16, in Lines 7-8: This explanatory note is duplicated or misplaced. The purpose of amendments to § 5-901 is to improve the format of this subsection, for clarity and to match current code drafting style.
- On Page 17, strike Lines 11–20, in their entirety.
- On Page 19, strike Lines 23 and 24 in their entirety, and replace with the following:  
(2) THE REQUIREMENTS OF SITE PLAN REVIEW AND DESIGN REVIEW.
- On page 22, in Lines 27–29 – Explanatory Note: Amend Item (2) as follows: “(2) To clarify that the C-1 zoning district is intended to be walk-to commercial, AND SO THE maximum lot area [measurers] MEASUREMENTS are corrected to [work together with a new Table 10-403: C-1 Commercial District – Maximum Floor Area by Use.] REFLECT THE REFERENCE TO MAXIMUM GROSS FLOOR AREA BY USE INSTEAD.”

- On Page 23, in Lines 10-12, replace the explanatory note to read as follows:  
{**EXPLANATORY NOTE:** This amendment corrects for an error upon the splitting of the former singular I-MU District into the two separate IMU-1 and IMU-2 Districts. When Ord. #19-244, dated April 29, 2019, was enacted, the “P” for permitted for “Entertainment: Live (Accessory to Restaurant, Tavern, Art Studio, or Art Gallery)” was inadvertently omitted from the IMU-1 District.}
- On Page 24, in the amended Table 12-301, insert a new line in the Commercial use group after Line 10, to add DAY-CARE CENTERS: ADULT OR CHILD as CB, P<sup>1</sup>, and subject to the use standards of § 14-309.

**STAFF:** Eric Tiso

**PETITIONER:** The Administration (Department of Planning)

### **HISTORY**

- City Council Bill #23-0435 – Zoning Code – Modifications was introduced into Council on October 2, 2023, but failed at the end of the previous Council term.

### **ANALYSIS**

Background: Following a comprehensive re-write of the Zoning Code in 2017, the Department of Planning intended to monitor the Code and to offer periodic updates to solve problems as we discover them. This bill is a continuation of the efforts in CCB #23-0435, and covers some of the same material from that bill, recommended amendments from the Planning Commission at that time, amendments raised in the Council Committee hearing, as well as new amendments. To make the Commission’s review a bit simpler, this report will walk through each of the changes proposed, and will mark where each topic is repeated from the prior bill, where it might’ve changed or has been updated, and where it’s completely new.

**[Repeated, Prior Planning Commission Amendment] Page 2, Line 5 – Page 3, Line 4 – Use Symbology:** This change removes text that was retained from the prior Zoning Code in error. In that prior edition of the Zoning Code, the use tables at the back of the code were unofficial and for readers’ convenience only. When the new Zoning Code was adopted, the material in those tables were adopted in new tables as a part of the official code, and so this outdated reference to the previous Cumulative Uses Table, now under §1-205, is no longer needed, and can be removed as an administrative clean-up.

**[New Amendment]** Staff is proposing to add a new definition for a “Share-use path” to work with the amendment proposed on Page 6 that will refer to projects including a Shared-use path to Design Review.

- On Page 3, after Line 21, insert the following, and re-letter subsequent definitions as needed:  
**§ 1-313. “Roofline” to “Substantial Construction”**  
...  
(d) *Shared-use path.*  
"Shared-use path" means a paved or hard-surface, off-road facility designed for travel or recreational use for a variety of users including walkers, stroller pushers, mobility device users, dog walkers, skaters, runners, bicyclists, and scooter riders.

**[Repeated, Prior Planning Commission Amendment] Page 3, Line 12 – Line 19 – “Government Facility”:** This amendment adds “*Government Facility*” to add RECREATION: OUTDOOR to the list of inclusions in the definition. This change was at the request of the Department of Baltimore City Recreation and Parks (BCRP).

**[New] Page 3, Line 24 – Page 4, Line 17 – Planning Commission:** This amendment shifts the scheduling for an annual comprehensive rezoning process, to acknowledge the adoption of the new Comprehensive Master Plan for the City of Baltimore in December 2024, and for a quadrennial review of the Land Use Map that was also adopted as part of that plan. Staff acknowledges a recommended amendment by the Law Department, to soften the language somewhat, so that there isn’t an implied hard deadline for each update. We’re willing to work together to improve the language, but don’t have a suggestion for what that might be at this time. In part, the concern may be that what Planning staff has in mind is an annual bulk zoning bill that is comprehensive in that it includes a number of properties across the City (we typically see about fifteen bills per year), but is not so Comprehensive that we’re examining every single parcel City-wide. If there’s a better term for that bulk rezoning that clarifies our intent, we’re open to suggestions here as well.

**[New] Page 4, Line 23 – Page 6, Line 21 – Design Review:** Under the prior zoning code (under § 3-301), there was a requirement that multiple principal structures on a residential lot needed Planning Commission approval. The purpose of that requirement at that time was to allow for design review of the proposal, as that edition of the Zoning Code didn’t have a formal Site Plan Review or Design Review process as today’s Zoning Code does. With increased interest in accessory dwelling units, or alternate arrangements for multi-family use of property, staff recognizes that the current Design Review process does not anticipate that need. New triggers for Site Plan Review and Design Review are added here accordingly. The Design Review section is also clarified on which additions require review. See also the related amendment in the new §15-203 on Page 19 of the bill.

**[New Amendment] Page 6, after Line 21, insert:** (18) NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS THAT INCLUDE A SHARED-USE PATH. This staff amendment is proposed so that projects including a Shared-use path (as will be defined in this bill) get a referral for Design Review.

**[Changed] Page 7, Line 1-22 - Introduction of proposed authorization:** This amendment was carried over from the prior bill, moving the “IN WRITING” requirement up in paragraph (2) to apply equally to the property owner, as well as to an applicant, and clarifies that the applicant must be authorized by the owner. This has become necessary based on recent experience by the Board of Municipal and Zoning Appeals (BMZA). Under the prior bill, paragraph (c) was also amended, but that change is no longer desired and has not been included in this bill.

**[Changed] Page 7, Line 25 – Page 8, Line 23 – Variances:** This amendment clarifies the variance procedures by removing the need for an “unnecessary hardship”, but retains “practical difficulty” as the trigger for relief. It rearranges the text as compared to the prior bill in

explaining that the Zoning Administrator or BMZA may grant variances generally, while only limiting certain signage provisions. The prohibition of variances to uses is retained.

**[Changed] Page 8, Line 29 – Page 9, Line 13 – Minor and major variance distinguished:** Most of the previously proposed amendments to this section of the code have been moved to CCB #25-0016, only retaining and repeating the missing reference to the BMZA on Page 9, in Line 12 in both bills.

**[Repeated] Page 9, Line 17 – Page 10, Line 16 – Approval standards:** This section is repeated from the prior bill, with only minor changes to arrangement. This amendment removes the requirement of “uniqueness” of a property in order to grant a variance, and removes “unnecessary hardship” while retaining “practical difficulty”. This is the key provision of the bill that in the past year or so has been more strictly applied by the BMZA than in years prior. The requirement for “uniqueness” is a nearly-impossible standard to meet in much of the City, when that provision is literally applied. This is most evident in large sections of the City where neighborhoods were built with identical lot sizes and structure types.

**[Repeated] Page 10, Line 33 – Page 11, Line 7 – Expiration of approval:** This amendment is carried over from the prior bill. Its purpose is to extend the approval of a variance from one to two years. The need for a longer valid period has been made evident by the BMZA’s receipt of several requests monthly for extensions. While this was most obvious during the COVID-19 emergency, it persists to this day. Extending the initial approval period will remove the need for the Board’s approval of extensions, that can only be issued in a public hearing, and are only infrequently disapproved.

**[New] Page 11, Lines 10–24 – Code compliance denial:** In the current Zoning Code, neither the Zoning Administrator, nor the BMZA may process an application for a variance if the property has outstanding notices of violation, fines, or fees that are unresolved or unpaid. This amendment adds conditional uses to the existing prohibition as well. An exception is retained to allow processing of those applications where the variance or conditional use approval itself would resolve the outstanding violation, fine, or fee. This prohibition is necessary to avoid the mechanics of the system being abused. Applications for a variance or for a conditional use typically stay enforcement of violations in order for the process to play out and possibly be abated by an approval. It is therefore possible to abuse the process if a property owner gets a violation notice, files an appeal, subsequently does nothing to move the case forward, all the while continuing the violation, only to eventually withdraw the appeal or when the Board dismisses it for lack of prosecution.

**[Repeated, Prior Planning Commission Amendment] Page 11, Line 28 – Page 12, Line 17 – Approval standards:** 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. It mirrors the text to the following paragraph in § 5-406(b) which refers to both approval bodies.

**[Repeated] Page 12, Line 21 – Page 13, Line 8 – Expiration of approval:** This amendment extends approval for conditional uses to two years, instead of one. This is similar to the amendment to variance time limits on Page 10 of the bill, discussed above.

**[New] Page 13, Lines 9–30 – Introductory statement of intent:** This amendment codifies the requirement for submitting a statement of intent, which has been used for every City Council bill for decades. Recently, it was noted that there wasn't a statutory requirement for this submittal, so this amendment cures that omission. Staff understands the Law Department's concerns with possible vagueness in the proposed § 5-503(b)(5) (*i.e.* Page 13, Lines 28–30), and we offer an amendment to narrow the requirement by striking Lines 28–30, in their entirety, and replace with the following: (5) OTHER INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THE STANDARDS FOR CONDITIONAL USES, VARIANCES, OR OTHER REQUIREMENTS OF THIS CODE.

**[New] Page 14, Lines 1–30 – Map or text amendments; PUDs:** This amendment seeks to remove providing notice of map or text amendments for Planned Unit Developments (PUDs) in a newspaper as an outmoded form of public notice. A new exceptions section will allow the addition of properties to a bill for a rezoning or the creation or modification of a PUD, without the need to readvertise, reschedule, and repost provided that direct mailed notice or in-person consent is provided by the property owner(s) in question.

**[Repeated] Page 15, Line 1 – Line 6 – Minor Variances:** This amendment carries over a committee amendment that requires posted notice for 21 days instead of 10 days, aligning the posting duration with major variances.

**[New] Page 15, Lines 9-21 – Planning Commission consideration of site-specific projects:** This amendment is similar to posting requirements for map or text amendments and PUDs above. It will allow the addition of properties to a bill for a rezoning or the creation or modification of a PUD, without the need to reschedule and repost, provided that direct mailed notice or in-person consent is provided by the property owner(s) in question.

**[New] Page 15, Line 24 – Page 20, Line 6 – Zoning Verifications:** The purpose of amendments to § 5-901 is to improve the format of this subsection, for clarity and to match current code drafting style.

**[New] Page 16, Line 9 – Page 17, Line 8 – Residential Conversions:** This amendment removes the requirement for a parking space from the Residential Conversions standards. This section is referenced in several other zones, to include commercial zones, and most specifically the C-1 zones – where parking isn't required by Table 16-406. This section appears to override the general exemption from parking in those specific districts, with a more specific requirement for parking – this was unintentional. Removing this section will cure this error.

**[New] Page 17, Lines 11–20 - Bulk and Yard Regulations:** This section was added by mistake. A separate table is not required, as edits to Table 10-401 are sufficient so the reference to a new Table 10-403 should be removed. See also related table changes on page 22.

**[New] Page 17, Lines 21–26 - Parking requirements:** This amendment clarifies the intent of this section, removing the vague "Where feasible" language and making it a positive requirement in Transit-Oriented Development (TOD) Districts.

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**Chris Ryer**  
**Director**



CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Peter Little, Executive Director, Parking Authority of Baltimore City
<b>CC</b>	Mayor's Office of Government Relations
<b>DATE</b>	February 28, 2025
<b>SUBJECT</b>	25-0006 Zoning Code - Modifications

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**Position: Favorable**

**BILL SYNOPSIS**

City Council Bill 25-0006 is proposing to make changes to the Zoning Ordinance to address various matters including the required parking for dwelling units that are converted to multiple dwelling units and parking calculations for split-zoned properties. Currently the residential dwelling conversion provision (§9-703) of the Zoning Ordinance requires one parking space per additional dwelling unit added and this proposed amendment would eliminate that standard within the residential conversion provision. The split-zoned property parking calculation is new.

**SUMMARY OF POSITION**

The language in the proposed legislation references parking in several places but generally keeps the standards and references the same. There are two references of note that should be covered. 1) the proposed removal of the off-street parking standard in the residential conversion provision, and 2) the addition of a split-zoned property parking calculation. The first change is already covered under §16-203 of the Zoning Ordinance that requires sites that add dwelling units to meet the parking requirement. The second change regarding a split-zoned property parking calculation requires these sites to be parked based the constituent uses and then the ratio of the predominant zoning designation is applied to determine the resulting required parking yield. Thus, if 100 parking spaces would otherwise be required, and the predominant use is 60% of the site, then 60 parking spaces would be required. This appears to be in keeping with the shared parking standards set forth in §16-501 of the Zoning Ordinance.

**FISCAL IMPACT**

It is not expected that the proposed zoning modifications will have any fiscal impact as relates to parking.

**AMENDMENTS**

No amendments are being requested.



CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Alice Kennedy, Commissioner, Housing and Community Development
<b>CC</b>	Mayor's Office of Government Relations
<b>DATE</b>	March 12th, 2025
<b>SUBJECT</b>	25-0006 Zoning Code – Modifications

**Position: Favorable**

**BILL SYNOPSIS**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0006 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.

If enacted, Council Bill 25-0006 would generally modify the Baltimore City Zoning Code, notably those sections relating to variances and non-conforming structures. If approved, this Bill will take effect the 30<sup>th</sup> day after its enactment.

**SUMMARY OF POSITION**

This Bill continues the efforts of CCB 23-0435, which died at the end of the last term. Some of the content contained within that prior iteration is carried over to CCB 25-0006, with many of the concerns raised by both City agencies and Council members factored into this updated version. Relevant to DHCD was a concern that in its prior form, variance applicants may have not known in advance whether their request would have been classified as a major or minor variance. This would in turn create further confusion regarding whether their variance application should be filed with the Zoning Administrator or the BMZA. CCB 25-0006 remedies this issue by removing the dual filing track entirely, noting that either the Zoning Administrator or the BMZA may grant variances.

At its regular meeting of February 27th, 2025, the Planning Commission concurred with the recommendation of its departmental staff and recommended that City Council Ordinance 25-0006 be amended and approved by the City Council. While in support of this Bill and the

amendments suggested by the Planning Commission, DHCD does have some concerns about the section pertaining to variance lapses contained on Page 11, line 1. This Bill would render void any variance that has not received a Use and Occupancy permit within two years of its granting. This change may prove problematic for a variety of reasons. For example, large projects may take longer than two years to complete, despite steady work towards that end. Also, some projects with granted variances do not require a Use and Occupancy permit at all. The continuing validity of a variance may be better based on building permits issued with a demonstrable history of active work and successful inspections.

DHCD appreciates the goal of keeping the Zoning Code up-to-date and is not opposed to the changes outlined in City Council Bill 25-0006. These changes may help to promote the health, safety and welfare of the city and its residents by updating and aligning the code to make process improvements that match Baltimore's ever evolving Development landscape.

### **FISCAL IMPACT**

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

### **AMENDMENTS**

DHCD supports the amendments suggested by the Planning Commission that are contained within their report.



CITY OF BALTIMORE  
MAYOR BRANDON M. SCOTT

<b>TO</b>	The Honorable President and Members of the Baltimore City Council
<b>FROM</b>	Rebecca Witt, Executive Director, BMZA
<b>CC</b>	Mayor's Office of Government Relations
<b>DATE</b>	February 7, 2025
<b>SUBJECT</b>	City Council Bill 25-0006 – Zoning Code – Modifications

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**Position: Favorable.**

**BILL SYNOPSIS**

To amend the Baltimore City Zoning Code to align with state law, to modify the variance approval process, to allow variances to be issued for nonconforming structures, and other minor changes.

**SUMMARY OF POSITION**

At its General Meeting on February 4, 2025, the Board voted 5-0 to recommend approval of CCB 25-0006 – Zoning Code – Modifications.

In its consideration of this Bill, the Board reviewed the attached staff report.

**FISCAL IMPACT**

None.

**AMENDMENTS**

None.

## BMZA Staff Report

**City Council Bill #25-0006/ 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; providing for a special effective date; and generally relating to the zoning and land-use laws of the City of Baltimore.

**BMZA STAFF RECOMMENDATION:** Approval.

**SPONSORS:** Administration & Councilmember Schleifer

### ANALYSIS:

#### Page 7 - § 5-301(a)

This section removes the “unnecessary hardship” phrase from the variance approval standards, because that phrase, as explained in Maryland caselaw, only applies to use variances, which we do not have in Baltimore City. Use variances allow a property owner to apply for a use that is not permitted in their zoning district; in Baltimore City, the Board is not allowed to approve a new nonconforming use. Therefore, the only relevant standard is “practical difficulty,” and the “unnecessary hardship” standard can be removed entirely.

#### Page 8 - § 5-301(b), (c), (d).

The current Code specifies the categories of regulations that are eligible for variances, implying that variances are not allowed for unlisted types of regulations. The bill revises this by instead listing the exceptions to variance eligibility in subsections (c) and (d).

#### Page 8 - § 5-302(b)(2)

The bill would explicitly give BMZA the power to issue minor variances. We already do this, so this just adjusts the Code to match current practice.

#### Page 9 - § 5-308(a)

This is an attempt to loosen the “uniqueness” standard in the Code for variances. Instead of using the word unique, the bill uses the word “peculiar” which matches the definition of “variance” in the Maryland Land Use Article.<sup>1</sup>

**The words peculiar, unusual, or unique are *synonyms* when used in the variance context, so the substitution of peculiar for unique will have no effect on BMZA outcomes.**

“To receive a zoning variance, a property must be unique. Maryland cases have used the terms ‘unique,’ ‘unusual,’ and ‘peculiar’ to describe this step in the variance analysis. We made clear in *Cromwell* that these words are used more or less interchangeably to mean

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<sup>1</sup> Md. Code Ann., Land Use §1-101(s) “Variance” means 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.

‘unusual.’” *Dan's Mt. Wind Force, LLC v. Allegany Cty. Bd. of Zoning Appeals*, 236 Md. App. 483, 494 (2018).

The bill also introduces an alternative standard to the existing uniqueness variance approval standard, borrowed from Anne Arundel County law. This proposed standard allows the Board to grant a variance when “exceptional circumstances related to the specific structure or land involved” are present.

If the bill passes, it *could* slightly relax the variance standard in cases where the property itself isn't unique, but the circumstances surrounding the structure or land are unique or peculiar. However, it's difficult to identify a clear example where this would be applicable, and there is no case law interpreting the Anne Arundel County law to guide us.

Essentially, this section of the bill would make the variance standard more vague and harder to apply. It *could* allow for the Board to grant variances that wouldn't qualify under the existing uniqueness standard, but BMZA staff does not anticipate this to be a significant change.

**Pages 10-11 - § 5-309 – Extensions**

The bill would increase the time period for expiration of the Board's approval of a *variance* from one year to two years. This would probably reduce the number of extension requests that the Board has to consider.

**Page 11 - § 5-310.**

The bill clarifies that the Zoning Administrator/BMZA can process an appeal for a conditional use even if there are outstanding violation notices, if the conditional use approval would cure the violation notice. Currently, the Code uses this same language but only for variances, so this would clarify that it applies to both variances and conditional uses.

**Page 12 - § 5-407 – Extensions**

The bill would increase the time period for expiration of the Board's approval of a *conditional use* from one year to two years. This would probably reduce the number of extension requests that the Board has to consider.

**Page 21 - § 18-403 – Nonconforming Structures**

The bill would allow the Board to grant variances to nonconforming structures. Right now, this is prohibited under the plain language of the Code.



Rebecca L. Witt  
Executive Director

# **Baltimore City Council**



## **Land Use & Transportation Committee**

**25-0006**

**Zoning Code Modifications**

## **Additional Materials**



**AMENDMENTS TO COUNCIL BILL 25-0006  
(1<sup>st</sup> Reader Copy)**

By: Councilmember Dorsey  
{To be offered to the Land Use and Transportation Committee}

**Amendment No. 1**

On page 3, in line 19, strike “RECREATION: OUTDOOR,”.

**Amendment No. 2**

On page 4, strike in their entirety line 11 through 14, respectively, and substitute:

“(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;”

and, on that same page, strike beginning with “LAND” in line 15 down through “AND” in line 16 and substitute “LAND USE MAP, NO LESS THAN QUADRENNIALLY; AND”.

**Amendment No. 3**

On page 8, strike in their entirety lines 15 through 17, inclusive, and substitute “THE VARIANCE PROCEDURE PROVISIONS MAY NOT BE USED TO AUTHORIZE A USE NOT OTHERWISE PERMITTED IN THE ZONING DISTRICT.”

**Amendment No. 4**

On page 8, in line 5, strike “ADMINISTRATOR OR” and substitute “ADMINISTRATOR.”; and, on that same page, in line 6, strike “APPEALS” insert “APPEALS, OR THE CITY COUNCIL”.

## **Amendment No. 5**

On page 1, in line 10, after “9-703,” insert “12-303(i)”; and, on page 16, strike in their entirety lines 14 through 23; and, on that same page, in line 24, strike “(d)” and substitute “(B)”; and, on page 17, in lines 1 and 6, respectively, strike “(e)” and “(F)”, respectively and substitute “(C)” and “(D)”, respectively; and, on that same page, after line 21 insert:

### **“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.”

## **Amendment No. 6**

On page 1, in line 11, after “14-329(a)” insert “16-601(b)”; and, on page 21, after line 4, insert:

### **“Subtitle 6. Required Off-Street Parking**

#### **§ 16-601. Exemptions and reductions from requirements.**

##### **(b) Exemptions within certain districts.**

##### **(1) RESIDENTIAL USES.**

FOR ALL RESIDENTIAL USES IN ANY ZONING DISTRICT THE FIRST 3 DWELLING UNITS, REGARDLESS OF THE TOTAL NUMBER OF 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.]”.

**AMENDMENTS TO COUNCIL BILL 25-0006  
(1<sup>st</sup> Reader Copy)**

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

**Amendment No. 1**

On page 1, in line 9, after “1-307(a),” insert “1-313(e)”; and, on that same page, in line 17, strike “5-503, 10-403,” and substitute “5-503”; and, on that same page, after line 19, insert:

“BY renumbering

Article 32 - Zoning

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

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

Baltimore City Code

(Edition 2000)”.

**Amendment No. 2**

On page 3, in line 11, strike “*Variances*” and substitute “*Definitions*”.

**Amendment No. 3**

On page 3, in line 19, strike “facilities.” and substitute “facilities THAT ARE OPERATED BY A GOVERNMENT AGENCY.”.

**Amendment No. 4**

On page 3, after line 21, insert:

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

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

(IV) IS NOT FOR VEHICULAR TRAFFIC.

(F) [(e)] *Seasonal or holiday sales lot.*

...

(G) [(f)] *Semi-detached dwelling.*

...

(H) [(g)] *Shielded lighting.*

...

(I) [(h)] *Shipyards.*

...

(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.*

...”

**Amendment No. 5**

On page 6, in line 15, strike “AND”; and, on that same page, in line 21, strike “District.” and substitute “District; AND”; and, on that same page, after line 21, insert:

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

**Amendment No. 6**

On page 8, in line 5, strike “ADMINISTRATOR OR” and substitute “ADMINISTRATOR”; and, on that same page, in line 6, strike “APPEALS” insert “APPEALS, OR THE CITY COUNCIL”.

**Amendment No. 7**

On page 11, in line 13, strike “process” and substitute “APPROVE”; and, on that same page, in line 18, strike “process:” and substitute “APPROVE:”.

**Amendment No. 8**

On page 13, in line 27, strike “AND”; and, on that same page, strike in their entirety lines 28 through 30, inclusive, and substitute:

“(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 KNOWLEDGE, INFORMATION, AND BELIEF.”; AND

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

**Amendment No. 9**

On page 16, strike beginning with “creates” in line 7 down through “amendment.}” in line 8 and substitute “improves formatting for clarity and compliance with the drafting style of this Code.}”.

**Amendment No. 10**

On page 17, strike in their entirety line 11 through 20, inclusive.

**Amendment No. 11**

On page 19, strike in their entirety line 23 through 24, inclusive, and substitute:

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

**Amendment No. 12**

On page 22, in line 28, after “commercial” insert “the”; and, on that same page, in that same line, strike “measures” and substitute “measurements”; and, on that same page, in that same line, after “to” insert “reflect the reference to maximum gross floor area by use.”; and, on that same page, strike beginning with “work” in line 28 down through “*Use.*” in line 29.

**Amendment No. 13**

On page 23, strike beginning with “the” in line 10 down through “district.” in line 12 and substitute “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)”.”.

**Amendment No. 14**

On page 24, after line 10, insert:

“ 

<u>DAY CARE CENTERS: ADULT OR CHILD</u>	<u>CB, P<sup>1</sup></u>	<u>PER § 14-309</u>
---	--------------------------	---------------------

 ”.



**AMENDMENTS TO COUNCIL BILL 25-0006  
(1<sup>st</sup> Reader Copy)**

By: Councilmember Blanchard  
{To be offered to the Land Use and Transportation Committee}

**Amendment No. 1**

On page 18, in line 7, strike “AND”; and, on that same page, in line 8, strike “PROPERTY.” and substitute “PROPERTY; AND”; and, on that same page, in line 9, in the first instance, strike the bracket; and, on that same page, in that same line, after “the” insert a bracket; and, on that same page, in that same line, after “property;]” insert “PROPERTY.”.

**Amendment No. 2**

On page 1, in line 11, after “16-207,” insert “18-206(b),”; and, on that same page, in that same line, after “18-403,” insert “18-412,”; and, on page 21, after line 5, insert:

**“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]

(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.”;

and, on that same page, after line 18, insert:

**“§ 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:

(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."

**AMENDMENTS TO COUNCIL BILL 25-0006  
(1<sup>st</sup> Reader Copy)**

By: Councilmembers Jones and Ramos  
{To be offered to the Land Use and Transportation Committee}

**Amendment No. 1**

On page 23, after line 9, insert:

	{OIC}	{BSC}	{IMU-1}	{IMU-2}	{I-1}	{I-2}	MI	
<u>“Other</u>								
<u>...</u>								
<u>Electric Substation: Enclosed or Indoor</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>[P] CO</u>	<u>[P] CO</u>	<u>P</u>	<u>Per § 14-340</u>
<u>Electric Substation: Outdoor</u>	<u>CB</u>	<u>CB</u>	<u>CB</u>	<u>CB</u>	<u>[CB] CO</u>	<u>[P] CO</u>	<u>P</u>	<u>Per § 14-340</u>
<u>...</u>								
<u>Utilities</u>	<u>CB</u>	<u>CB</u>	<u>CB</u>	<u>CB</u>	<u>[CB] CO</u>	<u>[CB] CO</u>	<u>CB</u>	<u>Per § 14-340”.</u>

**Drafter’s Note:** Text appearing {in braces} is provided for context only.

## Affidavit of Publication

To: Mayor and City Council of Baltimore - Anthony Leva  
100 Holiday Street, City Hall-Room 143  
Baltimore, MD, 21202

Re: Legal Notice 4033671,  
PUBLIC HEARING ON BILL NO. 25-0006

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s):  
03/05/2025

By



Joy Hough  
Authorized Designee of the Publisher

### Baltimore City

#### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 25-0006

The Committee on Land Use & Transportation of the Baltimore City Council will conduct a public hearing on City Council Bill No. 25-0006 on Thursday, March 20, 2025, at 10:00 AM in the Clarence 'Du' Burris Chamber, City Hall, 100 N. Holiday 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>.

#### 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.

Applicant: The Administration

For more information, contact committee staff at (410) 386-1091.

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

RYAN DORSEY  
Chair

mh5 4033671

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<b>Tax</b>						<b>\$0.00</b>
<b>Credits</b>						<b>\$0.00</b>
<b>BALANCE DUE</b>						<b>\$135.54</b>

Thank you for your business!  
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 Category: Baltimore City  
 Affidavit Reference: PUBLIC HEARING ON BILL NO. 25-0006

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