


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 #23-0407 – ZONING – DISCONTINUANCE OR ABANDONMENT OF NONCONFORMING USE – REPORTING		

TO

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

DATE: September 22, 2023

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

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #23-0407 and adopted the following resolutions, with seven members being present (seven in favor):

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #23-0407 be **amended and approved** by the City Council, with the following amendment:

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

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

CR/ewt

attachment

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



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

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

### STAFF REPORT



Chris Ryer  
Director

September 21, 2023

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

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

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**INTRODUCED BY:** Councilmember Ramos

**SITE/GENERAL AREA:** Citywide

### HISTORY

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

### ANALYSIS

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

### Equity:

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

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

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

**Chris Ryer**  
**Director**