

Introduced by: The Council President
At the request of: The Administration (Planning Department)

Prepared by: Department of Legislative Reference **Date:** March 19, 2018

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL KG - 0209

A BILL ENTITLED

AN ORDINANCE concerning

Zoning Code – Modifications

FOR the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d), 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402, 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801; 16-802, 18-302, 18-306(b), and 19-207(d)(1)

and

Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601, 12-903(4), 12-1302, 15-601, and 16-406

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendment

Article 32 - Zoning

Sections 1-310(j), 15-501(a), and 16-407(c)

Baltimore City Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- | | |
|---|---|
| <input type="checkbox"/> Baltimore City Public School System | <input type="checkbox"/> Department of Public Works |
| <input checked="" type="checkbox"/> Baltimore Development Corporation | <input type="checkbox"/> Department of Real Estate |
| <input checked="" type="checkbox"/> City Solicitor | <input type="checkbox"/> Department of Recreation and Parks |
| <input type="checkbox"/> Comptroller's Office | <input checked="" type="checkbox"/> Department of Transportation |
| <input type="checkbox"/> Department of Audits | <input type="checkbox"/> Fire Department |
| <input type="checkbox"/> Department of Finance | <input type="checkbox"/> Health Department |
| <input type="checkbox"/> Department of General Services | <input type="checkbox"/> Mayor's Office of Employment Development |
| <input checked="" type="checkbox"/> Department of Housing and Community Development | <input type="checkbox"/> Mayor's Office of Human Services |
| <input type="checkbox"/> Department of Human Resources | <input type="checkbox"/> Mayor's Office of Information Technology |
| <input type="checkbox"/> Department of Planning | <input type="checkbox"/> Office of the Mayor |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Police Department |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

Boards and Commissions

- | | |
|--|---|
| <input type="checkbox"/> Board of Estimates | <input type="checkbox"/> Environmental Control Board |
| <input type="checkbox"/> Board of Ethics | <input type="checkbox"/> Fire & Police Employees' Retirement System |
| <input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals | <input type="checkbox"/> Labor Commissioner |
| <input type="checkbox"/> Comm. for Historical and Architectural Preservation | <input type="checkbox"/> Parking Authority Board |
| <input type="checkbox"/> Commission on Sustainability | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Employees' Retirement System | <input type="checkbox"/> Wage Commission |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

CITY OF BALTIMORE
ORDINANCE **18-171**
Council Bill 18-0209

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 9, 2018

AN ORDINANCE CONCERNING

Zoning Code – Modifications

FOR the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), ~~1-310(i)~~, 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(iii), 5-301(b), ~~5-308(b)~~, 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), ~~7-414(d)~~, 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402, 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, ~~18-306(b)~~, 18-413(b), and 19-207(d)(1), and 19-213(a)

and

Tables ~~9-301~~, 9-401, 10-301, 10-401(both tables), 11-301, ~~12-301~~, 12-402, 12-403, 12-501, 12-601, 12-903(4), 12-1302, 15-601, and 16-406

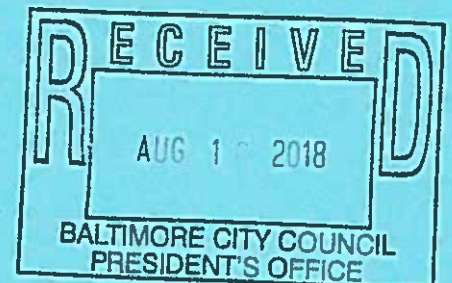
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendment

Article 32 - Zoning

Sections ~~1-310(j)~~, 15-501(a), and 16-407(c)

Baltimore City Code
(Edition 2000)



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

Council Bill 18-0209

1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 1. General Provisions**

14 ***Subtitle 2. Rules of Interpretation***

15 § 1-217. Uses[,] -- generic, [and] specific, AND PROHIBITED.

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as "generic uses".

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

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1 COMMENT: Restates, for greater emphasis and clarity, the basic rule of interpretation that
2 a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 *Subtitle 3. Definitions*

5 § 1-302. "Abut" to "Awning".

6 (b) *Accessory structure.*

7 "Accessory structure" means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
9 (2) subordinate in lot coverage and floor area to the principal structure served; and
10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, which see
13 below.

14 (c) *Accessory use.*

15 "Accessory use" means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, which see
21 below.

22 § 1-307. "Government facility" to "Industrial boat repair".

23 (d) *Gym.*

24 See "Health AND FITNESS center".

25 (g) *Health AND FITNESS center.*

26 (1) *In general.*

27 "Health AND FITNESS center" means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

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1 (ii) contains equipment, such as weight resistance machines, treadmills,
2 stationary bicycles, whirlpools, saunas, showers, and lockers, for that
3 purpose.

4 (2) *Inclusions.*

5 "Health AND FITNESS center" includes the following accessory uses designed and
6 intended primarily for patrons of the facility:

7 (i) retail sales; and

8 (ii) a restaurant or refreshment stands.

9 **COMMENT:** Modifies name to better describe the nature of this use, especially as
10 distinguished from the sound-alike "health clinic".

11 **§ 1-310. "Motor vehicle" to "Owner".**

12 (j) *Neighborhood commercial establishment.*

13 "Neighborhood commercial establishment" means a non-residential use that is within a
14 residential or office-residential zoning district, but in a structure that:

15 (1) is non-residential in its construction and original use; OR

16 (2) HAS RECEIVED PRIOR ZONING APPROVAL FOR A NON-RESIDENTIAL USE, AS
17 EVIDENCED BY PERMITS, CONSTRUCTION, OR HISTORICAL EVIDENCE OF LAWFUL
18 NON-RESIDENTIAL USE.

19 **COMMENT:** ~~No change. Shown only to provide context for § 14-328(a), as corrected~~
20 ~~below.~~

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

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

23 **§ 3-202. Board of Municipal and Zoning Appeals.**

24 (f) *Public hearings – Open to public.*

25 [(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must be
26 open to the public.

27 [(2) At least once in every 2 calendar months, at least 1 session of hearings must
28 be scheduled to begin after 5 p.m.]

29 **COMMENT:** Deletes a scheduling provision that has proven to be functionally impractical
30 to implement.

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1 **§ 3-204. Director of Planning.**

2 (b) *Powers and duties.*

3 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
4 80, the Director of Planning has the following powers and duties under this Code:

5 (1) to perform the following reviews in sessions [open to the public and for which
6 public notice is provided]:

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

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

9 (iii) design review (Title 4, Subtitle 4; Design Manual); and

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

11

12 **COMMENT:** Deletes a scheduling provision that has proven to be functionally impractical
13 to implement.

14 **Title 4. Development Reviews**

15 *Subtitle 2. Site Plan Review*

16 **§ 4-203. Applicability.**

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

18 . . .

19 (7) any development within an environmentally sensitive area, including projects in a
20 [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the
21 Critical Area (*See* Subtitle 3 {"Environmentally Sensitive Areas Review"} of this
22 title);

23

24 **COMMENT:** Conforms spelling of "floodplain" to conform with that uniformly adopted
25 throughout this and all other articles of the Baltimore City Code.

26 *Subtitle 4. Design Review*

27 **§ 4-405. Applicability.**

28 (a) *In general.*

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

31 . . .

32 (13) any new construction that involves:

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1 ...
2 (iii) [construction in an area designated a "Main Street" in accordance
3 with criteria set by The National Trust for Historic Preservation]
4 ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or
5

6 **COMMENT:** Aligns design-review requirement to the specific zoning district (the C-1
7 District) and specifies the intended scope of that review.

8 **Title 5. Applications and Authorizations**

9 *Subtitle 3. Variances*

10 **§ 5-301. Purpose.**

11 (b) *Application.*

12 The variance procedure applies only to changes in bulk and yard regulations AND TO
13 CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to
14 changes in the uses allowed within a zoning district.

15 **COMMENT:** Expressly recognizes the Board's long-standing practice of authorizing,
16 subject to the limitations and standards applicable to variances, changes in signage and in
17 parking and loading requirements. (*Cf., e.g.,* pre-TransForm Zoning Article §§ 15-208
18 and 15-209 {"Variances: Off-street parking"}.)

19 ~~**§ 5-308. Approval standards:**~~

20 ~~(b) *Other required findings:*~~

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

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

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

29 ~~(3) the purpose of the variance is not based exclusively on a desire to increase the~~
30 ~~value or income potential of the property;~~

31 ~~(4) the variance will not:~~

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

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

3 ~~(5) the variance is in harmony with the purpose and intent of this Code;~~

4 ~~(6) the variance is not precluded by and will not adversely affect:~~

5 ~~(i) any Urban Renewal Plan;~~

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

7 ~~(iii) any Historical and Architectural Preservation District; [and]~~

8 ~~(7) THE VARIANCE WILL NOT:~~

9 ~~(I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;~~

10 ~~(II) OVERCROWD THE LAND;~~

11 ~~(III) CREATE AN UNDUE CONCENTRATION OF POPULATION;~~

12 ~~(IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;~~

13 ~~(V) CREATE HAZARDOUS TRAFFIC CONDITIONS;~~

14 ~~(VI) ADVERSELY AFFECT TRANSPORTATION;~~

15 ~~(VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC~~
16 ~~FACILITIES;~~

17 ~~(VIII) INCREASE THE DANGER OF FIRE; OR~~

18 ~~(IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND~~

19 ~~(8) [(7)] the variance will not otherwise:~~

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

21 ~~(ii) be in any way contrary to the public interest[.].~~

22 **COMMENT:** Item (7) of this subsection reinstates standards that have long been required
23 by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were
24 inadvertently omitted from Ordinance 16-581 ("TransForm Baltimore – Zoning").

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Subtitle 4. Conditional Uses

§ 5-407. Expiration of approval.

(a) *Exercise within year required.*

A conditional use lapses and becomes void 1 year from the date of its final approval unless, within that year:

(1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT USE; [and]

(2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS LAWFULLY BEGUN; or

(3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

COMMENT: Many conditional uses do not require or even generate a "building permit", as erroneously assumed by item (1) of this subsection. This amendment, therefore: (i) corrects item (1) to refer instead to the "use permit" and "occupancy permit" required by the Zoning Code and Building Codes, respectively; and (ii) clarifies the optional relationships of the actions that will avoid a lapse of the conditional-use approval.

Subtitle 5. Legislative Authorizations

§ 5-507. Action by City Council.

(a) *Committee hearing.*

(1) The bill must be considered at a public hearing of a committee of the City Council. Notice of the public hearing must be given in accordance with Title 5, Subtitle 6 {"Notices"} OF THIS CODE.

COMMENT: Clarifies cross-reference citation.

§ 5-508. Approval standards.

(b) *Map amendments.*

(4) *Additional standards – Rezoning from MI District.*

(i) To rezone land from the Maritime Industrial ("MI") District to any other zoning district, the Planning Commission must find that the proposed amendment:

(A) [would be] IS consistent with the [City's] THE MOST CURRENT BALTIMORE CITY Comprehensive Master Plan;

(B) [would not impede, diminish, or preclude] SUSTAINS OR ENHANCES transportation access into [or] AND out of the [Maritime Industrial District] PORT OF BALTIMORE;

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1 (C) [would not result in or encourage a loss of existing deep water
2 assets of the Maritime Industrial District] ENSURES THE LONG-TERM
3 PRESERVATION OF THE DEEP WATER ASSETS OF THE PORT OF
4 BALTIMORE FOR MARITIME INDUSTRIAL USE;

5 (D) [would not result in changes to the economic viability of adjacent
6 maritime industrial land uses due to the encroachment of non-
7 compatible uses] PROTECTS MARITIME INDUSTRIAL LAND USES FROM
8 THE INTRUSION OF NON-INDUSTRIAL USES;

9 (E) [would not reduce or impede] SUSTAINS OR ENHANCES THE current [or]
10 AND future maritime industrial economic development growth in the
11 [Maritime Industrial district] DISTRICT;

12 (F) [would establish] ESTABLISHES an adequate physical separation that will
13 buffer non-industrial land uses from maritime industrial uses; and

14 (G) [would adhere] ADHERES with federal and state laws regarding homeland
15 security, generally, and port safety, specifically.

16 COMMENT: Industry requested these changes, to conform to the standards originally
17 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (*see pre-*
18 *TransForm Zoning Code § 8-411(c)*).

19 **Title 7. ~~Open-Space and Environmental Districts~~**

20 ***Subtitle 4. ~~Chesapeake Bay Critical Area Overlay Zoning District~~***

21 **~~§ 7-414. Variances and conditional uses.~~**

22 ~~(d) Applications:~~

23 ~~The Board of Municipal and Zoning Appeals must furnish copies of all applications for a~~
24 ~~conditional use or variance to the Planning Department [and the Chesapeake Bay Critical~~
25 ~~Area Commission].~~

26 ~~COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting~~
27 ~~these applications to Commission is wholly unnecessary.~~

28 **Title 12. Special Purpose Districts**

29 ***Subtitle 5. Educational Campus Districts***

30 **§ 12-502. Bulk and Yard Regulations.**

31 **(a) In general.**

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1 [(1)] Except as provided in § 12-503 {"Educational Campus Master Plan"} of this
2 subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets
3 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
4 Districts.

5 [(2) Educational buildings existing as of June 5, 2017, regardless of height
6 and yards, are deemed conforming.]

7 COMMENT: The legal fiction created by paragraph (2) ("deemed conforming") carries
8 with it a potential unintended consequence: As a "conforming" structure, if it were later
9 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
10 only *non-nonconforming* structures to be rebuilt "in kind"; instead, like all other
11 *conforming* structures, the rebuilt structure arguably would be limited to the then existing
12 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

13 Title 13. Planned Unit Developments

14 Subtitle 1. Purpose; Transition Rules

15 § 13-102. Transition rules.

16 (a) *In general.*

17 Residential, office-residential, business, and industrial planned unit developments
18 approved before the effective date of this Code (June 5, 2017) remain valid as long as
19 they continue to comply with all requirements and conditions of their approvals and [of]
20 WITH the Zoning Code regulations in effect immediately preceding [that effective date]
21 THE DATE OF THOSE APPROVALS.

22 COMMENT: Corrects misleading reference to the date from which continued compliance
23 with "Zoning Code regulations" is required.

24 Subtitle 2. Requirements; Approval Standards; Exceptions

25 § 13-201. Authorization.

26 (a) *In general.*

27 Planned unit developments [must] MAY ONLY be established by AN ordinance of the
28 Mayor and City Council ENACTED in accordance with the provisions of this title.

29 COMMENT: Corrects misleading use of "must"; emphasizes exclusivity of authorization.

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Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.

(b) *Service area.*

Any service and repair facilities must also comply with the standards § 14-326 {"Motor vehicle service and repair"} of this subtitle.

(c) *SCREENING.*

A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL ZONING DISTRICT.

COMMENT: Adds screening requirement for operations that otherwise would be visible from the ground level of a residential district.

§ 14-326. Motor vehicle service and repair: Major or minor.

(b) *Outdoor storage limitations.*

Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than [10] 30 days.

COMMENT: Extension needed to account for delays in ability to undertake repairs pending verification of insurance coverage.

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1 **§ 14-328. Neighborhood commercial establishments.**

2 (a) *[In general] MINIMUM LOT AREA REQUIREMENTS.*

3 [Neighborhood commercial establishment uses are limited to the reuse of existing
4 buildings that were originally constructed and used for non-residential uses in what are
5 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
6 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
7 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
8 required for non-residential uses in Residential or Office-Residential Zoning Districts.

9 COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the
10 governing definition in § 1-310(j).

11 *[(e) Off-street parking.]*

12 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

13 COMMENT: Moved to § 16-601(e), as amended below. See Comment to that section.

14 **Title 15. Site Development Standards**

15 *Subtitle 3. Measurement Methodologies*

16 **§ 15-301. Measurement of building height.**

17 (a) *In general.*

18 (2) For purposes of determining compliance with height limitations, the height of a
19 building is determined by measuring the vertical distance:

20 (i) from the following, AS APPLICABLE:

21 (A) FROM the mean curb level of the right-of-way on which the
22 property fronts; [or]

23 (B) if the front wall of the building is not within 30 feet of
24 the curb, from the average elevation of the ground between
25 that wall and the curb; OR

26 (C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS
27 DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL
28 RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE
29 REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND
30 SUBJECT TO ARTICLE 7, DIVISION I); and

31 (ii) to the following, AS APPLICABLE:

32 (A) in the case of a flat roof, to the highest point of the roof
33 that adjoins the street wall; or

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1 (B) in the case of a pitched roof, to the mean height level of
2 the roof as measured between the eaves and the peak
3 in the case of pitched roofs.

4 COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-
5 Hazard Area, for which the governing law imposes a higher base elevation than the
6 options listed in item (i)(A) and (B).

7 ***Subtitle 5. Accessory Structures and Uses***

8 **§ 15-501. General regulations.**

9 (a) *Must be on same lot as principal structure.*

10 An accessory structure or use must be limited to and located on the same lot with the use
11 of the principal structure to which it is accessory.

12 COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as
13 corrected above.

14 **Title 16. Off-Street Parking and Loading**

15 ***Subtitle 4. Design of Off-Street Parking Facilities***

16 **§ 16-402. Minimum dimensions of off-street parking spaces.**

17 [(a) *As in Table 16-402.*]

18 Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street*
19 *Parking Dimensions.*

20 [(b) *Vertical clearance.*]

21 [(1) All parking spaces must have a minimum vertical clearance of 7 feet 6
22 inches.]

23 [(2) Floors accessible to ADA-compliant vans must have a minimum vertical
24 clearance of 8 feet 2 inches.]

25 COMMENT: Deletes provisions that conflict with Building Code requirements.

26 **§ 16-404. Driveways.**

27 (c) *Parking spaces.*

28 (1) Single-family detached and semi-detached dwellings and rowhouse dwellings are
29 allowed a paved parking space. This parking space may not be located in the required
30 front or corner-side yard. In addition, no parking space may be located forward of the
31 front building line.

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1 [(2) No parking space may exceed 18 feet in depth, as measured from the property
2 line or right-of-way.]

3 COMMENT: Deletes provision that prevents compliance with other requirements and
4 practical needs, such as access to garages or corner-side yards.

5 (2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to
6 accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT.,
7 REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE
8 IMPERVIOUS SURFACE FOR THE REAR YARD.

9 COMMENT: Eases requirements for small lots.

10 **§ 16-407. Surfacing.**

11 (a) *In general.*

12 Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking
13 spaces must be surfaced and maintained with a dustless all-weather material in
14 accordance with the Baltimore City Building Code. [Semi-pervious materials, such as
15 grass-crete and pervious pavers, may also be used.]

16 COMMENT: Deletes extraneous sentence from subsection. The sentence is inconsistent
17 with the far more limited permission granted by subsection (c) for these same "semi-
18 pervious materials"; the sentence is further contradicted by the express reference, in the
19 immediately preceding sentence, to exceptions for materials "otherwise permitted ... in
20 subsectio[n] ... (c) of this section".

21 (c) *Semi-pervious materials.*

22 For single-family detached, semi-detached, and rowhouse dwellings, driveways may be
23 constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

24 COMMENT: No change. Shown only to provide context for preceding amendment to
25 subsection (a).

26 ***Subtitle 6. Required Off-Street Parking***

27 **§ 16-601. Exemption from requirements.**

28 (e) *Neighborhood commercial establishment.*

29 [Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this
30 Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS
31 REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

32 COMMENT: Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable
33 – parking exemptions for neighborhood commercial establishments. This amendment
34 incorporates the former's language into the latter's better placement.

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Subtitle 7. Required Bicycle Parking

§ 16-705. Required number of bicycle spaces.

(e) Motor vehicle parking offset.

(1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term bicycle parking standards, as set forth in *Table 16-705 {"Required Bicycle Spaces"}*, the motor vehicle parking required by this title may be reduced by 1 space.

(2) Existing parking may be converted to take advantage of this provision.

COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of required motor vehicle spaces.

Subtitle 8. Additional Vehicle Storage Requirements

§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas] USE.

(a) In general.

The following restrictions apply to the storage or parking of commercial vehicles on private property that is ZONED for residential use [or that is in a block predominantly zoned for residential use].

(b) Vehicles permitted to park overnight.

Only standard-sized, passenger vehicles including, but not limited to, automobiles, passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks are permitted to be stored or parked outdoors overnight on private property that is zoned for residential use [or that is in a block predominantly zoned for residential use].

(c) Vehicle prohibited from parking overnight.

All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines (excluding passenger size livery vehicles), tow trucks, or construction vehicles, are prohibited from being stored or parked outside overnight on private property that is zoned for residential use [or that is in a block predominantly zoned for residential use].

COMMENT: Removes a scope application that is vaguely worded, is difficult to apply, and, as a consequence, has proven to be functionally impractical to enforce.

§ 16-802. Parking OR STORING of recreational vehicles.

(a) In general.

The parking or storage of recreational vehicles or similar camping equipment must meet the following conditions.

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1 [(b) 48-hour limit in street or driveway of residential district.]

2 [No recreational vehicle or trailer licensed to transport recreational vehicles or
3 equipment may be parked in the public right-of-way in or in the driveway of a
4 residential district for more than 48 hours.]

5 [(c) Locations for parking or storage.]

6 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
7 parked or stored to the rear of the front building line of the lot and located at least
8 3 feet from the side and rear lot lines. This requirement does not apply to
9 recreational vehicles offered for sale in an approved outdoor sales and display area
10 of a recreational vehicle dealership. Temporary storage tents for recreational
11 vehicles are not considered a fully enclosed structure.]

12 (B) PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.

13 (1) IN GENERAL.

14 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
15 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
16 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

17 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
18 TENT; OR

19 (II) ON A PAVED SURFACE:

20 (A) IN THE REAR YARD OF THE LOT; AND

21 (B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

22 (2) EXCEPTION.

23 THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN
24 AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE
25 DEALERSHIP.

26 (C) [(d)] Use as dwelling, etc., prohibited.

27 (1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

28 (2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity,
29 water, gas, or sanitary sewer facilities.

30 (D) [(e)] Maintenance and current registration required.

31 All recreational vehicles must be maintained in mobile condition. No recreational vehicle
32 may be parked or stored in a manner that creates a dangerous or unsafe condition on the
33 lot where parked or stored. Parking or storage in a way that the recreational vehicle,

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1 whether loaded or not, might tip or roll is considered a dangerous and unsafe condition.
2 The recreational vehicle equipment must be kept in good repair and must carry a current
3 year's license and registration.

4 COMMENT: Revises section to more clearly delineate parking and storing restrictions in
5 residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to
6 parking in a "public right-of-way"), is redundant of a broader limitation in Article 31,
7 § 6-22 {"Continuously parking in 1 spot"} and, in its other part (as to parking in a
8 "driveway"), is inconsistent with the limitations elsewhere in this very section.
9

10 Title 18. Nonconformities

11 Subtitle 3. Nonconforming Uses

12 § 18-302. Expansion of use OR STRUCTURE.

13 (A) *IN GENERAL.*

14 A nonconforming use may not be expanded in any manner, nor may any structure be
15 erected or expanded, unless the use of the land and the structure are made to conform to
16 the regulations of the district in which they are located.

17 (B) *EXCEPTION.*

18 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
19 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
20 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
21 EXISTED AS OF JUNE 5, 2017.

22 COMMENT: Allows a limited GFA variance, subject to all standards applicable to
23 variances, for non-conforming uses or structures in commercial and industrial districts.

24 ~~§ 18-306. Change of use.~~

25 ~~(b) *When change allowed.*~~

26 ~~(1) *IN GENERAL.*~~

27 ~~A nonconforming use may not be changed to any other use except one that is allowed~~
28 ~~within the zoning district in which it is located.~~

29 ~~(2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*~~

30 ~~A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE~~
31 ~~SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC~~
32 ~~BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702~~
33 ~~{"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,~~
34 ~~TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE STANDARDS~~
35 ~~OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS CODE AND~~
36 ~~ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS ARE~~

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1 OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE APPLICABLE TO THE
2 UNDERLYING ZONING DISTRICT.

3 COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing
4 imminent termination, to convert to certain other uses in certain districts.

5 § 18-413. Structures in Hospital Campus [and Educational Campus Districts] DISTRICT.

6 All lawfully existing structures that, as of June 5, 2017, are located in a Hospital Campus
7 Zoning District [or an Educational Campus Zoning District] are considered to be conforming
8 structures.

9 Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review

10 Subtitle 2. Enforcement

11 § 19-207. Service.

12 (d) Method of service – Posting.

13 Adequate and sufficient notice may be made by posting a copy of the notice on the
14 property in question if:

- 15 (1) the identity or whereabouts of the person responsible IS unknown; or
- 16

17 COMMENT: Inserts missing verb.

18 § 19-213. Civil court proceedings.

19 (a) In general.

20 The Zoning Administrator, on behalf of the Mayor and City Council, may file a petition
21 in [Circuit] DISTRICT Court to compel compliance with or obtain other relief under this
22 Code.

23 COMMENT: Corrects reference in accord with the exclusive original civil jurisdiction granted by the
24 State’s Courts and Judicial Proceedings Article, § 4-401(8).

1

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Council Bill 18-0209

Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	-R-5	-R-6	-R-7	-R-8	-R-9	-R-10	Use Standards
...							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ¹	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based [1] ²	-CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services [2] ³	-CB, P	-CB, P	-CB, P	-CB, P	-CB, P	-CB, P	Per § 14-338

¹ A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC."}.

[1] ² A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

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

COMMENT: See Comment to § 18-306.

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Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
.....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
.....						

.....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
...								
Health AND FITNESS Center	P	P	P	P	P	P	P	
...								
INDUSTRIAL								
...								
Mini-Warehouse					CB	P	CB ¹	
....								

¹ Allowed only in [an existing] A structure LAWFULLY EXISTING AS OF JUNE 5, 2017.

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1 ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
....						

.....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

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**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

[¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

[² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			CB				
....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	P	P	P				
....							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	CB		Per § 14-326
Motor Vehicle Service and Repair: Minor			CO	[GO] CB	CB		Per § 14-326
....							

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

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

Uses	OR	Use Standards
.....		
COMMERCIAL:		
.....		
Neighborhood Commercial Establishment [†]	CB, P	Per § 14-328
.....		

[†]-A Neighborhood Commercial Establishment is a permitted use only [if]: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] if non-residential uses are limited to 10% of the structure's gross floor area; OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}
.....

COMMENT: See Comment to § 18-306.

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
.....					
COMMERCIAL					
...					
Arts Studio		<u>P</u>		<u>P</u>	
ARTS STUDIO: INDUSTRIAL		P		P	
.....					
Health AND FITNESS Center	P	P	P	P	
.....					

.....
COMMENT: See Comment to § 1-307.

COMMENTS: **Arts Studio: Industrial** – Allows for this type of arts studio, as arts studio is already a permitted use under this Table 12-402 in the TOD- 2 and TOD-4 Zoning Districts,

Health and Fitness Center – See Comment to § 1-307.

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Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
.....				

.....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

Table 12-501: Educational Campus Districts – Permitted and Conditional Uses

USES	DISTRICTS		USE STANDARDS
	EC-1	EC-2	
RESIDENTIAL			
Dormitory (Ancillary to Educational Facility)	<u>P</u>	<u>P</u>	
Dwelling (Ancillary to Educational Facility)	<u>P</u>	<u>P</u>	[Per § 14-327]
Fraternity or Sorority House		<u>P</u>	Per § 14-313
Rooming House (Ancillary to Educational Facility)		<u>CB</u>	
INSTITUTIONAL			
.....			

.....

COMMENT: Deletes inapposite use-standard reference.”

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**Table 12-601: Hospital Campus Districts –
Permitted and Conditional Uses**

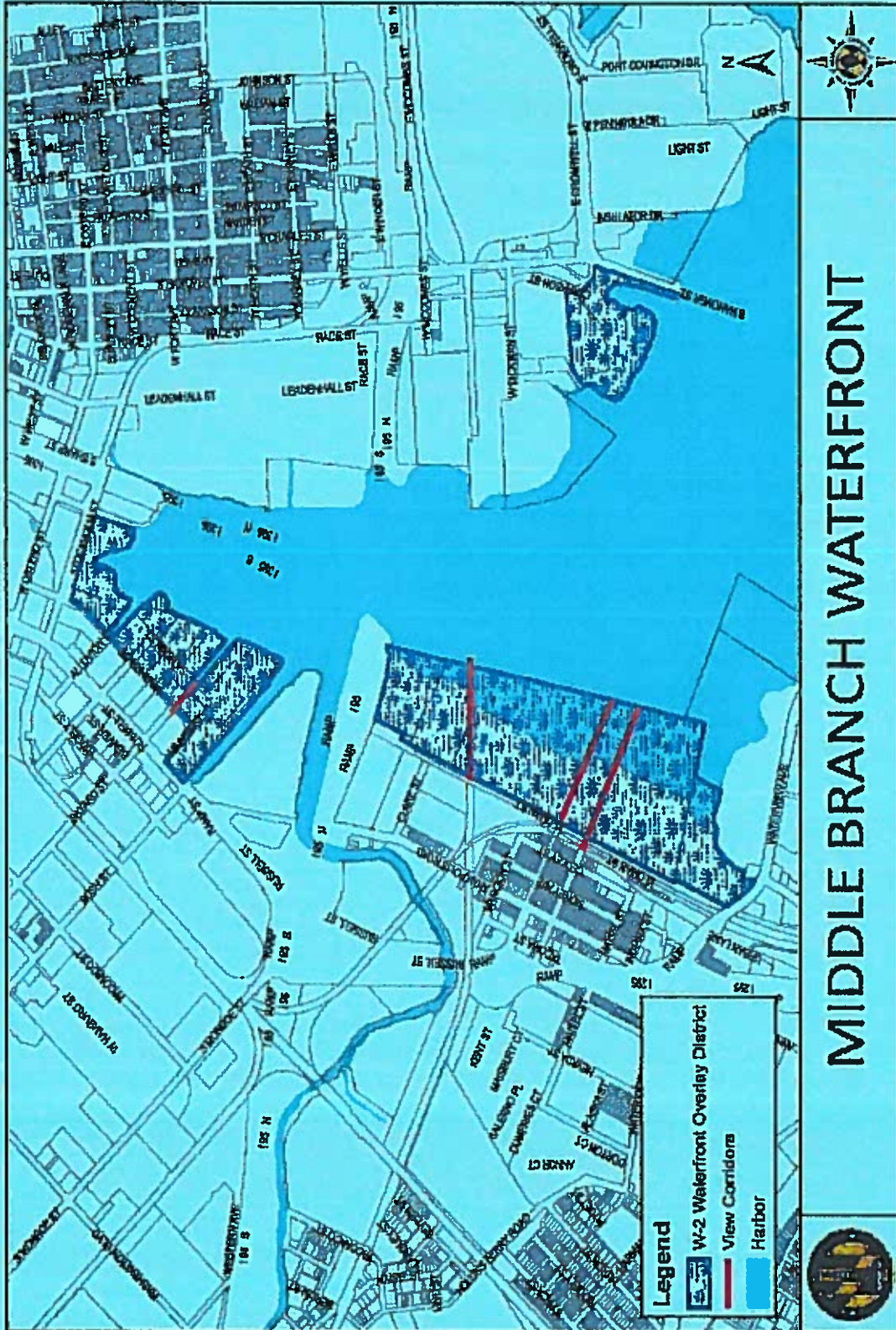
Uses	H	Use Standards
.....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
.....		

.....

COMMENT: See Comment to § 1-307.

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Table 12-903(4): Middle Branch Waterfront Area



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HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

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**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
.....					
COMMERCIAL					
...					
Health AND FITNESS Center		P	P	P	
.....					

.....

COMMENT: See Comment to § 1-307.

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Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
BICYCLE PARKING SPACE	x	x	x
Chimney – No more than 2' into a required yard	x	x	x
...			
[Deck]			[x]
...			
Mechanical equipment (§ 15-508)	x	x	x
OFF-STREET LOADING SPACES, OPEN		x	x
OFF-STREET PARKING SPACES, OPEN		x	x
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.			x
...			
Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.	[x]	[x]	x
.....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

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Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
.....	

COMMENT: See Comment to § 1-307.

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Ordinance 17-015
{"Baltimore City Zoning Code – Legalization – Corrections"}

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {"Zoning"} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds "footnote[s]" to the illustrative list of "statutory unit[s]"; they, too, will benefit from administrative renumbering or relettering.

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

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

Certified as duly passed this _____ day of AUG 06, 2018, 20____



President, Baltimore City Council

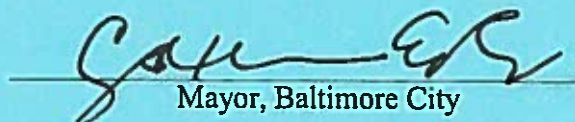
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of AUG 06, 2018



Chief Clerk

Approved this 10 day of August, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 8th Day of August, 2018



Chief Solicitor

2008-10-01

2008-10-01

Approved For Form and Legal Submission
This _____ Day of _____

Chief Solicitor

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0209

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: July 9, 2018

AN ORDINANCE CONCERNING

Zoning Code – Modifications

1
2 FOR the purpose of making needed improvements to certain provisions that, during the course of
3 actively implementing the new Zoning Code, were discovered to be functionally impractical
4 or otherwise in need of modification to abate previously unanticipated consequences; ;
5 correcting various errors, omissions, and inconsistencies; correcting, clarifying, and
6 conforming various references and terminology; and generally relating to the zoning and
7 development laws of the City of Baltimore.

8 BY repealing and reordaining, with amendments

9 Article 32 - Zoning

10 Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 1-310(j), 3-202(f), 3-204(b)(1), 4-203(7),
11 4-405(a)(13)(iii), 5-301(b), ~~5-308(b)~~, 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), ~~7-414(d)~~,
12 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402,
13 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, ~~18-306(b)~~,
14 18-413(b), and 19-207(d)(1), and 19-213(a)

15 and

16 Tables ~~9-301~~, 9-401, 10-301, 10-401(both tables), 11-301, ~~12-301~~, 12-402, 12-403, 12-501,
17 12-601, 12-903(4), 12-1302, 15-601, and 16-406

18 Baltimore City Code
19 (Edition 2000)

20 BY repealing and reordaining, without amendment

21 Article 32 - Zoning

22 Sections ~~1-310(j)~~, 15-501(a), and 16-407(c)

23 Baltimore City Code
24 (Edition 2000)

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

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1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 1. General Provisions**

14 ***Subtitle 2. Rules of Interpretation***

15 **§ 1-217. Uses[,] – generic, [and] specific, AND PROHIBITED.**

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as “generic uses”.

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

Council Bill 18-0209

1 COMMENT: Restates, for greater emphasis and clarity, the basic rule of interpretation that
2 a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 *Subtitle 3. Definitions*

5 **§ 1-302. "Abut" to "Awning".**

6 (b) *Accessory structure.*

7 "Accessory structure" means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
9 (2) subordinate in lot coverage and floor area to the principal structure served; and
10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, which see
13 below.

14 (c) *Accessory use.*

15 "Accessory use" means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, which see
21 below.

22 **§ 1-307. "Government facility" to "Industrial boat repair".**

23 (d) *Gym.*

24 See "Health AND FITNESS center".

25 (g) *Health AND FITNESS center.*

26 (1) *In general.*

27 "Health AND FITNESS center" means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

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1 (ii) contains equipment, such as weight resistance machines, treadmills,
2 stationary bicycles, whirlpools, saunas, showers, and lockers, for that
3 purpose.

4 (2) *Inclusions.*

5 "Health AND FITNESS center" includes the following accessory uses designed and
6 intended primarily for patrons of the facility:

7 (i) retail sales; and

8 (ii) a restaurant or refreshment stands.

9 COMMENT: Modifies name to better describe the nature of this use, especially as
10 distinguished from the sound-alike "health clinic".

11 § 1-310. "Motor vehicle" to "Owner".

12 (j) *Neighborhood commercial establishment.*

13 "Neighborhood commercial establishment" means a non-residential use that is within a
14 residential or office-residential zoning district, but in a structure that:

15 (1) is non-residential in its construction and original use; OR

16 (2) HAS RECEIVED PRIOR ZONING APPROVAL FOR A NON-RESIDENTIAL USE, AS
17 EVIDENCED BY PERMITS, CONSTRUCTION, OR HISTORICAL EVIDENCE OF LAWFUL
18 NON-RESIDENTIAL USE.

19 COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected
20 below:

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

22 *Subtitle 2. Administrative Agencies and Officials*

23 § 3-202. Board of Municipal and Zoning Appeals.

24 (f) *Public hearings – Open to public.*

25 [(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must be
26 open to the public.

27 [(2) At least once in every 2 calendar months, at least 1 session of hearings must
28 be scheduled to begin after 5 p.m.]

29 COMMENT: Deletes a scheduling provision that has proven to be functionally impractical
30 to implement.

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1 **§ 3-204. Director of Planning.**

2 (b) *Powers and duties.*

3 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
4 80, the Director of Planning has the following powers and duties under this Code:

5 (1) to perform the following reviews in sessions [open to the public and for which
6 public notice is provided]:

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

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

9 (iii) design review (Title 4, Subtitle 4; Design Manual); and

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

11

12 **COMMENT:** Deletes a scheduling provision that has proven to be functionally impractical
13 to implement.

14 **Title 4. Development Reviews**

15 *Subtitle 2. Site Plan Review*

16 **§ 4-203. Applicability.**

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

18 . . .

19 (7) any development within an environmentally sensitive area, including projects in a
20 [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the
21 Critical Area (*See* Subtitle 3 {"Environmentally Sensitive Areas Review"} of this
22 title);

23

24 **COMMENT:** Conforms spelling of "floodplain" to conform with that uniformly adopted
25 throughout this and all other articles of the Baltimore City Code.

26 *Subtitle 4. Design Review*

27 **§ 4-405. Applicability.**

28 (a) *In general.*

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

31 . . .

32 (13) any new construction that involves:

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...
(iii) [construction in an area designated a "Main Street" in accordance with criteria set by The National Trust for Historic Preservation]
ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or
....

COMMENT: Aligns design-review requirement to the specific zoning district (the C-1 District) and specifies the intended scope of that review.

Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) *Application.*

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board's long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (Cf., e.g., pre-Transform Zoning Article §§ 15-208 and 15-209 {"Variances: Off-street parking"}.)

~~§ 5-308. Approval standards:~~

~~(b) Other required findings:~~

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

- ~~(1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;~~
- ~~(2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;~~
- ~~(3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;~~
- ~~(4) the variance will not:~~
 - ~~(i) be injurious to the use and enjoyment of other property in the immediate vicinity; or~~

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

3 ~~(5) the variance is in harmony with the purpose and intent of this Code;~~

4 ~~(6) the variance is not precluded by and will not adversely affect:~~

5 ~~(i) any Urban Renewal Plan;~~

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

7 ~~(iii) any Historical and Architectural Preservation District; [and]~~

8 ~~(7) THE VARIANCE WILL NOT:~~

9 ~~(I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;~~

10 ~~(II) OVERCROWD THE LAND;~~

11 ~~(III) CREATE AN UNDUE CONCENTRATION OF POPULATION;~~

12 ~~(IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;~~

13 ~~(V) CREATE HAZARDOUS TRAFFIC CONDITIONS;~~

14 ~~(VI) ADVERSELY AFFECT TRANSPORTATION;~~

15 ~~(VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC~~
16 ~~FACILITIES;~~

17 ~~(VIII) INCREASE THE DANGER OF FIRE; OR~~

18 ~~(IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND~~

19 ~~(8) [(7)] the variance will not otherwise:~~

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

21 ~~(ii) be in any way contrary to the public interest[.];~~

22 **COMMENT:** Item (7) of this subsection reinstates standards that have long been required
23 by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were
24 inadvertently omitted from Ordinance 16-581 ("TransForm Baltimore - Zoning").

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Subtitle 4. Conditional Uses

§ 5-407. Expiration of approval.

(a) *Exercise within year required.*

A conditional use lapses and becomes void 1 year from the date of its final approval unless, within that year:

- (1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN obtained FOR THAT USE; [and]
- (2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS LAWFULLY BEGUN; or
- (3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

COMMENT: Many conditional uses do not require or even generate a "building permit", as erroneously assumed by item (1) of this subsection. This amendment, therefore: (i) corrects item (1) to refer instead to the "use permit" and "occupancy permit" required by the Zoning Code and Building Codes, respectively; and (ii) clarifies the optional relationships of the actions that will avoid a lapse of the conditional-use approval.

Subtitle 5. Legislative Authorizations

§ 5-507. Action by City Council.

(a) *Committee hearing.*

- (1) The bill must be considered at a public hearing of a committee of the City Council. Notice of the public hearing must be given in accordance with Title 5, Subtitle 6 {"Notices"} OF THIS CODE.

COMMENT: Clarifies cross-reference citation.

§ 5-508. Approval standards.

(b) *Map amendments.*

(4) *Additional standards – Rezoning from MI District.*

- (i) To rezone land from the Maritime Industrial ("MI") District to any other zoning district, the Planning Commission must find that the proposed amendment:

(A) [would be] IS consistent with the [City's] THE MOST CURRENT BALTIMORE CITY Comprehensive Master Plan;

(B) [would not impede, diminish, or preclude] SUSTAINS OR ENHANCES transportation access into [or] AND out of the [Maritime Industrial District] PORT OF BALTIMORE;

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1 (C) [would not result in or encourage a loss of existing deep water
2 assets of the Maritime Industrial District] ENSURES THE LONG-TERM
3 PRESERVATION OF THE DEEP WATER ASSETS OF THE PORT OF
4 BALTIMORE FOR MARITIME INDUSTRIAL USE;

5 (D) [would not result in changes to the economic viability of adjacent
6 maritime industrial land uses due to the encroachment of non-
7 compatible uses] PROTECTS MARITIME INDUSTRIAL LAND USES FROM
8 THE INTRUSION OF NON-INDUSTRIAL USES;

9 (E) [would not reduce or impede] SUSTAINS OR ENHANCES THE current [or]
10 AND future maritime industrial economic development growth in the
11 [Maritime Industrial district] DISTRICT;

12 (F) [would establish] ESTABLISHES an adequate physical separation that will
13 buffer non-industrial land uses from maritime industrial uses; and

14 (G) [would adhere] ADHERES with federal and state laws regarding homeland
15 security, generally, and port safety, specifically.

16 COMMENT: Industry requested these changes, to conform to the standards originally
17 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (*see pre-*
18 *TransForm Zoning Code § 8-411(c)*).

19 **Title 7. ~~Open-Space and Environmental Districts~~**

20 **~~Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District~~**

21 **~~§ 7-414. Variances and conditional uses.~~**

22 **~~(d) Applications.~~**

23 The Board of Municipal and Zoning Appeals must furnish copies of all applications for a
24 conditional use or variance to the Planning Department [and the Chesapeake Bay Critical
25 Area Commission]:

26 COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting
27 these applications to Commission is wholly unnecessary.

28 **Title 12. Special Purpose Districts**

29 ***Subtitle 5. Educational Campus Districts***

30 **§ 12-502. Bulk and Yard Regulations.**

31 **(a) In general.**

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1 [(1)] Except as provided in § 12-503 {"Educational Campus Master Plan"} of this
2 subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets
3 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
4 Districts.

5 [(2) Educational buildings existing as of June 5, 2017, regardless of height
6 and yards, are deemed conforming.]

7 COMMENT: The legal fiction created by paragraph (2) ("*deemed conforming*") carries
8 with it a potential unintended consequence: As a "conforming" structure, if it were later
9 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
10 only *non-nonconforming* structures to be rebuilt "in kind"; instead, like all other
11 *conforming* structures, the rebuilt structure arguably would be limited to the then existing
12 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

13 **Title 13. Planned Unit Developments**

14 ***Subtitle 1. Purpose; Transition Rules***

15 **§ 13-102. Transition rules.**

16 (a) *In general.*

17 Residential, office-residential, business, and industrial planned unit developments
18 approved before the effective date of this Code (June 5, 2017) remain valid as long as
19 they continue to comply with all requirements and conditions of their approvals and [of]
20 WITH the Zoning Code regulations in effect immediately preceding [that effective date]
21 THE DATE OF THOSE APPROVALS.

22 COMMENT: Corrects misleading reference to the date from which continued compliance
23 with "Zoning Code regulations" is required.

24 ***Subtitle 2. Requirements; Approval Standards; Exceptions***

25 **§ 13-201. Authorization.**

26 (a) *In general.*

27 Planned unit developments [must] MAY ONLY be established by AN ordinance of the
28 Mayor and City Council ENACTED in accordance with the provisions of this title.

29 COMMENT: Corrects misleading use of "must"; emphasizes exclusivity of authorization.

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Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.

(b) *Service area.*

Any service and repair facilities must also comply with the standards § 14-326 {"Motor vehicle service and repair"} of this subtitle.

(c) *SCREENING.*

A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL ZONING DISTRICT.

COMMENT: Adds screening requirement for operations that otherwise would be visible from the ground level of a residential district.

§ 14-326. Motor vehicle service and repair: Major or minor.

(b) *Outdoor storage limitations.*

Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than [10] 30 days.

COMMENT: Extension needed to account for delays in ability to undertake repairs pending verification of insurance coverage.

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1 § 14-328. Neighborhood commercial establishments.

2 (a) [In general] MINIMUM LOT AREA REQUIREMENTS.

3 [Neighborhood commercial establishment uses are limited to the reuse of existing
4 buildings that were originally constructed and used for non-residential uses in what are
5 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
6 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
7 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
8 required for non-residential uses in Residential or Office-Residential Zoning Districts.

9 COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the
10 governing definition in § 1-310(j).

11 [(e) Off-street parking.]

12 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

13 COMMENT: Moved to § 16-601(e), as amended below. See Comment to that section.

14 Title 15. Site Development Standards

15 Subtitle 3. Measurement Methodologies

16 § 15-301. Measurement of building height.

17 (a) In general.

18 (2) For purposes of determining compliance with height limitations, the height of a
19 building is determined by measuring the vertical distance:

20 (i) from the following, AS APPLICABLE:

21 (A) FROM the mean curb level of the right-of-way on which the
22 property fronts; [or]

23 (B) if the front wall of the building is not within 30 feet of
24 the curb, from the average elevation of the ground between
25 that wall and the curb; OR

26 (C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS
27 DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL
28 RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE
29 REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND
30 SUBJECT TO ARTICLE 7, DIVISION I); and

31 (ii) to the following, AS APPLICABLE:

32 (A) in the case of a flat roof, to the highest point of the roof
33 that adjoins the street wall; or

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1 (B) in the case of a pitched roof, to the mean height level of
2 the roof as measured between the eaves and the peak
3 in the case of pitched roofs.

4 COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-
5 Hazard Area, for which the governing law imposes a higher base elevation than the
6 options listed in item (i)(A) and (B).

7 ***Subtitle 5. Accessory Structures and Uses***

8 **§ 15-501. General regulations.**

9 (a) *Must be on same lot as principal structure.*

10 An accessory structure or use must be limited to and located on the same lot with the use
11 of the principal structure to which it is accessory.

12 COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as
13 corrected above.

14 **Title 16. Off-Street Parking and Loading**

15 ***Subtitle 4. Design of Off-Street Parking Facilities***

16 **§ 16-402. Minimum dimensions of off-street parking spaces.**

17 [(a) *As in Table 16-402.*]

18 Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street*
19 *Parking Dimensions.*

20 [(b) *Vertical clearance.*]

21 [(1) All parking spaces must have a minimum vertical clearance of 7 feet 6
22 inches.]

23 [(2) Floors accessible to ADA-compliant vans must have a minimum vertical
24 clearance of 8 feet 2 inches.]

25 COMMENT: Deletes provisions that conflict with Building Code requirements.

26 **§ 16-404. Driveways.**

27 (c) *Parking spaces.*

28 (1) Single-family detached and semi-detached dwellings and rowhouse dwellings are
29 allowed a paved parking space. This parking space may not be located in the required
30 front or corner-side yard. In addition, no parking space may be located forward of the
31 front building line.

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1 [(2) No parking space may exceed 18 feet in depth, as measured from the property
2 line or right-of-way.]

3 **COMMENT:** Deletes provision that prevents compliance with other requirements and
4 practical needs, such as access to garages or corner-side yards.

5 (2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to
6 accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT.,
7 REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE
8 IMPERVIOUS SURFACE FOR THE REAR YARD.

9 **COMMENT:** Eases requirements for small lots.

10 **§ 16-407. Surfacing.**

11 (a) *In general.*

12 Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking
13 spaces must be surfaced and maintained with a dustless all-weather material in
14 accordance with the Baltimore City Building Code. [Semi-pervious materials, such as
15 grass-crete and pervious pavers, may also be used.]

16 **COMMENT:** Deletes extraneous sentence from subsection. The sentence is inconsistent
17 with the far more limited permission granted by subsection (c) for these same “semi-
18 pervious materials”; the sentence is further contradicted by the express reference, in the
19 immediately preceding sentence, to exceptions for materials “otherwise permitted ... in
20 subsectio[n] ... (c) of this section”.

21 (c) *Semi-pervious materials.*

22 For single-family detached, semi-detached, and rowhouse dwellings, driveways may be
23 constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

24 **COMMENT:** No change. Shown only to provide context for preceding amendment to
25 subsection (a).

26 *Subtitle 6. Required Off-Street Parking*

27 **§ 16-601. Exemption from requirements.**

28 (e) *Neighborhood commercial establishment.*

29 [Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this
30 Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS
31 REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

32 **COMMENT:** Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable
33 – parking exemptions for neighborhood commercial establishments. This amendment
34 incorporates the former’s language into the latter’s better placement.

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1 *Subtitle 7. Required Bicycle Parking*

2 **§ 16-705. Required number of bicycle spaces.**

3 (e) *Motor vehicle parking offset.*

4 (1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term
5 bicycle parking standards, as set forth in *Table 16-705 {"Required Bicycle Spaces"}*,
6 the motor vehicle parking required by this title may be reduced by 1 space.

7 (2) Existing parking may be converted to take advantage of this provision.

8 COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of
9 required motor vehicle spaces.

10 *Subtitle 8. Additional Vehicle Storage Requirements*

11 **§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas]
12 USE.**

13 (a) *In general.*

14 The following restrictions apply to the storage or parking of commercial vehicles on
15 private property that is ZONED for residential use [or that is in a block predominantly
16 zoned for residential use].

17 (b) *Vehicles permitted to park overnight.*

18 Only standard-sized, passenger vehicles including, but not limited to, automobiles,
19 passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks are
20 permitted to be stored or parked outdoors overnight on private property that is zoned for
21 residential use [or that is in a block predominantly zoned for residential use].

22 (c) *Vehicle prohibited from parking overnight.*

23 All other commercial vehicles including, but not limited to, semi-truck tractor units, with
24 or without attached trailers, commercial trailers, buses, limousines (excluding passenger
25 size livery vehicles), tow trucks, or construction vehicles, are prohibited from being
26 stored or parked outside overnight on private property that is zoned for residential use [or
27 that is in a block predominantly zoned for residential use].

28 COMMENT: Removes a scope application that is vaguely worded, is difficult to apply,
29 and, as a consequence, has proven to be functionally impractical to enforce.

30 **§ 16-802. Parking OR STORING of recreational vehicles.**

31 (a) *In general.*

32 The parking or storage of recreational vehicles or similar camping equipment must meet
33 the following conditions.

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1 [(b) *48-hour limit in street or driveway of residential district.*]

2 [No recreational vehicle or trailer licensed to transport recreational vehicles or
3 equipment may be parked in the public right-of-way in or in the driveway of a
4 residential district for more than 48 hours.]

5 [(c) *Locations for parking or storage.*]

6 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
7 parked or stored to the rear of the front building line of the lot and located at least
8 3 feet from the side and rear lot lines. This requirement does not apply to
9 recreational vehicles offered for sale in an approved outdoor sales and display area
10 of a recreational vehicle dealership. Temporary storage tents for recreational
11 vehicles are not considered a fully enclosed structure.]

12 (B) *PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.*

13 (1) *IN GENERAL.*

14 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
15 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
16 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

17 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
18 TENT; OR

19 (II) ON A PAVED SURFACE:

20 (A) IN THE REAR YARD OF THE LOT; AND

21 (B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

22 (2) *EXCEPTION.*

23 THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN
24 AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE
25 DEALERSHIP.

26 (C) [(d)] *Use as dwelling, etc., prohibited.*

27 (1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

28 (2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity,
29 water, gas, or sanitary sewer facilities.

30 (D) [(e)] *Maintenance and current registration required.*

31 All recreational vehicles must be maintained in mobile condition. No recreational vehicle
32 may be parked or stored in a manner that creates a dangerous or unsafe condition on the
33 lot where parked or stored. Parking or storage in a way that the recreational vehicle,

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1 whether loaded or not, might tip or roll is considered a dangerous and unsafe condition.
2 The recreational vehicle equipment must be kept in good repair and must carry a current
3 year's license and registration.

4 COMMENT: Revises section to more clearly delineate parking and storing restrictions in
5 residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to
6 parking in a "public right-of-way"), is redundant of a broader limitation in Article 31,
7 § 6-22 {"Continuously parking in 1 spot"} and, in its other part (as to parking in a
8 "driveway"), is inconsistent with the limitations elsewhere in this very section.
9

10 Title 18. Nonconformities

11 Subtitle 3. Nonconforming Uses

12 § 18-302. Expansion of use OR STRUCTURE.

13 (A) *IN GENERAL.*

14 A nonconforming use may not be expanded in any manner, nor may any structure be
15 erected or expanded, unless the use of the land and the structure are made to conform to
16 the regulations of the district in which they are located.

17 (B) *EXCEPTION.*

18 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
19 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
20 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
21 EXISTED AS OF JUNE 5, 2017.

22 COMMENT: Allows a limited GFA variance, subject to all standards applicable to
23 variances, for non-conforming uses or structures in commercial and industrial districts.

24 ~~§ 18-306. Change of use:~~

25 ~~(b) *When change allowed:*~~

26 ~~(1) *IN GENERAL:*~~

27 ~~A nonconforming use may not be changed to any other use except one that is allowed~~
28 ~~within the zoning district in which it is located.~~

29 ~~(2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*~~

30 ~~A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE~~
31 ~~SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC~~
32 ~~BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702~~
33 ~~{"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,~~
34 ~~TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE STANDARDS~~
35 ~~OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS CODE AND~~
36 ~~ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS ARE~~

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1 ~~OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE APPLICABLE TO THE~~
2 ~~UNDERLYING ZONING DISTRICT.~~

3 ~~COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing~~
4 ~~imminent termination, to convert to certain other uses in certain districts.~~

5 **§ 18-413. Structures in Hospital Campus [and Educational Campus Districts] DISTRICT.**

6 All lawfully existing structures that, as of June 5, 2017, are located in a Hospital Campus
7 Zoning District [or an Educational Campus Zoning District] are considered to be conforming
8 structures.

9 **Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review**

10 *Subtitle 2. Enforcement*

11 **§ 19-207. Service.**

12 (d) *Method of service – Posting.*

13 Adequate and sufficient notice may be made by posting a copy of the notice on the
14 property in question if:

15 (1) the identity or whereabouts of the person responsible IS unknown; or
16

17 COMMENT: Inserts missing verb.

18 **§ 19-213. Civil court proceedings.**

19 (a) *In general.*

20 The Zoning Administrator, on behalf of the Mayor and City Council, may file a petition
21 in [Circuit] DISTRICT Court to compel compliance with or obtain other relief under this
22 Code.

23 COMMENT: Corrects reference in accord with the exclusive original civil jurisdiction granted by the
24 State's Courts and Judicial Proceedings Article, § 4-401(8).

1

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2

Council Bill 18-0209

Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	-R-5	-R-6	-R-7	-R-8	-R-9	-R-10	Use Standards
COMMERCIAL							
Neighborhood Commercial Establishment ¹	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based [1] ²	-CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
Wireless Communications Services [2] ³	-CB, P	-CB, P	-CB, P	-CB, P	-CB, P	-CB, P	Per § 14-338

¹ A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC."}.

[1] ² A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

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

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
.....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
.....						

.....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

Council Bill 18-0209

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
....								
Health AND FITNESS Center	P	P	P	P	P	P	P	
....								
INDUSTRIAL								
....								
Mini-Warehouse					CB	P	CB ¹	
....								

¹ Allowed only in [an existing] A structure LAWFULLY EXISTING AS OF JUNE 5, 2017.

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

Council Bill 18-0209

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1 ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
....						

.....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

Council Bill 18-0209

**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

[¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

[² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

Council Bill 18-0209

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
....							
ROOMING HOUSE			CB				
....							
COMMERCIAL							
....							
HEALTH AND FITNESS CENTER	P	P	P				
....							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	CB		PER § 14-326
Motor Vehicle Service and Repair: Minor			CO	[CO] CB	CB		Per § 14-326
....							

.....

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

Council Bill 18-0209

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

Uses	OR	Use Standards
.....		
COMMERCIAL:		
....		
Neighborhood Commercial Establishment [†]	CB, P	Per § 14-328
.....		

[†]-A Neighborhood Commercial Establishment is a permitted use only [if]: (i) [the] FOR A structure THAT has 50 or more dwelling units[:; and [(ii)] if non-residential uses are limited to 10% of the structure's gross floor area; OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(b)(2) {"CHANGE OF USE: EXCEPTION"}]

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
.....					
COMMERCIAL					
....					
Arts Studio		<u>P</u>		<u>P</u>	
ARTS STUDIO: INDUSTRIAL		P		P	
....					
Health AND FITNESS Center	P	P	P	P	
.....					

.....
COMMENT: *See Comment to § 1-307.*

COMMENTS: **Arts Studio: Industrial** – Allows for this type of arts studio, as arts studio is already a permitted use under this Table 12-402 in the TOD- 2 and TOD-4 Zoning Districts,

Health and Fitness Center – *See Comment to § 1-307.*

Council Bill 18-0209

Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
.....				

.....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

Table 12-501: Educational Campus Districts – Permitted and Conditional Uses

USES	DISTRICTS		USE STANDARDS
	EC-1	EC-2	
RESIDENTIAL			
Dormitory (Ancillary to Educational Facility)	<u>P</u>	<u>P</u>	
Dwelling (Ancillary to Educational Facility)	<u>P</u>	<u>P</u>	[Per § 14-327]
Fraternity or Sorority House		<u>P</u>	Per § 14-313
Rooming House (Ancillary to Educational Facility)		<u>CB</u>	
INSTITUTIONAL			
.....			

.....

COMMENT: Deletes inapposite use-standard reference.”.

Council Bill 18-0209

***Table 12-601: Hospital Campus Districts –
Permitted and Conditional Uses***

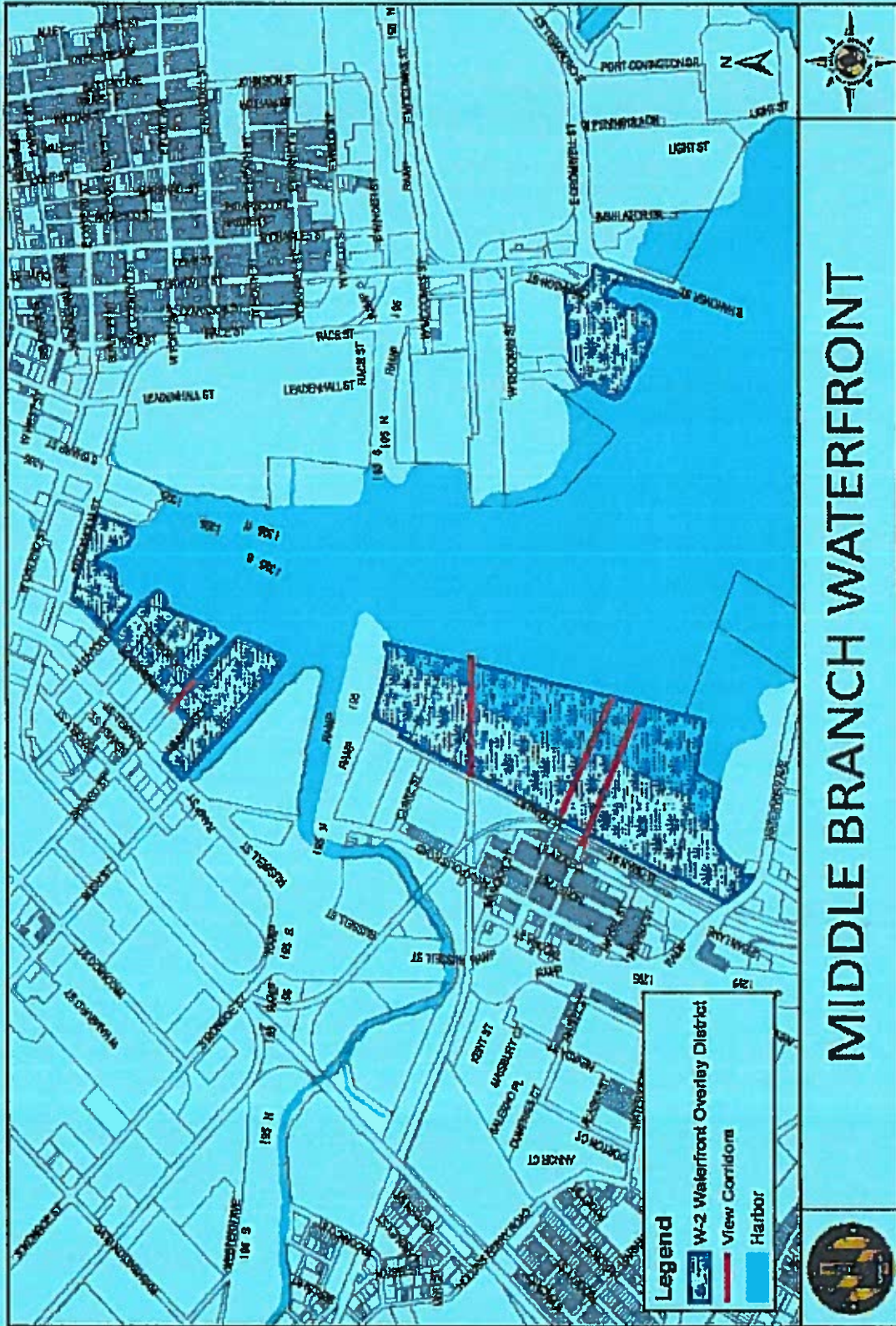
Uses	H	Use Standards
.....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
.....		

.....

COMMENT: *See Comment to § 1-307.*

Council Bill 18-0209

Table 12-903(4): Middle Branch Waterfront Area



Council Bill 18-0209

HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

Council Bill 18-0209

**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
.....					
COMMERCIAL					
.....					
Health AND FITNESS Center		P	P	P	
.....					

.....
COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
BICYCLE PARKING SPACE	x	x	x
Chimney – No more than 2' into a required yard	x	x	x
...			
[Deck]			[x]
...			
Mechanical equipment (§ 15-508)	x	x	x
OFF-STREET LOADING SPACES, OPEN		x	x
OFF-STREET PARKING SPACES, OPEN		x	x
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.			x
...			
Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.	[x]	[x]	x
.....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

Council Bill 18-0209

Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
....	

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

**Ordinance 17-015
{“Baltimore City Zoning Code – Legalization – Corrections”}**

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {“Zoning”} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds “footnote[s]” to the illustrative list of “statutory unit[s]”, they, too, will benefit from administrative renumbering or relettering.

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City



07/05/18

AMENDMENTS TO COUNCIL BILL 18-209
(1st Reader Copy)

By: Land Use and Transportation Committee
{To be offered on the Council Floor}

ADOPTED

Amendment No. 1

On page 1, in line 11, before “3-202(f),” insert “1-310(j),” and, on the same page, in line 23, strike “1-310(j),”; and, on page 4, in line 14, after “that”, insert a colon, a new line return, and a new item designation “(1)”; on the same page, in line 15, before the period, insert:

“; 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”;

and, on the same page, strike lines 16 and 17, in their entireties.

Amendment No. 2

On page 1, in line 12, strike “5-308(b),”; and, on page 6, strike lines 12 through 33, in their entireties; and, on page 7, strike lines 1 through 18, in their entireties.

Amendment No. 3

On page 1, in line 12, strike “7-414(d),”; and, on page 9, strike lines 6 through 14 in their entireties.

Amendment No. 4

On page 1, in line 14, after “18-306(b),”, insert “18-413(b),”; and, on page 17, after line 24, insert:

“§ 18-413. Structures in Hospital Campus [and Educational Campus Districts] DISTRICT.

All lawfully existing structures that, as of June 5, 2017, are located in a Hospital Campus Zoning District [or an Educational Campus Zoning District] are considered to be conforming structures.”

CITY OF

Amendment No. 5

On page 1, at the end of line 14, strike “and”; and, in line 15, after “19-207(d)(1)”, insert “, and 19-213(a)”;

“§ 19-213. Civil court proceedings.

(a) In general.

The Zoning Administrator, on behalf of the Mayor and City Council, may file a petition in [Circuit] DISTRICT Court to compel compliance with or obtain other relief under this Code.

COMMENT: Corrects reference in accord with the exclusive original civil jurisdiction granted by the State’s Courts and Judicial Proceedings Article, § 4-401(8).”

Amendment No. 6

On page 1, at the end of line 5, strike the second semi-colon; and, on the same page, in line 14, strike “18-306(b),”; and, on the same page, in line 17, strike both “9-301,” and “12-301,”; and, on page 17, strike lines 8 through 24, in their entireties; and, on page 19, strike beginning with “Table 9-301” through the end of that page; and, on page 25, strike beginning with “Table 12-301” through the end of that page.

Amendment No. 7

On page 26, insert the following additional amendments to Table 12-402:

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
....					
COMMERCIAL					
...					
<u>Arts Studio</u>		<u>P</u>		<u>P</u>	
<u>ARTS STUDIO: INDUSTRIAL</u>		<u>P</u>		<u>P</u>	
...					
<u>Health AND FITNESS Center</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
....					

~~COMMENT: See Comment to § 1-307.~~

~~COMMENTS: Arts Studio: Industrial – Allows for this type of arts studio, as arts studio is already a permitted use under this Table 12-402 in the TOD-2 and TOD-4 Zoning Districts.~~

~~Health and Fitness Center – See Comment to § 1-307.~~

Amendment No. 8

On page 1, in line 17, after “12-403,” insert “12-501,”; and, on page 27, after the end of the Comment to Table 12-403, insert the following amendment to Table 12-501:

***“Table 12-501: Educational Campus Districts –
Permitted and Conditional Uses*”**

USES	DISTRICTS		USE STANDARDS
	<u>EC-1</u>	<u>EC-2</u>	
<u>RESIDENTIAL</u>			
<u>Dormitory (Ancillary to Educational Facility)</u>	<u>P</u>	<u>P</u>	
<u>Dwelling (Ancillary to Educational Facility)</u>	<u>P</u>	<u>P</u>	<u>[Per § 14-327]</u>
<u>Fraternity or Sorority House</u>		<u>P</u>	<u>Per § 14-313</u>
<u>Rooming House (Ancillary to Educational Facility)</u>		<u>CB</u>	
<u>INSTITUTIONAL</u>			
<u>****</u>			

COMMENT: Deletes inapposite use-standard reference.”.

BY repealing

**Article 32 - Zoning
Section 14-328(e)
Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

**Ordinance 17-015
Section 4**



BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

BILL#: 18-0209

DATE: June 27, 2018

BILL TITLE: Zoning Code – Modifications

MOTION BY: Stokes SECONDED BY: Middle

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TOTALS	<u>6</u>	<u>1</u>		

CHAIRPERSON: Edward R. Dorsey

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

Order #: 11549062
Case #:
Description:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/4/2018

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0209 The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, May 23, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0209

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, May 23, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0209.

CC 18-0209 Ordinance - Zoning Code - Modifications For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

By repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(ii), 5-301(b), 5-308(b), 5-407(a), 5-607(a)(1), 5-608(b)(4)(i), 7-414(d), 12-502(a), 13-102(a), 13-201(a), 14-325, 14-328(b), 14-328(a), 15-301(a)(2), 16-102, 16-101(c), 16-107(a), 16-601(c), 16-705(e), 16-801, 16-802, 18-302, 18-303(b), and 19-207(d)(1)

and

Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 2-401, 12-601, 12-603(1), 12-1302, 15-601, and 16-106

Baltimore City Code

(Edition 2000)

By repealing and reordaining, without amendment

Article 32 - Zoning

Sections 1-310(j), 15-501(a), and 16-407(c)

Baltimore City Code

(Edition 2000)

By repealing

Article 32 - Zoning

Section 14-328(e)

Baltimore City Code

(Edition 2000)

By repealing and reordaining, with amendments

Ordinance 17-015

Section 4

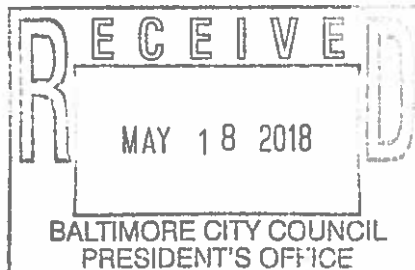
Applicant: Department of Planning

For more information contact committee staff at (410) 386-1260

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

EDWARD REISINGER,
Chair

my4



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Mr. Larry Greene, Director, Office of Council Services

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: May 1, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – ZONING CODE AMENDMENT

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 18-0209

Date: Wednesday, May 23, 2018

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) - see *Attachment B*. You can access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers



Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for the Newspaper Advertisement

The information that must be published in a newspaper advertisement, appears between the double lines on the attached page (*see Attachment A*); the deadline date is indicated in **BOLD** letters at the top of Attachment A.

Certification of Postings

Certification of the publication of the newspaper advertisement, in duplicate, must be received four (4) days prior to the hearing by:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certification is not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Newspaper Advertisement Deadline:

May 8, 2018

Certificate of Posting Due:

May 18, 2018

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION **BY WEDNESDAY, MAY 8, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO 18-0209

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, May 23, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0209

CC 18-0209 Ordinance - Zoning Code - Modifications For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

By repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d), 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402, 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and 19-207(d)(1)

and

Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 2-403, 12-601, 12-903(4), 12-1302, 15-601, and 16-406

Baltimore City Code
(Edition 2000)

By repealing and reordaining, without amendment

Article 32 - Zoning

Sections 1-310(j), 15-501(a), and 16-407(c)

Baltimore City Code
(Edition 2000)

By repealing

Article 32 - Zoning

Section 14-328(e)

Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments

Ordinance 17-015
Section 4

Applicant: Department of Planning

For more information contact: Committee Staff at (410) 396-1260.

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

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO: SEND BILL FOR THIS ADVERTISEMENT TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Mr. Larry E. Greene
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
(410) 396-7215

ATTACHMENT B

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

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

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

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

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (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
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (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.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.


For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

(g) Additional notice for proposed rezoning in MI District.

If an application is made to rezone any property in the MI District, the Director of Planning must notify the Maryland Port Administration and the owners of any adjacent property of the application.

(Ord. 16-581; Ord. 17-015.)

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0209/ ZONING CODE – MODIFICATIONS		

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

DATE: April 23, 2018

At its regular meeting April 19, 2018 the Planning Commission considered City Council Bill #18-0209, for the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development 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 #18-0209, and adopted the following resolution, nine members being present (nine in favor):

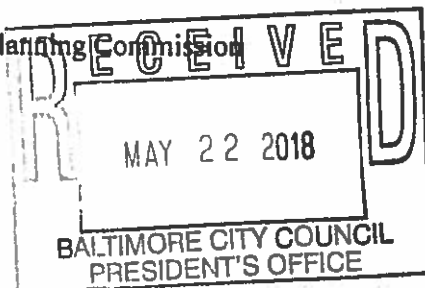
RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #18-0209 be passed by the City Council.

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

TJS/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services



Fav w/ Amendments



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 19, 2018

REQUEST: City Council Bill #18-0209/ Zoning Code – Modifications: for the purpose of making needed improvements to certain provisions that during the course of actively implementing the code were discovered as functionally impractical, inconsistent or in need of clarification.

RECOMMENDATION: Amend and Approve

Amendments

Staff is recommending two amendments to the bill. The first is to delete page 17, lines 8-24 and the table edit on page 19 to Table 9-301. This item was intended to make it easier for a non-conforming liquor store, subject to amortization, to convert to a different commercial use. After further review, the zoning staff was not comfortable with this blanket approval as they are concerned a given application may not meet Neighborhood Commercial standards. Without this provision, the reuse would be conditional to the Board and would trigger public hearing.

The second amendment is clerical in nature. In Table 12-501 Educational Campus, there is an incorrect reference to use standards that should be deleted. Dwellings are listed as permitted subject to §14-327, and it is the §14-327 that is in error and should be deleted.

STAFF: Laurie Feinberg

PETITIONERS: City Council President on behalf of the Administration

HISTORY

- On March 21, 2013, the Planning Commission reviewed and forwarded a comprehensive list of recommendations on CCB #12-0152 (later adopted as Ord. #16-581).
- On September 19, 2013, the Planning Commission reviewed additional amendments and forwarded its recommendation on CCB #12-0152.
- On December 5, 2016, CCB #12-0152 was signed by the Mayor as Ord. #16-581, to take effect on June 5, 2017.
- On May 16, 2017, CCB #17-0021/ Baltimore City Zoning Code – Legalization – Corrections was signed by the Mayor as Ord. #17-015, dated May 16, 2017.

ANALYSIS

Background: After a number of years of effort to establish a comprehensive replacement of the Zoning Code, it was approved by the City Council on the last day of the Council session, December 5, 2016 and then signed by the Mayor. During the spring of 2017, prior to the effective date, Law, Planning, Zoning, and Legislative Reference staff worked on CCB #17-0021. This bill corrected typos, spelling, incorrect references, and similar issues. These items fell under a corrective bill.

The current bill contains modifications that did not fall under the correction umbrella and other items that were discovered since the June 5, 2017 implementation.

There are approximately 30 amendments to the code and the bill includes explanatory comments for each item. Most of them are very minor changes and result from experience using the new code. Some of the amendments are a result of challenges in enforcement from inspectors.

The first amendment restates for greater clarity that if a use is not listed as permitted or conditional it is expressly prohibited. The bill recommends changing the name of gyms from Health Centers to Health and Fitness Centers for clarity. This change is in the text and in tables.

There are three recommended administrative changes, one that deletes the requirement of a 5pm Board of Municipal and Zoning Appeals (Board) hearing, as this has proven unnecessary and impractical. The second removes a requirement that Planning Department reviews be done in public and with notice. These include design, landscape, site plan and environmentally sensitive reviews. They are done by staff on a daily basis as part of permit review, and are impractical to notice or to be done in public. The third change is to remove the requirement for a zoning appeal to be sent to the State Critical Area Commission that was an error.

Two changes deal with variances, one to make explicit that variance procedures apply to signage, parking and loading in conformance with long-standing Board practice and the second is to add a portion of variance standards that were inadvertently left out.

The bill recommends added clarification language on establishing a conditional use that either construction has begun or use has been established. This is relevant where a conditional use does not require construction.

During the hearings for City Council Bill #12-0152, the zoning code rewrite, there were a number of items that were voted favorably by committee but did not get into the 2nd reader copy. These include clarifications to the standards for a rezoning in a Maritime Industrial (MI), District. A second change that had been voted favorably was to give the Board, through a variance process, the authority to expand a non-conforming use or structure up to 25%. This is limited to Commercial, Industrial and TOD districts.

The bill recommends removing a section in Educational Zones, which deems buildings built prior to June 5, 2017 conforming, regardless of their bulk or height. This creates a situation where if such a building were to burn to the ground, it would not benefit from the non-conforming rules which would allow rebuilding.

There are a number of changes recommended by Housing Inspection and Code Enforcement intended to clarify rules and make compliance easier. They include a clarification that an auto dealer in a mixed use complex does not need to comply with minimum lot requirements and that screening by 6 foot solid fence is required when these establishments are visible from residential districts.

There is a clarification in Neighborhood Commercial Establishment standards that since the uses are by definition in existing buildings they should not be subject to minimum lot requirements and to

relocate the parking reference in Title 14 to Title 16 *Off-Street Parking and Loading*, to avoid redundancy and conflict.

In order to relieve some of the burden of raising new buildings out of the flood plain areas, this bill recommends calculating the height limit from the required elevation in flood areas.

Clear height dimensions were removed from sections of the Off-Street Parking and Loading Title because they conflict with other codes. Requirements for limiting paving were eased for small lots. This bill also clarifies that any recreational vehicles in residential areas must be covered in a garage or similar, or be in a rear yard.

There are a number of wording corrections such as flood plain versus Floodplain.

Table edits include adding mini-warehouse in C-5 when in an existing building, and removing build-to lines in C-5 as they are covered in design review and can be impractical when ramps and steps are needed. Corner side yard requirements were removed from the high density residential areas as they are not consistent with existing urban patterns.

Rooming Houses were added to list of uses in I-MU as conditional at the recommendation of artist housing groups. Health and Fitness was added to the mixed use industrial areas, I-MU, BSC and OIC. Auto repair facilities were added to both I-1 and I-2, industrial areas.

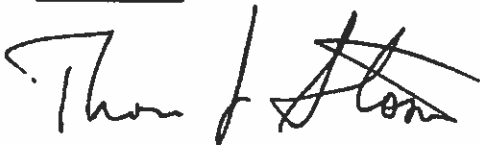
The bill recommends minor changes to Table 15-601 Permitted Encroachments into Required Yards. They include a limit on the size of storage sheds in residential areas, removing deck and adding unenclosed porch for consistency and adding bicycle parking in all yards and off street loading and parking in rear and side yards.

Amendments

Staff is recommending two amendments to the bill. The first is to delete page 17, lines 8-24 and the table edit on page 19 to Table 9-301. This item was intended to make it easier for a non-conforming liquor store, subject to amortization, to convert to a different commercial use. After further review, the zoning staff was not comfortable with this blanket approval as they are concerned a given application may not meet Neighborhood Commercial standards. Without this provision, the reuse would be conditional to the Board and would trigger public hearing.

The second amendment is clerical in nature. In Table 12-501 Educational Campus, there is an incorrect reference to use standards that should be deleted. Dwellings are listed as permitted subject to §14-327, and it is the §14-327 that is in error and should be deleted.

Notification of this action was sent to over 10,000 subscribers using GovDelivery.



Thomas J. Stosur
Director

**AMENDMENTS TO COUNCIL BILL 18-209
(1st Reader Copy)**

Proposed By: Planning Commission
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, at the end of line 5, strike the second semi-colon; and, on the same page, in line 14, strike “18-306(b),”; and, on the same page, in line 17, strike both “9-301,” and “12-301,”; and, on page 17, strike lines 8 through 24, in their entireties; and, on page 19, strike beginning with “*Table 9-301*” through the end of that page; and, on page 25, strike beginning with “*Table 12-301*” through the end of that page.

Amendment No. 2

On page 1, in line 17, after “12-403,” insert “12-501,”; and, on page 27, after the end of the Comment to Table 12-403, insert the following amendment to Table 12-501:

**“Table 12-501: Educational Campus Districts –
Permitted and Conditional Uses”**

USES	DISTRICTS		USE STANDARDS
	EC-1	EC-2	
<u>RESIDENTIAL</u>			
Dormitory (Ancillary to Educational Facility)	P	P	
Dwelling (Ancillary to Educational Facility)	P	P	[Per § 14-327]
Fraternity or Sorority House		P	Per § 14-313
Rooming House (Ancillary to Educational Facility)		CB	
<u>INSTITUTIONAL</u>			
....			

....
COMMENT: Deletes inapposite use-standard reference.”

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

May 18, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: CC Bill #18-0209: Zoning Code - Modifications

Ladies and Gentlemen:

City Council Bill No. 18-0209 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

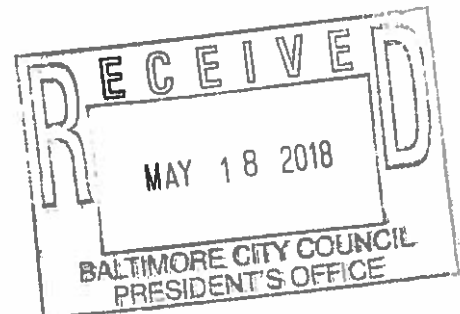
The purpose of City Council Bill No. 18-0209 is to make needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; to correct various errors, omissions, and inconsistencies; correct, clarify, and conform various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

The BMZA has reviewed the legislation and recommends approval of CC Bill. 18-209. BMZA supports the amendments offered by the Planning Department, HCD, and the Law Department.


Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference



Fav

FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0209		

TO: Mayor Catherine E. Pugh

DATE: April 23, 2018

TO: Respective City Council Land Use and Transportation Committee
 FROM: Department of Transportation
 POSITION: Defer to Planning Commission
 RE: City Council Bill 18-0209 - Zoning Code – Modifications

INTRODUCTION – For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

PURPOSE/PLANS – The proposed legislation, as written, is too broad for the Department of Transportation to determine any immediate impact to the agency. Thus, we defer to the Planning Commission for their expertise in the area.

AGENCY/DEPARTMENT POSITION –

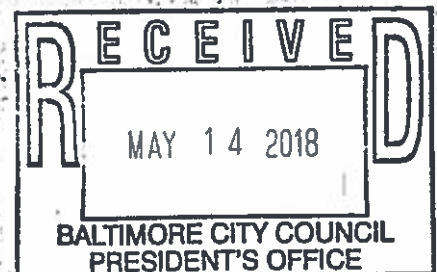
The Department of Transportation defers to the Planning Commission for City Council Bill 18-0209.

If you have any questions, please do not hesitate to contact Katelyn McCauley at Katelyn.McCauley@baltimorecity.gov, (443) 677-9391.

Sincerely,


 Michelle Pourciau
 Director

Defers to the Planning Commission



CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

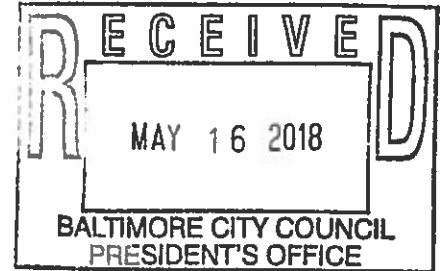


DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

May 17, 2018

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

Attn: Natawna B. Austin,
Executive Secretary



Re: City Council Bill 18-0209 – Zoning – Modifications

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0209 for form and legal sufficiency. The bill makes improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences. It also corrects various errors, omissions, and inconsistencies as well as clarifies and conforms various references and terminology.

The Law Department does not see any legal impediments to the adoption of the bill as drafted. Nonetheless, the Law Department seeks an amendment to the bill that would strike § 5-308 in its entirety. Among other things, these provisions propose to “reinstate” certain variance standards that were omitted from Transform. The reinstatement will prove problematic.

Today the City Council, as well as the Planning Commission and BMZA, struggle with finding sufficient facts and considerations from oral and written testimony required to be on the record in order to grant variances under the Zoning Code. To require more facts and considerations to be found is, we believe, excessively burdensome and unnecessary. The items being proposed for addition are not required by State law and have existed in the past only because, over the years, they crept into the City’s Zoning Code. It is our view that the additional standards add little to nothing that would not normally be discovered and considered in a comprehensive review of a proposed variance. Moreover, if the proposed items are included, we believe they will serve to provide more legal grounds on which to sue the City by a party aggrieved by the grant of a variance.

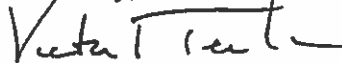
For this reason, we propose an amendment to strike § 5-308 from the bill. Specifically, the amendment would strike, beginning on page 6, line 12 thru lines 18 on page 7.

Fav of Amends

The Law Department notes further that a bill that authorizes a text amendment is a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. *See* Art 32, § 5-601. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* Art. 32 § 5-507.

Assuming all the procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



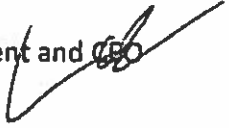
Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant City Solicitor



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

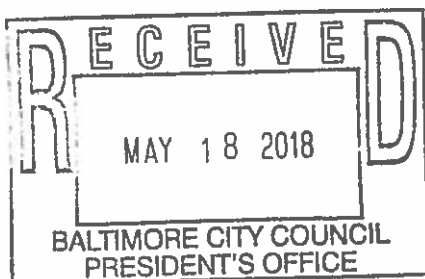
FROM: William H. Cole, President and CEO 

DATE: April 30, 2018

SUBJECT: Council Bill No. 18-0209
Zoning Code – Modifications

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill 18-0209, for the purpose of making revisions to certain provisions of the new Zoning Code. BDC defers to the Planning Commission's recommendation on Bill 18-0209.

cc: Kyron Banks



*Defers
to
Planning*

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner *MEP*

Date: May 17, 2018

Re: City Council Bill 18-0209 - Zoning Code – Modifications

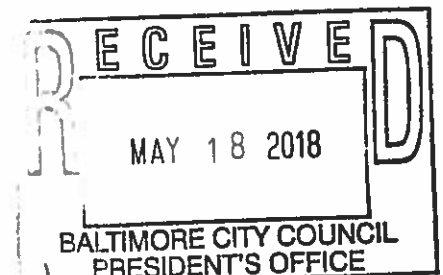
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0209, for the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

If enacted, this bill would modify and improve the recently enacted zoning code and some of the changes would add clarity to make compliance with the code easier. For example, §14-325 adds language to clarify that the minimum lot requirement only applies to a standalone dealership or rental establishments - does not apply to a shared- or multi-use property, such as, a rental establishment located on the ground floor of an office building's parking garage.

HCD would like to add an amendment to correct an error in Article 32 (Zoning), Title 19 (Prohibited Conduct; Enforcement; Administrative and Judicial Review), Subtitle 2. (Enforcement), § 19-213 (Civil court proceedings). The amendment would replace "Circuit" with "District" Court. The amendment was drafted by Legislative Reference and reviewed by the City Law Department and is included as part of this bill report.

The Department of Housing and Community Development supports with amendment the passage of City Council Bill 18-0209.

MB:sd



Fav w/ Amend

**AMENDMENTS TO COUNCIL BILL 18-209
(1st Reader Copy)**

Proposed by: Department of Housing and Community Development
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, at the end of line 14, strike "and"; and, in line 15, after "19-207(d)(1)", insert ", and 19-213(a)"; and, on page 17, after line 33, insert:

"§ 19-213. Civil court proceedings.

(a) In general.

The Zoning Administrator, on behalf of the Mayor and City Council, may file a petition in [Circuit] DISTRICT Court to compel compliance with or obtain other relief under this Code.

COMMENT: Corrects reference in accord with the exclusive original civil jurisdiction granted by the State's Courts and Judicial Proceedings Article, § 4-401(8)."

Coates, Jennifer

From: Murdock, Stephanie
Sent: Monday, May 21, 2018 3:56 PM
To: Reisinger, Edward
Cc: Coates, Jennifer; Middleton, Sharon; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert; Banks, Kyron
Subject: FW: Outline of comments Bill 18-209 Zoning Code-Modifications
Attachments: City Council Bill 18-209 Zoning Code - Modifications.docx

Please find attached. For Wednesday's hearing.

Thanks,
Steph

From: Clarke, Mary Pat
Sent: Monday, May 21, 2018 3:30 PM
To: Murdock, Stephanie <Stephanie.Murdock@baltimorecity.gov>
Subject: Outline of comments Bill 18-209 Zoning Code-Modifications

received
5/21/18 JRC



bayipen

27/12/21

BALTIMORE CITY COUNCIL



MARY PAT CLARKE
14th District

City Hall, Room 550
100 N. Holliday St.
Baltimore, Md 21202
410-396-4814

410-545-7585 fax
marypat.clarke@baltimorecity.gov

City Council Bill 18-209 Zoning Code – Modifications

1-217 uses --- generic, specific, AND PROHIBITED 18-209, Page 2

Question page 2 : where in the code are the components listed of generic uses?

A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

(C) (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

PROPOSED AMENDMENT to 18-209, page 4, ll. 24 & 25: OPPOSE

3-202 Board of Municipal & Zoning Appeals

Oppose amendment to delete periodic 5pm Zoning Board hearings:

[At least once in every 2 calendar months, at least 1 session of hearings must be scheduled to begin after 5 p.m.]

PROPOSED AMENDMENT to 18-209, pp. 4 & 5: OPPOSE

3-204. Director of Planning

pp.4 & 5

Oppose amendment which exempts certain Planning reviews from requirement to be open to the public and subject to public notice.

Page 5, ll. 1 & 2

Planning Director's duties:

(1) To perform the following reviews in sessions [open to the public and for which public notice is provided.]:

- (i) Site plan review
 - (ii) Environmentally sensitive areas review
 - (iii) Design review
 - (iv) Landscape review
-

received
5/21/18 JPC

ABOUT NON-CONFORMING USES: request overview & clarification

Subtitle 5. Educational Campus Districts 12-502 Bulk and Yard Regulations

18-209 page 9, ll. 23 & 24

DELETES to remove EC structures as *conforming* uses, making them *non-conforming*.

[(2) Educational buildings existing as of June 5, 2017, regardless of height and yards are deemed conforming.]

18-209 Rationale/Comments: page 9, ll. 25-30

As a "conforming" structure, if it were later destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow only *non-conforming* structures to be rebuilt "in kind"; instead, like all other *conforming* structures, the rebuilt structured arguably would be limited to the then existing bulk and yard regulations (height, size, etc) allowed by the underlying district.

Question: How does the above amendment conform with existing NONCONFORMITIES TITLE 18-413: Structures in Hospital Campus and Educational Campus Districts.

All lawfully existing structures that, as of June 5, 2017, are located in a Hospital Campus Zoning District or an Educational Campus District are considered to be conforming structures.

(Zoning Code, page 408)

Question: In 18-209, pp. 16 & 17, how do the above conform with Title 18. Nonconformities, 18-302. Expansion of use OR STRUCTURE:

Existing Zoning Board law provides:

(A) In General

A non-conforming use may not be expanded in any manner, nor may any structure be erected or expanded, unless the use of the land and the structure are made to conform to the regulations of the district in which they are located.

Hospital and Educational Campuses are not listed among the proposed zoning districts in which a non-conforming use or structure may be expanded.

What is the rationale for exemptions to expansion for these and no other nonconforming uses? 18-209, page 17: OPPOSE

(B) EXCEPTION.

FOR A NON-CONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY EXISTED AS OF JUNE 5, 2017.



PROPOSED AMENDMENT to 18-209, page 11:

14-328. Neighborhood commercial establishments

PROPOSE AMENDMENT TO ESTABLISH THE PORTION OF RESIDENTIAL AND OFFICE-RESIDENTIAL STRUCTURES TO WHICH NEIGHBORHOOD COMMERCIAL USES ARE LIMITED.

The concept is that Residential and Office-Residential properties which were originally constructed with a non-residential use (like corner stores) are eligible to re-establish a commercial use through conditional use approval by the Zoning Board. The problem is that there are no legal restrictions on how much of that Residential or Office-Residential building the Neighborhood Commercial use may occupy.

My proposed amendment to 14-328 Neighborhood commercial establishments is one added sentence: **NEIGHBORHOOD COMMERCIAL USES ARE LIMITED TO THAT PORTION OF AN ELIGIBLE RESIDENTIAL OR OFFICE-RESIDENTIAL STRUCTURE WHICH WAS DEDICATED TO A COMMERCIAL USE ORIGINALLY OR AS EVIDENCED BY CONSTRUCTION.**

PROPOSED AMENDMENTS to 18-209, page 13, ll. 23-26: **OPPOSE BOTH**

16-404 Driveways.

OPPOSE deletion of [(3) the maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.]

OPPOSE newly proposed language: ON LOTS THAT COMPRISE LESS THAN 1,000 SQUARE FEET, REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

QUESTION: In 16-407, page 13. Surfacing,

Why are "semi-pervious materials, such as grass-crete and pervious pavers, being deleted as eligible for parking surfaces?

PROPOSED AMENDMENT TO 18-209, page 17, ll. 13-24: **OPPOSE.**

18-306. Change of use. (2) EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.

Liquor establishments in residentially-zoned properties being phased out via Transform from liquor sales within 2 years of enactment of Transform, amendment says they MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL, TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.

A Zoning Board notice and public hearing on conditional use approval is crucial for neighborhoods to be involved in the size and nature of replacement commercial uses..

Also OPPOSE PROPOSED AMENDMENTS to TABLES 9-301 (page 19) and 12-301 (page 25) which make Neighborhood Commercial a PERMITTED use (no postings or hearings) for the phased-out liquor establishments now located in R and OR zoning districts. Neighborhood Commercial Establishments are limited to the following uses (Zoning Code, page 277):

- 1) Art galleries –no live entertainment or dancing
- 2) Arts studios
- 3) Day care centers – adult or child
- 4) Offices
- 5) Personal services establishments
- 6) Restaurants – no live entertainment or dancing

TABLE 11-301: Industrial Districts –Permitted & Conditional Uses (18-289, page 24)

OPPOSE the addition of ROOMING HOUSES to Industrial Mixed Use (I-MU) as subject to conditional use by the Zoning Board. I-MU already permits 300sf per dwelling unit for Live-Work for artists.

Also TABLE 11-301, Motor Vehicle Service & Repair: Major is not a category of use originally included in Transform's Industrial Districts and should not be added. These and Motor Vehicle Service & Repair: Minor belong in high intensity Commercial zoning districts where they have sufficient zoning options. Please reference Baltimore Industrial Group principles for preserving industrial sites as such.

#



Coates, Jennifer

From: Feinberg, Laurie
Sent: Wednesday, May 23, 2018 8:44 AM
To: Coates, Jennifer
Subject: FW: Support Letter for rooming units in IMU
Attachments: Support letter - rooming units - IMU.pdf

For the file on ccb 18-0209

Laurie Feinberg

Our Mission: To build Baltimore as a diverse, sustainable and thriving city of neighborhoods and as the economic and cultural driver for the region.

-----Original Message-----

From: NICHOLAS F WISNIEWSKI [mailto:nicholaswis@gmail.com]
Sent: Tuesday, May 22, 2018 2:53 PM
To: Feinberg, Laurie
Subject: Support Letter for rooming units in IMU

Hi Laurie
Here is a letter of support for the zoning bill.
Let me know if I should add anything.
Thanks
Nick

received
5/28/18 JLC



bovian

The Compound, Inc -- *artist own and run space*
2239 Kirk Ave
Baltimore, MD 21218

May, 20, 2018

Attention: Mr. Tom Stosur
Director
Department of Planning

Regarding: The Compound support for rooming units in I-MU

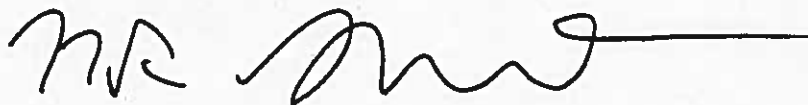
Dear Mr. Stosur,

I am writing in support of Zoning Bill, which will allow rooming units as a new usage in buildings zoned for Industrial Mixed Use.

This change would provide a significant benefit to Baltimore's artist community, members of which are always in search of affordable live-work spaces that allow them the flexibility needed to produce art.

During my almost 20 years as a practicing artist in Baltimore City, I have lived in the company of other artists. Together, whether it was a single family home in Hampden or a warehouse in East Baltimore, we have made creative use of the space to fit our needs. This has been a key economic strategy employed by artists to maintain affordability, and it is one of the reasons why Baltimore has such a strong artist community. By making this practice legal, it will begin the process of bringing the City's underground spaces into code compliance. It will also bolster Baltimore's reputation as a place that is responsive to the needs of artists.

Sincerely,
Nicholas Wisniewski



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, June 27, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0209

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0209

Zoning Code - Modifications

For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

Sponsors: City Council President (Administration)

A motion was made by Member Stokes, Sr., seconded by Member Middleton, that the bill be recommended favorably with amendments. The motion carried by the following vote:

Yes: 6 - Member Reisinger, Member Middleton, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

No: 1 - Member Clarke

ADJOURNMENT

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0209

Zoning Code - Modifications

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: June 27, 2018 (Reconvened)
Time (Beginning): 1:15 PM
Time (Ending): 3:15 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~18
Committee Members in Attendance:
Reisinger, Edward, Chairman
Costello, Eric
Clarke, Mary Pat
Dorsey, Ryan
Middleton, Sharon, Vice Chair
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Stokes, Robert
Seconded by: Councilmember Middleton, Sharon, Vice Chair
Final Vote: Fav. with Amendments

Major Speakers
(This is not an attendance record.)

- Ms. Laurie Feinberg, Department of Planning
 - Ms. Victor Tervalá, Law Department
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
-

Major Issues Discussed

1. Councilman Reisinger reconvened the hearing. He read the bill number, title and purpose of the bill.
 2. The committee reviewed the bill. Committee members raised questions about:
 - Page 13, § 16-407 – Councilmember Clarke asked about the deletion of language pertaining to the use of semi-pervious materials. Ms. Feinberg explained that the language in the Zoning Code permits use of semi-pervious materials.
 - Page 9, § 12-502 – Councilmember Clarke asked about buildings within an Educational Campus Districts being considered a non-conforming use. Ms. Feinberg explained that building heights created non-conformity. She also explained that there were some inconsistencies between Title 12 and Title 18 and has submitted an amendment to address the inconsistency.
 - Page 13, line 25, § 16-705 – Councilmember Dorsey asked what calculations were used to reduce car parking by only 1 space rather than 3 spaces. Ms. Feinberg explained that the only amendment being dealt with at this time is language for the 12 REQUIRED bicycle parking spaces. She offered to discuss the issue of parking reduction with Councilmember Dorsey.
 - Page 16, line 1 - 2, § 16-802 – Councilmember Dorsey asked about the parking of recreational vehicles on side and rear yards. Ms. Feinberg explained that the current language about the parking of recreational vehicles is new to the Zoning Code. Mr. Baumgardner explained how yard size and location is determined.
 - Table 11-301 Industrial Districts – Permitted and Conditional Uses (MU and Rooming Houses) – Councilmember Clarke wanted to know if there is a way to allow rooming houses in an Industrial District without designating all rooming house uses in an Industrial District as a conditional use. Ms. Feinberg explained that rooming houses are a conditional use. Bill 18-0209 would add rooming houses as a conditional use in Industrial Districts with approval by the Board of Municipal Zoning Appeals. Councilmember Clarke would like to discuss with the Planning Department and community leaders ideas for addressing concerns about communal rooming houses.
 3. The committee voted on amendments for the bill. The committee voted to recommend the bill favorable as amended.
 4. The committee adjourned.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman.....Yea
Middleton, Sharon, Vice Chair.....Yea
Clarke, Mary Pat.....Nay
Costello, Eric.....Yea
Dorsey, Ryan.....Yea
Pinkett, Leon.....Yea
Stokes, Robert:.....Yea

Jennifer L. Coates, Committee Staff



Date: June 27, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: June 27, 2018

Time: 1:05 PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Zoning Code - Modifications

CC Bill Number: 18-0209

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Josh	Taylor		DOT	21202	josh.taylor@balhonorcity.gov	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Gaylord	Dutton		BDC			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Jammy Sparks	SPARKS		Chinelo Village Civic Assn	21218	88sparksgreen.com.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pi	Jammy (DOD)		301 E. BALTO ST	21202	Abolite@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Swann	WILLIAMS					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, May 23, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0209

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 5 - Member Edward Reisinger, Member Mary Pat Clarke, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.
- Absent** 2 - Member Sharon Green Middleton, and Member Eric T. Costello

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0209

Zoning Code - Modifications

For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

Sponsors: City Council President (Administration)

THE HEARING WAS RECESSED.

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0209

Zoning Code - Modifications

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: May 23, 2018
Time (Beginning): 1:35 PM
Time (Ending): 3:25 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~17
Committee Members in Attendance:
Reisinger, Edward, Chairman
Clarke, Mary Pat
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [] yes [X] no [] n/a
Motioned by: Councilmember *
Seconded by Councilmember *
Final Vote:

Major Speakers
(This is not an attendance record.)

- Ms. Laurie Feinberg, Department of Planning
 - Ms. Eleana DiPietro, Law Department
 - Mr. Eric Tiso, Planning Department
 - Ms. Katelyn McCauley, Department of Transportation
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Ms. Sharon DaBoin, Department of Housing and Community Development
 - Mr. Al Barry, resident
-

Major Issues Discussed

1. Councilman Reisinger read the bill's number, title, purpose and public notice certification.
2. Ms. Feinberg explained the purpose of the bill and provided reasons for the changes being proposed for Article 32 – Zoning Code. She discussed additional amendments proposed by the Planning Department.
3. The committee reviewed the bill page by page. Committee members raised questions about:
 - Page 2, § 1-217 – Councilmember Clarke asked about use of the term “generic”. Ms. Feinberg explained use of the term and how certain characteristics of certain uses help with the grouping of those uses.
 - Page 4, § 3-202 – Councilmember Clarke voiced an objection to changing the new evening meeting time for the Board of Municipal Zoning Appeals. Mr. Baumgardner provided an explanation for the requested and proposed changes to delete the requirement that the Board of Municipal Zoning Appeals hold a 5 p.m. hearing once in every 2 calendar months. He indicated that it has proven to be functionally impractical (i.e. security, attendance) to implement. There was general discussion about daytime and evening dockets.
 - Page 4, § 3-204 – Councilmember Clarke voiced opposition to the proposed change indicating that the public has the right to know about various “reviews”. Ms. Feinberg explained the impracticalities experience by individual Planning staff when trying to implement the requirement. Ms. Eleana DiPietro explained that individual staff making routine decisions are not functioning as a body.. Mr. Tiso explained how Planning staff function and interact when reviewing plans.
 - Page 6, § 5-308 – Councilmember Clarke commented in support of restoration of variance approval standards as proposed by the bill. Ms. Eleana DiPietro explained that the Law Department is proposing an amendment to remove certain approval standards to simplify the process. Councilman Dorsey asked a question about terminology being used for approval standards. Feinberg explained that much of the language is outdated (pre-1971) and that Planning can work with the Law Department on updating the language.
 - Page 9, § 7-414 – Ms. Feinberg indicated that further study is needed for language for the Chesapeake Bay Critical Area Overlay Zoning District and that the Planning Department will come back in one year with proposed changes.

- Page 9, § 12-502 – Councilmember Clarke commented about protections afforded conforming versus non-conforming uses. Ms. Feinberg explained that the language pertained to non-conforming structures. There may be a contradiction to the proposed language in Title 18. Ms. Feinberg to review language for contradictions.
- Page 11, § 14-325 – Councilmember Dorsey asked whether the proposed language would exempt existing screening and whether certain changes to a property would trigger compliance with new language. Ms. Feinberg explained that the language is a result of discussions with Code Enforcement. Planning Department and Code Enforcement to review and clarify language.
- Page 11, § 14-326 – Councilmember Clarke commented and asked whether insurance requirements impacted outdoor storage limitations for motor vehicles service uses. Ms. Feinberg responded that insurance companies allow 30 days for repairs. Bill 18-0209 proposes to increase the limitation from 10 days to 30 days.
- Page 11, § 14-328 – Councilmember Clarke proposed an amendment to the language for neighborhood commercial uses. Councilmember Dorsey also offered amendments to § 14-328 neighborhood commercial establishments and § 1-310 the definition of “neighborhood commercial establishments”. There was general discussion about related uses and amendments. Mr. Al Barry testified about original construction of structures and uses, permits, non-residential and commercial uses.
- Page 13, § 16-404 - Councilmember Clarke asked for clarity about the proposed amendment to delete language about parking spaces. Mr. Tiso explained how the proposed change will help property owners comply with other requirements (i.e. impervious surfaces).

4. Agency representatives testified in support of their agency’s report.
5. Ms. DaBoin testified in support of the Department of Housing and Community Development’s report and offered amendments.
6. The committee recessed and will begin on page 13, lines 32 -33.

Further Study

Was further study requested?

Yes No

If yes, describe.

- Planning Department to check to see if there are any contradictions in the proposed language for non-conforming structures in § 12-502 and Title 18.
- Planning to review and clarify language regarding §14-325 that proposes changes to screening for motor vehicle or recreational vehicle dealerships or rental establishments.

Committee Vote:

Reisinger, Edward, Chairman.....

Middleton, Sharon, Vice Chair.....
Clarke, Mary Pat.....
Costello, Eric.....
Dorsey, Ryan.....
Pinkett, Leon.....
Stokes, Robert:.....

Jennifer L. Coates, Committee Staff



Date: May 29, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: May 23, 2018 Time: 1:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Zoning Code - Modifications CC Bill Number: 18-0209

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Slavov	Hebin		4100									
A	Bony											

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, June 27, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0209

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0209

Zoning Code - Modifications

For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, May 23, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0209

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0209

Zoning Code - Modifications

For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

Sponsors:

City Council President (Administration)

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



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

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, May 23, 2018

1:00 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0209

Zoning - Code Modifications

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed

Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey

Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer

Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey

Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes

Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke

Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes

Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer

Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes

Staff: Samuel Johnson

- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0209

Zoning Code – Modifications

Sponsor: *President Young Department of Planning*

Introduced: *March 26, 2018*

Purpose:

For the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

Effective: 30th day after enactment

Hearing Date/Time/Location: May 23, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Department of Law	Favorable/Amend
Board of Municipal and Zoning Appeals	Favorable
Planning Commission	Favorable
Department of Transportation	Defers to Planning
Department of Housing and Community Development	Favorable/Amend
Baltimore Development Corporation	Defers to Planning

Analysis

Current Law

Article 32 – Zoning; Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d), 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402, 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and 19-207(d)(1) and Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601, 12-903(4), 12-1302, 15-601, and 16-406; Baltimore City Code (Edition 2000); and Article 32 – Zoning; Sections 1-310(j), 15-501(a), and 16-407(c); Baltimore City Code (Edition 2000); and Article 32 – Zoning; Section 14-328(e); Baltimore City Code (Edition 2000); Ordinance 17-015; Section 4

Background

CC Bill 18-0209, if approved, would amend certain text of Article 32 – Zoning. Under the Transform Baltimore process the 1971 Baltimore City Zoning Code was amended. The amendment process began on March 21, 2013 via the introduction of Bill 12-0152/Ordinance 16-0581. The ordinance became effective June 5, 2017. A corrective bill (Bill 17-0021/Ordinance 17-015) was subsequently approved on May 16, 2017. Ordinance 17-015 corrected typos, spelling, incorrect references and similar issues.

CC Bill 18-0209 is comprised of over 30 additional major and minor amendments to the Zoning Code. Explanatory comments are included in the bill for each amendment (*see Attachments A*).

The Department of Planning, Department of Housing and Community Development and Law Department have additional amendments.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill 18-0209 explanatory comments.

Analysis by: Jennifer L. Coates
Analysis Date: May 18, 2018



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**CITY OF BALTIMORE
COUNCIL BILL 18-0209
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning Code – Modifications**

3 FOR the purpose of making needed improvements to certain provisions that, during the course of
4 actively implementing the new Zoning Code, were discovered to be functionally impractical
5 or otherwise in need of modification to abate previously unanticipated consequences; ;
6 correcting various errors, omissions, and inconsistencies; correcting, clarifying, and
7 conforming various references and terminology; and generally relating to the zoning and
8 development laws of the City of Baltimore.

9 BY repealing and reordaining, with amendments

10 Article 32 - Zoning

11 Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7),
12 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d),
13 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402,
14 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and
15 19-207(d)(1)

16 and

17 Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601,
18 12-903(4), 12-1302, 15-601, and 16-406

19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, without amendment

22 Article 32 - Zoning

23 Sections 1-310(j), 15-501(a), and 16-407(c)

24 Baltimore City Code
25 (Edition 2000)

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

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1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 1. General Provisions**

14 ***Subtitle 2. Rules of Interpretation***

15 **§ 1-217. Uses[,] – generic, [and] specific, AND PROHIBITED.**

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as “generic uses”.

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

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1 **COMMENT:** Restates, for greater emphasis and clarity, the basic rule of interpretation
2 that a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 ***Subtitle 3. Definitions***

5 **§ 1-302. “Abut” to “Awning”.**

6 (b) *Accessory structure.*

7 “Accessory structure” means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
9 (2) subordinate in lot coverage and floor area to the principal structure served; and
10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
13 below.

14 (c) *Accessory use.*

15 “Accessory use” means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
21 below.

22 **§ 1-307. “Government facility” to “Industrial boat repair”.**

23 (d) *Gym.*

24 *See* “Health AND FITNESS center”.

25 (g) *Health AND FITNESS center.*

26 (1) *In general.*

27 “Health AND FITNESS center” means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

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1 (ii) contains equipment, such as weight resistance machines, treadmills,
2 stationary bicycles, whirlpools, saunas, showers, and lockers, for that
3 purpose.

4 (2) *Inclusions.*

5 "Health AND FITNESS center" includes the following accessory uses designed and
6 intended primarily for patrons of the facility:

7 (i) retail sales; and

8 (ii) a restaurant or refreshment stands.

9 COMMENT: Modifies name to better describe the nature of this use, especially as
10 distinguished from the sound-alike "health clinic".

11 **§ 1-310. "Motor vehicle" to "Owner".**

12 (j) *Neighborhood commercial establishment.*

13 "Neighborhood commercial establishment" means a non-residential use that is within a
14 residential or office-residential zoning district, but in a structure that is non-residential in
15 its construction and original use.

16 COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected
17 below.

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

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

20 **§ 3-202. Board of Municipal and Zoning Appeals.**

21 (f) *Public hearings – Open to public.*

22 [(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must
23 be open to the public.

24 [(2) At least once in every 2 calendar months, at least 1 session of hearings must
25 be scheduled to begin after 5 p.m.]

26 COMMENT: Deletes a scheduling provision that has proven to be functionally impractical
27 to implement.

28 **§ 3-204. Director of Planning.**

29 (b) *Powers and duties.*

30 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
31 80, the Director of Planning has the following powers and duties under this Code:

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1 (1) to perform the following reviews in sessions [open to the public and for which
2 public notice is provided]:

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; Design Manual); and

6 (iv) landscape review (Title 4, Subtitle 5; Landscape Manual);
7

.....

8 **COMMENT:** Deletes a scheduling provision that has proven to be functionally impractical
9 to implement.

10 **Title 4. Development Reviews**

11 ***Subtitle 2. Site Plan Review***

12 **§ 4-203. Applicability.**

13 Site plan review is required for the following types of development applications:
14

15 (7) any development within an environmentally sensitive area, including projects in a
16 [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the
17 Critical Area (*See* Subtitle 3 {"Environmentally Sensitive Areas Review"} of this
18 title);
19

.....

20 **COMMENT:** Conforms spelling of "floodplain" to conform with that uniformly adopted
21 throughout this and all other articles of the Baltimore City Code.

22 ***Subtitle 4. Design Review***

23 **§ 4-405. Applicability.**

24 (a) *In general.*

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

27

28 (13) any new construction that involves:

29

30 (iii) [construction in an area designated a "Main Street" in accordance
31 with criteria set by The National Trust for Historic Preservation]
32 ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or
33

.....

34 **COMMENT:** Aligns design-review requirement to the specific zoning district (the C-1
35 District) and specifies the intended scope of that review.

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Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) *Application.*

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board's long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (*Cf., e.g.,* pre-TransForm Zoning Article §§ 15-208 and 15-209 {"Variances: Off-street parking"}.)

§ 5-308. Approval standards.

(b) *Other required findings.*

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

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or

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1 (iii) any Historical and Architectural Preservation District; [and]

2 (7) THE VARIANCE WILL NOT:

3 (I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;

4 (II) OVERCROWD THE LAND;

5 (III) CREATE AN UNDUE CONCENTRATION OF POPULATION;

6 (IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;

7 (V) CREATE HAZARDOUS TRAFFIC CONDITIONS;

8 (VI) ADVERSELY AFFECT TRANSPORTATION;

9 (VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC
10 FACILITIES;

11 (VIII) INCREASE THE DANGER OF FIRE; OR

12 (IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND

13 (8) [(7)] the variance will not otherwise:

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

15 (ii) be in any way contrary to the public interest[;].

16 COMMENT: Item (7) of this subsection reinstates standards that have long-been required
17 by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were
18 inadvertently omitted from Ordinance 16-581 {"TransForm Baltimore - Zoning"}.

19 ***Subtitle 4. Conditional Uses***

20 **§ 5-407. Expiration of approval.**

21 (a) *Exercise within year required.*

22 A conditional use lapses and becomes void 1 year from the date of its final approval
23 unless, within that year:

24 (1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT
25 UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT
26 USE; [and]

27 (2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS
28 LAWFULLY BEGUN; or

29 (3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

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1 (G) [would adhere] ADHERES with federal and state laws regarding homeland
2 security, generally, and port safety, specifically.

3 COMMENT: Industry requested these changes, to conform to the standards originally
4 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (see pre-
5 TransForm Zoning Code § 8-411(c)).

6 **Title 7. Open-Space and Environmental Districts**

7 ***Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District***

8 **§ 7-414. Variances and conditional uses.**

9 (d) *Applications.*

10 The Board of Municipal and Zoning Appeals must furnish copies of all applications for a
11 conditional use or variance to the Planning Department [and the Chesapeake Bay Critical
12 Area Commission].

13 COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting
14 these applications to Commission is wholly unnecessary.

15 **Title 12. Special Purpose Districts**

16 ***Subtitle 5. Educational Campus Districts***

17 **§ 12-502. Bulk and Yard Regulations.**

18 (a) *In general.*

19 [(1)] Except as provided in § 12-503 {"Educational Campus Master Plan"} of this
20 subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets
21 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
22 Districts.

23 [(2) Educational buildings existing as of June 5, 2017, regardless of height
24 and yards, are deemed conforming.]

25 COMMENT: The legal fiction created by paragraph (2) ("deemed conforming") carries
26 with it a potential unintended consequence: As a "conforming" structure, if it were later
27 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
28 only *non-nonconforming* structures to be rebuilt "in kind"; instead, like all other
29 *conforming* structures, the rebuilt structure arguably would be limited to the then existing
30 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

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Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

Residential, office-residential, business, and industrial planned unit developments approved before the effective date of this Code (June 5, 2017) remain valid as long as they continue to comply with all requirements and conditions of their approvals and [of] WITH the Zoning Code regulations in effect immediately preceding [that effective date] THE DATE OF THOSE APPROVALS.

COMMENT: Corrects misleading reference to the date from which continued compliance with "Zoning Code regulations" is required.

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments [must] MAY ONLY be established by AN ordinance of the Mayor and City Council ENACTED in accordance with the provisions of this title.

COMMENT: Corrects misleading use of "must"; emphasizes exclusivity of authorization.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.

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1 (b) *Service area.*

2 Any service and repair facilities must also comply with the standards § 14-326 {"Motor
3 vehicle service and repair"} of this subtitle.

4 (c) *SCREENING.*

5 A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR
6 RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL
7 ZONING DISTRICT.

8 COMMENT: Adds screening requirement for operations that otherwise would be visible
9 from the ground level of a residential district.

10 **§ 14-326. Motor vehicle service and repair: Major or minor.**

11 (b) *Outdoor storage limitations.*

12 Motor vehicle service and repair shops may not store the same vehicles outdoors on the
13 site for longer than [10] 30 days.

14 COMMENT: Extension needed to account for delays in ability to undertake repairs
15 pending verification of insurance coverage.

16 **§ 14-328. Neighborhood commercial establishments.**

17 (a) [*In general*] *MINIMUM LOT AREA REQUIREMENTS.*

18 [Neighborhood commercial establishment uses are limited to the reuse of existing
19 buildings that were originally constructed and used for non-residential uses in what are
20 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
21 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
22 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
23 required for non-residential uses in Residential or Office-Residential Zoning Districts.

24 COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the
25 governing definition in § 1-310(j).

26 [(e) *Off-street parking.*]

27 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

28 COMMENT: Moved to § 16-601(e), as amended below. See Comment to that section.

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Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

(2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, AS APPLICABLE:

(A) FROM the mean curb level of the right-of-way on which the property fronts; [or]

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of the ground between that wall and the curb; OR

(C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND SUBJECT TO ARTICLE 7, DIVISION I); and

(ii) to the following, AS APPLICABLE:

(A) in the case of a flat roof, to the highest point of the roof that adjoins the street wall; or

(B) in the case of a pitched roof, to the mean height level of the roof as measured between the eaves and the peak in the case of pitched roofs.

COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-Hazard Area, for which the governing law imposes a higher base elevation than the options listed in item (i)(A) and (B).

Subtitle 5. Accessory Structures and Uses

§ 15-501. General regulations.

(a) *Must be on same lot as principal structure.*

An accessory structure or use must be limited to and located on the same lot with the use of the principal structure to which it is accessory.

COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as corrected above.

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Title 16. Off-Street Parking and Loading

Subtitle 4. Design of Off-Street Parking Facilities

§ 16-402. Minimum dimensions of off-street parking spaces.

[(a) *As in Table 16-402.*]

Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street Parking Dimensions.*

[(b) *Vertical clearance.*]

[(1) All parking spaces must have a minimum vertical clearance of 7 feet 6 inches.]

[(2) Floors accessible to ADA-compliant vans must have a minimum vertical clearance of 8 feet 2 inches.]

COMMENT: Deletes provisions that conflict with Building Code requirements.

§ 16-404. Driveways.

(c) *Parking spaces.*

(1) Single-family detached and semi-detached dwellings and rowhouse dwellings are allowed a paved parking space. This parking space may not be located in the required front or corner-side yard. In addition, no parking space may be located forward of the front building line.

[(2) No parking space may exceed 18 feet in depth, as measured from the property line or right-of-way.]

COMMENT: Deletes provision that prevents compliance with other requirements and practical needs, such as access to garages or corner-side yards.

(2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT., REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

COMMENT: Eases requirements for small lots.

§ 16-407. Surfacing.

(a) *In general.*

Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the Baltimore City Building Code. [Semi-pervious materials, such as grass-crete and pervious pavers, may also be used.]

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1 COMMENT: Deletes extraneous sentence from subsection. The sentence is inconsistent
2 with the far more limited permission granted by subsection (c) for these same "semi-
3 pervious materials"; the sentence is further contradicted by the express reference, in the
4 immediately preceding sentence, to exceptions for materials "otherwise permitted ... in
5 subsectio[n] ... (c) of this section".

6 (c) *Semi-pervious materials.*

7 For single-family detached, semi-detached, and rowhouse dwellings, driveways may be
8 constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

9 COMMENT: No change. Shown only to provide context for preceding amendment to
10 subsection (a).

11 ***Subtitle 6. Required Off-Street Parking***

12 **§ 16-601. Exemption from requirements.**

13 (e) *Neighborhood commercial establishment.*

14 [Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this
15 Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS
16 REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

17 COMMENT: Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable
18 – parking exemptions for neighborhood commercial establishments. This amendment
19 incorporates the former’s language into the latter’s better placement.

20 ***Subtitle 7. Required Bicycle Parking***

21 **§ 16-705. Required number of bicycle spaces.**

22 (e) *Motor vehicle parking offset.*

23 (1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term
24 bicycle parking standards, as set forth in *Table 16-705 {"Required Bicycle Spaces"}*,
25 the motor vehicle parking required by this title may be reduced by 1 space.

26 (2) Existing parking may be converted to take advantage of this provision.

27 COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of
28 required motor vehicle spaces.
29

30 ***Subtitle 8. Additional Vehicle Storage Requirements***

31 **§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas]
32 USE.**

33 (a) *In general.*

34 The following restrictions apply to the storage or parking of commercial vehicles on
35 private property that is ZONED for residential use [or that is in a block predominantly
36 zoned for residential use].

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1 (b) *Vehicles permitted to park overnight.*

2 Only standard-sized, passenger vehicles including, but not limited to, automobiles,
3 passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks
4 are permitted to be stored or parked outdoors overnight on private property that is zoned
5 for residential use [or that is in a block predominantly zoned for residential use].

6 (c) *Vehicle prohibited from parking overnight.*

7 All other commercial vehicles including, but not limited to, semi-truck tractor units, with
8 or without attached trailers, commercial trailers, buses, limousines (excluding passenger
9 size livery vehicles), tow trucks, or construction vehicles, are prohibited from being
10 stored or parked outside overnight on private property that is zoned for residential use [or
11 that is in a block predominantly zoned for residential use].

12 COMMENT: Removes a scope application that is vaguely worded, is difficult to apply,
13 and, as a consequence, has proven to be functionally impractical to enforce.

14 **§ 16-802. Parking OR STORING of recreational vehicles.**

15 (a) *In general.*

16 The parking or storage of recreational vehicles or similar camping equipment must meet
17 the following conditions.

18 [(b) *48-hour limit in street or driveway of residential district.*]

19 [No recreational vehicle or trailer licensed to transport recreational vehicles or
20 equipment may be parked in the public right-of-way in or in the driveway of a
21 residential district for more than 48 hours.]

22 [(c) *Locations for parking or storage.*]

23 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
24 parked or stored to the rear of the front building line of the lot and located at least
25 3 feet from the side and rear lot lines. This requirement does not apply to
26 recreational vehicles offered for sale in an approved outdoor sales and display
27 area of a recreational vehicle dealership. Temporary storage tents for recreational
28 vehicles are not considered a fully enclosed structure.]

29 (B) *PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.*

30 (1) *IN GENERAL.*

31 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
32 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
33 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

34 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
35 TENT; OR

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1 (II) ON A PAVED SURFACE:

2 (A) IN THE REAR YARD OF THE LOT; AND

3 (B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

4 (2) *EXCEPTION.*

5 THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN
6 AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE
7 DEALERSHIP.

8 (C) [(d)] *Use as dwelling, etc., prohibited.*

9 (1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

10 (2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity,
11 water, gas, or sanitary sewer facilities.

12 (D) [(e)] *Maintenance and current registration required.*

13 All recreational vehicles must be maintained in mobile condition. No recreational
14 vehicle may be parked or stored in a manner that creates a dangerous or unsafe condition
15 on the lot where parked or stored. Parking or storage in a way that the recreational
16 vehicle, whether loaded or not, might tip or roll is considered a dangerous and unsafe
17 condition. The recreational vehicle equipment must be kept in good repair and must
18 carry a current year's license and registration.

19 COMMENT: Revises section to more clearly delineate parking and storing restrictions in
20 residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to
21 parking in a "public right-of-way"), is redundant of a broader limitation in Article 31,
22 § 6-22 {"Continuously parking in 1 spot"} and, in its other part (as to parking in a
23 "driveway"), is inconsistent with the limitations elsewhere in this very section.
24

25 **Title 18. Nonconformities**

26 *Subtitle 3. Nonconforming Uses*

27 **§ 18-302. Expansion of use OR STRUCTURE.**

28 (A) *IN GENERAL.*

29 A nonconforming use may not be expanded in any manner, nor may any structure be
30 erected or expanded, unless the use of the land and the structure are made to conform to
31 the regulations of the district in which they are located.

Council Bill 18-0209

1 (B) *EXCEPTION.*

2 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
3 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
4 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
5 EXISTED AS OF JUNE 5, 2017.

6 COMMENT: Allows a limited GFA variance, subject to all standards applicable to
7 variances, for non-conforming uses or structures in commercial and industrial districts.

8 § 18-306. **Change of use.**

9 (b) *When change allowed.*

10 (1) *IN GENERAL.*

11 A nonconforming use may not be changed to any other use except one that is allowed
12 within the zoning district in which it is located.

13 (2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*

14 A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE
15 SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC
16 BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702
17 {"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,
18 TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE
19 STANDARDS OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS
20 CODE AND ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL
21 ESTABLISHMENTS ARE OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE
22 APPLICABLE TO THE UNDERLYING ZONING DISTRICT.

23 COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing
24 imminent termination, to convert to certain other uses in certain districts.

25 **Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review**

26 *Subtitle 2. Enforcement*

27 § 19-207. **Service.**

28 (d) *Method of service – Posting.*

29 Adequate and sufficient notice may be made by posting a copy of the notice on the
30 property in question if:

- 31 (1) the identity or whereabouts of the person responsible IS unknown; or
32

33 COMMENT: Inserts missing verb.



1

1

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Council Bill 18-0209

Zoning Tables

**Table 9-301: Rowhouse and Multi-Family Residential Districts –
Permitted and Conditional Uses**

Uses	R-5	R-6	R-7	R-8	R-9	R-10	Use Standards
....							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ^[1]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based ^[1] ^[2]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services ^[2] ^[3]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

^[1] A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONGONFORMING USES DESCRIBED IN § 18-306(B)(2) (“CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.”).

^[1]^[2] A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

^[2]^[3] Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
....						

....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

Council Bill 18-0209

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
...								
<u>Health AND FITNESS Center</u>	P	P	P	P	P	P	P	
...								
INDUSTRIAL								
...								
<u>Mini-Warehouse</u>					CB	P	<u>GB</u> ¹	
....								

¹ Allowed only in [an existing] A structure LAWFULLY EXISTING AS OF JUNE 5, 2017.

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

Council Bill 18-0209

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1 ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
....						

....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

Council Bill 18-0209

**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

[¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

[² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

Council Bill 18-0209

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			<u>CB</u>				
....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	<u>P</u>	<u>P</u>	<u>P</u>				
...							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				<u>CB</u>	<u>CB</u>		<u>PER § 14-326</u>
Motor Vehicle Service and Repair: Minor			CO	<u>[CO]</u> <u>CB</u>	<u>CB</u>		Per § 14-326
....							

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

Council Bill 18-0209

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

Uses	OR	Use Standards
....		
COMMERCIAL		
....		
Neighborhood Commercial Establishment ¹	CB, P	Per § 14-328
....		

¹ A Neighborhood Commercial Establishment is a permitted use only [if: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] IF non-residential uses are limited to 10% of the structure's gross floor area; OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}].

....

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
....					
COMMERCIAL					
...					
<u>Health AND FITNESS Center</u>	P	P	P	P	
....					

....

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
.....				

.....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

Council Bill 18-0209

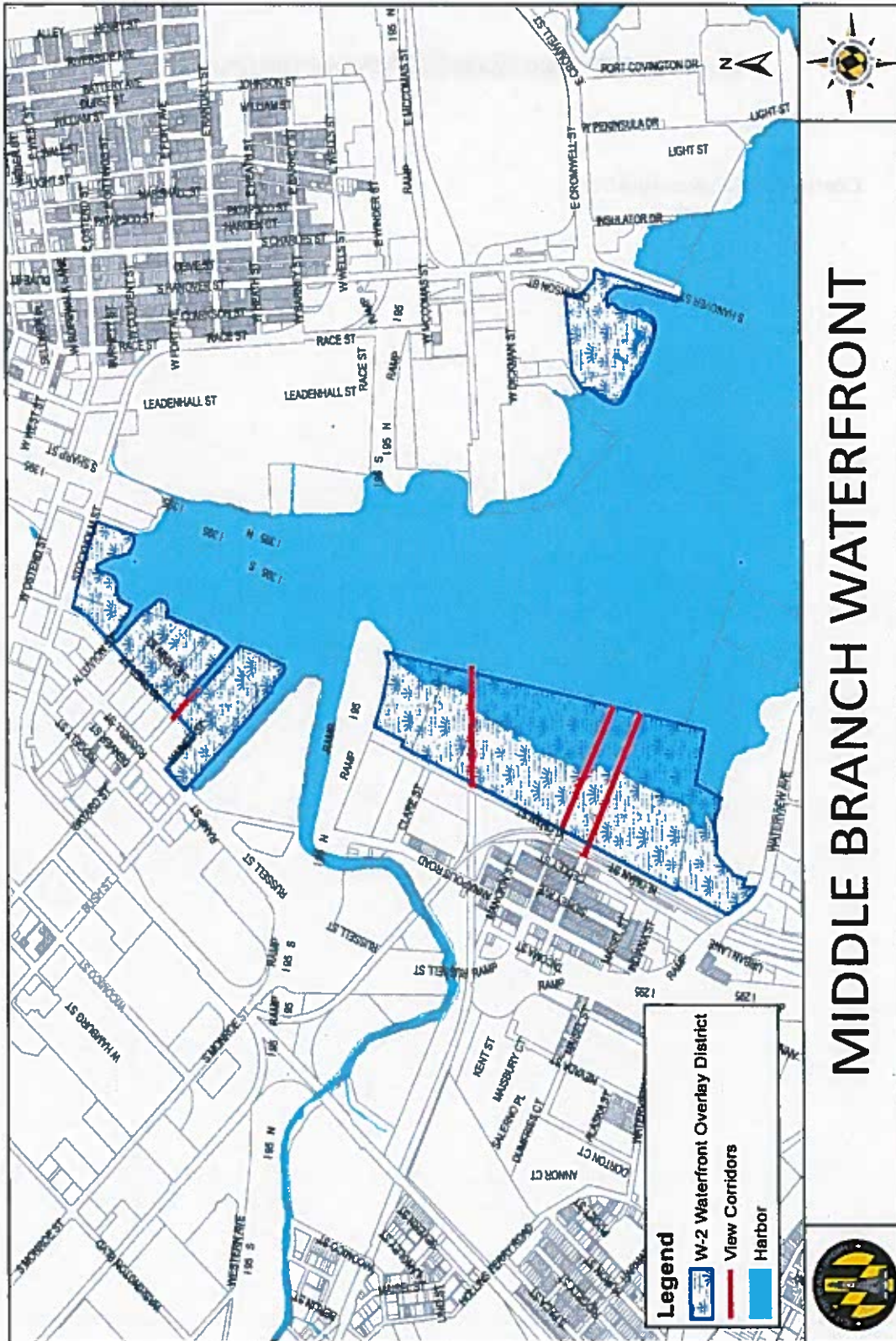
**Table 12-601: Hospital Campus Districts –
Permitted and Conditional Uses**

Uses	H	Use Standards
....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
....		

....
COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 12-903(4): Middle Branch Waterfront Area



Council Bill 18-0209

HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

Council Bill 18-0209

**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
....					
COMMERCIAL					
...					
Health AND FITNESS Center		P	P	P	
....					

....
COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
<u>BICYCLE PARKING SPACE</u>	<u>x</u>	<u>x</u>	<u>x</u>
Chimney – No more than 2' into a required yard	x	x	x
...			
<u>[Deck]</u>			<u>[x]</u>
...			
Mechanical equipment (§ 15-508)	x	x	x
<u>OFF-STREET LOADING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
<u>OFF-STREET, PARKING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
<u>PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.</u>			<u>x</u>
...			
<u>Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.</u>	<u>[x]</u>	<u>[x]</u>	<u>x</u>
....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

Council Bill 18-0209

Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
....	

COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Ordinance 17-015

{“Baltimore City Zoning Code – Legalization – Corrections”}

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {“Zoning”} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds “footnote[s]” to the illustrative list of “statutory unit[s]”; they, too, will benefit from administrative renumbering or relettering.

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

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

**AMENDMENTS TO COUNCIL BILL 18-209
(1st Reader Copy)**

Proposed by: Law Department
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, in line 12, strike "5-308(b),"; and, on page 6, strike lines 12 through 33, in their entireties; and, on page 7, strike lines 1 through 18, in their entireties.

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0209

Attachments

ATTACHMENT A - Bill 18-0209 - SECTIONS OF ARTICLE 32 TO BE CHANGED/EXPLANATORY COMMENTS - TEXT ONLY

PAGE	LINE(S)	TITLE	Subtitle	SECTION	SUBSECTION/HEADING	EXPLANATORY COMMENTS	CATEGORY	VOTE	AMEND	NOTES
2	15, 20 - 33	Title 1. General Provisions	Subtitle 2. Rules of Interpretation	§ 1-217	Uses[] -- generic, [and] specific, AND PROHIBITED. (b) Relationship OF GENERIC to specific. - - and -(c) USES PROHIBITED IF NOT LISTED.	Restates, for greater emphasis and clarity, the basic rule of interpretation that a use is prohibited in a zoning district unless it is specifically listed as a permitted or conditional use for that district or it falls within the definition of a generic use so listed.	Clarification			
3	10	Title 1. General Provisions	Subtitle 3. Definitions	§ 1-302	"Abut" to "Awning". (b) Accessory structure;	Corrects inconsistency with more-recently reconstituted § 15-501. which see below.	Conformity			
3	18	Title 1. General Provisions	Subtitle 3. Definitions	§ 1-302	"Abut" to "Awning". (c) Accessory use	Corrects inconsistency with more-recently reconstituted § 15-501. which see below.	Conformity			
3; 4	24 - 27, 5	Title 1. General Provisions	Subtitle 3. Definitions	§ 1-307	"Government facility" to "Industrial boat repair". (d) Gym (g) Health AND FITNESS Center	Modifies name to better describe the nature of this use, especially as distinguished from the sound-alike "health clinic".	Clarification			
4	22 -25	Title 3. Outline of Code Administration	Subtitle 2. Administrative Agencies and Officials	§ 3-202	Board of Municipal and Zoning Appeals. (f) Public hearings - Open to public	Deletes a scheduling provision that has proven to be functionally impractical to implement.	Corrects an impracticality in scheduling			
5	1 - 2	Title 3. Outline of Code Administration	Subtitle 2. Administrative Agencies and Officials	§ 3-204	Director of Planning. (b)(1)	Deletes a scheduling provision that has proven to be functionally impractical to implement.	Corrects an impracticality in scheduling			

ATTACHMENT A - Bill 18-0209 - SECTIONS OF ARTICLE 32 TO BE CHANGED/EXPLANATORY COMMENTS - TEXT ONLY

8; 9	18-35; 1	Title 5. Applications and Authorizations	Subtitle 5. Legislative Authorizations	§ 5-508	Approval standards. (b) Map amendments. (4) Additional standards - Rezoning form M1 District.	Industry requested these changes, to conform to the standards originally adopted for rezoning in the former Maritime Industrial Zoning Overlay District (see pre-Transform Zoning Code § 8-411(c)).	Article 30 Language		
9	11-12	Title 7. Open-Space and Environmental Districts	Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District	§ 7-414	Variances and conditional uses. (d) Applications.	The Chesapeake Bay Critical Area Commission has advised that submitting these applications to Commission is wholly unnecessary.	Procedural Remedy		
9	19, 23-24	Title 12. Special Purpose Districts	Subtitle 5. Educational Campus Districts	§ 12-502	Bulk and Yard Regulations. (a.) In general	The legal fiction created by paragraph (2) ("deemed conforming") carries with it a potential unintended consequence: As a "conforming" structure, if it were later destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow only non-nonconforming structures to be rebuilt "in kind"; instead, like all other conforming structures, the rebuilt structure arguably would be limited to the then existing bulk and yard regulations (height, size, etc.) allowed by the underlying district.	Clarification		
10	7-9	Title 13. Planned Unit Developments	Subtitle 1. Purpose; Transition Rules	§ 13-102	Transition rules. (a) In general.	Corrects misleading reference to the date from which continued compliance with "Zoning Code regulations" is required.	Grammar		
10	15-16	Title 13. Planned Unit Developments	Subtitle 2. Requirements; Approval Standards; Exceptions	§ 13-201	Authorization. (a.) In general.	Corrects misleading use of "must"; emphasizes exclusivity of authorization.	Grammar		
10	22, 25-29	Title 14. Use Standards	Subtitle 3. Use Standards	§ 14-325	Motor vehicle or recreational vehicle dealerships or rental establishments. (a) Lot size. (1) IN GENERAL and (2) SCOPE	Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.	Clarification		

ATTACHMENT A - BILL 18-0209 - SECTIONS OF ARTICLE 32 TO BE CHANGED/EXPLANATORY COMMENTS - TEXT ONLY

13	4, 7-11	Title 16. Off-Street Parking and Loading	Subtitle 4. Design of Off-Street Parking Facilities	§ 16-402	Minimum dimensions of off-street parking spaces.	Deletes provisions that conflict with Building Code requirements.				
13	19 - 20 and 23 - 26	Title 16. Off-Street Parking and Loading	Subtitle 4. Design of Off-Street Parking Facilities	§ 16-404	Driveways. (c) Parking spaces.	Eases requirements for small lots.				
13	32 -33	Title 16. Off-Street Parking and Loading	Subtitle 4. Design of Off-Street Parking Facilities	§ 16-407	Surfacing. (a) In general.	Deletes extraneous sentence from subsection. The sentence is inconsistent with the far more limited permission granted by subsection (c) for these same "semi-pervious materials"; the sentence is further contradicted by the express reference, in the immediately preceding sentence, to exceptions for materials "otherwise permitted ... in subsection [n] ... (c) of this section".				
14	14 - 16	Title 16. Off-Street Parking and Loading	Subtitle 6. Required Off-Street Parking	§ 16-601	Exemption from requirements. (e) Neighborhood commercial establishment.	Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable – parking exemptions for neighborhood commercial establishments. This amendment incorporates the former's language into the latter's better placement.				
14	23	Title 16. Off-Street Parking and Loading	Subtitle 7. Required Bicycle Parking	§ 16-705	Required number of bicycle spaces. (e) Motor vehicle parking offset.	Clarifies that only "required" bicycle spaces qualify towards the offset of required motor vehicle spaces.				
14	31-32, 35-36	Title 16. Off-Street Parking and Loading	Subtitle 8. Additional Vehicle Storage Requirements	§ 16-801	Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas] USE. (a) In general.	Removes a scope application that is vaguely worded, is difficult to apply, and, as a consequence, has proven to be functionally impractical to enforce.	Clarification			

ATTACHMENT A - BILL 18-0209 - SECTIONS OF ARTICLE 32 TO BE CHANGED/EXPLANATORY COMMENTS - TEXT ONLY

17	10, 13-22	Title 18. Nonconformities	Subtitle 3. Nonconforming Uses	§ 18-306	Change of use. (b) When change allowed. (1) and (2)	Eases the ability of non-conforming liquor stores and taverns, facing imminent termination, to convert to certain other uses in certain districts.				
17	31	Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial	Subtitle 2. Enforcement	§ 19-207	Service. (d) Method of service – Posting.	Inserts missing verb.	Grammar			

CITY OF BALTIMORE
COUNCIL BILL 18-0209
(First Reader)

HIGHLIGHTED WORKING COPY ONLY
LANGUAGE IN CAPS TO BE ADDED
LANGUAGE IN BRACKETS TO BE
DELETED

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning Code – Modifications**

3 FOR the purpose of making needed improvements to certain provisions that, during the course of
4 actively implementing the new Zoning Code, were discovered to be functionally impractical
5 or otherwise in need of modification to abate previously unanticipated consequences; ;
6 correcting various errors, omissions, and inconsistencies; correcting, clarifying, and
7 conforming various references and terminology; and generally relating to the zoning and
8 development laws of the City of Baltimore.

9 BY repealing and reordaining, with amendments

10 Article 32 - Zoning

11 Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7),
12 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d),
13 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402,
14 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and
15 19-207(d)(1)

16 and

17 Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601,
18 12-903(4), 12-1302, 15-601, and 16-406

19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, without amendment

22 Article 32 - Zoning

23 Sections 1-310(j), 15-501(a), and 16-407(c)

24 Baltimore City Code
25 (Edition 2000)

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

Council Bill 18-0209

1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 Baltimore City Code

12 Article 32. Zoning

13 Title 1. General Provisions

14 Subtitle 2. Rules of Interpretation

15 § 1-217. Uses[,] – generic, [and] specific, AND PROHIBITED.

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as “generic uses”.

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

Council Bill 18-0209

1 **COMMENT:** Restates, for greater emphasis and clarity, the basic rule of interpretation
2 that a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 ***Subtitle 3. Definitions***

5 **§ 1-302. “Abut” to “Awning”.**

6 (b) *Accessory structure.*

7 “Accessory structure” means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
9 (2) subordinate in lot coverage and floor area to the principal structure served; and
10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
13 below.

14 (c) *Accessory use.*

15 “Accessory use” means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 **COMMENT:** Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
21 below.

22 **§ 1-307. “Government facility” to “Industrial boat repair”.**

23 (d) *Gym.*

24 See “Health **AND FITNESS** center”.

25 (g) *Health **AND FITNESS** center.*

26 (1) *In general.*

27 “Health **AND FITNESS** center” means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

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1 (ii) contains equipment, such as weight resistance machines, treadmills,
2 stationary bicycles, whirlpools, saunas, showers, and lockers, for that
3 purpose.

4 (2) *Inclusions.*

5 “Health AND FITNESS center” includes the following accessory uses designed and
6 intended primarily for patrons of the facility:

7 (i) retail sales; and

8 (ii) a restaurant or refreshment stands.

9 COMMENT: Modifies name to better describe the nature of this use, especially as
10 distinguished from the sound-alike “health clinic”.

11 **§ 1-310. “Motor vehicle” to “Owner”.**

12 (j) *Neighborhood commercial establishment.*

13 “Neighborhood commercial establishment” means a non-residential use that is within a
14 residential or office-residential zoning district, but in a structure that is non-residential in
15 its construction and original use.

16 COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected
17 below.

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

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

20 **§ 3-202. Board of Municipal and Zoning Appeals.**

21 (f) *Public hearings – Open to public.*

22 ~~[(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must~~
23 ~~be open to the public.~~

24 ~~[(2) At least once in every 2 calendar months, at least 1 session of hearings must~~
25 ~~be scheduled to begin after 5 p.m.]~~

26 COMMENT: Deletes a scheduling provision that has proven to be functionally impractical
27 to implement.

28 **§ 3-204. Director of Planning.**

29 (b) *Powers and duties.*

30 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
31 80, the Director of Planning has the following powers and duties under this Code:

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(1) to perform the following reviews in sessions [open to the public and for which public notice is provided]:

- (i) site plan review (Title 4, Subtitle 2);
- (ii) environmentally sensitive areas review (Title 4, Subtitle 3);
- (iii) design review (Title 4, Subtitle 4; Design Manual); and
- (iv) landscape review (Title 4, Subtitle 5; Landscape Manual);

COMMENT: Deletes a scheduling provision that has proven to be functionally impractical to implement.

Title 4. Development Reviews

Subtitle 2. Site Plan Review

§ 4-203. Applicability.

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

- (7) any development within an environmentally sensitive area, including projects in a [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the Critical Area (See Subtitle 3 {"Environmentally Sensitive Areas Review"} of this title);

COMMENT: Conforms spelling of "floodplain" to conform with that uniformly adopted throughout this and all other articles of the Baltimore City Code.

Subtitle 4. Design Review

§ 4-405. Applicability.

(a) In general.

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

- (13) any new construction that involves:
 - (iii) [construction in an area designated a "Main Street" in accordance with criteria set by The National Trust for Historic Preservation] ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or

COMMENT: Aligns design-review requirement to the specific zoning district (the C-1 District) and specifies the intended scope of that review.

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Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) Application.

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board's long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (*Cf. e.g.*, pre-TransForm Zoning Article §§ 15-208 and 15-209 {"Variances: Off-street parking"}.)

§ 5-308. Approval standards.

(b) Other required findings.

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

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or

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(iii) any Historical and Architectural Preservation District; [and]

(7) THE VARIANCE WILL NOT:

(I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;

(II) OVERCROWD THE LAND;

(III) CREATE AN UNDUE CONCENTRATION OF POPULATION;

(IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;

(V) CREATE HAZARDOUS TRAFFIC CONDITIONS;

(VI) ADVERSELY AFFECT TRANSPORTATION;

(VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC FACILITIES;

(VIII) INCREASE THE DANGER OF FIRE; OR

(IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND

(8) [(7)] the variance will not otherwise:

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

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

COMMENT: Item (7) of this subsection reinstates standards that have long-been required by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were inadvertently omitted from Ordinance 16-581 {"TransForm Baltimore – Zoning"}.

Subtitle 4. Conditional Uses

§ 5-407. Expiration of approval.

(a) Exercise within year required.

A conditional use lapses and becomes void 1 year from the date of its final approval unless, within that year:

(1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN obtained FOR THAT USE; [and]

(2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS LAWFULLY BEGUN; or

(3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

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1 COMMENT: Many conditional uses do not require or even generate a “building permit”,
2 as erroneously assumed by item (1) of this subsection. This amendment, therefore:
3 (i) corrects item (1) to refer instead to the “use permit” and “occupancy permit” required
4 by the Zoning Code and Building Codes, respectively; and (ii) clarifies the optional
5 relationships of the actions that will avoid a lapse of the conditional-use approval.

6 ***Subtitle 5. Legislative Authorizations***

7 **§ 5-507. Action by City Council.**

8 (a) *Committee hearing.*

- 9 (1) The bill must be considered at a public hearing of a committee of the City Council.
10 Notice of the public hearing must be given in accordance with Title 5, Subtitle 6
11 {“Notices”} **OF THIS CODE.**

12 COMMENT: Clarifies cross-reference citation.

13 **§ 5-508. Approval standards.**

14 (b) *Map amendments.*

15 (4) *Additional standards – Rezoning from MI District.*

- 16 (i) To rezone land from the Maritime Industrial (“MI”) District to any other zoning
17 district, the Planning Commission must find that the proposed amendment:

18 (A) [would be] **IS** consistent with the [City’s] **THE MOST CURRENT**
19 **BALTIMORE CITY** Comprehensive Master Plan;

20 (B) [would not impede, diminish, or preclude] **SUSTAINS OR ENHANCES**
21 transportation access into [or] **AND** out of the [Maritime Industrial District]
22 **PORT OF BALTIMORE;**

23 (C) [would not result in or encourage a loss of existing deep water
24 assets of the Maritime Industrial District] **ENSURES THE LONG-TERM**
25 **PRESERVATION OF THE DEEP WATER ASSETS OF THE PORT OF**
26 **BALTIMORE FOR MARITIME INDUSTRIAL USE;**

27 (D) [would not result in changes to the economic viability of adjacent
28 maritime industrial land uses due to the encroachment of non-
29 compatible uses] **PROTECTS MARITIME INDUSTRIAL LAND USES FROM**
30 **THE INTRUSION OF NON-INDUSTRIAL USES;**

31 (E) [would not reduce or impede] **SUSTAINS OR ENHANCES THE** current [or]
32 **AND** future maritime industrial economic development growth in the
33 [Maritime Industrial district] **DISTRICT;**

34 (F) [would establish] **ESTABLISHES** an adequate physical separation that will
35 buffer non-industrial land uses from maritime industrial uses; and

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1 (G) [would adhere] ADHERES with federal and state laws regarding homeland
2 security, generally, and port safety, specifically.

3 COMMENT: Industry requested these changes, to conform to the standards originally
4 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (see pre-
5 TransForm Zoning Code § 8-411(c)).

6 Title 7. Open-Space and Environmental Districts

7 Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District

8 § 7-414. Variances and conditional uses.

9 (d) Applications.

10 The Board of Municipal and Zoning Appeals must furnish copies of all applications for a
11 conditional use or variance to the Planning Department [and the Chesapeake Bay Critical
12 Area Commission].

13 COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting
14 these applications to Commission is wholly unnecessary.

15 Title 12. Special Purpose Districts

16 Subtitle 5. Educational Campus Districts

17 § 12-502. Bulk and Yard Regulations.

18 (a) In general.

19 [(1)] Except as provided in § 12-503 {"Educational Campus Master Plan"} of this
20 subtitle, Table 12-502: Educational Campus Districts – Bulk and Yard Regulations sets
21 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
22 Districts.

23 [(2) Educational buildings existing as of June 5, 2017, regardless of height
24 and yards, are deemed conforming.]

25 COMMENT: The legal fiction created by paragraph (2) ("deemed conforming") carries
26 with it a potential unintended consequence: As a "conforming" structure, if it were later
27 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
28 only non-nonconforming structures to be rebuilt "in kind"; instead, like all other
29 conforming structures, the rebuilt structure arguably would be limited to the then existing
30 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

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Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

Residential, office-residential, business, and industrial planned unit developments approved before the effective date of this Code (June 5, 2017) remain valid as long as they continue to comply with all requirements and conditions of their approvals and [of] WITH the Zoning Code regulations in effect immediately preceding [that effective date] THE DATE OF THOSE APPROVALS.

COMMENT: Corrects misleading reference to the date from which continued compliance with "Zoning Code regulations" is required.

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments [must] MAY ONLY be established by AN ordinance of the Mayor and City Council ENACTED in accordance with the provisions of this title.

COMMENT: Corrects misleading use of "must"; emphasizes exclusivity of authorization.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.

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1 (b) *Service area.*

2 Any service and repair facilities must also comply with the standards § 14-326 {"Motor
3 vehicle service and repair"} of this subtitle.

4 (C) **SCREENING.**

5 A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR
6 RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL
7 ZONING DISTRICT.

8 COMMENT: Adds screening requirement for operations that otherwise would be visible
9 from the ground level of a residential district.

10 § 14-326. Motor vehicle service and repair: Major or minor.

11 (b) *Outdoor storage limitations.*

12 Motor vehicle service and repair shops may not store the same vehicles outdoors on the
13 site for longer than [10] 30 days.

14 COMMENT: Extension needed to account for delays in ability to undertake repairs
15 pending verification of insurance coverage.

16 § 14-328. Neighborhood commercial establishments.

17 (a) [*In general*] **MINIMUM LOT AREA REQUIREMENTS.**

18 [Neighborhood commercial establishment uses are limited to the reuse of existing
19 buildings that were originally constructed and used for non-residential uses in what are
20 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
21 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
22 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
23 required for non-residential uses in Residential or Office-Residential Zoning Districts.

24 COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the
25 governing definition in § 1-310(j).

26 [(e) *Off-street parking.*]

27 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

28 COMMENT: Moved to § 16-601(e), as amended below. See Comment to that section.

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Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

(2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, **AS APPLICABLE**:

(A) FROM the mean curb level of the right-of-way on which the property fronts; [or]

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of the ground between that wall and the curb; **OR**

(C) **IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND SUBJECT TO ARTICLE 7, DIVISION I); and**

(ii) to the following, **AS APPLICABLE**:

(A) in the case of a flat roof, to the highest point of the roof that adjoins the street wall; or

(B) in the case of a pitched roof, to the mean height level of the roof as measured between the eaves and the peak in the case of pitched roofs.

COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-Hazard Area, for which the governing law imposes a higher base elevation than the options listed in item (i)(A) and (B).

Subtitle 5. Accessory Structures and Uses

§ 15-501. General regulations.

(a) *Must be on same lot as principal structure.*

An accessory structure or use must be limited to and located on the same lot with the use of the principal structure to which it is accessory.

COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as corrected above.

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Title 16. Off-Street Parking and Loading

Subtitle 4. Design of Off-Street Parking Facilities

§ 16-402. Minimum dimensions of off-street parking spaces.

[(a) *As in Table 16-402.*]

Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street Parking Dimensions.*

[(b) *Vertical clearance.*]

[(1) All parking spaces must have a minimum vertical clearance of 7 feet 6 inches.]

[(2) Floors accessible to ADA-compliant vans must have a minimum vertical clearance of 8 feet 2 inches.]

COMMENT: Deletes provisions that conflict with Building Code requirements.

§ 16-404. Driveways.

(c) *Parking spaces.*

(1) Single-family detached and semi-detached dwellings and rowhouse dwellings are allowed a paved parking space. This parking space may not be located in the required front or corner-side yard. In addition, no parking space may be located forward of the front building line.

[(2) No parking space may exceed 18 feet in depth, as measured from the property line or right-of-way.]

COMMENT: Deletes provision that prevents compliance with other requirements and practical needs, such as access to garages or corner-side yards.

(2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT., REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

COMMENT: Eases requirements for small lots.

§ 16-407. Surfacing.

(a) *In general.*

Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the Baltimore City Building Code. [Semi-pervious materials, such as grass-crete and pervious pavers, may also be used.]

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1 COMMENT: Deletes extraneous sentence from subsection. The sentence is inconsistent
2 with the far more limited permission granted by subsection (c) for these same "semi-
3 pervious materials"; the sentence is further contradicted by the express reference, in the
4 immediately preceding sentence, to exceptions for materials "otherwise permitted ... in
5 subsectio[n] ... (c) of this section".

6 (c) *Semi-pervious materials.*

7 For single-family detached, semi-detached, and rowhouse dwellings, driveways may be
8 constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

9 COMMENT: No change. Shown only to provide context for preceding amendment to
10 subsection (a).

11 ***Subtitle 6. Required Off-Street Parking***

12 **§ 16-601. Exemption from requirements.**

13 (e) *Neighborhood commercial establishment.*

14 [Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this
15 Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS
16 REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

17 COMMENT: Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable
18 – parking exemptions for neighborhood commercial establishments. This amendment
19 incorporates the former’s language into the latter’s better placement.

20 ***Subtitle 7. Required Bicycle Parking***

21 **§ 16-705. Required number of bicycle spaces.**

22 (e) *Motor vehicle parking offset.*

23 (1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term
24 bicycle parking standards, as set forth in *Table 16-705 {"Required Bicycle Spaces"}*,
25 the motor vehicle parking required by this title may be reduced by 1 space.

26 (2) Existing parking may be converted to take advantage of this provision.

27 COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of
28 required motor vehicle spaces.
29

30 ***Subtitle 8. Additional Vehicle Storage Requirements***

31 **§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas]
32 USE.**

33 (a) *In general.*

34 The following restrictions apply to the storage or parking of commercial vehicles on
35 private property that is ZONED for residential use [or that is in a block predominantly
36 zoned for residential use].

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1 (b) *Vehicles permitted to park overnight.*

2 Only standard-sized, passenger vehicles including, but not limited to, automobiles,
3 passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks
4 are permitted to be stored or parked outdoors overnight on private property that is zoned
5 for residential use [or that is in a block predominantly zoned for residential use].

6 (c) *Vehicle prohibited from parking overnight.*

7 All other commercial vehicles including, but not limited to, semi-truck tractor units, with
8 or without attached trailers, commercial trailers, buses, limousines (excluding passenger
9 size livery vehicles), tow trucks, or construction vehicles, are prohibited from being
10 stored or parked outside overnight on private property that is zoned for residential use [or
11 that is in a block predominantly zoned for residential use].

12 COMMENT: Removes a scope application that is vaguely worded, is difficult to apply,
13 and, as a consequence, has proven to be functionally impractical to enforce.

14 § 16-802. **Parking OR STORING of recreational vehicles.**

15 (a) *In general.*

16 The parking or storage of recreational vehicles or similar camping equipment must meet
17 the following conditions.

18 [(b) *48-hour limit in street or driveway of residential district.*]

19 [No recreational vehicle or trailer licensed to transport recreational vehicles or
20 equipment may be parked in the public right-of-way in or in the driveway of a
21 residential district for more than 48 hours.]

22 [(c) *Locations for parking or storage.*]

23 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
24 parked or stored to the rear of the front building line of the lot and located at least
25 3 feet from the side and rear lot lines. This requirement does not apply to
26 recreational vehicles offered for sale in an approved outdoor sales and display
27 area of a recreational vehicle dealership. Temporary storage tents for recreational
28 vehicles are not considered a fully enclosed structure.]

29 (B) **PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.**

30 (1) **IN GENERAL.**

31 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
32 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
33 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

34 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
35 TENT; OR

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(II) ON A PAVED SURFACE:

(A) IN THE REAR YARD OF THE LOT; AND

(B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

(2) EXCEPTION.

THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE DEALERSHIP.

(C) [(d)] Use as dwelling, etc., prohibited.

(1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

(2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity, water, gas, or sanitary sewer facilities.

(D) [(e)] Maintenance and current registration required.

All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in a manner that creates a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in a way that the recreational vehicle, whether loaded or not, might tip or roll is considered a dangerous and unsafe condition. The recreational vehicle equipment must be kept in good repair and must carry a current year's license and registration.

COMMENT: Revises section to more clearly delineate parking and storing restrictions in residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to parking in a "public right-of-way"), is redundant of a broader limitation in Article 31, § 6-22 {"Continuously parking in 1 spot"} and, in its other part (as to parking in a "driveway"), is inconsistent with the limitations elsewhere in this very section.

Title 18. Nonconformities

Subtitle 3. Nonconforming Uses

§ 18-302. Expansion of use OR STRUCTURE.

(A) IN GENERAL.

A nonconforming use may not be expanded in any manner, nor may any structure be erected or expanded, unless the use of the land and the structure are made to conform to the regulations of the district in which they are located.

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1 (B) EXCEPTION.

2 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
3 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
4 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
5 EXISTED AS OF JUNE 5, 2017.

6 COMMENT: Allows a limited GFA variance, subject to all standards applicable to
7 variances, for non-conforming uses or structures in commercial and industrial districts.

8 § 18-306. Change of use.

9 (b) When change allowed.

10 (1) IN GENERAL.

11 A nonconforming use may not be changed to any other use except one that is allowed
12 within the zoning district in which it is located.

13 (2) EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.

14 A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE
15 SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC
16 BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702
17 {"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,
18 TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE
19 STANDARDS OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS
20 CODE AND ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL
21 ESTABLISHMENTS ARE OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE
22 APPLICABLE TO THE UNDERLYING ZONING DISTRICT.

23 COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing
24 imminent termination, to convert to certain other uses in certain districts.

25 Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review

26 Subtitle 2. Enforcement

27 § 19-207. Service.

28 (d) Method of service – Posting.

29 Adequate and sufficient notice may be made by posting a copy of the notice on the
30 property in question if:

- 31 (1) the identity or whereabouts of the person responsible IS unknown; or
32

33 COMMENT: Inserts missing verb.



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Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	R-5	R-6	R-7	R-8	R-9	R-10	Use Standards
....							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ^[1]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based ^{[1] 2}	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services ^{[2] 3}	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

¹ A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NON-CONFORMING USES DESCRIBED IN § 18-306(B)(2) ("CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.")

^{[1] 2} A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

^{[2] 3} Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

COMMENT: See Comment to § 18-306.

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Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
....						

....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
...								
Health AND FITNESS Center	P	P	P	P	P	P	P	
...								
INDUSTRIAL								
...								
Mini-Warehouse					CB	P	CB ¹	
....								

¹ Allowed only in [an existing] A structure **LAWFULLY EXISTING AS OF JUNE 5, 2017.**

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

Council Bill 18-0209

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
.....						

....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

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**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-JH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

¹ However, a front yard may be allowed by the Zoning Board as a conditional use.

² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

Council Bill 18-0209

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			CB				
.....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	P	P	P				
....							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	CB		PER § 14-326
Motor Vehicle Service and Repair: Minor			CO	[CO] CB	CB		Per § 14-326
.....							

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

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

Uses	OR	Use Standards
....		
COMMERCIAL		
...		
Neighborhood Commercial Establishment ¹	CB, P	Per § 14-328
....		

¹ A Neighborhood Commercial Establishment is a permitted use only [if: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] IF non-residential uses are limited to 10% of the structure's gross floor area; OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}].

....

COMMENT: See Comment to § 18-306.

Council Bill 18-0209

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
....					
COMMERCIAL					
....					
Health AND FITNESS Center	P	P	P	P	
....					

....
COMMENT: See Comment to § 1-307.

Council Bill 18-0209

Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
.....				

.....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

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Table 12-601: Hospital Campus Districts – Permitted and Conditional Uses

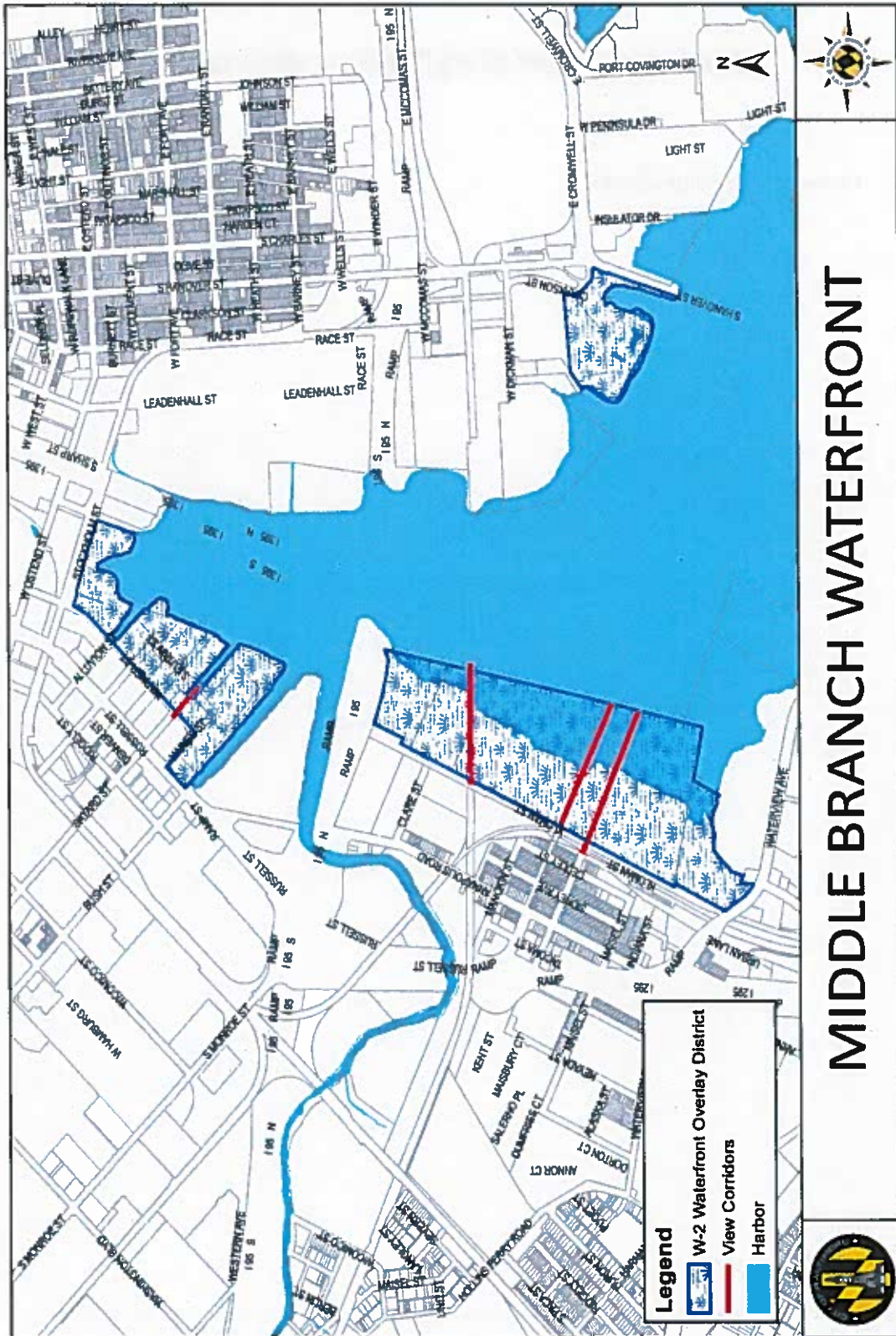
Uses	H	Use Standards
....		
COMMERCIAL		
....		
Health AND FITNESS Center	P	
....		

....

COMMENT: See Comment to § 1-307.

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Table 12-903(4): Middle Branch Waterfront Area



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HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

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**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
....					
COMMERCIAL					
...					
Health AND FITNESS Center		P	P	P	
....					

....

COMMENT: See Comment to § 1-307.

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Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
BICYCLE PARKING SPACE	x	x	x
Chimney – No more than 2' into a required yard	x	x	x
...			
[Deck]			[x]
...			
Mechanical equipment (§ 15-508)	x	x	x
OFF-STREET LOADING SPACES, OPEN		x	x
OFF-STREET PARKING SPACES, OPEN		x	x
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.			x
...			
Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.	[x]	[x]	x
....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

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Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
....	

COMMENT: See Comment to § 1-307.

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**Ordinance 17-015
{“Baltimore City Zoning Code – Legalization – Corrections”}**

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {“Zoning”} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds “footnote[s]” to the illustrative list of “statutory unit[s]”; they, too, will benefit from administrative renumbering or relettering.

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

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

**CITY OF BALTIMORE
COUNCIL BILL 18-0209
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Planning Department)
Introduced and read first time: March 26, 2018
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning Code – Modifications**

3 FOR the purpose of making needed improvements to certain provisions that, during the course of
4 actively implementing the new Zoning Code, were discovered to be functionally impractical
5 or otherwise in need of modification to abate previously unanticipated consequences; ;
6 correcting various errors, omissions, and inconsistencies; correcting, clarifying, and
7 conforming various references and terminology; and generally relating to the zoning and
8 development laws of the City of Baltimore.

9 BY repealing and reordaining, with amendments

10 Article 32 - Zoning

11 Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7),
12 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d),
13 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402,
14 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and
15 19-207(d)(1)

16 and

17 Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601,
18 12-903(4), 12-1302, 15-601, and 16-406

19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, without amendment

22 Article 32 - Zoning

23 Sections 1-310(j), 15-501(a), and 16-407(c)

24 Baltimore City Code
25 (Edition 2000)

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

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1 BY repealing
2 Article 32 - Zoning
3 Section 14-328(e)
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Ordinance 17-015
8 Section 4

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

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 1. General Provisions**

14 *Subtitle 2. Rules of Interpretation*

15 **§ 1-217. Uses[,] -- generic, [and] specific, AND PROHIBITED.**

16 (a) *Generic uses described.*

17 Certain uses in this Code are defined to be inclusive of many specific uses so as to
18 minimize overly detailed lists of uses for the various zoning districts established by this
19 Code. These inclusive uses are referred to in this Code as “generic uses”.

20 (b) *Relationship OF GENERIC to specific.*

21 [(1) If a specific use does not fall within the definition of a generic use and is not
22 specifically listed in a use table for a zoning district, the specific use is prohibited
23 in that district.]

24 (1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted
25 as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

26 (2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic
27 use cannot be interpreted as allowing that specific use.

28 (c) *USES PROHIBITED IF NOT LISTED.*

29 A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

30 (1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE
31 USE TABLE FOR THAT DISTRICT; OR

32 (2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED
33 AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

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1 COMMENT: Restates, for greater emphasis and clarity, the basic rule of interpretation
2 that a use is prohibited in a zoning district unless it is specifically listed as a permitted or
3 conditional use for that district or it falls within the definition of a generic use so listed.

4 *Subtitle 3. Definitions*

5 **§ 1-302. “Abut” to “Awning”.**

6 (b) *Accessory structure.*

7 “Accessory structure” means a structure that is:

- 8 (1) customarily incidental and subordinate to the use of the principal structure served;
9 (2) subordinate in lot coverage and floor area to the principal structure served; and
10 (3) [except in a planned unit development,] located on the same lot as the principal
11 structure served.

12 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
13 below.

14 (c) *Accessory use.*

15 “Accessory use” means a use that is:

- 16 (1) customarily incidental and subordinate to the principal use of the lot or principal
17 structure served; and
18 (2) [except in a planned unit development,] located on the same lot as the principal
19 use or principal structure served.

20 COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, *which see*
21 below.

22 **§ 1-307. “Government facility” to “Industrial boat repair”.**

23 (d) *Gym.*

24 See “Health AND FITNESS center”.

25 (g) *Health AND FITNESS center.*

26 (1) *In general.*

27 “Health AND FITNESS center” means a gym or other facility that:

- 28 (i) is designed for physical fitness or weight reduction; and

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1 (ii) contains equipment, such as weight resistance machines, treadmills,
2 stationary bicycles, whirlpools, saunas, showers, and lockers, for that
3 purpose.

4 (2) *Inclusions.*

5 “Health AND FITNESS center” includes the following accessory uses designed and
6 intended primarily for patrons of the facility:

7 (i) retail sales; and

8 (ii) a restaurant or refreshment stands.

9 COMMENT: Modifies name to better describe the nature of this use, especially as
10 distinguished from the sound-alike “health clinic”.

11 **§ 1-310. “Motor vehicle” to “Owner”.**

12 (j) *Neighborhood commercial establishment.*

13 “Neighborhood commercial establishment” means a non-residential use that is within a
14 residential or office-residential zoning district, but in a structure that is non-residential in
15 its construction and original use.

16 COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected
17 below.

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

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

20 **§ 3-202. Board of Municipal and Zoning Appeals.**

21 (f) *Public hearings – Open to public.*

22 [(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must
23 be open to the public.

24 [(2) At least once in every 2 calendar months, at least 1 session of hearings must
25 be scheduled to begin after 5 p.m.]

26 COMMENT: Deletes a scheduling provision that has proven to be functionally impractical
27 to implement.

28 **§ 3-204. Director of Planning.**

29 (b) *Powers and duties.*

30 In addition to the powers and duties specified in City Charter Article VII, §§ 74 through
31 80, the Director of Planning has the following powers and duties under this Code:

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1 (1) to perform the following reviews in sessions [open to the public and for which
2 public notice is provided]:

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

7

8 **COMMENT:** Deletes a scheduling provision that has proven to be functionally impractical
9 to implement.

10 **Title 4. Development Reviews**

11 ***Subtitle 2. Site Plan Review***

12 **§ 4-203. Applicability.**

13 Site plan review is required for the following types of development applications:
14 . . .

- 15 (7) any development within an environmentally sensitive area, including projects in a
16 [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the
17 Critical Area (*See* Subtitle 3 {"Environmentally Sensitive Areas Review"} of this
18 title);

19

20 **COMMENT:** Conforms spelling of "floodplain" to conform with that uniformly adopted
21 throughout this and all other articles of the Baltimore City Code.

22 ***Subtitle 4. Design Review***

23 **§ 4-405. Applicability.**

24 (a) *In general.*

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

27 . . .

- 28 (13) any new construction that involves:

29 . . .

- 30 (iii) [construction in an area designated a "Main Street" in accordance
31 with criteria set by The National Trust for Historic Preservation]
32 ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or

33

34 **COMMENT:** Aligns design-review requirement to the specific zoning district (the C-1
35 District) and specifies the intended scope of that review.

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Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) *Application.*

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board's long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (*Cf. e.g., pre-TransForm Zoning Article §§ 15-208 and 15-209 {"Variances: Off-street parking"}.*)

§ 5-308. Approval standards.

(b) *Other required findings.*

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

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or

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1 (iii) any Historical and Architectural Preservation District; [and]

2 (7) THE VARIANCE WILL NOT:

3 (I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;

4 (II) OVERCROWD THE LAND;

5 (III) CREATE AN UNDUE CONCENTRATION OF POPULATION;

6 (IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;

7 (V) CREATE HAZARDOUS TRAFFIC CONDITIONS;

8 (VI) ADVERSELY AFFECT TRANSPORTATION;

9 (VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC
10 FACILITIES;

11 (VIII) INCREASE THE DANGER OF FIRE; OR

12 (IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND

13 (8) [(7)] the variance will not otherwise:

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

15 (ii) be in any way contrary to the public interest[;].

16 **COMMENT:** Item (7) of this subsection reinstates standards that have long-been required
17 by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were
18 inadvertently omitted from Ordinance 16-581 {"TransForm Baltimore – Zoning"}.

19 ***Subtitle 4. Conditional Uses***

20 **§ 5-407. Expiration of approval.**

21 (a) *Exercise within year required.*

22 A conditional use lapses and becomes void 1 year from the date of its final approval
23 unless, within that year:

24 (1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT
25 UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT
26 USE; [and]

27 (2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS
28 LAWFULLY BEGUN; or

29 (3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

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1 COMMENT: Many conditional uses do not require or even generate a “building permit”,
2 as erroneously assumed by item (1) of this subsection. This amendment, therefore:
3 (i) corrects item (1) to refer instead to the “use permit” and “occupancy permit” required
4 by the Zoning Code and Building Codes, respectively; and (ii) clarifies the optional
5 relationships of the actions that will avoid a lapse of the conditional-use approval.

6 ***Subtitle 5. Legislative Authorizations***

7 **§ 5-507. Action by City Council.**

8 (a) *Committee hearing.*

- 9 (1) The bill must be considered at a public hearing of a committee of the City Council.
10 Notice of the public hearing must be given in accordance with Title 5, Subtitle 6
11 {“Notices”} OF THIS CODE.

12 COMMENT: Clarifies cross-reference citation.

13 **§ 5-508. Approval standards.**

14 (b) *Map amendments.*

15 (4) *Additional standards – Rezoning from MI District.*

- 16 (i) To rezone land from the Maritime Industrial (“MI”) District to any other zoning
17 district, the Planning Commission must find that the proposed amendment:

18 (A) [would be] IS consistent with the [City’s] THE MOST CURRENT
19 BALTIMORE CITY Comprehensive Master Plan;

20 (B) [would not impede, diminish, or preclude] SUSTAINS OR ENHANCES
21 transportation access into [or] AND out of the [Maritime Industrial District]
22 PORT OF BALTIMORE;

23 (C) [would not result in or encourage a loss of existing deep water
24 assets of the Maritime Industrial District] ENSURES THE LONG-TERM
25 PRESERVATION OF THE DEEP WATER ASSETS OF THE PORT OF
26 BALTIMORE FOR MARITIME INDUSTRIAL USE;

27 (D) [would not result in changes to the economic viability of adjacent
28 maritime industrial land uses due to the encroachment of non-
29 compatible uses] PROTECTS MARITIME INDUSTRIAL LAND USES FROM
30 THE INTRUSION OF NON-INDUSTRIAL USES;

31 (E) [would not reduce or impede] SUSTAINS OR ENHANCES THE current [or]
32 AND future maritime industrial economic development growth in the
33 [Maritime Industrial district] DISTRICT;

34 (F) [would establish] ESTABLISHES an adequate physical separation that will
35 buffer non-industrial land uses from maritime industrial uses; and

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1 (G) [would adhere] ADHERES with federal and state laws regarding homeland
2 security, generally, and port safety, specifically.

3 COMMENT: Industry requested these changes, to conform to the standards originally
4 adopted for rezoning in the former Maritime Industrial Zoning Overlay District (see pre-
5 TransForm Zoning Code § 8-411(c)).

6 **Title 7. Open-Space and Environmental Districts**

7 *Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District*

8 **§ 7-414. Variances and conditional uses.**

9 (d) *Applications.*

10 The Board of Municipal and Zoning Appeals must furnish copies of all applications for a
11 conditional use or variance to the Planning Department [and the Chesapeake Bay Critical
12 Area Commission].

13 COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting
14 these applications to Commission is wholly unnecessary.

15 **Title 12. Special Purpose Districts**

16 *Subtitle 5. Educational Campus Districts*

17 **§ 12-502. Bulk and Yard Regulations.**

18 (a) *In general.*

19 [(1)] Except as provided in § 12-503 {"Educational Campus Master Plan"} of this
20 subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets
21 forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2
22 Districts.

23 [(2) Educational buildings existing as of June 5, 2017, regardless of height
24 and yards, are deemed conforming.]

25 COMMENT: The legal fiction created by paragraph (2) ("deemed conforming") carries
26 with it a potential unintended consequence: As a "conforming" structure, if it were later
27 destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow
28 only *non-nonconforming* structures to be rebuilt "in kind"; instead, like all other
29 *conforming* structures, the rebuilt structure arguably would be limited to the then existing
30 bulk and yard regulations (height, size, etc.) allowed by the underlying district.

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Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

Residential, office-residential, business, and industrial planned unit developments approved before the effective date of this Code (June 5, 2017) remain valid as long as they continue to comply with all requirements and conditions of their approvals and [of] WITH the Zoning Code regulations in effect immediately preceding [that effective date] THE DATE OF THOSE APPROVALS.

COMMENT: Corrects misleading reference to the date from which continued compliance with "Zoning Code regulations" is required.

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments [must] MAY ONLY be established by AN ordinance of the Mayor and City Council ENACTED in accordance with the provisions of this title.

COMMENT: Corrects misleading use of "must"; emphasizes exclusivity of authorization.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building's parking garage.

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1 (b) *Service area.*

2 Any service and repair facilities must also comply with the standards § 14-326 {"Motor
3 vehicle service and repair"} of this subtitle.

4 (c) *SCREENING.*

5 A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR
6 RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL
7 ZONING DISTRICT.

8 COMMENT: Adds screening requirement for operations that otherwise would be visible
9 from the ground level of a residential district.

10 § 14-326. **Motor vehicle service and repair: Major or minor.**

11 (b) *Outdoor storage limitations.*

12 Motor vehicle service and repair shops may not store the same vehicles outdoors on the
13 site for longer than [10] 30 days.

14 COMMENT: Extension needed to account for delays in ability to undertake repairs
15 pending verification of insurance coverage.

16 § 14-328. **Neighborhood commercial establishments.**

17 (a) [*In general*] *MINIMUM LOT AREA REQUIREMENTS.*

18 [Neighborhood commercial establishment uses are limited to the reuse of existing
19 buildings that were originally constructed and used for non-residential uses in what are
20 now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD
21 COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing
22 [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area
23 required for non-residential uses in Residential or Office-Residential Zoning Districts.

24 COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the
25 governing definition in § 1-310(j).

26 [(e) *Off-street parking.*]

27 [No off-street parking is required for uses under 2,500 square feet in gross floor area.]

28 COMMENT: Moved to § 16-601(e), as amended below. *See* Comment to that section.

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Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

(2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, AS APPLICABLE:

(A) FROM the mean curb level of the right-of-way on which the property fronts; [or]

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of the ground between that wall and the curb; OR

(C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND SUBJECT TO ARTICLE 7, DIVISION I); and

(ii) to the following, AS APPLICABLE:

(A) in the case of a flat roof, to the highest point of the roof that adjoins the street wall; or

(B) in the case of a pitched roof, to the mean height level of the roof as measured between the eaves and the peak in the case of pitched roofs.

COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-Hazard Area, for which the governing law imposes a higher base elevation than the options listed in item (i)(A) and (B).

Subtitle 5. Accessory Structures and Uses

§ 15-501. General regulations.

(a) *Must be on same lot as principal structure.*

An accessory structure or use must be limited to and located on the same lot with the use of the principal structure to which it is accessory.

COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as corrected above.

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Title 16. Off-Street Parking and Loading

Subtitle 4. Design of Off-Street Parking Facilities

§ 16-402. Minimum dimensions of off-street parking spaces.

[(a) *As in Table 16-402.*]

Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street Parking Dimensions.*

[(b) *Vertical clearance.*]

[(1) All parking spaces must have a minimum vertical clearance of 7 feet 6 inches.]

[(2) Floors accessible to ADA-compliant vans must have a minimum vertical clearance of 8 feet 2 inches.]

COMMENT: Deletes provisions that conflict with Building Code requirements.

§ 16-404. Driveways.

(c) *Parking spaces.*

(1) Single-family detached and semi-detached dwellings and rowhouse dwellings are allowed a paved parking space. This parking space may not be located in the required front or corner-side yard. In addition, no parking space may be located forward of the front building line.

[(2) No parking space may exceed 18 feet in depth, as measured from the property line or right-of-way.]

COMMENT: Deletes provision that prevents compliance with other requirements and practical needs, such as access to garages or corner-side yards.

(2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT., REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

COMMENT: Eases requirements for small lots.

§ 16-407. Surfacing.

(a) *In general.*

Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the Baltimore City Building Code. [Semi-pervious materials, such as grass-crete and pervious pavers, may also be used.]

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COMMENT: Deletes extraneous sentence from subsection. The sentence is inconsistent with the far more limited permission granted by subsection (c) for these same "semi-pervious materials"; the sentence is further contradicted by the express reference, in the immediately preceding sentence, to exceptions for materials "otherwise permitted ... in subsection [n] ... (c) of this section".

(c) Semi-pervious materials.

For single-family detached, semi-detached, and rowhouse dwellings, driveways may be constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

COMMENT: No change. Shown only to provide context for preceding amendment to subsection (a).

Subtitle 6. Required Off-Street Parking

§ 16-601. Exemption from requirements.

(e) Neighborhood commercial establishment.

[Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

COMMENT: Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable – parking exemptions for neighborhood commercial establishments. This amendment incorporates the former’s language into the latter’s better placement.

Subtitle 7. Required Bicycle Parking

§ 16-705. Required number of bicycle spaces.

(e) Motor vehicle parking offset.

(1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term bicycle parking standards, as set forth in Table 16-705 {"Required Bicycle Spaces"}, the motor vehicle parking required by this title may be reduced by 1 space.

(2) Existing parking may be converted to take advantage of this provision.

COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of required motor vehicle spaces.

Subtitle 8. Additional Vehicle Storage Requirements

§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas] USE.

(a) In general.

The following restrictions apply to the storage or parking of commercial vehicles on private property that is ZONED for residential use [or that is in a block predominantly zoned for residential use].

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1 (b) *Vehicles permitted to park overnight.*

2 Only standard-sized, passenger vehicles including, but not limited to, automobiles,
3 passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks
4 are permitted to be stored or parked outdoors overnight on private property that is zoned
5 for residential use [or that is in a block predominantly zoned for residential use].

6 (c) *Vehicle prohibited from parking overnight.*

7 All other commercial vehicles including, but not limited to, semi-truck tractor units, with
8 or without attached trailers, commercial trailers, buses, limousines (excluding passenger
9 size livery vehicles), tow trucks, or construction vehicles, are prohibited from being
10 stored or parked outside overnight on private property that is zoned for residential use [or
11 that is in a block predominantly zoned for residential use].

12 COMMENT: Removes a scope application that is vaguely worded, is difficult to apply,
13 and, as a consequence, has proven to be functionally impractical to enforce.

14 **§ 16-802. Parking OR STORING of recreational vehicles.**

15 (a) *In general.*

16 The parking or storage of recreational vehicles or similar camping equipment must meet
17 the following conditions.

18 [(b) *48-hour limit in street or driveway of residential district.*]

19 [No recreational vehicle or trailer licensed to transport recreational vehicles or
20 equipment may be parked in the public right-of-way in or in the driveway of a
21 residential district for more than 48 hours.]

22 [(c) *Locations for parking or storage.*]

23 [If the recreational vehicle is not stored in a fully enclosed structure, it must be
24 parked or stored to the rear of the front building line of the lot and located at least
25 3 feet from the side and rear lot lines. This requirement does not apply to
26 recreational vehicles offered for sale in an approved outdoor sales and display
27 area of a recreational vehicle dealership. Temporary storage tents for recreational
28 vehicles are not considered a fully enclosed structure.]

29 (B) *PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.*

30 (1) *IN GENERAL.*

31 NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL
32 VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS
33 ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

34 (I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE
35 TENT; OR

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1 (II) ON A PAVED SURFACE:

2 (A) IN THE REAR YARD OF THE LOT; AND

3 (B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

4 (2) *EXCEPTION.*

5 THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN
6 AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE
7 DEALERSHIP.

8 (C) [(d)] *Use as dwelling, etc., prohibited.*

9 (1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

10 (2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity,
11 water, gas, or sanitary sewer facilities.

12 (D) [(e)] *Maintenance and current registration required.*

13 All recreational vehicles must be maintained in mobile condition. No recreational
14 vehicle may be parked or stored in a manner that creates a dangerous or unsafe condition
15 on the lot where parked or stored. Parking or storage in a way that the recreational
16 vehicle, whether loaded or not, might tip or roll is considered a dangerous and unsafe
17 condition. The recreational vehicle equipment must be kept in good repair and must
18 carry a current year's license and registration.

19 COMMENT: Revises section to more clearly delineate parking and storing restrictions in
20 residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to
21 parking in a "public right-of-way"), is redundant of a broader limitation in Article 31,
22 § 6-22 ("Continuously parking in 1 spot") and, in its other part (as to parking in a
23 "driveway"), is inconsistent with the limitations elsewhere in this very section.
24

25 **Title 18. Nonconformities**

26 ***Subtitle 3. Nonconforming Uses***

27 **§ 18-302. Expansion of use OR STRUCTURE.**

28 (A) *IN GENERAL.*

29 A nonconforming use may not be expanded in any manner, nor may any structure be
30 erected or expanded, unless the use of the land and the structure are made to conform to
31 the regulations of the district in which they are located.

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1 (B) *EXCEPTION.*

2 FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD
3 DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE
4 GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY
5 EXISTED AS OF JUNE 5, 2017.

6 COMMENT: Allows a limited GFA variance, subject to all standards applicable to
7 variances, for non-conforming uses or structures in commercial and industrial districts.

8 **§ 18-306. Change of use.**

9 (b) *When change allowed.*

10 (1) *IN GENERAL.*

11 A nonconforming use may not be changed to any other use except one that is allowed
12 within the zoning district in which it is located.

13 (2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*

14 A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE
15 SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC
16 BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702
17 {"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL,
18 TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE
19 STANDARDS OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS
20 CODE AND ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL
21 ESTABLISHMENTS ARE OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE
22 APPLICABLE TO THE UNDERLYING ZONING DISTRICT.

23 COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing
24 imminent termination, to convert to certain other uses in certain districts.

25 **Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review**

26 *Subtitle 2. Enforcement*

27 **§ 19-207. Service.**

28 (d) *Method of service – Posting.*

29 Adequate and sufficient notice may be made by posting a copy of the notice on the
30 property in question if:

- 31 (1) the identity or whereabouts of the person responsible IS unknown; or
32

33 COMMENT: Inserts missing verb.

1 *{PAGE LEFT INTENTIONALLY BLANK}*

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Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	R-5	R-6	R-7	R-8	R-9	R-10	Use Standards
....							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ^[1]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based ^[1] ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services ^[2] ³	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

^[1] A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) (“CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.”).

^[1]² A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

^[2]³ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

COMMENT: See Comment to § 18-306.

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Table 9-401: Rowhouse and Multi-Family Residential Districts – Bulk and Yard Regulations

Categories	R-5	R-6	R-7	R-8	R-9	R-10
....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
....						

....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
....								
<u>Health AND FITNESS Center</u>	P	P	P	P	P	P	P	
....								
INDUSTRIAL								
....								
<u>Mini-Warehouse</u>					CB	P	GB ¹	
....								

¹ Allowed only in [an existing] A structure LAWFULLY EXISTING AS OF JUNE 5, 2017.

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
.....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1st 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
.....						

.....

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

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**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

[¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

[² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			CB				
....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	P	P	P				
...							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	GB		PER § 14-326
Motor Vehicle Service and Repair: Minor			CO	[CO] CB	CB		Per § 14-326
....							

COMMENTS: Rooming House – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

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

Uses	OR	Use Standards
....		
COMMERCIAL		
...		
Neighborhood Commercial Establishment ¹	CB, P	Per § 14-328
....		

¹ A Neighborhood Commercial Establishment is a permitted use only [if: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] IF non-residential uses are limited to 10% of the structure's gross floor area, OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}]

....

COMMENT: See Comment to § 18-306.

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
....					
COMMERCIAL					
....					
Health AND FITNESS Center	P	P	P	P	
....					

....
COMMENT: See Comment to § 1-307.

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Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
....				

....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

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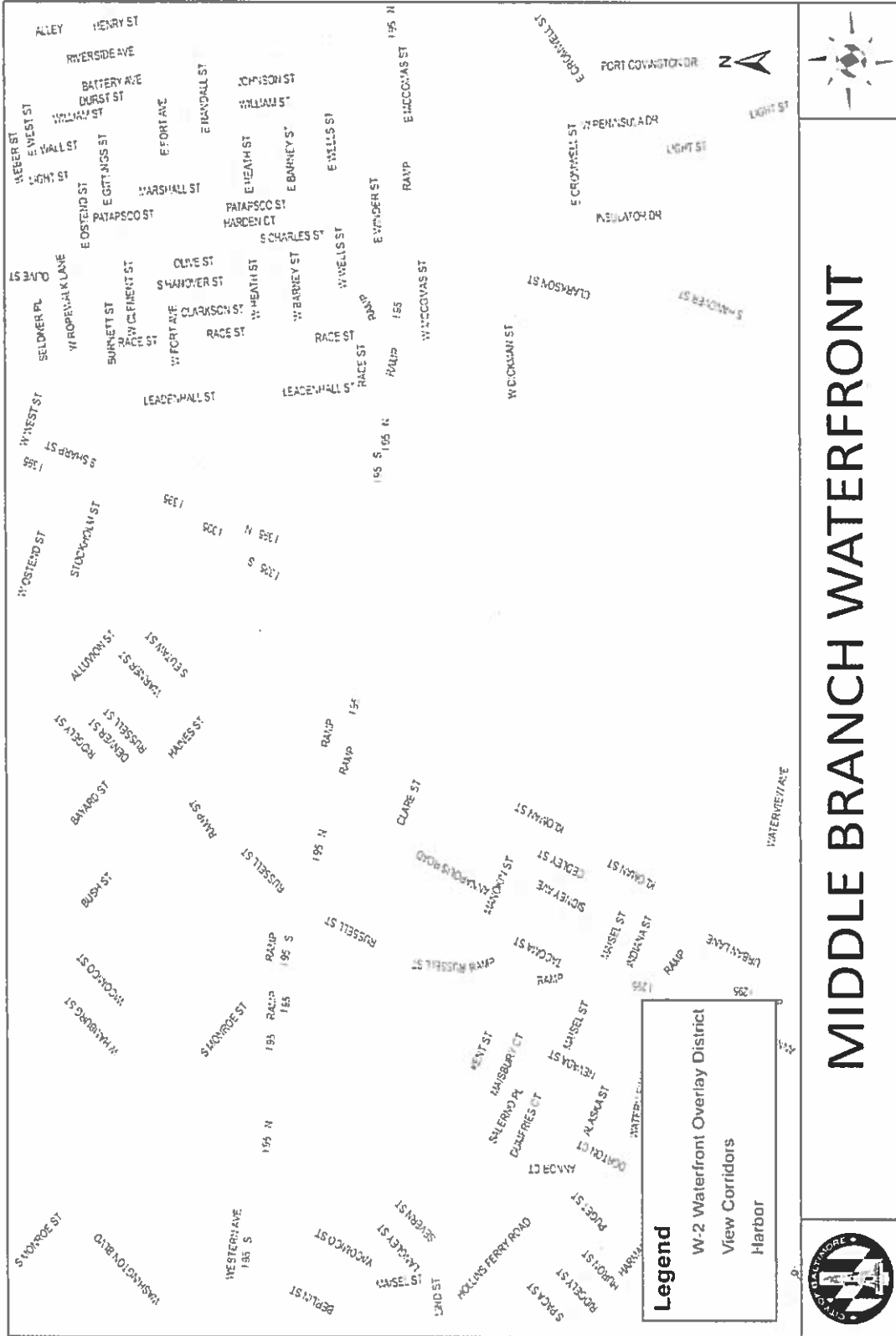
***Table 12-601: Hospital Campus Districts –
Permitted and Conditional Uses***

Uses	H	Use Standards
.....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
.....		

.....
COMMENT: See Comment to § 1-307.

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Table 12-903(4): Middle Branch Waterfront Area



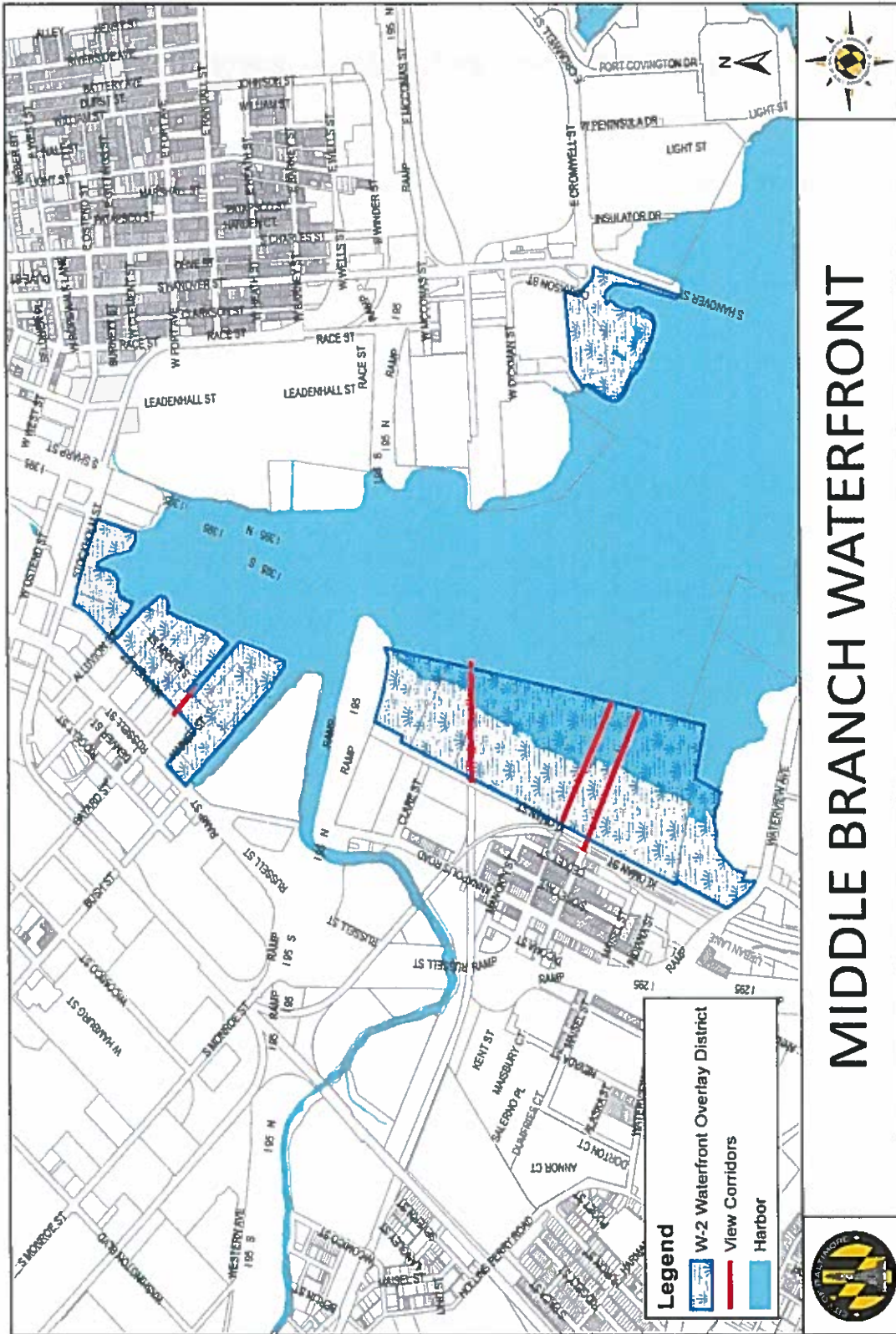
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HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

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Table 12-903(4): Middle Branch Waterfront Area



MIDDLE BRANCH WATERFRONT

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HEIGHT LIMITATIONS - AS IN § 12-905 (C) OF THIS CODE.

COMMENT: Completes this Table.

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**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
....					
COMMERCIAL					
...					
Health AND FITNESS Center		P	P	P	
....					

....

COMMENT: See Comment to § 1-307.

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Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
<u>BICYCLE PARKING SPACE</u>	<u>x</u>	<u>x</u>	<u>x</u>
Chimney – No more than 2' into a required yard	x	x	x
...			
<u>[Deck]</u>			<u>[x]</u>
...			
Mechanical equipment (§ 15-508)	x	x	x
<u>OFF-STREET LOADING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
<u>OFF-STREET PARKING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
<u>PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.</u>			<u>x</u>
...			
<u>Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.</u>	<u>[x]</u>	<u>[x]</u>	<u>x</u>
....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

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Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
....	

COMMENT: See Comment to § 1-307.

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**Ordinance 17-015
{"Baltimore City Zoning Code – Legalization – Corrections"}**

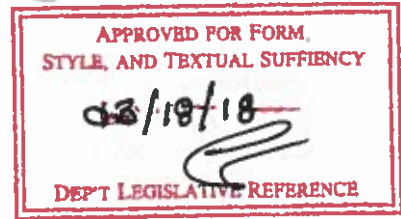
SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {"Zoning"} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds "footnote[s]" to the illustrative list of "statutory unit[s]"; they, too, will benefit from administrative renumbering or relettering.

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

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL 18-0209



Introduced by: The Council President
At the request of: The Administration (Planning Department)

A BILL ENTITLED

AN ORDINANCE concerning

Zoning Code – Modifications

FOR the purpose of making needed improvements to certain provisions that, during the course of actively implementing the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; ; correcting various errors, omissions, and inconsistencies; correcting, clarifying, and conforming various references and terminology; and generally relating to the zoning and development laws of the City of Baltimore.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Sections 1-217, 1-302(b) and (c), 1-307(d) and (g), 3-202(f), 3-204(b)(1), 4-203(7), 4-405(a)(13)(iii), 5-301(b), 5-308(b), 5-407(a), 5-507(a)(1), 5-508(b)(4)(i), 7-414(d), 12-502(a), 13-102(a), 13-201(a), 14-325, 14-326(b), 14-328(a), 15-301(a)(2), 16-402, 16-404(c), 16-407(a), 16-601(e), 16-705(e), 16-801, 16-802, 18-302, 18-306(b), and 19-207(d)(1)

and

Tables 9-301, 9-401, 10-301, 10-401(both tables), 11-301, 12-301, 12-402, 12-403, 12-601, 12-903(4), 12-1302, 15-601, and 16-406

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendment

Article 32 - Zoning

Sections 1-310(j), 15-501(a), and 16-407(c)

Baltimore City Code
(Edition 2000)

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

BY repealing
Article 32 - Zoning
Section 14-328(e)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Ordinance 17-015
Section 4

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

Baltimore City Code

Article 32. Zoning

Title 1. General Provisions

Subtitle 2. Rules of Interpretation

§ 1-217. Uses[,] -- generic, [and] specific, AND PROHIBITED.

(a) *Generic uses described.*

Certain uses in this Code are defined to be inclusive of many specific uses so as to minimize overly detailed lists of uses for the various zoning districts established by this Code. These inclusive uses are referred to in this Code as "generic uses".

(b) *Relationship OF GENERIC to specific.*

[(1) If a specific use does not fall within the definition of a generic use and is not specifically listed in a use table for a zoning district, the specific use is prohibited in that district.]

(1) [(2)] If a specific use is listed in any use table, that specific use cannot be interpreted as falling within any generic use THAT IS LISTED IN THE SAME TABLE.

(2) [(3)] If the definition of a generic use specifically excludes a specific use, the generic use cannot be interpreted as allowing that specific use.

(c) *USES PROHIBITED IF NOT LISTED.*

A USE IS PROHIBITED IN A ZONING DISTRICT UNLESS:

(1) THAT USE IS SPECIFICALLY LISTED AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT; OR

(2) THAT USE FALLS WITHIN THE DEFINITION OF A GENERIC USE THAT IS ITSELF LISTED AS A PERMITTED OR CONDITIONAL USE IN THE USE TABLE FOR THAT DISTRICT.

COMMENT: Restates, for greater emphasis and clarity, the basic rule of interpretation that a use is prohibited in a zoning district unless it is specifically listed as a permitted or conditional use for that district or it falls within the definition of a generic use so listed.

Subtitle 3. Definitions

§ 1-302. “Abut” to “Awning”.

(b) *Accessory structure.*

“Accessory structure” means a structure that is:

- (1) customarily incidental and subordinate to the use of the principal structure served;
- (2) subordinate in lot coverage and floor area to the principal structure served; and
- (3) [except in a planned unit development,] located on the same lot as the principal structure served.

COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, *which see* below.

(c) *Accessory use.*

“Accessory use” means a use that is:

- (1) customarily incidental and subordinate to the principal use of the lot or principal structure served; and
- (2) [except in a planned unit development,] located on the same lot as the principal use or principal structure served.

COMMENT: Corrects inconsistency with more-recently reconstituted § 15-501, *which see* below.

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

(d) *Gym.*

See “Health AND FITNESS center”.

(g) *Health AND FITNESS center.*

(1) *In general.*

“Health AND FITNESS center” means a gym or other facility that:

- (i) is designed for physical fitness or weight reduction; and
- (ii) contains equipment, such as weight resistance machines, treadmills, stationary bicycles, whirlpools, saunas, showers, and lockers, for that purpose.

(2) *Inclusions.*

“Health AND FITNESS center” includes the following accessory uses designed and intended primarily for patrons of the facility:

- (i) retail sales; and
- (ii) a restaurant or refreshment stands.

COMMENT: Modifies name to better describe the nature of this use, especially as distinguished from the sound-alike “health clinic”.

§ 1-310. “Motor vehicle” to “Owner”.

- (j) *Neighborhood commercial establishment.*

“Neighborhood commercial establishment” means a non-residential use that is within a residential or office-residential zoning district, but in a structure that is non-residential in its construction and original use.

COMMENT: No change. Shown only to provide context for § 14-328(a), as corrected below.

Title 3. Outline of Code Administration

Subtitle 2. Administrative Agencies and Officials

§ 3-202. Board of Municipal and Zoning Appeals.

- (f) *Public hearings – Open to public.*

[(1)] All hearings of the Board of Municipal and Zoning Appeals under this Code must be open to the public.

[(2) At least once in every 2 calendar months, at least 1 session of hearings must be scheduled to begin after 5 p.m.]

COMMENT: Deletes a scheduling provision that has proven to be functionally impractical to implement.

§ 3-204. Director of Planning.

- (b) *Powers and duties.*

In addition to the powers and duties specified in City Charter Article VII, §§ 74 through 80, the Director of Planning has the following powers and duties under this Code:

- (1) to perform the following reviews in sessions [open to the public and for which public notice is provided]:
 - (i) site plan review (Title 4, Subtitle 2);
 - (ii) environmentally sensitive areas review (Title 4, Subtitle 3);
 - (iii) design review (Title 4, Subtitle 4; Design Manual); and
 - (iv) landscape review (Title 4, Subtitle 5; Landscape Manual);

....

COMMENT: Deletes a scheduling provision that has proven to be functionally impractical to implement.

Title 4. Development Reviews

Subtitle 2. Site Plan Review

§ 4-203. Applicability.

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

...

- (7) any development within an environmentally sensitive area, including projects in a [100-Year Flood Plain] 100-YEAR FLOODPLAIN and projects within the Buffer of the Critical Area (See Subtitle 3 {"Environmentally Sensitive Areas Review"} of this title);

....

COMMENT: Conforms spelling of "floodplain" to conform with that uniformly adopted throughout this and all other articles of the Baltimore City Code.

Subtitle 4. Design Review

§ 4-405. Applicability.

(a) In general.

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

...

- (13) any new construction that involves:

...

- (iii) [construction in an area designated a "Main Street" in accordance with criteria set by The National Trust for Historic Preservation] ALTERATION TO A STREET-FRONT FACADE IN A C-1 DISTRICT; or

....

COMMENT: Aligns design-review requirement to the specific zoning district (the C-1 District) and specifies the intended scope of that review.

Title 5. Applications and Authorizations

Subtitle 3. Variances

§ 5-301. Purpose.

(b) Application.

The variance procedure applies only to changes in bulk and yard regulations AND TO CHANGES IN SIGNAGE, PARKING, AND LOADING REQUIREMENTS. It does not apply to changes in the uses allowed within a zoning district.

COMMENT: Expressly recognizes the Board's long-standing practice of authorizing, subject to the limitations and standards applicable to variances, changes in signage and in parking and loading requirements. (Cf., e.g., pre-TransForm Zoning Article §§ 15-208 and 15-209 {"Variances: Off-street parking"}.)

§ 5-308. Approval standards.

(b) Other required findings.

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

- (1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;
- (2) the unnecessary hardship or practical difficulty is caused by this Code and has not been created by the intentional action or inaction of any person who has a present interest in the property;
- (3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;
- (4) the variance will not:
 - (i) be injurious to the use and enjoyment of other property in the immediate vicinity; or
 - (ii) substantially diminish and impair property values in the neighborhood;
- (5) the variance is in harmony with the purpose and intent of this Code;
- (6) the variance is not precluded by and will not adversely affect:
 - (i) any Urban Renewal Plan;
 - (ii) the City's Comprehensive Master Plan; or
 - (iii) any Historical and Architectural Preservation District; [and]
- (7) THE VARIANCE WILL NOT:
 - (I) IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY;
 - (II) OVERCROWD THE LAND;
 - (III) CREATE AN UNDUE CONCENTRATION OF POPULATION;
 - (IV) SUBSTANTIALLY INCREASE THE CONGESTION OF THE STREETS;
 - (V) CREATE HAZARDOUS TRAFFIC CONDITIONS;
 - (VI) ADVERSELY AFFECT TRANSPORTATION;

(VII) UNDULY BURDEN WATER, SEWER, SCHOOL, PARK, OR OTHER PUBLIC FACILITIES;

(VIII) INCREASE THE DANGER OF FIRE; OR

(IX) OTHERWISE ENDANGER THE PUBLIC SAFETY; AND

(8) [(7)] the variance will not otherwise:

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

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

COMMENT: Item (7) of this subsection reinstates standards that have long-been required by the Zoning Code (see pre-TransForm Zoning Article, § 15-219(5)), but were inadvertently omitted from Ordinance 16-581 {"TransForm Baltimore – Zoning"}.

Subtitle 4. Conditional Uses

§ 5-407. Expiration of approval.

(a) *Exercise within year required.*

A conditional use lapses and becomes void 1 year from the date of its final approval unless, within that year:

(1) a [building permit is] USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT USE; [and]

(2) [either: (i)] the erection or alteration of a structure FOR THAT USE [is started] HAS LAWFULLY BEGUN; or

(3) [(ii)] the use [is] HAS LAWFULLY begun [within such period].

COMMENT: Many conditional uses do not require or even generate a "building permit", as erroneously assumed by item (1) of this subsection. This amendment, therefore: (i) corrects item (1) to refer instead to the "use permit" and "occupancy permit" required by the Zoning Code and Building Codes, respectively; and (ii) clarifies the optional relationships of the actions that will avoid a lapse of the conditional-use approval.

Subtitle 5. Legislative Authorizations

§ 5-507. Action by City Council.

(a) *Committee hearing.*

(1) The bill must be considered at a public hearing of a committee of the City Council. Notice of the public hearing must be given in accordance with Title 5, Subtitle 6 {"Notices"} OF THIS CODE.

COMMENT: Clarifies cross-reference citation.

§ 5-508. Approval standards.

(b) Map amendments.

(4) Additional standards – Rezoning from MI District.

- (i) To rezone land from the Maritime Industrial (“MI”) District to any other zoning district, the Planning Commission must find that the proposed amendment:
- (A) [would be] IS consistent with the [City’s] THE MOST CURRENT BALTIMORE CITY Comprehensive Master Plan;
 - (B) [would not impede, diminish, or preclude] SUSTAINS OR ENHANCES transportation access into [or] AND out of the [Maritime Industrial District] PORT OF BALTIMORE;
 - (C) [would not result in or encourage a loss of existing deep water assets of the Maritime Industrial District] ENSURES THE LONG-TERM PRESERVATION OF THE DEEP WATER ASSETS OF THE PORT OF BALTIMORE FOR MARITIME INDUSTRIAL USE;
 - (D) [would not result in changes to the economic viability of adjacent maritime industrial land uses due to the encroachment of non-compatible uses] PROTECTS MARITIME INDUSTRIAL LAND USES FROM THE INTRUSION OF NON-INDUSTRIAL USES;
 - (E) [would not reduce or impede] SUSTAINS OR ENHANCES THE current [or] AND future maritime industrial economic development growth in the [Maritime Industrial district] DISTRICT;
 - (F) [would establish] ESTABLISHES an adequate physical separation that will buffer non-industrial land uses from maritime industrial uses; and
 - (G) [would adhere] ADHERES with federal and state laws regarding homeland security, generally, and port safety, specifically.

COMMENT: Industry requested these changes, to conform to the standards originally adopted for rezoning in the former Maritime Industrial Zoning Overlay District (see pre-TransForm Zoning Code § 8-411(c)).

Title 7. Open-Space and Environmental Districts

Subtitle 4. Chesapeake Bay Critical Area Overlay Zoning District

§ 7-414. Variances and conditional uses.

(d) Applications.

The Board of Municipal and Zoning Appeals must furnish copies of all applications for a conditional use or variance to the Planning Department [and the Chesapeake Bay Critical Area Commission].

COMMENT: The Chesapeake Bay Critical Area Commission has advised that submitting these applications to Commission is wholly unnecessary.

Title 12. Special Purpose Districts

Subtitle 5. Educational Campus Districts

§ 12-502. Bulk and Yard Regulations.

(a) *In general.*

[(1)] Except as provided in § 12-503 {“Educational Campus Master Plan”} of this subtitle, *Table 12-502: Educational Campus Districts – Bulk and Yard Regulations* sets forth the applicable bulk and yard regulations for new construction in the EC-1 and EC-2 Districts.

[(2)] Educational buildings existing as of June 5, 2017, regardless of height and yards, are deemed conforming.]

COMMENT: The legal fiction created by paragraph (2) (“*deemed conforming*”) carries with it a potential unintended consequence: As a “conforming” structure, if it were later destroyed, it would no longer benefit from the provisions of Title 18 that clearly allow only *non-nonconforming* structures to be rebuilt “in kind”; instead, like all other *conforming* structures, the rebuilt structure arguably would be limited to the then existing bulk and yard regulations (height, size, etc.) allowed by the underlying district.

Title 13. Planned Unit Developments

Subtitle 1. Purpose; Transition Rules

§ 13-102. Transition rules.

(a) *In general.*

Residential, office-residential, business, and industrial planned unit developments approved before the effective date of this Code (June 5, 2017) remain valid as long as they continue to comply with all requirements and conditions of their approvals and [of] WITH the Zoning Code regulations in effect immediately preceding [that effective date] THE DATE OF THOSE APPROVALS.

COMMENT: Corrects misleading reference to the date from which continued compliance with “Zoning Code regulations” is required.

Subtitle 2. Requirements; Approval Standards; Exceptions

§ 13-201. Authorization.

(a) *In general.*

Planned unit developments [must] MAY ONLY be established by AN ordinance of the Mayor and City Council ENACTED in accordance with the provisions of this title.

COMMENT: Corrects misleading use of “must”; emphasizes exclusivity of authorization.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-325. Motor vehicle or recreational vehicle dealerships or rental establishments.

(a) *Lot size.*

(1) *IN GENERAL.*

Motor vehicle or recreational vehicle dealerships or rental establishments must have a lot size of at least 20,000 square feet, except in a PC Subdistrict.

(2) *SCOPE.*

THE MINIMUM LOT SIZE REQUIREMENT OF PARAGRAPH (1) OF THIS SUBSECTION APPLIES ONLY TO A STANDALONE DEALERSHIP OR RENTAL ESTABLISHMENT AND, AS SUCH, DOES NOT APPLY TO A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS PART OF A SHARED- OR MULTI-USE PROPERTY.

COMMENT: Clarifies that the minimum lot requirement does not apply to a shared- or multi-use – such as, for example, a rental establishment located on the ground floor of an office building’s parking garage.

(b) *Service area.*

Any service and repair facilities must also comply with the standards § 14-326 {“Motor vehicle service and repair”} of this subtitle.

(c) *SCREENING.*

A 6-FOOT HIGH SOLID FENCE IS REQUIRED ALONG ANY PORTION OF A DEALERSHIP OR RENTAL ESTABLISHMENT THAT IS VISIBLE FROM THE GROUND LEVEL OF A RESIDENTIAL ZONING DISTRICT.

COMMENT: Adds screening requirement for operations that otherwise would be visible from the ground level of a residential district.

§ 14-326. Motor vehicle service and repair: Major or minor.

(b) *Outdoor storage limitations.*

Motor vehicle service and repair shops may not store the same vehicles outdoors on the site for longer than [10] 30 days.

COMMENT: Extension needed to account for delays in ability to undertake repairs pending verification of insurance coverage.

§ 14-328. Neighborhood commercial establishments.

(a) [*In general*] *MINIMUM LOT AREA REQUIREMENTS.*

[Neighborhood commercial establishment uses are limited to the reuse of existing buildings that were originally constructed and used for non-residential uses in what are

now Residential or Office-Residential Zoning Districts.] Because [these] NEIGHBORHOOD COMMERCIAL ESTABLISHMENT uses [are for] APPLY ONLY TO CERTAIN ALREADY-existing [buildings] STRUCTURES, [they] THOSE USES are not subject to the minimum lot area required for non-residential uses in Residential or Office-Residential Zoning Districts.

COMMENT: Deletes unnecessary – and substantively inconsistent – paraphrase of the governing definition in § 1-310(j).

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

[No off-street parking is required for uses under 2,500 square feet in gross floor area.]

COMMENT: Moved to § 16-601(e), as amended below. See Comment to that section.

Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

(2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, AS APPLICABLE:

(A) FROM the mean curb level of the right-of-way on which the property fronts; [or]

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of the ground between that wall and the curb; OR

(C) IF THE BUILDING IS IN A REGULATED FLOOD-HAZARD AREA (AS DEFINED IN AND SUBJECT TO CITY CODE ARTICLE 7 {"NATURAL RESOURCES"}, DIVISION I {"FLOODPLAIN MANAGEMENT"}), FROM THE REQUIRED DESIGN-FLOOD ELEVATION (ALSO AS DEFINED IN AND SUBJECT TO ARTICLE 7, DIVISION I); and

(ii) to the following, AS APPLICABLE:

(A) in the case of a flat roof, to the highest point of the roof that adjoins the street wall; or

(B) in the case of a pitched roof, to the mean height level of the roof as measured between the eaves and the peak in the case of pitched roofs.

COMMENT: New item (i)(C) avoids penalizing development in a Regulated Flood-Hazard Area, for which the governing law imposes a higher base elevation than the options listed in item (i)(A) and (B).

Subtitle 5. Accessory Structures and Uses

§ 15-501. General regulations.

- (a) *Must be on same lot as principal structure.*

An accessory structure or use must be limited to and located on the same lot with the use of the principal structure to which it is accessory.

COMMENT: No change. Shown only to provide context for § 1-302(b) and (c), as corrected above.

Title 16. Off-Street Parking and Loading

Subtitle 4. Design of Off-Street Parking Facilities

§ 16-402. Minimum dimensions of off-street parking spaces.

- [(a) *As in Table 16-402.*]

Off-street parking spaces must be designed in accordance with *Table 16-402: Off-Street Parking Dimensions.*

- [(b) *Vertical clearance.*]

[(1) All parking spaces must have a minimum vertical clearance of 7 feet 6 inches.]

[(2) Floors accessible to ADA-compliant vans must have a minimum vertical clearance of 8 feet 2 inches.]

COMMENT: Deletes provisions that conflict with Building Code requirements.

§ 16-404. Driveways.

- (c) *Parking spaces.*

(1) Single-family detached and semi-detached dwellings and rowhouse dwellings are allowed a paved parking space. This parking space may not be located in the required front or corner-side yard. In addition, no parking space may be located forward of the front building line.

[(2) No parking space may exceed 18 feet in depth, as measured from the property line or right-of-way.]

COMMENT: Deletes provision that prevents compliance with other requirements and practical needs, such as access to garages or corner-side yards.

(2) [(3) The maximum impervious surface requirement for a lot may not be exceeded to accommodate a parking space.] ON LOTS THAT COMPRISE LESS THAN 1,000 SQ. FT., REQUIRED PARKING SPACES ARE EXCLUDED FROM THE CALCULATION OF THE IMPERVIOUS SURFACE FOR THE REAR YARD.

COMMENT: Eases requirements for small lots.

§ 16-407. Surfacing.

(a) *In general.*

Unless otherwise permitted by this title or in subsections (b) or (c) of this section, parking spaces must be surfaced and maintained with a dustless all-weather material in accordance with the Baltimore City Building Code. [Semi-pervious materials, such as grass-crete and pervious pavers, may also be used.]

COMMENT: Deletes extraneous sentence from subsection. The sentence is inconsistent with the far more limited permission granted by subsection (c) for these same "semi-pervious materials"; the sentence is further contradicted by the express reference, in the immediately preceding sentence, to exceptions for materials "otherwise permitted ... in subsection (c) of this section".

(c) *Semi-pervious materials.*

For single-family detached, semi-detached, and rowhouse dwellings, driveways may be constructed of semi-pervious materials, such as grass-crete, pervious pavers, and gravel.

COMMENT: No change. Shown only to provide context for preceding amendment to subsection (a).

Subtitle 6. Required Off-Street Parking

§ 16-601. Exemption from requirements.

(e) *Neighborhood commercial establishment.*

[Where] IN a neighborhood commercial establishment [is permitted] ALLOWED by this Code, [that use is exempt from parking requirements] NO OFF-STREET PARKING IS REQUIRED FOR ANY USE OF LESS THAN 2,500 SQUARE FEET IN GROSS FLOOR AREA.

COMMENT: Current § 14-328(e) and § 16-601(e) contain conflicting – and irreconcilable – parking exemptions for neighborhood commercial establishments. This amendment incorporates the former's language into the latter's better placement.

Subtitle 7. Required Bicycle Parking

§ 16-705. Required number of bicycle spaces.

(e) *Motor vehicle parking offset.*

- (1) For every 12 REQUIRED bicycle parking spaces that meet the short- or long-term bicycle parking standards, as set forth in *Table 16-705 {"Required Bicycle Spaces"}*, the motor vehicle parking required by this title may be reduced by 1 space.
- (2) Existing parking may be converted to take advantage of this provision.

COMMENT: Clarifies that only "required" bicycle spaces qualify towards the offset of required motor vehicle spaces.

Subtitle 8. Additional Vehicle Storage Requirements

§ 16-801. Commercial vehicles [in] ON PRIVATE PROPERTY ZONED FOR residential [areas] USE.

(a) *In general.*

The following restrictions apply to the storage or parking of commercial vehicles on private property that is ZONED for residential use [or that is in a block predominantly zoned for residential use].

(b) *Vehicles permitted to park overnight.*

Only standard-sized, passenger vehicles including, but not limited to, automobiles, passenger size livery vehicles, vans, sports utility vehicles (SUVs), and pick-up trucks are permitted to be stored or parked outdoors overnight on private property that is zoned for residential use [or that is in a block predominantly zoned for residential use].

(c) *Vehicle prohibited from parking overnight.*

All other commercial vehicles including, but not limited to, semi-truck tractor units, with or without attached trailers, commercial trailers, buses, limousines (excluding passenger size livery vehicles), tow trucks, or construction vehicles, are prohibited from being stored or parked outside overnight on private property that is zoned for residential use [or that is in a block predominantly zoned for residential use].

COMMENT: Removes a scope application that is vaguely worded, is difficult to apply, and, as a consequence, has proven to be functionally impractical to enforce.

§ 16-802. Parking OR STORING of recreational vehicles.

(a) *In general.*

The parking or storage of recreational vehicles or similar camping equipment must meet the following conditions.

[(b) *48-hour limit in street or driveway of residential district.*]

[No recreational vehicle or trailer licensed to transport recreational vehicles or equipment may be parked in the public right-of-way in or in the driveway of a residential district for more than 48 hours.]

[(c) *Locations for parking or storage.*]

[If the recreational vehicle is not stored in a fully enclosed structure, it must be parked or stored to the rear of the front building line of the lot and located at least 3 feet from the side and rear lot lines. This requirement does not apply to recreational vehicles offered for sale in an approved outdoor sales and display area of a recreational vehicle dealership. Temporary storage tents for recreational vehicles are not considered a fully enclosed structure.]

(B) *PARKING OR STORING ON PRIVATE PROPERTY ZONED FOR RESIDENTIAL USE.*

(1) *IN GENERAL.*

NO RECREATIONAL VEHICLE OR TRAILER LICENSED TO TRANSPORT RECREATIONAL VEHICLES OR EQUIPMENT MAY BE PARKED OR STORED ON PRIVATE PROPERTY THAT IS ZONED FOR RESIDENTIAL USE UNLESS IT IS PARKED OR STORED:

(I) IN A FULLY ENCLOSED STRUCTURE, NOT INCLUDING A TEMPORARY STORAGE TENT; OR

(II) ON A PAVED SURFACE:

(A) IN THE REAR YARD OF THE LOT; AND

(B) AT LEAST 3 FEET FROM THE SIDE AND REAR LOT LINES.

(2) *EXCEPTION.*

THIS SUBSECTION DOES NOT APPLY TO RECREATIONAL VEHICLES OFFERED FOR SALE IN AN APPROVED OUTDOOR SALES AND DISPLAY AREA OF A RECREATIONAL VEHICLE DEALERSHIP.

(C) [(d)] *Use as dwelling, etc., prohibited.*

(1) No recreational vehicle may be used for living, sleeping, or housekeeping purposes.

(2) [The] NO RECREATIONAL vehicle may [not] have fixed connections to electricity, water, gas, or sanitary sewer facilities.

(D) [(e)] *Maintenance and current registration required.*

All recreational vehicles must be maintained in mobile condition. No recreational vehicle may be parked or stored in a manner that creates a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in a way that the recreational vehicle, whether loaded or not, might tip or roll is considered a dangerous and unsafe condition. The recreational vehicle equipment must be kept in good repair and must carry a current year's license and registration.

COMMENT: Revises section to more clearly delineate parking and storing restrictions in residential districts. Also, deletes an hours-of-parking limitation that, in one part (as to parking in a "public right-of-way"), is redundant of a broader limitation in Article 31, § 6-22 {"Continuously parking in 1 spot"} and, in its other part (as to parking in a "driveway"), is inconsistent with the limitations elsewhere in this very section.

Title 18. Nonconformities

Subtitle 3. Nonconforming Uses

§ 18-302. Expansion of use OR STRUCTURE.

(A) *IN GENERAL.*

A nonconforming use may not be expanded in any manner, nor may any structure be erected or expanded, unless the use of the land and the structure are made to conform to the regulations of the district in which they are located.

(B) *EXCEPTION.*

FOR A NONCONFORMING USE OR STRUCTURE IN A COMMERCIAL, INDUSTRIAL, OR TOD DISTRICT, THE ZONING BOARD MAY AUTHORIZE BY VARIANCE AN EXPANSION OF THE GROSS FLOOR AREA OF THE USE OR STRUCTURE BY UP TO 25% OF THAT WHICH LAWFULLY EXISTED AS OF JUNE 5, 2017.

COMMENT: Allows a limited GFA variance, subject to all standards applicable to variances, for non-conforming uses or structures in commercial and industrial districts.

§ 18-306. Change of use.

(b) *When change allowed.*

(1) *IN GENERAL.*

A nonconforming use may not be changed to any other use except one that is allowed within the zoning district in which it is located.

(2) *EXCEPTION FOR CERTAIN LIQUOR STORES, ETC.*

A NONCONFORMING RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES SUBJECT TO § 18-701 {"RETAIL ... ESTABLISHMENTS ... WITH ALCOHOLIC BEVERAGE SALES"} OR A NONCONFORMING TAVERN SUBJECT TO § 18-702 {"TAVERNS"} OF THIS CODE MAY CONVERT, WITHOUT CONDITIONAL USE APPROVAL, TO A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT, SUBJECT TO THE USE STANDARDS OF § 14-328 {"NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS"} OF THIS CODE AND ONLY TO THE EXTENT THAT NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS ARE OTHERWISE EXPRESSLY ALLOWED BY THE USE TABLE APPLICABLE TO THE UNDERLYING ZONING DISTRICT.

COMMENT: Eases the ability of non-conforming liquor stores and taverns, facing imminent termination, to convert to certain other uses in certain districts.

Title 19. Prohibited Conduct; Enforcement; Administrative and Judicial Review

Subtitle 2. Enforcement

§ 19-207. Service.

(d) *Method of service – Posting.*

Adequate and sufficient notice may be made by posting a copy of the notice on the property in question if:

(1) the identity or whereabouts of the person responsible IS unknown; or

....

COMMENT: Inserts missing verb.

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Zoning Tables

Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

Uses	R-5	R-6	R-7	R-8	R-9	R-10	Use Standards
....							
COMMERCIAL							
...							
Neighborhood Commercial Establishment ^[1]	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-328
OTHER							
Alternative Energy System: Community-Based ^[1] ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
...							
Wireless Communications Services ^[2] ³	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-338

^[1] A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS A PERMITTED USE ONLY FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION FOR CERTAIN LIQUOR STORES, ETC."}.

^[1]² A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

^[2]³ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

COMMENT: See Comment to § 18-306.

**Table 9-401: Rowhouse and Multi-Family Residential Districts –
Bulk and Yard Regulations**

Categories	R-5	R-6	R-7	R-8	R-9	R-10
....						
MINIMUM CORNER-SIDE YARD						
Dwelling: Detached or Semi-Detached	20 feet	20 feet	15 feet	15 feet	15 feet	15 feet
Dwelling: Rowhouse	20 feet	20 feet	15 feet	None	None	None
Dwelling: Multi-Family	20 feet	20 feet	15 feet	[15 feet] NONE	25 feet	[15 feet] NONE
All Other Uses	20 feet	20 feet	15 feet	[15 feet] NONE	15 feet	[15 feet] NONE
....						

....

COMMENT: Corner-side yards are not typical in R-8 and R-10 Districts. These amendments allow new construction to conform with that already-existing local pattern.

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

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
....								
COMMERCIAL								
...								
Health AND FITNESS Center	P	P	P	P	P	P	P	
...								
INDUSTRIAL								
...								
Mini-Warehouse					CB	P	CB ¹	
....								

¹ Allowed only in [an existing] A structure **LAWFULLY EXISTING AS OF JUNE 5, 2017.**

....

COMMENTS: Health and Fitness Center – See Comment to § 1-307.

Mini-Warehouse, n. 1 – Clarifies ambiguous condition by specifying as of when the underlying structure must have been “existing”.

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

Categories	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
.....						
MINIMUM CORNER-SIDE YARD						
All Uses	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. AFTER 1 ST 25 FT.: Minimum [setback] CORNER-SIDE YARD of 25 ft.	For 1 st 25 ft. from front lot line: Where structure is to be located, must build to corner-side lot line. After 1 st 25 ft.: No yard requirement.	None	None	None ⁵
.....						

COMMENT: Corrects self-contradiction. As currently written, this provision would require that a structure, “[f]or the 1st 25 ft. from the front line”, must *both* (i) be “buil[t] to the corner-side lot line” *and* (ii) at the same time, have a “minimum setback of 25 ft.” from that same corner-side lot line – a veritable impossibility!

**Table 10-401: Commercial Districts (C-5) –
Bulk and Yard Regulations**

CATEGORIES	C-5-DC	C-5-IH	C-5-DE	C-5-HT	C-5-TO	C-5-HS	C-5-G
MAXIMUM BLDG HEIGHT							
All Uses	None	100 feet	125 feet	80 feet	175 feet	175 feet	80 feet
MINIMUM BLDG HEIGHT							
All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
MINIMUM FRONT YARD							
All Uses	[Build to front lot line ¹] NONE	None	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE	[Build to front lot line ¹] NONE
MINIMUM INTERIOR SIDE YARD							
All Uses	None	None	None	None	None	None	None
MINIMUM CORNER-SIDE YARD							
All Uses	[Build to corner-side lot line ²] NONE	None	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE	[Build to corner-side lot line ²] NONE
MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

[¹ However, a front yard may be allowed by the Zoning Board as a conditional use.]

[² However, a corner-side yard may be allowed by the Zoning Board as a conditional use.]

COMMENT: The current language does not account for handicapped ramps and similar needs. This amendment removes this inflexible requirement for a situation that, in any event, is best handled through the design-review process required for the C-5 District.

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
RESIDENTIAL							
...							
ROOMING HOUSE			CB				
.....							
COMMERCIAL							
...							
HEALTH AND FITNESS CENTER	P	P	P				
...							
MOTOR VEHICLE SERVICE AND REPAIR: MAJOR				CB	CB		PER § 14-326
Motor Vehicle Service and Repair: Minor			CO	[CO] CB	CB		Per § 14-326
.....							

COMMENTS: **Rooming House** – Allows for the communal housing often associated with and needed for arts studios in the I-MU District.

Health and Fitness Center – See Comment to § 1-307.

Motor Vehicle Service and Repair – As requested by inspectors working with the Violence Reduction Initiative, to provide more opportunities for lawfully operated service and repair facilities.

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

Uses	OR	Use Standards
.....		
COMMERCIAL		
...		
Neighborhood Commercial Establishment ¹	CB, P	Per § 14-328
.....		

¹ A Neighborhood Commercial Establishment is a permitted use only [if]: (i) [the] FOR A structure THAT has 50 or more dwelling units[;] and [(ii)] IF non-residential uses are limited to 10% of the structure's gross floor area; OR (ii) FOR THE SPECIFIC NONCONFORMING USES DESCRIBED IN § 18-306(B)(2) {"CHANGE OF USE: EXCEPTION"}.

.....

COMMENT: See Comment to § 18-306.

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

Uses	TOD-1	TOD-2	TOD-3	TOD-4	Use Standards
....					
COMMERCIAL					
...					
Health AND FITNESS Center	P	P	P	P	
....					

....
COMMENT: See Comment to § 1-307.

Table 12-403: Transit-Oriented Development Districts – Bulk and Yard Regulations

CATEGORIES	TOD-1	TOD-2	TOD-3	TOD-4
MINIMUM LOT AREA				
Dwelling: Multi-Family	300 sq.ft/du	None	[300 sq.ft/du] NONE	None
All Other Uses	None	None	None	None
....				

....

COMMENT: Conforms TOD-3 District to TOD-4 District, in accord with the intention that these two districts have similar bulk and yard regulations. (Note that this is the only instance in this Table where their bulk and yard regulations currently differ.)

**Table 12-601: Hospital Campus Districts --
Permitted and Conditional Uses**

Uses	H	Use Standards
.....		
COMMERCIAL		
...		
Health AND FITNESS Center	P	
.....		

.....
COMMENT: See Comment to § 1-307.

HEIGHT LIMITATIONS - AS IN § 12-905(C) OF THIS CODE.

COMMENT: Completes this Table.

**Table 12-1302: Port Covington District –
Permitted and Conditional Uses**

Uses	PC-1	PC-2	PC-3	PC-4	Use Standards
....					
COMMERCIAL					
...					
<u>Health AND FITNESS Center</u>		P	P	P	
....					

....

COMMENT: See Comment to § 1-307.

Table 15-601: Permitted Encroachments into Required Yards

PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
Balcony – At least 5' from front lot line or corner-side lot line	x		x
<u>BICYCLE PARKING SPACE</u>	<u>x</u>	<u>x</u>	<u>x</u>
Chimney – No more than 2' into a required yard	x	x	x
...			
<u>[Deck]</u>			<u>[x]</u>
...			
Mechanical equipment (§ 15-508)	x	x	x
<u>OFF-STREET LOADING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
<u>OFF-STREET PARKING SPACES, OPEN</u>		<u>x</u>	<u>x</u>
Patio or terrace, open	x	x	x
...			
Porch (§ 15-512), unenclosed, with or without roof – No more than 1 story high; No more than 8' into a required yard.	x	x	x
<u>PORCH (§ 15-512), UNENCLOSED, WITH OR WITHOUT ROOF – MORE THAN 1 STORY HIGH; NO MORE THAN 8' INTO A REQUIRED YARD.</u>			<u>x</u>
...			
<u>Shed, tool house, or similar storage structure – NO MORE THAN 180 SQ. FT. IN A RESIDENTIAL ZONING DISTRICT.</u>	<u>[x]</u>	<u>[x]</u>	<u>x</u>
....			

COMMENT: These changes address various practical issue that came to light during the first 8+ months of the new Code's implementation.

Table 16-406: Required Off-Street Parking

USES	PARKING SPACES REQUIRED
...	
Health AND FITNESS Center	2 per 1,000 sq. ft. of public use area
....	

COMMENT: See Comment to § 1-307.

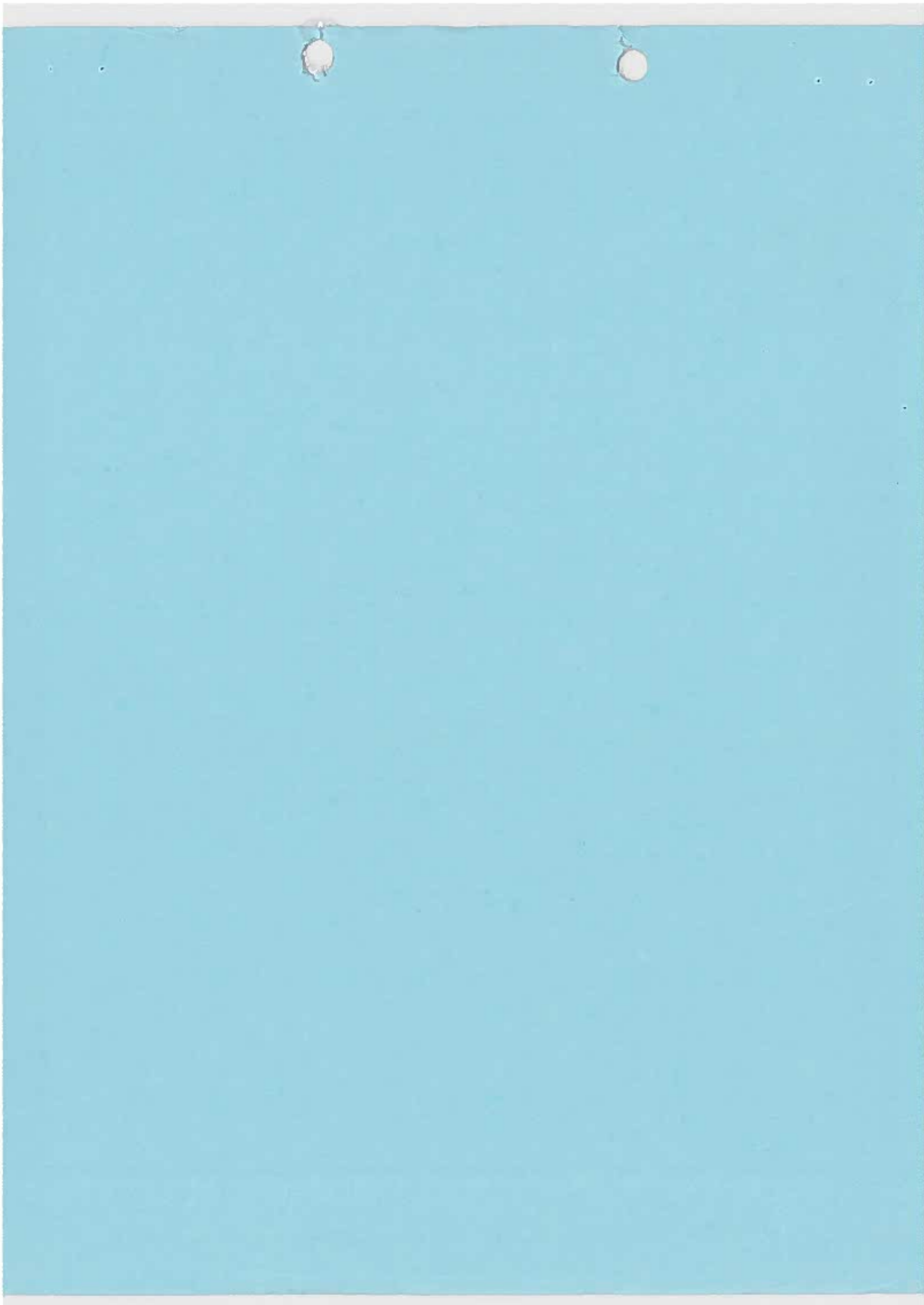
Ordinance 17-015
{“Baltimore City Zoning Code – Legalization – Corrections”}

SECTION 4. AND BE IT FURTHER ORDAINED, That if a section, subsection, paragraph, subparagraph, tabulated item or subitem, FOOTNOTE, or other statutory unit is added to or repealed from City Code Article 32 {“Zoning”} by this or any subsequent Ordinance, the Department of Legislative Reference, in codifying the amendatory Ordinance, is authorized to renumber or reletter related statutory units as appropriate to reflect the added or repealed unit and is further authorized to conform cross-references to the renumbered or relettered statutory units.

COMMENT: Adds “footnote[s]” to the illustrative list of “statutory unit[s]”; they, too, will benefit from administrative renumbering or relettering.

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

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



ACTION BY THE CITY COUNCIL


MAR 26 2018
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON May 23, 2018 + June 27, 20 18

COMMITTEE REPORT AS OF July 9, 2018 20 _____

____ FAVORABLE ____ UNFAVORABLE FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUL 09 2018
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ AUG 06 2018

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

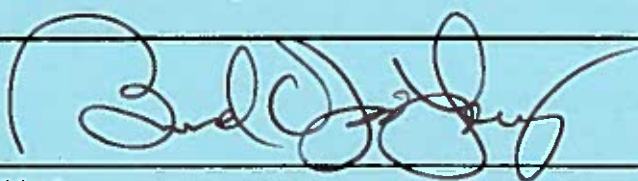
THIRD READING (ENROLLED) _____ 20 _____

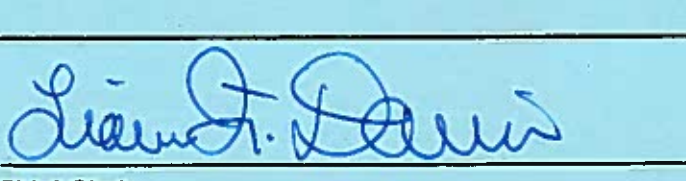
____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.


President


Chief Clerk