

**CITY OF BALTIMORE
COUNCIL BILL 19-0478
(First Reader)**

Introduced by: Councilmembers Dorsey, Burnett, Cohen, Henry, Bullock, Middleton, Clarke,
Reisinger, Sneed, Stokes, Costello

Introduced and read first time: December 16, 2019

Assigned to: Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Department of Transportation, Department of Planning, Baltimore City Parking
Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Curb Cuts – Restoration**

3 FOR the purpose of establishing a process for the City of Baltimore to restore unneeded, unused,
4 or otherwise abandoned curb cuts.

5 BY repealing and re-ordaining

6 Article 32 - Zoning
7 Section(s) 16-405
8 Baltimore City Code
9 (Edition 2000)

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

12 style="text-align:center">**Baltimore City Code**

13 style="text-align:center">**Article 32. Zoning**

14 style="text-align:center">**Title 16. Off-Street Parking and Loading**

15 style="text-align:center">***Subtitle 4. Design of Facilities***

16 **§ 16-405. Curb cuts.**

17 (a) *Permit required.*

18 (1) Curb cuts for driveways require a curb-cut permit from the Department of
19 Transportation, subject to review by the Department of Planning.

20 (2) No person may construct, widen, remove, or alter any driveway or curb cut without a
21 permit issued by the Department of Transportation.

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

Council Bill 19-0478

1 (b) *Considerations.*

2 (1) For residential-, commercial-, and industrial-zoned properties, curb cuts will be
3 considered for the following situations:

4 (i) for access to parking garages (principal use);

5 (ii) for access to parking lots with more than 5 parking spaces;

6 (iii) for dwelling units without rear or side access, where no on-street
7 parking is allowed along the front lot line;

8 (iv) for dwelling units that are capable of securing side street access
9 to a garage or parking space; and

10 (v) in cases where the proposed private parking will provide a net gain
11 over the displaced amount of on-street parking.

12 (2) Existing curb cuts or abandoned curb cuts do not guarantee approval for reuse unless
13 there is an existing permit. In addition, existing curb cuts lawfully established in the
14 immediate vicinity do not guarantee approval of any given request.

15 (3) The City reserves the right to deny a curb cut request regardless of the availability or
16 unavailability of side and rear access.

17 (c) *CURB RESTORATION.*

18 (1) *IN GENERAL.*

19 SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE CITY MAY REQUIRE A
20 PROPERTY OWNER ABUTTING A CURB CUT TO RESTORE A CURB AT THE PROPERTY
21 OWNER'S EXPENSE.

22 (2) *GROUND'S FOR RESTORATION ORDER.*

23 THE CITY MAY ONLY ORDER A CURB RESTORATION UNDER THIS SUBSECTION IF:

24 (1) THE EXISTING CURB CUT IS NO LONGER NEEDED, USED, OR OTHERWISE
25 ABANDONED; OR

26 (2) THE EXISTING CURB CUT IS NOT PERMITTED UNDER CITY LAW.

27 (3) *PROCEDURE.*

28 (1) TO INITIATE A CURB RESTORATION UNDER THIS SUBSECTION, THE DEPARTMENT OF
29 TRANSPORTATION MUST PROVIDE THE ABUTTING PROPERTY OWNER WITH A
30 WRITTEN ORDER TO RESTORE THE CURB AND STATE ITS GROUNDS FOR ORDERING
31 THE RESTORATION.

Council Bill 19-0478

1 (II) ON RECEIPT OF A WRITTEN ORDER TO RESTORE THE CURB, A PROPERTY OWNER
2 MAY EITHER:

3 (A) PROTEST THE ORDER BY SHOWING CAUSE IN WRITING WITHIN 15 DAYS TO
4 THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION AS TO WHY THE
5 CURB SHOULD NOT BE RESTORED; OR

6 (B) COMPLETE THE CURB RESTORATION WITHIN 90 DAYS.

7 (III) A PROTEST FILED UNDER SUBPARAGRAPH (II)(A) OF THIS PARAGRAPH MUST BE
8 REVIEWED BY THE DIRECTOR OF TRANSPORTATION, WHO MAY UPHOLD, MODIFY,
9 OR RESCIND THE DEPARTMENT OF TRANSPORTATION’S ORDER.

10 (IV) IF AN ABUTTING PROPERTY OWNER FAILS TO COMPLY WITH AN ORDER ISSUED
11 UNDER THIS SUBSECTION, THE CITY MAY RESTORE THE CURB AND ASSESS THE
12 PROPERTY OWNER FOR ANY ASSOCIATED COSTS.

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

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