



Legislation Details (With Text)

**File #:** 20-0601    **Version:** 0    **Name:** Zoning Code - Modifications  
**Type:** Ordinance    **Status:** Failed  
**File created:** 9/21/2020    **In control:** Land Use Committee  
**On agenda:**    **Final action:** 12/3/2020  
**Enactment date:**    **Enactment #:**

**Title:** Zoning Code - Modifications  
For the purpose of making needed changes to certain provisions that, during the course of actively operating under the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; allowing electronic signs in residential districts, making them a conditional use by the Board of Municipal and Zoning Appeals, specifying the zoning district requirements, and generally relating to conditional signs; correcting, clarifying, and conforming certain provisions; and generally relating to the zoning and development laws of the City of Baltimore.

**Sponsors:** City Council President (Administration)

**Indexes:** Code, Modifications, Zoning

**Code sections:**

**Attachments:** 1. 20-0601~1st Reader, 2. Letter of Support 20-0601, 3. Planning 20-0601

Date	Ver.	Action By	Action	Result
12/3/2020	0	City Council	Failed	
9/24/2020	0	The City Council	Refer to Dept. of Housing and Community Development	
9/24/2020	0	The City Council	Refer to Dept. of Transportation	
9/24/2020	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
9/24/2020	0	The City Council	Refer to Planning Commission	
9/24/2020	0	The City Council	Refer to City Solicitor	
9/21/2020	0	City Council	Introduced	
9/21/2020	0	City Council	Assigned	

**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.

**Introductory\***

**City of Baltimore  
Council Bill**

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

A Bill Entitled

An Ordinance concerning  
**Zoning Code - Modifications**

For the purpose of making needed changes to certain provisions that, during the course of actively operating under the new Zoning Code, were discovered to be functionally impractical or otherwise in need of modification to abate previously unanticipated consequences; allowing electronic signs in residential districts, making them a conditional use by the Board of Municipal and Zoning Appeals, specifying the zoning district requirements, and generally relating to conditional signs; correcting, clarifying, and conforming certain provisions; and generally relating to the zoning and development laws of the City of Baltimore.

By repealing and reordaining, with amendments

Article 32 - Zoning

Section(s) 1-212(b)(2), 1-303(h), 1-307(a), 1-308(g), 1-311(o), 2-203(c),(d), and (j),  
3-202(b), 5-204, 5-403, 5-404, 5-405(a)(1), 5-406, 5-407(a), 5-408, 5-409(c) and (f)(1), 14-331(a)(1),  
15-301(a), 15-504, 17-407(g), 18-403, Table 7-202, Table 8-301, Table 9-301, Table 9-401, Table 10-  
301, Table 10-401, Table 11-301, Table 12-301, Table 12-402, Table 12-501, Table 12-601, Table 15-  
601, and Table 17-201

Baltimore City Code  
(Edition 2000)

By adding

Article 32 - Zoning

Section(s) 1-306(g-1) and (s), 5-310, 5-401(c), 5-410, 14-328(j), 17-404(f), 18-206(c), and  
18-207

Baltimore City Code  
(Edition 2000)

By repealing

Article 32 - Zoning

Section(s) 1-306(u)  
Baltimore City Code  
(Edition 2000)

By relettering

Article 32 - Zoning

Section(s) 1-306(s) and (t) to be 1-306(t) and (u)

Baltimore City Code  
(Edition 2000)

By renaming

Article 32 - Zoning

Title 5. Subtitle 4. Conditional Uses to be renamed "Subtitle 4. Conditional Uses and Signs"

Baltimore City Code  
(Edition 2000)

**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***

**§ 1-212. Tables.**

(b) *Use symbology.*

(2) In Signage Tables

(i) an “A” indicates that a sign type is allowed in that Zoning District;  
[and]

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

(iii) A “CB” indicates that a sign type requires approval by the Board of Municipal and Zoning Appeals.

**Comment:** Indicates that a sign type requires approval by the Board of Municipal and Zoning Appeals.

***Subtitle 3. Definitions***

**§ 1-303. “Bail bond establishment” to “Child day-care home”.**

(h) *Blockface.*

“Blockface” means all of 1 side of a given street between 2 consecutive intersecting streets, excluding alleys, footways, and sidewalks.

**Comment:** Clarifies, with the additional language, what was intended as the definition of “Blockface”.

**§ 1-306. “Encroachment” to “Golf course”.**

(g-1) *Farmers market.*

“Farmers market” means a public market where producers of raw agricultural products sell the products directly to the public. At least 50% of vendors must sell agricultural or food products.

...

**Comment:** Corrects an omission from the Zoning Code by creating a definition for an existing use that is currently operating in many zoning districts.

(s) *Fuel station.*

(1) *In general.*

“Fuel station” means any premises or structure used for the retail sale of fuel, dispensed from fixed equipment into the fuel tanks of motor vehicles.

(2) *Inclusions.*

“Fuel station” includes:

- (i) the accessory sale of convenience items;
- (ii) an accessory freestanding self-service car wash; and
- (iii) electric charging stations.

**Comment:** Replaces the definition of “Gas station” with that of “Fuel station” to reflect that electric charging stations also are fueling stations.

(t) [(s)] *Funeral home.*

(1) *In general.*

“Funeral home” means an establishment for preparing deceased individuals for burial or cremation and for conducting rituals before burial or cremation.

(2) *Inclusions.*

“Funeral home” includes:

- (i) chapels for viewing a deceased and for conducting rituals; and
- (ii) a crematorium.

(u) [(t)] *Garage.*

See “Parking garage (principal use)”.

“Parking garage (residential, detached)”.

[(u) *Gas station.*]

[(1) *In general.*]

[“Gas station” means any premises or structure used for the retail sale of fuel, dispensed from fixed equipment into the fuel tanks of motor vehicles.]

[(2) *Inclusions.*]

[“Gas station” includes:]

- [(i) the accessory sale of convenience items; and]
- [(ii) an accessory freestanding self-service car wash.]

. . .

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

(a) *Government facility.*

(1) *In general.*

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

(2) *Inclusions.*

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

...

**Comment:** Clarifies that the definition of “government facility” includes recreation centers owned by Baltimore City’s Department of Recreation and Parks.

**§ 1-308. “Industrial: General” to “Lot: Interior”.**

(g) *Kennel.*

(1) *In general.*

“Kennel” means a business or other entity where 3 or more dogs or cats over 6 months old are boarded or maintained by a person other than their owner, and boarding is the primary or principal function of the use.

...

**Comment:** Clarifies that the definition of “Kennel” includes a non-profit animal shelter.

**§ 1-311. “Parapet” to “Processed metal”.**

(o) *Personal services establishment.*

(1) *In general.*

“Personal services establishment” means an establishment that provides recurrent needed services of a personal nature.

(2) *Illustrations.*

Typical examples of a “personal services establishment” include:

- (i) beauty shops, including micro-blading services, and barbershops;
- (ii) tanning salons;
- (iii) animal grooming establishments;
- (iv) electronics repair shops;
- (v) laundromats, dry cleaners, and tailors; and
- (vi) certified massage therapists or similar licensed professionals.

**Comment:** Clarifies that micro-blading is a service that is cometic in nature, typically the shaping of eyebrows, and that it is not a service of a body art establishment.

**Title 2. Purpose, Applicability, Short Title**

***Subtitle 2. Applicability***

§ 2-203. Transition rules.

...  
(c) *Preexisting permitted use reclassified as conditional.*

- (1) If a preexisting permitted use is reclassified by this Code or an amendment to it as a conditional use for the Zoning District in which it is located, that use may be continued as a lawful conditional use, subject to the conditions and restrictions previously imposed on it by law or regulation.
- (2) Any subsequent change to that use[, including any addition, expansion, relocation, or structural alteration,] must be approved by the Board of Municipal and Zoning Appeals and is subject to the procedural and substantive requirements imposed by this Code on conditional uses.

(d) *Preexisting nonconforming use reclassified as permitted or conditional.*

- (1) If a preexisting nonconforming use is reclassified by this Code or an amendment to it as a permitted or conditional use for the zoning district in which it is located, that use may be continued as a lawful permitted or conditional use, as the case may be.
- (2) Any subsequent change to that use[, including any addition, expansion, relocation, or structural alteration, is] must be approved by the Board of Municipal and Zoning Appeals, subject to this Code and, if a conditional use, to the procedural and substantive requirements imposed by this Code on conditional uses.

...  
(j) *Previously granted variances and conditional uses.*

- (1) All variances and conditional uses granted before June 5, 2017, or before the effective date of any relevant amendment to this Code remain effective, and the recipient of the variance and conditional use may proceed to develop the property in accordance with the approved plans.
- (2) However, if the recipient fails to act timely on the variance or conditional use, as required by § 5-309 {"Expiration of approval"} or § 5-407 {"Expiration of approval"} of this Code, the provisions of this Code govern and the approval is invalid.
- (3) Any subsequent change to a conditional use[, including any addition, expansion, relocation, or structural alteration,] must be approved by the Board of Municipal and Zoning Appeals and is subject to the procedures and requirements imposed by this Code on conditional uses.

...

**Comment:** Clarifies the procedures to change or alter conditional uses.

**Title 3. Outline of Code Administration**

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

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

(b) *Powers and duties.*

In addition to the powers and duties specified in City Charter Article VII, §§ 83 through 89 and in State law, the Board of Municipal and Zoning Appeals has the following powers and duties under this Code:

- (1) to grant major variances (Title 5, Subtitle 3);

- (2) to grant conditional use authorizations (Title 5, Subtitle 4);
- (3) to hear appeals from decisions of the Zoning Administrator;
- (4) with the approval of the Board of Estimates, to set fees for filing and hearing appeals, granting variances, and for the various other functions required or authorized by this Code; [and]
- (5) to perform all other functions assigned to the Board by this Code[.];
- (6) to authorize accessory uses as long as they meet the standards for “accessory use”, as defined in § 1-302(c); and
- (7) to authorize uses not otherwise listed in this Code, subject to § 1-217.

**Comment:** Grants some flexibility to the Board of Municipal and Zoning Appeals, as new uses get invented. Under the prior Zoning Code, the Board of Municipal and Zoning Appeals routinely heard appeals for accessory uses not expressly listed as “accessory.” This provides flexibility as uses change over time, and trends allow for certain accessory uses to compliment principal uses - example: micro-blading as an accessory use to a personal services establishment.

## **Title 5. Applications and Authorizations**

### ***Subtitle 2. Applications***

#### **§ 5-204. Withdrawal of application.**

An applicant has the right to withdraw an application at any time before a decision is made on the application by the appropriate body. There will be no refund of fees. Requests for withdrawal must be in writing by the applicant or by the property owner.

**Comment:** Corrects a situation whereby the Board of Municipal and Zoning Appeals has had occurrences of tenants filing zoning appeals without the property owner’s permission.

### ***Subtitle 3. Variances***

#### **§ 5-310. Discretion to deny.**

The Zoning Administrator or the Board of Municipal and Zoning Appeals may deny any application for a variance if the subject property has any outstanding notice of violation, code violation, or any other unresolved or unpaid fee, fine, or citation.

**Comment:** Provides the Board of Municipal and Zoning Appeals the discretion to dismiss or deny relief under an application for outstanding Code or other violations.

### ***Subtitle 4. Conditional Uses and Signs***

#### **§ 5-401. Purpose.**

...  
(c) *Signs.*

In certain districts some sign types are allowed by conditional approval. The conditional approval in these situation is interpreted as allowing the sign type within a lot to be more intense that would otherwise be allowed in that district because of possible broader impact to the surrounding area.

**Comment:** Clarifies provisions to allow signs by conditional approval.

**§ 5-403. Referrals.**

(a) *Section applicable to CB approvals.*

This section applies to applications for conditional uses and signs that require approval by the Board of Municipal and Zoning Appeals.

(b) *Referral to BMZA for action.*

Once the Zoning Administrator determines that an application for conditional-use and conditional sign approval by the Board of Municipal and Zoning Appeals is complete, the Zoning Administrator must forward the application to the Board for its consideration and action on the application.

...

**Comment:** Clarifies provisions to allow signs by conditional approval.

**§ 5-404. Actions taken.**

(a) *Review standards.*

The Board of Municipal and Zoning Appeals or the City Council, as the case may be, must evaluate the request for a conditional use and sign, based on the evidence presented at the public hearing, in accordance with the standards in § 5-406 {“Approval standards”} of this subtitle.

(b) *Procedures before the BMZA.*

(1) *Public hearing required.*

(i) The Board of Municipal and Zoning Appeals must consider a proposed conditional use and conditional sign in a public hearing.

...

...

**Comment:** Clarifies provisions to allow signs by conditional approval.

**§ 5-405. Conditions.**

(a) *In general.*

(1) *Imposition authorized.*

Before approving any conditional use or sign, the Board of Municipal and Zoning Appeals or the City Council, as the case may be, may impose on the establishment, location, construction, maintenance, or operation of the conditional use or sign any condition, restriction, or limitation that it considers necessary for the protection of the public interest.

...

...

**Comment:** Clarifies provisions to allow signs by conditional approval.

**§ 5-406. Approval standards.**

(a) *Limited criteria for denying.*



Neither the Board of Municipal and Zoning Appeals nor the City Council, as the case may be, may approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use or sign would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

(b) *Required considerations.*

As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

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

**Comment:** Clarifies provisions to allow signs by conditional approval.

**§ 5-407. Expiration of approval.**

(a) *Exercise within year required.*

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

- (1) a use permit under this Code and an occupancy permit under the Baltimore City Building Code have been obtained for that use;
- (2) the erection or alteration of a structure for that use or sign has lawfully begun; [or]
- (3) the use has lawfully begun[.]; or
- (4) a building permit under this Code and any other applicable Codes has been obtained for the sign.

...

**Comment:** Clarifies provisions for signs by conditional approval.

**§ 5-408. Discontinued conditional use or conditional sign.**

(a) *Discontinued conditional use.*

If any conditional use is discontinued for a continuous period of 2 years or more, the conditional use approval automatically lapses and is void. A new application and authorization is required before the conditional use may be re-established.

(b) *Discontinued conditional sign.*

*If a conditional sign is removed from the building or structure for which it was approved for a continuous period of 1 year or more, the conditional approval automatically lapses and is void. A new application is required before the conditional approval may be re-established.*

**Comment:** Clarifies provisions for signs by conditional approval.

**§ 5-409. Revocations, etc., of conditional use.**

...

(c) *Contents of notice.*

The notice must:

- (1) specify the nature of the violation; and
- (2) warn the recipient that, unless the violation is corrected within 30 days, or such other time as is specified in the notice, the matter will be referred to the Board of Municipal and Zoning Appeals for potential modification, suspension, or revocation of the conditional use or sign.

...

(f) *Decision.*

(1) If, after notice to the parties and an opportunity to be heard, the Board of Municipal and Zoning Appeals finds that a condition, restriction, or limitation imposed under this subtitle has been violated, the Board may take any 1 or combination of the following actions:

- (i) revoke the conditional use or sign;
- (ii) suspend the conditional use or sign approval subject to completion of corrective action or other condition set by the Board; or
- (iii) affirm the conditional use or sign, subject to a schedule for corrective action, with provision for automatic termination if the schedule is not met.

...  
...  
**Comment:** Clarifies provisions for signs by conditional approval.

**§ 5-410. Discretion to deny.**

The Board of Municipal and Zoning Appeals may deny any application for a conditional use or sign if the subject property has any outstanding notice of violation, code violation, or any other unresolved or unpaid fee, fine, or citation.

**Comment:** Provides the Board of Municipal and Zoning Appeals the discretion to dismiss or deny relief under an application for outstanding Code or other violations.

**Title 14. Use Standards**

***Subtitle 3. Use Standards***

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

...  
(j) *Outdoor seating.*

Outdoor seating may only be on the street side of the property and is not allowed in the rear yard, deck, or rooftop.

**Comment:** Reflects the interest in adding outdoor seating to neighborhood commercial establishments but restricts outdoor seating to the street side of businesses, not in a rear yards, a deck, or a rooftop where it could bother residents.

**§ 14-331. Parking garages [(principal use)] and parking lots.**

(a) *Parking garages [(principal use)].*

(1) Parking garages [(principal use)] in the C-1, C-1-E, C-1-VC, C-2, C-3, C-5, and TOD Districts must include active ground-floor uses, whether residential or non-residential uses, along at least 50% of the ground floor when adjoining a street, other than an alley.

...  
**Comment:** Corrects a mistake in the Zoning Code with the reference to “principal use”, because this section was intended to apply to all parking garages (accessory and principal).

**Title 15. Site Development Standards**

*Subtitle 3. Measurement Methodologies*

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

(a) *In general.*

- (1) In this subsection, “street wall” means the wall of a building nearest to and facing a street.
- (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;

- (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] ground adjoining that wall; or

- ...

...

**Comment:** Clarifies how the height of a building is determined by measuring the vertical distance.

*Subtitle 5. Accessory Structures and Uses*

**§ 15-504. Carriage house.**

(a) An accessory carriage house existing on June 5, 2017, in a Residential District or in an OR District may be [subdivided and] converted into a single-family detached dwelling, if:

- [(1) the new lot area meets the minimum lot and yard requirements that apply to rowhouse dwellings in the applicable district;]

- (1) [(2)] the building contains at least [1,750] 750 square feet of gross floor area;

- (2) [(3)] all other requirements of this Code [and Baltimore City Subdivision Regulations] are met [or a variance is obtained]; and

- (3) [(4)] 1 additional parking space is provided for each dwelling unit created.

(b) In addition, if an existing carriage house is converted into a dwelling unit, it cannot be enlarged by any alteration that would increase the building height or footprint by more than 20%.

**Comment:** Corrects and clarifies the original intent of the Zoning Code to allow for the conversion of existing carriage houses. Sub-division was not the proper mechanism, as subdivision would create a separate lot and not protect neighborhoods from creating flag lots and larger buildings. This change to by-right, with the addition of a cap for rehabilitation, is in keeping with the original intent of scale and purpose.

**Title 17. Signs**

*Subtitle 4. Requirements by Sign Type*

**§ 17-404. Awning or canopy signs and open-structural framework signs.**

...  
(f) *Signage on Existing Canopies in Local Historic Districts and Local Landmarks.*

- (1) Awning or Canopy signage may be applied to existing canopy structure on buildings in local historic districts and local landmarks that were previously used for signage as approved by the Commission for Historical and Architectural Preservation.
- (2) Any electronic signage on existing canopies are subject to all applicable rules of this Article, Title 17, Table 17-201: Sign Regulations and Table 17-306:Maximum Cumulative Area of Signs.

**Comment:** Allows, subject to certain conditions, signage on existing canopies in local historic districts and local landmarks.

**§ 17-407. Electronic signs.**

...  
(g) *Architecture.*

- (1) No electronic sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than any roofline of the structure to which it is attached.
- (2) In Local Historic Districts and Local Landmarks as designated by the Commission for Historical and Architectural Preservation, electronic signage may be added to an existing canopy that is integral to the architecture of the building in accordance with all applicable rules of this Article, Title 17, Table 17-201: Sign Regulations and Table 17-306:Maximum Cumulative Area of Signs.

**Comment:** Allows, subject to certain conditions, electronic signage on existing canopies in local historic districts and local landmarks.

**Title 18. Nonconformities**

***Subtitle 2. Definitions; General Provisions***

**§ 18-206. Determination of nonconformity.**

...  
(c) The Zoning Administrator or the Board of Municipal and Zoning Appeals may deny any application for a variance if the subject property has an outstanding notice of violation, Code violation, or any other unresolved or unpaid fee, fine, or citation.

**Comment:** Provides the Zoning Administrator or the Board of Municipal and Zoning Appeals the discretion to dismiss or deny relief under an application, for outstanding Code or other violations.

**§ 18-207. Expiration of approval.**

- (a) Any authorization to continue a nonconforming use, density, or other nonconformity lapses and becomes void 1 year from the date of its final approval, unless within that year:
  - (1) a use permit under this Code and an occupancy permit under the Baltimore City Building Code have been obtained for that use;
  - (2) the erection or alteration of a structure for that use has lawfully begun; or
  - (3) the use has lawfully begun.

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

**Comment:** Corrects an omission whereby the expiration of conditional uses and variances and extensions from the Board of Municipal and Zoning Appeals are covered under Title 5, but the continuation of nonconforming uses and structures are not. The Board of Municipal and Zoning Appeals proposes adding language mirroring the expiration/extension process for conditional uses and variances to include the authorization to continue nonconforming uses/structures.

*Subtitle 4. Nonconforming Structures*

**§ 18-403. Expansion of structure.**

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

**Comment:** Amends the existing provision, at the request of the Board of Municipal and Zoning Appeals, to lessen the restrictions on nonconforming structures to allow for regular improvements to property so long as they do not create new nonconformities or increase the degree of nonconformity. Example: If a single-family dwelling covers more of a lot than allowed by bulk regulation (say, by 1 sq. ft.), but requests an additional floor with building height that’s allowed by right, this provision, as currently exists, would not allow the additional floor because “it would increase the bulk of the structure.”

**Zoning Tables**

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**Table 7-202: Open Space Districts Permitted and Conditional Uses**

USES DISTRICTS USE STANDARDS OS

Commercial . . . Farmers Market CB

. . . . OTHER . . . Parking Lot (Accessory Use) CO P . . .

**Comment:** Allows the use of Farmers Market in this Zoning District, subject to approval by the Board of Municipal and Zoning Appeals, and removes a requirement that has proved to be too onerous and without benefit to the City’s Department of Recreation and Parks.

**Table 8-301: Detached and Semi-Detached Residential Districts - Permitted and Conditional Uses**

Uses Districts Use Standards

R-1A R-1B R-1C R-1D R-1E R-1 R-2 R-3 R-4 Commercial . . . Farmers Market CB

CB CB CB CB CB CB CB CB

... □

Comment: Allows the use of Farmers Market in these Zoning Districts, subject to approval by the Board of Municipal and Zoning Appeals.

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

Uses Districts Use Standards

R-5 R-6 R-7 R-8 R-9 R-10 Commercial Farmers Market CB CB CB CB CB CB CB

Comment: Allows the use of Farmers Market in these Zoning Districts, subject to approval by the Board of Municipal and Zoning Appeals.

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

categories Specifications (Per District)

R-5 R-6 R-7 R-8 R-9 R-10

minimum lot area

Dwelling: Detached [3,000 sq. ft.] 1,500 sq. ft. [3,000 sq. ft.] 1,500 sq. ft. [3,000 sq. ft.] 1,500 sq. ft. [3,000 sq. ft.] 1,500 sq. ft. [3,000 sq. ft.] 1,500 sq. ft. [3,000 sq. ft.] 1,500 sq. ft. Dwelling: Semi-Detached [2,500 sq. ft.] 1,500 sq. ft. [2,000 sq. ft.] 1,500 sq. ft. [2,000 sq. ft.] 1,500 sq. ft. [2,000 sq. ft.] 1,500 sq. ft. [2,500 sq. ft.] 1,500 sq. ft. [2,000 sq. ft.] 1,500 sq. ft. . . .

maximum impervious surface Dwelling: Rowhouse (Rear Yard) [65%] [65%] [65%] [65%] [65%] [65%]

minimum front yard Dwelling: Detached or Semi-Detached Lesser of [25] 20 ft. or blockface average 5 Lesser of [20] 15 ft. or blockface average 5 Lesser of [20] 5 ft. or blockface average 5 Lesser of [20] 5 ft. or blockface average 5 Lesser of 40ft. or blockface average 5 Lesser of [20] 5 ft. or blockface average 5 . . .

minimum interior - side yard Dwelling: Detached [0 feet] 0 feet [10] 5 feet [10] 5 feet [0 feet] [10] 5 feet Dwelling: Semi-Detached [7] [15] 10 feet [15] 10 feet [10] 5 feet [10] 5 feet [0 feet] [10] 5 feet . . .

minimum corner-side yard Dwelling: Detached or Semi-Detached [ ] [20] 15 feet [20] 15 feet [15] 10 feet [15 feet] none [5 feet] [15 feet] none . . .

...

5 In this listing, "blockface average" means the average of the front-yard setbacks of the improved lots on the blockface. 7 For semi-detached dwellings, interior-side yards are required only along the interior-side lot line where the party wall between dwellings is not located.

Comment: Reduces the minimum lot area for detached and semi-detached dwellings, as the present requirement is too restrictive and discourages new construction. Deletion of the requirement for maximum impervious surface in the rear yard of a rowhouse will ameliorate the effects of a requirement that is not working as intended. Changes in yard requirements are intended to better align with existing urban patterns.

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

Uses Districts Use Standards

C-1 C-1-VC C-1-E C-2 C-3 C-4 C-5

Institutional Educational Facility: Commercial-Vocational CB CB P P P

Commercial Arts Studio: Industrial P P P [CB] P [CB] P P [CB] P

Farmers Market P P P P P P

Industrial Food Processing: Light [CB] P [CB] P [CB] P [CB] P [CB] P [CB] P [CB] P

Comments: Allows the use of Educational Facility: Commercial-Vocational in the C-1 Zoning District, as approved by the Board of Municipal and Zoning Appeals, which will allow for driving schools and other small training centers to locate in Main Street areas. Allowing the uses of Arts Studio: Industrial, Farmers market, and Food Processing: Light, as permitted uses in the Commercial Zoning Districts, will help small businesses and start-ups and bring new businesses to commercial corridors.

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

Categories Specifications (Per District)

C-1 C-1-VC C-1-E C-2 C-3 C-4 Minimum Lot Area Dwelling: Live-Work, Multi-Family, or Rowhouse 300 sq.ft/per du 5,000 sq.ft/per du 550 sq.ft/per du 225 sq.ft/per du 300 sq.ft/per du 300 sq.ft/per du

1 In the C-1-VC District, no change to an existing setback or yard may be made unless approved by the Board as a variance.

Comment: Clarifies and corrects, with the addition of the term "per du" (per dwelling unit).

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

Uses Districts Use Standards

OIC BSC IMU-1 IMU-2 I-1 I-2 MI Commercial Farmers Market P P P

Comment: Permits the use of Farmers Market in these Zoning Districts.

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

Uses Districts Use Standards OR Commercial Farmers Market CB

Comment: Allows the use of Farmers Market in this Zoning District, subject to approval by the Board of Municipal and Zoning Appeals.



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

Uses  Districts  Use Standards   
 TOD-1  TOD-2  TOD-3  TOD-4  Commercial    Farmers Market  P  P  P  P

**Comment:** Permits the use of Farmers Market in these Zoning Districts.

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

Uses  Districts  Use Standards   
 EC-1  EC-2  Commercial    Farmers Market  P  P

**Comment:** Permits the use of Farmers Market in these Zoning Districts.

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

Uses  Districts  Use Standards  H  Commercial    Farmers Market  P

**Comment:** Permits the use of Farmers Market in this Zoning District.

**Table 15-601: Permitted Encroachments into Required Yards**

Permitted Encroachments  Front Yard/ Corner-Side Yard  Interior- Side Yard  Rear Yard       Gazebo

**Comment:** Adds gazebo to the list of permitted encroachments, recognizing that they are common structures and are not the same thing as an arbor or trellis.

**Table 17-201: Sign Regulations** *Caution: Additional Sign Standards are Located in Title 17 {"Signs"}.*

Sign Types by Zoning District \* [ ] Zoning District Requirements [ ] Area of Special Signage Control (ASSC) [ ]

[ ] Approval Method [ ] Maximum Area Per Sign [ ] Height, Width, & Location Req'ts [ ] Maximum Quantity [ ] Sign Types Allowable for ASSC Deviation [ ] Maximum Percentage Deviation for Height, Width, & Area [ ] Quantity Deviation [ ]

R-1A through R-4 [ ]

Electronic Sign (Category I) [ ] CB [ ] 5 sq. ft. [ ] Per sign type used [ ] per lot [ ] Not Eligible [ ] . [ ]

R-5 through R-7 [ ]

[ ] Electronic Sign (Category I) [ ] CB [ ] 5 sq. ft. [ ] Per sign type used [ ] per lot [ ] Not Eligible [ ] . [ ]

R-8 through R-10 [ ]

[ ] Electronic Sign (Category I) [ ] CB [ ] 5 sq. ft. [ ] Per sign type used [ ] per lot [ ] Not Eligible [ ] . [ ]

R-MU [ ]

[ ] Electronic Sign (Category I) [ ] CB [ ] 5 sq. ft. [ ] Per sign type used [ ] per lot [ ] Not Eligible [ ] . [ ]

D-MU [ ]

[ ] Electronic Sign (Category I) [ ] CB [ ] 5 sq. ft. [ ] Per sign type used [ ] per lot [ ] Not Eligible [ ] . [ ]

\* If, in the "Sign Types by Zoning District" section of this table, a sign type is not listed in a particular zoning district, then that sign type is prohibited in that zoning district.

**Comment:** Allows an electronic sign (Category I) in residential zoning districts, subject to approval by the Board of Municipal and Zoning Appeals, and specifies certain requirements for this type of sign. Institutions, such as churches and schools, would like to take advantage of new technology to have digital signs. By making them Conditional by the Board, they can be reviewed to assure that they are not glaring into residential windows.

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