



Legislation Details (With Text)

File #:	12-0152	Version:	0	Name:	TransForm Baltimore - Zoning
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File created:	10/22/2012	In control:		In control:	City Council
On agenda:	3/4/2015	Final action:		Final action:	12/5/2016
Enactment date:		Enactment #:		Enactment #:	16-581

Title: TransForm Baltimore - Zoning
 FOR the purpose of establishing a new Zoning Code for Baltimore City; modifying the laws governing the agencies and officials who administer the City's zoning processes, including the Zoning Administrator, the Board of Municipal and Zoning Appeals, the Planning Commission, the Planning Director, and the Commissioner of Housing and Community Development; providing for the respective powers and duties of these agencies and officials; establishing new zoning districts for the City, including Residential, Commercial, Industrial, Open Space, Environmental, Special Purpose, and Overlay Districts; adopting maps and profiles for the various districts; establishing the requirements and procedures for obtaining zoning amendments, use permits, and other approvals; establishing use regulations for various districts, including permitted uses, conditional uses, and prohibited uses; establishing bulk and yard regulations for various districts, including height, lot coverage, lot areas, floor area ratio, and yard size standards; establishing design standards for development in various districts; establishing off-street-parking requirements, sign regulations, and other regulations for various districts; requiring special reviews for certain proposed developments, including site plan review, environmentally sensitive areas review, design review, and landscape review; providing for the establishment and regulation of planned unit developments; establishing certain transition rules and authorizing the continuation of certain nonconforming uses and structures, subject to certain conditions; providing for conditional uses (special exceptions), variances, and other modifications or approvals; defining certain terms; establishing certain rules of construction; prohibiting certain conduct; establishing enforcement procedures, including civil and criminal penalties; conforming cross-references in other articles; correcting, clarifying, and conforming related provisions; providing for a special effective date; and generally relating to zoning and development laws of the City of Baltimore.

Sponsors: City Council President (Administration)

Indexes: Transform Baltimore, Zoning

Code sections:

Attachments: 1. 12-0152 - 1st Reader - Final Figures.pdf, 2. 12-0152 - 1st Reader - Final Tables.pdf, 3. 12-0152 - 1st Reader - Maps.pdf, 4. Fire - 12-0152.pdf, 5. Parking Authority - 12-0152.pdf, 6. BMZA - 12-0152.pdf, 7. Planning - 12-0152.pdf, 8. 12-0152 - 1st Reader - Text.pdf, 9. Planning - 12-0152 - Spread Sheet.pdf, 10. BCPD - 12-0152.pdf, 11. Recreation & Parks - 12-0152.pdf, 12. Health - 12-0152.pdf, 13. Sustainability - 12-0152.pdf, 14. Law - 12-0152.pdf, 15. BDC - 12-0152.pdf, 16. HCD - 12-0152.pdf, 17. Transportation - 12-0152.pdf, 18. DPW - 12-0152.pdf, 19. DGS - 12-0152.pdf, 20. Planning - 12-0152 - TransForm Baltimore-Comprehensive Zoning.Spread Sheet.pdf, 21. Planning - 12-0152 - revised for Sept 19th vote_0923.pdf, 22. Planning - 12-0152 - SUMMARY text details to sept 19 amendments.pdf, 23. Planning - 12-0152 - All_MapAmendments0923.pdf, 24. DRAFT 12-0152 - Proposed Text and Table Amendments - September 2 2015, 25. DRAFT 12-0152 - Proposed Text and Table Amendments - September 2 2015, 26. 1st District Map Amendments - September 2015, 27. 2nd District Map Amendments - September 2015, 28. 3rd District Map Amendments - September 2015, 29. 4th District Map Amendments - September 2015, 30. 5th District Map Amendments - September 2015, 31. 6th District Map Amendments - September 2015, 32. 7th District Map Amendments - September 2015, 33. 8th District Map Amendments - September 2015, 34. 9th District Map Amendments - September 2015, 35. 10th District Map Amendments - September 2015, 36. 11th District Map Amendments - September 2015, 37. 12th District Map Amendments - September 2015, 38. 13th District Map Amendments - September 2015, 39. 14th District Map Amendments -

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Date	Ver.	Action By	Action	Result
12/8/2016	0	Mayor	Signed by Mayor	
12/5/2016	0	City Council	Approved and Sent to the Mayor	
11/14/2016	0	City Council	3rd Reader, for final passage	
10/24/2016	0	City Council	3rd Reader, to be held one meeting	
10/24/2016	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	
10/20/2016	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	Pass
9/28/2016	0	Land Use and Transportation Committee	Scheduled for a Public Hearing	
9/19/2016	0	Land Use and Transportation Committee	Worksession	
8/15/2016	0	Land Use and Transportation Committee	Scheduled for a Public Hearing	
11/16/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing	

9/21/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
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8/19/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
8/17/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
8/17/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
6/22/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
6/1/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
4/20/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
3/23/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
3/23/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
3/23/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
2/23/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
1/26/2015	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
12/5/2014	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
9/8/2014	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
8/12/2014	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
6/2/2014	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
12/5/2013	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
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8/12/2013	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
3/2/2013	0	Land Use and Transportation Committee	Advertising
3/1/2013	0	Land Use and Transportation Committee	Advertising
3/1/2013	0	Land Use and Transportation Committee	Advertising
12/5/2012	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
12/3/2012	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
10/25/2012	0	The City Council	Referred for a Report
10/25/2012	0	The City Council	Referred for a Report
10/25/2012	0	The City Council	Referred for a Report
10/25/2012	0	The City Council	Referred for a Report
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10/25/2012	0	The City Council	Referred for a Report
10/25/2012	0	The City Council	Referred for a Report
10/25/2012	0	The City Council	Referred for a Report
10/22/2012	0	City Council	Assigned
10/22/2012	0	City Council	Introduced

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.
CITY OF BALTIMORE
COUNCIL BILL 12-0152
(First Reader)

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: October 22, 2012

Assigned to: Land Use and Transportation Committee REFERRED TO
THE FOLLOWING AGENCIES: Law Department, Planning Commission, Board of Municipal and Zoning Appeals, Department of Housing and Community Development, Department of General Services, Department of Public Works, Fire Department, Department of Transportation, Commission on Sustainability, Department of Recreation and Parks, Police Department, Health Department, Parking Authority, and Baltimore Development Corporation

A BILL ENTITLED

AN ORDINANCE concerning

TransForm Baltimore - Zoning

FOR the purpose of establishing a new Zoning Code for Baltimore City; modifying the laws governing the agencies and officials who administer the City's zoning processes, including the Zoning Administrator, the Board of Municipal and Zoning Appeals, the Planning Commission, the Planning Director, and the Commissioner of Housing and Community Development; providing for the respective powers and duties of these agencies and officials; establishing new zoning districts for the City, including Residential, Commercial, Industrial, Open Space, Environmental, Special Purpose, and Overlay Districts; adopting maps and profiles for the various districts; establishing the requirements and procedures for obtaining zoning amendments, use permits, and other approvals; establishing use regulations for various districts, including permitted uses, conditional uses, and prohibited uses; establishing bulk and yard regulations for various districts, including height, lot coverage, lot areas, floor area ratio, and yard size standards; establishing design standards for development in various districts; establishing off-street-parking requirements, sign regulations, and other regulations for various districts; requiring special reviews for certain proposed developments, including site plan review, environmentally sensitive areas review, design review, and landscape review; providing for the establishment and regulation of planned unit developments; establishing certain transition rules and authorizing the continuation of certain nonconforming uses and structures, subject to certain conditions; providing for conditional uses (special exceptions), variances, and other modifications or approvals; defining certain terms; establishing certain rules of construction; prohibiting certain conduct; establishing enforcement procedures, including civil and criminal penalties; conforming cross-references in other articles; correcting, clarifying, and conforming related provisions; providing for a special effective date; and generally relating to zoning and development laws of the City of Baltimore.

BY repealing
Article - Zoning
In its entirety,
including Zoning District Maps
Baltimore City Revised Code
(Edition 2000)

BY adding
Article 32 - Zoning

§ 1-101 through § 19-202, and
Zoning Maps
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Building, Fire, and Related Codes
Section(s) 2-103 (BC § 105.3(4), 105.3.1.2(2b),
109.6.1k, and 3801.1.2) and 7-102 (PMC § 305.5(2))
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article - Health
Section(s) 6-603.1(b)(1)(Zoning Code) and 9-201(f), (g), and (h)
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 1 - Mayor, City Council, and Municipal Agencies
Section(s) 40-14(e)(8) and 41-14(7)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 2 - Consumer Protections
Section(s) 14-6
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 6 - Historical and Architectural Preservation
Section(s) 3-1(c) and 3-2(c)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 11 - Labor and Employment
Section(s) 14-6(a) and (b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 13 - Housing and Urban Renewal
Section(s) 2-1(c)(3), 2-7(jj)(3)(i), 2B-22(c), 2B-23(c)(1), and 9-1(b)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 15 - Licensing and Regulation
Section(s) 3-2(b), 9-4(a), 9-6, and 13-1(f)

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances

Section(s) 25-2(a), 36-1(a), (d), (e), (f), and (g), 46-1(a), 46-3(b), and 71-2(i)(3)

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 26 - Surveys, Streets, and Highways

Section(s) 6-7(3)(ii)

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 31 - Transit and Traffic

Section(s) 10-1(d) and (f)

Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Article - Zoning of the Baltimore City Revised Code is repealed, in its entirety.

SECTION 2. AND BE IT FURTHER ORDAINED, That a new Article 32 - Zoning of the Baltimore City Code is enacted to read as follows:

Baltimore City Code

ARTICLE 32. ZONING

TITLE 1. GENERAL PROVISIONS

SUBTITLE 1. PURPOSE OF TITLE

§ 1-101. IN GENERAL.

THIS TITLE CONTAINS:

- (1) RULES OF INTERPRETATION FOR THIS CODE;
- (2) GENERIC USE DEFINITIONS; AND
- (3) DEFINITIONS OF GENERAL TERMS USED IN THIS CODE.

SUBTITLE 2. RULES OF INTERPRETATION

§ 1-201. IN GENERAL.

IN INTERPRETING AND APPLYING THIS CODE, THE FOLLOWING RULES OF INTERPRETATION APPLY.

§ 1-202. CAPTIONS OR HEADINGS.

THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

- (1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE STATUTORY PROVISIONS THAT FOLLOW; AND
- (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

§ 1203. CODE NOT A PERMIT.

NOTHING IN THIS CODE MAY BE TAKEN TO BE A CONSENT, LICENSE, OR PERMIT TO:

- (1) USE ANY PROPERTY;
- (2) LOCATE, ERECT, OR MAINTAIN ANY STRUCTURE OR FACILITY; OR
- (3) CARRY ON ANY TRADE, INDUSTRY, OCCUPATION, OR ACTIVITY.

§ 1204. CONFLICTING PROVISIONS.

- (A) CODE SETS MINIMUM REQUIREMENTS.

IN THEIR INTERPRETATION AND APPLICATION, THE PROVISIONS OF THIS CODE ARE INTENDED AS THE MINIMUM REQUIREMENTS FOR THE PROMOTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

- (B) MOST RESTRICTIVE PROVISION GOVERNS.

IF ANY CONDITION OR REQUIREMENT IMPOSED BY THIS CODE IS EITHER MORE OR LESS RESTRICTIVE THAN A COMPARABLE CONDITION OR REQUIREMENT IMPOSED BY ANY OTHER PROVISION OF THIS CODE OR OF ANY OTHER LAW, RULE, OR REGULATION OF ANY KIND, INCLUDING AN APPLICABLE URBAN RENEWAL PLAN, THE CONDITION OR REQUIREMENT THAT IS THE MORE RESTRICTIVE GOVERNS.

§ 1-205. GENDER.

WORDS DENOTING ONE GENDER APPLY TO THE OTHER GENDERS AS WELL.

§ 1-206. "INCLUDES" OR "INCLUDING".

"INCLUDES" OR "INCLUDING" MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF LIMITATION.

§ 1-207. MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.

(A) MANDATORY TERMS.

"MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A REQUIREMENT OR TO IMPOSE A DUTY.

(B) PROHIBITORY TERMS.

"MUST NOT," "MAY NOT", AND "NO... MAY" ARE EACH MANDATORY NEGATIVE TERMS USED TO ESTABLISH A PROHIBITION.

(C) PERMISSIVE TERMS.

"MAY" IS PERMISSIVE.

§ 1-208. NUMBER.

THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

§ 1-209. REFERENCES TO OTHER LAWS.

WHENEVER A PROVISION OF THIS CODE REFERS TO ANY PART OF THE CITY CODE OR TO ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

§ 1-210. SEVERABILITY.

(A) IN GENERAL.

EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION:

(1) ALL PROVISIONS OF THIS CODE ARE SEVERABLE; AND

(2) IF A COURT DETERMINES THAT A WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT AFFECTED BY THAT DECISION.

(B) EXCEPTIONS.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:

(1) TO THE EXTENT THAT A STATUTE SPECIFICALLY PROVIDES OTHERWISE; OR

(2) IF THE COURT FINDS THAT THE REMAINING PROVISIONS ALONE ARE INCOMPLETE AND INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

§ 1211. TABLES AND FIGURES.

(A) TABLES - GENERAL.

(1) EXCEPT FOR THE CUMULATIVE TABLE OF USES, THE "TABLES" CONTAINED IN THIS CODE AND THE STATUTORY REFERENCES TO THEM ARE PART OF THIS CODE AND OF THE LAWS ENACTED BY IT.

(2) THE CUMULATIVE TABLE OF USES THAT ACCOMPANIES THIS CODE:

(I) IS FOR CONVENIENCE OF REFERENCE ONLY, INTENDED AS A GUIDE TO THIS CODE; AND

(II) IS NOT LAW AND IS NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

(B) TABLES - USE SYMBOLOGY.

IN TABLES OF USES:

(1) A "P" INDICATES THAT A USE IS PERMITTED WITHIN THAT ZONING DISTRICT;

(2) A "C" INDICATES THAT A USE IS A CONDITIONAL USE IN THAT ZONING DISTRICT AND REQUIRES A CONDITIONAL USE PERMIT; AND

(3) NO LETTER (THAT IS, A BLANK SPACE) OR THE ABSENCE OF THE USE FROM THE TABLE INDICATES THAT THE USE IS NOT ALLOWED WITHIN THAT ZONING DISTRICT.

(C) FIGURES.

"FIGURES" INCLUDED IN THIS CODE AND TEXTUAL REFERENCES TO THEM:

(1) ARE INTENDED TO ILLUSTRATE IN SUMMARY FASHION THE STATUTORY PROVISIONS THAT THEY ACCOMPANY; AND

(2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT OF THE LAW.

§ 1212. TIME COMPUTATIONS.

(A) COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.

(1) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS CODE, THE DAY OF THE ACT, EVENT, OR DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT INCLUDED.

(2) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

(3) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.

(4) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

(B) COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.

(1) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT IS REQUIRED BY THIS CODE TO BE PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO PRESCRIBED.

(2) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

§ 1-213. UNDEFINED TERMS.

TERMS NOT DEFINED IN THIS CODE ARE TO BE INTERPRETED IN ACCORD WITH THEIR ORDINARILY ACCEPTED MEANINGS, AS THEIR CONTEXT IMPLIES.

§ 1-214. "USED" OR "OCCUPIED".

WHENEVER THE WORD "USED" OR "OCCUPIED" IS USED, IT IS TO BE CONSTRUED AS THOUGH FOLLOWED BY THE PHRASE "OR ARRANGED, INTENDED, OR DESIGNED TO BE USED/OCCUPIED."

§ 1-215. {RESERVED}

§ 1-216. GENERIC AND SPECIFIC USES.

(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 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.

(2) IF A SPECIFIC USE IS LISTED IN ANY USE TABLE, THAT SPECIFIC USE CANNOT BE INTERPRETED AS FALLING WITHIN ANY GENERIC USE.

(3) IF THE DEFINITION OF A GENERIC USE SPECIFICALLY EXCLUDES A SPECIFIC USE, THE GENERIC USE CANNOT BE INTERPRETED AS ALLOWING THAT SPECIFIC USE.

§ 1-217. USES PROHIBITED CITYWIDE.

(A) APPLICATION OF SECTION.

THIS SECTION AND ITS LISTING OF CERTAIN PROHIBITED USES:

(1) IS NOT EXHAUSTIVE; AND

(2) MAY NOT BE CONSTRUED TO IMPLY THAT ANY USE NOT LISTED HERE IS A PERMITTED OR CONDITIONAL USE.

(B) LISTING.

THE FOLLOWING USES ARE PROHIBITED IN ALL ZONING DISTRICTS OF THE CITY:

(1) INCINERATORS;

(2) JUNK OR SCRAP STORAGE AND YARDS;

(3) NUCLEAR POWER PLANTS;

(4) SOLID WASTE SANITARY LANDFILLS;

(5) STORAGE ON BARGES AND BELT CONVEYOR SYSTEMS USED FOR THE TRANSFER OF MATERIALS, BUT THIS PROHIBITION DOES NOT APPLY TO THE CONTINUOUS PROCESS OF UNLOADING OR LOADING PROCESSED METAL (AS DEFINED IN § 1-308) FOR AND DURING ITS TRANSFER TO OR FROM A DOCKED BARGE OR VESSEL AWAITING SHIPMENT; AND

(6) VEHICLE DISMANTLING FACILITIES.

§ 1-218. USE STANDARDS.

(A) PERMITTED AND CONDITIONAL USES.

TITLE 14 {"USE STANDARDS"} OF THIS CODE SETS FORTH SPECIFIC STANDARDS FOR CERTAIN PERMITTED AND CONDITIONAL USES LISTED IN THE USE TABLES.

(B) ACCESSORY STRUCTURES AND USES.

TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE SETS FORTH SPECIFIC REQUIREMENTS, INCLUDING MEASUREMENT METHODOLOGIES, FOR CERTAIN ACCESSORY STRUCTURES AND USES.

SUBTITLE 3. DEFINITIONS

§ 1-301. IN GENERAL.

IN THIS CODE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

§ 1-302. "ABUT" TO "AWNING".

(A) ABUT.

"ABUT" MEANS TO SHARE A COMMON LOT LINE OR ZONING DISTRICT BOUNDARY WITHOUT BEING SEPARATED BY A STREET OR ALLEY.

(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.

(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; AND

(D) ADDITION; ENLARGEMENT.

"ADDITION" OR "ENLARGEMENT", WHEN REFERRING TO A STRUCTURE, MEANS CONSTRUCTION THAT INCREASES THE HEIGHT, LENGTH, WIDTH, OR FLOOR AREA OF THE STRUCTURE.

(E) ADJACENT.

"ADJACENT" MEANS TO LIE NEAR, CLOSE TO, OR IN THE VICINITY OF.

(F) ADJOIN.

"ADJOIN" MEANS TO TOUCH, ABUT, OR BORDER ON, AS DISTINGUISHED FROM ADJACENT.

(G) ADULT DAY-CARE CENTER.

SEE "DAY-CARE CENTER: ADULT".

(H) ADULT DAY-CARE HOME.

SEE "DAY-CARE HOME: ADULT".

(I) ADULT USE.

(1) GENERAL.

"ADULT USE" MEANS ANY ESTABLISHMENT THAT OFFERS ITS CUSTOMERS, FOR VIEWING, PURCHASE, LOAN, OR OTHERWISE, SEXUALLY EXPLICIT MATERIALS OR ENTERTAINMENT THAT, APPLYING CONTEMPORARY STANDARDS, THE AVERAGE INDIVIDUAL WOULD FIND, TAKEN AS A WHOLE, APPEALS TO THE PRURIENT INTEREST.

(2) INCLUSIONS.

"ADULT USE" INCLUDES ANY:

- (I) ADULT-ENTERTAINMENT BUSINESS, AS DEFINED IN CITY CODE ARTICLE 15, SUBTITLE 1 {"ADULT-ENTERTAINMENT BUSINESSES"};
- (II) ADULT BOOK OR VIDEO STORE, AS DEFINED IN PARAGRAPH (3) OF THIS SUBSECTION; AND
- (III) PEEP SHOW ESTABLISHMENT, AS DEFINED IN CITY CODE ARTICLE 13, SUBTITLE 13 {"LICENSING OF PEEP SHOW ESTABLISHMENTS"}.

(3) "ADULT BOOK OR VIDEO STORE" DEFINED.

(I) GENERAL.

"ADULT BOOK OR VIDEO STORE" MEANS A PLACE OF ACTIVITY THE PRINCIPAL USE OF WHICH IS TO SELL, TRANSFER, OR DISSEMINATE SEXUALLY EXPLICIT MATERIAL, INCLUDING THE FOLLOWING:

(A) ANY PICTURE, PHOTOGRAPH, DRAWING, SCULPTURE, VIDEO, OR SIMILAR VISUAL REPRESENTATION OR IMAGE OF AN INDIVIDUAL OR PART OF THE HUMAN BODY THAT:

- 1. DEPICTS NUDITY, SADOMASOCHISTIC ABUSE, SEXUAL CONDUCT, OR SEXUAL EXCITEMENT; AND
- 2. IS HARMFUL TO MINORS; OR

(B) ANY BOOK, PAMPHLET, MAGAZINE, PRINTED MATTER HOWEVER REPRODUCED, OR SOUND RECORDING THAT:

- 1. CONTAINS ANY MATTER ENUMERATED IN ITEM A OF THIS SUBPARAGRAPH OR ANY EXPLICIT AND DETAILED VERBAL DESCRIPTIONS OR NARRATIVE ACCOUNTS OF SADOMASOCHISTIC ABUSE, SEXUAL CONDUCT, OR SEXUAL EXCITEMENT; AND
- 2. TAKEN AS A WHOLE, IS HARMFUL TO MINORS.

(II) SUPPLEMENTAL DEFINITIONS.

IN THIS PARAGRAPH (3), "HARMFUL TO MINORS", "NUDITY", "SADOMASOCHISTIC ABUSE", "SEXUAL CONDUCT", AND "SEXUAL EXCITEMENT" HAVE MEANINGS STATED IN CITY CODE ARTICLE 19, § 36 -1 {"MINORS - INDECENT MATERIALS: DEFINITIONS"}.

(J) AGE-RESTRICTED MULTI-FAMILY DWELLING.

"AGE-RESTRICTED MULTI-FAMILY DWELLING" MEANS A MULTI-FAMILY DWELLING THAT RESTRICTS OCCUPANCY TO INDIVIDUALS 62 YEARS OLD OR OLDER.

(K) ALLEY.

"ALLEY" MEANS ANY ROADWAY THAT IS OPEN TO THE GENERAL PUBLIC AND PRIMARILY DESIGNED AND USED FOR THE SERVICING OF ADJACENT BUILDINGS THROUGH THEIR REAR OR SIDE ENTRANCES.

(L) ALTERATION.

"ALTERATION" MEANS A CHANGE IN THE SIZE, SHAPE, OCCUPANCY, OR USE OF A STRUCTURE.

(M) ALTERNATIVE ENERGY SYSTEM.

(1) GENERAL.

"ALTERNATIVE ENERGY SYSTEM" MEANS EQUIPMENT USED TO GENERATE THERMAL OR ELECTRICAL ENERGY FROM RENEWABLE SOURCES.

(2) INCLUSIONS.

"ALTERNATIVE ENERGY SYSTEM" INCLUDES:

- (I) A COMMERCIAL ALTERNATIVE ENERGY SYSTEM;
- (II) A COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEM; AND
- (III) A PRIVATE ALTERNATIVE ENERGY SYSTEM.

(N) ALTERNATIVE ENERGY SYSTEM: COMMERCIAL.

"ALTERNATIVE ENERGY SYSTEM: COMMERCIAL" MEANS AN ALTERNATIVE ENERGY SYSTEM DESIGNED TO PRODUCE GREATER LEVELS OF ENERGY FOR CONSUMERS WITH HIGH ENERGY DEMANDS, SUCH AS INDUSTRIAL USERS, OR FOR SUPPLY TO AN ELECTRIC GRID.

(O) ALTERNATIVE ENERGY SYSTEM: COMMUNITY-BASED.

"ALTERNATIVE ENERGY SYSTEM: COMMUNITY-BASED" MEANS AN ALTERNATIVE ENERGY SYSTEM THAT:

- (1) PRIMARILY PRODUCES ENERGY FOR CONSUMPTION ON SITE BY A PROPERTY OWNER OR FOR SUPPLY TO AN ELECTRIC GRID; AND
- (2) IS SUPPORTED BY COMMUNITY MEMBERS WHO PURCHASE ENERGY FROM THE SYSTEM AND WHO MIGHT BENEFIT FINANCIALLY FROM THE SYSTEM.

(P) ALTERNATIVE ENERGY SYSTEM: PRIVATE.

"ALTERNATIVE ENERGY SYSTEM: PRIVATE" MEANS AN ALTERNATIVE ENERGY SYSTEM THAT:

- (1) PRIMARILY PRODUCES ENERGY FOR CONSUMPTION ON SITE BY A PROPERTY OWNER; AND
- (2) SECONDARILY MIGHT SUPPLY EXCESS ENERGY TO AN ELECTRIC GRID.

(Q) AMATEUR (HAM) RADIO EQUIPMENT.

"AMATEUR (HAM) RADIO EQUIPMENT" HAS THE MEANING STATED IN § 15-502 OF THIS CODE.

(R) ANIMAL CLINIC.

(1) GENERAL.

"ANIMAL CLINIC" MEANS AN ESTABLISHMENT USED BY A LICENSED VETERINARIAN:

(I) FOR THE IMMUNIZATION, DIAGNOSIS, OR TREATMENT OF ANIMALS OR FOR SURGERY ON ANIMALS AND

(II) FOR BOARDING ANIMALS DURING THEIR TREATMENT OR CONVALESCENCE.

(2) EXCLUSIONS.

"ANIMAL CLINIC" DOES NOT INCLUDE A KENNEL.

(S) ARBOR.

"ARBOR" MEANS A FREESTANDING STRUCTURE USED IN A GARDEN TO SUPPORT VINES OR CLIMBING PLANTS.

(T) ARCHITECTURAL FEATURE.

"ARCHITECTURAL FEATURE" MEANS A PART OR PROJECTION OF A STRUCTURE, EXCLUDING A SIGN, THAT:

(1) CONTRIBUTES TO THE AESTHETICS OF THE STRUCTURE; AND

(2) IS NOT NEEDED EITHER FOR THE STRUCTURAL INTEGRITY OF THE STRUCTURE OR TO MAKE THE STRUCTURE HABITABLE.

(U) ART GALLERY.

(1) GENERAL.

"ART GALLERY" MEANS AN ESTABLISHMENT THAT ENGAGES IN THE SALE, LOAN, OR DISPLAY OF PAINTINGS, SCULPTURES, PHOTOGRAPHS, VIDEO ART, OR OTHER WORKS OF ART.

(2) EXCLUSIONS.

"ART GALLERY" DOES NOT INCLUDE:

(I) A CULTURAL FACILITY, SUCH AS A LIBRARY, MUSEUM, OR NON-COMMERCIAL GALLERY THAT MIGHT ALSO DISPLAY WORKS OF ART;

(II) AN ARTS STUDIO; OR

(III) AN ARTS STUDIO - INDUSTRIAL.

(V) ARTS STUDIO.

(1) GENERAL.

"ARTS STUDIO" MEANS AN ESTABLISHMENT IN WHICH AN ART, A TYPE OF EXERCISE, OR AN ACTIVITY IS TAUGHT, PRACTICED, OR STUDIED, SUCH AS DANCE, MARTIAL ARTS, PHOTOGRAPHY, MUSIC, PAINTING, GYMNASTICS, OR YOGA.

(2) INCLUSIONS.

"ARTS STUDIO" INCLUDES:

(I) PERFORMANCE-SPACE RELATED TO THE CLASSES TAUGHT ON-SITE; AND

(II) RECORDING STUDIOS.

(3) EXCLUSIONS.

"ARTS STUDIO" DOES NOT INCLUDE AN ESTABLISHMENT THAT TEACHES THE TYPES OF ARTS TAUGHT IN AN ARTS STUDIO - INDUSTRIAL.

(W) ARTS STUDIO: INDUSTRIAL.

"ARTS STUDIO: INDUSTRIAL" MEANS A STUDIO FOR ARTISAN-RELATED CRAFTS, SUCH AS SMALL-SCALE METALWORKING, GLASSBLOWING, FURNITURE MAKING, POTTERY, LEATHERCRAFT, AND SIMILAR ACTIVITIES.

(X) AWNING.

"AWNING" MEANS AN ARCHITECTURAL PROJECTION THAT:

(1) COMPRISES A LIGHTWEIGHT FRAME STRUCTURE OVER WHICH A COVERING IS ATTACHED;

(2) IS DESIGNED TO PROVIDE WEATHER PROTECTION, IDENTITY, OR DECORATION; AND

(3) IS PARTIALLY OR WHOLLY SUPPORTED BY THE BUILDING TO WHICH IT IS ATTACHED.

§ 1-303. "BAIL BOND ESTABLISHMENT" TO "CHILD DAY-CARE HOME".

(A) BAIL BOND ESTABLISHMENT.

"BAIL BOND ESTABLISHMENT" MEANS AN ESTABLISHMENT IN WHICH A STATE-LICENSED OR -APPROVED BAIL BONDSMAN PROVIDES BAIL BONDSMAN SERVICES, WHETHER FOR COMPENSATION OR NOT.

(B) BALCONY; DECK.

"BALCONY" OR "DECK" MEANS AN ABOVEGROUND PLATFORM THAT:

- (1) PROJECTS FROM AN EXTERIOR WALL OF A BUILDING;
- (2) IS EXPOSED TO THE OPEN AIR; AND
- (3) HAS DIRECT ACCESS TO THE INTERIOR OF THE BUILDING.

(C) BANQUET HALL.

- (1) IN GENERAL.

"BANQUET HALL" MEANS AN ESTABLISHMENT:

- (I) THAT IS USED REGULARLY FOR SERVING FOOD OR BEVERAGES TO GROUPS THAT, BEFORE THE DAY OF THE EVENT, HAVE RESERVED THE FACILITY FOR BANQUETS OR MEETINGS;
- (II) TO WHICH THE GENERAL PUBLIC IS NOT ADMITTED; AND
- (III) FOR WHICH NO ADMISSION CHARGE IS IMPOSED AT THE DOOR.

(2) INCLUSIONS.

"BANQUET HALL" INCLUDES AN ESTABLISHMENT THAT PROVIDES LIVE ENTERTAINMENT AS AN ACCESSORY TO THE USE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(3) EXCLUSIONS.

"BANQUET HALL" DOES NOT INCLUDE ANY RESTAURANT OR TAVERN.

(D) BASEMENT.

"BASEMENT" MEANS THAT PORTION OF A BUILDING THAT HAS ITS FLOOR SUBGRADE (BELOW GROUND LEVEL) ON ALL SIDES.

(E) BAY WINDOW.

"BAY WINDOW" MEANS A WINDOW THAT:

- (1) PROJECTS OUTWARD FROM A BUILDING;
- (2) BEGINS AT LEAST 2 FEET ABOVE THE GROUND; AND
- (3) HAS NO STRUCTURAL SUPPORT TO THE GROUND.

(F) BED AND BREAKFAST.

"BED AND BREAKFAST" MEANS AN OWNER-OCCUPIED, SINGLE-FAMILY DWELLING THAT:

- (1) IS USED PRIMARILY AS A THE OWNER'S PERSONAL HOME; BUT

(2) ALSO OFFERS LODGING IN 3 OR FEWER GUEST ROOMS TO MEMBERS OF THE GENERAL PUBLIC WHO HAVE PRIMARY RESIDENCES ELSEWHERE.

(G) BILLBOARD.

(1) GENERAL.

"BILLBOARD" MEANS ANY SIGN THAT DIRECTS ATTENTION TO A BUSINESS, COMMODITY, SERVICE, EVENT, OR OTHER ACTIVITY THAT IS:

(I) SOLD, OFFERED, OR CONDUCTED SOMEWHERE OTHER THAN ON THE PROPERTY ON WHICH THE SIGN IS LOCATED; OR

(II) SOLD, OFFERED, OR CONDUCTED ON THAT PROPERTY ONLY INCIDENTALLY, IF AT ALL.

(2) EXCLUSIONS.

"BILLBOARD" DOES NOT INCLUDE BANNERS OR SIGNS MOUNTED ON STREETLIGHTS OR SIMILAR STRUCTURES IN THE PUBLIC RIGHT-OF-WAY.

(H) BLOCKFACE.

"BLOCKFACE" MEANS ALL OF 1 SIDE OF A GIVEN STREET BETWEEN 2 CONSECUTIVE INTERSECTING STREETS. {SEE FIGURE 1-303(H): BLOCKFACE.}

(I) BOAT MANUFACTURING, REPAIR, AND SALES.

(1) INCLUSIONS.

"BOAT MANUFACTURING, REPAIR, AND SALES" INCLUDES THE FOLLOWING ACTIVITIES:

(I) ASSEMBLY AND INSTALLATION OF SAILS, MASTS, BRIDGES, OR OTHER MAJOR COMPONENTS;

(II) SANDBLASTING OR OTHER PREPARATION AND PAINTING OF HULLS;

(III) INSTALLATION OF NAVIGATIONAL INSTRUMENTS;

(IV) TESTING OF ELECTRICAL, MECHANICAL, AND OTHER SYSTEMS; AND

(V) INCIDENTAL STORAGE.

(2) EXCLUSIONS.

"BOAT MANUFACTURING, REPAIR, AND SALES" DOES NOT INCLUDE THE LEASING OF DRY DOCK OR MARINA STORAGE FOR INDIVIDUAL BOAT OWNERS.

(J) BODY ART ESTABLISHMENT.

(1) GENERAL.

"BODY ART ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT OFFERS BODY PIERCING, NONMEDICAL BODY MODIFICATION, OR TATTOOING SERVICES.

(2) EXCLUSIONS.

"BODY ART ESTABLISHMENT" DOES NOT INCLUDE AN ESTABLISHMENT THAT ONLY OFFERS EAR PIERCING.

(K) BROADCASTING STATION (TV OR RADIO).

(1) GENERAL.

"BROADCASTING STATION (TV OR RADIO)" MEANS COMMERCIAL AND PUBLIC COMMUNICATIONS FACILITIES, INCLUDING RADIO AND TELEVISION BROADCASTING AND RECEIVING STATIONS AND STUDIOS.

(2) EXCLUSIONS.

"BROADCASTING STATION (TV OR RADIO)" DOES NOT INCLUDE FREESTANDING TV OR RADIO ANTENNAS.

(L) BUFFER (CBCA).

"BUFFER", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(M) BUILDING.

"BUILDING" MEANS ANY STRUCTURE USED OR INTENDED FOR SUPPORTING OR SHELTERING ANY USE OR OCCUPANCY.

(N) BUILDING: PRINCIPAL.

"BUILDING: PRINCIPAL" MEANS NON-ACCESSORY BUILDING IN WHICH A PRINCIPAL USE IS CONDUCTED.

(O) CANOPY.

"CANOPY" MEANS A PERMANENT STRUCTURE OR ARCHITECTURAL PROJECTION THAT:

- (1) IS OF RIGID CONSTRUCTION OVER WHICH A COVERING IS ATTACHED;
- (2) IS DESIGNED TO PROVIDE WEATHER PROTECTION, IDENTITY OR DECORATION; AND
- (3) IS STRUCTURALLY INDEPENDENT OR SUPPORTED BY ATTACHMENT TO A BUILDING ON ONE OR MORE SIDES.

(P) CAR WASH.

(1) IN GENERAL.

"CAR WASH" MEANS AN ESTABLISHMENT FOR WASHING OR CLEANING MOTOR VEHICLES, WHETHER BY USING MECHANICAL DEVICES OR HAND LABOR.

(2) SELF-SERVICE.

"CAR WASH" INCLUDES FACILITIES FOR SELF-SERVICE MOTOR VEHICLE WASHING OR CLEANING.

(Q) CARETAKER'S DWELLING.

SEE "DWELLING: CARETAKER'S".

(R) CARNIVAL; CIRCUS.

"CARNIVAL" OR "CIRCUS" MEANS A USE OF LAND FOR:

(1) CIRCUSES, CARNIVALS, FETES, BAZAARS, AND SIMILAR EVENTS;

(2) FEATS OF HORSEBACK-RIDING ABILITY, ACROBATIC STUNTS, TRAINED ANIMAL ACTS, CLOWNING, AND SIMILAR PERFORMANCES;

(3) MECHANICAL RIDES OR OTHER AMUSEMENT DEVICES TO WHICH THE PUBLIC IS ADMITTED; AND

(4) TEMPORARY STANDS OR FACILITIES FOR SELLING OR DISPENSING PRODUCTS FOR HUMAN CONSUMPTION IN CONNECTION WITH THESE USES.

(S) CARRIAGE HOUSE.

"CARRIAGE HOUSE" MEANS AN ACCESSORY STRUCTURE OF 2-STORY CONSTRUCTION THAT WAS FORMERLY USED OR INTENDED TO BE USED FOR THE STORAGE OF HORSES AND CARRIAGES.

(T) CARRY-OUT FOOD SHOP.

"CARRY-OUT FOOD SHOP" MEANS A RESTAURANT OR OTHER ESTABLISHMENT WHERE PREPARED FOOD IS SERVED IN DISPOSABLE CONTAINERS OR WRAPPERS FROM A SERVING COUNTER, PRIMARILY FOR OFF-PREMISES CONSUMPTION.

(U) CEMETERY.

(1) GENERAL.

"CEMETERY" MEANS LAND USED OR DEDICATED TO THE BURIAL OF THE DEAD.

(2) INCLUSIONS.

"CEMETERY" INCLUDES:

(I) A CREMATORIUM;

(II) MAUSOLEUMS;

(III) A FUNERAL HOME, IF OPERATING WITHIN THE BOUNDARIES OF THE CEMETERY; AND

(IV) NECESSARY SALES AND MAINTENANCE FACILITIES.

(V) CHECK-CASHING ESTABLISHMENT.

"CHECK-CASHING ESTABLISHMENT" MEANS AN ESTABLISHMENT, OTHER THAN A FINANCIAL INSTITUTION, THAT PROVIDES A CHECK-CASHING SERVICE, FOR A FEE, TO THE GENERAL PUBLIC.

(W) CHILD DAY-CARE CENTER.

SEE "DAY-CARE CENTER: CHILD".

(X) CHILD DAY-CARE HOME.

SEE "DAY-CARE HOME: CHILD".

§ 1-304. "CHIMNEY" TO "DAY-CARE CENTER: CHILD".

(A) CHIMNEY.

"CHIMNEY" MEANS A VERTICAL SHAFT OF REINFORCED CONCRETE, MASONRY, OR OTHER APPROVED MATERIAL THAT ENCLOSES 1 OR MORE FLUES, FOR THE PURPOSE OF REMOVING THE PRODUCTS OF COMBUSTION FROM SOLID, LIQUID, OR GASEOUS FUEL.

(B) CITY BLOCK.

"CITY BLOCK" MEANS THE SMALLEST URBAN AREA THAT IS SURROUNDED BY STREETS AND CONTAINS LAND THAT IS OR CAN BE SUBDIVIDED INTO LOTS OR PARCELS. {SEE FIGURE 1304(B): CITY BLOCK.}

(C) CLINIC.

SEE "ANIMAL CLINIC"; "HEALTH-CARE CLINIC".

(D) COMMERCIAL ALTERNATIVE ENERGY SYSTEM.

SEE "ALTERNATIVE ENERGY SYSTEM: COMMERCIAL".

(E) COMMERCIAL COLLEGE.

SEE "EDUCATIONAL FACILITY: COMMERCIAL-VOCATIONAL".

(F) COMMERCIAL VEHICLE.

"COMMERCIAL VEHICLE" MEANS ANY VEHICLE THAT:

(1) IS DESIGNED, MAINTAINED, AND USED PRIMARILY FOR THE TRANSPORTATION OR HAULING OF PROPERTY, INCLUDING EQUIPMENT, MERCHANDISE, PARCELS, EARTH, TRASH, REFUSE, SCRAP, OR MOTOR VEHICLES;

(2) EXCEPT FOR A PASSENGER CAR, HAS COMMERCIAL ADVERTISING ON THE EXTERIOR OF ITS BODY OR ON EQUIPMENT ATTACHED TO IT;

(3) HAS A MAXIMUM GROSS VEHICLE WEIGHT OF 7,000 POUNDS OR MORE OR A MANUFACTURER'S RATED CAPACITY OF ¾-TON OR MORE; OR

(4) IS DESIGNED TO CARRY MORE THAN 15 PASSENGERS.

(G) COMMUNITY CENTER.

(1) GENERAL.

"COMMUNITY CENTER" MEANS A FACILITY IN WHICH PEOPLE WHO LIVE IN THE SAME NEIGHBORHOOD OR COMMUNITY ARE ABLE TO MEET AND CARRY ON CULTURAL, SOCIAL, OR RECREATIONAL ACTIVITIES.

(2) INCLUSIONS.

"COMMUNITY CENTER" INCLUDES INDOOR OR OUTDOOR RECREATIONAL FACILITIES.

(H) COMMUNITY-MANAGED OPEN SPACE.

"COMMUNITY-MANAGED OPEN SPACE" MEANS AN OPEN-SPACE AREA THAT:

(1) IS MAINTAINED BY MORE THAN 1 HOUSEHOLD; AND

(2) IS USED EITHER:

(I) FOR THE CULTIVATION OF FRUITS, FLOWERS, VEGETABLES, OR ORNAMENTAL PLANTS; OR

(II) AS A COMMUNITY GATHERING SPACE FOR PASSIVE OR ACTIVE RECREATION.

(I) COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEM.

SEE "ALTERNATIVE ENERGY SYSTEM: COMMUNITY-BASED".

(J) COMPOSTING.

"COMPOSTING" MEANS THE PROCESSING OF ORGANIC WASTE MATERIAL, SUCH AS YARD AND FOOD WASTE, UNDER CONTROLLED CONDITIONS TO YIELD A NUISANCE-FREE HUMUS-LIKE PRODUCT.

(K) COMPREHENSIVE MASTER PLAN.

"COMPREHENSIVE MASTER PLAN" MEANS THE MASTER PLAN ADOPTED UNDER CITY CHARTER ARTICLE VII, § 74 {"DEPARTMENT OF PLANNING: MASTER PLAN"} AND THE STATE LAND USE

ARTICLE.

(L) COMPREHENSIVE REZONING.

"COMPREHENSIVE REZONING" MEANS AN ORDINANCE THAT:

(1) APPROVES, AUTHORIZES, OR AMENDS A PRIOR APPROVAL OR AUTHORIZATION IN THE ZONING CLASSIFICATION OF ANY PROPERTY; AND

(2) THAT IS:

(I) INITIATED BY CITY GOVERNMENT;

(II) BASED ON CONSIDERATIONS CONCERNING THE COMMON NEEDS OF A SUBSTANTIAL GEOGRAPHIC AREA, INVOLVING A CONSIDERABLE NUMBER OF PROPERTIES;

(III) DESIGNED TO CONTROL AND DIRECT THE USE OF LAND AND STRUCTURES ACCORDING TO PRESENT AND PLANNED FUTURE CONDITIONS; AND

(IV) THE PRODUCT OF:

(A) CAREFUL CONSIDERATION AND EXTENSIVE STUDY BY THE PLANNING DEPARTMENT; AND

(B) REVIEW BY THE PLANNING COMMISSION.

(M) CONDITIONAL USE.

SEE "USE: CONDITIONAL".

(N) CONTRACTOR STORAGE YARD.

"CONTRACTOR STORAGE YARD" MEANS LAND OR STRUCTURES USED PRIMARILY FOR THE STORAGE OF EQUIPMENT, VEHICLES, MACHINERY, BUILDING MATERIALS, PAINT, PIPING, OR ELECTRICAL COMPONENTS BEING USED BY THE OWNER OR OCCUPANT OF THE PREMISES IN THE CONDUCT OF A BUILDING TRADE.

(O) CONVENTION CENTER.

(1) GENERAL.

"CONVENTION CENTER" MEANS AN ESTABLISHMENT THAT ACCOMMODATES CONVENTIONS, CONFERENCES, SEMINARS, PRODUCT DISPLAYS, RECREATION ACTIVITIES, AND ENTERTAINMENT FUNCTIONS.

(2) INCLUSIONS.

"CONVENTION CENTER" INCLUDES ACCESSORY USES SUCH AS:

(I) TEMPORARY OUTDOOR DISPLAYS; AND

(II) FOOD AND BEVERAGE PREPARATION AND SERVICE FOR ON-PREMISE CONSUMPTION.

(P) CORNER LOT.

SEE "LOT: CORNER".

(Q) CORNER SIDE LOT LINE.

SEE "LOT LINE: CORNER SIDE".

(R) CORNICE.

"CORNICE" MEANS A CONTINUOUS MOLDED PROJECTION THAT:

- (1) EXTENDS OUTWARD FROM AN EXTERIOR WALL AT THE ROOF LINE;
- (2) CROWNS A WALL; OR
- (3) DIVIDES A WALL HORIZONTALLY.

(S) COUNTRY CLUB.

"COUNTRY CLUB" MEANS A CLUB ORGANIZED AND OPERATED PRIMARILY FOR SOCIAL AND OUTDOOR RECREATION PURPOSES, WITH RECREATION FACILITIES FOR MEMBERS, THEIR FAMILIES, AND INVITED GUESTS.

(T) CRITICAL AREA (CBCA).

"CRITICAL AREA", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(U) CRITICAL AREA MANAGEMENT PROGRAM (CBCA).

"CRITICAL AREA MANAGEMENT PROGRAM", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(V) CULTURAL FACILITY.

(1) GENERAL.

"CULTURAL FACILITY" MEANS A FACILITY THAT PROVIDES CULTURAL SERVICES AND FACILITIES TO THE PUBLIC.

(2) ILLUSTRATIONS.

"CULTURAL FACILITY" INCLUDES ANY OF THE FOLLOWING, WHETHER OPERATED BY A PUBLIC, NON-PROFIT, OR PRIVATE ENTITY:

(I) A MUSEUM;

- (II) A CULTURAL CENTER;
- (III) AN HISTORICAL SOCIETY; OR
- (IV) A LIBRARY.

(3) INCLUSIONS.

"CULTURAL FACILITY" INCLUDES THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

(I) A GIFT OR SOUVENIR SHOP; AND

(II) A RESTAURANT OR REFRESHMENT STANDS.

(W) DAY-CARE CENTER: ADULT.

(1) GENERAL.

"DAY-CARE CENTER: ADULT" MEANS A LICENSED ESTABLISHMENT THAT PROVIDES CARE FOR 3 OR MORE ELDERLY OR FUNCTIONALLY-IMPAIRED ADULTS ON LESS THAN A 24-HOUR BASIS.

(2) EXCLUSIONS.

"DAY-CARE CENTER: ADULT" DOES NOT INCLUDE:

(I) A PROGRAM THAT, AS AN ACCESSORY USE TO A PLACE OF WORSHIP, PROVIDES CARE FOR ELDERLY OR FUNCTIONALLY IMPAIRED ADULTS; OR

(II) AN ADULT DAY-CARE HOME.

(X) DAY-CARE CENTER: CHILD.

(1) GENERAL.

"DAY-CARE CENTER: CHILD" MEANS AN ESTABLISHMENT THAT PROVIDES CARE FOR 3 OR MORE CHILDREN ON LESS THAN A 24-HOUR BASIS.

(2) INCLUSIONS.

"DAY-CARE CENTER: CHILD" INCLUDES NURSERY SCHOOLS AND MONTESSORI SCHOOLS.

(3) EXCLUSIONS.

"DAY-CARE CENTER: CHILD" DOES NOT INCLUDE:

(I) A PROGRAM THAT, AS AN ACCESSORY USE TO AN EDUCATIONAL FACILITY OR A PLACE OF WORSHIP, PROVIDES CARE FOR CHILDREN; OR

(II) A CHILD DAY-CARE HOME.

§ 1-305. "DAY-CARE HOME: ADULT" TO "EDUCATIONAL FACILITY: PRIMARY ...".

(A) DAY-CARE HOME: ADULT.

(1) GENERAL.

"DAY-CARE HOME: ADULT" MEANS A DWELLING IN WHICH A RESIDENT OF THE DWELLING PROVIDES CARE FOR UP TO 8 ELDERLY OR FUNCTIONALLY IMPAIRED ADULTS WHO DO NOT SPEND THE NIGHT AT THE DWELLING.

(2) EXCLUSION.

"DAY-CARE HOME: ADULT" DOES NOT INCLUDE AN ADULT DAY-CARE CENTER.

(B) DAY-CARE HOME: CHILD.

(1) GENERAL.

"DAY-CARE HOME: CHILD" MEANS A DWELLING IN WHICH A RESIDENT OF THE DWELLING PROVIDES CARE FOR UP TO 8 CHILDREN, INCLUDING THE RESIDENT'S OWN.

(2) EXCLUSIONS.

"DAY-CARE HOME: CHILD" DOES NOT INCLUDE A CHILD DAY-CARE CENTER.

(C) DECK.

SEE "BALCONY".

(D) DENTAL CLINIC.

SEE "HEALTH-CARE CLINIC".

(E) DETACHED DWELLING.

SEE "DWELLING: DETACHED".

(F) DEVELOPMENT (CBCA).

"DEVELOPMENT", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(G) DISTURB (CBCA).

"DISTURB", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE

(H) DORMITORY.

"DORMITORY" MEANS A STRUCTURE THAT:

- (1) IS OWNED OR OPERATED BY OR FOR AN EDUCATIONAL INSTITUTION OR A HOSPITAL, AND
- (2) PROVIDES GROUP SLEEPING ACCOMMODATIONS IN 1 ROOM OR IN A SERIES OF CLOSELY ASSOCIATED ROOMS FOR STUDENTS NOT MEMBERS OF THE SAME FAMILY.

(I) DRIVE-THROUGH FACILITY.

"DRIVE-THROUGH FACILITY" MEANS AN ESTABLISHMENT THAT PROVIDES PRODUCTS OR SERVICES THROUGH AN ATTENDANT, WINDOW, OR AUTOMATED MACHINE TO PERSONS OCCUPYING MOTOR VEHICLES IN A DESIGNATED STACKING SPACE.

(J) DRIVEWAY.

"DRIVEWAY" MEANS A CONNECTING WAY THAT RUNS BETWEEN A STREET AND AN OFF-STREET PARKING OR DROP-OFF AREA AND IS DESIGNED TO PERMIT A VEHICLE TO LEAVE THE ROADWAY AT GRADE AND ENTER ENTIRELY INTO THE OFF-STREET AREA.

(K) DRIVING RANGE.

(1) GENERAL.

"DRIVING RANGE" MEANS AN AREA THAT IS EQUIPPED WITH DISTANCE MARKERS, CLUBS, BALLS, AND TEES FOR PRACTICING THE STRIKING OF GOLF BALLS.

(2) INCLUSIONS.

"DRIVING RANGE" INCLUDES AN ACCESSORY SNACK BAR AND PRO-SHOP.

(L) DRY STORAGE MARINA.

SEE "MARINA: DRY STORAGE".

(M) DWELLING.

"DWELLING" MEANS A BUILDING OR PART OF A BUILDING USED FOR RESIDENTIAL OCCUPANCY.

(N) DWELLING: CARETAKER'S.

"DWELLING: CARETAKER'S" MEANS A RESIDENCE FOR AN INDIVIDUAL EMPLOYED ON A SITE TO CARE FOR AND PROTECT PERSONS AND PROPERTY ON THE SITE OR ON ADJACENT SITES.

(O) DWELLING: DETACHED.

"DWELLING: DETACHED" MEANS A DWELLING THAT CONTAINS A SINGLE DWELLING UNIT AND IS NOT ATTACHED TO ANY OTHER DWELLING.

(P) DWELLING: MULTI-FAMILY.

(1) GENERAL.

"DWELLING: MULTI-FAMILY" MEANS A DWELLING THAT CONTAINS 2 OR MORE DWELLING UNITS.

(2) INCLUSIONS.

"DWELLING: MULTI-FAMILY" INCLUDES COMMON FACILITIES FOR RESIDENTS, SUCH AS LAUNDRY ROOMS.

(Q) DWELLING: ROWHOUSE.

"DWELLING: ROWHOUSE" MEANS 1 OF 3 OR MORE BUILDINGS THAT ARE USED FOR RESIDENTIAL OCCUPANCY, WITH EACH BUILDING HAVING ITS OWN PRIVATE ENTRANCE AND BEING JOINED TO THE OTHERS BY A PARTY OR SHARED WALL

(R) DWELLING: SEMI-DETACHED.

"DWELLING: SEMI-DETACHED" MEANS A BUILDING THAT CONTAINS 2 DWELLING UNITS, EACH DWELLING UNIT BEING LOCATED ON A SEPARATE LOT, JOINED TO THE OTHER ON 1 SIDE BY A PARTY WALL, AND NOT OTHERWISE ATTACHED TO ANY OTHER DWELLING.

(S) DWELLING UNIT.

"DWELLING UNIT" MEANS 1 OR MORE ROOMS IN A DWELLING THAT:

- (1) ARE USED AS LIVING FACILITIES FOR NO MORE THAN 1 FAMILY; AND
- (2) CONTAIN PERMANENTLY INSTALLED BATHROOM AND KITCHEN FACILITIES RESERVED FOR THE OCCUPANTS OF THOSE ROOMS.

(T) EASEMENT.

"EASEMENT" MEANS LEGAL PERMISSION GRANTED BY A PROPERTY OWNER TO ANOTHER FOR THE USE OF THE PROPERTY FOR SPECIFIC PURPOSES, SUCH AS THE CONSTRUCTION OF ACCESSWAYS, UTILITIES, AND ROADWAYS.

(U) EAVE.

"EAVE" MEANS THE PROJECTING LOWER EDGES OF A ROOF THAT OVERHANG AN EXTERIOR WALL OF A BUILDING.

(V) EDUCATIONAL FACILITY: COMMERCIAL-VOCATIONAL.

(1) GENERAL.

"EDUCATIONAL FACILITY: COMMERCIAL-VOCATIONAL" MEANS:

- (I) A POST-SECONDARY SCHOOL THAT TEACHES INDUSTRIAL, CLERICAL, MANAGERIAL, COMMERCIAL, OR ARTISTIC SKILLS; OR

(II) A SCHOOL CONDUCTED AS A COMMERCIAL ENTERPRISE, SUCH AS A DRIVING SCHOOL.

(2) EXCLUSIONS.

"EDUCATIONAL FACILITY: COMMERCIAL-VOCATIONAL" DOES NOT INCLUDE A POST-SECONDARY EDUCATIONAL FACILITY.

(W) EDUCATIONAL FACILITY: POST-SECONDARY.

(1) GENERAL.

"EDUCATIONAL FACILITY: POST-SECONDARY" MEANS A POST-SECONDARY INSTITUTION FOR HIGHER LEARNING, SUCH AS A UNIVERSITY OR COLLEGE, THAT GRANTS ASSOCIATE, BACHELOR, MASTER, OR DOCTORAL DEGREES.

(2) INCLUSIONS.

"EDUCATIONAL FACILITY: POST-SECONDARY" INCLUDES POST-SECONDARY THEOLOGICAL SCHOOLS FOR TRAINING MINISTERS, PRIESTS, RABBIS, OR OTHER RELIGIOUS FUNCTIONARIES.

(3) EXCLUSIONS.

"EDUCATIONAL FACILITY: POST-SECONDARY" DOES NOT INCLUDE A COMMERCIAL-VOCATIONAL EDUCATIONAL FACILITY.

(X) EDUCATIONAL FACILITY: PRIMARY AND SECONDARY.

"EDUCATIONAL FACILITY: PRIMARY AND SECONDARY" MEANS A PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL THAT OFFERS INSTRUCTION AT ANY OF THE ELEMENTARY THROUGH HIGH SCHOOL LEVELS.

§ 1-306. "ENCROACHMENT" TO "GOLF COURSE".

(A) ENCROACHMENT.

"ENCROACHMENT" MEANS THE PLACEMENT OR EXTENSION OF ANY STRUCTURE OR COMPONENT OF A STRUCTURE INTO A REQUIRED YARD.

(B) ENTERTAINMENT: INDOOR.

(1) GENERAL.

"ENTERTAINMENT: INDOOR" MEANS A PREDOMINANTLY SPECTATOR USE CONDUCTED WITHIN AN ENCLOSED STRUCTURE, SUCH AS A MOVIE THEATER.

(2) INCLUSIONS.

"ENTERTAINMENT: INDOOR" INCLUDES THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

- (I) A GIFT OR SOUVENIR SHOP; AND
- (II) A RESTAURANT OR REFRESHMENT STANDS .
- (3) EXCLUSIONS.

"ENTERTAINMENT: INDOOR" DOES NOT INCLUDE:

- (I) LIVE ENTERTAINMENT; OR
- (II) INDOOR RECREATION.
- (C) ENTERTAINMENT: LIVE.
 - (1) GENERAL.

"ENTERTAINMENT: LIVE" MEANS 1 OR MORE OF ANY OF THE FOLLOWING, PERFORMED LIVE BY 1 OR MORE PERSONS, WHETHER OR NOT DONE FOR COMPENSATION AND WHETHER OR NOT ADMISSION IS CHARGED:

- (I) MUSICAL ACT, INCLUDING KARAOKE;
- (II) THEATRICAL ACT, INCLUDING A PLAY, REVUE, OR STAND-UP COMEDY;
- (III) DANCE;
- (IV) MAGIC ACT;
- (V) DISC JOCKEY; OR
- (VI) SIMILAR ACTIVITY.
- (2) EXCLUSIONS.

"ENTERTAINMENT: LIVE" DOES NOT INCLUDE ANY ADULT USE.

- (D) ENVIRONMENTALLY SENSITIVE AREA.

"ENVIRONMENTALLY SENSITIVE AREA" MEANS LAND THAT CONTAINS ANY OF THE FOLLOWING NATURAL AREAS:

- (1) STREAMS OR STREAM BUFFERS;
- (2) HABITATS OF THREATENED OR ENDANGERED SPECIES;
- (3) FORESTS OR FORESTED AREAS;
- (4) WETLANDS OR WETLAND BUFFERS;
- (5) STEEP SLOPES (I.E., SLOPES OF 20% OR MORE);

(6) FLOODPLAINS;

(7) ANY PART OF THE CHESAPEAKE BAY CRITICAL AREA; AND

(8) SIGNIFICANT OR SPECIMEN TREES.

(E) ERECT.

"ERECT" MEANS:

(1) TO CONSTRUCT, RECONSTRUCT, OR MOVE A STRUCTURE ON A LOT; OR

(2) TO EXCAVATE, FILL, DRAIN, OR CONDUCT PHYSICAL OPERATIONS OF ANY KIND IN PREPARATION FOR OR WHILE UNDERTAKING THE CONSTRUCTION, RECONSTRUCTION, OR MOVING OF A STRUCTURE ON A LOT.

(F) FAIRGROUNDS.

"FAIRGROUNDS" MEANS AN AREA USED VARIOUSLY FOR ONE OR MORE OF THE FOLLOWING, EITHER SINGULARLY OR IN COMBINATION WITH ONE ANOTHER:

(1) ANIMAL SHOWS;

(2) AUCTIONS;

(3) CARNIVALS;

(4) CIRCUSES;

(5) CONCERTS;

(6) FAIRS;

(7) FOOD BOOTHS;

(8) GAMES;

(9) RIDES;

(10) RODEOS;

(11) SALES; OR

(12) SIMILAR ACTIVITIES.

(G) FAMILY.

(1) IN GENERAL.

"FAMILY" MEANS ONE OF THE FOLLOWING, TOGETHER WITH CUSTOMARY HOUSEHOLD HELPERS:

(I) AN INDIVIDUAL;

(II) 2 OR MORE PEOPLE RELATED BY BLOOD, MARRIAGE, ADOPTION, OR STATE-SUPERVISED FOSTER CARE, LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT IN A DWELLING UNIT; OR

(III) A GROUP OF NOT MORE THAN 4 PEOPLE, WHO NEED NOT BE RELATED, LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT IN A DWELLING UNIT.

(2) ROOMERS INCLUDED.

"FAMILY" INCLUDES, WITH RESPECT TO THOSE LISTED IN PARAGRAPH (1)(I) OR (II) ONLY, UP TO 2 ROOMERS WITHIN THE DWELLING UNIT, AS LONG AS THEY SHARE A COMMON ENTRANCE AND COOKING AND BATHROOM FACILITIES.

(3) EXCLUSIONS.

"FAMILY" DOES NOT INCLUDE, IN ANY CASE:

(I) MORE THAN 4 UNRELATED PEOPLE; OR

(II) THE OCCUPANTS OF A ROOMING HOUSE, A HOTEL OR MOTEL, OR A FRATERNITY OR SORORITY HOUSE.

(H) FINANCIAL INSTITUTION.

"FINANCIAL INSTITUTION" INCLUDES ANY BANK, SAVINGS AND LOAN ASSOCIATION, CREDIT UNION, MORTGAGE COMPANY, OR STANDALONE AUTOMATED TELLER MACHINE.

(I) FISHING PIER.

"FISHING PIER" MEANS A FIXED OR FLOATING PLATFORM THAT EXTENDS FROM THE SHORE OVER THE WATER AND IS USED FOR FISHING ACTIVITIES.

(J) FLOOR AREA: GROSS (GFA).

"FLOOR AREA: GROSS (GFA)" MEANS THE SUM OF THE AREA OF ALL FLOORS OF A STRUCTURE, AS MEASURED FROM THE OUTSIDE FACES OF THE EXTERIOR WALLS OR FROM THE CENTERLINES OF PARTY WALLS.

(K) FLOOR AREA RATIO (FAR).

"FLOOR AREA RATIO (FAR)" MEANS THE GROSS FLOOR AREA WITHIN A STRUCTURE DIVIDED BY THE AREA OF THE LOT.

(L) FOOD PROCESSING: LIGHT.

"FOOD PROCESSING: LIGHT" MEANS AN ESTABLISHMENT FOR PREPARING, PROCESSING, CANNING, OR PACKAGING FOOD PRODUCTS, WHERE ALL THESE ACTIVITIES ARE WITHIN AN ENCLOSED STRUCTURE AND CREATE NO OUTSIDE IMPACTS.

(M) FOOD SHOP: CARRY-OUT.

SEE "CARRY-OUT FOOD SHOP".

(N) FOOTCANDLE.

"FOOTCANDLE" MEANS THE UNIT OF ILLUMINATION THAT EQUALS THE ILLUMINATION AT ALL POINTS 1 FOOT DISTANT FROM A UNIFORM LIGHT SOURCE OF 1 CANDLEPOWER.

(O) FOREST AND NATURE PRESERVE.

"FOREST AND NATURE PRESERVE" MEANS AN OPEN SPACE THAT PRESERVES NATURAL FEATURES AND PROTECTS WILDLIFE AND CRITICAL ENVIRONMENTAL FEATURES.

(P) FRATERNITY, SORORITY HOUSE.

"FRATERNITY, SORORITY HOUSE" MEANS A HABITABLE STRUCTURE, A DINING FACILITY, OR A RECREATIONAL FACILITY FOR USE BY MEMBERS OF A FRATERNAL OR SORORAL ORGANIZATION OR ASSOCIATION.

(Q) FREIGHT TERMINAL.

"FREIGHT TERMINAL" MEANS AN ESTABLISHMENT FOR RECEIVING, TRANSFERRING, OR DISTRIBUTING FREIGHT FOR TRANSPORT BY RAIL, TRUCK, OR SHIP.

(R) FRONT LOT LINE.

SEE "LOT LINE: FRONT".

(S) FUNERAL HOME.

(1) GENERAL.

"FUNERAL HOME" MEANS AN ESTABLISHMENT FOR PREPARING DECEASED PERSONS 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.

(T) GARAGE.

SEE "PARKING GARAGE (PRINCIPAL USE)"
"PARKING GARAGE (RESIDENTIAL, DETACHED)"

(U) GAS STATION.

(1) GENERAL.

"GAS STATION" MEANS ANY PREMISES OR STRUCTURE USED:

(I) FOR THE RETAIL SALE OF FUEL, DISPENSED FROM FIXED EQUIPMENT INTO THE FUEL TANKS OF MOTOR VEHICLES; OR

(II) AS AN AUTOMOBILE CHARGING STATION, EITHER ELECTRIC OR SOLAR.

(2) INCLUSIONS.

"GAS STATION" INCLUDES:

(I) THE ACCESSORY SALE OF CONVENIENCE ITEMS; AND

(II) AN ACCESSORY FREESTANDING SELF-SERVICE CAR WASH.

(V) GAZEBO.

"GAZEBO" MEANS A FREESTANDING OUTDOOR STRUCTURE THAT IS OPEN-SIDED IN DESIGN AND NOT USED FOR HABITATION.

(W) GENERAL INDUSTRIAL.

SEE "INDUSTRIAL: GENERAL".

(X) GOLF COURSE.

(1) GENERAL.

"GOLF COURSE" MEANS A TRACT OF LAND THAT HAS HOLES FOR PLAYING A GAME OF GOLF.

(2) INCLUSIONS.

"GOLF COURSE" INCLUDES THE FOLLOWING AS ACCESSORY USES:

(I) A CLUBHOUSE;

(II) A DRIVING RANGE;

(III) RESTROOMS; AND

(IV) SHELTERS.

§ 1-307. "GOVERNMENT OFFICES" TO "INDUSTRIAL BOAT REPAIR".

(A) GOVERNMENT OFFICES.

(1) GENERAL.

"GOVERNMENT OFFICES" MEANS A STRUCTURE THAT IS OPERATED OR OCCUPIED BY A GOVERNMENT AGENCY.

(2) INCLUSIONS.

"GOVERNMENT OFFICES" INCLUDES:

- (I) THE OFFICES OF GOVERNMENT OFFICIALS, AGENCIES, AND OTHER BODIES;
- (II) PUBLIC SAFETY FACILITIES;
- (III) COURTHOUSES, AND
- (IV) SUPPORT LABORATORIES.

(3) EXCLUSIONS.

"GOVERNMENT OFFICES" DOES NOT INCLUDE:

- (I) PARK DISTRICT FIELD HOUSES OR RECREATION CENTERS (WHICH WOULD BE CONSIDERED PARKS AND PLAYGROUNDS); OR
- (II) EDUCATIONAL FACILITIES.
- (B) GOVERNMENT FACILITY: PUBLIC WORKS.
 - (1) GENERAL.

"GOVERNMENT FACILITY: PUBLIC WORKS" MEANS A STRUCTURE OR LAND THAT IS OPERATED BY A GOVERNMENT AGENCY.

(2) INCLUSIONS.

"GOVERNMENT FACILITY: PUBLIC WORKS" INCLUDES PUBLIC WORKS FACILITIES, STORAGE YARDS, AND UTILITY FACILITIES.

(C) GREENHOUSE.

"GREENHOUSE" MEANS A STRUCTURE THAT IS:

- (1) DEVOTED TO THE PROTECTION OR CULTIVATION OF FLOWERS OR OTHER TENDER PLANTS; AND
- (2) CONSTRUCTED CHIEFLY OF GLASS, GLASS-LIKE OR TRANSLUCENT MATERIAL, CLOTH, OR LATH.
- (D) GROSS FLOOR AREA.

SEE "FLOOR AREA: GROSS"

(E) GYM.

SEE "HEALTH CENTER".

(F) HAM RADIO EQUIPMENT.

SEE "AMATEUR (HAM) RADIO EQUIPMENT".

(G) HEALTH-CARE CLINIC.

"HEALTH-CARE CLINIC" MEANS A FACILITY FOR THE EXAMINATION AND TREATMENT OF PERSONS ON AN OUTPATIENT BASIS BY 1 OR MORE PHYSICIANS, DENTISTS, CHIROPRACTORS, PHYSICAL THERAPISTS, OR OTHER LICENSED HEALTHCARE PRACTITIONERS.

(H) HEALTH CENTER.

(1) GENERAL.

"HEALTH 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 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.

(I) HEAVY SALES, RENTAL, OR SERVICE.

(1) GENERAL.

"HEAVY SALES, RENTAL, AND SERVICE" MEANS A SALES, RENTAL, OR SERVICE ESTABLISHMENT THAT MAINTAINS A SERVICE OR STORAGE AREA THAT IS OUTDOORS OR IN A STRUCTURE THAT IS ONLY PARTIALLY ENCLOSED.

(2) INCLUSIONS.

"HEAVY SALES, RENTAL, AND SERVICE" INCLUDES:

- (I) LARGE-SCALE HOME IMPROVEMENT CENTERS;
- (II) INDUSTRIAL SUPPLY STORES;

(III) LUMBERYARDS;

(IV) HEAVY EQUIPMENT PARTS, SALES AND RENTAL; AND

(V) PLAYGROUND EQUIPMENT, SALES AND RENTAL.

(J) HELIPORT.

(1) GENERAL.

"HELIPORT" MEANS A DESIGNATED LANDING AREA FOR DISCHARGING OR PICKING UP PASSENGERS OR GOODS BY HELICOPTER OR SIMILAR VERTICAL-LIFT AIRCRAFT.

(2) INCLUSIONS.

"HELIPORT" INCLUDES TERMINAL FACILITIES FOR PASSENGERS, GOODS, AIRCRAFT SERVICING, OR STORAGE.

(K) HELISTOP.

"HELISTOP" MEANS AN AREA OF LAND, WATER, OR STRUCTURE THAT IS USED OR INTENDED TO BE USED FOR THE LANDING AND TAKE-OFF OF HELICOPTERS OR SIMILAR VERTICAL-LIFT AIRCRAFT, BUT WITHOUT FACILITIES FOR SERVICING OR BASING THESE AIRCRAFT.

(L) HOLIDAY SALES LOT.

SEE "SEASONAL OR HOLIDAY SALES LOT".

(M) HOME OCCUPATION.

"HOME OCCUPATION" MEANS AN OCCUPATION THAT:

(1) IS CARRIED ON IN A DWELLING UNIT BY A RESIDENT OF THE DWELLING UNIT; AND

(2) IS SECONDARY TO THE USE OF THE DWELLING UNIT FOR RESIDENTIAL PURPOSES.

(N) HOMELESS SHELTER.

(1) GENERAL.

"HOMELESS SHELTER" MEANS A FACILITY THAT PROVIDES TEMPORARY HOUSING TO HOMELESS OR TRANSIENT PERSONS.

(2) INCLUSIONS.

"HOMELESS SHELTER" INCLUDES ACCESSORY SERVICES SUCH AS COUNSELING OR VOCATIONAL TRAINING.

(O) HORSE STABLE.

"HORSE STABLE" MEANS ANY STRUCTURE OR LAND WITHIN THE CITY AT OR FROM WHICH HORSES ARE BOARDED, BRED, SOLD, OR RENTED FOR RIDING, DRIVING, OR OTHER PURPOSES.

(P) HOSPITAL.

(1) GENERAL.

"HOSPITAL" MEANS AN INSTITUTION THAT PROVIDES HEALTH SERVICES, PRIMARILY INPATIENT MEDICAL OR SURGICAL CARE FOR THE SICK OR INJURED.

(2) INCLUSIONS.

"HOSPITAL" INCLUDES RELATED FACILITIES INTEGRAL TO THE HOSPITAL, SUCH AS LABORATORIES, OUTPATIENT CENTERS, HEALTH-CARE CLINICS, HELISTOPS, TRAINING FACILITIES, CLASSROOMS, STAFF OFFICES, AND CENTRAL SERVICE FACILITIES.

(Q) HOTEL; MOTEL.

(1) "GUEST UNIT" DEFINED.

IN THIS SECTION, "GUEST UNIT" MEANS ANY ROOM OR GROUP OF ROOMS THAT FORM A SINGLE HABITABLE UNIT OCCUPIED OR DESIGNED OR INTENDED TO BE OCCUPIED FOR SLEEPING OR LIVING PURPOSES.

(2) GENERAL.

"HOTEL" OR "MOTEL" MEANS A BUILDING THAT:

- (I) IS NOT A DWELLING;
- (II) CONTAINS 3 OR MORE GUEST UNITS OCCUPIED OR DESIGNED OR INTENDED TO BE OCCUPIED BY GUESTS WHO, EVEN TOUGH THEY MIGHT SHARE COMMON AREAS AND FACILITIES, DO NOT FORM A SINGLE HOUSEKEEPING UNIT AND DO NOT PROVIDE COMPENSATION UNDER A SINGLE LEASE FOR OCCUPANCY OF THE FACILITY; AND
- (III) OFFERS LODGING IN THESE GUEST UNITS TO MEMBERS OF THE GENERAL PUBLIC.

(3) EXCLUSIONS.

"HOTEL" OR "MOTEL" DOES NOT INCLUDE A BED AND BREAKFAST OR A ROOMING HOUSE.

(R) IMPERVIOUS SURFACE.

"IMPERVIOUS SURFACE" MEANS ANY SURFACE THAT DOES NOT ALLOW WATER TO INFILTRATE INTO THE SOIL SURFACE.

(S) INCINERATOR.

(1) GENERAL.

"INCINERATOR" MEANS A COMBUSTION UNIT THAT USES CONTROLLED FLAME COMBUSTION FOR THE THERMAL DESTRUCTION OF SOLID WASTE, INCLUDING MUNICIPAL WASTE, INDUSTRIAL WASTE, HAZARDOUS WASTE, SPECIAL MEDICAL WASTE, OR SEWAGE SLUDGE WHERE NO ENERGY OR FUEL RESOURCES ARE RECOVERED.

(2) INCLUSIONS.

"INCINERATOR" INCLUDES ANY:

(1) INFRARED INCINERATOR; OR

(2) PLASMA ARC INCINERATOR.

(T) INDOOR ENTERTAINMENT.

SEE "ENTERTAINMENT: INDOOR".

(U) INDOOR RECREATION.

SEE "RECREATION: INDOOR".

(V) INDUSTRIAL ARTS STUDIO.

SEE "ARTS STUDIO: INDUSTRIAL".

(W) INDUSTRIAL BOAT REPAIR FACILITY.

(1) GENERAL.

"INDUSTRIAL BOAT REPAIR FACILITY" MEANS A FACILITY WITH 5 OR MORE SLIPS (WET OR DRY) USED SOLELY FOR THE MANUFACTURE, ASSEMBLY, OR REPAIR OF COMMERCIAL OR RECREATIONAL WATERCRAFT.

(2) EXCLUSIONS.

"INDUSTRIAL BOAT REPAIR FACILITY" DOES NOT INCLUDE DOCKING, STORAGE, OR SALES OF RECREATIONAL WATERCRAFT.

§ 1-308. "INDUSTRIAL: GENERAL" TO "LOT: INTERIOR".

(A) INDUSTRIAL: GENERAL.

(1) GENERAL.

"INDUSTRIAL: GENERAL" MEANS THE PROCESSING, MANUFACTURING, OR COMPOUNDING OF MATERIALS, PRODUCTS, OR ENERGY, HAVING IMPACTS ON THE ENVIRONMENT OR SIGNIFICANT IMPACTS ON THE USE AND ENJOYMENT OF ADJACENT PROPERTY IN TERMS OF NOISE, SMOKE, FUMES, ODORS, GLARE, OR HEALTH AND SAFETY HAZARDS.

(2) INCLUSIONS.

"INDUSTRIAL: GENERAL" INCLUDES:

- (I) THE STORAGE OF LARGE VOLUMES OF TOXIC OR HIGHLY FLAMMABLE MATTER OR EXPLOSIVES; AND
- (II) OUTDOOR OPERATIONS AS PART OF THE PROCESSING, MANUFACTURING, OR COMPOUNDING PROCESS.

(3) EXCLUSIONS.

"INDUSTRIAL: GENERAL" DOES NOT INCLUDE OR AUTHORIZE ANY:

- (I) INCINERATOR;
- (II) JUNK OR SCRAP STORAGE AND YARDS;
- (III) SOLID WASTE SANITARY LANDFILL; OR
- (IV) VEHICLE DISMANTLING FACILITY.

(B) INDUSTRIAL: LIGHT.

(1) GENERAL.

"INDUSTRIAL: LIGHT" MEANS THE MANUFACTURING OR REPAIR OF FINISHED PRODUCTS OR PARTS FROM PREVIOUSLY PREPARED MATERIALS, WHERE:

- (I) ALL PROCESSING, FABRICATION, ASSEMBLY, TREATMENT, AND PACKAGING OF PRODUCTS ARE CONTAINED ENTIRELY WITHIN A BUILDING; AND
- (II) NOISE, ODOR, SMOKE, HEAT, GLARE, AND VIBRATION RESULTING FROM THE MANUFACTURING PROCESS ARE CONFINED WITHIN THE BUILDING OR OTHERWISE MINIMIZED.

(2) INCLUSIONS.

"INDUSTRIAL: LIGHT" INCLUDES INCIDENTAL STORAGE, SALES, AND DISTRIBUTION OF PRODUCTS MANUFACTURED OR STORED ON SITE.

(3) EXCLUSIONS.

"INDUSTRIAL: LIGHT" DOES NOT INCLUDE OR AUTHORIZE ANY:

- (I) INCINERATOR;
- (II) JUNK OR SCRAP STORAGE AND YARDS;
- (III) SOLID WASTE SANITARY LANDFILL; OR

(IV) VEHICLE DISMANTLING FACILITY.

(C) INDUSTRIAL: MARITIME-DEPENDENT.

(1) GENERAL.

"INDUSTRIAL: MARITIME-DEPENDENT" MEANS INDUSTRIAL USES WITH MARITIME-DEPENDENT FACILITIES.

(2) INCLUSIONS.

"INDUSTRIAL: MARITIME-DEPENDENT" INCLUDES:

(I) FACILITIES ASSOCIATED WITH MARINE TERMINALS FOR THE STORAGE OR INTERMODAL TRANSFER OF GOODS TRANSPORTED IN WATERBORNE COMMERCE;

(II) MANUFACTURING FACILITIES RELYING ON THE BULK RECEIPT OR SHIPMENTS OF GOODS BY WATERBORNE COMMERCE;

(III) WHARVES, PIERS, DOCKS, AND STORAGE FACILITIES FOR THE COMMERCIAL FISHING INDUSTRY;

(IV) DRY DOCKS AND OTHER FACILITIES RELATED TO THE CONSTRUCTION, SERVICING, STORAGE, MAINTENANCE, OR REPAIR OF VESSELS AND OTHER MARINE STRUCTURES; AND

(V) FACILITIES FOR TOW BOATS, BARGES, DREDGES, FERRIES, COMMUTER BOATS, WATER BUSES, WATER TAXIS, OR OTHER VESSELS ENGAGED IN WATERBORNE COMMERCE, PORT OPERATIONS, OR MARINE CONSTRUCTION.

(D) INTERIOR LOT.

SEE "LOT: INTERIOR."

(E) INTERIOR SIDE LOT LINE.

SEE "LOT LINE: INTERIOR SIDE."

(F) JUNK OR SCRAP STORAGE AND YARDS.

(1) "PROCESSED METAL" DEFINED.

(I) GENERAL.

"PROCESSED METAL" MEANS SCRAP METAL THAT HAS BEEN MANUALLY OR PHYSICALLY ALTERED EITHER TO SEPARATE IT INTO DISTINCT MATERIALS TO ENHANCE ECONOMIC VALUE OR TO IMPROVE THE HANDLING OF MATERIALS.

(II) INCLUSIONS.

"PROCESSED METAL" INCLUDES:

(A) SCRAP METAL THAT HAS BEEN BALED, SHREDDED, SHEARED, CHOPPED, CRUSHED, FLATTENED, CUT, MELTED, OR SEPARATED; AND

(B) FINES, DROSSES, AND RELATED MATERIALS THAT HAVE BEEN AGGLOMERATED.

(2) "JUNK OR SCRAP STORAGE AND YARDS" DEFINED.

"JUNK OR SCRAP STORAGE AND YARDS" MEANS ANY PREMISES USED FOR ANY 1 OR MORE OF THE FOLLOWING:

(I) THE COMMERCIAL OR INDUSTRIAL STORAGE, TEMPORARY OR OTHERWISE, OF UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, RAGS, OR OTHER JUNK;

(II) THE PURCHASE OR SALE, BY WEIGHT ACROSS AN ON-SITE SCALE, OF UNPROCESSED METAL, PROCESSED METAL, WASTEPAPER, RAGS, OR OTHER JUNK; OR

(III) THE SORTING, BALING, SEPARATING, SHEARING, SHREDDING, OR TORCH PREPARATION OF METAL OR ANY OTHER FORM OF SCRAP-METAL PROCESSING, INCLUDING AUTOMOBILE FLATTENING AND CRUSHING.

(G) KENNEL.

(1) GENERAL.

"KENNEL" MEANS A BUSINESS WHERE 3 OR MORE DOGS OR CATS OVER 6 MONTHS OLD ARE BOARDED OR MAINTAINED BY A PERSON OTHER THAN THEIR OWNER.

(2) EXCLUSIONS.

"KENNEL" DOES NOT INCLUDE:

(I) THE PREMISES OF A FERAL CAT CAREGIVER, AS DEFINED IN CITY HEALTH CODE § 10101, UNLESS 3 OR MORE DOGS OR NON-FERAL CATS OVER SIX 6 MONTHS OLD ARE BOARDED OR MAINTAINED ON THE PREMISES; OR

(II) AN ANIMAL CLINIC, UNLESS IT ENGAGES IN THE BOARDING OF HEALTHY ANIMALS NOT THEN BEING TREATED OR CONVALESCING FROM TREATMENT IN THE ANIMAL CLINIC.

(H) LANDFILL: INDUSTRIAL.

(1) GENERAL.

"LANDFILL: INDUSTRIAL" MEANS A FACILITY FOR THE DISPOSAL OF INERT, NON-HAZARDOUS INDUSTRIAL MATERIALS THAT ARE NOT BIODEGRADABLE AND ARE NOT ECONOMICALLY AND BENEFICIALLY REUSABLE AT THE TIME OF THEIR DISPOSAL.

(2) EXCLUSIONS.

"LANDFILL: INDUSTRIAL" DOES NOT INCLUDE A FACILITY FOR THE DISPOSAL OF:

(I) HOUSEHOLD, COMMERCIAL, OR MUNICIPAL SOLID WASTE;

(II) RUBBLE; OR

(III) LAND-CLEARING DEBRIS.

(I) LANDFILL: SOLID WASTE SANITARY.

"LANDFILL: SOLID WASTE SANITARY" MEANS A FACILITY FOR THE DISPOSAL OF PRIMARILY HOUSEHOLD, COMMERCIAL, AND MUNICIPAL SOLID WASTE.

(J) LIGHT FOOD PROCESSING.

SEE "FOOD PROCESSING: LIGHT".

(K) LIGHT INDUSTRIAL.

SEE "INDUSTRIAL: LIGHT".

(L) LIVE ENTERTAINMENT.

SEE "ENTERTAINMENT: LIVE".

(M) LIGHTING: SHIELDED.

"LIGHTING: SHIELDED" MEANS A FIXTURE THAT IS SHIELDED IN MANNER SO THAT LIGHT RAYS EMITTED BY THE FIXTURE, EITHER DIRECTLY FROM THE LAMP OR INDIRECTLY FROM THE FIXTURE OR A REFLECTOR, ARE PROJECTED BELOW A HORIZONTAL PLANE RUNNING THROUGH THE LOWEST POINT ON THE FIXTURE WHERE LIGHT IS EMITTED.

(N) LIGHTING: UNSHIELDED.

"LIGHTING: UNSHIELDED" MEANS A FIXTURE THAT ALLOWS LIGHT, EITHER DIRECTLY FROM THE LAMP OR INDIRECTLY FROM THE FIXTURE OR A REFLECTOR, TO BE EMITTED ABOVE THE HORIZONTAL PLANE RUNNING THROUGH THE LOWEST POINT ON THE FIXTURE WHERE LIGHT IS EMITTED.

(O) LIVE-WORK DWELLING.

"LIVE-WORK DWELLING" MEANS A STRUCTURE THAT COMBINES A DWELLING UNIT WITH A NON-RESIDENTIAL USE THAT:

(1) IS PERMITTED IN THE ZONING DISTRICT IN WHICH THE STRUCTURE IS LOCATED AND USED PREDOMINANTLY BY 1 OR MORE OF THE UNIT'S RESIDENTS; OR

(2) IS AN ARTS-RELATED ACTIVITY, SUCH AS PAINTING, PHOTOGRAPHY, SCULPTURE, MUSIC, AND FILM, AND CONDUCTED PREDOMINANTLY BY 1 OR MORE OF THE UNIT'S RESIDENTS.

(P) LOADING BERTH.

"LOADING BERTH" MEANS A SPACE WITHIN A LOADING FACILITY THAT:

(1) IS EXCLUSIVELY FOR THE TEMPORARY PARKING OF A COMMERCIAL VEHICLE WHILE LOADING OR UNLOADING GOODS OR MATERIALS; AND

(2) ADJOINS A STREET, ALLEY, OR OTHER APPROPRIATE MEANS OF ACCESS.

(Q) LODGE OR SOCIAL CLUB.

(1) GENERAL.

"LODGE OR SOCIAL CLUB" MEANS A LODGE OR SOCIAL CLUB THAT:

(I) HAS A LIMITED MEMBERSHIP, WITH MEMBERS ELECTED PURSUANT TO ITS CHARTER OR BYLAWS;

(II) EXCLUDES THE GENERAL PUBLIC FROM ITS PREMISES OR PLACE OF MEETING;

(III) IS ORGANIZED WITH OFFICERS AND DIRECTORS ELECTED PURSUANT TO ITS CHARTER OR BYLAWS; AND

(IV) HOLDS ALL PROPERTY FOR THE COMMON BENEFIT OF ITS MEMBERS.

(2) INCLUSIONS.

"LODGE OR SOCIAL CLUB" INCLUDES A UNION HALL.

(3) EXCLUSIONS.

"LODGE OR SOCIAL CLUB" DOES NOT INCLUDE AN ESTABLISHMENT THAT PERMITS NON-MEMBERS TO PAY A TEMPORARY MEMBERSHIP FEE AT THE DOOR IN ORDER TO ENTER AND USE THE PREMISES.

(R) LOT.

"LOT" MEANS A PORTION OF LAND THAT:

(1) IS A LOT OF RECORD; OR

(2) HAS BEEN ESTABLISHED AS A LOT BY AN APPROVED SUBDIVISION PLAT.

(S) LOT AREA.

"LOT AREA" MEANS THE AREA OF A HORIZONTAL PLANE BOUNDED BY LOT LINES.

(T) LOT: CORNER.

"LOT: CORNER" MEANS A LOT THAT IS SITUATED AT THE JUNCTION OF AND ADJOINS 2 OR MORE INTERSECTING STREETS.

(U) LOT COVERAGE.

"LOT COVERAGE" MEANS THE PORTION OF A LOT THAT IS OCCUPIED BY BUILDINGS OR OTHER STRUCTURES, INCLUDING ACCESSORY STRUCTURES, EXPRESSED AS A PERCENTAGE OF TOTAL LOT AREA.

(V) LOT: INTERIOR.

"LOT: INTERIOR" MEANS A LOT THAT IS NEITHER A CORNER LOT NOR A THROUGH LOT.

§ 1-309. "LOT LINE" TO "MOTEL".

(A) LOT LINE; PROPERTY LINE.

"LOT LINE" OR "PROPERTY LINE" MEANS THE LINE BOUNDING A LOT.

(B) LOT LINE: CORNER SIDE.

"LOT LINE: CORNER SIDE" MEANS THE LOT LINE THAT:

- (1) IS NOT A FRONT LOT LINE; AND
- (2) COINCIDES WITH:
 - (I) THE RIGHT-OF-WAY LINE OF AN EXISTING OR DEDICATED PUBLIC STREET; OR
 - (II) WHERE NO PUBLIC STREET EXISTS, THE RIGHT-OF-WAY LINE OF A PUBLIC OR PRIVATE WAY.

(C) LOT LINE: FRONT.

"LOT LINE: FRONT" MEANS THE LOT LINE THAT COINCIDES WITH:

- (1) THE RIGHT-OF-WAY LINE OF AN EXISTING OR DEDICATED PUBLIC STREET FROM WHICH THE PROPERTY DERIVES ITS ADDRESS; OR
- (2) WHERE NO PUBLIC STREET EXISTS, THE RIGHT-OF-WAY LINE OF A PUBLIC OR PRIVATE WAY FROM WHICH THE PROPERTY DERIVES ITS ADDRESS.

(D) LOT LINE: INTERIOR SIDE.

"LOT LINE: INTERIOR SIDE" MEANS A LOT LINE THAT DOES NOT ADJOIN A STREET AND IS NOT A REAR LOT LINE.

(E) LOT LINE: REAR.

"LOT LINE: REAR" MEANS THE LOT LINE THAT IS MOST DISTANT FROM AND OPPOSITE THE FRONT LOT LINE.

(F) LOT LINE: SIDE.

(1) GENERAL.

"LOT LINE: SIDE" MEANS A LOT LINE THAT IS NEITHER A FRONT LOT LINE NOR A REAR LOT LINE.

(2) INCLUSIONS.

"LOT LINE: SIDE" INCLUDES AN INTERIOR SIDE LOT LINE AND A CORNER SIDE LOT LINE.

(G) LOT: THROUGH.

"LOT: THROUGH" MEANS A LOT THAT EXTENDS BETWEEN 2 STREETS (BUT NOT ALLEYS) WITH VEHICULAR ACCESS ON BOTH STREETS.

(H) LOT WIDTH.

"LOT WIDTH" MEANS THE HORIZONTAL DISTANCE BETWEEN SIDE LOT LINES, AS MEASURED ALONG THE FRONT LOT LINE.

(I) LUMINAIRE.

"LUMINAIRE" MEANS A COMPLETE LIGHTING UNIT THAT EXTENDS FROM A SUPPORT STRUCTURE, PARALLEL TO THE GROUND, AND CONSISTS OF A LIGHT SOURCE AND ALL NECESSARY MECHANICAL, ELECTRICAL, AND DECORATIVE PARTS.

(J) MAIN STREET.

"MAIN STREET" MEANS A TRADITIONAL AND HISTORIC COMMERCIAL DISTRICT THAT ADOPTS THE TRADEMARKED DESIGNATION "MAIN STREET" IN ACCORDANCE WITH CRITERIA SET BY THE NATIONAL TRUST FOR HISTORIC PRESERVATION.

(K) MARINA.

"MARINA" MEANS ANY FACILITY DESIGNED TO MOOR, BERTH, LAUNCH, OR STORE 5 OR MORE WATERCRAFT, WHETHER AS A PRINCIPAL USE OR AN ACCESSORY USE.

(L) MARINA: ACCESSORY.

"MARINA: ACCESSORY" MEANS A MARINA THAT IS USED EXCLUSIVELY FOR THE BENEFIT OF THE OCCUPANTS OF PROPERTIES WITHIN 300 FEET OF A MARINA ENTRANCE.

(M) MARINA: DRY STORAGE.

"MARINA: DRY STORAGE" MEANS A MARINA THAT PROVIDES FOR THE LONG-TERM DRY STORAGE OF RECREATIONAL WATERCRAFT IN RACKS OR OTHER STORAGE SYSTEMS.

(N) MARINE ENTRANCE.

"MARINE ENTRANCE" MEANS THE POINT AT WHICH PEDESTRIAN ACCESS IS PROVIDED FROM LAND TO MARINA DOCKS.

(O) MARINA: RECREATIONAL.

"MARINA: RECREATIONAL" MEANS A FACILITY THAT PROVIDES FOR THE LEASE OR PURCHASE OF 5 OR MORE IN-WATER MOORINGS, WET SLIPS, OR DRY DOCKING FOR RECREATIONAL WATERCRAFT.

(P) MARINE TERMINAL.

"MARINE TERMINAL" MEANS THAT PART OF A PORT OR HARBOR WITH FACILITIES FOR DOCKING, CARGO-HANDLING, AND STORAGE.

(Q) MARITIME-DEPENDANT INDUSTRIAL.

SEE "INDUSTRIAL: MARITIME-DEPENDENT".

(R) MASTER PLAN.

SEE "COMPREHENSIVE MASTER PLAN".

(S) MATERIALS RECOVERY FACILITY.

"MATERIALS RECOVERY FACILITY" MEANS A FACILITY THAT:

(1) COLLECTS, SORTS, GRADES, OR PROCESSES SOLID WASTE TO REMOVE RECYCLABLE AND REUSABLE MATERIALS SUCH AS PAPER, CANS, ALUMINUM SCRAP, METAL, GLASS, AND PLASTICS; OR

(2) PROCESSES SOLID WASTE TO ALTER ITS VOLUME OR ITS CHEMICAL OR PHYSICAL CHARACTERISTICS TO PRODUCE A MARKETABLE PRODUCT.

(T) MEDICAL CLINIC.

SEE "HEALTH-CARE CLINIC".

(U) MEDICAL SUPPORT FACILITY.

(1) GENERAL.

"MEDICAL SUPPORT FACILITY" MEANS A FACILITY COMMONLY ASSOCIATED WITH THE OPERATION OF HOSPITALS.

(2) ILLUSTRATIONS.

"MEDICAL SUPPORT FACILITY" INCLUDES:

(I) ONSITE MEDICAL WASTE STORAGE AND DISPOSAL; AND

(II) WAREHOUSING AND STORAGE OF MEDICAL RELATED EQUIPMENT AND SUPPLIES.

(V) MEMORIAL PLAQUE.

"MEMORIAL PLAQUE" MEANS A SIGN, TABLET, OR PLAQUE THAT MEMORIALIZES A PERSON, EVENT, STRUCTURE, OR SITE.

(W) MINI-WAREHOUSE.

(1) GENERAL.

"MINI-WAREHOUSE" MEANS A FACILITY IN WHICH:

(I) RENTERS STORE AND CONTROL PERSONAL PROPERTY IN INDIVIDUAL STORAGE SPACES;
AND

(II) NO COMMERCIAL TRANSACTIONS ARE CONDUCTED, OTHER THAN THE RENTAL OF STORAGE UNITS.

(2) INCLUSIONS.

"MINI-WAREHOUSE" INCLUDES ACCESSORY OUTDOOR STORAGE AND RETAIL SALES OF PACKING, MOVING, AND STORAGE SUPPLIES.

(X) MOTEL.

SEE "HOTEL; MOTEL".

§ 1-310. "MOTOR VEHICLE" TO "OWNER".

(A) MOTOR VEHICLE.

"MOTOR VEHICLE" MEANS:

(1) A MOTOR VEHICLE, AS DEFINED IN §11-135 {"MOTOR VEHICLE"} OF THE MARYLAND VEHICLE LAW;

(2) A MOPED, AS DEFINED IN §11-134.1 {"MOPED"} OF THE MARYLAND VEHICLE LAW; AND

(3) A MOTOR SCOOTER, AS DEFINED IN §11-134.5 {"MOTOR SCOOTER"} OF THE MARYLAND VEHICLE LAW.

(B) MOTOR VEHICLE DEALERSHIP.

(1) GENERAL.

"MOTOR VEHICLE DEALERSHIP" MEANS AN ESTABLISHMENT THAT SELLS OR LEASES NEW OR USED MOTOR VEHICLES.

(2) INCLUSIONS.

"MOTOR VEHICLE DEALERSHIP" INCLUDES:

(I) THE MAINTENANCE, EITHER ON-SITE OR AT A NEARBY LOCATION, OF AN INVENTORY OF MOTOR VEHICLES HELD FOR SALE OR LEASE; AND

(II) ON-SITE FACILITIES FOR THE REPAIR AND SERVICE OF VEHICLES SOLD OR LEASED BY THE DEALERSHIP.

(C) MOTOR VEHICLE OPERATION FACILITY.

(1) GENERAL.

"MOTOR VEHICLE OPERATIONS FACILITY" MEANS A PRIVATELY-OWNED FACILITY FOR THE DISPATCH, STORAGE, AND MAINTENANCE OF EMERGENCY MEDICAL CARE VEHICLES, TAXICABS, AND OTHER LIVERY VEHICLES.

(2) EXCLUSIONS.

"MOTOR VEHICLE DEALERSHIP" DOES NOT INCLUDE A PUBLIC WORKS OR PUBLIC SAFETY FACILITY, WHERE VEHICLES FOR FIRE, POLICE, OR OTHER MUNICIPAL DEPARTMENTS ARE DISPATCHED, STORED, OR MAINTAINED.

(D) MOTOR VEHICLE RENTAL ESTABLISHMENT.

(1) GENERAL.

"MOTOR VEHICLE RENTAL ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT RENTS MOTOR VEHICLES.

(2) INCLUSIONS.

"MOTOR VEHICLE RENTAL ESTABLISHMENT" INCLUDES FACILITIES FOR SERVICING RENTAL VEHICLES.

(E) MOTOR VEHICLE SERVICE AND REPAIR: MAJOR.

(1) GENERAL.

"MOTOR VEHICLE SERVICE AND REPAIR: MAJOR" MEANS AN ESTABLISHMENT THAT IS ENGAGED IN MAJOR REPAIRS TO MOTOR VEHICLES, SUCH AS:

(I) ENGINE REBUILDING;

(II) MAJOR RECONDITIONING OF WORN OR DAMAGED MOTOR VEHICLES OR TRAILERS;

(III) TOWING SERVICES;

(IV) COLLISION SERVICES, INCLUDING BODY, FRAME, OR FENDER REPAIR OR STRAIGHTENING; OR

(V) PAINTING.

(2) INCLUSIONS.

"MOTOR VEHICLE SERVICE AND REPAIR: MAJOR" INCLUDES AN ACCESSORY CAR WASH.

(F) MOTOR VEHICLE SERVICE AND REPAIR: MINOR.

(1) GENERAL.

"MOTOR VEHICLE SERVICE AND REPAIR: MINOR" MEANS AN ESTABLISHMENT THAT IS ENGAGED IN MINOR REPAIRS TO MOTOR VEHICLES, SUCH AS:

- (I) REPAIR OR REPLACEMENT OF COOLING, ELECTRICAL, FUEL, AND EXHAUST SYSTEMS;
- (II) BRAKE ADJUSTMENTS, RELINING, AND REPAIRS;
- (III) WHEEL ALIGNMENT, BALANCING, AND SERVICING;
- (IV) REPAIR AND REPLACEMENT OF SHOCK ABSORBERS; AND
- (V) REPLACEMENT OR ADJUSTMENT OF MUFFLERS, TAIL PIPES, HOSES, BELTS, LIGHT BULBS, FUSES, WINDSHIELD WIPERS, GREASE RETAINERS, AND WHEEL BEARINGS.

(2) INCLUSIONS.

"MOTOR VEHICLE SERVICE AND REPAIR: MINOR" INCLUDES AN ACCESSORY CAR WASH.

(3) EXCLUSIONS.

"MOTOR VEHICLE SERVICE AND REPAIR: MINOR" DOES NOT INCLUDE THE SERVICING OR REPAIR OF COMMERCIAL VEHICLES.

(G) MOVIE STUDIO.

(1) GENERAL.

"MOVIE STUDIO" MEANS FACILITIES FOR THE PRODUCTION OF MOTION PICTURES.

(2) INCLUSIONS.

"MOVIE STUDIO" INCLUDES STAGES, EXTERIOR SETS, FILM LABORATORIES, SOUND RECORDING FACILITIES, CONSTRUCTION, REPAIR, AND STORAGE FACILITIES, CARETAKER'S AND OTHER TEMPORARY DWELLINGS, RELATED COMMERCIAL VEHICLES, AND ACCESSORY FABRICATION ACTIVITIES.

(H) MULTI-FAMILY DWELLING.

SEE "DWELLING: MULTI-FAMILY".

(I) NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.

"NEIGHBORHOOD COMMERCIAL ESTABLISHMENT" MEANS A COMMERCIAL USE THAT IS WITHIN A

RESIDENTIAL NEIGHBORHOOD, BUT IN A STRUCTURE THAT IS NON-RESIDENTIAL IN ITS CONSTRUCTION AND ORIGINAL USE.

(J) NONCONFORMING LOT.

"NONCONFORMING LOT" HAS THE MEANING STATED IN § 18-201 {"NONCONFORMITIES: DEFINITIONS"} OF THIS CODE.

(K) NONCONFORMING STRUCTURE.

"NONCONFORMING STRUCTURE" HAS THE MEANING STATED IN § 18-201 {"NONCONFORMITIES: DEFINITIONS"} OF THIS CODE.

(L) NONCONFORMING USE.

"NONCONFORMING USE" HAS THE MEANING STATED IN § 18-201 {"NONCONFORMITIES: DEFINITIONS"} OF THIS CODE.

(M) NURSERY.

(1) GENERAL.

"NURSERY" MEANS A BUSINESS WHOSE PRINCIPAL ACTIVITY IS THE RETAIL SALE OF PLANTS GROWN ON SITE.

(2) INCLUSIONS.

"NURSERY" INCLUDES:

(I) OUTSIDE STORAGE, GROWING, OR DISPLAY; AND

(II) A GREENHOUSE.

(N) OFFICE.

(1) GENERAL.

"OFFICE" MEANS AN ESTABLISHMENT THAT ENGAGES IN THE PROCESSING, MANIPULATION, OR APPLICATION OF BUSINESS INFORMATION OR PROFESSIONAL EXPERTISE, WHETHER OR NOT IT OFFERS SERVICES TO THE PUBLIC.

(2) EXCLUSIONS.

"OFFICE" DOES NOT INCLUDE:

(I) FABRICATING, ASSEMBLING, REPAIRING, OR WAREHOUSING PHYSICAL PRODUCTS FOR THE RETAIL OR WHOLESALE MARKET; OR

(II) A GOVERNMENT OFFICE.

(O) OFF-STREET PARKING.

SEE "PARKING: OFF-STREET".

(P) ON-STREET PARKING.

SEE "PARKING: ON-STREET".

(Q) OUTDOOR DINING.

"OUTDOOR DINING" MEANS AN OUTDOOR SEATING AREA THAT ADJOINS A RESTAURANT OR CARRY-OUT FOOD SHOP AND IS USED BY PATRONS TO CONSUME FOOD OR DRINKS.

(R) OUTDOOR SALES AND DISPLAY.

"OUTDOOR SALES AND DISPLAY" MEANS THE OUTDOOR SALE OR DISPLAY OF GOODS ON PART OF A LOT AS AN ACCESSORY TO THE PRINCIPAL USE OF THE LOT.

(S) OUTDOOR FIREPLACE.

"OUTDOOR FIREPLACE" MEANS A SELF-CONTAINED, MANUFACTURED, NONCOMBUSTIBLE COOKING UNIT THAT IS PROVIDED WITH A TIGHT-FITTING SCREEN OR LID AND SUPPORTED OFF THE GROUND BY NONCOMBUSTIBLE LEGS.

(T) OUTDOOR RECREATION.

SEE "RECREATION: OUTDOOR".

(U) OUTDOOR STORAGE.

(1) GENERAL.

"OUTDOOR STORAGE" MEANS ANY STORAGE OF GOODS, MATERIAL, MERCHANDISE, OR EQUIPMENT OTHER THAN WITHIN AN ENCLOSED BUILDING.

(2) INCLUSIONS.

"OUTDOOR STORAGE" INCLUDES INCIDENTAL MAINTENANCE AND REPAIR OF THAT WHICH IS BEING STORED.

(V) OUTDOOR STORAGE YARD.

(1) GENERAL.

"OUTDOOR STORAGE YARD" MEANS A LOT THE PRINCIPAL USE OF WHICH IS THE STORAGE, OTHER THAN WITHIN AN ENCLOSED BUILDING, OF ANY MATERIAL FOR LONGER THAN 24 HOURS.

(2) INCLUSIONS.

"OUTDOOR STORAGE YARD" INCLUDES ALL STORAGE, WHETHER FOR SALE,

LEASE, PROCESSING, OR REPAIR.

(W) OUTDOOR THEATER.

(1) GENERAL.

"OUTDOOR THEATER" MEANS AN OUTDOOR VENUE THAT IS OPEN TO THE GENERAL PUBLIC, WITH OR WITHOUT AN ADMISSION CHARGE, FOR PUBLIC SPEAKING, CONCERTS, OR OTHER LIVE ENTERTAINMENT.

(2) ILLUSTRATION.

"OUTDOOR THEATER" INCLUDES A BAND SHELL STRUCTURE.

(X) OWNER.

(1) GENERAL.

"OWNER" MEANS ANY PERSON THAT:

- (I) HAS A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY;
- (II) IS RECORDED IN THE LAND RECORDS AS HOLDING TITLE TO THE PROPERTY; OR
- (III) OTHERWISE HAS CONTROL OF THE PROPERTY, WITH OR WITHOUT ACCOMPANYING POSSESSION OF THE PROPERTY.

(2) INCLUSIONS.

"OWNER" INCLUDES:

- (I) A GUARDIAN OF THE PERSON OR PROPERTY OF AN OWNER;
- (II) A TRUSTEE OF AN OWNER'S PROPERTY, INCLUDING A TRUSTEE IN BANKRUPTCY; OR
- (III) A PERSONAL REPRESENTATIVE OF AN OWNER'S ESTATE.

§ 1-311. "PARAPET" TO "PROCESSED METAL".

(A) PARAPET.

"PARAPET" MEANS THE EXTENSION OF A FALSE FRONT OR WALL ABOVE A ROOF-LINE.

(B) PARKING.

"PARKING" MEANS THE PARKING, STORAGE, HOUSING, OR KEEPING OF A MOTOR VEHICLE, WHETHER SELF-SERVICE OR VALET-SERVICE, LONG-TERM OR SHORT-TERM, TICKETED OR METERED, FOR SPECIAL EVENTS ONLY, OR OTHERWISE.

(C) PARKING GARAGE (PRINCIPAL USE).

"PARKING GARAGE (PRINCIPAL USE)" MEANS A STRUCTURE THE PRINCIPAL USE OF WHICH IS TO PROVIDE THE PUBLIC WITH OFF-STREET PARKING FOR MOTOR VEHICLES, WHETHER FOR COMPENSATION OR NOT.

(D) PARKING GARAGE (RESIDENTIAL, DETACHED).

"PARKING GARAGE (RESIDENTIAL, DETACHED)" MEANS A STRUCTURE, ADJACENT TO BUT DETACHED FROM A DWELLING, FOR THE OFF-STREET PARKING OF MOTOR VEHICLES, WITH NO COMMERCIAL OPERATIONS.

(E) PARKING LOT.

"PARKING LOT" MEANS AN OPEN AREA THE PRINCIPAL USE OF WHICH IS TO PROVIDE THE PUBLIC WITH OFF-STREET PARKING FOR OPERABLE MOTOR VEHICLES, WHETHER FOR COMPENSATION OR NOT.

(F) PARKING: OFF-STREET.

"PARKING: OFF-STREET" MEANS PARKING SPACES FOR MOTOR VEHICLES ON PREMISES OTHER THAN A STREET OR OTHER RIGHT-OF WAY.

(G) PARKING: ON-STREET.

"PARKING: ON-STREET" MEANS PARKING SPACES FOR MOTOR VEHICLES LOCATED ON A STREET OR OTHER RIGHT-OF-WAY.

(H) PARKING SPACE.

"PARKING SPACE" MEANS A DESIGNATED AREA, WHETHER OPEN OR ENCLOSED, THAT IS USED FOR THE PARKING OF A MOTOR VEHICLE.

(I) PARKS; PLAYGROUNDS.

(1) GENERAL.

"PARKS" OR "PLAYGROUNDS" MEANS A NON-COMMERCIAL FACILITY THAT SERVES THE REFLECTIVE AND RECREATIONAL NEEDS OF RESIDENTS AND VISITORS.

(2) INCLUSIONS.

"PARKS" OR "PLAYGROUNDS" INCLUDE:

- (I) BALL FIELDS AND BASKETBALL COURTS;
- (II) EXERCISE STATIONS;
- (III) SKATEBOARDING AREAS;
- (IV) PET AREAS;

- (V) HIKING AND BIKING TRAILS;
- (VI) STREAM AND LAKE AREAS;
- (VII) FOREST AND MEADOWLAND AREAS;
- (VIII) REFLECTIVE, HISTORICAL, CULTURAL, AND EDUCATIONAL AREAS; AND
- (IX) STRUCTURES THAT HAVE INDOOR RECREATION FACILITIES.

(J) PARTY WALL.

"PARTY WALL" MEANS A WALL THAT:

- (1) EXTENDS FROM THE FOUNDATION CONTINUOUSLY THROUGH ALL STORIES TO OR ABOVE THE ROOF;
- (2) SEPARATES 1 BUILDING FROM ANOTHER; AND
- (3) IS IN JOINT USE BY EACH BUILDING.

(K) PASSENGER TERMINAL.

(1) GENERAL.

"PASSENGER TERMINAL" MEANS A FACILITY OR LOCATION THE PRINCIPAL USE OF WHICH IS HANDLING, RECEIVING, AND TRANSFERRING PASSENGER TRAFFIC.

(2) INCLUSIONS.

"PASSENGER TERMINAL" INCLUDES TERMINALS FOR AIRCRAFT, TRAIN, BUS, AND WATERCRAFT PASSENGERS.

(L) PATIO; TERRACE.

(1) GENERAL.

"PATIO" OR "TERRACE" MEANS A RAISED HARD-SURFACED AREA, NO HIGHER THAN 36 INCHES ABOVE GRADE, THAT IS DESIGNED AND INTENDED FOR RECREATIONAL USE, BUT NOT AS A PARKING SPACE.

(2) DISTINGUISHED FROM DECK.

"PATIO" OR "TERRACE" DIFFERS FROM A DECK IN THAT THE RAISED HARD-SURFACED AREA IS BUILT UPON A SOLID BASE, SUCH AS AN EARTHEN MOUND.

(M) PAWN SHOP.

"PAWN SHOP" MEANS A BUSINESS THAT:

(1) LENDS MONEY ON THE DEPOSIT OR PLEDGE OF PERSONAL PROPERTY OR OTHER ITEMS OF VALUE, OTHER THAN SECURITIES OR PRINTED EVIDENCES OF INDEBTEDNESS; OR

(2) PURCHASES PERSONAL PROPERTY OR OTHER ITEMS OF VALUE, SUBJECT TO THE SELLER'S OPTION TO BUY THEM BACK AT A STIPULATED PRICE.

(N) PERMITTED USE.

SEE "USE: PERMITTED"

(O) PERSONAL SERVICES ESTABLISHMENT.

(1) 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 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.

(P) PLACE OF WORSHIP.

(1) GENERAL.

"PLACE OF WORSHIP" MEANS A BUILDING, TOGETHER WITH ITS ACCESSORY BUILDINGS AND USES, WHERE PERSONS REGULARLY ASSEMBLE FOR RELIGIOUS PURPOSES AND RELATED SOCIAL EVENTS.

(2) INCLUSIONS.

"PLACE OF WORSHIP" INCLUDES:

(I) GROUP HOUSING FOR PERSONS UNDER RELIGIOUS VOWS OR IN RELIGIOUS ORDERS; AND

(II) ACCESSORY PROGRAMS THAT PROVIDE CARE FOR CHILDREN OR FOR ELDERLY OR FUNCTIONALLY IMPAIRED ADULTS.

(Q) PLAYGROUND.

SEE "PARKS; PLAYGROUNDS".

(R) PORCH.

"PORCH" MEANS A STRUCTURE THAT PROJECTS FROM THE EXTERIOR WALL OF A BUILDING, HAS DIRECT ACCESS TO THE STREET LEVEL OF THE BUILDING, AND MAY BE COVERED BY A ROOF OR EAVES.

(S) PRINCIPAL BUILDING.

SEE "BUILDING: PRINCIPAL".

(T) PRINCIPAL USE.

SEE "USE: PRINCIPAL".

(U) PRINTING ESTABLISHMENT.

(1) GENERAL.

"PRINTING ESTABLISHMENT" MEANS FACILITY FOR THE REPRODUCTION OF WRITTEN OR GRAPHIC MATERIALS ON A CUSTOM-ORDER BASIS FOR INDIVIDUALS OR BUSINESSES.

(2) ILLUSTRATIONS.

TYPICAL EXAMPLES OF A "PRINTING ESTABLISHMENT" INCLUDE:

(I) PHOTOCOPYING;

(II) BLUEPRINTING;

(III) OFFSET PRINTING; AND

(IV) FACSIMILE SENDING AND RECEIVING.

(V) PRIVATE ALTERNATIVE ENERGY SYSTEM.

SEE "ALTERNATIVE ENERGY SYSTEM: PRIVATE."

(W) PRIVATE PIER.

"PRIVATE PIER" MEANS FACILITIES WITH 4 OR FEWER SLIPS, USED EXCLUSIVELY FOR PRIVATE, RECREATIONAL PURPOSES BY THE OWNER AND THE OWNER'S GUESTS.

(X) PROCESSED METAL.

SEE "JUNK OR SCRAP STORAGE AND YARDS" .

§ 1-312. "PROPERTY LINE" TO "ROOF DECK".

(A) PROPERTY LINE.

SEE "LOT LINE".

(B) PUBLIC USE AREA (OFF-STREET PARKING REQUIREMENTS).

(1) GENERAL.

"PUBLIC USE AREA", AS IT APPLIES TO THE CALCULATION OF OFF-STREET PARKING REQUIREMENTS, MEANS AREAS WITHIN A STRUCTURE THAT ARE ACCESSIBLE TO THE PUBLIC.

(2) ILLUSTRATIONS.

"PUBLIC USE AREA" INCLUDES AREAS SUCH AS DISPLAY AREAS, RESTROOMS, DINING ROOMS, AND BAR SEATING.

(C) PUBLIC WORKS.

SEE "GOVERNMENT FACILITY: PUBLIC WORKS".

(D) RACETRACK.

(1) GENERAL.

"RACETRACK" MEANS A MEASURED COURSE WHERE ANIMALS OR AUTOMOBILES ARE ENTERED IN COMPETITION AGAINST ONE ANOTHER OR AGAINST TIME.

(2) INCLUSIONS.

"RACETRACK" INCLUDES:

(I) TRACKS USED ONLY FOR TRAINING PURPOSES; AND

(II) THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

(A) A GIFT OR SOUVENIR SHOP; AND

(B) A RESTAURANT OR REFRESHMENT STANDS.

(E) RAIN BARREL.

"RAIN BARREL" MEANS A RECEPTACLE, RESERVOIR, OR TANK FOR STORING RAINWATER.

(F) REAR LOT LINE.

SEE "LOT LINE: REAR".

(G) RECREATION: INDOOR.

(1) GENERAL.

"RECREATION: INDOOR" MEANS PREDOMINANTLY PARTICIPANT RECREATIONAL ACTIVITIES OR GAMES OF SKILL THAT ARE CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING.

(2) INCLUSIONS.

"RECREATION: INDOOR" INCLUDES:

(I) BOWLING ALLEYS, POOL HALLS, INDOOR MINIATURE GOLF COURSES, INDOOR CHILD'S PLAY FACILITIES, AMUSEMENT ARCADES, INDOOR TENNIS COURTS, INDOOR SWIMMING POOLS, AND OTHER SIMILAR FACILITIES; AND

(II) THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

(A) A GIFT OR SOUVENIR SHOP; AND

(B) A RESTAURANT OR REFRESHMENT STANDS.

(3) EXCLUSIONS.

"RECREATION: INDOOR" DOES NOT INCLUDE INDOOR ENTERTAINMENT.

(H) RECREATION: OUTDOOR.

(1) GENERAL.

"RECREATION: OUTDOOR" MEANS PREDOMINANTLY PARTICIPANT RECREATIONAL ACTIVITIES OR GAMES OF SKILL THAT ARE NOT CONDUCTED WITHIN A WHOLLY ENCLOSED BUILDING.

(2) INCLUSIONS.

"RECREATION: OUTDOOR" INCLUDES:

(I) MINIATURE GOLF COURSES, SWIMMING POOLS, TENNIS COURTS, BALL FIELDS, SKATEBOARD PARKS, AND OTHER SIMILAR FACILITIES; AND

(II) THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

(A) A GIFT OR SOUVENIR SHOP; AND

(B) A RESTAURANT OR REFRESHMENT STANDS.

(3) EXCLUSIONS.

"RECREATION: OUTDOOR" DOES NOT INCLUDE:

- (I) PARKS OR PLAYGROUNDS;
- (II) GOLF COURSES OR DRIVING RANGES; OR
- (III) OUTDOOR ENTERTAINMENT.

(I) RECREATIONAL BOAT LAUNCH.

"RECREATIONAL BOAT LAUNCH" MEANS A DESIGNATED AREA AT WHICH:

- (1) RECREATIONAL WATERCRAFT MAY BE LAUNCHED; OR
- (2) TRANSIENT WATERCRAFT MAY TIE UP, BE LAUNCHED, OR HAVE REPAIRS MADE FOR LESS THAN 1 WEEK AT A TIME.

(J) RECREATIONAL MARINA.

SEE "MARINA: RECREATIONAL".

(K) RECREATIONAL VEHICLE.

(1) GENERAL.

"RECREATIONAL VEHICLE" MEANS A VEHICLE THAT:

- (I) IS DESIGNED OR INTENDED AS A TEMPORARY DWELLING FOR TRAVEL, RECREATIONAL, OR VACATION USE; AND
- (II) IS SELF-PROPELLED OR MOUNTED ON OR PULLED BY ANOTHER VEHICLE.

(2) INCLUSIONS.

"RECREATIONAL VEHICLE" INCLUDES A TRAVEL TRAILER, CAMPING TRAILER, TRUCK CAMPER, MOTOR HOME, FIFTH-WHEEL TRAILER, BOAT, OR VAN.

(L) RECREATIONAL VEHICLE DEALERSHIP.

(1) GENERAL.

"RECREATIONAL VEHICLE DEALERSHIP" MEANS AN ESTABLISHMENT THAT SELLS OR LEASES NEW OR USED RECREATIONAL VEHICLES.

(2) INCLUSIONS.

"RECREATIONAL VEHICLE DEALERSHIP" INCLUDES:

- (I) THE MAINTENANCE, EITHER ON-SITE OR AT A NEARBY LOCATION, OF AN INVENTORY OF VEHICLES HELD FOR SALE OR LEASE; AND

(II) ON-SITE FACILITIES FOR THE REPAIR AND SERVICE OF VEHICLES SOLD OR LEASED BY THE DEALERSHIP.

(M) RECYCLABLE MATERIALS.

(1) GENERAL.

"RECYCLABLE MATERIALS" MEANS MATERIALS THAT CAN BE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(2) INCLUSIONS.

"RECYCLABLE MATERIALS" INCLUDES PAPER, CANS, ALUMINUM, METAL, GLASS, AND PLASTICS.

(N) RECYCLABLE MATERIALS RECOVERY FACILITY.

(1) GENERAL.

"RECYCLABLE MATERIALS RECOVERY FACILITY" MEANS A FACILITY THAT COLLECTS, SORTS, GRADES, OR PROCESSES RECYCLABLE, SOURCE-SEPARATED MATERIAL.

(2) LIMITATION.

PROCESSING AT THESE FACILITIES IS LIMITED TO PRESSING, CRUSHING, CUTTING, BALING, AND OTHER PREPARATIONS OF MATERIALS FOR SHIPPING.

(O) RECYCLING.

(1) GENERAL.

"RECYCLING" MEAN ANY PROCESS BY WHICH MATERIALS THAT WOULD OTHERWISE BECOME SOLID WASTE ARE COLLECTED, SEPARATED, OR PROCESSED AND RETURNED TO THE MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

(2) INCLUSIONS.

"RECYCLING" INCLUDES COMPOSTING.

(P) RECYCLING AND REFUSE COLLECTION FACILITY.

(1) GENERAL.

"RECYCLING AND REFUSE COLLECTION FACILITY" MEANS A FACILITY THE PRIMARY PURPOSE OF WHICH IS:

(I) THE COLLECTION, STORAGE, AND TRANSFERENCE OF SOLID WASTE AND YARD WASTE;
AND

(II) THE COLLECTION, STORAGE, PROCESSING, AND TRANSFERENCE OF RECYCLABLES.

(2) EXCLUSIONS.

"RECYCLING AND REFUSE COLLECTION FACILITY" DOES NOT INCLUDE ANY:

- (I) INCINERATOR;
- (II) JUNK OR SCRAP STORAGE AND YARDS;
- (III) SEWAGE TREATMENT FACILITY;
- (IV) SOLID WASTE SANITARY LANDFILL; OR
- (V) VEHICLE DISMANTLING FACILITY.

(Q) RESEARCH AND DEVELOPMENT FACILITY.

(1) GENERAL.

"RESEARCH AND DEVELOPMENT FACILITY" MEANS AN ESTABLISHMENT WHERE RESEARCH AND DEVELOPMENT ACTIVITIES ARE CONDUCTED IN VARIOUS FIELDS, INCLUDING BIOTECHNOLOGY, PHARMACEUTICALS, MEDICAL INSTRUMENTATION OR SUPPLIES, COMMUNICATION AND INFORMATION TECHNOLOGY, ELECTRONICS AND INSTRUMENTATION, AND COMPUTER HARDWARE AND SOFTWARE.

(2) EXCLUSIONS.

"RESEARCH AND DEVELOPMENT FACILITY" DOES NOT INCLUDE THE MANUFACTURE, FABRICATION, PROCESSING, OR SALE OF PRODUCTS.

(R) RESIDENTIAL-CARE FACILITY.

"RESIDENTIAL-CARE FACILITY" MEANS A GROUP CARE OR SIMILAR FACILITY FOR THE 24-HOUR MEDICAL OR NON-MEDICAL CARE OF PERSONS IN NEED OF PERSONAL SERVICES, SUPERVISION, OR ASSISTANCE ESSENTIAL TO SUSTAIN ACTIVITIES OF DAILY LIVING, OR TO PROTECT THE INDIVIDUAL.

(S) RESOURCE RECOVERY FACILITY.

(1) GENERAL.

"RESOURCE RECOVERY FACILITY" MEANS A FACILITY THAT:

- (I) PROCESSES SOLID WASTE TO PRODUCE VALUABLE RESOURCES, SUCH AS STEAM, ELECTRICITY, OR REFUSE-DERIVED FUEL; AND
- (II) ACHIEVES A VOLUME REDUCTION OF AT LEAST 50% OF THE WASTE THAT IS BEING PROCESSED.

(2) EXCLUSIONS.

"RESOURCE RECOVERY FACILITY" DOES NOT INCLUDE ANY FACILITY THAT PROCESSES HAZARDOUS MATERIALS.

(T) RESTAURANT.

(1) GENERAL.

"RESTAURANT" MEANS AN ESTABLISHMENT AT WHICH:

(I) FOOD AND DRINKS ARE PROVIDED TO THE PUBLIC, PRIMARILY FOR ON-PREMISES CONSUMPTION BY SEATED PATRONS; AND

(II) IF THE ESTABLISHMENT ALSO SERVES ALCOHOLIC BEVERAGES:

(A) A FULL MENU OF FOOD AND DRINKS IS PREPARED PRIMARILY ON PREMISES; AND

(B) ANNUALLY, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD EXCEEDS 50% OF THE ESTABLISHMENT'S TOTAL AVERAGE DAILY RECEIPTS, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, COVER CHARGES, OR OTHER RECEIPTS NOT DERIVED FROM THE SALE OF FOOD OR BEVERAGES.

(2) EXCLUSIONS.

"RESTAURANT" DOES NOT INCLUDE A CARRY-OUT FOOD SHOP.

(U) RETAIL GOODS ESTABLISHMENT.

(1) GENERAL.

"RETAIL GOODS ESTABLISHMENT" MEANS AN ESTABLISHMENT THAT SELLS GOODS, WARES, OR OTHER MERCHANDISE DIRECTLY TO CONSUMERS.

(2) INCLUSIONS.

"RETAIL GOODS ESTABLISHMENT", AS APPLIED TO A DELICATESSEN, BAKERY, GROCERY, OR SIMILAR ESTABLISHMENT THAT SELLS READY-TO-EAT FOOD PRODUCTS, INCLUDES INCIDENTAL SEATING AREAS FOR CONSUMPTION OF FOOD ON THE PREMISES.

(3) EXCLUSIONS.

"RETAIL GOODS ESTABLISHMENT" DOES NOT INCLUDE ANY HEAVY SALES, RENTAL, OR SERVICE ESTABLISHMENT.

(V) RIGHT-OF-WAY.

(1) GENERAL.

"RIGHT-OF-WAY" MEANS LAND DEDICATED FOR USE AS A PUBLIC WAY.

(2) INCLUSIONS.

"RIGHT-OF-WAY" INCLUDES THE ROADWAY AND, GENERALLY, THE CURBS, PARKWAYS, SIDEWALKS, LIGHTING FACILITIES, AND DRAINAGE FACILITIES.

(W) ROOF DECK.

"ROOF DECK" MEANS A ROOFLESS OUTDOOR PLATFORM THAT IS CONSTRUCTED ON THE ROOF OF A STRUCTURE AND CONNECTED TO THE ROOF BY STRUCTURAL SUPPORTS.

§ 1-313. "ROOFLINE" TO "SUBSTANTIAL CONSTRUCTION".

(A) ROOFLINE.

"ROOFLINE" MEANS THE TOP EDGE OF A ROOF OR BUILDING PARAPET, WHICHEVER IS HIGHER, EXCLUDING ANY CUPOLAS, PYLONS, CHIMNEYS, OR MINOR PROJECTIONS.

(B) ROOMING HOUSE.

(1) "ROOMING UNIT" DEFINED.

IN THIS SECTION, "ROOMING UNIT" MEANS ANY ROOM OR GROUP OF ROOMS THAT FORM A SINGLE HABITABLE UNIT OCCUPIED OR DESIGNED OR INTENDED TO BE OCCUPIED FOR SLEEPING OR LIVING PURPOSES, BUT NOT FOR COOKING PURPOSES.

(2) GENERAL.

"ROOMING HOUSE" MEANS A BUILDING THAT:

(I) IS NOT A DWELLING;

(II) CONTAINS 3 OR MORE ROOMING UNITS OCCUPIED OR DESIGNED OR INTENDED TO BE OCCUPIED AS A PRIMARY RESIDENCE BY INDIVIDUALS WHO, EVEN THOUGH THEY DO SHARE COMMON AREAS AND FACILITIES, DO NOT FORM A SINGLE HOUSEKEEPING UNIT AND DO NOT PROVIDE COMPENSATION UNDER A SINGLE LEASE FOR OCCUPANCY OF THE FACILITY; AND

(III) PROVIDES SHARED FACILITIES SUCH AS A KITCHEN AND BATH.

(C) ROWHOUSE.

SEE "DWELLING: ROWHOUSE".

(D) SATELLITE DISH ANTENNA.

"SATELLITE DISH ANTENNA" MEANS A DISH ANTENNA FOR TRANSMITTING SIGNALS TO A RECEIVER OR RECEIVING STATION OR FOR RECEIVING TELEVISION, RADIO, DATA, COMMUNICATION, OR OTHER SIGNALS FROM SATELLITES OR FROM OTHER ANTENNAS OR SERVICES.

(E) SEASONAL OR HOLIDAY SALES LOT.

"SEASONAL OR HOLIDAY SALES LOT" MEANS A TEMPORARY RETAIL SALES OPERATION, GENERALLY CONDUCTED OUTDOORS, THAT OFFERS FOR SALE SEASONAL OR HOLIDAY RELATED ITEMS, SUCH AS CHRISTMAS TREES AND PUMPKINS.

(F) SEMI-DETACHED DWELLING.

SEE "DWELLING: SEMI-DETACHED".

(G) SHIELDED LIGHTING.

SEE "LIGHTING: SHIELDED".

(H) SHIPYARD.

"SHIPYARD" MEANS ANY FACILITY OR AREA THAT IS DESIGNED OR USED FOR THE MANUFACTURE, ASSEMBLY, OR REPAIR OF SHIPS, BARGES, OR BOATS.

(I) SIDE LOT LINE.

SEE "LOT LINE: SIDE".

(J) SIGN.

(1) GENERAL.

"SIGN" MEANS ANY WRITING (INCLUDING LETTER, WORD, OR NUMERAL), PICTORIAL REPRESENTATION (INCLUDING ILLUSTRATION OR GRAPHIC), EMBLEM (INCLUDING LOGO, SYMBOL, OR TRADEMARK), FLAG (INCLUDING BANNER OR PENNANT), DEVICE, OR ANY OTHER FIGURE OF SIMILAR CHARACTER THAT:

(I) IS ATTACHED TO, PAINTED ON, OR IN ANY OTHER WAY REPRESENTED ON A STRUCTURE, IN OR ON A WINDOW (INCLUDING ANYTHING AFFIXED TO THE INTERIOR AND DISPLAYED WITHIN 12 INCHES OF A WINDOW), OR ON THE GROUND;

(II) IS USED TO ANNOUNCE, DIRECT ATTENTION, OR ADVERTISE; AND

(III) IS VISIBLE FROM OUTSIDE A STRUCTURE.

(2) EXCLUSIONS.

"SIGN" DOES NOT INCLUDE MURALS OR OTHER ART THAT CONTAINS NO COMMERCIAL MESSAGE.

(3) TYPES OF SIGNS.

THE SPECIFIC TYPES OF SIGNS ARE AS DESCRIBED IN § 17-102 {"SIGN REGULATIONS: DEFINITIONS"} OF THIS CODE.

(K) SIGNIFICANT DEVELOPMENT.

"SIGNIFICANT DEVELOPMENT", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS

THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(L) SOCIAL CLUB.

SEE "LODGE OR SOCIAL CLUB".

(M) SPECIAL EXCEPTION.

SEE "USE: CONDITIONAL".

(N) STADIUM.

(1) GENERAL.

"STADIUM" MEANS A STRUCTURE WITH TIERS OF SEATS RISING AROUND A FIELD OR COURT, INTENDED TO BE USED:

(I) PRIMARILY FOR THE VIEWING OF ATHLETIC EVENTS; AND

(II) SECONDARILY, FOR ENTERTAINMENT AND OTHER PUBLIC GATHERING PURPOSES, SUCH AS CONVENTIONS, CIRCUSES, OR CONCERTS.

(2) INCLUSIONS.

"STADIUM" INCLUDES THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

(I) A GIFT OR SOUVENIR SHOP; AND

(II) A RESTAURANT OR REFRESHMENT STANDS.

(O) STACKING SPACE.

"STACKING SPACE" MEANS A SPACE SPECIFICALLY DESIGNATED AS A WAITING AREA FOR VEHICLES PATRONIZING A DRIVE-THROUGH ESTABLISHMENT.

(P) STORMWATER.

"STORMWATER" MEANS THE WATER RUNNING OFF THE SURFACE OF A DRAINAGE AREA DURING AND IMMEDIATELY FOLLOWING RAIN OR AS A RESULT OF OTHER PRECIPITATION.

(Q) STORY.

"STORY" MEANS THAT PORTION OF A BUILDING, OTHER THAN A BASEMENT, THAT IS:

(1) INCLUDED BETWEEN THE SURFACE OF ANY FLOOR AND THE SURFACE OF THE FLOOR NEXT ABOVE IT; OR

(2) IF THERE IS NO FLOOR ABOVE IT, THEN THE SPACE BETWEEN THE FLOOR AND THE CEILING NEXT ABOVE IT.

(R) STREET.

"STREET" MEANS ANY STREET, BOULEVARD, ROAD, HIGHWAY, ALLEY, LANE, SIDEWALK, FOOTWAY, OR OTHER WAY THAT IS OWNED BY THE CITY OR HABITUALLY USED BY THE PUBLIC.

(S) STRUCTURAL ALTERATION.

"STRUCTURAL ALTERATION" MEANS:

- (1) A CHANGE IN THE PERMANENT PHYSICAL MEMBERS OF A STRUCTURE, SUCH AS BEARING WALLS, COLUMNS, BEAMS, OR GIRDERS; OR
- (2) ANY SUBSTANTIAL CHANGE IN THE ROOF OR IN THE EXTERIOR WALLS.

(T) STRUCTURE.

(1) GENERAL.

"STRUCTURE" MEANS ALL OR ANY PART OF ANYTHING ERECTED THAT:

- (I) HAS A FIXED LOCATION ON THE GROUND; OR
 - (II) IS ATTACHED TO SOMETHING HAVING A FIXED LOCATION ON THE GROUND.
- (2) INCLUSIONS.

"STRUCTURE" INCLUDES ANY BUILDING, FENCE, WALL, SIGN, OR TOWER.

(U) STRUCTURE: ACCESSORY.

SEE "ACCESSORY STRUCTURE".

(V) SUBSTANTIAL CONSTRUCTION.

"SUBSTANTIAL CONSTRUCTION" MEANS THAT:

- (1) FOR NEW CONSTRUCTION, CONSTRUCTION MATERIALS HAVE BEEN PLACED IN PERMANENT POSITIONS OR FASTENED IN A PERMANENT MANNER; OR
- (2) IN PREPARATION FOR REBUILDING, EXCAVATION, DEMOLITION, OR REMOVAL OF AN EXISTING STRUCTURE HAS BEEN SUBSTANTIALLY BEGUN AND IS CARRIED ON DILIGENTLY.

§ 1-314. "TAVERN" TO "WHOLESALE GOODS".

(A) TAVERN.

"TAVERN" MEANS A BUSINESS ESTABLISHMENT THAT:

- (1) IS DEVOTED PRIMARILY TO SERVING ALCOHOLIC BEVERAGES TO THE PUBLIC FOR ON-

PREMISES CONSUMPTION; AND

(2) MIGHT OR MIGHT NOT ALSO:

(I) SERVE FOOD; AND

(II) SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

(B) TERRACE.

SEE "PATIO; TERRACE".

(C) THROUGH LOT.

SEE "LOT: THROUGH".

(D) TRANSPARENCY (OF FACADE).

"TRANSPARENCY", WHEN USED IN REFERENCE TO A BUILDING'S FACADE, MEANS THE PERCENTAGE OF THE FACADE THAT CONSISTS OF GLASS.

(E) TRELIS.

"TRELIS" MEANS A FRAME THAT IS:

(1) MADE OF WOOD OR METAL BARS CROSSED OVER EACH OTHER;

(2) AFFIXED TO A WALL; AND

(3) USED TO SUPPORT VINES OR OTHER CLIMBING PLANTS.

(F) TRUCK REPAIR.

(1) GENERAL.

"TRUCK REPAIR" MEANS AN ESTABLISHMENT THAT IS ENGAGED IN THE REPAIR AND SERVICING OF TRUCKS.

(2) "TRUCK" DEFINED.

IN THIS SUBSECTION, "TRUCK" MEANS COMMERCIAL VEHICLE OF MORE THAN 10,000 POUNDS GROSS VEHICLE WEIGHT.

(G) TRUCK STOP.

(1) GENERAL.

"TRUCK STOP" MEANS A FACILITY PRIMARILY FOR THE RETAIL SALE OF FUEL FOR COMMERCIAL VEHICLES.

(2) INCLUSIONS.

"TRUCK STOP" INCLUDES:

- (I) INCIDENTAL REPAIR OR SERVICING OF COMMERCIAL VEHICLES; AND
- (II) FACILITIES FOR PARKING AND FOR DRIVERS TO EAT AND REST.
- (H) TRUCK TERMINAL.

"TRUCK TERMINAL" MEANS A FACILITY PRIMARILY:

- (1) TO ACCOMMODATE THE TRANSFER OF GOODS TO TRUCKS, TRUCK TRAILERS, OR OTHER VEHICLES; OR
- (2) TO ACCOMMODATE THE PARKING OR STORAGE OF COMMERCIAL VEHICLES OR TRAILERS.
- (I) UNSHIELDED LIGHTING.

SEE "LIGHTING: UNSHIELDED".

- (J) URBAN AGRICULTURE.
- (1) GENERAL.

"URBAN AGRICULTURE" MEANS THE CULTIVATION, PROCESSING, AND MARKETING OF FOOD, WITH A PRIMARY EMPHASIS ON OPERATING AS A BUSINESS ENTERPRISE FOR INCOME-GENERATION.

(2) INCLUSIONS.

- (I) "URBAN AGRICULTURE" INCLUDES:
 - (A) ANIMAL HUSBANDRY;
 - (B) AQUACULTURE;
 - (C) AGRO-FORESTRY;
 - (D) VINEYARDS AND WINERIES; AND
 - (E) HORTICULTURE.
- (II) "URBAN AGRICULTURE" MIGHT INVOLVE THE USE OF:
 - (A) INTENSIVE PRODUCTION METHODS;
 - (B) STRUCTURES FOR EXTENDED GROWING SEASONS;
 - (C) ON-SITE SALE OF PRODUCE; AND
 - (D) COMPOSTING.

(K) USE.

"USE" MEANS:

(1) ANY PURPOSE FOR WHICH LAND OR A STRUCTURE IS USED, OCCUPIED, OR INTENDED TO BE USED OR OCCUPIED; AND

(2) ANY ACTIVITY, OCCUPATION, BUSINESS, OR OPERATION THAT IS CARRIED OUT ON LAND OR IN A STRUCTURE.

(L) USE: ACCESSORY.

SEE "ACCESSORY USE".

(M) USE: CONDITIONAL.

"USE: CONDITIONAL" MEANS A USE THAT:

(1) MAY BE AUTHORIZED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS AS A SPECIAL EXCEPTION UNDER THE STATE LAND USE ARTICLE; AND

(2) IS SUBJECT TO REVIEW AND APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS AND THE IMPOSITION OF CONDITIONS OR RESTRICTIONS UNDER THIS CODE.

(N) USE: PERMITTED.

"USE: PERMITTED" MEANS A USE ALLOWED IN A ZONING DISTRICT WITHOUT THE NEED FOR SPECIAL ADMINISTRATIVE REVIEW AND APPROVAL, AS LONG AS IT CONFORMS TO ALL THE APPLICABLE REQUIREMENTS AND STANDARDS OF THIS CODE.

(O) USE: PRINCIPAL.

"USE: PRINCIPAL" MEANS THE MAIN USE OF LAND OR A STRUCTURE, AS DISTINGUISHED FROM AN ACCESSORY USE.

(P) UTILITIES.

"UTILITIES" INCLUDES:

(1) NATURAL GAS LINES, POWER LINES, SUBSTATIONS, ALTERNATIVE ENERGY SYSTEMS, TELEPHONE LINES, CABLE TELEVISION LINES, FIBER OPTIC LINES, AND OTHER COMMUNICATION LINES;

(2) ABOVE GROUND PRIVATE UTILITY STRUCTURES, SUCH AS PEDESTALS FOR CABLE WIRE ACCESS OR OTHER ACCESS POINTS FOR UNDERGROUND INFRASTRUCTURE (COMMUNICATIONS WIRING OR FIBER OPTIC);

(3) APPURTENANCES AND COMPONENTS OF THESE; AND

(4) THE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF THESE.

(Q) VEHICLE DISMANTLING FACILITY.

(1) GENERAL.

"VEHICLE DISMANTLING FACILITY" MEANS AN ESTABLISHMENT FOR THE BUYING, SELLING, TRADING, STORING, OR OTHERWISE DEALING IN VEHICLES FOR THE PURPOSE OF DISMANTLING THE VEHICLES AND BUYING, SELLING, STORING, OR TRADING THEIR INTEGRAL PARTS OR COMPONENT MATERIALS.

(2) INCLUSIONS.

"VEHICLE DISMANTLING FACILITY" INCLUDES PULL-OR-PICK-APART FACILITIES, SALVAGE POOLS, SALVAGE AUCTIONS, AND BUSINESSES AND INDIVIDUALS THAT HANDLE SALVAGE VEHICLES.

(R) VIDEO LOTTERY FACILITY.

(1) GENERAL.

"VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HAS BEEN AWARDED A VIDEO LOTTERY OPERATION LICENSE BY THE MARYLAND VIDEO LOTTERY LOCATION COMMISSION UNDER STATE GOVERNMENT ARTICLE, TITLE 9, SUBTITLE 1A.

(2) INCLUSIONS.

"VIDEO LOTTERY FACILITY" INCLUDES:

- (I) THE PERMITTED NUMBER OF VIDEO LOTTERY TERMINALS;
- (II) ASSOCIATED FOOD AND BEVERAGE OPERATIONS; AND
- (III) ASSOCIATED LIVE ENTERTAINMENT AND DANCING.

(S) VOCATIONAL SCHOOL.

SEE "EDUCATIONAL FACILITY: COMMERCIAL-VOCATIONAL".

(T) WAREHOUSE.

"WAREHOUSE" MEANS A FACILITY FOR THE STORAGE AND DISTRIBUTION OF MANUFACTURED PRODUCTS, SUPPLIES, AND EQUIPMENT.

(U) WATER-DEPENDANT FACILITIES.

"WATER-DEPENDANT FACILITIES", AS IT APPLIES TO THE CHESAPEAKE BAY CRITICAL AREA, HAS THE MEANING STATED IN § 7-402 {"CBCA OVERLAY: DEFINITIONS"} OF THIS CODE.

(V) WATERFREIGHT TERMINAL.

(1) GENERAL.

"WATERFREIGHT TERMINAL" MEANS A FACILITY USED FOR WATERBORNE COMMODITIES.

(2) INCLUSIONS.

"WATERFREIGHT TERMINAL" INCLUDES DOCKS, PIERS, WHARVES, STORAGE SHEDS, AND RAIL AND TRUCK FACILITIES THAT SERVICE OR RELATE TO, A WATERFREIGHT TERMINAL.

(W) WHOLESALE GOODS ESTABLISHMENT.

(1) GENERAL.

"WHOLESALE GOODS ESTABLISHMENT" MEANS A FACILITY PRIMARILY ENGAGED IN:

(I) SELLING OR DISTRIBUTING MERCHANDISE TO RETAILERS, TO INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR PROFESSIONAL BUSINESS USERS, OR TO OTHER WHOLESALERS; OR

(II) ACTING AS AN AGENT OR BROKER AND BUYING MERCHANDISE FOR, OR SELLING MERCHANDISE TO, BUSINESSES OF THE SORT LISTED.

(2) INCLUSIONS.

"WHOLESALE GOODS ESTABLISHMENT" INCLUDES THE FOLLOWING ACCESSORY USES:

(I) A SHOWROOM FOR THE DISPLAY OF ITEMS STORED ON-SITE; AND

(II) RETAIL SALES TO THE PUBLIC.

§ 1-314. "WIRELESS ... " TO "ZOO".

(A) WIRELESS TELECOMMUNICATIONS ANTENNA.

(1) GENERAL.

"WIRELESS TELECOMMUNICATIONS ANTENNA" MEANS A DEVICE, THE SURFACE OF WHICH IS USED TO TRANSMIT OR RECEIVE RADIO-FREQUENCY SIGNALS, MICROWAVE SIGNALS, OR OTHER SIGNALS TRANSMITTED TO OR FROM OTHER ANTENNAS.

(2) EXCLUSIONS.

"WIRELESS TELECOMMUNICATIONS ANTENNA" DOES NOT INCLUDE A SATELLITE DISH ANTENNA.

(B) WIRELESS TELECOMMUNICATIONS FACILITY.

(1) GENERAL.

"WIRELESS TELECOMMUNICATIONS FACILITY" MEANS AN UNSTAFFED STRUCTURE USED TO HOUSE AND PROTECT THE EQUIPMENT NECESSARY FOR PROCESSING TELECOMMUNICATIONS SIGNALS.

(2) INCLUSIONS.

"WIRELESS TELECOMMUNICATIONS FACILITY" INCLUDES AIR CONDITIONING EQUIPMENT AND EMERGENCY GENERATORS.

(C) WIRELESS TELECOMMUNICATIONS TOWER.

"WIRELESS TELECOMMUNICATIONS TOWER" MEANS A STRUCTURE DESIGNED AND CONSTRUCTED TO SUPPORT 1 OR MORE WIRELESS TELECOMMUNICATIONS ANTENNAS AND ALL APPURTENANT DEVICES.

(D) YARD (REQUIRED).

"YARD", WHEN USED WITH RESPECT TO REQUIRED YARDS, MEANS THE SPACE BETWEEN A BUILDING AND THE ADJOINING LOT LINES THAT, EXCEPT AS OTHERWISE PERMITTED BY THIS CODE, IS UNOCCUPIED, OPEN, AND UNOBSTRUCTED BY ANY PART OF A STRUCTURE FROM THE GROUND TO THE SKY.

(E) YARD: CORNER SIDE (REQUIRED).

"YARD: CORNER SIDE", WHEN USED WITH RESPECT TO REQUIRED YARDS, MEANS THE YARD THAT EXTENDS ALONG THE CORNER SIDE LOT LINE BETWEEN THE FRONT YARD AND THE REAR LOT LINE FOR THE REQUIRED MINIMUM DEPTH, AS SPECIFIED FOR THE DISTRICT IN WHICH THE LOT IS LOCATED, MEASURED PERPENDICULAR TO THE CORNER SIDE LOT LINE.

(F) YARD: FRONT (REQUIRED).

"YARD: FRONT", WHEN USED WITH RESPECT TO REQUIRED YARDS, MEANS THE YARD THAT EXTENDS THE FULL WIDTH OF THE LOT BETWEEN SIDE LOT LINES FOR THE REQUIRED MINIMUM DEPTH, AS SPECIFIED BY THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED, MEASURED PERPENDICULAR TO THE FRONT LOT LINE.

(G) YARD: INTERIOR SIDE (REQUIRED).

"YARD: INTERIOR SIDE", WHEN USED WITH RESPECT TO REQUIRED YARDS, MEANS THE YARD THAT EXTENDS ALONG AN INTERIOR SIDE LOT LINE, BETWEEN THE FRONT AND REAR YARDS, FOR THE REQUIRED MINIMUM DEPTH, AS SPECIFIED FOR THE DISTRICT IN WHICH THE LOT IS LOCATED, MEASURED PERPENDICULAR TO THE INTERIOR SIDE LOT LINE.

(H) YARD: REAR (REQUIRED).

"YARD: REAR", WHEN USED WITH RESPECT TO REQUIRED YARDS, MEANS THE YARD THAT EXTENDS BETWEEN THE SIDE LOT LINES FOR THE REQUIRED MINIMUM DEPTH, AS SPECIFIED BY THE ZONING DISTRICT IN WHICH THE LOT IS LOCATED, MEASURED PERPENDICULAR TO THE REAR LOT LINE.

(I) ZOO.

(1) GENERAL.

"ZOO" MEANS A FACILITY IN WHICH ANIMALS ARE EXHIBITED OR DISPLAYED TO THE PUBLIC.

(2) INCLUSIONS.

"ZOO" INCLUDES THE FOLLOWING ACCESSORY USES DESIGNED AND INTENDED PRIMARILY FOR PATRONS OF THE FACILITY:

- (I) A GIFT OR SOUVENIR SHOP; AND
- (II) A RESTAURANT OR REFRESHMENT STANDS.

TITLE 2. PURPOSE, APPLICABILITY, SHORT TITLE

SUBTITLE 1. PURPOSE OF TITLE

§ 2-101. PURPOSE.

THIS CODE IS INTENDED TO SERVE THE FOLLOWING PURPOSES:

- (1) TO EXECUTE THE POWERS AND DUTIES VESTED IN THE CITY OF BALTIMORE BY THE STATE LAND USE ARTICLE;
- (2) TO PROMOTE AND PROTECT PUBLIC HEALTH, WELFARE, AND QUALITY OF LIFE FOR CURRENT AND FUTURE GENERATIONS;
- (3) TO ENSURE THAT THE VISIONS SET FORTH IN THE CITY'S COMPREHENSIVE MASTER PLAN ARE IMPLEMENTED BY LAND USE REGULATIONS CONSISTENT WITH THE GOALS SET FORTH;
- (4) TO PROMOTE THE PRINCIPLES AND STANDARDS ENACTED IN THE BALTIMORE CITY SUSTAINABILITY PLAN;
- (5) TO PROTECT THE PHYSICAL ENVIRONMENT AND PUBLIC NATURAL RESOURCES FOR ALL RESIDENTS;
- (6) TO PRESERVE AND ENHANCE THE VALUE OF STRUCTURES, COMMUNITIES, AND NEIGHBORHOODS;
- (7) TO PRESERVE, PROTECT, AND PROMOTE THE CITY'S EMPLOYMENT BASE; AND
- (8) TO PROVIDE OVERSIGHT AND PLANNING TO SUSTAIN THE HEALTHY GROWTH OF THE CITY'S EMPLOYMENT CENTERS.

SUBTITLE 2. APPLICABILITY

§ 2-202. APPLICATION OF CODE.

(A) TERRITORIAL APPLICATION.

THIS CODE APPLIES TO ALL LAND, USES, AND STRUCTURES WITHIN THE CORPORATE LIMITS OF BALTIMORE CITY.

(B) REQUIRED CONFORMANCE WITH CODE.

(1) NO STRUCTURE OR LAND, IN WHOLE OR IN PART, MAY BE USED OR OCCUPIED, AND NO STRUCTURE, IN WHOLE OR IN PART, WILL BE ERECTED, CONSTRUCTED, RECONSTRUCTED, MOVED, ENLARGED, OR STRUCTURALLY ALTERED UNLESS IT CONFORMS TO THE PROVISIONS OF THIS CODE.

(2) CONFORMANCE WITH THE REQUIREMENTS OF THIS CODE DOES NOT OBVIATE THE NEED FOR OTHER PERMITS OR LICENSES.

(C) REQUIRED CONFORMANCE WITH LANDSCAPE MANUAL.

FAILURE TO COMPLY WITH THE BALTIMORE CITY LANDSCAPE MANUAL IS A VIOLATION OF THIS CODE.

(D) CODE CONTROLS OVER LESS RESTRICTIVE AGREEMENTS.

THIS CODE IS NOT INTENDED TO NULLIFY ANY PRIVATE AGREEMENT OR COVENANT. HOWEVER, WHERE THIS CODE IS MORE RESTRICTIVE THAN A PRIVATE AGREEMENT OR COVENANT, THIS CODE CONTROLS.

(E) CONFLICTS.

IF ANY CONDITION OR REQUIREMENT IMPOSED BY THIS CODE CONTAINS AN ACTUAL, IMPLIED, OR APPARENT CONFLICT, THE MORE RESTRICTIVE CONDITION OR REQUIREMENT GOVERNS.

§ 2-203. TRANSITION RULES.

(A) IN GENERAL.

IN DETERMINING THE APPLICABILITY OF THIS CODE TO STRUCTURES OR USES PREVIOUSLY GOVERNED UNDER OTHER ZONING REGULATIONS, THE FOLLOWING RULES APPLY.

(B) PREEXISTING UNLAWFUL STRUCTURES AND USES.

A STRUCTURE OR USE THAT WAS UNLAWFUL AT THE TIME OF THE ADOPTION OF THIS CODE:

(1) DOES NOT BECOME LAWFUL SOLELY BY THE ADOPTION OF THIS CODE OR ANY AMENDMENT TO IT; AND

(2) EVEN IF MADE LAWFUL BY THIS CODE OR AN AMENDMENT TO IT, REMAINS UNLAWFUL TO THE EXTENT THAT THE STRUCTURE OR USE CONFLICTS WITH ANY OF THE REQUIREMENTS OF THIS CODE OR OF THE BALTIMORE CITY BUILDING CODE, INCLUDING ANY FAILURE TO OBTAIN THE NECESSARY USE PERMIT OR OCCUPANCY PERMIT.

(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, 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 SUBJECT TO THIS CODE AND, IF A CONDITIONAL USE, TO THE PROCEDURAL AND SUBSTANTIVE REQUIREMENTS IMPOSED BY THIS CODE ON CONDITIONAL USES.

(E) NONCONFORMITIES - PREEXISTING LAWFUL USE NO LONGER PERMITTED OR CONDITIONAL..

IF A PREEXISTING LAWFUL USE IS RECLASSIFIED BY THIS CODE OR AN AMENDMENT TO IT SO THAT THE USE IS NO LONGER A PERMITTED OR CONDITIONAL USE IN THE ZONING DISTRICT IN WHICH IT IS LOCATED, THAT USE MAY BE CONTINUED AS A LAWFUL NONCONFORMING USE, SUBJECT TO THE REQUIREMENTS AND LIMITATIONS IMPOSED BY TITLE 18 {"NONCONFORMITIES"} OF THIS CODE.

(F) NONCONFORMITIES - PREEXISTING LAWFUL STRUCTURES NO LONGER CONFORMING.

IF A PREEXISTING LAWFUL STRUCTURE DOES NOT MEET ALL STANDARDS NEWLY SET FORTH BY THIS CODE OR AN AMENDMENT TO IT, THAT STRUCTURE MAY BE CONTINUED AS A LAWFUL NONCONFORMING STRUCTURE, SUBJECT TO THE REQUIREMENTS AND LIMITATIONS IMPOSED BY TITLE 18 {"NONCONFORMITIES"} OF THIS CODE.

(G) NONCONFORMITIES - PREEXISTING LAWFUL LOTS NO LONGER CONFORMING.

IF A PREEXISTING LAWFUL LOT DOES NOT MEET ALL STANDARDS NEWLY SET FORTH IN THIS CODE OR AN AMENDMENT TO IT, THAT LOT MAY BE CONTINUED AS A LAWFUL NONCONFORMING LOT, SUBJECT TO THE REQUIREMENTS AND LIMITATIONS IMPOSED BY TITLE 18 {"NONCONFORMITIES"} OF THIS CODE.

(H) PREVIOUSLY ESTABLISHED PLANNED UNIT DEVELOPMENT.

FOR PLANNED UNIT DEVELOPMENTS ESTABLISHED BEFORE THE EFFECTIVE DATE OF THIS CODE, TRANSITION RULES ARE SET FORTH IN § 13-102 {"TRANSITION RULES"} OF THIS CODE.

(I) PREVIOUSLY ISSUED BUILDING PERMITS.

IF A BUILDING PERMIT FOR A STRUCTURE WAS LAWFULLY ISSUED BEFORE THE EFFECTIVE DATE OF THIS CODE OR ANY AMENDMENT TO IT AND IF SUBSTANTIAL CONSTRUCTION HAS OCCURRED WITHIN 180 DAYS OF THE ISSUANCE OF THAT PERMIT, THE STRUCTURE MAY BE COMPLETED IN ACCORDANCE WITH THE PLANS ON THE BASIS OF WHICH THE BUILDING PERMIT WAS ISSUED.

(J) PREVIOUSLY GRANTED VARIANCES AND CONDITIONAL USES.

(1) ALL VARIANCES AND CONDITIONAL USES GRANTED BEFORE THE EFFECTIVE DATE OF THIS CODE OR ANY AMENDMENT TO IT 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, IS SUBJECT TO THE PROCEDURES AND REQUIREMENTS IMPOSED BY THIS CODE ON CONDITIONAL USES.

(K) PENDING APPLICATIONS.

(1) AN APPLICATION THAT HAS BEEN SUBMITTED AND CONSIDERED COMPLETE BEFORE THE EFFECTIVE DATE OF THIS CODE OR OF ANY AMENDMENT TO THIS CODE IS GOVERNED BY THE CODE PROVISIONS IN EFFECT WHEN THE APPLICATION WAS SUBMITTED.

(2) A NEW APPLICATION SUBMITTED AFTER THE EFFECTIVE DATE OF THIS CODE OR OF ANY AMENDMENT TO THIS CODE IS GOVERNED BY THE CODE PROVISIONS IN EFFECT WHEN THE APPLICATION WAS SUBMITTED.

(3) IF A PENDING APPLICATION IS MODIFIED AFTER ITS SUBMITTAL, THE ZONING ADMINISTRATOR MUST REVIEW THE APPLICATION TO DETERMINE IF THE PROPOSED MODIFICATIONS CONSTITUTE A NEW APPLICATION. IF THE ZONING ADMINISTRATOR DETERMINES THAT THE MODIFICATIONS CONSTITUTE A NEW APPLICATION, THE APPLICATION MUST BE RESUBMITTED UNDER THE CODE PROVISIONS THEN IN EFFECT AT THE TIME OF RESUBMITTAL.

SUBTITLE 3. SHORT TITLE

§ 2-301. SHORT TITLE.

THIS CODE, TOGETHER WITH THE ZONING MAP ADOPTED UNDER IT, MAY BE CITED AS THE "ZONING CODE OF BALTIMORE CITY."

TITLE 3. OUTLINE OF CODE ADMINISTRATION

SUBTITLE 1. PURPOSE OF TITLE

§ 3-101. PURPOSE.

(A) IN GENERAL.

THE PURPOSE OF THIS TITLE IS TO OUTLINE THE SPECIFIC POWERS AND DUTIES OF THE DIFFERENT ADMINISTRATIVE BODIES AND OFFICIALS WHO IMPLEMENT THIS CODE.

(B) CONFLICTS WITH TITLES 4 OR 5.

IN THE CASE OF ANY CONFLICT BETWEEN THIS TITLE AND TITLE 4 {"DEVELOPMENT REVIEWS"} OR TITLE 5 {"APPLICATIONS AND AUTHORIZATIONS"} OF THIS CODE, THE PROVISIONS OF TITLE 4 AND 5 CONTROL.

SUBTITLE 2. ADMINISTRATIVE AGENCIES AND OFFICIALS

§ 3-201. ZONING ADMINISTRATOR.

(A) OFFICE ESTABLISHED.

- (1) THE OFFICE OF ZONING ADMINISTRATOR IS ESTABLISHED.
- (2) THE ZONING ADMINISTRATOR IS THE EXECUTIVE HEAD OF THE OFFICE.
- (3) EMPLOYEES OF THE OFFICE MAY BE APPOINTED AS AUTHORIZED BY THE ORDINANCE OF ESTIMATES.

(B) POWERS AND DUTIES - GENERAL.

THE ZONING ADMINISTRATOR ADMINISTERS AND ENFORCES THIS CODE.

(C) POWERS AND DUTIES - SPECIFIC.

THE ZONING ADMINISTRATOR, OR HIS OR HER DESIGNEE, HAS THE FOLLOWING POWERS AND DUTIES UNDER THIS CODE:

- (1) TO DETERMINE WHETHER A VARIANCE IS A MAJOR OR MINOR VARIANCE (TITLE 5, SUBTITLE 3);
- (2) TO GRANT MINOR VARIANCES (TITLE 5, SUBTITLE 3);
- (3) TO AUTHORIZE USE PERMITS (TITLE 4, SUBTITLE 7);
- (4) TO RENDER ZONING INTERPRETATIONS (TITLE 5, SUBTITLE 8);

- (5) TO ISSUE ZONING VERIFICATIONS (TITLE 5, SUBTITLE 9);
- (6) TO INSPECT STRUCTURES AND USES OF LAND TO DETERMINE COMPLIANCE WITH THIS CODE AND, WHERE VIOLATIONS ARE FOUND, INITIATE ACTION TO SECURE COMPLIANCE;
- (7) TO PRESERVE ALL RECORDS FROM THE ADMINISTRATION OF THE ZONING LAW SINCE ITS ENACTMENT BY ORDINANCE 31-1247;
- (8) TO MAINTAIN PERMANENT RECORDS OF THIS CODE AND OF ALL ACTIONS TAKEN UNDER IT, INCLUDING:
 - (I) ALL MAPS ADOPTED UNDER THIS CODE; AND
 - (II) ALL AMENDMENTS TO THIS CODE AND TO THE MAPS ADOPTED UNDER IT;
 - (III) THE RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF MUNICIPAL AND ZONING APPEALS;
 - (IV) APPLICATIONS FOR AND APPROVALS OF CONDITIONAL USES AND VARIANCES; AND
 - (V) APPEALS TAKEN UNDER THIS CODE;
- (9) TO PROVIDE AND MAINTAIN A PUBLIC INFORMATION SERVICE ON MATTERS ARISING OUT OF THIS CODE;
- (10) WHERE REASONABLE, NECESSARY, AND NOT A FUNDAMENTAL ALTERATION OF THIS CODE, TO PROVIDE REASONABLE ACCOMMODATION IN THE APPLICATION OF THIS CODE FOR THE SITING, DEVELOPMENT, AND USE OF HOUSING OR SERVICES FOR AN INDIVIDUAL PROTECTED UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT;
- (11) TO RECEIVE, FILE, REVIEW, MAINTAIN COPIES OF, AND FORWARD TO THE BOARD OF MUNICIPAL AND ZONING APPEALS APPLICATIONS FOR CONDITIONAL USES, VARIANCES, APPEALS, AND OTHER MATTERS ON WHICH THE BOARD IS REQUIRED TO ACT;
- (12) TO PERFORM COMPLETENESS REVIEW OF APPLICATIONS (§ 5-202);
- (13) WITH THE APPROVAL OF THE BOARD OF ESTIMATES, TO SET FEES FOR PROCESSING APPLICATIONS, ISSUING PERMITS AND OTHER AUTHORIZATIONS, AND PERFORMING THE VARIOUS OTHER FUNCTIONS REQUIRED OR AUTHORIZED BY THIS CODE; AND
- (14) TO PERFORM ALL OTHER FUNCTIONS ASSIGNED TO THE ZONING ADMINISTRATOR BY THIS CODE.

§ 3-202. BOARD OF MUNICIPAL AND ZONING APPEALS.

- (A) BOARD ESTABLISHED.

THERE IS A BOARD OF MUNICIPAL AND ZONING APPEALS, AS ESTABLISHED IN CITY CHARTER ARTICLE VII, §§ 81 AND 82.

(B) POWERS AND DUTIES.

IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN CITY CHARTER ARTICLE VII, §§ 83 THROUGH 89, 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 EDIT AND CERTIFY ZONING MAP AMENDMENTS (TITLE 5, SUBTITLE 5);
- (4) TO HEAR APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR;

- (5) 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
- (6) TO PERFORM ALL OTHER FUNCTIONS ASSIGNED TO THE BOARD BY THIS CODE.

(C) RULES AND REGULATIONS.

- (1) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY ADOPT RULES AND REGULATIONS:
 - (I) FOR THE CONDUCT OF ITS PROCEEDINGS; AND
 - (II) AS OTHERWISE DIRECTED OR AUTHORIZED IN THIS CODE.
 - (2) A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE BOARD MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.
- (D) COPIES OF ALL MATTERS TO ADMINISTRATOR.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST PROVIDE THE ZONING ADMINISTRATOR WITH COPIES OF ALL MATTERS ACTED ON BY THE BOARD, INCLUDING:

- (1) ALL ORDERS, REQUIREMENTS, DECISIONS, DETERMINATIONS, RULES, AND REGULATIONS; AND
- (2) ALL OTHER INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THIS CODE.

(E) MEETINGS.

MEETINGS OF THE BOARD OF MUNICIPAL AND ZONING APPEALS ARE HELD:

- (1) AT THE CALL OF THE CHAIR; AND

(2) AT ANY OTHER TIME THAT THE BOARD DETERMINES BY GENERAL RULE.

(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.

(G) PUBLIC HEARINGS - SCHEDULING, NOTICES, DECISION.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST:

(1) FIX A REASONABLE TIME AND PLACE FOR THE PUBLIC HEARING OF AN APPLICATION, APPEAL, OR OTHER MATTER;

(2) GIVE NOTICE OF THE HEARING TO THE PARTIES IN INTEREST;

(3) GIVE PUBLIC NOTICE OF THE HEARING; AND

(4) REQUIRE THE APPLICANT, APPELLANT, OR OTHER PERSON INITIATING THE HEARING TO POST THE SUBJECT PROPERTY WITH A NOTICE OF THE TIME, PLACE, AND PURPOSE OF THE HEARING, AS FOLLOWS:

(I) FOR A HEARING ON A VARIANCE OR CONDITIONAL USE, AS PROVIDED IN § 5-602 {"BMZA - MAJOR VARIANCES; CONDITIONAL USES} OF THIS CODE; AND

(II) IN ALL OTHER CASES, AT LEAST 21 DAYS BEFORE THE HEARING.

(H) PUBLIC HEARINGS - OATHS AND WITNESSES.

THE CHAIR OR ACTING CHAIR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES.

(I) PUBLIC HEARINGS - ATTENDANCE BY PARTIES.

AT THE HEARING, ANY PARTY MAY:

(1) APPEAR IN PERSON, BY AGENT, OR ATTORNEY; AND

(2) TESTIFY AS TO ANY MATERIAL FACTS.

(J) PUBLIC HEARINGS - MEMBER MUST BE PRESENT TO PARTICIPATE.

A MEMBER OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY NOT PARTICIPATE IN A HEARING UNLESS THE MEMBER IS PHYSICALLY PRESENT AT THE HEARING.

(K) VOTING - OPEN TO PUBLIC.

ALL VOTING SESSIONS OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST BE OPEN TO

THE PUBLIC.

(L) VOTING - NUMBER OF VOTES.

THE NUMBER OF VOTES SPECIFIED IN THE STATE LAND USE ARTICLE IS REQUIRED FOR THE BOARD TO:

- (1) REVERSE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION OF THE ZONING ADMINISTRATOR; OR
- (2) DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER ON WHICH IT IS REQUIRED TO PASS UNDER THIS CODE.

(M) VOTING - MEMBER MUST BE PRESENT TO VOTE.

A MEMBER OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY NOT VOTE ON A MATTER UNLESS THE MEMBER:

- (1) WAS PHYSICALLY PRESENT AT THE PUBLIC HEARING ON THE MATTER; AND
- (2) IS PHYSICALLY PRESENT AT THE VOTING SESSION.

(N) MINUTES.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST KEEP MINUTES OF ALL ITS PROCEEDINGS, INDICATING:

- (1) THE MEMBERS PRESENT; AND
- (2) ON EACH QUESTION, HOW EACH MEMBER VOTED OR THAT THE MEMBER WAS ABSENT OR FAILED TO VOTE.

§ 3-203. PLANNING COMMISSION.

(A) COMMISSION ESTABLISHED.

THERE IS A PLANNING COMMISSION, AS ESTABLISHED IN CITY CHARTER ARTICLE VII, §§ 70 AND 71.

(B) POWERS AND DUTIES.

IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN CITY CHARTER ARTICLE VII, § 72 THE PLANNING COMMISSION HAS THE FOLLOWING POWERS AND DUTIES UNDER THIS CODE:

- (1) TO MAKE RECOMMENDATIONS ON AMENDMENTS TO THE ZONING TEXT AND MAPS (TITLE 5, SUBTITLE 5);
- (2) TO MAKE RECOMMENDATIONS ON PLANNED UNIT DEVELOPMENTS (TITLE 13);
- (3) TO DEVELOP AND REVISE FROM TIME TO TIME A LANDSCAPE MANUAL (TITLE 4, SUBTITLE 5);

- (4) TO HEAR APPEALS FROM THE DECISIONS OF THE DIRECTOR OF PLANNING ON:
 - (I) SITE PLAN REVIEW (TITLE 4, SUBTITLE 2);
 - (II) ENVIRONMENTALLY SENSITIVE AREAS REVIEW (TITLE 4, SUBTITLE 3);
 - (III) DESIGN REVIEW (TITLE 4, SUBTITLE 4); AND
 - (IV) LANDSCAPE REVIEW (TITLE 4, SUBTITLE 5; LANDSCAPE MANUAL); AND
- (5) WITH THE APPROVAL OF THE BOARD OF ESTIMATES, TO SET FEES FOR FILING AND HEARING APPEALS AND FOR THE VARIOUS OTHER FUNCTIONS REQUIRED OR AUTHORIZED BY THIS CODE; AND
- (6) TO PERFORM ALL OTHER FUNCTIONS ASSIGNED TO THE COMMISSION BY THIS CODE.

§ 3-204. DIRECTOR OF PLANNING.

- (A) POSITION ESTABLISHED.

THERE IS A DIRECTOR OF PLANNING, AS APPOINTED UNDER CITY CHARTER ARTICLE VII, § 73.

- (B) POWERS AND DUTIES.

IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN CITY CHARTER ARTICLE VII, §§ 74 THROUGH 80, THE DIRECTOR OF PLANNING, OR HIS OR HER DESIGNEE, HAS THE FOLLOWING POWERS AND DUTIES UNDER THIS CODE:

- (1) TO PERFORM THE FOLLOWING REVIEWS:
 - (I) SITE PLAN REVIEW (TITLE 4, SUBTITLE 2);
 - (II) ENVIRONMENTALLY SENSITIVE AREAS REVIEW (TITLE 4, SUBTITLE 3);
 - (III) DESIGN REVIEW (TITLE 4, SUBTITLE 4); AND
 - (IV) LANDSCAPE REVIEW (TITLE 4, SUBTITLE 5; LANDSCAPE MANUAL);
- (2) TO REVIEW AND GRANT ADMINISTRATIVE EXCEPTIONS FOR DESIGN REVIEW (§ 4-406);
- (3) FROM TIME TO TIME, TO INITIATE A STUDY OF THIS CODE AND THE LANDSCAPE MANUAL AND REPORT HIS OR HER RECOMMENDATIONS TO:
 - (I) THE CITY COUNCIL;
 - (II) THE BOARD OF MUNICIPAL AND ZONING APPEALS;
 - (III) THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT;
 - (IV) THE HEALTH COMMISSIONER;

- (V) THE PLANNING COMMISSION; AND
- (VI) ANY OTHERS DEEMED APPROPRIATE; AND
- (4) WITH THE APPROVAL OF THE BOARD OF ESTIMATES, TO SET FEES FOR SITE PLAN, SENSITIVE AREAS, DESIGN, AND LANDSCAPE REVIEWS AND FOR THE VARIOUS OTHER FUNCTIONS REQUIRED OR AUTHORIZED BY THIS CODE; AND
- (5) TO PERFORM ALL OTHER FUNCTIONS ASSIGNED TO THE DIRECTOR BY THIS CODE.

§ 3-205. COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.

IN ADDITION TO THE POWERS AND DUTIES SPECIFIED ELSEWHERE IN THE CITY CODE, THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT (WHO ALSO SERVES AS THE BUILDING OFFICIAL), OR HIS OR HER DESIGNEE, HAS THE POWER AND DUTY UNDER THIS CODE:

- (1) TO ISSUE USE PERMITS (TITLE 5, SUBTITLE 7); AND
- (2) TO PERFORM ALL OTHER FUNCTIONS ASSIGNED TO THE HOUSING COMMISSIONER BY THIS CODE.

§ 3-206. CITY COUNCIL.

IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN THE CITY CHARTER, THE CITY COUNCIL HAS THE FOLLOWING POWERS UNDER THIS CODE:

- (1) TO APPROVE AMENDMENTS TO THE ZONING TEXT AND MAPS (TITLE 5, SUBTITLE 5); AND
- (2) TO APPROVE PLANNED UNIT DEVELOPMENTS (TITLE 13).

SUBTITLE 3. ORGANIZATION CHART

§ 3-301. CHART OF CODE ADMINISTRATION.

FIGURE 3-301: CODE ADMINISTRATION SUMMARIZES THE SPECIFIC POWERS AND DUTIES OF THE DIFFERENT ADMINISTRATIVE BODIES AND OFFICIALS WHO IMPLEMENT THIS CODE.

TITLE 4. DEVELOPMENT REVIEWS

SUBTITLE 1. PURPOSE OF TITLE

§ 4-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO DELINEATE:

- (1) WHICH DEVELOPMENT PERMITS REQUIRE REVIEW AND APPROVAL BY THE DIRECTOR OF PLANNING; AND
- (2) THE STANDARDS APPLICABLE TO THOSE REVIEWS AND APPROVALS.

SUBTITLE 2. SITE PLAN REVIEW

§ 4-201. PURPOSE.

(A) INTENT - ENSURING COMPLIANCE.

SITE PLAN REVIEW IS INTENDED TO ENSURE THAT PROPOSED DEVELOPMENT COMPLIES WITH THIS CODE, THE SUBDIVISION RULES AND REGULATIONS, THE SITE PLAN REVIEW MANUAL, THE BUILDING, FIRE AND RELATED CODES, AND OTHER APPLICABLE GUIDELINES AND REQUIREMENTS.

(B) INTENT - PROVIDING FOR SAFE, ORDERLY, ETC., DEVELOPMENT.

THE RECOMMENDATIONS OF SITE PLAN REVIEW ARE INTENDED TO ENSURE SAFE, FUNCTIONAL, EFFICIENT, AND ORDERLY DEVELOPMENT WITH HIGH STANDARDS OF DESIGN.

(C) GENERAL PURPOSES.

IN GENERAL, THE PURPOSE OF THE SITE PLAN REVIEW PROCESS IS TO :

- (1) PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE;
- (2) MINIMIZE ADVERSE EFFECTS UPON PEDESTRIAN AND VEHICULAR TRAFFIC;
- (3) ENSURE THE DESIGN IS SAFE, ENVIRONMENTALLY SOUND, AESTHETICALLY RESPONSIVE, AND PROTECTS PROPERTIES, STREETS, AND RIGHTS-OF-WAY IN THE IMMEDIATE VICINITY, AND THE GENERAL PUBLIC;
- (4) ENSURE COMPLIANCE WITH THE COMPREHENSIVE MASTER PLAN AND THIS CODE; AND
- (5) PROVIDE A CONSISTENT AND UNIFORM METHOD OF REVIEW.

§ 4-202. COMMISSION TO DEVELOP MANUAL.

THE PLANNING COMMISSION MUST DEVELOP AND MAY REVISE FROM TIME TO TIME A SITE PLAN REVIEW MANUAL THAT SETS FORTH STANDARDS AND PROCEDURES FOR SITE PLAN REVIEW IN ACCORDANCE WITH THIS SUBTITLE.

§ 4-203. APPLICABILITY.

SITE PLAN REVIEW IS REQUIRED FOR THE FOLLOWING TYPES OF DEVELOPMENT APPLICATIONS:

- (1) NEW CONSTRUCTION THAT INVOLVES ANY OF THE FOLLOWING:
 - (I) ANY PROPOSED DEVELOPMENT OVER 15,000 SQUARE FEET OF GROSS FLOOR AREA;
 - (II) DEVELOPMENTS WITH MULTIPLE STRUCTURES ON A SINGLE LOT, EXCLUDING ACCESSORY STRUCTURES; AND

(III) ALL MULTI-TENANT COMMERCIAL DEVELOPMENT, INCLUDING MIXED-USE DEVELOPMENT;

(2) SUBDIVISION OF LAND;

(3) ADDITIONS OR MAJOR STRUCTURAL ALTERATIONS TO AN EXISTING STRUCTURE, OTHER THAN A SINGLE-FAMILY DETACHED OR SEMI-DETACHED DWELLING, THAT RESULTS IN A 50% INCREASE IN GROSS FLOOR AREA OVER THE GROSS FLOOR AREA OF THE EXISTING STRUCTURE PRIOR TO THE ADDITION OR ALTERATION;

(4) PLANNED UNIT DEVELOPMENT;

(5) CONDITIONAL USE;

(6) PARKING LOT OR STRUCTURES CONTAINING 5 OR MORE SPACES;

(7) ANY DEVELOPMENT WITHIN AN ENVIRONMENTALLY SENSITIVE AREA, INCLUDING PROJECTS IN A 100-YEAR FLOOD PLAIN AND PROJECTS WITHIN THE BUFFER OF THE CRITICAL AREA (SEE SUBTITLE 3 {"ENVIRONMENTALLY SENSITIVE AREAS REVIEW"} OF THIS TITLE); AND

(8) URBAN AGRICULTURE.

§ 4-204. APPROVAL PREREQUISITE TO PERMIT.

(A) IN GENERAL.

SITE PLAN APPROVAL IS REQUIRED BEFORE ANY PERMITS MAY BE ISSUED FOR ANY DEVELOPMENT TO WHICH § 4-203 {"APPLICABILITY"} OF THIS SUBTITLE APPLIES.

(B) REQUIRED FOR PLAN CHANGE; TIME LAPSE.

SITE PLAN APPROVAL IS ALSO REQUIRED IF:

(1) NO PERMITS AND HAVE ISSUED; AND

(2) EITHER:

(I) A FINAL APPROVED SITE PLAN HAS BEEN CHANGED; OR

(II) MORE THAN 1 YEAR HAS PASSED SINCE FINAL APPROVAL.

§ 4-205. SUBMITTAL REQUIREMENTS.

SUBMITTAL REQUIREMENTS FOR SITE PLAN REVIEW ARE AS FOUND IN:

(1) THE SITE PLAN REVIEW MANUAL; AND

(2) FOR ENVIRONMENTALLY SENSITIVE AREAS, IN SUBTITLE 3 {"ENVIRONMENTALLY SENSITIVE AREAS REVIEW"} OF THIS TITLE.

§ 4-206. PROCEDURES.

THE DIRECTOR OF PLANNING MUST REVIEW THE PROJECT IN ACCORDANCE WITH THE PROCEDURES FOUND IN THE SITE PLAN REVIEW MANUAL.

§ 4-207. REVIEW STANDARDS.

SITE PLAN REVIEW STANDARDS ARE AS FOUND IN:

- (1) THE SITE PLAN REVIEW MANUAL; AND
- (2) FOR ENVIRONMENTALLY SENSITIVE AREAS, IN SUBTITLE 3 {"ENVIRONMENTALLY SENSITIVE AREAS REVIEW"} OF THIS TITLE.

§ 4-208. ADMINISTRATIVE APPEALS.

- (A) APPEAL TO COMMISSION.

AN APPLICANT WHO IS AGGRIEVED BY THE FINAL SITE PLAN DECISION OF THE DIRECTOR OF PLANNING MAY APPEAL THAT DECISION TO THE PLANNING COMMISSION.

- (B) WHEN FILED.

APPEALS MUST BE FILED WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S FINAL DECISION ON THE SITE PLAN.

- (C) HEARING.

THE PLANNING COMMISSION MUST REVIEW THE DIRECTOR'S DECISION AT A PUBLIC HEARING HELD WITHIN 45 DAYS OF RECEIVING THE APPEAL.

SUBTITLE 3. ENVIRONMENTALLY SENSITIVE AREAS REVIEW

§ 4-301. PURPOSE.

THE PURPOSE OF THE ENVIRONMENTALLY SENSITIVE AREAS DEVELOPMENT REVIEW PROCESS IS TO:

- (1) IDENTIFY, PRIORITIZE, AND PROTECT ENVIRONMENTALLY SENSITIVE AREAS DURING THE INITIAL STAGES OF THE DEVELOPMENT REVIEW PROCESS;
- (2) ENSURE THAT THE DISTURBANCE, PROTECTION, AND RESTORATION OF ENVIRONMENTALLY SENSITIVE AREAS ARE IN ACCORDANCE WITH ALL APPLICABLE FEDERAL STATE, AND LOCAL ENVIRONMENTAL REGULATIONS;
- (3) ESTABLISH LEVELS OF PROTECTION FOR ENVIRONMENTALLY SENSITIVE AREAS THAT VARY WITH THE PRIORITY RANKING OF EACH FEATURE OR COMBINATION OF FEATURES;
- (4) GUIDE SITE DEVELOPMENT SO THAT NEGATIVE IMPACTS TO THE ENVIRONMENTALLY SENSITIVE AREAS ARE AVOIDED OR MINIMIZED TO THE GREATEST EXTENT POSSIBLE;

(5) ENCOURAGE THE USE OF INNOVATIVE DEVELOPMENT TECHNIQUES AND PROVIDE FLEXIBILITY IN THE PLANNING PROCESS TO PROTECT THE ENVIRONMENT;

(6) ESTABLISH LEVELS OF PROTECTION FOR EXISTING SENSITIVE AREAS AND INSTITUTE REQUIREMENTS FOR THE RESTORATION OF SENSITIVE AREAS FOUND TO BE PREMATURELY DESTROYED OR ALTERED; AND

(7) PROTECT THE DEVELOPMENT FROM FORCES OF NATURE.

§ 4-302. APPLICABILITY.

(A) ADJACENT LANDS.

IN DETERMINING WHETHER A PROPOSED DEVELOPMENT CONTAINS ENVIRONMENTALLY SENSITIVE AREAS ALL ADJACENT LANDS UNDER THE SAME OWNERSHIP OR CONTROL MUST BE CONSIDERED.

(B) AREAS SUBJECT TO PROCESS.

IF A SITE PLAN CONTAINS ANY ENVIRONMENTALLY SENSITIVE AREA, IT IS SUBJECT TO THE ENVIRONMENTALLY SENSITIVE AREAS DEVELOPMENT REVIEW PROCESS.

§ 4-303. APPROVAL PREREQUISITE TO PERMIT.

ENVIRONMENTALLY SENSITIVE AREAS REVIEW IS REQUIRED BEFORE ANY PERMITS MAY BE ISSUED FOR ANY DEVELOPMENT TO WHICH § 4-302 {"APPLICABILITY"} OF THIS SUBTITLE APPLIES.

§ 4-304. SUBMITTAL REQUIREMENTS.

THE PRESENCE OR ABSENCE OF ENVIRONMENTALLY SENSITIVE AREAS MUST BE DOCUMENTED ON AN EXISTING CONDITIONS PLAN, TO BE SUBMITTED AS PART OF SITE PLAN REVIEW. EXISTING ENVIRONMENTALLY SENSITIVE AREAS MUST BE SHOWN ON THE EXISTING CONDITIONS PLAN.

§ 4-305. REVIEW STANDARDS.

(A) COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.

THE DIRECTOR OF PLANNING MUST REVIEW THE PROJECT FOR COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.

(B) REGULATIONS LISTING.

APPLICABLE REGULATIONS INCLUDE:

(1) FLOODPLAINS: CITY CODE ARTICLE 7, DIVISION I {"FLOODPLAIN MANAGEMENT"};

(2) CHESAPEAKE BAY CRITICAL AREA: TITLE 7, SUBTITLE 4, OF THIS CODE;

(3) FOREST CONSERVATION: CITY CODE ARTICLE 7, DIVISION IV {"FOREST AND TREE CONSERVATION"}; AND

(4) SIGNIFICANT TREES AND SPECIMEN TREES: SITES NOT REQUIRED TO COMPLY WITH FOREST CONSERVATION REGULATIONS MUST PROTECT THESE TREES AS REQUIRED BY THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 4-306. ADMINISTRATIVE APPEALS.

(A) APPEAL TO COMMISSION.

AN APPLICANT WHO IS AGGRIEVED BY THE FINAL DECISION OF THE DIRECTOR OF PLANNING MAY APPEAL THAT DECISION TO THE PLANNING COMMISSION.

(B) WHEN FILED.

APPEALS MUST BE FILED WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S FINAL DECISION ON THE ENVIRONMENTALLY SENSITIVE AREAS REVIEW.

(C) HEARING.

THE PLANNING COMMISSION MUST REVIEW THE DIRECTOR'S DECISION AT A PUBLIC HEARING HELD WITHIN 45 DAYS OF RECEIVING THE APPEAL.

SUBTITLE 4. DESIGN REVIEW

§ 4-401. PURPOSE.

DESIGN REVIEW IS INTENDED TO PROVIDE A PROCEDURE TO ENSURE THAT CERTAIN DEVELOPMENT PROPOSALS COMPLY WITH THE DESIGN STANDARDS ESTABLISHED BY THIS CODE.

§ 4-402. APPLICABILITY.

DESIGN REVIEW IS REQUIRED FOR THE FOLLOWING TYPES OF DEVELOPMENT:

- (1) NEW CONSTRUCTION OF DWELLINGS, EXCLUDING ADDITIONS;
- (2) NEW CONSTRUCTION OF ROWHOUSES;
- (3) UPPER FLOOR ADDITIONS AND ROOF DECKS ON EXISTING ROWHOUSES;
- (4) WHEN EXTERIOR MODIFICATIONS ARE PROPOSED FOR RESIDENTIAL CONVERSIONS IN THE R-7, R-8, R-9 AND R-10 DISTRICTS;
- (5) THE ESTABLISHMENT OF A NON-RESIDENTIAL USE WITHIN THE R-MU OVERLAY DISTRICT;
- (6) ALL NEW CONSTRUCTION AND ADDITIONS IN THE C-5 DISTRICT;

- (7) ALL EXTERIOR BUILDING MODIFICATIONS IN THE C-5 DISTRICT;
- (8) PLANNED UNIT DEVELOPMENT;
- (9) ANY SIGN OVER 100 SQUARE FEET IN AREA;
- (10) ANY ELECTRONIC MESSAGE SIGN;
- (11) ALL FREESTANDING SIGNS IN THE C-5 DISTRICT;
- (12) BANNER SIGNS USED AS PERMANENT WALL SIGNS; AND
- (13) ANY NEW CONSTRUCTION THAT INVOLVES:

- (I) A PROPOSED DEVELOPMENT OVER 15,000 SQUARE FEET;
- (II) A MULTI-TENANT COMMERCIAL DEVELOPMENT, INCLUDING MIXED-USE DEVELOPMENT;
- (III) CONSTRUCTION ON A DESIGNATED "MAIN STREET"; OR
- (IV) CONSTRUCTION IN A TOD DISTRICT OR IN THE W OVERLAY DISTRICT.

§ 4-403. APPROVAL PREREQUISITE TO PERMIT.

DESIGN REVIEW APPROVAL IS REQUIRED BEFORE ANY PERMITS MAY BE ISSUED FOR ANY DEVELOPMENT TO WHICH § 4-402 {"APPLICABILITY"} OF THIS SUBTITLE APPLIES.

§ 4-404. SUBMITTAL REQUIREMENTS.

SUBMITTAL REQUIREMENTS FOR DESIGN REVIEW ARE:

- (1) AS PROVIDED IN § 5-201 {"FILING"} OF THIS CODE; AND
- (2) AS REQUIRED BY THE DIRECTOR OF PLANNING.

§ 4-405. PROCEDURES.

(A) DIRECTOR TO REVIEW.

ONCE IT IS DETERMINED THAT AN APPLICATION IS SUBJECT TO DESIGN REVIEW, THE DIRECTOR OF PLANNING MUST REVIEW THE PROJECT FOR COMPLIANCE WITH THE DESIGN STANDARDS OF THIS CODE.

(B) TIME FOR COMPLETION.

- (1) DESIGN REVIEW MUST BE COMPLETED WITHIN 15 DAYS OF RECEIPT OF A COMPLETE APPLICATION.
- (2) IF, IN THE DIRECTOR'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN SUFFICIENT

INFORMATION TO COMPLETE DESIGN REVIEW, THE DIRECTOR OF PLANNING MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT. IN THAT EVENT, THE 15-DAY PERIOD WILL BE SUSPENDED PENDING RECEIPT OF ALL REQUESTED INFORMATION. A DECISION MUST BE RENDERED WITHIN 15 DAYS OF RECEIPT OF THE ADDITIONAL INFORMATION.

§ 4-406. ADMINISTRATIVE EXCEPTIONS.

(A) PURPOSE AND APPLICABILITY.

(1) THIS CODE RECOGNIZES THAT THE DESIGN STANDARDS CANNOT ADDRESS EVERY ANTICIPATED ARCHITECTURAL DESIGN ELEMENT OF A DEVELOPMENT. ACCORDINGLY, AN ADMINISTRATIVE EXCEPTION TO THE DESIGN STANDARDS OF THE DISTRICT MAY BE REQUESTED DURING THE DESIGN REVIEW PROCESS.

(2) THIS ADMINISTRATIVE EXCEPTION ALLOWS THE DIRECTOR OF PLANNING TO APPROVE EXCEPTIONS TO THE DESIGN STANDARDS WITHIN EACH OF THE DISTRICTS.

(B) AUTHORITY.

(1) THE DIRECTOR OF PLANNING MAY APPROVE AN ADMINISTRATIVE EXCEPTION IN CASES WHERE THE PROPOSED ARCHITECTURAL DESIGN OF A STRUCTURE MEETS THE INTENT OF THE DESIGN REVIEW PROVISIONS BUT FAILS TO MEET 1 OR MORE SPECIFIC DESIGN STANDARDS.

(2) NO ADMINISTRATIVE EXCEPTIONS MAY BE GRANTED FOR ANY OF THE USE, BULK, OR YARD STANDARDS OF THE ZONING DISTRICT.

(C) STANDARD FOR EXCEPTIONS.

IN ORDER TO APPROVE AN ADMINISTRATIVE EXCEPTION, THE DIRECTOR OF PLANNING MUST FIND THAT:

(1) THE ADMINISTRATIVE EXCEPTION IS GENERALLY COMPATIBLE WITH THE INTENT OF THE DESIGN STANDARDS AND THE AREA OF THE DEVELOPMENT; AND

(2) THE DESIGN INTEGRITY AND DETAILS OF THE BUILDING ARE ACCEPTABLE WITHIN THE CONTEXT OF A SPECIFIC SITE AND NEED NOT BE ACHIEVED THROUGH A STRICT RESPONSE TO THE DETAILS OF THE DESIGN STANDARDS CONTAINED IN THIS CODE.

§ 4-407. ADMINISTRATIVE APPEALS.

(A) APPEAL TO COMMISSION.

AN APPLICANT WHO IS AGGRIEVED BY THE FINAL DESIGN REVIEW DECISION OF THE DIRECTOR OF PLANNING MAY APPEAL THAT DECISION TO THE PLANNING COMMISSION.

(B) WHEN FILED.

APPEALS MUST BE FILED WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S FINAL DECISION ON THE DESIGN REVIEW.

(C) HEARING.

THE PLANNING COMMISSION MUST REVIEW THE DECISION AT A PUBLIC HEARING HELD WITHIN 45 DAYS OF RECEIVING THE APPEAL.

SUBTITLE 5. LANDSCAPE REVIEW

§ 4-501. PURPOSE.

LANDSCAPE REVIEW IS INTENDED TO PROVIDE A PROCEDURE TO ENSURE THAT CERTAIN DEVELOPMENT PROPOSALS COMPLY WITH LANDSCAPING AND SCREENING STANDARDS OF THIS CODE.

§ 4-502. COMMISSION TO DEVELOP MANUAL.

THE PLANNING COMMISSION MUST DEVELOP AND MAY REVISE FROM TIME TO TIME A LANDSCAPE REVIEW MANUAL THAT SETS FORTH THE REQUIRED DESIGN, REVIEW, APPROVAL, INSTALLATION, AND MAINTENANCE OF LANDSCAPE IN ACCORDANCE WITH THE GOALS AND OBJECTIVES SET FORTH IN THIS SUBTITLE.

§ 4-503. GOALS.

THE GOALS GOVERNING DEVELOPMENT OF THE LANDSCAPE REVIEW MANUAL ARE:

- (1) TO IMPROVE AND INCREASE THE CITY'S ENVIRONMENTAL QUALITY AND GREEN INFRASTRUCTURE NETWORK;
- (2) TO PRESERVE AND ENHANCE THE CITY'S CHARACTER AND SENSE OF PLACE;
- (3) TO FOSTER THE ECONOMIC VITALITY OF THE CITY'S NEIGHBORHOODS AND COMMERCIAL DISTRICTS;
- (4) TO PROVIDE A CLEAR PROCESS FOR THE DESIGN, REVIEW, AND APPROVAL OF LANDSCAPE PLANS WITHIN THE CITY'S DEVELOPMENT REVIEW PROCESS; AND
- (5) TO PROMOTE THE LONG-TERM HEALTH AND MAINTENANCE OF THE CITY'S LANDSCAPE AND TREE CANOPY.

§ 4-504. OBJECTIVES - ENVIRONMENTAL.

THE ENVIRONMENTAL OBJECTIVES GOVERNING DEVELOPMENT OF THE LANDSCAPE REVIEW MANUAL ARE:

- (1) TO FOSTER ENVIRONMENTALLY SENSITIVE SITE DESIGN THAT PRESERVES NATURAL VEGETATION AND LANDFORMS WHEN APPROPRIATE; AND
- (2) TO COMPLEMENT THE BUILT ENVIRONMENT THROUGH PLANTING THAT:
 - (1) IMPROVES WATER QUALITY AND REDUCES STORMWATER RUN-OFF;

- (II) REDUCES SOIL EROSION;
- (III) INCREASES THE CITY'S TREE CANOPY;
- (IV) PROMOTES BIODIVERSITY; AND
- (V) HELPS TO MITIGATE THE URBAN HEAT ISLAND EFFECT.

§ 4-505. OBJECTIVES - CHARACTER AND SENSE OF PLACE.

THE CHARACTER-AND-SENSE-OF-PLACE OBJECTIVES GOVERNING DEVELOPMENT OF THE LANDSCAPE REVIEW MANUAL ARE:

- (1) TO ARTICULATE SPATIAL RELATIONSHIPS, PROVIDE IMAGE, DEVELOP SENSE OF PLACE, AND IMPROVE THE AESTHETICS OF THE BUILT ENVIRONMENT;
- (2) TO ENHANCE THE QUALITY OF LIFE OF RESIDENTS THROUGH PLANTING THAT PROVIDES COMFORTABLE OUTDOOR SPACES FOR PEOPLE TO OCCUPY;
- (3) TO CREATE PEDESTRIAN AND BICYCLE-FRIENDLY ENVIRONMENTS; AND
- (4) TO PROVIDE VISUAL SCREENS, BUFFERS, AND SHADE THAT:
 - (I) DIMINISH UNDESIRABLE VIEWS;
 - (II) REDUCE GLARE, NOISE, AND HEAT; AND
 - (III) MITIGATE THE IMPACTS OF INTENSIVE USES.

§ 4-506. OBJECTIVES - ECONOMIC.

THE ECONOMIC OBJECTIVES GOVERNING DEVELOPMENT OF THE LANDSCAPE REVIEW MANUAL ARE:

- (1) TO PROVIDE LANDSCAPE DESIGN THAT IS FUNCTIONAL, COST EFFECTIVE, AND SOUND; AND
- (2) TO CREATE ENVIRONMENTS THAT ARE SAFE FOR RESIDENTS AND VISITORS AND DETERRENTS TO POTENTIAL CRIMINALS.

§ 4-507. OBJECTIVES - LANDSCAPE INSTALLATION AND MAINTENANCE.

THE LANDSCAPE-INSTALLATION-AND-MAINTENANCE OBJECTIVES GOVERNING DEVELOPMENT OF THE LANDSCAPE REVIEW MANUAL ARE

- (1) TO ENSURE THAT LANDSCAPE IS INSTALLED AND MAINTAINED IN CONFORMANCE WITH APPROVED LANDSCAPE PLANS;
- (2) TO ENSURE THAT LANDSCAPE IS INSTALLED AND MAINTAINED IN A MANNER THAT WILL PROMOTE THE PROPER HEALTH, FUNCTION, AND APPEARANCE OF THE LANDSCAPE; AND

(3) TO ENCOURAGE THE USE OF SUSTAINABLE LANDSCAPE CONSTRUCTION AND MAINTENANCE TECHNIQUES THAT SUPPORT THE GOALS ESTABLISHED BY THE BALTIMORE SUSTAINABILITY PLAN.

§ 4-508. REVIEW PROCESS.

THE LANDSCAPE REVIEW MANUAL MUST PROVIDE FOR A REVIEW PROCESS THAT:

(1) INTEGRATES THE PREPARATION, REVIEW, AND APPROVAL OF LANDSCAPE PLANS INTO THE CITY PROCESS FOR DEVELOPMENT REVIEW AND APPROVAL;

(2) COORDINATES LANDSCAPE REQUIREMENTS WITH RELATED REGULATIONS, INCLUDING THOSE FOR FOREST CONSERVATION, STORMWATER MANAGEMENT, GREEN BUILDING STANDARDS, AND THE CHESAPEAKE BAY CRITICAL AREA; AND

(3) ALLOWS FLEXIBILITY AND ENCOURAGES CREATIVE SOLUTIONS TO MEET THE GOALS AND OBJECTIVES OF THE LANDSCAPE REVIEW MANUAL.

§ 4-509. APPLICABILITY.

LANDSCAPE REVIEW IS REQUIRED FOR THE TYPES OF DEVELOPMENT SPECIFIED IN THE LANDSCAPE MANUAL.

§ 4-510. APPROVAL PREREQUISITE TO PERMIT.

LANDSCAPE REVIEW APPROVAL IS REQUIRED BEFORE ANY PERMITS MAY BE ISSUED FOR ANY DEVELOPMENT TO WHICH § 4-509 {"APPLICABILITY"} OF THIS SUBTITLE APPLIES.

§ 4-511. SUBMITTAL REQUIREMENTS.

SUBMITTAL REQUIREMENTS FOR LANDSCAPE REVIEW ARE AS FOUND IN THE LANDSCAPE REVIEW MANUAL.

§ 4-512. PROCEDURES.

THE DIRECTOR OF PLANNING MUST REVIEW THE PROJECT IN ACCORDANCE WITH THE PROCEDURES FOUND IN THE LANDSCAPE REVIEW MANUAL.

§ 4-513. REVIEW STANDARDS.

LANDSCAPE REVIEW STANDARDS ARE AS FOUND IN THE LANDSCAPE REVIEW MANUAL.

§ 4-514. ADMINISTRATIVE APPEALS.

(A) APPEAL TO COMMISSION.

AN APPLICANT WHO IS AGGRIEVED BY THE FINAL LANDSCAPE REVIEW DECISION OF THE DIRECTOR OF PLANNING MAY APPEAL THAT DECISION TO THE PLANNING COMMISSION.

(B) WHEN FILED.

APPEALS MUST BE FILED WITHIN 30 DAYS OF THE PLANNING DIRECTOR'S FINAL DECISION ON THE LANDSCAPE REVIEW.

(C) HEARING.

THE PLANNING COMMISSION MUST REVIEW THE DECISION AT A PUBLIC HEARING HELD WITHIN 45 DAYS OF RECEIVING THE APPEAL.

TITLE 5. APPLICATIONS AND AUTHORIZATIONS

SUBTITLE 1. PURPOSE OF TITLE

§ 5-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE GENERAL REGULATIONS GOVERNING ZONING APPLICATIONS, VARIANCES, CONDITIONAL USES, TEXT AND MAP AMENDMENTS, NOTICES, USE PERMITS, INTERPRETATIONS, AND VERIFICATIONS.

SUBTITLE 2. APPLICATIONS

§ 5-201. FILING.

(A) WHO MUST APPLY.

(1) AN APPLICATION FOR A VARIANCE, CONDITIONAL USE, USE PERMIT, OR ZONING APPEAL MUST BE FILED BY:

(I) THE OWNER OF PROPERTY TO WHICH THE APPLICATION APPLIES; OR

(II) A PERSON EXPRESSLY AUTHORIZED BY THE OWNER IN WRITING.

(2) AN APPLICATION FOR A ZONING TEXT AMENDMENT OR ZONING INTERPRETATION MUST BE FILED BY:

(I) AN OWNER OF ANY PROPERTY IN THE CITY;

(II) A PERSON EXPRESSLY AUTHORIZED BY A PROPERTY OWNER IN WRITING; OR

(III) ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

(3) AN APPLICATION FOR A ZONING MAP AMENDMENT MUST BE FILED BY:

(I) THE OWNER OF PROPERTY TO WHICH APPLICATION APPLIES;

(II) A PERSON EXPRESSLY AUTHORIZED BY THE OWNER IN WRITING; OR

(III) ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

(B) FILING.

- (1) ALL APPLICATIONS MUST BE FILED WITH THE ZONING ADMINISTRATOR.
- (2) AN APPLICATION MUST BE:
 - (I) ON THE FORM PROVIDED BY THE CITY; AND
 - (II) FILED WITH THE NUMBER OF COPIES THAT THE INSTRUCTIONS SPECIFY.
- (3) THE APPLICATION MUST INCLUDE THE INFORMATION, PLANS, AND DATA SPECIFIED BY THE CITY'S APPLICATION REQUIREMENTS AND SUFFICIENT TO DETERMINE WHETHER THE APPLICATION CONFORMS WITH THE REQUIREMENTS OF THIS CODE.
- (4) ALL PLANS MUST BE AT A SCALE SUFFICIENT TO PERMIT A CLEAR AND PRECISE UNDERSTANDING OF THE PROPOSAL.

(C) TRAFFIC MITIGATION.

- (1) REFERRAL TO DOT.

WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION, IF:

(I) TRAFFIC-MITIGATION REQUIREMENTS FOR THE PROPOSED STRUCTURE OR USE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS CODE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(II) THE PROPOSED STRUCTURE OR USE:

- (A) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS;
- (B) INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA;OR
- (C) INVOLVES 50 OR MORE DWELLING UNITS.

(2) MITIGATION REQUIRED.

A TRAFFIC-IMPACT STUDY OR THE PAYMENT OF A TRAFFIC-MITIGATION FEE IS REQUIRED IF ANY 1 OF THE CRITERIA SPECIFIED IN BUILDING CODE § 3802 APPLIES.

(3) PROCEDURES AND CONDUCT.

THE DIRECTOR OF TRANSPORTATION MUST REVIEW THE APPLICATION AS PROVIDED IN BUILDING CODE § 3802.

(4) MITIGATION PROCEDURE.

IF THE DIRECTOR OF TRANSPORTATION INFORMS THE APPLICANT THAT TRAFFIC MITIGATION IS REQUIRED UNDER BUILDING CODE CHAPTER 38, THE APPLICANT MUST COMPLY WITH THE APPLICABLE PROCEDURES AND REQUIREMENTS OF THAT CHAPTER.

- (D) REQUIRED SITE PLAN AND DRAWINGS.
 - (1) ZONING APPLICATIONS FOR A CONDITIONAL USE, VARIANCE, OR DESIGN REVIEW MUST BE ACCOMPANIED BY A SITE PLAN.
 - (2) THE SITE PLAN MUST:
 - (I) BE DRAWN TO SCALE AND FULLY DIMENSIONED;
 - (II) INDICATE THE LOT AND BLOCK, OR THE RELEVANT PORTIONS OF THEM;
 - (III) SHOW THE GROUND AREA, HEIGHT, AND BULK OF THE STRUCTURE, AND THE LOCATION OF THE STRUCTURE IN RELATION TO THE LOT LINES;
 - (IV) INDICATE THE USE TO BE MADE OF THE STRUCTURE OR LAND; AND
 - (V) INCLUDE ANY OTHER INFORMATION THAT THE ZONING ADMINISTRATOR REQUIRES FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THIS CODE.

§ 5-202. COMPLETENESS REVIEW.

- (A) ADMINISTRATOR TO EXAMINE.
 - (1) THE ZONING ADMINISTRATOR MUST EXAMINE ALL ZONING APPLICATIONS WITHIN 10 DAYS AFTER FILING.
 - (2) AN APPLICATION IS NOT CONSIDERED COMPLETE UNLESS, AMONG ALL OTHER REQUIREMENTS, ALL FEES ARE PAID WHEN DUE.
- (B) SUBSEQUENT CHANGES.

- (1) AFTER AN APPLICATION IS DETERMINED TO BE COMPLETE, ANY CHANGE MADE BY THE APPLICANT TO THE APPLICATION MUST BE SUBMITTED TO THE ZONING ADMINISTRATOR AND THE BOARD OF MUNICIPAL AND ZONING APPEALS NO LATER THAN 15 DAYS BEFORE THE SCHEDULED HEARING.
- (2) ANY LATER CHANGES TO THE APPLICATION MUST BE MADE ON THE RECORD AT THE HEARING.

§ 5-203. REQUIRED FEES.

EVERY APPLICATION MUST BE ACCOMPANIED BY THE REQUIRED FILING FEE.

§ 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.

§ 5-205. REAPPLICATION WAITING PERIOD.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO AN APPLICATION FOR THE RECLASSIFICATION OF PROPERTY THAT IS OR WAS A SUBJECT OF A PROPOSED COMPREHENSIVE REZONING.

(B) IN GENERAL.

WITHIN 1 YEAR AFTER AN APPLICATION HAS BEEN DENIED, THE SAME ZONING APPLICATION FOR A ZONING AMENDMENT, A VARIANCE, OR A CONDITIONAL USE FOR THE SAME PROPERTY MAY NOT BE REVIEWED OR HEARD UNLESS SUBSTANTIAL NEW EVIDENCE IS AVAILABLE.

(C) RESUBMISSION WITHIN 1 YEAR.

(1) IF A ZONING APPLICATION IS RESUBMITTED FOR THE SAME PROPERTY WITHIN THE 1-YEAR PERIOD, THE SUBSEQUENT APPLICATION MUST INCLUDE A DETAILED DESCRIPTION OF HOW THE APPLICATION IS A SUBSTANTIALLY DIFFERENT REQUEST OR HOW SUBSTANTIAL NEW EVIDENCE JUSTIFIES ITS CONSIDERATION.

(2) THE ZONING ADMINISTRATOR MUST DETERMINE WHETHER THE SUBSEQUENT APPLICATION IS A SUBSTANTIALLY DIFFERENT REQUEST OR PRESENTS SUBSTANTIAL NEW EVIDENCE THAT JUSTIFIES ITS CONSIDERATION. IF THE ZONING ADMINISTRATOR FINDS THAT THE APPLICATION IS NOT APPROPRIATE FOR RESUBMITTAL, THE ZONING ADMINISTRATOR MUST SUMMARILY, AND WITHOUT NEED FOR A HEARING, DENY THE REQUEST.

SUBTITLE 3. VARIANCES

§ 5-301. PURPOSE.

(A) IN GENERAL.

THE PURPOSE OF THE VARIANCE PROCEDURE IS TO AFFORD A PROPERTY OWNER RELIEF FROM THE REQUIREMENTS OF THE LETTER OF THE ZONING CODE WHEN UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY EXISTS.

(B) APPLICATION.

THE VARIANCE PROCEDURE APPLIES ONLY TO CHANGES IN BULK AND YARD REQUIREMENTS. IT DOES NOT APPLY TO CHANGES IN THE USES ALLOWED WITHIN A ZONING DISTRICT.

§ 5-302. MINOR AND MAJOR VARIANCES.

(A) GENERAL.

THIS CODE ALLOWS FOR 2 TYPES OF VARIANCES THAT MAY BE GRANTED UNDER THIS SUBTITLE,

MINOR VARIANCES AND MAJOR VARIANCES.

(B) MINOR VARIANCES.

(1) MINOR VARIANCES COMPRISE THE FOLLOWING SPECIFIED VARIANCES AND NO OTHERS:

(I) A REDUCTION IN LOT WIDTH BY NO MORE THAN 10% OF THE APPLICABLE MINIMUM LOT WIDTH REQUIREMENTS;

(II) A REDUCTION IN REQUIRED YARDS AND SETBACKS BY NO MORE THAN 10% OR 2 FEET, WHICHEVER IS LESS;

(III) A REDUCTION IN THE NUMBER OF OFF-STREET PARKING SPACES BY NO MORE THAN 10% OF THE APPLICABLE MINIMUM REQUIREMENTS;

(IV) A REDUCTION IN THE REQUIRED ALLEY WIDTH FOR ACCESS TO OFF-STREET PARKING; AND

(V) A VARIANCE TO BULK OR YARD REQUIREMENTS IF:

(A) THE PARCEL OF LAND IS IMPROVED WITH A NONCONFORMING STRUCTURE THAT HAS BEEN IN EXISTENCE FOR AT LEAST 50 YEARS;

(B) THE VARIANCE WOULD NOT PERMIT MORE THAN A 10% CUMULATIVE INCREASE IN THE BULK AND DENSITY OF A STRUCTURE THAT HAS BEEN IN EXISTENCE FOR 50 OR MORE YEARS; AND

(C) IN THE OPINION OF THE ZONING ADMINISTRATOR, THE APPLICATION COMPLIES WITH ALL APPLICABLE APPROVAL CRITERIA FOR VARIANCES.

(2) THE ZONING ADMINISTRATOR MAY GRANT MINOR VARIANCES FROM THE REGULATIONS OF THIS CODE.

(C) MAJOR VARIANCES.

(1) ANY VARIANCE NOT IDENTIFIED IN SUBSECTION (B) OF THIS SECTION AS A MINOR VARIANCE IS A MAJOR VARIANCE.

(2) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT MAJOR VARIANCES FROM THE REGULATIONS OF THIS CODE.

§ 5-303. INITIATION.

(A) WHO MAY FILE.

AN APPLICATION FOR A VARIANCE MAY BE FILED BY:

(1) THE OWNER OF THE PROPERTY TO WHICH THE APPLICATION APPLIES; OR

(2) ANY PERSON EXPRESSLY AUTHORIZED BY THAT OWNER IN WRITING.

(B) SUBMISSION OF APPLICATION.

(1) THE APPLICATION FOR A VARIANCE MUST BE FILED WITH ZONING ADMINISTRATOR IN ACCORDANCE WITH TITLE 5, SUBTITLE 2 {"APPLICATIONS"} OF THIS CODE.

(2) ONCE IT IS DETERMINED THAT THE APPLICATION IS COMPLETE, THE ZONING ADMINISTRATOR MUST DETERMINE:

(I) WHETHER THE APPLICATION IS FOR A MINOR VARIANCE OR A MAJOR VARIANCE; AND

(II) WHICH CITY AGENCIES AND OFFICIALS, IF ANY, SHOULD BE ASKED TO REVIEW THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT.

§ 5-304. MINOR VARIANCES.

(A) REVIEW STANDARDS; NOTICE.

THE ZONING ADMINISTRATOR MUST REVIEW AND EVALUATE THE COMPLETE APPLICATION PURSUANT TO THE STANDARDS IN § 5-308 {"APPROVAL STANDARDS"} OF THIS SUBTITLE. PUBLIC NOTICE OF THE APPLICATION MUST BE POSTED IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE.

(B) RESUBMISSION ON OBJECTION.

IF WRITTEN OBJECTION TO THE MINOR VARIANCE IS RECEIVED BEFORE THE END OF THE REQUIRED POSTING PERIOD, THE APPLICATION MUST BE RESUBMITTED TO THE BOARD OF MUNICIPAL AND ZONING APPEALS AS A MAJOR VARIANCE, SUBJECT TO THE APPLICATION, NOTICE, AND PUBLIC HEARING REQUIREMENTS APPLICABLE TO MAJOR VARIANCES.

(C) DECISION BY ADMINISTRATOR.

IF NO WRITTEN OBJECTION IS TIMELY RECEIVED, THE ZONING ADMINISTRATOR MUST RENDER A WRITTEN DECISION ON THE APPLICATION WITHIN 30 DAYS OF THE END OF THE REQUIRED POSTING PERIOD AND EITHER APPROVE, APPROVE WITH QUALIFICATIONS, OR DENY THE APPLICATION.

(D) APPEAL TO BMZA.

IF AGGRIEVED BY THE DECISION OF THE ZONING ADMINISTRATOR, THE APPLICANT MAY APPEAL THAT DECISION TO THE BOARD OF MUNICIPAL AND ZONING APPEALS. THE APPEAL MUST BE FILED WITHIN 30 DAYS OF THE ZONING ADMINISTRATOR'S DECISION.

§ 5-305. MAJOR VARIANCES.

(A) PUBLIC HEARING REQUIRED.

(1) THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST CONSIDER A PROPOSED MAJOR VARIANCE IN A PUBLIC HEARING.

(2) NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5,

SUBTITLE 6 {"NOTICES"} OF THIS CODE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE BOARD'S RECEIPT OF THE COMPLETED APPLICATION.

(B) WAIVER OF TIME LIMIT.

(1) IF, IN THE JUDGMENT OF THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE APPLICATION DOES NOT CONTAIN SUFFICIENT INFORMATION TO ENABLE THE BOARD TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE BOARD MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT OR FROM CITY AGENCIES OR OFFICIALS.

(2) IN THAT EVENT, THE 60-DAY PERIOD WILL BE SUSPENDED OR THE PUBLIC HEARING CONTINUED PENDING RECEIPT OF ALL REQUESTED INFORMATION.

(3) THE APPLICANT MAY ALSO WAIVE THIS TIME LIMIT BY REQUESTING A POSTPONEMENT FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(C) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST EVALUATE THE APPLICATION, BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, PURSUANT TO THE STANDARDS IN § 5-308 {"APPROVAL STANDARDS"} OF THIS CODE.

(D) DECISION BY BOARD.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST RENDER ITS WRITTEN DECISION, APPROVING, APPROVING WITH QUALIFICATIONS, OR DENYING THE APPLICATION, WITHIN 30 DAYS OF THE CLOSE OF THE PUBLIC HEARING. THE BOARD MAY EXTEND THIS PERIOD FOR UP TO AN ADDITIONAL 30 DAYS ON A MAJORITY VOTE OF THE BOARD AT A PUBLICLY SCHEDULED MEETING.

§ 5-306. QUALIFICATIONS.

(A) CRITERIA FOR IMPOSING.

BEFORE APPROVING ANY VARIANCE, THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL AND ZONING APPEALS, AS THE CASE MAY BE, MAY IMPOSE ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, OR OPERATION OF THE VARIANCE, ANY CONDITION, RESTRICTION, OR LIMITATION THAT IT CONSIDERS NECESSARY OR DESIRABLE TO:

(1) REDUCE OR MINIMIZE THE EFFECT OF THE VARIANCE ON OTHER PROPERTIES IN THE NEIGHBORHOOD;

(2) SECURE COMPLIANCE WITH THE STANDARDS AND REQUIREMENTS OF THIS CODE; AND

(3) BETTER CARRY OUT THE INTENT AND PURPOSE OF THIS SUBTITLE.

(B) ASSURANCES OF COMPLIANCE.

THE ZONING ADMINISTRATOR OR BOARD OF MUNICIPAL AND ZONING APPEALS, AS THE CASE MAY BE, MAY REQUIRE WHATEVER EVIDENCE AND GUARANTEES CONSIDERED NECESSARY TO ASSURE THAT THE CONDITIONS, RESTRICTIONS, AND LIMITATIONS IMPOSED WILL BE MET AND COMPLIED WITH.

(C) FAILURE TO COMPLY IS A VIOLATION OF CODE.

FAILURE TO COMPLY WITH ANY CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SECTION CONSTITUTES A VIOLATION OF THIS CODE.

§ 5-307. VARIANCE LESS THAN REQUESTED.

A VARIANCE LESS THAN THAT REQUESTED MAY BE GRANTED BY THE ZONING ADMINISTRATOR OR BOARD OF MUNICIPAL AND ZONING APPEALS, AS THE CASE MAY BE, IF THE RECORD SUPPORTS THE APPLICANT'S RIGHT TO SOME RELIEF, BUT NOT TO THE ENTIRE RELIEF REQUESTED.

§ 5-308. APPROVAL STANDARDS.

(A) REQUIRED FINDING OF UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY.

IN ORDER TO GRANT A VARIANCE, THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL AND ZONING APPEALS, AS THE CASE MAY BE, MUST FIND THAT, BECAUSE OF THE PARTICULAR PHYSICAL SURROUNDINGS, SHAPE, OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC STRUCTURE OR LAND INVOLVED, AN UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY, AS DISTINGUISHED FROM A MERE INCONVENIENCE, WOULD RESULT IF THE STRICT LETTER OF THE APPLICABLE REQUIREMENT WERE CARRIED OUT.

(B) OTHER REQUIRED FINDINGS.

THE ZONING ADMINISTRATOR OR BOARD OF MUNICIPAL AND ZONING APPEALS, 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 OTHERWISE:
 - (I) BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE; OR
 - (II) BE IN ANY WAY BE CONTRARY TO THE PUBLIC INTEREST.

§ 5-309. EXPIRATION OF APPROVAL.

- (A) EXERCISE WITHIN YEAR REQUIRED.

A VARIANCE LAPSES AND BECOMES VOID 1 YEAR FROM THE DATE OF ITS FINAL APPROVAL, UNLESS SUBSTANTIAL CONSTRUCTION HAS OCCURRED WITHIN THAT YEAR.

- (B) EXTENSION BY BMZA.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT AN EXTENSION OF THIS PERIOD, FOR BOTH MINOR AND MAJOR VARIANCES, ON WRITTEN APPLICATION AND FOR GOOD CAUSE SHOWN, WITHOUT NOTICE OR HEARING.

§ 5-310. CHART OF VARIANCE PROCESS.

FIGURE 5-310: VARIANCE PROCESS SUMMARIZES THE PROCESS BY WHICH VARIANCES MAY BE APPROVED.

SUBTITLE 4. CONDITIONAL USES

§ 5-401. PURPOSE.

- (A) GENERAL.

THIS CODE IS BASED ON THE DIVISION OF THE CITY INTO DISTRICTS, IN WHICH THE USES OF LAND AND STRUCTURES AND THE BULK AND LOCATION OF STRUCTURES IN RELATION TO THE LAND ARE SUBSTANTIALLY UNIFORM. CERTAIN USES EXIST, HOWEVER, THAT, BECAUSE OF THEIR UNIQUE CHARACTERISTICS, CANNOT PROPERLY BE CLASSIFIED IN ANY PARTICULAR DISTRICT WITHOUT CONSIDERATION, IN EACH CASE, OF THE IMPACT OF THOSE USES ON NEIGHBORING LAND AND OF THE PUBLIC NEED FOR THE PARTICULAR USE AT THE PARTICULAR LOCATION. THESE USES, REFERRED TO AS CONDITIONAL USES, MAY ONLY BE APPROVED AS SPECIFIED IN THIS SUBTITLE.

(B) BULK STANDARDS.

IN CERTAIN DISTRICTS, BULK STANDARDS ARE ALLOWED ADDITIONAL INTENSITY BY CONDITIONAL USE APPROVAL. THE CONDITIONAL USE IN THESE SITUATIONS IS INTERPRETED AS ALLOWING THE USE WITHIN THE STRUCTURE TO BE MORE INTENSE THAN WOULD BE ALLOWED UNDER PERMITTED DISTRICT STANDARDS.

§ 5-402. INITIATION.

AN APPLICATION FOR A CONDITIONAL USE MAY BE FILED BY:

- (1) THE OWNER OF PROPERTY TO WHICH THE APPLICATION APPLIES; OR
- (2) ANY PERSON EXPRESSLY AUTHORIZED BY THAT OWNER IN WRITING.

§ 5-403. SUBMISSIONS AND REFERRALS.

(A) SUBMISSIONS..

THE APPLICATION FOR A CONDITIONAL USE MUST BE FILED WITH ZONING ADMINISTRATOR IN ACCORDANCE WITH TITLE 5, SUBTITLE 2 {"APPLICATIONS"} OF THIS CODE.

(B) REFERRAL TO BMZA FOR ACTION.

ONCE THE ZONING ADMINISTRATOR DETERMINES THAT THE APPLICATION IS COMPLETE, THE ZONING ADMINISTRATOR MUST FORWARD THE APPLICATION TO THE BOARD OF MUNICIPAL AND ZONING APPEALS FOR ITS CONSIDERATION AND ACTION ON THE APPLICATION.

(C) REFERRAL TO PLANNING DIRECTOR, OTHERS FOR RECOMMENDATION.

THE ZONING ADMINISTRATOR MUST ALSO REFER THE COMPLETED APPLICATION TO THE FOLLOWING, FOR THEIR SUBMISSION WITHIN 15 DAYS OF THE REFERRAL, OF WRITTEN REPORTS AND RECOMMENDATIONS TO THE BOARD OF MUNICIPAL AND ZONING APPEALS:

- (1) THE DEPARTMENT OF PLANNING; AND
- (2) ANY OTHER CITY AGENCIES AND OFFICIALS THAT THE ZONING ADMINISTRATOR DETERMINES SHOULD BE ASKED TO REVIEW THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT.

§ 5-404. ACTION BY BMZA.

(A) PUBLIC HEARING REQUIRED.

- (1) THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST CONSIDER A PROPOSED CONDITIONAL USE IN A PUBLIC HEARING.
- (2) NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE.

(3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE BOARD'S RECEIPT OF THE COMPLETED APPLICATION.

(4) IF THE DEPARTMENT OF PLANNING OR OTHER CITY AGENCY OR OFFICIAL FAILS TO TIMELY SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY PROCEED WITHOUT THAT REPORT AND RECOMMENDATIONS.

(B) WAIVER OF TIME LIMIT.

(1) IF, IN THE JUDGMENT OF THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE APPLICATION DOES NOT CONTAIN SUFFICIENT INFORMATION TO ENABLE THE BOARD TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE BOARD MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT OR FROM CITY AGENCIES OR OFFICIALS.

(2) IN THAT EVENT, THE 60-DAY PERIOD WILL BE SUSPENDED OR THE PUBLIC HEARING CONTINUED PENDING RECEIPT OF ALL REQUESTED INFORMATION.

(3) THE APPLICANT MAY ALSO WAIVE THIS TIME LIMIT BY REQUESTING A POSTPONEMENT FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(C) REVIEW STANDARDS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST EVALUATE THE APPLICATION, BASED ON THE EVIDENCE PRESENTED AT THE PUBLIC HEARING, PURSUANT TO THE STANDARDS IN § 5-406 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(D) DECISION OF BOARD.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST RENDER ITS WRITTEN DECISION, APPROVING, APPROVING WITH CONDITIONS, OR DENYING THE APPLICATION WITHIN 30 DAYS OF THE CLOSE OF THE PUBLIC HEARING.

§ 5-405. CONDITIONS ON CONDITIONAL USES.

(A) CRITERIA FOR IMPOSING.

BEFORE APPROVING ANY CONDITIONAL USE, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY IMPOSE ON THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, OR OPERATION OF THE CONDITIONAL USE ANY CONDITION, RESTRICTION, OR LIMITATION THAT IT CONSIDERS NECESSARY FOR THE PROTECTION OF THE PUBLIC INTEREST.

(B) FAILURE TO COMPLY IS A VIOLATION OF CODE.

FAILURE TO COMPLY WITH ANY CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SUBTITLE:

(1) CONSTITUTES A VIOLATION OF THIS CODE; AND

(2) IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, IS GROUNDS FOR MODIFICATION, SUSPENSION, OR REVOCATION OF THE CONDITIONAL USE.

§ 5-406. APPROVAL STANDARDS.

(A) LIMITED CRITERIA FOR DENYING.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY NOT APPROVE A CONDITIONAL USE UNLESS, ON CONSIDERATION OF THE STANDARDS REQUIRED BY THIS SUBTITLE, IT FINDS THAT:

(1) THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, OR OPERATION OF THE CONDITIONAL USE WOULD NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE;

(2) THE USE 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; OR

(4) THE AUTHORIZATION WOULD NOT 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 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 COMPREHENSIVE MASTER PLAN;
- (11) THE PROVISIONS OF ANY APPLICABLE URBAN RENEWAL PLAN;
- (12) ALL APPLICABLE STANDARDS AND REQUIREMENTS OF THIS CODE;
- (12) THE INTENT AND PURPOSE OF THIS CODE;
- (14) ANY OTHER MATTERS CONSIDERED TO BE IN THE INTEREST OF THE GENERAL WELFARE.

§ 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 OBTAINED; AND
- (2) EITHER:
 - (I) THE ERECTION OR ALTERATION OF A STRUCTURE IS STARTED; OR
 - (II) THE USE IS BEGUN WITHIN SUCH PERIOD.

(B) EXTENSION BY BMZA.

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.

§ 5-408. 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.

§ 5-409. REVOCATIONS, ETC., OF CONDITIONAL USE.

(A) ATTEMPTED RESOLUTION.

WHENEVER THE ZONING ADMINISTRATOR LEARNS OF A VIOLATION OF A CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SUBTITLE, THE ZONING ADMINISTRATOR MUST ATTEMPT TO RESOLVE THE VIOLATION INFORMALLY AND PROMPTLY.

(B) NOTICE OF PROPOSED ACTION.

(1) IF THE ZONING ADMINISTRATOR IS UNABLE TO RESOLVE THE VIOLATION, THE ZONING ADMINISTRATOR MUST ISSUE A NOTICE OF PROPOSED REVOCATION TO:

- (I) THE OWNERS OF RECORD OF THE PROPERTY, AS SHOWN ON THE TAX RECORDS OF

BALTIMORE CITY;

(II) THE PERSONS TO WHOM THE CONDITIONAL USE APPROVAL WAS GRANTED OR THE CURRENT OPERATOR;

(III) THE OWNERS OF RECORD OF THE PROPERTIES IMMEDIATELY ADJACENT TO THE PROPERTY;
AND

(IV) THE COMMUNITY, NEIGHBORHOOD, OR IMPROVEMENT ASSOCIATION LISTED WITH THE DEPARTMENT OF PLANNING FOR THE AREA IN WHICH THE PROPERTY LIES.

(2) A COPY OF THE NOTICE MUST BE PROVIDED TO THE DEPARTMENT OF PLANNING.

(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.

(D) HOW SERVED.

ALL NOTICES MUST BE SERVED BY 1 OF THE FOLLOWING METHODS:

(1) FIRST CLASS MAIL;

(2) PERSONAL SERVICE BY AN AUTHORIZED REPRESENTATIVE OF THE CITY, WHICH SERVICE MUST BE CERTIFIED ON THE RECORDS OF THE ZONING ADMINISTRATOR; OR

(3) IF SERVICE BY EITHER OF THOSE METHODS FAILS, POSTING OF THE PROPERTY.

(E) REFERRAL TO BOARD.

(1) IF THE VIOLATION IS NOT CORRECTED WITHIN THE TIME SPECIFIED, THE ZONING ADMINISTRATOR MUST FORWARD THE RECORD OF THIS MATTER TO THE BOARD OF MUNICIPAL AND ZONING APPEALS AND REQUEST THE BOARD TO SCHEDULE A HEARING.

(2) ON RECEIPT OF THE REQUEST, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST PROMPTLY SCHEDULE THE MATTER FOR A HEARING, TO BE HELD AS SOON AS PRACTICABLE.

(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;
 - (II) SUSPEND THE CONDITIONAL USE SUBJECT TO COMPLETION OF CORRECTIVE ACTION OR OTHER CONDITION SET BY THE BOARD; OR
 - (III) AFFIRM THE CONDITIONAL USE, SUBJECT TO A SCHEDULE FOR CORRECTIVE ACTION, WITH PROVISION FOR AUTOMATIC TERMINATION IF THE SCHEDULE IS NOT MET.
- (2) THE BOARD'S FINDINGS MUST BE SPECIFICALLY DOCUMENTED IN THE RECORD.

§ 5-410. CHART OF CONDITIONAL USE PROCESS.

FIGURE 5-410: CONDITIONAL USE PROCESS SUMMARIZES THE PROCESS BY WHICH CONDITIONAL USES MAY BE APPROVED.

SUBTITLE 5. ZONING AMENDMENTS

§ 5-501. PURPOSE.

THE REGULATIONS IMPOSED AND THE ZONING DISTRICT BOUNDARIES CREATED UNDER AUTHORITY OF THIS CODE MAY BE AMENDED FROM TIME TO TIME BY THE CITY COUNCIL IN ACCORDANCE WITH THIS SUBTITLE.

§ 5-502. EXCEPTION FOR CORRECTIVE BILLS.

THIS SUBTITLE DOES NOT APPLY TO ANY TEXT AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR SPELLING AND DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THIS CODE.

§ 5-503. APPLICATION FOR AMENDMENT.

(A) TEXT AMENDMENT.

AN APPLICATION FOR A ZONING TEXT AMENDMENT MAY BE FILED BY ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

(B) MAP AMENDMENT.

AN APPLICATION FOR A ZONING MAP AMENDMENT (OTHER THAN A COMPREHENSIVE REZONING) MAY BE FILED:

- (1) BY THE OWNER OF THE PROPERTY TO WHICH APPLICATION APPLIES;
- (2) BY ANY PERSON EXPRESSLY AUTHORIZED BY THAT OWNER IN WRITING; OR
- (3) BY ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

(C) COMPREHENSIVE REZONING.

A COMPREHENSIVE REZONING MAY BE INITIATED ONLY BY CITY GOVERNMENT.

§ 5-504. SUBMISSIONS AND REFERRALS.

(A) SUBMISSION.

(1) ALL APPLICATIONS MUST BE FILED WITH ZONING ADMINISTRATOR IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 5, SUBTITLE 2 {"APPLICATIONS"} OF THIS CODE.

(2) A ZONING AMENDMENTS INITIATED BY THE CITY, A COUNCILMEMBER, OR OTHER CITY OFFICIAL ALSO REQUIRES AN APPLICATION, BUT IS EXEMPT FROM FEES.

(B) REFERRAL TO PLANNING COMMISSION.

ONCE THE ZONING ADMINISTRATOR DETERMINES THAT THE APPLICATION IS COMPLETE, THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION TO THE PLANNING COMMISSION FOR ITS CONSIDERATION AND RECOMMENDATION.

(C) REFERRAL TO OTHER AGENCIES.

ONCE AN APPLICATION IS RECEIVED BY THE PLANNING COMMISSION, THE DIRECTOR OF PLANNING MUST DETERMINE WHICH CITY AGENCIES AND OFFICIALS, IF ANY, SHOULD BE ASKED TO REVIEW THE APPLICATION AND SUBMIT WRITTEN REPORTS AND RECOMMENDATIONS ON IT. THE FAILURE OF AN AGENCY OR OFFICIAL TO SUBMIT A REPORT AND RECOMMENDATIONS DOES NOT PREVENT THE PLANNING COMMISSION FROM ACTING ON THE APPLICATION.

§ 5-505. ACTION BY PLANNING COMMISSION.

(A) PUBLIC HEARING.

(1) THE PLANNING COMMISSION MUST CONSIDER A PROPOSED ZONING AMENDMENT IN A PUBLIC HEARING. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"} OF THIS CODE. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HEARING MUST BE CONCLUDED NO MORE THAN 60 DAYS FROM THE COMMISSION'S RECEIPT OF THE COMPLETED APPLICATION.

(2) IF, IN THE PLANNING COMMISSION'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN SUFFICIENT INFORMATION TO ENABLE THE COMMISSION TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE COMMISSION MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT OR FROM CITY AGENCIES OR OFFICIALS. IN THAT EVENT, THE 60-DAY PERIOD WILL BE SUSPENDED OR THE PUBLIC HEARING CONTINUED PENDING RECEIPT OF ALL REQUESTED INFORMATION.

(3) THE PLANNING COMMISSION MUST RENDER ITS DECISION:

(I) WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING; OR

(II) IF ADDITIONAL INFORMATION WAS REQUESTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS OF RECEIPT OF THAT INFORMATION.

(4) IF THE APPLICATION IS NOT HEARD OR DECIDED BY THE PLANNING COMMISSION WITHIN THE TIMES SPECIFIED, THE PROPOSED AMENDMENT MAY BE INTRODUCED INTO THE CITY COUNCIL.

(B) REVIEW STANDARDS.

THE PLANNING COMMISSION MUST EVALUATE EACH APPLICATION IN ACCORDANCE WITH THE APPLICABLE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(C) WRITTEN RECOMMENDATIONS - REQUIRED.

(1) THE PLANNING COMMISSION MUST ISSUE WRITTEN RECOMMENDATIONS ON THE ZONING AMENDMENT.

(2) THESE RECOMMENDATIONS, TOGETHER WITH ALL AGENCY REPORTS AND RECOMMENDATIONS RECEIVED, MUST BE FORWARDED WITHIN 15 DAYS OF THE CLOSE OF THE PUBLIC HEARING TO THE APPLICANT AND TO THE CITY COUNCIL'S EXECUTIVE SECRETARY.

(D) WRITTEN RECOMMENDATIONS - OPTIONS.

(1) FOR A TEXT AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND APPROVAL, AMENDMENT, OR DENIAL OF THE APPLICATION.

(2) FOR A MAP AMENDMENT, THE PLANNING COMMISSION MAY RECOMMEND:

(I) APPROVAL OR DENIAL OF THE APPLICATION;

(II) AN ALTERNATIVE ZONING DESIGNATION THAN THAT APPLIED FOR; OR

(III) THE REMOVAL OR ADDITION OF PROPERTIES FROM THE APPLICATION.

§ 5-506. INTRODUCTION TO CITY COUNCIL AND REFERRALS.

(A) INTRODUCTION OF BILL.

(1) ON ISSUANCE OF THE PLANNING COMMISSION'S REPORT AND RECOMMENDATIONS, A BILL CONTAINING THE PROPOSED TEXT OR MAP AMENDMENT MAY BE INTRODUCED INTO THE CITY COUNCIL.

(2) IF THE PLANNING COMMISSION FAILS TO SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS WITHIN THE REQUIRED 15-DAY PERIOD, THE AMENDMENT MAY BE INTRODUCED WITHOUT THAT REPORT AND RECOMMENDATIONS. THE APPLICANT MAY WAIVE THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF THE REPORTING PERIOD BY GIVING WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE PRESIDENT OF THE CITY COUNCIL, WITH COPIES TO THE PLANNING COMMISSION AND THE ZONING ADMINISTRATOR.

(B) REFERRALS - PLANNING COMMISSION TO ASSESS CONFORMANCE.

(1) ON INTRODUCTION OF THE BILL, THE CITY COUNCIL MUST REFER IT TO THE PLANNING

COMMISSION TO DETERMINE WHETHER THE BILL CONFORMS WITH THE APPLICATION PREVIOUSLY SUBMITTED TO THE PLANNING COMMISSION. THIS DETERMINATION MUST BE COMPLETED WITHIN 15 DAYS.

(2) IF THE PLANNING COMMISSION DETERMINES THAT THE BILL IS NOT IN CONFORMANCE, THE COMMISSION MAY SCHEDULE A PUBLIC HEARING ON THE BILL, TO BE HELD WITHIN 30 DAYS OF THIS DETERMINATION.

(C) REFERRALS - BMZA FOR REPORT AND RECOMMENDATIONS.

(1) ON INTRODUCTION OF THE BILL, THE CITY COUNCIL MUST ALSO REFER IT TO THE BOARD OF MUNICIPAL AND ZONING APPEALS FOR ITS WRITTEN REPORT AND RECOMMENDATIONS.

(2) WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, BOARD OF MUNICIPAL AND ZONING APPEALS MUST SUBMIT ITS WRITTEN REPORT AND RECOMMENDATION TO THE CITY COUNCIL, WITH A COPY TO THE ZONING ADMINISTRATOR.

(D) REFERRALS - OTHER AGENCIES FOR REPORT AND RECOMMENDATIONS.

(1) ON INTRODUCTION OF THE BILL, THE BILL MAY ALSO BE REFERRED FOR WRITTEN REPORTS AND RECOMMENDATIONS TO ANY OTHER AGENCIES THAT THE CITY COUNCIL PRESIDENT SPECIFIES.

(2) WITHIN 30 DAYS OF THE BILL'S INTRODUCTION, THESE AGENCIES MUST SUBMIT THEIR WRITTEN REPORTS AND RECOMMENDATIONS TO THE CITY COUNCIL, WITH A COPY TO THE ZONING ADMINISTRATOR.

(E) REFERRALS - DOT FOR POSSIBLE TRAFFIC MITIGATION.

WITHIN 15 BUSINESS DAYS OF THE BILL'S INTRODUCTION, THE CITY COUNCIL MUST REFER THE BILL AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND, IF REQUIRED, TRAFFIC MITIGATION, AS PROVIDED IN § 5-201(C) {"[APPLICATIONS:] TRAFFIC MITIGATION"} OF THIS CODE, IF:

(1) TRAFFIC MITIGATION REQUIREMENTS HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS CODE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(2) THE PROPOSED ZONING AMENDMENT:

(I) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805 AND INVOLVES 10 OR MORE DWELLING UNITS;

(II) INVOLVES 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; OR

(III) INVOLVES 50 OR MORE DWELLING UNITS.

(F) AGENCY FAILURE TO REPORT.

(1) IF AN AGENCY FAILS TO SUBMIT ITS WRITTEN REPORT AND RECOMMENDATIONS WITHIN

THE PERIOD SPECIFIED BY THIS SECTION, THE CITY COUNCIL MAY PROCEED WITHOUT THAT REPORT AND RECOMMENDATIONS.

(2) HOWEVER, THE APPLICANT MAY WAIVE THIS TIME LIMIT AND CONSENT TO AN EXTENSION OF THE REPORTING PERIOD BY GIVING WRITTEN NOTICE OF THE WAIVER AND CONSENT TO THE PRESIDENT OF THE CITY COUNCIL, WITH COPIES TO THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, AND THE ZONING ADMINISTRATOR.

§ 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, TO BE HELD WITHIN 90 DAYS OF THE INTRODUCTION. NOTICE OF THE PUBLIC HEARING MUST BE GIVEN IN ACCORDANCE WITH TITLE 5, SUBTITLE 6 {"NOTICES"}.

(2) THE COMMITTEE MUST EVALUATE THE BILL UNDER THE APPLICABLE STANDARDS IN § 5-508 {"APPROVAL STANDARDS"} OF THIS SUBTITLE.

(B) COUNCIL OPTIONS.

(1) FOR A TEXT AMENDMENT, THE CITY COUNCIL MAY APPROVE, DISAPPROVE, OR AMEND THE BILL PROPOSING THE TEXT AMENDMENT.

(2) FOR A MAP AMENDMENT, THE CITY COUNCIL MAY:

(I) APPROVE OR DISAPPROVE THE BILL PROPOSING THE MAP AMENDMENT;

(II) APPROVE AN ALTERNATIVE ZONING DESIGNATION THAN THAT PROPOSED IN THE MAP AMENDMENT; OR

(III) APPROVE THE REMOVAL OR ADDITION OF PROPERTIES FROM THE MAP AMENDMENT.

(C) REHEARING ON AMENDMENT.

(1) EXCEPT AS OTHERWISE SPECIFIED IN THIS SUBSECTION, WHENEVER A BILL PROPOSING ANY ZONING AMENDMENT IS AMENDED:

(I) ANOTHER PUBLIC HEARING MUST BE HELD ON THE BILL AS AMENDED; AND

(II) THE REQUIREMENTS OF THIS SUBTITLE FOR NOTICE AND FOR AGENCY REPORTS APPLY TO THE ADDITIONAL HEARING.

(2) AN ADDITIONAL HEARING IS NOT REQUIRED FOR:

(I) AN AMENDMENT THAT CONSISTS ONLY OF A CHANGE IN PUNCTUATION, GRAMMAR, OR SPELLING AND DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE ORDINANCE;

(II) ANY OTHER AMENDMENT THAT DOES NOT IN ANY WAY ALTER THE SUBSTANCE OF THE ORDINANCE;

(III) AN AMENDMENT PROPOSED BY THE COMMITTEE; OR

(IV) AN AMENDMENT TO A COMPREHENSIVE REZONING IF, FOR AT LEAST 14 DAYS BEFORE ANY VOTE IS TAKEN ON THE AMENDMENT, A DESCRIPTION OF THE AMENDMENT:

(A) HAS BEEN PROVIDED TO THE DEPARTMENT OF LEGISLATIVE REFERENCE AND TO THE DEPARTMENT OF PLANNING AND BY THEM MADE AVAILABLE FOR INSPECTION AND COPYING BY THE PUBLIC; AND

(B) HAS BEEN POSTED ON THE DEPARTMENT OF PLANNING'S WEBSITE.

(D) FAILURE TO APPROVE.

A BILL PROPOSING A ZONING AMENDMENT IS CONSIDERED TO HAVE FAILED AND THE APPLICATION DENIED IF THE CITY COUNCIL FAILS TO ACT FINALLY ON THE BILL WITHIN 12 MONTHS FROM THE EARLIER OF:

(1) THE DATE OF RECEIVING THE LAST OF THE REQUIRED AGENCY REPORTS AND RECOMMENDATIONS; AND

(2) THE LAST DAY OF THE AGENCY REPORTING PERIOD, AS SET BY SUBSECTION (C) OF THIS SECTION.

§ 5-508. APPROVAL STANDARDS.

(A) IN GENERAL.

THE PLANNING COMMISSION'S RECOMMENDATIONS AND THE CITY COUNCIL'S DECISION ON ANY ZONING AMENDMENT MUST CONSIDER THE STANDARDS SET FORTH IN THIS SECTION.

(B) MAP AMENDMENTS.

(1) REQUIRED FINDINGS.

AS REQUIRED BY THE STATE LAND USE ARTICLE, THE CITY COUNCIL MAY GRANT THE AMENDMENT BASED ON A FINDING THAT THERE WAS EITHER:

(I) A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED; OR

(II) A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

(2) ADDITIONAL STANDARDS - GENERAL.

ADDITIONAL STANDARDS THAT MUST BE CONSIDERED FOR MAP AMENDMENTS ARE:

(I) EXISTING USES OF PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;

(II) THE ZONING CLASSIFICATION OF OTHER PROPERTY WITHIN THE GENERAL AREA OF THE PROPERTY IN QUESTION;

(III) THE SUITABILITY OF THE PROPERTY IN QUESTION FOR THE USES PERMITTED UNDER ITS EXISTING ZONING CLASSIFICATION;

(IV) THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, THAT HAVE TAKEN PLACE SINCE THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION; AND

(V) AS DESCRIBED THE STATE LAND USE ARTICLE:

(A) POPULATION CHANGES;

(B) THE AVAILABILITY OF PUBLIC FACILITIES;

(C) PRESENT AND FUTURE TRANSPORTATION PATTERNS;

(D) COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;

(E) THE RECOMMENDATIONS OF CITY AGENCIES AND OFFICIALS; AND

(F) THE PROPOSED AMENDMENT'S CONSISTENCY WITH THE CITY'S COMPREHENSIVE MASTER PLAN.

(3) 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 CONSISTENT WITH THE CITY'S COMPREHENSIVE MASTER PLAN;

(B) WOULD NOT IMPEDE, DIMINISH, OR PRECLUDE TRANSPORTATION ACCESS INTO OR OUT OF THE MARITIME INDUSTRIAL DISTRICT;

(C) WOULD NOT RESULT IN OR ENCOURAGE A LOSS OF EXISTING DEEP WATER ASSETS OF THE MARITIME INDUSTRIAL DISTRICT;

(D) WOULD NOT RESULT IN CHANGES TO THE ECONOMIC VIABILITY OF ADJACENT MARITIME INDUSTRIAL LAND USES DUE TO THE ENCROACHMENT OF NON-COMPATIBLE USES;

(E) WOULD NOT REDUCE OR IMPEDE CURRENT OR FUTURE MARITIME INDUSTRIAL ECONOMIC DEVELOPMENT GROWTH IN THE MARITIME INDUSTRIAL DISTRICT;

(F) WOULD ESTABLISH AN ADEQUATE PHYSICAL SEPARATION THAT WILL BUFFER NON-INDUSTRIAL LAND USES FROM MARITIME INDUSTRIAL USES; AND

(G) WOULD ADHERE WITH FEDERAL AND STATE LAWS REGARDING HOMELAND SECURITY, GENERALLY, AND PORT SAFETY, SPECIFICALLY.

(II) IF AN APPLICATION IS FILED TO REZONE PROPERTY FROM THE MARITIME INDUSTRIAL

DISTRICT, THE DIRECTOR OF PLANNING MUST NOTIFY THE MARYLAND PORT ADMINISTRATION AND ANY ADJACENT PROPERTY OWNERS OF THE APPLICATION. AT LEAST 30 DAYS BEFORE THE PLANNING COMMISSION HEARINGS ON THE APPLICATION, THE DIRECTOR OF PLANNING MUST SEEK AN OPINION FROM THE MARYLAND PORT ADMINISTRATION ON THE APPLICATION OF THE CRITERIA LISTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(B) TEXT AMENDMENTS.

STANDARDS THAT MUST BE CONSIDERED FOR TEXT AMENDMENTS ARE:

- (1) THE AMENDMENT'S CONSISTENCY WITH THE CITY'S COMPREHENSIVE MASTER PLAN;
- (2) WHETHER THE AMENDMENT WOULD PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE;
- (3) THE AMENDMENT'S CONSISTENCY WITH THE INTENT AND GENERAL REGULATIONS OF THIS CODE;
- (4) WHETHER THE AMENDMENT WOULD CORRECT AN ERROR OR OMISSION, CLARIFY EXISTING REQUIREMENTS, OR EFFECT A CHANGE IN POLICY; AND
- (5) THE EXTENT TO WHICH THE AMENDMENT WOULD CREATE NONCONFORMITIES.

§ 5-509. CHART OF AMENDMENT PROCESS.

FIGURE 5-509: AMENDMENT PROCESS SUMMARIZES THE PROCESS BY WHICH ZONING AMENDMENTS MAY BE APPROVED.

SUBTITLE 6. NOTICES

§ 5-601. CITY COUNCIL - 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 READ.

(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 A ZONING MAP AMENDMENT, OTHER THAN A COMPREHENSIVE REZONING, A CHANGE IN THE BOUNDARIES OF A ZONING DISTRICT, OR THE CREATION OR MODIFICATION OF A PLANNED UNIT DEVELOPMENT:

(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, A CHANGE IN DISTRICT BOUNDARIES, OR THE CREATION OR MODIFICATION OF A PLANNED UNIT DEVELOPMENT:

(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 - 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 PUD'S.

FOR A ZONING MAP AMENDMENT OR THE CREATION OR MODIFICATION OF A PLANNED UNIT DEVELOPMENT, THE POSTED NOTICE:

(1) MUST BE POSTED AT LEAST 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.

§ 5-602. BMZA - MAJOR VARIANCES; CONDITIONAL USES.

(A) HEARING REQUIRED.

FOR MAJOR VARIANCES AND CONDITIONAL USES, THE BOARD OF MUNICIPAL AND ZONING 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 READ.

(B) NOTICE OF HEARING REQUIRED.

NOTICE OF THE HEARING MUST BE GIVEN BY POSTING IN A CONSPICUOUS PLACE ON THE SUBJECT PROPERTY.

(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 VARIANCE OR CONDITIONAL USE;
- (3) THE NAME OF THE APPLICANT; AND
- (4) HOW ADDITIONAL INFORMATION ON THE MATTER CAN BE OBTAINED.

(D) NUMBER AND MANNER OF POSTED NOTICES.

- (1) 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) 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;

(III) 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

(IV) 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 NOTICE.

THE POSTED NOTICE:

- (1) MUST BE POSTED AT LEAST AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING; AND
- (2) REMOVED WITHIN 48 HOURS AFTER CONCLUSION OF THE PUBLIC HEARING.

§ 5-603. ZONING ADMINISTRATOR - MINOR VARIANCES.

(A) NOTICE OF APPLICATION REQUIRED.

NOTICE OF AN APPLICATION FOR A MINOR VARIANCE MUST BE GIVEN BY POSTING IN A CONSPICUOUS PLACE ON THE SUBJECT PROPERTY.

(B) CONTENTS OF NOTICE.

THE NOTICE MUST INCLUDE:

- (1) THE PURPOSE OF THE APPLICATION;
- (2) THE ADDRESS OF THE SUBJECT PROPERTY OR A DRAWING OR DESCRIPTION OF THE BOUNDARIES OF THE AREA AFFECTED BY THE PROPOSED REZONING;

- (3) THE NAME OF THE APPLICANT; AND
- (4) WHERE, HOW, AND BY WHEN ANY OBJECTIONS MUST BE FILED.

(C) NUMBER AND MANNER OF POSTED NOTICES.

- (1) THE NUMBER AND MANNER OF POSTING IS AS FOLLOWS:

- (I) FOR A PROPERTY WITH MORE THAN 1 STREET FRONTAGE, AT LEAST 1 SIGN MUST BE VISIBLE FROM EACH STREET FRONTAGE;

- (II) 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;

- (III) 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

- (IV) 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.

(D) TIMING OF NOTICE.

THE POSTED NOTICE:

- (1) MUST BE POSTED AT LEAST AT LEAST 10 DAYS BEFORE THE ZONING ADMINISTRATOR MAKES A DECISION ON THE APPLICATION; AND

- (2) REMOVED WITHIN 48 HOURS AFTER THE A WRITTEN DECISION IS ISSUED.

§ 5-604 TO 5-605. {RESERVED}

§ 5-606. RESPONSIBILITY FOR NOTICES.

THE NOTICES REQUIRED BY THIS SUBTITLE MUST BE GIVEN BY AND AT THE EXPENSE OF THE FOLLOWING:

- (1) THE APPLICANT, FOR APPLICATIONS INITIATED BY OR ON BEHALF OF A PROPERTY OWNER; AND

- (2) THE MAYOR AND CITY COUNCIL, FOR APPLICATIONS INITIATED BY THE CITY.

§ 5-607. ELECTRONIC NOTICE.

THE CITY COUNCIL OR THE BOARD OF MUNICIPAL AND ZONING APPEALS, AS THE CASE MAY BE, MAY ALSO PROVIDE AN ADDITIONAL, ELECTRONIC NOTICE BY WEBSITE OR EMAIL FOR ALL PUBLIC HEARINGS UNDER THIS CODE. THIS NOTICE IS DISCRETIONARY, AND ANY DEFECT IN OR FAILURE TO STRICTLY ADHERE TO AN ELECTRONIC NOTICE IS NOT A BASIS FOR DECLARING ANY ZONING MATTER INVALID.

§ 5-608. SUMMARY OF NOTICE REQUIREMENTS.

FIGURE 5-601: SUMMARY OF NOTICE REQUIREMENTS SUMMARIZES THE TYPES OF NOTICE REQUIRED FOR VARIOUS ZONING APPLICATIONS.

SUBTITLE 7. USE PERMIT

§ 5-701. PURPOSE OF SUBTITLE.

THE PURPOSE OF THIS SUBTITLE IS TO SET OUT THE REQUIREMENTS FOR OBTAINING A USE PERMIT.

§ 5-702. NATURE OF PERMIT.

A USE PERMIT IS A DOCUMENT ISSUED FOR A STRUCTURE OR LAND THAT STATES THAT THE USE OR OCCUPANCY OF THE STRUCTURE OR LAND:

- (1) COMPLIES WITH THE PROVISIONS OF THIS CODE; AND
- (2) IS THE AUTHORIZED USE FOR THAT STRUCTURE OR LAND.

§ 5-703. AUTHORIZATION AND ISSUANCE.

A USE PERMIT FOR A STRUCTURE OR LAND IS:

- (1) AUTHORIZED BY THE ZONING ADMINISTRATOR; AND
- (2) ISSUED BY THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.

§ 5-704. WHEN REQUIRED.

A USE PERMIT IS REQUIRED BEFORE ANY PERSON MAY:

- (1) OCCUPY ANY NEWLY-CONSTRUCTED STRUCTURE OR ANY ADDITION TO A PREVIOUSLY-CONSTRUCTED STRUCTURE;
- (2) USE FOR ANY PURPOSE ANY PREVIOUSLY VACANT LAND;
- (3) MAKE ANY CHANGE IN THE AUTHORIZED USE OF ANY LAND OR STRUCTURE; OR
- (4) OCCUPY ANY BUILDING THAT:
 - (I) HAS BEEN UNOCCUPIED FOR MORE THAN 1 YEAR; OR
 - (II) IS SUBJECT TO AN OUTSTANDING VACANT BUILDING NOTICE.

§ 5-705. PROCEDURE.

THE PROCEDURE FOR AUTHORIZING AND OBTAINING A USE PERMIT IS AS DETERMINED BY THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT.

SUBTITLE 8. ZONING INTERPRETATION

§ 5-801. PURPOSE.

THE INTERPRETATION PROCESS PROVIDED FOR BY THIS SUBTITLE RECOGNIZES THAT THE PROVISIONS OF THIS CODE, THOUGH DETAILED AND EXTENSIVE, CANNOT AS A PRACTICAL MATTER ADDRESS EVERY SPECIFIC ZONING ISSUE. THIS PROCESS IS THUS INTENDED TO CLARIFY THE PURPOSE AND INTENT OF THE PROVISIONS OF THIS CODE. IT IS NOT INTENDED, HOWEVER, TO PERMIT ADDING TO OR CHANGING THE ESSENTIAL CONTENT OF THIS CODE.

§ 5-802. INITIATION.

THE FOLLOWING MAY REQUEST THE ZONING ADMINISTRATOR TO RENDER AN INTERPRETATION OF THE PROVISIONS OF THIS CODE:

- (1) THE OWNER OF ANY PROPERTY IN THE CITY;
- (2) ANY PERSON EXPRESSLY AUTHORIZED BY A PROPERTY OWNER IN WRITING; OR
- (3) ANY CITY COUNCILMEMBER OR OTHER OFFICIAL OF CITY GOVERNMENT.

§ 5-803. PROCEDURE.

(A) APPLICATION TO ADMINISTRATOR.

AN APPLICATION FOR A ZONING INTERPRETATION MUST BE FILED WITH THE ZONING ADMINISTRATOR.

(B) ACTION BY ADMINISTRATOR.

- (1) THE ZONING ADMINISTRATOR MUST REVIEW THE REQUEST AND RENDER A WRITTEN INTERPRETATION WITHIN 30 DAYS.
- (2) HOWEVER, THE ZONING ADMINISTRATOR MAY REQUEST ADDITIONAL INFORMATION BEFORE RENDERING AN INTERPRETATION, IN WHICH CASE THE 35-DAY PERIOD WILL BE SUSPENDED PENDING RECEIPT OF THE ADDITIONAL INFORMATION.

§ 5-804. APPEALS .

AN APPLICANT MAY APPEAL THE ZONING ADMINISTRATOR'S DECISION TO THE BOARD OF MUNICIPAL AND ZONING APPEALS WITHIN 10 DAYS OF THE DECISION.

SUBTITLE 9. ZONING VERIFICATION

§ 5-901. PURPOSE.

A ZONING VERIFICATION IS A DOCUMENT ISSUED BY THE ZONING ADMINISTRATOR, AT AN APPLICANT'S REQUEST AND FOR THE APPLICANT'S OWN USE, THAT STATES WHETHER A PROPERTY COMPLIES WITH THE USE AND BULK REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED. IT IS NOT REQUIRED BY THIS CODE.

§ 5-902. PROCEDURE.

(A) IN GENERAL.

A ZONING VERIFICATION MAY BE OBTAINED FROM THE ZONING ADMINISTRATOR, ON APPLICATION AND PAYMENT OF A FEE FOR EACH REQUEST. A SEPARATE APPLICATION MUST BE MADE FOR EACH INDIVIDUAL LOT OF PROPERTY.

(B) REQUIRED INFORMATION.

EACH APPLICATION MUST CONTAIN THE FOLLOWING INFORMATION:

- (1) THE BLOCK AND LOT NUMBER OF THE PROPERTY;
- (2) A DESCRIPTION OR DEFINITE STREET LOCATION OF THE PROPERTY;
- (3) THE NAME AND ADDRESS OF THE PRESENT OWNER OF THE PROPERTY; AND
- (4) THE EXISTING AND ANY PROPOSED USE OF THE PROPERTY.

(C) CONSIDERATIONS.

IN ISSUING A ZONING VERIFICATION, THE ZONING ADMINISTRATOR MUST CONSIDER BOTH THE USE SPECIFIED IN THE APPLICATION SUBMITTED FOR THE VERIFICATION AND THE INFORMATION CONTAINED IN THE ZONING ADMINISTRATOR'S OFFICIAL RECORDS. A ZONING VERIFICATION THAT STATES A PROPERTY IS IN COMPLIANCE IS LIMITED BY THE ACCURACY OF THE INFORMATION SUBMITTED BY THE APPLICANT.

§ 5-903. CITY IMMUNE FROM LIABILITY.

NEITHER THE MAYOR AND CITY COUNCIL OF BALTIMORE, THE ZONING ADMINISTRATOR, NOR ANY OF THEIR OFFICERS, AGENTS, OR EMPLOYEES MAY BE HELD LIABLE TO ANY PERSON, UNDER ANY CIRCUMSTANCES, IN CONNECTION WITH OR RESULTING FROM THE ISSUANCE OF ANY ZONING VERIFICATION OR IN CONNECTION WITH OR RESULTING FROM ANY INFORMATION OR STATEMENT CONTAINED IN ANY ZONING VERIFICATION.

SUBTITLE 10. ORGANIZATION CHART

§ 5-1001. ADMINISTRATIVE SUMMARY.

FIGURE 5-901: ADMINISTRATIVE SUMMARY SUMMARIZES THE PROCESS FOR THE DIFFERENT DEVELOPMENT APPLICATIONS AND AUTHORIZATIONS OF THIS CODE.

TITLE 6. ZONING DISTRICTS; MAPS AND PROFILES

SUBTITLE 1. PURPOSE OF TITLE

§ 6-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO OUTLINE THE DIFFERENT ZONING DISTRICTS AND THE ZONING MAP, FLOODPLAIN OVERLAY MAPS, AND FLOOD PROFILES SUBJECT TO THIS CODE.

SUBTITLE 2. ZONING DISTRICTS

§ 6-201. ESTABLISHMENT OF DISTRICTS.

TO CARRY OUT THE PURPOSES OF THIS CODE, THE CITY IS DIVIDED INTO ZONING DISTRICTS, AS LISTED IN THIS SUBTITLE AND LOCATED ON THE ZONING MAP, FLOODPLAIN OVERLAY MAPS, AND FLOOD PROFILES ADOPTED UNDER THIS CODE.

§ 6-202. OPEN SPACE AND ENVIRONMENTAL DISTRICTS.

THE OPEN SPACE AND ENVIRONMENTAL DISTRICTS ARE:

- OS OPEN SPACE ZONING DISTRICT
- FP FLOODPLAIN OVERLAY ZONING DISTRICT
- CBCA CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONING DISTRICT

§ 6-203. DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS.

THE DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS ARE:

- R-1A DETACHED RESIDENTIAL ZONING DISTRICT
- R-1B DETACHED RESIDENTIAL ZONING DISTRICT
- R-1C DETACHED RESIDENTIAL ZONING DISTRICT
- R-1D DETACHED RESIDENTIAL ZONING DISTRICT
- R-1E DETACHED RESIDENTIAL ZONING DISTRICT
- R-1 DETACHED RESIDENTIAL ZONING DISTRICT
- R-2 DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT
- R-3 DETACHED RESIDENTIAL ZONING DISTRICT
- R-4 DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT

§ 6-204. ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS.

THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS ARE:

- R-5 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
- R-6 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
- R-7 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
- R-8 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
- R-9 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
- R-10 ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICT

§ 6-205. COMMERCIAL DISTRICTS.

THE COMMERCIAL DISTRICTS ARE:

- C-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT
- C-1-E NEIGHBORHOOD BUSINESS AND ENTERTAINMENT ZONING DISTRICT
- C-1-VC NEIGHBORHOOD BUSINESS ZONING DISTRICT (VILLAGE CENTER)
- C-2 COMMUNITY COMMERCIAL ZONING DISTRICT
- C-3 GENERAL COMMERCIAL ZONING DISTRICT
- C-4 HEAVY COMMERCIAL ZONING DISTRICT
- C-5 DOWNTOWN DISTRICT

§ 6-206. INDUSTRIAL DISTRICTS.

THE INDUSTRIAL DISTRICTS ARE:

- OIC OFFICE-INDUSTRIAL CAMPUS ZONING DISTRICT
- BSC BIO-SCIENCE CAMPUS ZONING DISTRICT
- I-MU INDUSTRIAL MIXED-USE ZONING DISTRICT
- I-1 LIGHT INDUSTRIAL ZONING DISTRICT
- I-2 GENERAL INDUSTRIAL ZONING DISTRICT
- MI MARITIME INDUSTRIAL ZONING DISTRICT

§ 6-207. SPECIAL PURPOSE DISTRICTS.

THE SPECIAL USE DISTRICTS ARE:

- OR OFFICE-RESIDENTIAL ZONING DISTRICT
- TOD-1 TRANSIT-ORIENTED DEVELOPMENT DISTRICT
- TOD-2 TRANSIT-ORIENTED DEVELOPMENT DISTRICT
- TOD-3 TRANSIT-ORIENTED DEVELOPMENT DISTRICT
- TOD-4 TRANSIT-ORIENTED DEVELOPMENT DISTRICT
- EC EDUCATIONAL CAMPUS ZONING DISTRICT
- H HOSPITAL CAMPUS ZONING DISTRICT
- T TRANSPORTATION ZONING DISTRICT
- IH INCLUSIONARY HOUSING OVERLAY ZONING DISTRICT
- W WATERFRONT OVERLAY ZONING DISTRICT
- R-MU ROWHOUSE MIXED-USE OVERLAY DISTRICT
- AU ADULT USE OVERLAY ZONING DISTRICT

SUBTITLE 3. MAPS AND PROFILES

§ 6-301. MAPS AND PROFILES PART OF CODE.

(A) GENERAL.

THE ZONING MAP, FLOODPLAIN OVERLAY MAPS, AND FLOOD PROFILES ADOPTED UNDER THIS CODE ARE INCORPORATED IN AND MADE A PART OF THIS CODE AS FULLY AS IF THEY WERE SET FORTH AND DESCRIBED IN THIS CODE.

(B) EVIDENCE OF AUTHENTICITY.

AS EVIDENCE OF THE AUTHENTICITY OF THESE MAPS AND PROFILES, EACH IS TO BE SIGNED BY THE MAYOR AND BY THE PRESIDENT OF THE CITY COUNCIL.

(C) DIGITAL FORMAT AUTHORIZED.

(1) THE ZONING ADMINISTRATOR MAY CONVERT THESE MAPS AND PROFILES INTO, AND MAINTAIN AND PERIODICALLY UPDATE THEM IN, A GEOGRAPHIC DATABASE OR OTHER DIGITAL FORMAT THAT IS CAPABLE OF DEPICTING THE ZONING LINES AND DESIGNATIONS IN BOTH ELECTRONIC AND PRINTED FORMS.

(2) ON CERTIFICATION BY THE DIRECTOR OF PUBLIC WORKS, THE MAPS AND PROFILES CONVERTED TO A DIGITAL FORMAT UNDER THIS SUBSECTION:

(I) ARE LEGALIZED FOR PURPOSES OF THE ZONING CODE OF BALTIMORE CITY; AND

(II) MAY BE TAKEN BY ALL PUBLIC OFFICIALS AND OTHERS AS EVIDENCE OF THE ORIGINAL MAPS AND PROFILES ADOPTED UNDER THIS CODE.

§ 6-302. LETTER OR LETTER-NUMBER DESIGNATIONS.

THE USE ON THE ZONING MAP OF A LETTER OR A LETTER-NUMBER COMBINATION TO DESIGNATE A DISTRICT INDICATES THAT THE REGULATIONS APPLYING TO THAT DISTRICT EXTEND THROUGHOUT THE WHOLE AREA BOUNDED BY THE DISTRICT BOUNDARY LINES, AS DETERMINED BY THE PROVISIONS OF § 6-303 {"BOUNDARY LINE DETERMINATION"} OF THIS SUBTITLE.

§ 6-303. BOUNDARY LINE DETERMINATION.

(A) GENERAL.

THE PRECISE LOCATION OF A ZONING DISTRICT BOUNDARY LINE IS DETERMINED AS SPECIFIED IN THIS SECTION.

(B) ALONG STREETS, ALLEYS, STREAMS, ETC.

WHERE A DISTRICT BOUNDARY LINE IS SHOWN AS BEING WITHIN OR ALONG A STREET, ALLEY, OTHER PUBLIC OR PRIVATE WAY, OR AN EXTENSION OF ANY OF THEM, OR AS BEING WITHIN OR ALONG A NON-NAVIGABLE STREAM, THE BOUNDARY IS THE CENTER LINE OF THAT STREET, ALLEY, OTHER WAY, EXTENSION, OR STREAM.

(C) ON LOT LINES.

WHERE A DISTRICT BOUNDARY LINE IS SHOWN AS ALONG OR SUPERIMPOSED ON A LOT LINE, THE BOUNDARY IS THAT LOT LINE.

(D) DESIGNATED DISTANCES.

WHERE THE LOCATION OF A DISTRICT BOUNDARY LINE IS INDICATED BY A DESIGNATED NUMBER OF FEET, THAT DISTANCE CONTROLS.

(E) ALONG RAILROAD RIGHTS-OF WAY.

WHERE A DISTRICT BOUNDARY LINE IS SHOWN AS BEING WITHIN OR ALONG A RAILROAD RIGHT-OF-WAY, THE BOUNDARY LINE OF THAT RAILROAD RIGHT-OF-WAY CONTROLS.

(F) ALONG NAVIGABLE WATERS.

WHERE A DISTRICT BOUNDARY LINE IS SHOWN AS ALONG A NAVIGABLE WATERWAY AND IS NOT OTHERWISE FIXED, THE BOUNDARY IS:

(1) THE LINE THAT COINCIDES WITH THE PIERHEAD LINE; OR

(2) WHERE NO PIERHEAD LINE HAS BEEN ESTABLISHED, THE LINE THAT COINCIDES WITH THE MEAN LOW TIDE LINE.

(G) RECLAIMED SUBMERGED LAND.

UNLESS OTHERWISE INDICATED ON THE ZONING MAP, SUBMERGED LAND THAT IS LATER RECLAIMED IS IN THE SAME DISTRICT AS THE NON-SUBMERGED PREMISES TO WHICH THE RECLAIMED LAND IS CONTIGUOUS.

(H) OTHERS.

WHERE A DISTRICT BOUNDARY LINE IS SHOWN AND ITS LOCATION IS NOT FIXED BY ANY OF THE RULES OF THIS SECTION, ITS PRECISE LOCATION IS DETERMINED BY SCALING FROM FIXTURES, OBJECTS, OR OTHER STRUCTURES SHOWN ON THE ZONING MAP.

§ 6-304. PROPERTY DIVIDED BY ZONING DISTRICT LINE.

WHERE A LOT IS DIVIDED INTO 2 OR MORE PARTS BY A ZONING DISTRICT LINE:

(1) FOR ALL PURPOSES EXCEPT DENSITY, EACH PART MUST COMPLY WITH ALL OF THE REGULATIONS APPLICABLE TO ITS ZONING CLASSIFICATION; AND

(2) FOR DENSITY PURPOSES, THE LOT AREA COMPUTATION OF EACH PART MAY BE TOTALED AND THEN DISTRIBUTED THROUGHOUT THE LOT, WITHOUT REGARD TO THE ZONING LINES.

SUBTITLE 4. EXEMPT ESSENTIAL SERVICES

§ 6-401. EXEMPT UTILITY AND GOVERNMENTAL USES

THE FOLLOWING USES ARE ALLOWED IN ALL ZONING DISTRICTS, UNLESS OTHERWISE SPECIFICALLY PROVIDED IN THIS CODE:

(1) OVERHEAD ELECTRIC DISTRIBUTION CABLE AND TELEPHONE LINES;

- (2) UNDERGROUND UTILITY LINES AND DISTRIBUTING EQUIPMENT;
- (3) CONDUITS, VAULTS, PIPELINE LATERALS, AND MAINS;
- (4) TRAFFIC SIGNALS;
- (5) TELEPHONE BOOTHS AND PEDESTALS;
- (6) PUBLIC TRANSIT SHELTERS;
- (7) CAR AND BIKE SHARING FACILITIES; AND
- (8) SIMILAR INSTALLATIONS AND EQUIPMENT OR ACCESSORIES OF A PUBLIC UTILITY OR GOVERNMENTAL SERVICE.

TITLE 7. OPEN SPACE AND ENVIRONMENTAL DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 7-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, AND OTHER STANDARDS FOR:

- (1) OPEN SPACE ZONING DISTRICTS;
- (2) FLOOD PLAIN OVERLAY ZONING DISTRICTS; AND
- (3) CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONING DISTRICT.

SUBTITLE 2. OPEN SPACE ZONING DISTRICT

§ 7-201. PURPOSE OF OPEN SPACE DISTRICT.

(A) GENERAL.

THE PURPOSE OF THE OPEN SPACE ("OS") ZONING DISTRICT IS TO ENHANCE THE QUALITY OF LIFE FOR CITY RESIDENTS BY PERMANENTLY PRESERVING PUBLIC OPEN SPACE AS AN IMPORTANT PUBLIC ASSET AND CRITICAL ENVIRONMENTAL INFRASTRUCTURE.

(B) REGULATORY INTENT.

THE REGULATIONS FOR THIS DISTRICT ARE INTENDED TO:

- (1) PROTECT AND PROMOTE PUBLIC AND PRIVATE OPEN SPACE;
- (2) PROVIDE PUBLIC REFLECTIVE, CULTURAL, EDUCATIONAL AND RECREATIONAL OPPORTUNITIES;
- (3) ENHANCE THE URBAN ENVIRONMENT;

- (4) PROVIDE PEDESTRIAN AND BICYCLE TRANSPORTATION CONNECTIONS;
- (5) ENCOURAGE NEIGHBORHOOD INVESTMENT IN AND STEWARDSHIP OF NATURAL GREEN SPACES AND NATIVE FLORA AND FAUNA;
- (6) PROTECT AND ENHANCE NATURAL RESOURCES, INCLUDING FORESTS, HABITAT, AND WATER QUALITY; AND
- (7) ENSURE THE ENVIRONMENTAL BENEFITS OF ADEQUATE LIGHT, AIR, AND WATER IN CITY NEIGHBORHOODS.

(C) APPLICATION.

THE OPEN SPACE DISTRICT APPLIES TO PUBLIC AND PRIVATE OPEN SPACE PROPERTIES AND CEMETERIES.

§ 7-202. USE REGULATIONS.

ONLY THOSE USES OF LAND LISTED IN TABLE 7-202: PERMITTED AND CONDITIONAL USES IN THE OPEN SPACE ZONING DISTRICT ARE ALLOWED WITHIN THE OPEN SPACE ZONING DISTRICT.

§ 7-203. BULK AND YARD REGULATIONS.

(A) APPLICABLE REGULATIONS..

TABLE 7-203: OPEN SPACE ZONING DISTRICT BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE OPEN SPACE ZONING DISTRICT.

(B) MEASUREMENT METHODOLOGIES; EXCEPTIONS, ETC.

- (1) MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.
- (2) EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

(C) PARK STRUCTURES, ETC.

THE SIZE, LOCATION, AND DESIGN OF ALL STRUCTURES AND LIGHTING WITHIN PUBLIC PARKS MUST BE APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS.

§ 7-204. OTHER APPLICABLE STANDARDS.

(A) GENERAL.

THE OPEN SPACE ZONING DISTRICT IS ALSO SUBJECT TO THE STANDARDS IDENTIFIED IN THIS SECTION.

(B) ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE AS SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

(C) SITE DEVELOPMENT STANDARDS.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE AS SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE AS SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE CITY LANDSCAPE MANUAL.

(F) SIGNS.

SIGN STANDARDS ARE AS SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

(G) TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE AS SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

SUBTITLE 3. FLOODPLAIN OVERLAY ZONING DISTRICT

§ 7-301. PURPOSE OF FLOODPLAIN OVERLAY DISTRICT.

THE FLOODPLAIN ("FP") OVERLAY ZONING DISTRICT REGULATES THE PLACEMENT AND USE OF STRUCTURES AND THE USE OF LAND IN THE FLOODPLAIN, WITH THE INTENT OF:

- (1) PROTECTING HUMAN LIFE AND HEALTH;
- (2) MINIMIZING DAMAGE TO PUBLIC AND PRIVATE PROPERTY;
- (3) PREVENTING OR MINIMIZING FUTURE FLOOD DAMAGE;
- (4) PROTECTING THE PUBLIC WATER SUPPLY AND SANITARY SEWAGE DISPOSAL SYSTEMS;
- (5) PRESERVING NATURAL DRAINAGE SYSTEMS;
- (6) REDUCING FINANCIAL BURDENS IMPOSED ON THE CITY AND ITS CITIZENS; AND
- (7) PRESERVING THE BIOLOGICAL VALUES AND ENVIRONMENTAL QUALITY OF THE WATERSHEDS IN THE CITY.

§ 7-302. DEFINITIONS.

(A) GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) FLOODPLAIN.

"FLOODPLAIN" MEANS:

- (1) ANY AREA SHOWN AS A FLOODPLAIN ON THE FLOODPLAIN MAPS; AND
- (2) ANY OTHER AREA THAT:
 - (I) IS A RELATIVELY FLAT OR LOW LAND AREA;
 - (II) ADJOINS A RIVER, STREAM, OR WATERCOURSE; AND
 - (III) IS SUBJECT TO PARTIAL OR COMPLETE INUNDATION.

(C) FLOODPLAIN MAPS.

"FLOODPLAIN MAPS" MEANS THE SERIES OF MAPS AND PROFILES KNOWN AS THE FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY FOR THE CITY OF BALTIMORE, DATED FEBRUARY 2, 2012, PREPARED FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE ADMINISTRATOR AS REVISED OR AMENDED FROM TIME TO TIME.

§ 7-303. FLOODPLAIN DISTRICTS.

(A) DISTRICTS ESTABLISHED.

6 FLOODPLAIN ("FP") DISTRICTS, EACH DESIGNATING A MEASURABLE DEGREE OF FLOOD HAZARD, ARE ESTABLISHED, AS DELINEATED ON THE FLOODPLAIN MAPS AND DESCRIBED IN THIS SECTION.

(B) FLOODWAY.

THE FLOODWAY, WHICH IS THE AREA OF HIGHEST HAZARD, IS THAT PART OF THE FLOODPLAIN OVERLAY DISTRICT THAT IS REQUIRED TO CARRY AND DISCHARGE THE WATERS OF THE 100-YEAR FLOOD WITHOUT INCREASING THE WATER SURFACE ELEVATION AT ANY POINT MORE THAN 1 FOOT ABOVE EXISTING CONDITIONS.

(C) FLOODWAY FRINGE.

THE FLOODWAY FRINGE COMPRISES THOSE LANDS WITHIN THE FLOODPLAIN OVERLAY DISTRICT THAT:

- (1) ARE SUBJECT TO FLOODING BY THE 100-YEAR FLOOD; AND

(2) LIE BEYOND THE FLOODWAY, IN AREAS FOR WHICH DETAILED STUDY DATA AND PROFILES ARE AVAILABLE.

(D) APPROXIMATED FLOODPLAIN.

THE APPROXIMATED FLOODPLAIN COMPRISES THOSE LANDS WITHIN THE FLOODPLAIN OVERLAY DISTRICT THAT:

(1) ARE SUBJECT TO FLOODING BY THE 100-YEAR FLOOD; AND

(2) LIE IN AREAS FOR WHICH A DETAILED STUDY HAS NOT BEEN PERFORMED, BUT FOR WHICH A 100-YEAR FLOODPLAIN BOUNDARY HAS BEEN APPROXIMATED.

(E) HARBOR FLOOD ZONE.

THE HARBOR FLOOD ZONE COMPRISES THOSE LANDS WITHIN THE FLOODPLAIN OVERLAY DISTRICT THAT:

(1) ARE SUBJECT TO FLOODING BY THE 100-YEAR FLOOD; AND

(2) ARE IMPACTED BY TIDAL WATERS.

(F) COASTAL HAZARD ZONE.

THE COASTAL HAZARD ZONE COMPRISES THOSE COASTAL LANDS WITHIN THE FLOODPLAIN OVERLAY DISTRICT THAT ARE SUBJECT TO INUNDATION FROM HIGH VELOCITY WATERS AND WAVE ACTION.

(G) COASTAL FLOOD RESERVE ZONE.

THE COASTAL FLOOD RESERVE ZONE COMPRISES THOSE COASTAL LANDS WITHIN THE FLOODPLAIN OVERLAY DISTRICT THAT ARE SUBJECT TO A 0.2% ANNUAL CHANCE OF FLOODING.

§ 7-304. USE REGULATIONS.

(A) GENERAL.

EXCEPT AS OTHERWISE SPECIFICALLY LIMITED OR PROHIBITED BY THIS SECTION, ALL USES ALLOWED IN A FLOODPLAIN OVERLAY DISTRICT ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT.

(B) CONDITIONAL USES.

IN ADDITION TO THE GENERAL REQUIREMENTS OF THIS CODE GOVERNING CONDITIONAL USES, A CONDITIONAL USE IN A FLOODPLAIN OVERLAY DISTRICT IS SUBJECT TO THE STANDARDS AND PROCEDURES CONTAINED IN § 7-306 {"VARIANCES AND CONDITIONAL USES"} OF THIS SUBTITLE.

(C) FLOODWAY.

THE ONLY USES ALLOWED IN THE FLOODWAY ARE THE FOLLOWING RECREATIONAL FACILITIES,

BUT NOT INCLUDING ACCESSORY BUILDINGS:

- (1) ATHLETIC FIELDS;
 - (2) GOLF COURSES; AND
 - (3) PARKS.
- (D) PUBLIC UTILITY OR GOVERNMENT OFFICE.

NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, NO PUBLIC UTILITY OR GOVERNMENT OFFICE USE MAY BE LOCATED IN ANY FLOODPLAIN IF IT:

- (1) MIGHT IMPEDE, RETARD, OR CHANGE THE DIRECTION OF THE FLOW OF WATER;
- (2) WILL CATCH OR COLLECT DEBRIS CARRIED BY THE WATER; OR
- (3) IS PLACED WHERE THE NATURAL FLOW OF THE STREAM OR FLOOD WATERS WOULD CARRY IT DOWNSTREAM TO THE DAMAGE OR DETRIMENT OF ANY PUBLIC OR PRIVATE PROPERTY IN OR ADJACENT TO THE FLOODPLAIN.

(E) PROHIBITED USES.

IN ADDITION TO THE USES PROHIBITED BY § 1-217 {"USES PROHIBITED CITYWIDE"} OF THIS CODE, THE FOLLOWING USES ARE PROHIBITED IN ANY FLOODPLAIN:

- (1) COLLECTION, STORAGE, HANDLING, OR DISPOSAL OF HAZARDOUS OR TOXIC MATERIALS, AS DEFINED IN COMAR 11.07.01.01A;
 - (2) INDUSTRIAL LANDFILLS;
 - (3) LIQUEFIED NATURAL GAS AND PETROLEUM GAS TERMINALS;
- (4) MAINTENANCE, DISMANTLING, OR STORAGE OF ABANDONED, UNLICENSED, JUNKED, OR DERELICT VEHICLES OR VEHICLE PARTS;
- (5) OUTDOOR STORAGE OF MATERIALS THAT ARE BUOYANT, FLAMMABLE, OR EXPLOSIVE OR THAT IN TIMES OF FLOODING COULD BE INJURIOUS TO HUMAN, ANIMAL, OR PLANT LIFE; AND
- (6) STORAGE AND HANDLING OF RADIOACTIVE WASTE.

§ 7-305. BULK AND YARD REGULATIONS.

(A) GENERAL.

THE BULK AND YARD REGULATIONS APPLICABLE TO PROPERTIES IN A FLOODPLAIN OVERLAY DISTRICT ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT.

(B) VARIANCES.

IN ADDITION TO THE GENERAL REQUIREMENTS OF THIS CODE GOVERNING VARIANCES, A VARIANCE IN A FLOODPLAIN OVERLAY DISTRICT IS SUBJECT TO THE STANDARDS AND PROCEDURES CONTAINED IN § 7-306 {"VARIANCES AND CONDITIONAL USES"} OF THIS SUBTITLE.

§ 7-306. VARIANCES AND CONDITIONAL USES.

(A) SCOPE.

- (1) THIS SECTION DOES NOT APPLY TO THE FLOODWAY.
- (2) VARIANCES AND CONDITIONAL USES MAY NOT BE GRANTED IN THE FLOODWAY.

(B) STANDARDS FOR SUBSTANTIAL IMPROVEMENTS OR NEW CONSTRUCTION.

(1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS CODE GOVERNING VARIANCES AND CONDITIONAL USES, THE ADDITIONAL STANDARDS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION APPLY TO ANY VARIANCE OR CONDITIONAL USE THAT INVOLVES ANY SUBSTANTIAL IMPROVEMENT OR NEW CONSTRUCTION IN A FLOODPLAIN OVERLAY DISTRICT.

(2) ALL VARIANCES AND CONDITIONAL USES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ARE SUBJECT TO THE FOLLOWING ADDITIONAL STANDARDS:

(I) THE VARIANCE OR CONDITIONAL USE WILL NOT RESULT IN INCREASED FLOOD HEIGHTS OR ADDITIONAL DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE;

(II) THE PROPOSAL IS CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE;

(III) ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THE APPROPRIATE STATE AND FEDERAL AGENCIES;

(IV) ALL PUBLIC AND PRIVATE UTILITIES AND FACILITIES (INCLUDING SEWER, WATER, TELEPHONE, ELECTRIC, GAS, ETC.) ARE LOCATED AND CONSTRUCTED TO MINIMIZE OR ELIMINATE FLOOD DAMAGE;

(V) ADEQUATE DRAINAGE IS PROVIDED TO REDUCE EXPOSURE TO FLOOD HAZARD; AND

(VI) THE VARIANCE OR CONDITIONAL USE IS NECESSARY BECAUSE OF EXTRAORDINARY CIRCUMSTANCES IN LOCAL CONDITIONS THAT RENDER THE APPLICATION OF CERTAIN STANDARDS A SEVERE HARDSHIP.

(C) WARNING LETTERS.

IF THE BOARD OF MUNICIPAL AND ZONING APPEALS GRANTS A VARIANCE OR CONDITIONAL USE UNDER THIS SECTION, THE BOARD MUST ATTACH TO ITS DECISION A WARNING THAT:

(1) CONSTRUCTION OF A STRUCTURE LOCATED BELOW THE BASE FLOOD LEVEL WILL RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE; AND

(2) CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISKS TO LIFE AND PROPERTY.

§ 7-307. AMENDMENTS TO FLOODPLAIN MAPS.

IN ADDITION TO THE REQUIREMENTS OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE, AMENDMENTS TO THE FLOODPLAIN OVERLAY DISTRICT MAPS MUST BE REVIEWED AND APPROVED BY:

- (1) THE PLANNING COMMISSION; AND
- (2) THE FEDERAL EMERGENCY MANAGEMENT AGENCY OR ITS DESIGNEE.

§ 7-308. MUNICIPAL AND PERSONAL LIABILITY.

A ZONING AUTHORIZATION FOR PROPERTY THAT IS NEAR A DELINEATED FLOODPLAIN OR NEAR ANY OTHER LAND LATER DISCOVERED TO BE A FLOODPLAIN:

- (1) IS NOT A REPRESENTATION, GUARANTEE, OR WARRANTY OF ANY KIND THAT THE PROPERTY IS NOT IN A FLOODPLAIN; AND
- (2) MAY NOT BE USED TO IMPOSE ANY LIABILITY ON THE CITY, ITS ELECTED OR APPOINTED OFFICIALS, OR ITS EMPLOYEES.

§ 7-309. OTHER APPLICABLE STANDARDS.

THE FLOODPLAIN OVERLAY ZONING DISTRICT IS ALSO SUBJECT TO THE STANDARDS SET FORTH IN CITY CODE ARTICLE 7, DIVISION I {"FLOODPLAIN MANAGEMENT"}.

SUBTITLE 4. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONING DISTRICT

§ 7-401. PURPOSE OF CRITICAL AREA OVERLAY DISTRICT.

THE CHESAPEAKE BAY CRITICAL AREA ("CBCA") OVERLAY DISTRICT IS DESIGNED TO FOSTER MORE SENSITIVE, CONSISTENT, AND UNIFORM DEVELOPMENT AND REDEVELOPMENT ACTIVITY ALONG THE CITY'S SHORELINE AREAS OF THE CHESAPEAKE BAY AND ITS TRIBUTARIES, SO AS TO MINIMIZE DAMAGE TO WATER QUALITY AND NATURAL OR ESTABLISHED HABITATS FOR THE BENEFIT OF CURRENT AND FUTURE GENERATIONS.

§ 7-402. DEFINITIONS.

(A) GENERAL.

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) BUFFER.

(1) GENERAL.

"BUFFER" HAS THE MEANING STATED IN STATE NATURAL RESOURCES ARTICLE § 81802(A)(4), AS AMPLIFIED BY COMAR 27.01.01.01B(8).

(2) DELINEATION.

THE BUFFER IS GENERALLY THE FIRST 100 FEET LANDWARD OF MEAN HIGH TIDE IN THE CRITICAL AREA, AS MEASURED FROM EXISTING CONDITIONS ON SITE. STEEP SLOPES, ERODIBLE SOILS, WETLANDS, AND OTHER ENVIRONMENTAL CONDITIONS CAN ALTER THE SHAPE AND INCREASE THE SIZE OF THE BUFFER.

(C) CRITICAL AREA.

(1) GENERAL.

"CRITICAL AREA" MEANS ALL PARTS OF THE CHESAPEAKE BAY CRITICAL AREA, AS DELINEATED IN AND AS MODIFIED BY THE CITY UNDER STATE NATURAL RESOURCES ARTICLE § 8-1807 AND COMAR 27.01.01.01B(18), THAT FALL WITHIN CITY BOUNDARIES.

(2) DELINEATION.

THE CRITICAL AREA IS GENERALLY ALL LAND WITHIN 1,000 FEET OF TIDALLY AFFECTED WATER.

(D) CRITICAL AREA MANAGEMENT PROGRAM.

"CRITICAL AREA MANAGEMENT PROGRAM" MEANS THE BALTIMORE CITY CRITICAL AREA MANAGEMENT PROGRAM, AS ADOPTED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL OF BALTIMORE AND APPROVED BY THE CHESAPEAKE BAY CRITICAL AREA COMMISSION.

(E) DEVELOPMENT.

(1) GENERAL.

"DEVELOPMENT" MEANS ANY ACTIVITY THAT MATERIALLY AFFECTS THE USE OF DRY LAND, LAND UNDER WATER, OR ANY STRUCTURE.

(2) INCLUSIONS.

"DEVELOPMENT" INCLUDES ANY ONE OR A COMBINATION OF THE FOLLOWING:

- (1) CONSTRUCTION, RECONSTRUCTION, MODIFICATION, EXPANSION, OR DEMOLITION OF STRUCTURES;
- (2) PLACEMENT OF FILL;
- (3) DREDGING;
- (4) DRILLING;
- (5) MINING;
- (6) GRADING;
- (7) PAVING;

(8) LAND EXCAVATION;

(9) LAND CLEARING;

(10) LAND IMPROVEMENT; OR

(11) STORAGE OF MATERIALS.

(F) DISTURB.

(1) GENERAL.

"DISTURB" MEANS TO ALTER OR CHANGE LAND IN ANY WAY.

(2) INCLUSIONS.

"DISTURB" INCLUDES ANY AMOUNT OF CLEARING, GRADING, OR CONSTRUCTION ACTIVITY.

(G) SIGNIFICANT DEVELOPMENT.

"SIGNIFICANT DEVELOPMENT" MEANS ANY DEVELOPMENT THAT WOULD:

(1) DISTURB ANY LAND IN THE BUFFER;

(2) DISTURB 10,000 OR MORE SQUARE FEET OF LAND IN THE CRITICAL AREA;

(3) RESULT IN ANY DISTURBANCE, CAUSED BY USE, DEVELOPMENT, OR DESTRUCTION OF VEGETATION, TO LAND IN AN AREA DESIGNATED UNDER THE CRITICAL AREA MANAGEMENT PROGRAM AS A HABITAT PROTECTION AREA; OR

(4) INVOLVE AN EXPENDITURE FOR IMPROVEMENTS TO THE PROPERTY EQUAL TO OR GREATER THAN 50% OF THE ASSESSED VALUE OF THE PROPERTY, AS CERTIFIED BY THE DEPARTMENT OF PLANNING.

(H) WATER-DEPENDENT FACILITIES.

(1) GENERAL.

"WATER-DEPENDENT FACILITIES" MEANS LAND USES OR STRUCTURES THAT:

(I) ARE ASSOCIATED WITH INDUSTRIAL, MARITIME, RECREATIONAL, EDUCATIONAL, OR FISHERIES ACTIVITIES;

(II) REQUIRE A LOCATION WITHIN THE BUFFER NEAR THE SHORELINE; AND

(III) ARE DEPENDENT ON THE WATER BY REASON OF THE INTRINSIC NATURE OF THEIR OPERATION.

(2) INCLUSIONS.

"WATER-DEPENDENT FACILITIES" INCLUDE:

- (I) PORTS;
 - (II) INTAKE AND OUTFALL STRUCTURES OF POWER PLANTS;
 - (III) WATER-USE INDUSTRIES;
 - (IV) MARINAS AND OTHER BOAT-DOCKING STRUCTURES;
 - (V) PUBLIC BEACHES AND WATER-ORIENTED RECREATION AREAS; AND
 - (VI) FISHERIES.
- (3) EXCLUSIONS.

"WATER-DEPENDENT FACILITIES" DOES NOT INCLUDE PRIVATE PIERS THAT ARE INSTALLED AND MAINTAINED BY RIPARIAN LANDOWNERS AND ARE NOT PART OF A SUBDIVISION THAT PROVIDES COMMUNITY PIERS.

§ 7-403. DESIGNATION OF CRITICAL AREA.

THE CHESAPEAKE BAY CRITICAL AREA ACT (STATE NATURAL RESOURCES ARTICLE TITLE 8, SUBTITLE 18) REQUIRES THE CITY TO DESIGNATE AS ITS CRITICAL AREA AN AREA THAT CONSISTS OF, AT A MINIMUM:

- (1) ALL WATERS OF AND LAND UNDER THE CHESAPEAKE BAY AND ITS TRIBUTARIES TO THE HEAD OF THE TIDE, AS INDICATED ON THE STATE WETLAND MAPS;
- (2) ALL STATE AND PRIVATE WETLANDS DESIGNATED UNDER STATE ENVIRONMENT ARTICLE TITLE 16; AND
- (3) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF STATE OR PRIVATE WETLANDS AND THE HEADS OF THE TIDES.

§ 7-404. DEVELOPMENT AREAS.

- (A) IN GENERAL.

STATE LAW REQUIRES THE CITY TO DESIGNATE "DEVELOPMENT AREAS" WITHIN THE CHESAPEAKE BAY CRITICAL AREA ("CBCA"), BASED GENERALLY ON EXISTING DEVELOPMENT PATTERNS AND DENSITIES.

- (B) TYPES DESIGNATED.

THE 2 TYPES OF DEVELOPMENT AREAS SPECIFIED IN THE CRITICAL AREA MANAGEMENT PROGRAM ARE:

- (1) RESOURCE CONSERVATION AREAS; AND

(2) INTENSELY DEVELOPED AREAS, WHICH COMPRISE TWO 2 SUBAREAS:

(I) WATERFRONT REVITALIZATION AREAS; AND

(II) WATERFRONT INDUSTRIAL AREAS.

§ 7-405. MAPS.

(A) BOUNDARIES DELINEATED ON MAPS.

(1) THE BOUNDARIES OF THE CRITICAL AREA, THE BUFFER, AND THE DEVELOPMENT AREAS ARE DELINEATED ON A SERIES OF MAPS MAINTAINED BY THE BALTIMORE CITY DEPARTMENT OF PLANNING.

(2) IN ADDITION TO THE REQUIREMENTS OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE, AMENDMENTS TO THESE MAPS MUST BE REVIEWED AND APPROVED BY:

(I) THE PLANNING COMMISSION; AND

(II) THE CHESAPEAKE BAY CRITICAL AREA COMMISSION.

(B) DIGITAL FORMAT AUTHORIZED.

(1) WITH THE APPROVAL OF THE CHESAPEAKE BAY CRITICAL AREA COMMISSION, THE PLANNING COMMISSION MAY CONVERT THESE MAPS INTO, AND MAINTAIN AND PERIODICALLY UPDATE THEM IN, A GEOGRAPHIC DATABASE OR OTHER DIGITAL FORMAT THAT IS CAPABLE OF DEPICTING THE BOUNDARIES AND DESIGNATIONS IN BOTH ELECTRONIC AND PRINTED FORMS.

(2) THE MAPS CONVERTED TO A DIGITAL FORMAT UNDER THIS SECTION :

(I) ARE LEGALIZED FOR PURPOSES OF THE ZONING CODE OF BALTIMORE CITY; AND

(II) MAY BE TAKEN BY ALL PUBLIC OFFICIALS AND OTHERS AS EVIDENCE OF THE ORIGINAL MAPS ADOPTED UNDER THIS SUBTITLE AND THE BALTIMORE CITY CRITICAL AREA MANAGEMENT PROGRAM.

(C) OTHER DEPICTIONS ILLUSTRATIVE ONLY.

ANY OTHER REPRESENTATION OF THE CRITICAL AREA, BUFFER, OR DEVELOPMENT AREAS, REGARDLESS OF THE SOURCE OF PUBLICATION, ARE ILLUSTRATIVE ONLY AND MAY NOT BE USED FOR DETERMINING ANY OF THE DEVELOPMENT REQUIREMENTS OR RESTRICTIONS REQUIRED IN THIS SUBTITLE OR BY THE CRITICAL AREA MANAGEMENT PROGRAM.

§ 7-406. PROHIBITED USES.

(A) SCOPE.

THE USES PROHIBITED BY THIS SECTION ARE IN ADDITION TO THOSE PROHIBITED BY § 1-217 {"USES PROHIBITED CITYWIDE"} OF THIS CODE.

(B) WITHIN CRITICAL AREA.

EXCEPT AS SPECIFIED IN SUBSECTION (D) OF THIS SECTION, THE FOLLOWING USES ARE PROHIBITED WITHIN THE CRITICAL AREA:

- (1) A DWELLING UNIT OR OTHER NON-WATER DEPENDENT STRUCTURE ON A PIER, WHARF, DOCK, WALKWAY, BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE, EXCEPT AS AUTHORIZED UNDER STATE NATURAL RESOURCES ARTICLE § 8-1808.4;
- (2) COLLECTION, STORAGE, HANDLING, OR DISPOSAL OF HAZARDOUS OR TOXIC MATERIALS, AS DEFINED IN COMAR 11.07.01.01A;
- (3) INDUSTRIAL LANDFILLS;
- (4) LIQUEFIED NATURAL GAS AND PETROLEUM GAS TERMINALS;
- (5) MAINTENANCE, DISMANTLING, OR STORAGE OF ABANDONED, UNLICENSED, JUNKED, OR DERELICT VEHICLES OR VEHICLE PARTS;
- (6) NON-WATER DEPENDANT USES ON BARGES IN TIDAL WATERS, EXCEPT MARITIME MUSEUMS;
- (7) NON-WATER DEPENDENT USES ON PERMANENTLY MOORED VESSELS IN THE INNER HARBOR BASIN, EXCEPT MARITIME MUSEUMS;
- (8) RECYCLING COLLECTION STATIONS;
- (9) SOLID WASTE ACCEPTANCE FACILITIES, AS DEFINED IN CITY CODE ARTICLE 23, EXCEPT FOR FACILITIES APPROVED AS A CONDITIONAL USE UNDER THIS SUBTITLE; AND
- (10) STORAGE AND HANDLING OF RADIOACTIVE WASTE.

(C) WITHIN BUFFER.

EXCEPT AS SPECIFIED IN SUBSECTION (D) OF THIS SECTION, THE FOLLOWING ADDITIONAL USES ARE PROHIBITED WITHIN THE BUFFER:

- (1) CEMENT PLANTS;
- (2) CHEMICAL PLANTS;
- (3) SAND OR GRAVEL EXTRACTION OPERATIONS; AND
- (4) STORAGE FACILITIES FOR NUTRIENTS - THAT IS, ELEMENTS OR COMPOUNDS ESSENTIAL AS RAW MATERIAL FOR ORGANIC GROWTH AND DEVELOPMENT (FOR EXAMPLE, CARBON, NITROGEN, AND PHOSPHORUS).

(D) EXCEPTIONS.

THE PROHIBITIONS IN SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY IF THE FOLLOWING STANDARDS ARE MET:

(1) ON RECOMMENDATION OF THE DEPARTMENT OF PLANNING, THE BOARD OF MUNICIPAL AND ZONING APPEALS FINDS BOTH THAT:

(I) THERE IS NO ENVIRONMENTALLY ACCEPTABLE ALTERNATIVE OUTSIDE THE CRITICAL AREA; AND

(II) THE USE IS NEEDED TO CORRECT AN EXISTING WATER QUALITY OR WASTEWATER MANAGEMENT PROBLEM; AND

(2) FOR ANY NEW USE THAT CONSTITUTES A SIGNIFICANT DEVELOPMENT OR FOR ANY EXPANSION OF A NONCONFORMING USE, A BEST MANAGEMENT PRACTICES PLAN THAT WILL ACHIEVE A NET IMPROVEMENT IN WATER QUALITY AND HABITAT IS SUBMITTED AND IMPLEMENTED AS A REQUIREMENT OF THE CRITICAL AREA REVIEW PROCESS.

§ 7-407. RESOURCE CONSERVATION AREA.

(A) WATER-DEPENDANT FACILITIES PROHIBITED.

NON-PUBLIC WATER-DEPENDENT FACILITIES ARE PROHIBITED IN RESOURCE CONSERVATION AREAS.

(B) PERMITTED AND ACCESSORY USES OUTSIDE BUFFER.

IN A RESOURCE CONSERVATION AREA OUTSIDE THE BUFFER, PERMITTED AND ACCESSORY USES ARE:

(1) OPEN SPACE;

(2) PUBLIC RECREATION;

(3) NATURAL PARKS;

(4) PEDESTRIAN EASEMENTS;

(5) BIKE PATHS; AND

(6) CULTURAL AND HISTORICAL SITES.

(C) PERMITTED AND ACCESSORY USES WITHIN BUFFER

IN A RESOURCE CONSERVATION AREA WITHIN THE BUFFER, PERMITTED AND ACCESSORY USES ARE AREAS FOR PASSIVE RECREATION, SUCH AS NATURE STUDY AND EDUCATION, BUT SERVICE FACILITIES FOR THESE AREAS MUST BE LOCATED OUTSIDE OF THE BUFFER.

(D) CONDITIONAL USES OUTSIDE BUFFER.

IN A RESOURCE CONSERVATION AREA OUTSIDE THE BUFFER, CONDITIONAL USES ARE PUBLIC FACILITIES.

(E) CONDITIONAL USES WITHIN BUFFER.

IN A RESOURCE CONSERVATION AREA WITHIN THE BUFFER, CONDITIONAL USES ARE PUBLIC WATER-DEPENDANT FACILITIES.

§ 7-408. INTENSELY DEVELOPED AREAS - WATERFRONT REVITALIZATION.

(A) PERMITTED AND ACCESSORY USES OUTSIDE BUFFER.

IN A WATERFRONT REVITALIZATION AREA OUTSIDE THE BUFFER, PERMITTED AND ACCESSORY USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} OF THIS SUBTITLE.

(B) PERMITTED AND ACCESSORY USES WITHIN BUFFER.

IN A WATERFRONT REVITALIZATION AREA WITHIN THE BUFFER, PERMITTED AND ACCESSORY USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} AND § 7-410 {"INTENSELY DEVELOPED AREAS - WATER-DEPENDANT FACILITIES WITHIN BUFFER"} OF THIS SUBTITLE.

(C) CONDITIONAL USES OUTSIDE BUFFER.

IN A WATERFRONT REVITALIZATION AREA OUTSIDE THE BUFFER, CONDITIONAL USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} OF THIS SUBTITLE.

(D) CONDITIONAL USES WITHIN BUFFER.

IN A WATERFRONT REVITALIZATION AREA WITHIN THE BUFFER, CONDITIONAL USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} AND § 7-410 {"INTENSELY DEVELOPED AREAS - WATER-DEPENDANT FACILITIES WITHIN BUFFER"} OF THIS SUBTITLE.

§ 7-409. INTENSELY DEVELOPED AREAS - WATERFRONT INDUSTRIAL

(A) PERMITTED AND ACCESSORY USES OUTSIDE BUFFER.

IN A WATERFRONT INDUSTRIAL AREA OUTSIDE THE BUFFER, PERMITTED AND ACCESSORY USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} OF THIS SUBTITLE.

(B) PERMITTED AND ACCESSORY USES WITHIN BUFFER.

IN A WATERFRONT INDUSTRIAL AREA WITHIN THE BUFFER, PERMITTED AND ACCESSORY USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} AND § 7-410 {"INTENSELY DEVELOPED AREAS - WATER-DEPENDANT FACILITIES WITHIN BUFFER"} OF THIS SUBTITLE.

(C) CONDITIONAL USES OUTSIDE BUFFER.

(1) IN A WATERFRONT INDUSTRIAL AREA OUTSIDE THE BUFFER, CONDITIONAL USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} OF THIS SUBTITLE.

(2) SOLID-WASTE ACCEPTANCE FACILITIES OF THE FOLLOWING TYPES REQUIRE CONDITIONAL-USE APPROVAL: WASTE-TO-ENERGY FACILITIES, INDOOR-OPERATED TRANSFER FACILITIES, AND INDOOR-OPERATED COMPOSTING FACILITIES, SUCH AS "IN-VESSEL" COMPOSTING FACILITIES. IF THE USE ENTAILS ANY SIGNIFICANT DEVELOPMENT, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST FIND, AS A CONDITION OF ITS APPROVAL, THAT A BEST MANAGEMENT PRACTICES PLAN THAT WILL ACHIEVE A NET IMPROVEMENT IN WATER QUALITY AND HABITAT IS SUBMITTED AND IMPLEMENTED AS A REQUIREMENT OF THE CRITICAL AREA REVIEW PROCESS.

(D) CONDITIONAL USES WITHIN BUFFER.

IN A WATERFRONT INDUSTRIAL AREA WITHIN THE BUFFER, CONDITIONAL USES ARE AS OTHERWISE PROVIDED IN THIS CODE FOR THE UNDERLYING ZONING DISTRICT, SUBJECT TO THE PROVISIONS OF § 7-406 {"PROHIBITED USES"} AND § 7-410 {"INTENSELY DEVELOPED AREAS - WATER-DEPENDANT FACILITIES WITHIN BUFFER"} OF THIS SUBTITLE.

§ 7-410. INTENSELY DEVELOPED AREAS - WATER-DEPENDANT FACILITIES WITHIN BUFFER.

IN INTENSELY DEVELOPED AREAS, WATER-DEPENDENT FACILITIES ARE ALLOWED IN THE BUFFER ONLY IF ALL OF THE FOLLOWING STANDARDS ARE MET:

- (1) THE USE AND PROJECT MEET A RECOGNIZED PRIVATE RIGHT OR PUBLIC NEED;
- (2) ADVERSE EFFECTS ON WATER QUALITY AND ON FISH, PLANT, AND WILDLIFE HABITATS ARE MINIMIZED AND EQUIVALENT OFFSETS HAVE BEEN MADE;
- (3) TO THE EXTENT POSSIBLE, ALL ASSOCIATED NON-WATER-DEPENDENT USES AND STRUCTURES ARE LOCATED OUTSIDE THE BUFFER; AND
- (4) THE FACILITIES MEET THE REQUIREMENTS OF THE CRITICAL AREA MANAGEMENT PROGRAM, THE CRITICAL AREA DEVELOPMENT MANUAL, AND THE STATE LAW AND REGULATIONS GOVERNING THE CRITICAL AREA.

§ 7-411. PUBLIC UTILITY AND GOVERNMENT SERVICES.

NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY, EVERY SIGNIFICANT DEVELOPMENT OF PUBLIC UTILITIES OR GOVERNMENTAL SERVICES WITHIN THE CRITICAL AREA IS SUBJECT TO THE SPECIAL REQUIREMENTS AND RESTRICTIONS OF THE CRITICAL AREA MANAGEMENT PROGRAM.

§ 7-412. ABANDONED USES.

ANY USE IN THE CRITICAL AREA OVERLAY DISTRICT THAT IS DISCONTINUED FOR 12 CONSECUTIVE MONTHS:

- (1) IS CONSIDERED ABANDONED; AND

(2) MAY NOT BE REESTABLISHED IN THE CRITICAL AREA UNLESS, ON RECOMMENDATION OF THE DEPARTMENT OF PLANNING, THE BOARD OF MUNICIPAL AND ZONING APPEALS FINDS THAT THE USE COMPLIES WITH THE CRITICAL AREA MANAGEMENT PROGRAM.

§ 7-413. BULK REGULATIONS.

PROPERTIES IN THE CRITICAL AREA OVERLAY DISTRICT ARE SUBJECT TO:

- (1) THE BULK AND YARD REGULATIONS IN THE UNDERLYING DISTRICT; AND
- (2) TO THE EXTENT THAT THEY ARE MORE RESTRICTIVE, THE LOT COVERAGE LIMITATIONS IMPOSED BY THE CRITICAL AREA MANAGEMENT PROGRAM.

§ 7-414. VARIANCES AND CONDITIONAL USES.

(A) IN GENERAL.

IN ADDITION TO THE GENERAL REQUIREMENTS OF THIS CODE GOVERNING VARIANCES AND CONDITIONAL USES, A VARIANCE OR CONDITIONAL USE IN THE CRITICAL AREA IS SUBJECT TO THE STANDARDS AND PROCEDURES OF:

- (1) STATE NATURAL RESOURCES ARTICLE TITLE 8, SUBTITLE 18;
- (2) COMAR TITLE 27;
- (3) THE CRITICAL AREA MANAGEMENT PROGRAM; AND
- (4) THIS SECTION.

(B) EXISTING VIOLATIONS.

NO CONDITIONAL USE OR VARIANCE MAY BE GRANTED TO AUTHORIZE A THEN-EXISTING VIOLATION EXCEPT AS AUTHORIZED IN STATE NATURAL RESOURCES ARTICLE § 8-1808.

(C) CONSIDERATIONS, PRESUMPTIONS, AND BURDEN OF PROOF.

(1) IN CONSIDERING AN APPLICATION FOR A CONDITIONAL USE OR VARIANCE, THE PLANNING DEPARTMENT AND THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST PRESUME THAT THE SPECIFIC DEVELOPMENT ACTIVITY FOR WHICH A CONDITIONAL USE OR VARIANCE IS REQUIRED DOES NOT CONFORM WITH THE GENERAL PURPOSE AND INTENT OF STATE NATURAL RESOURCES ARTICLE, TITLE 8, SUBTITLE 18, THE GENERAL PURPOSE AND INTENT OF COMAR TITLE 27, OR THE REQUIREMENTS OF THE CRITICAL ARE MANAGEMENT POGRAM.

(2) IF THE REQUEST FOR A CONDITIONAL USE OR VARIANCE IS BASED ON CONDITIONS OR CIRCUMSTANCES THAT ARE THE RESULT OF ACTIONS BY THE APPLICANT, INCLUDING THE COMMENCEMENT OF DEVELOPMENT ACTIVITY BEFORE AN APPLICATION IS FILED, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY CONSIDER THAT FACT.

(3) AN APPLICANT HAS THE BURDEN OF PROOF AND THE BURDEN OF PERSUASION TO

OVERCOME THE PRESUMPTION OF NONCONFORMANCE ESTABLISHED BY PARAGRAPH (1) OF THIS SUBSECTION.

(4) THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST MAKE WRITTEN FINDINGS AS TO WHETHER, BASED ON COMPETENT AND SUBSTANTIAL EVIDENCE, THE APPLICANT HAS OVERCOME THIS PRESUMPTION.

(5) WITH DUE REGARD FOR THE PERSON'S EXPERIENCE, TECHNICAL COMPETENCE, AND SPECIALIZED KNOWLEDGE, THE FINDINGS MAY BE BASED ON EVIDENCE INTRODUCED AND TESTIMONY PRESENTED BY EITHER:

(I) THE APPLICANT.

(II) THE CITY OR ANY OTHER GOVERNMENT AGENCY; AND

(III) ANY OTHER PERSON CONSIDERED APPROPRIATE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(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.

(E) FINDINGS - PLANNING DEPARTMENT.

THE PLANNING DEPARTMENT MUST FIND BOTH THAT:

(1) SPECIAL CONDITIONS OR CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE LAND OR STRUCTURE FOR WHICH THE APPLICATION IS MADE; AND

(2) A LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THE CRITICAL AREA MANAGEMENT PROGRAM WOULD RESULT IN THE APPLICANT'S BEING DENIED REASONABLE AND SIGNIFICANT USE OF THE ENTIRE PARCEL OR LOT FOR WHICH THE CONDITIONAL USE OR VARIANCE IS REQUESTED.

(F) FINDINGS - BOARD OF MUNICIPAL AND ZONING APPEALS.

IN ADDITION, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST FIND THAT ALL OF THE FOLLOWING STANDARDS ARE MET:

(1) A LITERAL INTERPRETATION OF THE CRITICAL AREA MANAGEMENT PROGRAM, THE STATE CHESAPEAKE BAY CRITICAL AREA LAW, OR RELATED REGULATIONS WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN SIMILAR AREAS WITHIN THE CRITICAL AREA;

(2) THE GRANTING OF A CONDITIONAL USE OR VARIANCE WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT WOULD BE DENIED UNDER THE CRITICAL AREA MANAGEMENT PROGRAM, THE CHESAPEAKE BAY CRITICAL AREA LAW, OR RELATED REGULATIONS TO OTHER LANDS OR STRUCTURES WITHIN THE CRITICAL AREA;

(3) THE GRANTING OF A CONDITIONAL USE OR VARIANCE WILL NOT ADVERSELY AFFECT WATER QUALITY OR ADVERSELY IMPACT FISH, WILDLIFE, OR PLANT HABITATS WITHIN EITHER THE CRITICAL AREA OR ANY OTHER PROTECTED PART OF THE STATE CHESAPEAKE BAY CRITICAL AREA WITHIN A NEIGHBORING JURISDICTION;

(4) THE GRANTING OF A CONDITIONAL USE OR VARIANCE WILL BE IN HARMONY WITH THE GENERAL SPIRIT AND INTENT OF THE CRITICAL AREA MANAGEMENT PROGRAM, THE STATE CHESAPEAKE BAY CRITICAL AREA LAW, AND RELATED REGULATIONS; AND

(5) THE APPLICATION FOR THE CONDITIONAL USE OR VARIANCE EITHER:

(I) IS NOT BASED ON CONDITIONS OR CIRCUMSTANCES THAT ARE THE RESULT OF THE APPLICANT'S OWN ACTIONS; OR

(II) DOES NOT ARISE FROM ANY CONDITION THAT RELATES TO A LAND OR BUILDING USE, WHETHER NONCONFORMING OR OTHERWISE ALLOWED, ON ANY NEIGHBORING PROPERTY.

§ 7-415. CIVIL PENALTIES.

(A) AUTHORITY AND SCOPE.

(1) THIS SECTION IS ENACTED BY AUTHORITY OF STATE NATURAL RESOURCES ARTICLE § 81808(C)(1)(III)14.

(2) THIS SECTION APPLIES IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL PENALTY AUTHORIZED BY STATE OR CITY LAW.

(B) ADMINISTRATOR MAY IMPOSE.

ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE, OF THE CRITICAL AREA MANAGEMENT PROGRAM, OR OF ANY RULE OR REGULATION ADOPTED UNDER THEM, INCLUDING ANY CONTRACTOR, PROPERTY OWNER, OR OTHER PERSON WHO AUTHORIZES OR WHO ASSISTS OR PARTICIPATES IN THE VIOLATION, IS SUBJECT TO THE IMPOSITION BY THE ZONING ADMINISTRATOR OF A CIVIL FINE OF UP TO \$10,000 FOR EACH OFFENSE.

(C) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

(D) CONSIDERATIONS.

IN DETERMINING THE AMOUNT OF THE PENALTY TO BE IMPOSED UNDER THIS SECTION, THE ZONING ADMINISTRATOR MUST CONSIDER THE FOLLOWING:

(1) THE GRAVITY OF THE VIOLATION;

(2) ANY WILLFULNESS OR NEGLIGENCE INVOLVED IN THE VIOLATION;

(3) THE ENVIRONMENTAL IMPACT OF THE VIOLATION; AND

(4) THE COST OF RESTORING AND MITIGATING THE DAMAGE TO THE RESOURCE AFFECTED BY

THE VIOLATION, INCLUDING THE COST TO THE STATE OR THE CITY FOR PERFORMING, SUPERVISING, OR RENDERING ASSISTANCE TO THE RESTORATION AND MITIGATION.

(E) PROCEDURES.

THE PROCEDURES FOR IMPOSING THE FINE AND FOR PROVIDING NOTICE AND AN OPPORTUNITY TO BE HEARD ARE AS SET FORTH IN THE ADMINISTRATIVE ENFORCEMENT PROCEDURES OF THE CRITICAL AREA MANAGEMENT PROGRAM.

TITLE 8. DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 8-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, AND DESIGN STANDARDS FOR DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS.

SUBTITLE 2. DISTRICT DESCRIPTIONS

§ 8-201. COMMON STANDARDS.

(A) RESIDENTIAL DEVELOPMENT.

IN THE DISTRICTS DESCRIBED IN THIS SUBTITLE, RESIDENTIAL DEVELOPMENT IS LIMITED TO 1 SINGLE-FAMILY DWELLING UNIT PER LOT.

(B) RESIDENTIAL CONVERSIONS.

IN ANY OF THE DISTRICTS SUBJECT TO THIS TITLE, THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS PROHIBITED.

§ 8-202. R-1A DETACHED RESIDENTIAL DISTRICT.

THE R-1A DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LARGE LOTS OF AT LEAST 2 ACRES IN AREAS OF COUNTRYSIDE CHARACTER, WHERE ENVIRONMENTAL SENSITIVITY IS REQUIRED DURING DEVELOPMENT TO PRESERVE NATURAL FEATURES AND WHERE TRANSPORTATION ACCESS IS MORE LIMITED.

§ 8-203. R-1B DETACHED RESIDENTIAL DISTRICT.

THE R-1B DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LARGE LOTS OF AT LEAST 1 ACRE IN AREAS OF COUNTRYSIDE CHARACTER, WHERE ENVIRONMENTAL SENSITIVITY IS REQUIRED DURING DEVELOPMENT TO PRESERVE NATURAL FEATURES AND WHERE TRANSPORTATION ACCESS IS MORE LIMITED.

§ 8-204. R-1C DETACHED RESIDENTIAL DISTRICT.

THE R-1C DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LARGE LOTS OF AT LEAST 21,780 SQUARE FEET IN AREAS OF ESTABLISHED LOW DENSITY DEVELOPMENT.

§ 8-205. R-1D DETACHED RESIDENTIAL DISTRICT.

THE R-1D DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR LOW DENSITY NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 14,520 SQUARE FEET .

§ 8-206. R-1E DETACHED RESIDENTIAL DISTRICT.

THE R-1E DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 9,000 SQUARE FEET.

§ 8-207. R-1 DETACHED RESIDENTIAL DISTRICT.

THE R-1 DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 7,300 SQUARE FEET.

§ 8-208. R-2 DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICT.

THE R-2 DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR RESIDENTIAL NEIGHBORHOODS THAT ACCOMMODATE BOTH DETACHED AND SEMI-DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 5,000 SQUARE FEET.

§ 8-209. R-3 DETACHED RESIDENTIAL DISTRICT.

THE R-3 DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS OF DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 5,000 SQUARE FEET.

§ 8-210. R-4 DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICT.

THE R-4 DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR NEIGHBORHOODS THAT ACCOMMODATE DETACHED AND SEMI-DETACHED DWELLINGS LOCATED ON LOTS OF AT LEAST 3,000 SQUARE FEET.

SUBTITLE 3. USE REGULATIONS

§ 8-301. AS LISTED IN TABLE 8-301.

ONLY THOSE USES OF LAND LISTED IN TABLE 8-301: PERMITTED AND CONDITIONAL USES IN DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS ARE ALLOWED WITHIN THESE ZONING DISTRICTS.

SUBTITLE 4. BULK AND YARD REGULATIONS

§ 8-401. APPLICABLE REGULATIONS.

TABLE 8-401: DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS.

§ 8-402. MEASUREMENT METHODOLOGIES; EXCEPTIONS, ETC.

(A) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(B) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

SUBTITLE 5. DESIGN STANDARDS

§ 8-501. IN GENERAL.

(A) SCOPE.

DETACHED DWELLINGS ARE SUBJECT TO THE DESIGN STANDARDS OF THIS SUBTITLE.

(B) ADMINISTRATIVE EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

§ 8-502. FRONT FACADE.

THE FRONT ENTRY MUST BE A DOMINANT FEATURE ON THE FRONT ELEVATION OF A HOME. THE FRONT ENTRY SHOULD BE EMPHASIZED AS AN INTEGRAL PART OF THE STRUCTURE, USING FEATURES SUCH AS PORCHES AND RAISED STEPS AND STOOPS WITH ROOF OVERHANGS OR DECORATIVE RAILINGS, TO CREATE A PROTECTED ENTRY AREA AND ARTICULATE THE FRONT FACADE. WINDOWS AND OTHER ARCHITECTURAL FEATURES ARE REQUIRED TO AVOID THE APPEARANCE OF BLANK WALLS FACING THE STREET. {SEE FIGURE 8-502: ARTICULATED FRONT FACADE.}

§ 8-503. SIDE FACADES.

SIDE FACADES DESIGNED AS BLANK WALLS ARE PROHIBITED. WINDOWS, SIDE ENTRANCES, OR OTHER ARCHITECTURAL FEATURES ARE REQUIRED TO AVOID THE APPEARANCE OF BLANK WALLS FACING NEIGHBORING HOMES. {SEE FIGURE 8-503: ARTICULATED SIDE FACADE.}

§ 8-504. CORNER LOT FACADES.

HOUSES ON CORNER LOTS MUST VISUALLY ADDRESS BOTH STREET FRONTAGES. THE PRIMARY FACADE ON WHICH THE ENTRANCE TO THE STRUCTURE IS LOCATED MUST INCLUDE THE FRONT ENTRY AS A DOMINANT FEATURE AND BE DESIGNED IN ACCORDANCE WITH § 8-502 {"FRONT FACADE"} OF THIS SUBTITLE. THE SECONDARY STREET-FACING FACADE MUST INCLUDE ARTICULATION, SUCH AS WINDOWS, PORCHES, AND OTHER ARCHITECTURAL FEATURES, TO AVOID THE APPEARANCE OF A BLANK WALL. {SEE FIGURE 8-504: CORNER LOT FACADE ARTICULATION.}

§ 8-505. ADDITIONS.

THE SCALE AND MASS OF ADDITIONS MUST BE IN KEEPING WITH THAT OF THE ORIGINAL STRUCTURE. ALL ADDITIONS MUST MEET THE ARTICULATION REQUIREMENTS OF THIS SUBTITLE FOR STREET-FACING AND SIDE FACADES. EXTERIOR BUILDING MATERIALS AND COLORS, AS WELL AS TRIM AND OTHER ARCHITECTURAL DETAILS, MUST COMPLIMENT THE EXISTING STRUCTURE. {SEE FIGURE 8-505: SCALE AND MASS OF ADDITIONS.}

SUBTITLE 6. OTHER APPLICABLE STANDARDS

§ 8-601. IN GENERAL.

THE DETACHED AND SEMI-DETACHED RESIDENTIAL ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SUBTITLE.

§ 8-602. ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

§ 8-603. SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

§ 8-604. OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

§ 8-605. LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE LANDSCAPE REVIEW MANUAL.

§ 8-606. SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

§ 8-607. TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

TITLE 9. ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 9-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, AND DESIGN STANDARDS FOR ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS.

SUBTITLE 2. DISTRICT DESCRIPTIONS

§ 9-201. RESIDENTIAL CONVERSIONS.

THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS:

- (1) PROHIBITED IN THE R-5 AND R-6 DISTRICTS; BUT
- (2) ALLOWED IN THE R-7, R-8, R-9, AND R-10 DISTRICTS, AS PROVIDED IN SUBTITLE 7 {"RESIDENTIAL CONVERSIONS"} OF THIS TITLE.

§ 9-202. R-5 TRANSITIONAL RESIDENTIAL DISTRICT.

(A) NEIGHBORHOODS.

THE R-5 TRANSITIONAL RESIDENTIAL ZONING DISTRICT IS INTENDED FOR THOSE AREAS THAT FACILITATE A TRANSITION FROM PRIMARILY SINGLE-FAMILY NEIGHBORHOODS TO NEIGHBORHOODS THAT CONTAIN A WIDER MIX OF HOUSING TYPES.

(B) HOUSING TYPES.

THE R-5 DISTRICT IS MEANT TO ACCOMMODATE SINGLE-FAMILY UNITS IN BOTH DETACHED AND SEMI-DETACHED DWELLINGS, ROWHOUSE DEVELOPMENTS, AND LIMITED LOW-RISE MULTI-FAMILY GARDEN APARTMENT DEVELOPMENTS OF A MODERATE DENSITY.

§ 9-203. R-6 GARDEN ROWHOUSE RESIDENTIAL DISTRICT.

(A) NEIGHBORHOODS.

THE R-6 GARDEN ROWHOUSE RESIDENTIAL ZONING DISTRICT IS INTENDED FOR PRIMARILY LOW DENSITY ROWHOUSE NEIGHBORHOODS THAT REFLECT A NATURALISTIC ENVIRONMENT TYPIFIED BY OPEN AND LANDSCAPED FRONT YARDS OF BUILDINGS THAT ARE SET BACK AND

THAT CONTAIN STOOPS AND PORCHES ORIENTED TO THOSE YARDS.

(B) HOUSING TYPES.

THE R-6 DISTRICT IS MEANT TO ACCOMMODATE SINGLE-FAMILY UNITS IN BOTH DETACHED AND SEMI-DETACHED DWELLINGS, ROWHOUSE DEVELOPMENTS, AND MULTI-FAMILY DEVELOPMENTS OF A MODERATE DENSITY.

§ 9-204. R-7 MIXED RESIDENTIAL DISTRICT.

(A) NEIGHBORHOODS.

THE R-7 MIXED RESIDENTIAL ZONING DISTRICT IS INTENDED FOR THOSE AREAS THAT OFFER A DIVERSE RANGE OF HOUSING TYPES. DEVELOPMENT IN THIS DISTRICT ACCOMMODATES A TRANSITION BETWEEN NATURALISTIC AND URBAN RESIDENTIAL SETTINGS.

(B) HOUSING TYPES.

THE R-6 DISTRICT IS MEANT TO ACCOMMODATE A DIVERSE RANGE OF HOUSING TYPES, INCLUDING DETACHED AND SEMI-DETACHED DWELLINGS, ROWHOUSE DEVELOPMENTS, AND MULTI-FAMILY DEVELOPMENTS OF A LARGER SCALE THAN FOUND IN THE MORE RESTRICTIVE RESIDENTIAL DISTRICTS.

§ 9-205. R-8 ROWHOUSE RESIDENTIAL DISTRICT.

(A) NEIGHBORHOODS.

THE R-8 ROWHOUSE RESIDENTIAL ZONING DISTRICT IS INTENDED TO ACCOMMODATE AND MAINTAIN THE TRADITIONAL FORM OF URBAN ROWHOUSE DEVELOPMENT TYPICAL OF MANY OF THE CITY'S INNER NEIGHBORHOODS, WHICH CONTAIN CONTINUOUS, BLOCK-LONG ROWHOUSE DEVELOPMENT BUILT TO OR ONLY MODESTLY SET BACK FROM THE STREET.

(B) HOUSING TYPES.

ALTHOUGH ROWHOUSE IS THE PREDOMINANT HOUSING TYPE, THIS DISTRICT ALSO ACCOMMODATES OTHER RESIDENTIAL TYPES, OF A SIMILAR DENSITY, INCLUDING DETACHED AND SEMI-DETACHED DWELLINGS, AND MULTI-FAMILY DEVELOPMENTS OF A LARGER SCALE THAN FOUND IN MORE RESTRICTIVE ZONING DISTRICTS.

§ 9-206. R-9 MULTI-FAMILY RESIDENTIAL DISTRICT.

(A) NEIGHBORHOODS.

THE R-9 MULTI-FAMILY RESIDENTIAL ZONING DISTRICT IS INTENDED FOR THOSE AREAS WITH SIGNIFICANT GREEN SPACE SURROUNDING DEVELOPMENT, PARTICULARLY HIGHER DENSITY HOUSING AND NON-RESIDENTIAL USES.

(B) HOUSING TYPES.

THE R-9 DISTRICT CONTAINS A MIX OF HIGHER DENSITY, BUT PREDOMINANTLY MID-RISE,

HOUSING TYPES. PERMITTED HOUSING TYPES INCLUDE SINGLE-FAMILY HOMES, BOTH DETACHED AND SEMI-DETACHED, ROWHOUSE DEVELOPMENTS, AND MULTI-FAMILY DEVELOPMENTS, ALL WITH SIGNIFICANT FRONT YARD OPEN SPACE. CHARACTERISTIC OF THIS DISTRICT ARE MULTI-FAMILY DEVELOPMENTS SITED WITH SIGNIFICANT FRONT YARD OPEN SPACE AND ROWHOUSE DEVELOPMENTS WITH OPEN SPACE BOTH ALONG THE PERIMETER OF THE SITE AND WITHIN THE DEVELOPMENT.

§ 9-207. R-10 HIGH-DENSITY RESIDENTIAL DISTRICT

THE R-10 HIGH-DENSITY RESIDENTIAL ZONING DISTRICT IS INTENDED FOR AREAS OF SIGNIFICANT DENSITY ACCOMMODATED IN CONCENTRATED HIGH RISE AND ROWHOUSE DEVELOPMENT ENVIRONMENTS.

SUBTITLE 3. USE REGULATIONS

§ 9-301. AS LISTED IN TABLE 9-301.

ONLY THOSE USES OF LAND LISTED IN TABLE 9-301: PERMITTED AND CONDITIONAL USES IN THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS ARE ALLOWED WITHIN THESE ZONING DISTRICTS.

SUBTITLE 4. BULK AND YARD REGULATIONS

§ 9-401. APPLICABLE REGULATIONS.

TABLE 9-401: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS.

§ 9-402. MEASUREMENT METHODOLOGIES; EXCEPTIONS, ETC.

(A) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(B) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 9-403. SETBACK REDUCTION FOR COURTYARD DESIGN .

(A) IN GENERAL.

MULTI-FAMILY DWELLINGS DESIGNED WITH A COURTYARD ARE PERMITTED A REDUCTION OF THE FRONT YARD REQUIREMENT. {SEE FIGURE 9-403: SETBACK REDUCTION FOR COURTYARD DESIGN.}

(B) REQUIREMENTS.

FRONT YARDS MAY BE REDUCED FOR COURTYARD BUILDING DESIGN AS LONG AS:

- (1) NO MORE THAN 75% OF THE BUILDING'S FRONTAGE MAINTAINS A MINIMUM FRONT YARD OF 15 FEET;
- (2) THE REMAINING FRONTAGE MEETS THE MINIMUM REQUIRED FRONT YARD OR 30 FEET, WHICHEVER IS GREATER; AND.
- (3) THOSE PORTIONS OF THE COURTYARD BUILDING LOCATED AT A REDUCED FRONT YARD ARE EVENLY SPACED OR WITHIN 10% OF EVEN SPACING.

SUBTITLE 5. DESIGN STANDARDS

§ 9-501. IN GENERAL.

(A) SCOPE.

THIS SUBTITLE SETS DESIGN STANDARDS FOR ALL NEW ROWHOUSE CONSTRUCTION, INCLUDING INFILL, ADDITIONS, AND ROOF DECKS.

(B) ADMINISTRATIVE EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

§ 9-502. INFILL - 1 OR 2 UNITS WITHIN COORDINATED GROUP.

(A) SCOPE; INTENT.

(1) THE SECTION SETS DESIGN STANDARDS FOR THE INFILL CONSTRUCTION OF 1 OR 2 ROWHOUSE UNITS WITHIN A GROUP OF EXISTING ROWHOUSES THAT WERE ORIGINALLY DESIGNED AND DEVELOPED AS A SINGLE, COORDINATED ROWHOUSE DEVELOPMENT. {SEE FIGURE 9-502(A): COORDINATED ROWHOUSE DEVELOPMENT.}

(2) THE INTENT OF THESE DESIGN STANDARDS IS TO MATCH INFILL DEVELOPMENT TO THE EXISTING COORDINATED ROWHOUSE DESIGN OF THE DEVELOPMENT.

(B) DESIGN REVIEW .

DESIGN REVIEW APPROVAL IS REQUIRED.

(C) SETBACK.

(1) ROWHOUSE INFILL DEVELOPMENT MUST BE BUILT TO THE EXISTING FRONT SETBACK, AS DETERMINED BY THE FRONT SETBACK OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT. {SEE FIGURE 9502(C): SETBACK REQUIREMENT.}

(2) IF THE SETBACK OF THE IMMEDIATELY ADJOINING ROWHOUSES VARIES, THE INFILL DEVELOPMENT MAY BE BUILT TO EITHER SETBACK.

(D) BUILDING HEIGHT.

(1) THE HEIGHT OF THE INFILL DEVELOPMENT MAY NOT EXCEED THE EXISTING HEIGHT OF THE DEVELOPMENT BY MORE THAN 10%, AS DETERMINED BY THE HEIGHT OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT, WITH ACCOMMODATION FOR GRADE CHANGES.

(2) WHERE GRADE CHANGES OCCUR, THE RHYTHM OF BUILDING HEIGHTS WITHIN THE OVERALL GROUP MUST BE MAINTAINED, GIVING THE APPEARANCE OF A GENERALLY UNIFORM HEIGHT. {SEE FIGURE 9-502(D): BUILDING HEIGHT REQUIREMENT.}

(E) ROOF FORM.

(1) ROWHOUSE INFILL DEVELOPMENT MUST MATCH OR COMPLEMENT THE ROOF FORM OF THE GROUP ON THE FRONT FACADE.

(2) IF CERTAIN ARCHITECTURAL DETAILS ARE COMMON TO THE ROOF DESIGN OF THE FRONT FACADE OF THE ROWHOUSE GROUP, SUCH AS CORNICES OR DORMERS, ROWHOUSE INFILL DEVELOPMENT MUST INCLUDE THIS IN THE ROOF DESIGN.

(F) CORNICES .

(1) CORNICE HEIGHTS MUST MATCH OR COMPLEMENT THE CORNICES OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT, WITH ACCOMMODATION FOR GRADE CHANGES. {SEE FIGURE 9-502(F): CORNICE HEIGHT.}

(2) WHERE GRADE CHANGES OCCUR, THE RHYTHM OF CORNICE HEIGHTS WITHIN THE OVERALL GROUP MUST BE MAINTAINED.

(3) IF CORNICES WITHIN THE ROWHOUSE GROUP ENCROACH INTO THE PUBLIC RIGHT-OF-WAY, THE CORNICE OF THE INFILL DEVELOPMENT MAY ENCROACH NO MORE THAN AS ESTABLISHED BY THE GROUP.

(4) METAL CORNICE COVERS ARE PROHIBITED.

(G) GROUND FLOOR ELEVATION.

(1) THE GROUND FLOOR ELEVATION OF THE INFILL DEVELOPMENT MAY NOT EXCEED THE EXISTING GROUND FLOOR ELEVATION OF THE DEVELOPMENT BY MORE THAN 10%, AS DETERMINED BY THE GROUND FLOOR ELEVATION OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT, WITH ACCOMMODATION FOR GRADE CHANGES OR CITY CODE REQUIREMENTS.

(2) WHERE GRADE CHANGES OCCUR, THE RHYTHM OF GROUND FLOOR ELEVATIONS WITHIN THE OVERALL GROUP MUST BE MAINTAINED. {SEE FIGURE 9-502(G): FRONT FACADE DESIGN REQUIREMENTS.}

(H) WINDOW ARRANGEMENT.

ROWHOUSE INFILL DEVELOPMENT MUST MATCH THE WINDOW PATTERN OF THE GROUP. {SEE FIGURE 9-502(G): FRONT FACADE DESIGN REQUIREMENTS.}

(I) FRONT ENTRANCE.

ROWHOUSE INFILL DEVELOPMENT MUST MAINTAIN THE RHYTHM OF FRONT ENTRANCES IN TERMS OF SPACING WITHIN THE GROUP. {SEE FIGURE 9-502(G): FRONT FACADE DESIGN REQUIREMENTS.}

(J) ARCHITECTURAL FEATURES.

(1) ARCHITECTURAL FEATURES, SUCH AS PORCHES, STEPS AND STOOPS, CORNICES, AND BAY WINDOWS, THAT ARE COMMON TO THE GROUP MUST BE INCLUDED AND MUST MATCH OR COMPLEMENT THE DESIGN AND PLACEMENT OF THE GROUP.

(2) ARCHITECTURAL DETAILS MAY ENCROACH INTO THE PUBLIC RIGHT-OF-WAY, BUT NO MORE THAN AS ESTABLISHED BY THE GROUP. {SEE FIGURE 9-502(G): FRONT FACADE DESIGN REQUIREMENTS.}

(K) BUILDING MATERIALS.

(1) ALL FRONT AND CORNER SIDE FACADES MUST BE STANDARD MODULAR CLAY BRICK.

(2) BRICK COLORS SHOULD BE CONSISTENT WITH BALTIMORE TRADITIONS AND MAY VARY FROM BUILDING TO BUILDING TO CREATE VARIETY. THE BRICK COLOR MUST BE CONSISTENT WITHIN A GIVEN FACADE. ACCENT BRICK TRIM IN A DIFFERENT COLOR IS PERMITTED.

(3) ADDITIONAL BUILDING MATERIALS USED ON ARCHITECTURAL FEATURES OR ROOFS ARE PERMITTED, BUT MUST MATCH THOSE WITHIN THE GROUP.

(4) HOWEVER, BUILDING MATERIALS OTHER THAN BRICK MAY BE APPROVED DURING DESIGN REVIEW UNLESS SPECIFICALLY PROHIBITED BY THIS SECTION.

(5) THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED ON ANY ROOF OR ANY FRONT OR CORNER SIDE FACADE:

(I) FORMSTONE;

(II) WOODSHAKES OR SIMULATED WOODSHAKES;

(III) PLYWOOD;

(IV) ALUMINUM SIDING;

(V) VINYL SIDING;

(VI) EXTERIOR INSULATION AND FINISHING SYSTEM; OR

(VII) SIMILAR MATERIALS.

(L) CORNER LOTS.

(1) CERTAIN ROWHOUSE DEVELOPMENTS WITHIN THE CITY WERE CONSTRUCTED WITH LARGER, MORE PROMINENT STRUCTURES ON CORNER LOTS (AT THE INTERSECTION OF 2 STREETS). ACCORDINGLY, INFILL DEVELOPMENT ON CORNER LOTS WITHIN A ROWHOUSE DEVELOPMENT MAY INCLUDE:

(I) ADDITIONAL ARCHITECTURAL FEATURES THAT DEFINE A CORNER STRUCTURE; AND

(II) VARIATIONS TO THE DESIGN FORM OF THE GROUP THAT RECOGNIZE THE LARGER MASS OF THE CORNER ROWHOUSE.

(2) THESE ARCHITECTURAL FEATURES AND DESIGN MUST SUGGEST AND BE COMPATIBLE WITH TRADITIONAL DESIGN FORMS SEEN WITHIN BALTIMORE ROWHOUSE DEVELOPMENT. {SEE FIGURE 9-502: CORNER DESIGN.}

§ 9-503. INFILL - 3 OR MORE UNITS IN COORDINATED GROUP; 1 OR MORE UNITS IN NON-COORDINATED GROUP.

(A) SCOPE; INTENT.

(1) THE SECTION SETS DESIGN STANDARDS FOR:

(I) THE NEW CONSTRUCTION OF 3 OR MORE ADJOINING ROWHOUSE UNITS WITHIN A GROUP OF EXISTING ROWHOUSES THAT WERE ORIGINALLY DESIGNED AND DEVELOPED AS A SINGLE, COORDINATED ROWHOUSE DEVELOPMENT {SEE FIGURE 9-503(A)(1)(I): DESIGN STANDARDS FOR 3 OR MORE NEW ROWHOUSES IN COORDINATED GROUP}; AND

(II) THE NEW CONSTRUCTION OF 1 OR MORE ROWHOUSES WITHIN AN AREA OF ROWHOUSE DEVELOPMENT THAT WAS NOT ORIGINALLY DESIGNED AND DEVELOPED AS A SINGLE, COORDINATED DEVELOPMENT {SEE FIGURE 9-503(A)(1)(II): DESIGN STANDARDS FOR 1 OR MORE ROWHOUSES IN NON- COORDINATED GROUP}.

(2) THE INTENT OF THESE DESIGN STANDARDS IS TO ALLOW FOR COMPATIBLE ROWHOUSE DEVELOPMENT WITHIN ROWHOUSE NEIGHBORHOODS WHERE ADDITIONAL DESIGN FLEXIBILITIES ARE NEEDED.

(B) DESIGN REVIEW .

DESIGN REVIEW APPROVAL IS REQUIRED.

(C) SITING.

(1) THE ROWHOUSE MUST BE BUILT TO THE EXISTING FRONT SETBACK, AS DETERMINED BY THE SETBACK OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT.

(2) IF THE SETBACK OF THE IMMEDIATELY ADJOINING ROWHOUSES VARIES, THE INFILL DEVELOPMENT MAY BE BUILT TO EITHER SETBACK. {SEE FIGURE 9-503(C): SETBACK

REQUIREMENTS.}

(3) ALL ROWHOUSES AND THEIR ENTRANCES MUST FACE THE STREET.

(4) WHERE ALLEYS ARE AVAILABLE, AUTO ACCESS TO ANY INTERIOR PARKING MUST BE PROVIDED THROUGH THE ALLEYS.

(D) GROUND FLOOR ELEVATION.

(1) THE GROUND FLOOR ELEVATION OF THE ROWHOUSE MAY NOT EXCEED THE EXISTING GROUND FLOOR ELEVATION OF THE DEVELOPMENT BY MORE THAN 10%, AS DETERMINED BY THE GROUND FLOOR ELEVATION OF THE EXISTING ROWHOUSES IMMEDIATELY ADJOINING EACH SIDE OF THE LOT, WITH ACCOMMODATION FOR GRADE CHANGES OR CITY CODE REQUIREMENTS. {SEE FIGURE 9503(D): GROUND FLOOR ELEVATION.}

(2) IF THE GROUND FLOOR ELEVATION OF THE IMMEDIATELY ADJOINING ROWHOUSES VARIES, THE ROWHOUSE MAY BE BUILT WITH EITHER GROUND FLOOR ELEVATION.

(E) WINDOW ARRANGEMENT.

(1) A MINIMUM OF 40% OF THE LINEAL HORIZONTAL DIMENSION OF THE FACADE OF EACH FLOOR MUST BE WINDOWS OR OPENINGS.

(2) BRICK ARCH WORK AND STONE LINTELS OVER WINDOWS ARE ENCOURAGED.

(3) USE OF SPECIAL WINDOW DESIGNS, SUCH AS BAYS, BOXES, AND PAIRS, IS ENCOURAGED.

(4) RECESSED WINDOWS WITH MULLIONS ARE ENCOURAGED TO DEVELOP SHADOW LINES.

(5) ORNAMENTAL WINDOW GRILLES AND BALCONETTES MAY BE INCORPORATED. {SEE FIGURE 9503(E): WINDOW ARRANGEMENT.}

(F) ARCHITECTURAL FEATURES.

(1) ARCHITECTURAL FEATURES THAT ARE COMMON TO THE ROWHOUSE DESIGN, SUCH AS PORCHES, STEPS AND STOOPS, CORNICES, AND BAY WINDOWS, ARE ENCOURAGED.

(2) BASED ON EXISTING DEVELOPMENT PATTERNS IN THE AREA, THESE FEATURES MAY ENCROACH UP TO 5 FEET INTO THE PUBLIC RIGHT-OF-WAY, SUBJECT TO CITY APPROVAL THROUGH THE ADMINISTRATIVE DESIGN REVIEW PROCESS. {SEE FIGURE 9-503(F): PERMITTED ARCHITECTURAL ENCROACHMENTS.}

(3) ENCROACHMENTS IN THE RIGHT-OF-WAY MAY BE SUBJECT TO MINOR PRIVILEGE FEES.

(G) BUILDING MATERIALS.

(1) ALL FRONT AND CORNER SIDE FACADES MUST BE STANDARD MODULAR CLAY BRICK.

(2) BRICK COLORS SHOULD BE CONSISTENT WITH BALTIMORE TRADITIONS AND MAY VARY FROM BUILDING TO BUILDING TO CREATE VARIETY. THE BRICK COLOR MUST BE CONSISTENT WITHIN A GIVEN FACADE. ACCENT BRICK TRIM IN A DIFFERENT COLOR IS PERMITTED.

(3) BUILDING MATERIALS OTHER THAN BRICK MAY BE APPROVED DURING DESIGN REVIEW UNLESS SPECIFICALLY PROHIBITED BY THIS SECTION.

(4) THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED ON ANY ROOF OR ANY FRONT OR CORNER SIDE FACADE:

- (I) FORMSTONE;
 - (II) WOODSHAKES OR SIMULATED WOODSHAKES;
 - (III) ALUMINUM SIDING;
 - (IV) VINYL SIDING; OR
 - (V) SIMILAR MATERIALS.
- (H) CORNER LOTS.

(1) CERTAIN ROWHOUSE DEVELOPMENTS WITHIN THE CITY WERE CONSTRUCTED WITH LARGER, MORE PROMINENT STRUCTURES ON CORNER LOTS (AT THE INTERSECTION OF 2 STREETS). ACCORDINGLY, CORNER LOTS MAY INCLUDE ADDITIONAL ARCHITECTURAL FEATURES THAT DEFINE A CORNER STRUCTURE.

(2) THESE ARCHITECTURAL FEATURES MUST REFLECT TRADITIONAL DESIGN FORMS SEEN WITHIN BALTIMORE ROWHOUSE DEVELOPMENT. {SEE FIGURE 9-503(H): CORNER DESIGN.}

§ 9-504. NEW ROWHOUSE GROUP.

(A) SCOPE.

THIS SECTION SETS DESIGN STANDARDS FOR NEW CONSTRUCTION OF ROWHOUSES THAT ARE DESIGNED AND DEVELOPED AS A SINGLE GROUP.

(B) DESIGN REVIEW.

DESIGN REVIEW APPROVAL IS REQUIRED.

(C) GENERAL DESIGN STANDARDS.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, GROUPED ROWHOUSE DEVELOPMENT MUST MEET THE DESIGN STANDARDS OF § 9-503 {"3 OR MORE IN COORDINATED GROUP; 1 OR MORE IN NON-COORDINATED"} OF THIS SUBTITLE.

(D) SITING.

(1) ALL ROWHOUSES AND THEIR ENTRANCES MUST FACE THE STREET.

(2) ROWHOUSES WITHIN THE GROUP DO NOT HAVE TO BE BUILT TO THE SAME HEIGHT. BUT THEY SHOULD APPEAR TO BE COORDINATED, INCLUDING ACCOMMODATION FOR GRADE

CHANGES.

- (3) A GENERAL RHYTHM OF CORNICE HEIGHTS MUST BE MAINTAINED BY THE ROWHOUSES WITHIN THE GROUP.
- (4) THE ROWHOUSES WITHIN THE GROUP MUST FOLLOW A SIMILAR WINDOW PATTERN.
- (5) A GENERAL RHYTHM OF GROUND FLOOR ELEVATIONS MUST BE MAINTAINED WITHIN THE GROUP.
- (6) A GENERAL RHYTHM OF FRONT ENTRANCES, IN TERMS OF SPACING ALONG THE BLOCKFACE, MUST BE MAINTAINED.
{SEE FIGURE 9-504(D): SITING REQUIREMENTS.}

§ 9-505. ADDITIONS TO EXISTING ROWHOUSES - UPPER FLOOR ADDITIONS.

(A) SCOPE.

THE SECTION SETS DESIGN STANDARDS FOR ALL UPPER FLOOR ADDITIONS TO A ROWHOUSE.

(B) DESIGN REVIEW.

- (1) DESIGN REVIEW APPROVAL IS REQUIRED.
- (2) AS PART OF THE SUBMITTAL FOR DESIGN REVIEW, A DIAGRAM IS REQUIRED TO INDICATE THE SITE LINE FROM THE SIDEWALK ACROSS THE STREET TO THE THIRD FLOOR OF THE ROWHOUSE.

(C) INTEGRATION.

UPPER FLOOR ADDITIONS MUST BE ARCHITECTURALLY INTEGRATED INTO THE EXISTING ROWHOUSE AND THE CONTEXT OF EXISTING ROWHOUSES ON THE ENTIRE BLOCKFACE.

(D) BUILDING MATERIALS.

THE FOLLOWING MATERIALS ARE PROHIBITED FOR UPPER FLOOR ADDITIONS:

- (1) FORMSTONE;
- (2) WOODSHAKES OR SIMULATED WOODSHAKES;
- (3) PLYWOOD;
- (4) ALUMINUM SIDING;
- (5) VINYL SIDING; OR
- (6) SIMILAR MATERIALS.

(E) WINDOW ARRANGEMENT.

(1) THE WINDOW ARRANGMENT ON UPPER FLOOR ADDITIONS MUST MATCH THE EXISTING DESIGN OF THE ROWHOUSE AND THE CONTEXT OF EXISTING ROWHOUSES ON THE ENTIRE BLOCKFACE.

(2) HOWEVER, WHEN THE UPPER FLOOR ADDITION IS SET BACK, AN ALL GLASS FACADE IS PERMITTED.

(F) CORNICES.

(1) IF THERE IS AN EXISTING CORNICE AND IF THE UPPER FLOOR ADDITION IS FLUSH WITH THE FRONT FACADE, THE CORNICE MUST BE MOVED TO THE TOP OF THE NEW ADDITION.

(2) IF THE UPPER FLOOR ADDITION IS SET BACK:

(I) THE CORNICE MUST REMAIN IN THE EXISTING LOCATION; AND

(II) THE NEW ADDITION MUST ADDRESS THE NEW ROOF LINE IN AN APPROPRIATE MANNER.

(G) SET BACKS.

UPPER FLOOR ADDITIONS MUST BE SET BACK AT LEAST 10 FEET IN THE FOLLOWING INSTANCES: {SEE FIGURE 9-505(G): UPPER FLOOR ADDITION SETBACK.}

(1) IF THE ROWHOUSE FACES A STREET THAT IS 30 FEET OR LESS IN WIDTH; AND

(2) IF THE ROWHOUSE IS WITHIN AN EXISTING ROWHOUSE DEVELOPMENT THAT HAS A UNIFORM HEIGHT, EXCLUDING CORNER LOTS. {SEE FIGURE 9-505(G)(2): UPPER FLOOR ADDITION SITING.}

(H) CORNER LOTS.

(1) CERTAIN ROWHOUSE DEVELOPMENTS WITHIN THE CITY WERE CONSTRUCTED WITH LARGER, MORE PROMINENT STRUCTURES ON CORNER LOTS (AT THE INTERSECTION OF 2 STREETS).

(2) ACCORDINGLY, A THIRD-FLOOR ADDITION FOR A ROWHOUSE ON A CORNER LOT IS NOT REQUIRED TO BE SET BACK IF THE ROWHOUSE IS WITHIN AN EXISTING ROWHOUSE DEVELOPMENT THAT HAS BEEN DESIGNED AND DEVELOPED AS A SINGLE, COORDINATED GROUP. HOWEVER, THE ROWHOUSE MUST INCLUDE ADDITIONAL ARCHITECTURAL FEATURES THAT DEFINE A CORNER STRUCTURE.

§ 9-506. ADDITIONS TO EXISTING ROWHOUSES - ROOF DECKS.

(A) SCOPE.

THE DESIGN STANDARD IN THIS SECTION APPLY TO ALL ROOF DECKS ON A ROWHOUSE.

(B) DESIGN REVIEW.

(1) DESIGN REVIEW APPROVAL IS REQUIRED.

(2) AS PART OF THE SUBMITTAL FOR DESIGN REVIEW, A DIAGRAM IS REQUIRED TO INDICATE THE SITE LINE FROM THE SIDEWALK ACROSS THE STREET TO THE ROOF DECK.

(C) SETBACKS.

(1) ROOF DECKS MUST COMPLY WITH THE FOLLOWING MINIMUM SETBACKS: {SEE FIGURE 9506(C): ROOF DECK.}

(I) FLAT ROOF: 8 FEET FROM FRONT FACADE.

(II) GABLED ROOF: 6 FEET BEHIND RIDGE LINE.

(III) ROWHOUSE FACING A STREET THAT IS 30 FEET OR LESS IN WIDTH: 10 FEET FROM FRONT FACADE.

(2) IN ADDITION TO THE MINIMUM SETBACK REQUIREMENTS, ROOF DECKS MUST BE DESIGNED AND LOCATED SO THAT THEY ARE NOT VISIBLE FROM THE STREET, AS VIEWED FROM ACROSS THE STREET.

(D) DECK HEIGHT.

(1) NO ROOF DECK MAY BE RAISED MORE THAN 2 FEET ABOVE THE PLANE THAT IS MIDWAY BETWEEN THE LOWEST AND THE HIGHEST POINTS OF THE ROOF SURFACE SUPPORTING THE ROOF DECK.

(2) FENCING AROUND A ROOF DECK MAY NOT EXCEED 42 INCHES IN HEIGHT, AS MEASURED FROM THE DECK FLOOR. {SEE FIGURE 9-506(D): ROOF DECK HEIGHT.}

(3) A ROOF DECK IS CONSIDERED A PERMITTED APPURTENANCE AND IS NOT SUBJECT TO THE BUILDING HEIGHT LIMITATIONS OF THE ZONING DISTRICT.

(E) ROOF ACCESS STRUCTURES.

(1) IN THIS SUBSECTION, "ROOF ACCESS STRUCTURE":

(I) MEANS A STRUCTURE THAT ENCLOSES THE ACCESS POINT TO A ROOF OR ROOF DECK; AND

(II) DOES NOT INCLUDE A ROOFTOP STRUCTURE USED SOLELY TO ENCLOSE ROOFTOP MECHANICAL EQUIPMENT.

(2) ROOF ACCESS STRUCTURES ARE PROHIBITED. {SEE FIGURE 9-506(E): ROOF ACCESS STRUCTURE.}

(F) OTHER STRUCTURES.

(1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, NO PERMANENT OR TEMPORARY STRUCTURE IS PERMITTED ON THE ROOF OR THE ROOF DECK, INCLUDING PERGOLAS, ARBORS, OUTDOOR KITCHEN UNITS, OR HOT TUBS.

(2) THIS SUBSECTION DOES NOT APPLY TO COMMON OUTDOOR FURNITURE.

SUBTITLE 6. MULTI-FAMILY DESIGN STANDARDS

§ 9-601. IN GENERAL.

(A) SCOPE.

(1) THIS SUBTITLE SETS DESIGN STANDARDS FOR:

(I) NEW CONSTRUCTION OF A MULTI-FAMILY DWELLING; AND

(II) ANY SUBSTANTIAL REHABILITATION OF THE FACADE OF AN EXISTING MULTI-FAMILY DWELLING.

(2) THESE STANDARDS DO NOT APPLY TO INTERIOR REMODELING.

(B) ADMINISTRATIVE EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

§ 9-602. FACADE ARTICULATION.

(A) AVOIDING LARGE, FLAT FACADES.

LARGE, FLAT FACADES MUST BE AVOIDED. THIS CAN BE ACCOMPLISHED BY ARTICULATING THE BUILDING MASS TO CREATE SUBSTANTIAL SHADOWS AND VISUAL INTEREST.

(B) SIDE WALLS FACING STREET.

IF THE SIDE WALL OF A MULTI-FAMILY DWELLING FACES A STREET (OTHER THAN AN ALLEY), THE SIDE WALL'S FACADE MUST BE DESIGNED WITH ELEMENTS OF A FRONT FACADE, INCLUDING DOORS OR WINDOWS, ESPECIALLY AT STREET LEVEL. {SEE FIGURE 9-602(B): FACADE ARTICULATION - EXAMPLE 1.}

(C) CHARACTER.

THERE MUST BE A UNIFYING ARCHITECTURAL CHARACTER FOR AN ENTIRE MULTI-FAMILY DWELLING, UTILIZING A COMMON VOCABULARY OF ARCHITECTURAL FORMS, ELEMENTS, MATERIALS, AND COLORS IN THE ENTIRE STRUCTURE. FACADES MUST BE DESIGNED TO BE VIEWED FROM MULTIPLE DIRECTIONS.

(D) THREE-DIMENSIONAL ELEMENTS.

(1) WINDOWS AND DOORS MUST HAVE RAISED ELEMENTS TO CREATE SHADOW AND ARTICULATION.

(2) IN ADDITION, THREE-DIMENSIONAL ELEMENTS, SUCH AS BALCONIES AND BAY WINDOWS, SHOULD BE INCORPORATED TO PROVIDE DIMENSIONAL ELEMENTS ON A FACADE.

(3) WINDOWS MUST BE SET BACK INTO THE FACADE TO PROVIDE FAÇADE DEPTH AND SHADOW, AND MUST BE OF A CONSISTENT STYLE. {SEE FIGURE 9-602(D): FACADE ARTICULATION - EXAMPLE 2.}

§ 9-603. BUILDING MATERIALS.

THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED ON ANY ROOF OR ANY FRONT OR CORNER SIDE FACADE:

- (1) FORMSTONE;
- (2) WOODSHAKES OR SIMULATED WOODSHAKES;
- (3) ALUMINUM SIDING;
- (4) VINYL SIDING;
- (5) ASPHALT SHINGLES; OR
- (6) SIMILAR MATERIALS.

SUBTITLE 7. RESIDENTIAL CONVERSIONS

§ 9-701. WHERE ALLOWED.

THE CONVERSION OF A SINGLE-FAMILY DWELLING TO A MULTI-FAMILY DWELLING IS ALLOWED ONLY IN THE R-7, R-8, R-9, AND R-10 DISTRICTS.

§ 9-702. DESIGN REVIEW.

(A) IN GENERAL.

DESIGN REVIEW APPROVAL IS REQUIRED IF EXTERIOR MODIFICATIONS ARE PROPOSED.

(B) CONSTRUCTION DRAWINGS AND PLANS.

AS PART OF THE SUBMITTAL FOR DESIGN REVIEW, CONSTRUCTION DRAWINGS AND PLANS THAT DESCRIBE THE PROPOSED CONVERSION IN DETAIL ARE REQUIRED.

§ 9-703. CONVERSION STANDARDS.

(A) IN GENERAL.

ALL CONVERSIONS MUST MEET THE STANDARDS SET FORTH IN THIS SECTION.

(B) EXISTING DWELLING.

- (1) THE EXISTING DWELLING MUST BE 1,500 SQUARE FEET OR MORE IN GROSS FLOOR AREA.
- (2) FOR PURPOSES OF THIS SUBSECTION, GROSS FLOOR AREA DOES NOT INCLUDE ANY BASEMENT AREA.

(C) GFA PER DWELLING UNIT.

THE CONVERTED DWELLING MUST MEET THE FOLLOWING GROSS FLOOR AREA PER UNIT TYPE:

- (1) EFFICIENCY UNIT: 500 SQUARE FEET.
- (2) 1-BEDROOM UNIT: 750 SQUARE FEET.
- (3) 2-BEDROOM UNIT: 1,000 SQUARE FEET.
- (4) 3- OR MORE BEDROOM UNIT: 1,250 SQUARE FEET.

(D) BULK REGULATIONS.

THE DWELLING MUST CONTINUE TO CONFORM TO THE APPLICABLE BULK REGULATIONS, INCLUDING LOT AREA PER DWELLING UNIT, FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED.

(E) OCCUPANCY REGULATIONS.

NO RESIDENTIAL CONVERSION MAY VIOLATE ANY DWELLING UNIT OCCUPANCY REGULATIONS OR RESTRICTIONS OF THE CITY CODE.

(F) OFF-STREET PARKING.

AT LEAST 1 OFF-STREET PARKING SPACE MUST BE PROVIDED FOR EACH DWELLING UNIT.

(G) RESIDENTIAL CHARACTER.

FOLLOWING THE CONVERSION, THE EXTERIOR OF THE DWELLING MUST RETAIN ITS EXISTING RESIDENTIAL CHARACTER.

SUBTITLE 8. OTHER APPLICABLE STANDARDS

§ 9-701. IN GENERAL.

THE ROWHOUSE AND MULTI-FAMILY RESIDENTIAL ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SUBTITLE.

§ 9-702. ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

§ 9-703. SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

§ 9-704. OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

§ 9-705. LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 9-706. SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

§ 9-707. TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

TITLE 10. COMMERCIAL DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 10-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, AND DESIGN STANDARDS FOR COMMERCIAL ZONING DISTRICTS.

SUBTITLE 2. DISTRICT DESCRIPTIONS

§ 10-201. C-1 NEIGHBORHOOD BUSINESS DISTRICT.

(A) AREAS FOR WHICH INTENDED.

THE C-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT IS INTENDED FOR AREAS OF COMMERCIAL CLUSTERS OR PEDESTRIAN-ORIENTED CORRIDORS OF COMMERCIAL USES THAT SERVE THE IMMEDIATE NEIGHBORHOOD.

(B) STANDARDS.

THE C-1 DISTRICT STANDARDS ARE CRAFTED TO:

- (1) ENSURE COMPATIBILITY BETWEEN NEIGHBORING RESIDENTIAL AND COMMERCIAL USES;
- (2) MAINTAIN THE PROPER SCALE OF COMMERCIAL USE; AND
- (3) ADDRESS THE UNIQUE ISSUES RELATED TO SMALLER COMMERCIAL SITES.

§ 10-202. C-1-E NEIGHBORHOOD BUSINESS AND ENTERTAINMENT DISTRICT.

(A) AREAS FOR WHICH INTENDED.

THE C-1-E NEIGHBORHOOD BUSINESS AND ENTERTAINMENT ZONING DISTRICT IS INTENDED FOR AREAS OF COMMERCIAL CLUSTERS OR PEDESTRIAN-ORIENTED CORRIDORS OF COMMERCIAL USES THAT SERVE THE IMMEDIATE NEIGHBORHOOD AND ALLOW FOR CLUSTERING OF ENTERTAINMENT USES.

(B) STANDARDS.

THE C-1-E DISTRICT STANDARDS ARE CRAFTED TO:

- (1) ENSURE COMPATIBILITY BETWEEN NEIGHBORING RESIDENTIAL, COMMERCIAL, AND ENTERTAINMENT USES;
- (2) MAINTAIN THE PROPER SCALE OF COMMERCIAL USE; AND
- (3) ADDRESS THE UNIQUE ISSUES RELATED TO SMALLER COMMERCIAL SITES.

§ 10-203. C-1-VC NEIGHBORHOOD BUSINESS DISTRICT (VILLAGE CENTER)

(A) AREAS FOR WHICH INTENDED.

THE C-1-VC NEIGHBORHOOD BUSINESS ZONING DISTRICT (VILLAGE CENTER) IS INTENDED FOR AREAS OF COMMERCIAL CLUSTERS OR PEDESTRIAN-ORIENTED CORRIDORS OF COMMERCIAL USES THAT SERVE THE IMMEDIATE NEIGHBORHOOD IN A LOW SCALE AND WITH A MIX OF ATTACHED AND DETACHED STRUCTURES.

(B) STANDARDS.

THE C-1-VC DISTRICT STANDARDS ARE CRAFTED TO:

- (1) ENSURE COMPATIBILITY BETWEEN NEIGHBORING RESIDENTIAL AND COMMERCIAL USES;
- (2) MAINTAIN THE PROPER SCALE OF COMMERCIAL USE; AND
- (3) ADDRESS THE UNIQUE ISSUES RELATED TO SMALL COMMERCIAL SITES.

§ 10-204. C-2 COMMUNITY COMMERCIAL DISTRICT.

(A) AREAS FOR WHICH INTENDED.

THE C-2 COMMUNITY COMMERCIAL ZONING DISTRICT IS INTENDED FOR AREAS OF SMALL TO MEDIUM-SCALE COMMERCIAL USE, TYPICALLY LOCATED ALONG URBAN CORRIDORS, THAT ARE DESIGNED TO ACCOMMODATE PEDESTRIANS AND, IN SOME INSTANCES, THE AUTOMOBILE.

(B) STANDARDS.

THE C-2 DISTRICT STANDARDS ARE CRAFTED TO:

- (1) ENSURE COMPATIBILITY BETWEEN NEIGHBORING RESIDENTIAL, COMMERCIAL, AND ENTERTAINMENT USES;
- (2) MAINTAIN THE PROPER SCALE OF COMMERCIAL USE; AND
- (3) MAINTAIN A BALANCE BETWEEN HIGH TRAFFIC VOLUME AND PEDESTRIAN CIRCULATION.

§ 10-205. C-3 GENERAL COMMERCIAL DISTRICT.

(A) AREAS FOR WHICH INTENDED.

- (1) THE C-3 GENERAL COMMERCIAL ZONING DISTRICT IS INTENDED FOR MORE INTENSIVE COMMERCIAL USES AND KEY COMMERCIAL NODES THAT REQUIRE ADDITIONAL CONTROLS, PARTICULARLY FOR SHOPPING CENTERS AND LARGER RETAIL ESTABLISHMENTS.
- (2) THE C-3 DISTRICT ACCOMMODATES LARGER DEVELOPMENTS THAT MAY REQUIRE SIGNIFICANT PARKING, SUCH AS SHOPPING CENTERS AND LARGE-SCALE MIXED-USE DEVELOPMENT.

(B) STANDARDS.

THE C-3 DISTRICT STANDARDS ARE CRAFTED TO:

- (1) ENSURE COMPATIBILITY BETWEEN NEIGHBORING RESIDENTIAL, COMMERCIAL, AND ENTERTAINMENT USES;
- (2) ENSURE HIGH QUALITY PEDESTRIAN CONNECTIONS BETWEEN PUBLIC SIDEWALKS AND BUSINESS ENTRANCES; AND
- (3) CREATE STORE FRONTS THAT ARE ORIENTED TOWARDS STREETS AND OTHER PUBLIC WAYS.

§ 10-206. C-4 HEAVY COMMERCIAL DISTRICT.

(A) AREAS FOR WHICH INTENDED.

THE C-4 HEAVY COMMERCIAL ZONING DISTRICT IS INTENDED FOR AREAS OF MORE INTENSE COMMERCIAL USE THAT ARE GENERALLY NOT APPROPRIATE FOR LOWER INTENSITY COMMERCIAL DISTRICTS, INCLUDING USES RELATED TO MOTOR VEHICLES AND THOSE THAT MIGHT REQUIRE OUTDOOR STORAGE.

(B) STANDARDS.

BECAUSE OF THE IMPACTS FROM MORE INTENSIVE COMMERCIAL USES, THE STANDARDS FOR THIS DISTRICT ENSURE THAT SETBACKS, BUFFERING, AND SITE DEVELOPMENT CONTROLS ARE IN PLACE TO MITIGATE NEGATIVE IMPACTS ON NEIGHBORING USES.

§ 10-207. C-5 DOWNTOWN DISTRICT.

(A) AREAS FOR WHICH INTENDED.

THE C-5 DOWNTOWN ZONING DISTRICT IS INTENDED FOR BALTIMORE'S DOWNTOWN AND ACCOMMODATES A WIDE RANGE OF USES NORMALLY ASSOCIATED WITH THE DOWNTOWN OF A MAJOR CITY.

(B) STANDARDS.

THE C-5 DISTRICT STANDARDS ARE CRAFTED TO:

- (1) MAINTAIN OR IMPROVE THE PEDESTRIAN ENVIRONMENT;
- (2) ENSURE THAT NEW CONSTRUCTION IS COMPATIBLE WITH EXISTING DEVELOPMENT; AND
- (3) DEVELOP A GREENER DOWNTOWN.

(C) SUBDISTRICTS.

(1) IN GENERAL.

IN ORDER TO ADDRESS THE DIFFERENT CHARACTER AREAS THAT MAKE UP DOWNTOWN, THE C5 DISTRICT IS DIVIDED INTO THE FOLLOWING SUBDISTRICTS, FOR WHICH DESIGN STANDARDS ARE PROVIDED TO RECOGNIZE THE DIFFERENT PHYSICAL CHARACTERISTICS OF DOWNTOWN.

(2) C-5-DC DOWNTOWN CORE SUBDISTRICT.

(I) THE PURPOSE OF THE C-5-DC DOWNTOWN CORE SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES LOCATED WITHIN THE MAJORITY OF DOWNTOWN.

(II) THE STANDARDS RECOGNIZE THAT THIS SUBDISTRICT IS TO BE THE MOST INTENSELY DEVELOPED PORTION OF DOWNTOWN AND IS TO BE PREDOMINATELY PEDESTRIAN-ORIENTED IN NATURE.

(3) C-5-IH INNER HARBOR SUBDISTRICT.

(I) THE PURPOSE OF THE C-5-IH INNER HARBOR SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES LOCATED ADJACENT TO AND FACING THE INNER HARBOR.

(II) THE STANDARDS RECOGNIZE THAT DEVELOPMENT WITHIN THIS SUBDISTRICT IS TO BE ORIENTED TO THE INNER HARBOR WATERFRONT AND BE PREDOMINANTLY PEDESTRIAN-ORIENTED. DEVELOPMENT IS RELATIVELY LOW-SCALED TO ACCOMMODATE THE VIEW OF THE HARBOR FROM ADJOINING SUBDISTRICTS.

(4) C-5-DE DOWNTOWN EAST SUBDISTRICT.

(I) THE PURPOSE OF THE C-5-DE DOWNTOWN EAST SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES WITHIN A HIGH INTENSITY WATERFRONT-ORIENTED AREA.

(II) THE STANDARDS RECOGNIZE THAT THIS AREA IS TO CONTAIN INTENSE LEVELS OF DEVELOPMENT TO CREATE A HIGH DENSITY, WALKABLE, MIXED-USE ENVIRONMENT WHERE CAREFUL PLACEMENT OF STRUCTURES AFFORDS VISUAL ACCESS TO THE WATERFRONT AS WELL AS PEDESTRIAN ACCESS WITHIN.

(III) BECAUSE THIS SUBDISTRICT IS ADJACENT TO LOWER DENSITY NEIGHBORHOODS OF HISTORIC AND TRADITIONAL CHARACTER, THE INTENSITY AND HEIGHT OF DEVELOPMENT ON THE PERIPHERY OF THE SUBDISTRICT ARE INTENDED TO PROVIDE A TRANSITION BETWEEN THE CORE OF THIS SUBDISTRICT AND THE ADJACENT NEIGHBORHOODS.

(5) C-5-HT DOWNTOWN HISTORIC AND TRADITIONAL SUBDISTRICT.

(I) THE PURPOSE OF THE C-5-HT DOWNTOWN HISTORIC AND TRADITIONAL SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES IN AN AREA OF DOWNTOWN CONTAINING SUBSTANTIAL HISTORIC AND TRADITIONAL ARCHITECTURE THAT HAS EVOLVED SINCE THE FOUNDING OF THE CITY.

(II) GIVEN THE CHARACTER OF THAT DEVELOPMENT, THIS DISTRICT IS DESIGNED TO REQUIRE RELATIVELY LOW HEIGHTS AND THE USE OF MATERIALS THAT REFLECT THE EXISTING DEVELOPMENT CONTEXT.

(6) C-5-TO DOWNTOWN TRADITIONAL OFFICE SUBDISTRICT.

THE PURPOSE OF THE C-5-TO DOWNTOWN TRADITIONAL OFFICE SUBDISTRICT IS:

(I) TO ESTABLISH STANDARDS FOR THE DESIGN AND HEIGHT OF STRUCTURES IN AN AREA THAT PRIMARILY CONSISTS OF EARLY 20TH CENTURY OFFICE DEVELOPMENT; AND

(II) TO SEEK TO MAINTAIN A DISTINCTIVE AND DESIRABLE ENVIRONMENT.

(7) C-5-HS HOWARD STREET MIXED-USE SUBDISTRICT.

THE PURPOSE OF THE C-5-HS HOWARD STREET MIXED-USE SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES TO FACILITATE A TRANSITION BETWEEN THE INTENSIVE DEVELOPMENT OF THE DOWNTOWN CORE AND THE MORE MODEST-SCALE DEVELOPMENT FOUND IN ADJACENT, PRIMARILY RESIDENTIAL ENVIRONMENTS.

(8) C-5-G GOVERNMENT CENTER SUBDISTRICT.

(I) THE PURPOSE OF THE C-5-G GOVERNMENT CENTER SUBDISTRICT IS TO ESTABLISH STANDARDS FOR THE DESIGN OF STRUCTURES THAT REFLECT THE SCALE OF MAJOR GOVERNMENTAL BUILDINGS LOCATED WITHIN THE DISTRICT.

(II) THE INTENT IS TO ENSURE THAT FUTURE DEVELOPMENT REFLECTS THE EXISTING SCALE

OF DEVELOPMENT AND MAINTAINS CRITICAL VIEWS OF THESE PUBLIC BUILDINGS FROM THE ADJACENT AREAS.

SUBTITLE 3. USE REGULATIONS

§ 10-301. AS LISTED IN TABLE 10-301.

ONLY THOSE USES OF LAND LISTED IN TABLE 10-301: PERMITTED AND CONDITIONAL USES IN THE COMMERCIAL ZONING DISTRICTS ARE ALLOWED WITHIN THESE ZONING DISTRICTS.

SUBTITLE 4. BULK AND YARD REGULATIONS

§ 10-401. APPLICABLE REGULATIONS,

TABLE 10-401: COMMERCIAL ZONING DISTRICTS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS.

§ 10-402. MEASUREMENT METHODOLOGIES; EXCEPTIONS, ETC.

(A) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(B) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

SUBTITLE 5. DESIGN STANDARDS

§ 10-501. IN C-1, C-1-E, C-1-VC, C-2, AND C-3 DISTRICTS .

(A) SCOPE.

(1) THIS SECTION SETS DESIGN STANDARDS FOR:

(I) ALL NEW CONSTRUCTION WITHIN THE C-1, C-1-E, C-1-VC, C-2, AND C-3 DISTRICTS; AND

(II) ANY SUBSTANTIAL REHABILITATION OF THE FACADE OF AN EXISTING STRUCTURE WITHIN THOSE DISTRICTS.

(2) THESE STANDARDS DO NOT APPLY TO INTERIOR REMODELING.

(B) ADMINISTRATIVE DESIGN REVIEW EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(C) FACADE ARTICULATION.

- (1) FACADES OF BUILDINGS, INCLUDING SIDE FACADES, THAT FACE A STREET (OTHER THAN AN ALLEY) MUST HAVE VISUAL BREAKS TO AVOID THE APPEARANCE OF LARGE, BLANK WALLS.
- (2) VISUAL BREAKS IN THE FACADE INCLUDE ALTERATIONS IN THE PLANE OF THE FACADE, ALTERATIONS IN THE HEIGHT OF THE FACADE, CHANGES IN MATERIALS, COLOR, TEXTURE OR PATTERN, AND THE ADDITION OF COLUMNS, PILASTERS, OR WINDOWS.
- (3) ALL BUILDINGS MUST BE DESIGNED TO RELATE TO EXISTING GRADE CONDITIONS, WITH A MINIMUM OF GRADING AND EXPOSED FOUNDATION WALLS.
- (4) THE GROUND FLOOR OF COMMERCIAL BUILDINGS MUST BE AT LEAST 12 FEET HIGH, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR.

(D) WINDOW ARRANGEMENT.

- (1) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, OF COMMERCIAL USES MUST MAINTAIN A TRANSPARENCY OF AT LEAST 50%.
- (2) UPPER FLOORS MUST HAVE STREET-FACING WINDOWS.
- (3) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS.
- (4) TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED.
- (5) WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.

(E) SECURITY SCREENS AND GRILLES.

- (1) ENCLOSURES AND COVERINGS FOR SECURITY SCREENS AND GRILLES MUST BE AS INCONSPICUOUS AS POSSIBLE AND DESIGNED TO BLEND IN WITH THE REST OF THE BUILDING.
- (2) EXTERIOR SECURITY SCREENS AND GRILLES MUST BE MADE OF A DARK MATERIAL OR PAINTED A DARK COLOR.
- (3) SECURITY SCREENS AND GRILLES IN FRONT OF STORE FRONT WINDOWS MUST BE OPENED OR REMOVED WHEN A BUSINESS IS OPEN.
- (4) FIXED SECURITY SCREENS AND GRILLES FOR STREET FRONT WINDOWS MUST BE LOCATED ON THE INSIDE OF THE WINDOWS.
- (5) EXTERIOR COMPONENTS OF SECURITY SYSTEMS MUST BE AS INCONSPICUOUS AS POSSIBLE.

(F) ENTRANCES AND SITING.

- (1) IN THE C-1, C-1-E, AND C-1-VC DISTRICTS, OFF-STREET PARKING IS PROHIBITED EXCEPT IN THE REAR YARD.

(2) IN THE C-2 DISTRICT, OFF-STREET PARKING IS PROHIBITED IN FRONT OF THE FRONT BUILDING LINE.

(3) ALL BUILDINGS MUST HAVE A PUBLIC ENTRANCE FROM THE SIDEWALK ALONG THE PRIMARY STREET FRONTAGE. PUBLIC ENTRANCES MUST BE ARTICULATED FROM THE BUILDING MASS.

(4) FACADES THAT ABUT PARKING AREAS AND CONTAIN A PUBLIC ENTRANCE MUST PROVIDE FOR PEDESTRIAN WALKWAYS AND LANDSCAPE AREAS.

(5) WITHIN SHOPPING CENTER DEVELOPMENTS, BUS SHELTERS ARE PERMITTED WITHIN THE DEVELOPMENT. THE PLACEMENT OF THE SHELTER MUST BE LINKED TO PEDESTRIAN WALKWAYS AND MUST BE DESIGNED TO INTEGRATE INTO THE OVERALL SHOPPING CENTER DESIGN.

(6) ALL OUTDOOR STORAGE AND DISPLAY AREAS MUST COMPLY WITH § 15-509 {"OUTDOOR SALES AND DISPLAY"} AND § 15-510 {"OUTDOOR STORAGE"} OF THIS CODE.

(G) PROHIBITED BUILDING MATERIALS.

THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED ON FRONT AND CORNER SIDE FACADES:

(1) PLAIN OR PAINTED CONCRETE MASONRY UNITS;

(2) ALUMINUM SIDING;

(3) VINYL SIDING;

(4) FORMSTONE;

(5) EXTERIOR INSULATING FINISH SYSTEMS ON THE GROUND FLOOR; OR

(6) T-111 COMPOSITE PLYWOOD SIDING.

(H) DIAGRAMS.

(1) THE SITING AND DESIGN REQUIREMENTS FOR THE C-1, C-1-E, AND C-1-VC DISTRICT ARE ILLUSTRATED IN FIGURE 10-401(E)(1): C-1, C-1-E, AND C-1-VC DISTRICTS ILLUSTRATIVE AND SITE DIAGRAM.

(2) THE SITING AND DESIGN REQUIREMENTS FOR THE C-2 DISTRICT ARE ILLUSTRATED IN FIGURE 10-401(E)(2): C-2 DISTRICT ILLUSTRATIVE AND SITE DIAGRAM.

(3) THE SITING REQUIREMENTS FOR THE C-3 DISTRICT IS ILLUSTRATED IN FIGURE 10401(E)(3): C-3 DISTRICT SITE DIAGRAM.

§ 10-502. IN C-4 DISTRICT.

(A) SCOPE.

(1) THIS SECTION SETS DESIGN STANDARDS FOR:

(I) ALL NEW CONSTRUCTION WITHIN THE C-4 DISTRICT; AND

(II) ANY SUBSTANTIAL REHABILITATION OF THE FACADE OF AN EXISTING STRUCTURE WITHIN THAT DISTRICT.

(2) THESE STANDARDS DO NOT APPLY TO INTERIOR REMODELING.

(B) ADMINISTRATIVE DESIGN REVIEW EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(C) FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE.

(1) THE FOLLOWING STANDARDS FOR FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE APPLY TO:

(I) ALL FACADES THAT FACE A STREET (OTHER THAN AN ALLEY); AND

(II) THE FACADE AT WHICH THE BUILDING ENTRANCE IS LOCATED.

(2) BUILDINGS WITH FACADES OVER 100 FEET WIDE MUST INCORPORATE WALL PROJECTIONS OR RECESSES, OR CHANGES IN WALL PLANE, A MINIMUM OF 2 FEET IN DEPTH AT LEAST EVERY 75 FEET.

(3) THE DESIGN OF ACCESSORY BUILDINGS, SUCH AS SECURITY KIOSKS, MAINTENANCE BUILDINGS, AND OUTDOOR EQUIPMENT ENCLOSURES, MUST BE INCORPORATED INTO AND BE COMPATIBLE IN DESIGN CONCEPT WITH THE OVERALL DESIGN OF THE PROJECT AND THE MAIN BUILDINGS ON THE SITE.

(D) SITE LAYOUT.

(1) PUBLIC ENTRANCES AND PRIMARY BUILDING ELEVATIONS MUST FACE PUBLIC STREETS OR PRIVATE DRIVES. THE MAIN ENTRANCE TO A BUILDING MUST BE WELL DEFINED.

(2) THE PARKING LOT MAY NOT BE THE DOMINANT VISUAL ELEMENT OF THE SITE WHEN VIEWED FROM THE PRIMARY ROADWAY.

(3) LARGE EXPANSIVE PAVED AREAS ARE PROHIBITED BETWEEN THE STREET AND THE BUILDING. SMALLER, MULTIPLE LOTS THAT ARE SEPARATED BY LANDSCAPING AND BUILDINGS OR THAT ARE PLACED BEHIND OR BESIDE BUILDINGS ARE REQUIRED.

(4) ALL OUTDOOR STORAGE AND DISPLAY AREAS MUST COMPLY WITH § 15-509 {"OUTDOOR SALES AND DISPLAY"} AND § 15-510 {"OUTDOOR STORAGE"} OF THIS CODE.

(E) ROOF DESIGN.

"GREEN ROOF" AND WHITE ROOF DESIGNS ARE ENCOURAGED.

(F) SECURITY SCREENS AND GRILLES .

(1) ENCLOSURES AND COVERINGS FOR SECURITY SCREENS MUST BE AS INCONSPICUOUS AS POSSIBLE AND DESIGNED TO BLEND IN WITH THE REST OF THE BUILDING.

(2) EXTERIOR SECURITY SCREENS AND GRILLES MUST BE MADE OF A DARK MATERIAL OR PAINTED A DARK COLOR.

(3) SECURITY SCREENS AND GRILLES IN FRONT OF STORE FRONT WINDOWS MUST BE OPENED OR REMOVED WHEN A BUSINESS IS OPEN.

(4) FIXED SECURITY SCREENS AND GRILLES FOR STORE FRONT WINDOWS MUST BE LOCATED ON THE INSIDE OF THE WINDOWS.

(5) EXTERIOR COMPONENTS OF SECURITY SYSTEMS MUST BE AS INCONSPICUOUS AS POSSIBLE.

(G) PROHIBITED BUILDING MATERIALS.

THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED ON FRONT AND CORNER SIDE FACADES:

(1) PLAIN CONCRETE BLOCK;

(2) EXTERIOR INSULATING FINISH SYSTEM PANELS ON THE GROUND FLOOR;

(3) VINYL; AND

(4) FORMSTONE.

§ 10-503. IN C-5 DISTRICT.

(A) SCOPE.

(1) THIS SECTION SETS DESIGN STANDARDS FOR:

(I) ALL NEW CONSTRUCTION WITHIN THE C-5 DISTRICT; AND

(II) ANY SUBSTANTIAL REHABILITATION OF THE FACADE OF AN EXISTING STRUCTURE WITHIN THAT DISTRICT.

(2) THESE STANDARDS DO NOT APPLY TO INTERIOR REMODELING.

(B) ADMINISTRATIVE DESIGN REVIEW EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(C) STREET LEVEL DESIGN -PRIMARY STREETS.

(1) THE FOLLOWING STREETS ARE DESIGNATED PRIMARY STREETS WITHIN THE BOUNDARIES OF THE C-5 DISTRICT:

- (I) BALTIMORE STREET;
- (II) CHARLES STREET;
- (III) PRATT STREET;
- (IV) HOWARD STREET; AND
- (V) EUTAW STREET.

(2) NEW STRUCTURES BUILT ON LOTS THAT FRONT ON A PRIMARY STREET MUST MEET THE FOLLOWING BUILDING DESIGN REQUIREMENTS TO MAINTAIN A PEDESTRIAN-ORIENTED, ACTIVE-GROUND-FLOOR CHARACTER.

(3) STRUCTURES LOCATED ON PRIMARY STREETS MUST MAINTAIN A PUBLIC ENTRANCE THAT FRONTS ON THE PRIMARY STREET. PUBLIC ENTRANCES MUST BE EMPHASIZED.

(4) THE GROUND FLOOR OF THE STRUCTURES MUST BE AT LEAST 14 FEET HIGH, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR.

(5) FOR BUILDINGS FRONTING ON PRATT STREET:

(I) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 80%; AND

(II) THE UPPER STORIES MUST MAINTAIN A TRANSPARENCY OF AT LEAST 60%.

(6) FOR BUILDINGS FRONTING ON A PRIMARY STREET IN THE C-5-IH AND C-5-DE SUBDISTRICTS:

(I) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 70%;

(II) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS;

(III) TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED; AND

(IV) WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.

(7) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, FOR ALL OTHER BUILDINGS FRONTING ON A PRIMARY STREET IN THE C-5 DISTRICT:

(I) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 60%;

(II) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS;

(III) TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED; AND

(IV) WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.

(D) STREET LEVEL DESIGN - SECONDARY STREETS.

(1) ALL STREETS WITHIN THE C-5 DISTRICT THAT ARE NOT DESIGNATED PRIMARY STREETS ARE SECONDARY STREETS.

(2) NEW STRUCTURES THAT FRONT ON A SECONDARY STREET MUST MEET THE FOLLOWING BUILDING DESIGN REQUIREMENTS.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION:

(I) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 40%;

(II) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS;

(III) TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED; AND

(IV) WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.

(4) IN THE C-5-IH AND C-5-E SUBDISTRICTS:

(I) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 70%;

(II) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS;

(III) TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED; AND

(IV) WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.

(E) PUBLIC WAY REQUIREMENTS - PRIMARY STREETS.

(1) NEW CONSTRUCTION ON LOTS THAT FRONT ON A PRIMARY STREET, AS DESIGNATED IN SUBSECTION (C)(1) OF THIS SECTION, MUST MEET THE FOLLOWING PUBLIC WAY DESIGN REQUIREMENTS.

(2) WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE DEVELOPMENT, SPECIAL FINISHES ARE REQUIRED AS PART OF THE STREETScape DESIGN ESTABLISHED BY THE DIRECTOR OF PLANNING. THESE INCLUDE COORDINATED SPECIAL PAVING, DESIGN TREATMENTS FOR PEDESTRIAN-LEVEL STREET LIGHTING, AND STREET FURNITURE. THE STREETScape DESIGN MUST BE COORDINATED WITH THE BUILDING DESIGN.

(3) MECHANICAL VENTILATION EQUIPMENT, DUCTS, OR GRILLES MUST BE SITED AND SCREENED SO THAT THEY ARE NOT VISIBLE FROM PRIMARY STREETS.

(F) PUBLIC WAY REQUIREMENTS - SECONDARY STREETS.

(1) NEW CONSTRUCTION ON A SECONDARY STREET, AS DESCRIBED IN SUBSECTION (D)(1) OF THIS SECTION, MUST MEET THE FOLLOWING PUBLIC WAY DESIGN REQUIREMENTS.

(2) WITHIN THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE DEVELOPMENT, SPECIAL FINISHES ARE ENCOURAGED AS PART OF STREETScape DESIGN ESTABLISHED BY THE DIRECTOR OF PLANNING. THESE INCLUDE COORDINATED SPECIAL PAVING, DESIGN TREATMENTS FOR PEDESTRIAN-LEVEL STREET LIGHTING, AND STREET FURNITURE. ANY SPECIAL FINISHES WITHIN STREETScape DESIGN MUST BE COORDINATED WITH THE BUILDING DESIGN.

(G) HARBOR PROMENADE.

WITHIN CERTAIN AREAS OF THE C-5-DC, C-5-IH, AND C-5-DE SUBDISTRICTS, A HARBOR PROMENADE IS REQUIRED. (THE APPLICABLE AREAS ARE SHOWN ON THE ZONING MAP FOR THE WATERFRONT OVERLAY ZONING DISTRICT.) NEW DEVELOPMENT IN THESE AREAS MUST COMPLY WITH TITLE 12, SUBTITLE 9 {"WATERFRONT OVERLAY ZONING DISTRICT"} OF THIS CODE.

(H) OPEN SPACE PLAZAS.

(1) PUBLIC OPEN SPACE PLAZAS ARE PERMITTED WITHIN THE C-5 DISTRICT. OPEN SPACE PLAZAS MUST COMPLY WITH THE FOLLOWING DESIGN REQUIREMENTS.

(2) PLAZAS MUST BE DESIGNED TO BE ACCESSIBLE FROM ADJOINING BUILDINGS AND FOR GENERALLY UNOBSTRUCTED PEDESTRIAN CIRCULATION THROUGHOUT THE PLAZA.

(3) VISIBILITY INTO THE PLAZA MAY NOT BE ENTIRELY BLOCKED BY STRUCTURES.

(I) PARKING AND ACCESS.

(1) THE C-5 DISTRICT IS EXEMPT FROM THE PARKING REQUIREMENTS OF THIS CODE.

(2) PARKING LOTS AS PRINCIPAL USES ARE PROHIBITED IN THE C-5 DISTRICT. ACCESSORY PARKING LOTS OF UP TO 15 PARKING SPACES NOT LOCATED ON A PRIMARY STREET ARE PERMITTED.

(3) PARKING GARAGES LOCATED IN THE C-5 DISTRICT MUST INCLUDE ACTIVE GROUND-FLOOR USES, WHETHER RESIDENTIAL OR NON-RESIDENTIAL USES, ALONG A MINIMUM OF 50% OF THE GROUND FLOOR WHEN ADJACENT TO A STREET (OTHER THAN AN ALLEY). ON PRIMARY STREETS, 70% OF A GROUND-FLOOR FACADE MUST BE FACED WITH ACTIVE GROUND-FLOOR USES, WHETHER RESIDENTIAL OR NON-RESIDENTIAL.

(4) NEW CURB CUTS ARE PROHIBITED ON PRIMARY STREETS.

(5) ALONG PRATT STREET:

(I) PARKING GARAGES AS PRINCIPAL USES ARE PROHIBITED;

(II) VEHICLE ENTRIES TO PARKING GARAGES ARE PROHIBITED; AND

(III) ALL PARKING GARAGES MUST BE FACED WITH ACTIVE GROUND-FLOOR USES, WHETHER RESIDENTIAL OR NON-RESIDENTIAL.

(J) SPECIAL BUILDING HEIGHTS.

(1) STRUCTURES FRONTING ON HOWARD STREET WITHIN THE C-5-HS SUBDISTRICT AND ALONG HOWARD STREET FROM CLAY TO BALTIMORE STREETS IN THE C-5-DC SUBDISTRICT MUST BE SETBACK AT LEAST 25 FEET FROM THE PROPERTY LINE AT A POINT ABOVE GRADE THAT IS NO MORE THAN THE AVERAGE HEIGHT OF THE BUILDINGS FRONTING ON THE SUBJECT BLOCKFACE. {SEE FIGURE 10-503: UPPER-FLOOR BUILDING SETBACK}.

(2) STRUCTURES FRONTING ON REDWOOD STREET WITHIN THE C-5-TO SUBDISTRICT MUST BE SET BACK AT LEAST 25 FEET FROM THE PROPERTY LINE AT A POINT NO MORE THAN 125 FEET ABOVE GRADE.

(3) WITHIN THE C-5-DC SUBDISTRICT, IF THE CITY REDUCES THE WIDTH OF THE NORTH PORTION OF THE PRATT STREET RIGHT-OF-WAY TO PERMIT THE CREATION OF FUTURE DEVELOPMENT PARCELS, THE HEIGHT OF ANY STRUCTURE TO BE CONSTRUCTED ON THOSE PARCELS MAY NOT EXCEED 45 FEET ALONG PRATT STREET AND ANY INTERSECTING STREET.

(K) VIEW PROTECTION.

(1) SKYWAYS AND STREET BRIDGES ARE PROHIBITED IN THE C-5 DISTRICT, EXCEPT FOR HOSPITAL USES.

(2) FOR HOSPITAL USES, SKYWAYS AND STREET BRODGES REQUIRE CONDITIONAL USE APPROVAL.

(L) DESIGN REVIEW CRITERIA.

(1) THE DESIGN OF BUILDINGS, SITE AREA AND ADJACENT PUBLIC SPACES, ARE SUBJECT TO DESIGN REVIEW BY THE DIRECTOR OF PLANNING.

(2) THE PLANNING DIRECTOR'S REVIEW MUST CONSIDER THE DESIGN GUIDELINES LISTED OR REFERENCED IN TABLE 10-503(K): C-5 DISTRICT DESIGN CRITERIA.

(3) THE PLANNING DIRECTOR MAY REQUIRE THAT THE DESIGN BE REFLECTED IN A THREE-DIMENSIONAL MASSING MODEL.

SUBTITLE 6. OTHER APPLICABLE STANDARDS

§ 10-601. IN GENERAL.

THE COMMERCIAL ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SUBTITLE.

§ 10-602. ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

§ 10-603. SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

§ 10-604. OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

§ 10-605. LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 10-606. SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

§ 10-607. TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

TITLE 11. INDUSTRIAL DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 11-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, AND DESIGN STANDARDS FOR INDUSTRIAL ZONING DISTRICTS.

SUBTITLE 2. DISTRICT DESCRIPTIONS

§ 11-201. OIC OFFICE-INDUSTRIAL CAMPUS DISTRICT.

(A) INTENT.

THE OIC OFFICE-INDUSTRIAL CAMPUS ZONING DISTRICT IS INTENDED FOR DEVELOPMENTS OF LARGE OFFICE STRUCTURES, RESEARCH AND DEVELOPMENT FACILITIES, AND LIGHT INDUSTRIAL USES.

(B) STANDARDS.

THE OIC DISTRICT STANDARDS ARE INTENDED FOR ARCHITECTURALLY COORDINATED OFFICE AND INDUSTRIAL STRUCTURES BUILT IN A CAMPUS-LIKE ATMOSPHERE.

(C) TYPICAL USES.

EXAMPLES OF TYPICAL OIC DISTRICT USES INCLUDE:

- (1) THE INTERNATIONAL HEADQUARTERS OF A LARGE CORPORATION;
- (2) LARGE RESEARCH AND DEVELOPMENT FACILITIES; AND
- (3) OFFICE CAMPUSES OF SUBSTANTIAL SIZE.

§ 11-202. BSC BIO-SCIENCE CAMPUS DISTRICT.

(A) INTENT.

THE BSC BIO-SCIENCE CAMPUS ZONING DISTRICT IS INTENDED TO ACCOMMODATE BIO-SCIENCE CAMPUSES, INCLUDING SUPPORTIVE USES, AND SOME RESIDENTIAL USES.

(B) USES.

THE BSC DISTRICT ALLOWS:

- (1) A BROAD MIX OF USES, INTEGRATING MANUFACTURING, OFFICE, AND RESEARCH AND DEVELOPMENT; AND
- (2) ADDITIONAL SUPPORTIVE USES, LIKE LIMITED RETAIL, EDUCATIONAL FACILITIES, AND SOME HIGHER DENSITY RESIDENTIAL USES.

§ 11-203. I-MU INDUSTRIAL MIXED-USE DISTRICT.

(A) INTENT.

THE I-MU INDUSTRIAL MIXED-USE ZONING DISTRICT IS INTENDED TO ENCOURAGE THE REUSE OF OLDER INDUSTRIAL BUILDINGS FOR LIGHT INDUSTRIAL USE, AS WELL AS A VARIETY OF NON-INDUSTRIAL USES. THESE OLDER INDUSTRIAL BUILDINGS ARE OFTEN SURROUNDED BY RESIDENTIAL AND OTHER NON-INDUSTRIAL USES.

(B) SURROUNDING, NON-INDUSTRIAL USES.

EXAMPLES OF NON-INDUSTRIAL USES, CREATING A MIXED-USE OR MULTI-TENANT ENVIRONMENT, INCLUDE:

- (1) LIVE/WORK DWELLINGS;
- (2) RESIDENTIAL USES;
- (3) COMMERCIAL USES; AND
- (4) LIMITED INSTITUTIONAL USES.

§ 11-204. I-1 LIGHT INDUSTRIAL DISTRICT.

(A) INTENT.

THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT IS INTENDED TO PROVIDE FOR A WIDE VARIETY OF LIGHT MANUFACTURING, FABRICATING, PROCESSING, WHOLESALE DISTRIBUTING, AND WAREHOUSING USES.

(B) LIGHT INDUSTRIAL USES.

LIGHT INDUSTRIAL USES ARE ENCLOSED LOW-INTENSITY, NON-NUISANCE LIGHT FABRICATION AND ASSEMBLY-TYPE MANUFACTURING, AS WELL AS OFFICE AND RESEARCH AND DEVELOPMENT FACILITIES, WITH LITTLE TO NO OUTSIDE IMPACTS.

§ 11-205. I-2 GENERAL INDUSTRIAL DISTRICT.

(A) INTENT.

THE I-2 GENERAL INDUSTRIAL ZONING DISTRICT IS INTENDED TO PROVIDE FOR A WIDE VARIETY OF GENERAL MANUFACTURING, FABRICATING, PROCESSING, WHOLESALE DISTRIBUTING, AND WAREHOUSING USES.

(B) USES.

(1) GENERAL INDUSTRIAL USES INCLUDE FABRICATION, WAREHOUSING AND ASSEMBLY-TYPE MANUFACTURING, AS WELL AS OFFICE AND RESEARCH AND DEVELOPMENT FACILITIES, WHICH MAY RESULT IN SOME MODERATE EXTERNAL EFFECTS, SUCH AS SMOKE, NOISE, GLARE, OR VIBRATION, AND TYPICALLY INCLUDE OUTDOOR STORAGE AND RELATED OUTDOOR ACTIVITIES.

(2) COMMERCIAL USES AND OUTDOOR STORAGE OF MATERIALS ARE ALLOWED.

§ 11-206. MI MARITIME INDUSTRIAL DISTRICT.

(A) INTENT.

THE MI MARITIME INDUSTRIAL ZONING DISTRICT IS INTENDED TO ENSURE THE PRESERVATION OF LIMITED DEEP-WATER FRONTAGE OF THE PORT OF BALTIMORE FOR MARITIME USE BY DELINEATING AN AREA WHERE MARITIME SHIPPING CAN BE CONDUCTED WITHOUT THE INTRUSION OF NON-INDUSTRIAL USES AND WHERE INVESTMENT IN MARITIME INFRASTRUCTURE IS ENCOURAGED.

(B) NATURE OF USES.

THE NATURE OF THESE ACTIVITIES MAY RESULT IN EXTERNAL EFFECTS, SUCH AS SMOKE, NOISE, GLARE, OR VIBRATION, AND TYPICALLY INCLUDE OUTDOOR STORAGE AND RELATED OUTDOOR ACTIVITIES.

SUBTITLE 3. USE REGULATIONS

§ 11-301. AS LISTED IN TABLE 11-301

ONLY THOSE USES OF LAND LISTED UNDER TABLE 11-301: PERMITTED AND CONDITIONAL USES IN THE INDUSTRIAL ZONING DISTRICTS ARE ALLOWED WITHIN THESE ZONING DISTRICTS.

SUBTITLE 4. BULK AND YARD REGULATIONS

§ 11-401. APPLICABLE REGULATIONS.

TABLE 11-401: INDUSTRIAL ZONING DISTRICTS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE INDUSTRIAL DISTRICTS.

§ 11-402. MEASUREMENT METHODOLOGIES; EXCEPTIONS, ETC.

(A) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(B) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

SUBTITLE 5. DESIGN STANDARDS

§ 11-501. IN OIC AND BSC DISTRICTS.

(A) SCOPE.

THIS SECTION SETS DESIGN STANDARDS FOR CAMPUS DEVELOPMENTS WITHIN THE OIC AND BSC DISTRICTS.

(B) ADMINISTRATIVE DESIGN REVIEW EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(C) FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE.

(1) THE FOLLOWING STANDARDS FOR FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE APPLY TO:

(I) ALL FACADES THAT FACE A PUBLIC STREET; AND

(II) IN THOSE CASES WHERE THE BUILDING IS ORIENTED TOWARD THE INTERIOR OF THE SITE, THE FACADE WHERE THE BUILDING ENTRANCE IS LOCATED.

(2) ALL FACADES MUST HAVE AT LEAST 2 OF THE FOLLOWING ARCHITECTURAL FEATURES TO AVOID THE APPEARANCE OF BLANK WALLS:

(I) CHANGE IN PLANE OF AT LEAST 1 FOOT;

(II) WINDOWS AND OPENINGS; AND

(III) TO ADD INTEREST TO THE BUILDING ELEVATION, CHANGES IN COLOR, TEXTURE, OR MATERIAL.

{SEE FIGURE 11-501(C)(2): FACADE ARCHITECTURAL FEATURES.}

(3) TO PREVENT HEAT AND GLARE IMPACTS ON ADJACENT PUBLIC STREETS AND PROPERTIES, LARGE EXPANSES OF HIGHLY REFLECTIVE WALL SURFACE MATERIAL AND MIRROR GLASS ON EXTERIOR WALLS ARE PROHIBITED.

(4) BUILDINGS WITH FACADES OVER 100 FEET WIDE MUST INCORPORATE WALL PROJECTIONS OR RECESSES, OR CHANGES IN WALL PLANE, A MINIMUM OF 2 FEET IN DEPTH AT LEAST EVERY 75 FEET. {SEE FIGURE 11-502(C)(4): FACADE ARTICULATION.}

(5) IN MULTI-BUILDING COMPLEXES, A COMPREHENSIVE ARCHITECTURAL CONCEPT AND CAMPUS-LIKE DESIGN MUST BE DEVELOPED AND MAINTAINED. VARIOUS SITE COMPONENTS MUST BE UNIFIED THROUGH THE USE OF SIMILAR DESIGN FEATURES, CONSTRUCTION, MATERIAL AND COLORS. BUILDINGS WITHIN THESE COMPLEXES MUST BE COMPATIBLE IN HEIGHT AND SCALE.

(6) THE DESIGN OF ACCESSORY BUILDINGS, SUCH AS SECURITY KIOSKS, MAINTENANCE BUILDINGS, AND OUTDOOR EQUIPMENT ENCLOSURES, MUST BE INCORPORATED INTO AND BE COMPATIBLE IN DESIGN CONCEPT WITH THE OVERALL DESIGN OF THE PROJECT AND THE MAIN BUILDINGS ON THE SITE.

(D) ROOF DESIGN.

(1) THE ROOFLINE OF A BUILDING MAY NOT RUN IN A CONTINUOUS PLANE FOR MORE THAN 75 FEET WITHOUT CHANGES IN ELEVATION. THE ROOFLINE MUST BE BROKEN UP BY PROVIDING ARTICULATIONS IN THE FACADE OF THE BUILDING, CHANGE IN THE HEIGHT OF THE ROOF, OR CHANGE IN COLOR, MATERIAL, FORMS, ETC.

(2) BUILDINGS SHOULD USE DECORATIVE ROOF ELEMENTS, SUCH AS PROJECTING CORNICES, TO ENHANCE ROOF EDGES AND DEFINE BUILDING ENTRANCES, WAITING AREAS, TRANSIT STOPS, MAIN PEDESTRIAN ROUTES, OR ACTIVITY AREAS.

(3) NEARLY VERTICAL ROOFS (A-FRAMES) AND PIECEMEAL MANSARD ROOFS (USED ON A PORTION OF THE BUILDING PERIMETER ONLY) ARE PROHIBITED.

(4) REFLECTIVE SURFACES THAT PRODUCE GLARE ARE PROHIBITED ROOF MATERIALS.

(5) "GREEN ROOF" AND WHITE ROOF DESIGNS ARE ENCOURAGED.

(E) SITE LAYOUT.

(1) PUBLIC ENTRANCES AND PRIMARY BUILDING ELEVATIONS MUST FACE PUBLIC STREETS OR PRIVATE DRIVES. MAIN ENTRANCES TO THE BUILDINGS MUST BE WELL DEFINED.

(2) SERVICE DOORS MUST BE RECESSED AND INTEGRATED INTO THE OVERALL DESIGN OF THE BUILDING.

(3) THE ENTRY TO OFFICE OR GUEST FACILITIES MUST FACE THE STREET, WITH DIRECT ACCESS TO OFFICE OR GUEST FACILITIES FROM STREET FRONTAGES AND PARKING AREAS.

(4) IN MULTI-BUILDING COMPLEXES, A DISTINCT VISUAL LINK MUST BE ESTABLISHED AMONG VARIOUS BUILDINGS BY USING ARCHITECTURAL OR SITE DESIGN ELEMENTS SUCH AS COURTYARDS, PLAZAS, LANDSCAPING, AND WALKWAYS TO UNIFY THE PROJECT.

(5) THE PARKING LOT MAY NOT BE THE DOMINANT VISUAL ELEMENT OF THE SITE WHEN VIEWED FROM THE PRIMARY ROADWAY.

(6) LARGE EXPANSIVE PAVED AREAS ARE PROHIBITED BETWEEN THE STREET AND THE BUILDING. SMALLER, MULTIPLE LOTS THAT ARE SEPARATED BY LANDSCAPING AND BUILDINGS OR THAT ARE PLACED BEHIND BUILDINGS ARE REQUIRED.

(7) ALL OUTDOOR STORAGE AND DISPLAY AREAS MUST COMPLY WITH § 15-509 {"OUTDOOR SALES AND DISPLAY"} AND § 15-510 {"OUTDOOR STORAGE"} OF THIS CODE.

(F) BUILDING MATERIALS - PREFERRED MATERIALS.

THE FOLLOWING ARE THE PREFERRED BUILDING MATERIALS FOR NEW CONSTRUCTION OF FACADES VISIBLE FROM A STREET (OTHER THAN AN ALLEY).

(1) BRICK;

(2) NATURAL OR CAST STONE;

(3) ARCHITECTURAL PRECAST CONCRETE;

(4) STUCCO;

(5) HIGH QUALITY METAL USED AS EXTERIOR SIDING OR IN LARGE EXPANSES, BUT ONLY IF APPROVED AS PART OF DESIGN REVIEW;

(6) PRE-FABRICATED STEEL PANELS, FOR ACCENT FEATURES ONLY; AND

(7) PLAIN CONCRETE BLOCK.

(G) BUILDING MATERIALS - PROHIBITED MATERIALS.

THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED FOR EXTERIOR USE IN NEW CONSTRUCTION:

(1) EXTERIOR INSULATING FINISH SYSTEM PANELS;

(2) VINYL; AND

(3) FORMSTONE.

§ 11-502. IN I-1 DISTRICT.

(A) SCOPE.

THIS SECTION SETS DESIGN STANDARDS FOR CAMPUS DEVELOPMENTS WITHIN THE I-1DISTRICT.

(B) ADMINISTRATIVE DESIGN REVIEW EXCEPTIONS.

AN ADMINISTRATIVE DESIGN REVIEW EXCEPTION TO THESE STANDARDS CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(C) FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE.

(1) THE FOLLOWING STANDARDS FOR FACADE ARTICULATION AND REDUCTION OF MASS AND SCALE APPLY TO:

(I) ALL FACADES THAT FACE A PUBLIC STREET; AND

(II) IN THOSE CASES WHERE THE BUILDING IS ORIENTED TOWARD THE INTERIOR OF THE SITE, WHERE THE BUILDING ENTRANCE IS LOCATED.

(2) ALL FACADES MUST HAVE AT LEAST 2 OF THE FOLLOWING ARCHITECTURAL FEATURES TO AVOID THE APPEARANCE OF BLANK WALLS:

(I) CHANGE IN PLANE OF AT LEAST 1 FOOT;

(II) WINDOWS AND OPENINGS; AND

(III) TO ADD INTEREST TO THE BUILDING ELEVATION, CHANGES IN COLOR, TEXTURE, OR MATERIAL.

{SEE FIGURE 11-502(C)(2): ARCHITECTURAL FEATURES.}

(3) TO PREVENT HEAT AND GLARE IMPACTS ON THE ADJACENT PUBLIC STREETS AND PROPERTIES, LARGE EXPANSES OF HIGHLY REFLECTIVE WALL SURFACE MATERIAL AND MIRROR GLASS ON EXTERIOR WALLS ARE PROHIBITED.

(4) BUILDINGS WITH FACADES OVER 100 FEET WIDE MUST INCORPORATE WALL PROJECTIONS OR RECESSES, OR CHANGES IN WALL PLANE, A MINIMUM OF 2 FEET IN DEPTH AT LEAST EVERY 75 FEET. {SEE FIGURE 11-502(C)(4): FACADE ARTICULATION.}

(D) ROOF DESIGN.

(1) THE ROOFLINE OF A BUILDING MAY NOT RUN IN A CONTINUOUS PLANE FOR MORE THAN 75 FEET WITHOUT CHANGES IN ELEVATION. THE ROOFLINE MUST BE BROKEN UP BY PROVIDING ARTICULATIONS IN THE FACADE OF BUILDINGS, CHANGE IN THE HEIGHT OF THE ROOF, OR CHANGE IN COLOR, MATERIAL, FORMS, ETC.

(2) BUILDINGS MUST USE DECORATIVE ROOF ELEMENTS, SUCH AS PROJECTING CORNICES, TO ENHANCE ROOF EDGES AND DEFINE BUILDING ENTRANCES, WAITING AREAS, TRANSIT STOPS,

MAIN PEDESTRIAN ROUTES, OR ACTIVITY AREAS.

- (3) NEARLY VERTICAL ROOFS (A-FRAMES) AND PIECEMEAL MANSARD ROOFS (USED ON A PORTION OF THE BUILDING PERIMETER ONLY) ARE PROHIBITED.
 - (4) REFLECTIVE SURFACES THAT PRODUCE GLARE ARE PROHIBITED ROOF MATERIALS.
 - (5) "GREEN ROOF" AND WHITE ROOF DESIGNS ARE ENCOURAGED.
- (E) SITE LAYOUT.
- (1) PUBLIC ENTRANCES AND PRIMARY BUILDING ELEVATIONS MUST FACE PUBLIC STREETS OR PRIVATE DRIVES. THE MAIN ENTRANCE TO A BUILDING MUST BE WELL DEFINED.
 - (2) SERVICE DOORS MUST BE RECESSED AND INTEGRATED INTO THE OVERALL DESIGN OF THE BUILDING.
 - (3) THE ENTRY TO OFFICE OR GUEST FACILITIES MUST FACE THE STREET, WITH DIRECT ACCESS TO OFFICE OR GUEST FACILITIES FROM STREET FRONTAGES AND PARKING AREAS.
 - (4) ALL OUTDOOR STORAGE AND DISPLAY AREAS MUST COMPLY § 15-510 {"OUTDOOR SALES AND DISPLAY"} AND § 15-511 {"OUTDOOR STORAGE"} OF THIS CODE.
- (E) BUILDING MATERIALS - PREFERRED MATERIALS.

THE FOLLOWING ARE THE PREFERRED BUILDING MATERIALS FOR NEW CONSTRUCTION OF FACADES VISIBLE FROM A STREET (OTHER THAN AN ALLEY):

- (1) BRICK;
 - (2) NATURAL OR CAST STONE;
 - (3) ARCHITECTURAL PRECAST CONCRETE;
 - (4) STUCCO;
 - (5) HIGH QUALITY METAL USED AS EXTERIOR SIDING OR IN LARGE EXPANSES, BUT ONLY IF APPROVED AS PART OF DESIGN REVIEW;
 - (6) PRE-FABRICATED STEEL PANELS, FOR ACCENT FEATURES ONLY; AND
 - (7) PLAIN CONCRETE BLOCK.
- (F) BUILDING MATERIALS - PROHIBITED MATERIALS.

THE FOLLOWING BUILDING MATERIALS ARE PROHIBITED FOR EXTERIOR USE IN NEW CONSTRUCTION:

- (I) EXTERIOR INSULATING FINISH SYSTEM PANELS;
- (2) VINYL; AND

(3) FORMSTONE.

SUBTITLE 6. OTHER APPLICABLE STANDARDS

§ 11-601. IN GENERAL.

THE INDUSTRIAL ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SUBTITLE.

§ 11-602. ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

§ 11-603. SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

§ 11-604. OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

§ 11-605. LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 11-606. SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

§ 11-607. TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

TITLE 12. SPECIAL PURPOSE DISTRICTS

SUBTITLE 1. PURPOSE OF TITLE

§ 12-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET OUT THE USE REGULATIONS, BULK AND YARD REGULATIONS, DESIGN STANDARDS, AND OTHER STANDARDS FOR:

- (1) OFFICE-RESIDENTIAL ZONING DISTRICTS;
- (2) TRANSIT-ORIENTED DEVELOPMENT ZONING DISTRICTS;
- (3) EDUCATIONAL CAMPUS ZONING DISTRICTS;
- (4) HOSPITAL CAMPUS ZONING DISTRICTS;
- (5) TRANSPORTATION ZONING DISTRICTS;
- (6) INCLUSIONARY HOUSING OVERLAY ZONING DISTRICTS;
- (7) WATERFRONT OVERLAY ZONING DISTRICTS;
- (8) ROWHOUSE MIXED-USE OVERLAY ZONING DISTRICTS;
- (9) DETACHED DWELLING MIXED-USE OVERLAY ZONING DISTRICTS; AND
- (10) ADULT-USE OVERLAY ZONING DISTRICTS.

SUBTITLE 2. DISTRICT DESCRIPTIONS

§ 12-201. OR OFFICE-RESIDENTIAL DISTRICT.

THE OR OFFICE-RESIDENTIAL ZONING DISTRICT IS INTENDED FOR AREAS WHERE THERE IS A MIX OF OFFICE AND RESIDENTIAL USES. THE REGULATIONS OF THE OR DISTRICT ARE DESIGNED TO ENSURE THAT OFFICE USES REMAIN COMPATIBLE WITH RESIDENTIAL USES, THEREBY PERMITTING THE AREA TO MAINTAIN A MORE RESIDENTIAL CHARACTER.

§ 12-202. TOD TRANSIT-ORIENTED DEVELOPMENT DISTRICTS.

THE PURPOSE OF THE TOD TRANSIT-ORIENTED DEVELOPMENT ZONING DISTRICT IS TO ENCOURAGE THE LOCATION OF USES AND FORMS OF DEVELOPMENT CONDUCIVE TO INCREASED TRANSIT USAGE. THE TOD DISTRICT IS INTENDED TO PROMOTE NEW, WELL-INTEGRATED RESIDENTIAL AND COMMERCIAL DEVELOPMENT AROUND TRANSIT STATIONS, ENSURE THAT NEW DEVELOPMENT OCCURS IN THE FORM OF COMPATIBLE, HIGHER DENSITY, TRANSIT-FRIENDLY DESIGN IN CLOSE PROXIMITY TO TRANSIT SYSTEMS, ENCOURAGE A PEDESTRIAN-ORIENTATION IN NEW DEVELOPMENT, DECREASE RELIANCE ON MOTOR VEHICLES BY INCREASING TRANSIT USES, AND ENCOURAGE A MIX OF BUILDINGS AND ACTIVITIES THAT PROVIDES SETTINGS FOR SOCIAL INTERACTION AND ACTIVE COMMUNITY LIFE. IN ORDER TO ADDRESS THE DIFFERENT CHARACTERISTICS OF TRANSIT LOCATIONS WITHIN THE CITY, 4 TOD DISTRICTS ARE ESTABLISHED: THE TOD-1 DISTRICT, TOD-2 DISTRICT, TOD-3 DISTRICT AND THE TOD-4 DISTRICT. THE PRIMARY DISTINCTIONS AMONG THESE 4 TOD DISTRICTS ARE HEIGHT, RESIDENTIAL DENSITY, AND USE MIX.

§ 12-203. EC EDUCATIONAL CAMPUS DISTRICT.

THE EC EDUCATIONAL CAMPUS ZONING DISTRICT IS INTENDED FOR THE CAMPUSES OF EDUCATIONAL FACILITIES TO FACILITATE AN ORDERLY AND EFFICIENT REGULATION PROCESS

FOR THESE TYPES OF USERS. THERE ARE 2 EDUCATIONAL CAMPUS ZONING DISTRICTS: A CAMPUS DISTRICT FOR COLLEGES AND UNIVERSITIES THAT ALLOWS FOR CERTAIN NON-EDUCATIONAL USES AND DORMITORIES FOR STUDENTS AND A SECOND CAMPUS FOR PRIMARY AND SECONDARY EDUCATIONAL FACILITIES THAT IS RESTRICTED TO EDUCATION-RELATED USES. THE EC ZONING DISTRICT PROVIDES A SET OF BASE DISTRICT REGULATIONS THAT OFFERS A CERTAIN INTENSITY OF DEVELOPMENT BY RIGHT. IT ALSO PROVIDES AN ALLOWANCE FOR A CAMPUS MASTER PLAN, WHICH MUST BE APPROVED BY THE CITY, THAT ALLOWS FOR FLEXIBILITY IN THE DEVELOPMENT AND EXPANSION OF THE CAMPUS ABOVE THE BASE DISTRICT REGULATIONS.

§ 12-204. H HOSPITAL CAMPUS DISTRICT.

THE H HOSPITAL CAMPUS ZONING DISTRICT IS INTENDED TO ADDRESS THE SPECIAL NEEDS AND IMPACTS OF LARGE-SCALE, MULTI-FUNCTIONAL HOSPITALS AND MEDICAL CAMPUSES, INCLUDING HOSPITAL-RELATED AND SUPPORT SERVICE USES, SUCH AS OFFICES AND COMMERCIAL USES. THE H ZONING DISTRICT PROVIDES A SET OF BASE DISTRICT REGULATIONS THAT OFFERS A CERTAIN INTENSITY OF DEVELOPMENT BY RIGHT. IT ALSO PROVIDES AN ALLOWANCE FOR A GENERAL DEVELOPMENT PLAN, WHICH MUST BE APPROVED BY THE CITY, THAT ALLOWS FOR FLEXIBILITY IN THE DEVELOPMENT AND EXPANSION OF THE HOSPITAL CAMPUS ABOVE THE BASE DISTRICT REGULATIONS.

§ 12-205. T TRANSPORTATION DISTRICT.

THE T TRANSPORTATION ZONING DISTRICT IS INTENDED TO PRESERVE, PROTECT AND ENHANCE ROAD, RAIL AND OTHER TRANSPORTATION CORRIDORS WITHIN THE CITY.

§ 12-206. IH INCLUSIONARY HOUSING OVERLAY DISTRICT.

THE IH INCLUSIONARY HOUSING OVERLAY ZONING DISTRICT IS INTENDED TO FORMALLY DESIGNATE THOSE PARCELS THAT BENEFIT FROM SIGNIFICANT REZONING, AS DEFINED IN CITY CODE ARTICLE 13, § 2B-1. THE GOAL OF THE INCLUSIONARY HOUSING OVERLAY ZONING DISTRICT IS TO PROVIDE HOUSING OPPORTUNITIES FOR RESIDENTS WITH A BROAD RANGE OF INCOMES. THE OVERLAY CLASSIFICATION TERMINATES AUTOMATICALLY ON THE REPEAL OF ARTICLE 13, SUBTITLE 2B.

§ 12-207. W WATERFRONT OVERLAY DISTRICTS.

THE W WATERFRONT OVERLAY ZONING DISTRICT IS INTENDED TO PRESERVE, CREATE, AND ENHANCE PUBLIC VIEWS OF AND ACCESS TO THE WATERFRONT AND CREATIVELY ENCOURAGE USE OF THE WATERFRONT BY PROVIDING A WATERFRONT PROMENADE, INCLUDING CONNECTIONS TO NEARBY PUBLIC RIGHTS-OF-WAY, OPEN SPACES, AND OTHER PUBLIC AMENITIES. IT SERVES TO ESTABLISH A PROCESS TO ENCOURAGE NEW WATERFRONT DEVELOPMENT TO OCCUR IN A MANNER THAT SEEKS TO MINIMIZE SUBSTANTIAL CHANGE TO EXISTING PUBLIC VIEWS OF THE WATERFRONT FROM ADJACENT PUBLIC STREETS AND NEIGHBORHOODS, AND ENHANCE THE EXISTING WATERFRONT PROMENADE BY CREATING A CONTINUOUS PUBLIC ACCESS VIA A PROMENADE ALONG NON-INDUSTRIAL PORTIONS OF THE CITY'S WATERFRONT.

§ 12-208. R-MU ROWHOUSE MIXED-USE OVERLAY DISTRICT.

THE R-MU ROWHOUSE MIXED-USE OVERLAY ZONING DISTRICT IS INTENDED TO ADDRESS THOSE AREAS OF ROWHOUSE DEVELOPMENT WHERE A MIXED-USE ENVIRONMENT IS DESIRED, WHERE SOME ROWHOUSE STRUCTURES ARE USED FOR RESIDENTIAL USES AND OTHERS FOR FIRST-FLOOR COMMERCIAL USES. THIS OVERLAY DISTRICT IS TIED DIRECTLY TO THE UNDERLYING ROWHOUSE DISTRICT IN ORDER TO MAINTAIN THE EXISTING CHARACTER OF THE DEVELOPMENT AND THE NEIGHBORHOOD. COMMERCIAL USES ARE RESTRICTED TO ONLY THOSE USES THAT ARE COMPATIBLE WITH RESIDENTIAL USES.

§ 12-209. D-MU DETACHED DWELLING MIXED-USE OVERLAY DISTRICT.

THE D-MU DETACHED DWELLING MIXED-USE OVERLAY ZONING DISTRICT ADDRESSES THOSE AREAS OF DETACHED DWELLING DEVELOPMENT WHERE A MIXED-USE ENVIRONMENT IS DESIRED, WHERE SOME DETACHED DWELLINGS ARE USED FOR RESIDENTIAL USES AND OTHERS FOR FIRST-FLOOR NON-RESIDENTIAL USES. THIS OVERLAY DISTRICT IS TIED DIRECTLY TO THE UNDERLYING DETACHED RESIDENTIAL DISTRICT IN ORDER TO MAINTAIN THE EXISTING CHARACTER OF THE DEVELOPMENT AND THE NEIGHBORHOOD. NON-RESIDENTIAL USES ARE RESTRICTED TO ONLY THOSE USES THAT ARE COMPATIBLE WITH RESIDENTIAL USES.

§ 12-210. AU ADULT USE OVERLAY DISTRICT.

THE AU ADULT USE OVERLAY ZONING DISTRICT IS INTENDED TO PROVIDE AN AREA IN WHICH TO OPERATE AN ADULT USE. THE AU OVERLAY DISTRICT IS A FLOATING ZONE, WHICH WILL NOT BE DESIGNATED ON THE ZONING MAP UNTIL AN APPLICATION IS MADE AND A RECOMMENDATION IS MADE BY ACTION OF THE PLANNING COMMISSION AND APPROVED BY THE CITY COUNCIL. AN AU OVERLAY DISTRICT IS THE ONLY ZONING DISTRICT IN WHICH AN ADULT USE MAY BE OPERATED.

SUBTITLE 3. OFFICE-RESIDENTIAL ZONING DISTRICT

§ 12-301. USE REGULATIONS.

ONLY THOSE USES OF LAND LISTED UNDER TABLE 12-301: PERMITTED AND CONDITIONAL USES IN THE OFFICE-RESIDENTIAL ZONING DISTRICT ARE ALLOWED WITHIN THE OR ZONING DISTRICT.

§ 12-302. BULK AND YARD REGULATIONS.

(A) AS LISTED IN TABLE 12-302.

TABLE 12-302: OFFICE-RESIDENTIAL ZONING DISTRICT BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE OR DISTRICT, WHICH IS DIVIDED INTO 2 SUBDISTRICTS FOR THE PURPOSE OF BULK AND YARD REGULATIONS.

(B) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(C) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 12-303. OTHER APPLICABLE STANDARDS.

(A) IN GENERAL.

THE OR ZONING DISTRICT IS ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SECTION.

(B) ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

(C) SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

(G) TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

SUBTITLE 4. TRANSIT-ORIENTED DEVELOPMENT DISTRICTS

§ 12-401. ESTABLISHMENT OF TOD DISTRICTS.

4 TYPES OF TRANSIT-ORIENTED DEVELOPMENT DISTRICTS ARE ESTABLISHED FOR AREAS AROUND EXISTING AND ANTICIPATED TRANSIT STATIONS, AS FOLLOWS:

(1) THE TOD-1 TRANSIT-ORIENTED DEVELOPMENT DISTRICT IS CHARACTERIZED BY A MORE RESTRICTIVE HEIGHT AND A LIMITED RETAIL USE MIX;

(2) THE TOD-2 TRANSIT-ORIENTED DEVELOPMENT DISTRICT IS CHARACTERIZED BY A MORE RESTRICTIVE HEIGHT AND A FULL MIX OF USES;

(3) THE TOD-3 TRANSIT-ORIENTED DEVELOPMENT DISTRICT IS CHARACTERIZED BY SIGNIFICANT HEIGHT AND A LIMITED RETAIL USE MIX; AND

(4) THE TOD-4 TRANSIT-ORIENTED DEVELOPMENT DISTRICT IS CHARACTERIZED BY SIGNIFICANT HEIGHT AND A FULL MIX OF USES.

§ 12-402. USE REGULATIONS.

ONLY THOSE USES OF LAND LISTED UNDER TABLE 12-402: PERMITTED AND CONDITIONAL USES IN THE TOD DISTRICTS ARE ALLOWED WITHIN THE TOD ZONING DISTRICTS.

§ 12-403. BULK AND YARD REGULATIONS.

(A) AS LISTED IN TABLE 12-403.

TABLE 12-403: TOD DISTRICTS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR THE OR DISTRICT, WHICH IS DIVIDED INTO 2 SUBDISTRICTS FOR THE PURPOSE OF BULK AND YARD REGULATIONS.

(B) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(C) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 12-404. DESIGN STANDARDS.

(A) SCOPE.

(1) THIS SECTION SETS DESIGN STANDARDS FOR ALL COMMERCIAL AND MIXED-USE STRUCTURES WITHIN THE TOD DISTRICTS.

(2) ROWHOUSE AND MULTI-FAMILY DWELLINGS ARE SUBJECT TO THE DESIGN STANDARDS OF TITLE 9 {"ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS"} OF THIS CODE.

(B) MAIN ENTRANCE.

(1) EVERY BUILDING MUST PROVIDE A MAIN ENTRANCE ON THE FACADE FACING THE TRANSIT STATION OR STREETS LEADING TO THE TRANSIT STATION.

(2) THE MAIN ENTRANCE OF ANY BUILDING MUST FACE THE STREET. THE MAIN ENTRANCE MAY NOT BE SET BACK MORE THAN 5 FEET FROM THE FRONT PROPERTY LINE, UNLESS A PUBLIC SEATING AREA, PLAZA, OR GREEN SPACE IS APPROVED THROUGH DESIGN REVIEW AND

PROVIDED IN FRONT OF THE BUILDING. {SEE FIGURE 12-404: MAIN ENTRANCE DESIGN.}

(C) FACADE ARTICULATION.

FACADES OVER 50 FEET WIDE MUST BE DIVIDED INTO SHORTER SEGMENTS BY MEANS OF FACADE MODULATION, REPEATING WINDOW PATTERNS, CHANGES IN MATERIALS, CANOPIES OR AWNINGS, VARYING ROOF LINES, OR OTHER ARCHITECTURAL TREATMENTS.

(D) GROUND FLOOR.

(1) THE GROUND FLOOR, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF AT LEAST 50%.

(2) WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS. TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED. WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE. {SEE FIGURE 12-404(D): GROUND FLOOR DESIGN.}

(3) THE GROUND FLOOR OF ANY COMMERCIAL BUILDING MUST BE AT LEAST 12 FEET HIGH, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR. {SEE FIGURE 12-404(D): GROUND FLOOR DESIGN.}

(E) PARKING.

(1) PARKING IS PROHIBITED IN FRONT OF THE FRONT BUILDING LINE.

(2) PARKING GARAGES MUST INCLUDE ACTIVE GROUND-FLOOR USES, WHETHER RESIDENTIAL OR NON-RESIDENTIAL USES, ALONG A MINIMUM OF 50% OF THE GROUND FLOOR WHEN ADJOINING A STREET (OTHER THAN AN ALLEY).

§ 12-405. PARKING REQUIREMENTS.

(A) IN GENERAL.

THE PARKING REGULATIONS OF THIS SECTION APPLY TO THE TOD DISTRICTS, IN ADDITION TO THE PARKING REGULATIONS OF TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(B) RESIDENTIAL USES.

(1) FOR A MULTI-FAMILY DWELLING, NO MORE THAN 1 OFF-STREET PARKING SPACE PER DWELLING UNIT, PLUS 1 GUEST SPACE PER 15 DWELLING UNITS IS PERMITTED.

(2) FOR A ROWHOUSE OR MULTI-FAMILY DWELLING, NO MINIMUM PARKING IS REQUIRED.

(C) NON-RESIDENTIAL USES.

(1) NON-RESIDENTIAL USES OF LESS THAN 2,000 SQUARE FEET ARE EXEMPT FROM ALL PARKING REQUIREMENTS.

(2) PARKING FOR NON-RESIDENTIAL USES MAY BE PROVIDED AT NO MORE THAN 3 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

(D) LOTS AND GARAGES.

(1) PARKING LOTS AND GARAGES ARE NOT SUBJECT TO MAXIMUM PARKING LIMITATIONS.

(2) PARKING LOTS MUST BE LOCATED TO THE REAR OF BUILDINGS AND MAY NOT EXCEED 1 ACRE IN SIZE. PARKING LOTS ARE PROHIBITED IN FRONT OF STRUCTURES.

(E) INGRESS AND EGRESS.

WHERE FEASIBLE, INGRESS TO AND EGRESS FROM PARKING MUST BE FROM SIDE STREETS OR ALLEYS.

(F) BICYCLE PARKING.

BICYCLE PARKING MUST BE PROVIDED ON SITE AT A RATIO OF 1 BICYCLE PARKING SPACE FOR EVERY 15 OR FRACTION OF 15 MOTOR VEHICLE PARKING SPACES.

§ 12-406. OTHER APPLICABLE STANDARDS.

(A) IN GENERAL.

THE TOD ZONING DISTRICTS ARE ALSO SUBJECT TO THE STANDARDS LISTED IN THIS SECTION.

(B) ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

(C) SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

(G) TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

SUBTITLE 5. EDUCATIONAL CAMPUS DISTRICT

§ 12-501. USE REGULATIONS

(A) EC-1 EDUCATIONAL CAMPUS: PRIMARY OR SECONDARY.

THE EC-1 EDUCATIONAL CAMPUS, PERMITS THE FOLLOWING USES:

- (1) COMMUNITY-MANAGED OPEN SPACE (SEE § 14-307 FOR USE STANDARDS).
- (2) DAY-CARE CENTERS: CHILD (SEE § 14-309 FOR USE STANDARDS).
- (3) EDUCATIONAL FACILITIES: PRIMARY OR SECONDARY, INCLUDING ANCILLARY DORMITORY AND RESIDENTIAL USES.
 - (4) PARKING GARAGES (PRINCIPAL USE) (SEE § 14-331 FOR USE STANDARDS).
 - (5) PARKING LOTS (SEE § 14-331 FOR USE STANDARDS).
 - (6) PLACES OF WORSHIP (SEE § 14-332 FOR USE STANDARDS).
 - (7) URBAN AGRICULTURE (SEE §14-337 FOR USE STANDARDS).
 - (8) UTILITIES (SEE § 14-338 FOR USE STANDARDS).
- (9) WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNA, AND TOWER (SEE §14-339 FOR USE STANDARDS).

(B) EC-2 EDUCATIONAL CAMPUS: POST-SECONDARY.

THE EC-2 EDUCATIONAL CAMPUS PERMITS THE FOLLOWING USES:

- (1) COMMUNITY-MANAGED OPEN SPACE (SEE §14-307 FOR USE STANDARDS).
- (2) DAY-CARE CENTERS, CHILD OR ADULT (SEE §14-309 FOR USE STANDARDS).
- (3) EDUCATIONAL FACILITIES: POST-SECONDARY, INCLUDING ANCILLARY DORMITORY AND RESIDENTIAL USES.
- (4) EDUCATIONAL FACILITIES: PRIMARY OR SECONDARY, INCLUDING ANCILLARY DORMITORY AND RESIDENTIAL USES.
- (5) FRATERNITY OR SORORITY HOUSES.
- (6) PARKING GARAGES (PRINCIPAL USE) (SEE §14-331 FOR USE STANDARDS)

- (7) PARKING LOTS (SEE §14-331 FOR USE STANDARDS).
- (8) PERSONAL SERVICES ESTABLISHMENTS.
- (9) PLACES OF WORSHIP (SEE §14-332 FOR USE STANDARDS).
- (10) RETAIL GOODS ESTABLISHMENTS - NO ALCOHOL SALES.
- (11) RESTAURANTS.
- (12) URBAN AGRICULTURE (SEE §14-337 FOR USE STANDARDS).
- (13) UTILITIES (SEE §14-338 FOR USE STANDARDS).
- (14) WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNA, AND TOWER (SEE §14-339 FOR USE STANDARDS).

§ 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 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 THE EFFECTIVE DATE OF THIS CODE, REGARDLESS OF HEIGHT AND YARDS, ARE DEEMED CONFORMING.

(B) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(C) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 12-503. EDUCATIONAL CAMPUS MASTER PLAN.

(A) IN GENERAL.

- (1) AN EDUCATIONAL FACILITY WITHIN THE EC-1 OR EC-2 DISTRICT MAY APPLY TO THE CITY COUNCIL FOR APPROVAL OF A CAMPUS MASTER PLAN, WHICH MAY DEVIATE FROM THE BULK AND YARD REGULATIONS OF TABLE 12503.
- (2) ONCE A CAMPUS MASTER PLAN IS SUBMITTED AND APPROVED, THE DEVELOPMENT PROCEEDS IN ACCORDANCE WITH THE PLAN RATHER THAN THE BASE DISTRICT REGULATIONS.

(B) APPLICABILITY; EFFECT.

(1) A CAMPUS MASTER PLAN MAY BE APPLIED ONLY TO THOSE PROPERTIES OWNED BY OR UNDER THE CONTROL OF THE EDUCATIONAL FACILITY.

(2) AN APPROVED CAMPUS MASTER PLAN IS A PERMITTED EXCEPTION TO ALL BASE DISTRICT REGULATIONS OF THE EC-1 OR EC-2 DISTRICT, INCLUDING USE, SIGN, PARKING, AND MAXIMUM HEIGHT REGULATIONS.

(C) PROCEDURE.

A CAMPUS MASTER PLAN (AND ANY SUBSEQUENT AMENDMENT TO IT) REQUIRES APPROVAL AS A ZONING TEXT AMENDMENT IN ACCORDANCE WITH THE PROCEDURES OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE.

(D) SUBMITTAL REQUIREMENTS.

THE CAMPUS MASTER PLAN MUST:

(1) ADDRESS THE GENERAL SITE LAYOUT OF THE ENTIRE DISTRICT; AND

(2) INCLUDE THE FOLLOWING:

(I) A SITE PLAN FOR DEVELOPMENT OF THE ENTIRE DISTRICT, INCLUDING THE PROPOSED BOUNDARIES OF THE DISTRICT;

(II) THE LOCATION, SQUARE FOOTAGE, AND BUILDING HEIGHTS OF ALL EXISTING STRUCTURES AND USES;

(III) A GENERAL RANGE OF THE LOCATION, SQUARE FOOTAGE, AND BUILDING HEIGHTS OF ALL PROPOSED STRUCTURES AND USES;

(IV) A LANDSCAPE PLAN THAT SHOWS THE GENERAL LOCATION OF ALL OPEN SPACE AND OF ANY BUFFERING OR SCREENING ALONG THE PERIMETER OF THE DISTRICT;

(V) A SIGN PLAN THAT SHOWS THE GENERAL LOCATION OF ON-SITE IDENTIFICATION AND DIRECTIONAL SIGNS;

(VI) INTERNAL TRAFFIC CIRCULATION PLANS, INCLUDING TRAFFIC INGRESS AND EGRESS LOCATIONS, PEDESTRIAN CIRCULATION, BICYCLE CIRCULATION, AND PUBLIC TRANSIT ACCESS; AND

(VII) THE LOCATION AND CAPACITY OF ALL OFF-STREET PARKING AND LOADING SPACES.

(E) EC DISTRICT ZONING MAP AMENDMENTS.

(1) A CONDITION OF THE EC-1 OR EC-2 DISTRICT ZONING DESIGNATION IS THAT THE PRIMARY USE WITHIN THE PROPOSED AREA IS AN EDUCATIONAL FACILITY.

(2) AN EDUCATIONAL FACILITY MAY CHOOSE TO SUBMIT A CAMPUS MASTER PLAN FOR APPROVAL SIMULTANEOUSLY WITH A ZONING MAP AMENDMENT, SO THAT THE LAND WOULD CONTROLLED BY THE CAMPUS MASTER PLAN, RATHER THAN THE BASE DISTRICT STANDARDS.

(3) MAP AMENDMENTS TO ADD ADDITIONAL PROPERTY TO THE EC DISTRICT REQUIRES CAMPUS MASTER PLAN APPROVAL.

§ 12-504. OTHER APPLICABLE STANDARDS.

(A) IN GENERAL.

UNLESS A CAMPUS MASTER PLAN HAS BEEN APPROVED, THE STANDARDS LISTED IN THIS SECTION APPLY TO THE EC DISTRICTS.

(B) ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

(C) SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

(G) TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

SUBTITLE 6. HOSPITAL CAMPUS DISTRICT

§ 12-601. USE REGULATIONS.

(A) PERMITTED USES.

IN THE HOSPITAL CAMPUS DISTRICT, THE FOLLOWING USES ARE PERMITTED:

- (1) DAY-CARE CENTERS: CHILD OR ADULT (SEE § 14-309 FOR USE STANDARDS).
- (2) EDUCATIONAL FACILITIES: POST-SECONDARY, INCLUDING ANCILLARY DORMITORY AND RESIDENTIAL USES.
 - (3) HEALTH-CARE CLINICS.
 - (4) HOSPITALS, INCLUDING ANCILLARY DORMITORY AND RESIDENTIAL USES.
- (5) HOTELS, MOTELS, AND ROOMING HOUSES.
- (6) MEDICAL SUPPORT FACILITIES.
- (7) OFFICES.
- (8) PARKING GARAGES (PRINCIPAL USE) (SEE §14-331 FOR USE STANDARDS).
- (9) PARKING LOTS (SEE § 14-331 FOR USE STANDARDS).
- (10) PERSONAL SERVICES ESTABLISHMENTS.
- (11) PLACES OF WORSHIP (SEE §14-332 FOR USE STANDARDS).
- (12) RESEARCH AND DEVELOPMENT.
- (13) RESIDENTIAL-CARE FACILITIES (SEE §14-333 FOR USE STANDARDS).
- (14) RESTAURANTS.
- (15) RETAIL GOODS ESTABLISHMENTS - NO ALCOHOL SALES.
- (16) UTILITIES (SEE §14-338 FOR USE STANDARDS).
- (17) WIRELESS TELECOMMUNICATIONS FACILITY, ANTENNA, AND TOWER (SEE §14-339 FOR USE STANDARDS).

(B) CONDITIONAL USES.

IN THE HOSPITAL CAMPUS DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

- (1) HELISTOP.

§ 12-602. BULK AND YARD REGULATIONS.

(A) IN GENERAL.

- (1) EXCEPT AS PROVIDED IN § 12-603 {"HOSPITAL GENERAL DEVELOPMENT PLAN"} OF THIS

SUBTITLE, TABLE 12-602: HOSPITAL CAMPUS BULK AND YARD REGULATIONS SETS FORTH THE APPLICABLE BULK AND YARD REGULATIONS FOR NEW CONSTRUCTION IN THE H DISTRICT.

(2) HOSPITAL BUILDINGS EXISTING AS OF THE EFFECTIVE DATE OF THIS CODE, REGARDLESS OF HEIGHT AND YARDS, ARE DEEMED CONFORMING.

(B) MEASUREMENT METHODOLOGIES.

MEASUREMENT METHODOLOGIES ARE AS SET FORTH IN TITLE 15, SUBTITLE 3 {"MEASUREMENT METHODOLOGIES"} OF THIS CODE.

(C) EXCEPTIONS AND REQUIREMENTS.

EXCEPTIONS AND REQUIREMENTS ARE AS SET FORTH IN TITLE 15, SUBTITLE 4 {"EXCEPTIONS AND REQUIREMENTS"} OF THIS CODE.

§ 12-603. HOSPITAL GENERAL DEVELOPMENT PLAN.

(A) IN GENERAL.

(1) A HOSPITAL FACILITY WITHIN THE H DISTRICT MAY APPLY TO THE CITY COUNCIL FOR APPROVAL OF A GENERAL DEVELOPMENT PLAN, WHICH MAY DEVIATE FROM THE BULK AND YARD REGULATIONS OF TABLE 12-602.

(2) ONCE A GENERAL DEVELOPMENT PLAN IS SUBMITTED AND APPROVED, THE DEVELOPMENT PROCEEDS IN ACCORDANCE WITH THE PLAN RATHER THAN THE BASE DISTRICT REGULATIONS.

(B) APPLICABILITY; EFFECT.

(1) A GENERAL DEVELOPMENT PLAN MAY BE APPLIED ONLY TO THOSE PROPERTIES OWNED BY OR UNDER THE CONTROL OF THE HOSPITAL FACILITY.

(2) AN APPROVED GENERAL DEVELOPMENT PLAN IS A PERMITTED EXCEPTION TO ALL BASE DISTRICT REGULATIONS OF THE H DISTRICT, INCLUDING USE, SIGN, PARKING, AND MAXIMUM HEIGHT REGULATIONS.

(C) PROCEDURE.

A GENERAL DEVELOPMENT PLAN (AND ANY SUBSEQUENT AMENDMENT TO IT) REQUIRES APPROVAL AS A TEXT AMENDMENT IN ACCORDANCE WITH THE PROCEDURES OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE.

(D) SUBMITTAL REQUIREMENTS.

THE GENERAL DEVELOPMENT PLAN MUST:

(1) ADDRESS THE GENERAL SITE LAYOUT OF THE ENTIRE DISTRICT; AND

(2) INCLUDE THE FOLLOWING:

- (I) A SITE PLAN FOR DEVELOPMENT OF THE ENTIRE DISTRICT, INCLUDING THE PROPOSED BOUNDARIES OF THE DISTRICT;
 - (II) THE LOCATION, SQUARE FOOTAGE, AND BUILDING HEIGHTS OF ALL EXISTING STRUCTURES AND USES;
 - (III) A GENERAL RANGE OF THE LOCATION, SQUARE FOOTAGE, AND BUILDING HEIGHTS OF ALL PROPOSED STRUCTURES AND USES;
 - (IV) A LANDSCAPE PLAN THAT SHOWS THE GENERAL LOCATION OF ALL OPEN SPACE AND OF ANY BUFFERING OR SCREENING ALONG THE PERIMETER OF THE DISTRICT;
 - (V) A SIGN PLAN THAT SHOWS THE GENERAL LOCATION OF ON-SITE IDENTIFICATION AND DIRECTIONAL SIGNS;
 - (VI) INTERNAL TRAFFIC CIRCULATION PLANS, INCLUDING TRAFFIC INGRESS AND EGRESS LOCATIONS, PEDESTRIAN CIRCULATION, BICYCLE CIRCULATION, AND PUBLIC TRANSIT ACCESS; AND
 - (VII) THE LOCATION AND CAPACITY OF ALL OFF-STREET PARKING AND LOADING SPACES.
- (E) H DISTRICT ZONING MAP AMENDMENTS.
- (1) A CONDITION OF THE H DISTRICT ZONING DESIGNATION IS THAT THE PRIMARY USE WITHIN THE PROPOSED AREA IS A HOSPITAL.
 - (2) A HOSPITAL MAY CHOOSE TO SUBMIT A GENERAL DEVELOPMENT PLAN FOR APPROVAL SIMULTANEOUSLY WITH A ZONING MAP AMENDMENT, SO THAT THE LAND WOULD BE CONTROLLED BY THE GENERAL DEVELOPMENT PLAN, RATHER THAN THE BASE DISTRICT STANDARDS.
 - (3) MAP AMENDMENTS TO ADD ADDITIONAL PROPERTY TO THE H DISTRICT REQUIRES GENERAL DEVELOPMENT PLAN APPROVAL.

§ 12-604. OTHER APPLICABLE STANDARDS.

- (A) IN GENERAL.

UNLESS A GENERAL DEVELOPMENT PLAN HAS BEEN APPROVED, THE STANDARDS LISTED IN THIS SECTION APPLY TO THE H DISTRICT.

- (B) ACCESSORY STRUCTURES AND USES.

STANDARDS GOVERNING ACCESSORY STRUCTURES AND USES ARE SET FORTH IN TITLE 15, SUBTITLE 5 {"ACCESSORY STRUCTURES AND USES"} OF THIS CODE.

- (C) SITE DEVELOPMENT.

ON-SITE DEVELOPMENT STANDARDS, SUCH AS PERMITTED ENCROACHMENTS AND EXTERIOR LIGHTING REGULATIONS, ARE SET FORTH IN TITLE 15 {"SITE DEVELOPMENT STANDARDS"} OF

THIS CODE.

(D) OFF-STREET PARKING AND LOADING.

STANDARDS GOVERNING OFF-STREET PARKING AND LOADING ARE SET FORTH IN TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(E) LANDSCAPING AND SCREENING.

ALL LANDSCAPING AND SCREENING MUST COMPLY WITH THE REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) SIGNS.

STANDARDS GOVERNING SIGNS ARE SET FORTH IN TITLE 17 {"SIGNS"} OF THIS CODE.

(G) TEMPORARY USES.

STANDARDS GOVERNING TEMPORARY USES ARE SET FORTH IN TITLE 14, SUBTITLE 4 {"TEMPORARY USE STANDARDS"} OF THIS CODE.

SUBTITLE 7. TRANSPORTATION DISTRICT

§ 12-701. USE REGULATIONS.

IN THE TRANSPORTATION DISTRICT, THE FOLLOWING USES ARE PERMITTED:

- (1) PUBLIC RIGHTS-OF-WAY.
- (2) COMMUTER AND FREIGHT RAIL LINES AND ACTIVITIES DIRECTLY RELATED TO THE PROVISION OF COMMUTER OR FREIGHT RAIL SERVICE, INCLUDING ACCESSORY STRUCTURES.
- (3) BUS WAYS.
- (4) PEDESTRIAN AND BICYCLE TRAILS.

SUBTITLE 8. INCLUSIONARY HOUSING OVERLAY DISTRICT

§ 12-801. PUBLIC NOTICE.

THE INTENT OF THE INCLUSIONARY HOUSING OVERLAY CLASSIFICATION IS TO PROVIDE A FORMAL METHOD OF PUBLIC NOTICE THAT RESIDENTIAL DEVELOPMENT ON THE PROPERTY COULD BE SUBJECT TO THE REQUIREMENTS OF CITY CODE ARTICLE 13, SUBTITLE 2B.

§ 12-802. CLASSIFICATION.

ALL PROPERTIES THAT ARE THE SUBJECT OF SIGNIFICANT REZONING, AS DEFINED IN CITY CODE ARTICLE 13, § 2B-1, FOR WHATEVER PURPOSE, RETAIN THEIR NEW ZONING CLASSIFICATION WITH

THE ADDITION OF THE SUFFIX "I."

§ 12-803. DEVELOPER ON NOTICE.

THE PURCHASER OR DEVELOPER OF PROPERTY WITH AN INCLUSIONARY HOUSING OVERLAY CLASSIFICATION IS ON NOTICE THAT RESIDENTIAL DEVELOPMENT ON THE PROPERTY COULD BE SUBJECT TO AND LIMITED BY THE REQUIREMENTS OF CITY CODE ARTICLE 13, SUBTITLE 2B.

SUBTITLE 9. WATERFRONT OVERLAY ZONING DISTRICT

§ 12-901. APPLICABILITY.

(A) IN GENERAL.

THE W-1 AND W-2 WATERFRONT OVERLAY DISTRICTS APPLY TO ALL WATERFRONT LOTS AS SHOWN ON THE ZONING MAP. UNLESS MODIFIED BY THIS SECTION, THE UNDERLYING ZONING DISTRICT AND CRITICAL AREA REGULATIONS (SEE TITLE 7, SUBTITLE 4) APPLY.

(B) SUBDISTRICTS.

(1) THE 2 SUBDISTRICTS OF THE WATERFRONT OVERLAY ZONING DISTRICT APPLY AS PROVIDED IN THIS SUBSECTION.

(2) THE W-1 OVERLAY ZONING DISTRICT APPLIES TO LAND ALONG THE WATERFRONT AREAS CHARACTERIZED BY A HARDCAPE BOUNDARY WITH THE WATER, SUCH AS BULKHEADS, PORT FACILITIES, OR A HARD-SURFACE PROMENADE.

(2) THE W-2 OVERLAY ZONING DISTRICT APPLIES TO AREAS WITH A SOFT SHORELINE, SUCH AS WETLANDS, VEGETATION, OR HABITAT AREAS THAT DIRECTLY ADJUT THE WATER, MOST NOTABLY ALONG THE MIDDLE BRANCH. TO ENSURE A COMPATIBLE DEVELOPMENT PATTERN ALONG THE SHORELINE, PROPERTY OWNERS ARE ENCOURAGED TO COOPERATE AS DEVELOPMENT PROCEEDS IN THE W-2 OVERLAY ZONING DISTRICT.

(C) INDUSTRIAL PROPERTIES EXCLUDED.

THE W-1 AND W-2 WATERFRONT OVERLAY DISTRICTS DO NOT APPLY TO INDUSTRIALLY ZONED PROPERTIES.

§ 12-902. DESIGN REVIEW REQUIRED.

BEFORE ANY NEW CONSTRUCTION MAY BEGIN IN THE WATERFRONT OVERLAY ZONING DISTRICTS, DESIGN REVIEW APPROVAL IS REQUIRED.

§ 12-903. MAXIMUM BUILDING HEIGHTS.

MAXIMUM BUILDING HEIGHTS IN THE WATERFRONT OVERLAY ZONING DISTRICTS ARE AS INDICATED IN THE FOLLOWING TABLES:

(1) TABLE 12-903(1): CANTON WATERFRONT AREA;

- (2) TABLE 12-903(2): FELLS POINT WATERFRONT AREA;
- (3) TABLE 12-903(3): KEY HIGHWAY WATERFRONT AREA; AND
- (4) TABLE 12-903(4): MIDDLE BRANCH AREA.

§ 12-904. PROTECTION OF PUBLIC RIGHT-OF-WAY VIEW CORRIDORS.

(A) W-1 OVERLAY ZONING DISTRICT.

(1) NO DEVELOPMENT MAY BLOCK THE VIEW OF THE WATERFRONT FROM ANY PUBLIC STREET THAT EXTENDS TO THE WATERFRONT OR THAT TERMINATES BEFORE REACHING THE WATERFRONT BUT ADJOINS THE BOUNDARIES OF THIS DISTRICT. THESE VIEW CORRIDORS MUST BE OF THE SAME WIDTH AS THE ADJOINING PUBLIC STREET, AND CONTINUE TO THE WATERFRONT AS A STRAIGHT LINE EXTENSION OF THE ADJOINING STREET. THIS EXTENSION MAY BE MODIFIED WITH APPROVAL OF A VIEW CORRIDOR MODIFICATION BY THE DIRECTOR OF PLANNING.

(2) BUILDING PROJECTIONS INTO ANY VIEW CORRIDOR MAY NOT EXCEED MORE THAN 10% OF THE WIDTH OF THE CORRIDOR AND ARE ALLOWED ONLY ON THOSE CORRIDORS THAT ARE AT LEAST 30 FEET WIDE. THESE PROJECTIONS MAY ENCOMPASS UP TO A MAXIMUM OF 20% OF THE BUILDING FACADE FRONTING THE CORRIDOR.

(3) LANDSCAPING, EXTERIOR LIGHTING, OR OTHER PUBLIC AMENITIES MAY BE LOCATED WITHIN THE VIEW CORRIDOR TO MAXIMIZE PUBLIC VIEW TO THE WATER.

(4) PARKING IS PERMITTED WITHIN A VIEW CORRIDOR AS LONG AS PUBLIC ACCESS AREAS ARE MAINTAINED AND NOT ENCROACHED UPON.

(B) W-2 OVERLAY ZONING DISTRICT.

(1) VIEW CORRIDORS MUST:

(I) CONNECT EXISTING PARKS, OPEN SPACE AREAS, AND NEW DEVELOPMENT CENTERS TO THE WATERFRONT;

(II) BE LOCATED NO MORE THAN 300 FEET APART FROM ONE ANOTHER; AND

(III) BE AT LEAST 60 FEET WIDE.

(2) LANDSCAPING, EXTERIOR LIGHTING, OR OTHER PUBLIC AMENITIES MAY BE LOCATED WITHIN THE VIEW CORRIDOR TO MAXIMIZE PUBLIC VIEW OF THE WATER.

(3) PARKING IS PERMITTED WITHIN A VIEW CORRIDOR, AS LONG AS PUBLIC ACCESS AREAS ARE MAINTAINED AND NOT ENCROACHED UPON.

§ 12-905. BUILDING REQUIREMENTS.

(A) ADMINISTRATIVE EXCEPTIONS.

AN ADMINISTRATIVE EXCEPTION TO THE REQUIREMENTS OF THIS SECTION CAN BE GRANTED AS PROVIDED IN § 4-406 {"ADMINISTRATIVE EXCEPTIONS"} OF THIS CODE.

(B) W-1 OVERLAY ZONING DISTRICT.

- (1) BLANK WALLS ALONG THE PROMENADE ARE PROHIBITED. PRIMARY OR SECONDARY BUILDING ENTRANCES ARE ENCOURAGED TO BE LOCATED ON FACADES FACING THE PROMENADE.
- (2) THE GROUND FLOOR OF COMMERCIAL BUILDINGS, AS MEASURED FROM GRADE TO THE BOTTOM OF THE SECOND FLOOR, MUST MAINTAIN A TRANSPARENCY OF 40%. WINDOWS MUST BE CONSTRUCTED OF CLEAR OR LIGHTLY TINTED GLASS. TINTING ABOVE 20% OR REFLECTIVE GLASS IS PROHIBITED. WINDOWS MUST BEGIN WITHIN 3 FEET OF GRADE.
- (3) NO OVERHEAD SERVICE DOORS OR BAYS MAY FACE THE PROMENADE. LOADING AND SERVICE AREAS MUST BE INTERNAL TO THE DEVELOPMENT BLOCK AND ACCESSED THROUGH SERVICE CORRIDORS AND NOT THROUGH PEDESTRIAN-ORIENTED STREETS.
- (4) RETAIL USES ALONG THE PROMENADE ARE ENCOURAGED. OUTDOOR EXTENSION OF THESE USES ARE RESTRICTED TO A MAXIMUM OF 8 FEET INTO THE REQUIRED PROMENADE EASEMENT AND MUST BE SEPARATED FROM THE PAVED PORTION WITH PLANTING BEDS, RAISED PLANTERS, OR A MINIMUM A 2-FOOT VERTICAL SEPARATION. WHERE PLANTING BEDS OR RAISED PLANTERS ARE USED TO PROVIDE SEPARATION, LANDSCAPE SHOULD BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE REVIEW MANUAL. NO EXTENSIONS OF RESIDENTIAL STRUCTURES ARE PERMITTED.
- (5) THE HEIGHT OF ANY STRUCTURE FACING A MAJOR PUBLIC STREET MUST BE AT LEAST 35 FEET.
- (6) STRUCTURES OVER 60 FEET HIGH MUST BE LOCATED AT LEAST 100 FEET FROM ANY ADJACENT STRUCTURE OVER 60 FEET HIGH.
- (7) PARKING, WHETHER INTERNAL OR EXTERNAL, ADJOINING ANY PROMENADE EASEMENT IS PROHIBITED, AS DESCRIBED IN § 12-906 {"WATERFRONT PUBLIC ACCESS PROMENADE, OPEN SPACE, AND REQUIRED EASEMENTS"}.

(C) W-2 OVERLAY ZONING DISTRICT.

- (1) THE FLOOR AREA RATIO WITHIN THIS DISTRICT IS LIMITED TO A MAXIMUM OF 2.0. HOWEVER, MIXED-USE DEVELOPMENTS WITH RESIDENTIAL UNITS THAT CONSTITUTE 80% OR MORE OF THE OVERALL DEVELOPMENT PLAN ARE PERMITTED A FLOOR AREA RATIO OF 2.5 FOR THE ENTIRE DEVELOPMENT AREA.
- (2) BLANK WALLS ALONG THE WATERFRONT ARE PROHIBITED. PRIMARY OR SECONDARY BUILDING ENTRANCES ARE ENCOURAGED TO BE LOCATED ON FACADES FACING THE OPEN SPACE AND VIEW CORRIDORS.
- (3) LOADING, SERVICE AREAS, AND ENTRANCES TO PARKING GARAGES (PRINCIPAL USE) MUST BE SITED SO THAT THEY ARE NOT VISIBLE FROM THE WATERFRONT OR VIEW CORRIDORS TO THE GREATEST EXTENT FEASIBLE.

(4) THE HEIGHT OF ANY STRUCTURE FACING A PUBLIC STREET MUST BE AT LEAST 35 FEET.

§ 12-906. WATERFRONT PUBLIC ACCESS PROMENADE, OPEN SPACE, AND REQUIRED EASEMENTS.

(A) W-1 OVERLAY ZONING DISTRICT.

(1) IN ADDITION TO THE USES ALLOWED BY THE UNDERLYING ZONING DISTRICTS, ON WATERFRONT LOTS WITHIN THE W-1 OVERLAY ZONING DISTRICT, A CONTINUOUS PUBLIC ACCESS WATERFRONT PROMENADE, ACCESSIBLE TO THE PUBLIC BUT BUILT AND MAINTAINED BY THE OWNERS OF THE UNDERLYING LAND, MUST BE PROVIDED ON LOTS, OR DEVELOPMENT PARCELS CONSISTING OF LOTS, THAT ADJOIN THE WATERLINE OF THE INNER HARBOR OF THE CHESAPEAKE BAY AND, WHERE APPLICABLE, THE MIDDLE BRANCH OF THE PATAPSCO.

(2) A PUBLIC ACCESS PROMENADE FOR HIKING AND BIKING MUST BE ESTABLISHED BY AN EASEMENT AT LEAST 30 FEET WIDE, UNLESS OTHERWISE SHOWN ON THE ZONING MAP, OF WHICH AT LEAST 12 FEET MUST BE A PERMANENTLY CONSTRUCTED PROMENADE. THOSE AREAS OF THE 30-FOOT PUBLIC EASEMENT THAT DO NOT CONSIST OF PERMANENTLY CONSTRUCTED PROMENADE MUST BE LANDSCAPED AND MAINTAINED IN A MANNER THAT IS VISIBLE TO THE PUBLIC AND IN ACCORDANCE WITH THE LANDSCAPE REVIEW MANUAL. WHERE IT CAN BE DEMONSTRATED THAT IT IS FUNCTIONALLY JUSTIFIED, THE DIRECTOR OF PLANNING MAY ALLOW A PROMENADE OR EASEMENT OF LESSER WIDTH. PROMENADE EASEMENTS MUST BE RECORDED BY THE PROPERTY OWNER WITHIN 1 MONTH OF THEIR APPROVAL AND A COPY OF THE RECORDATION RECEIPT PROVIDED TO THE DIRECTOR OF PLANNING.

(3) THESE REQUIRED EASEMENT IMPROVEMENTS MUST BE BUILT AND MAINTAINED BY THE PROPERTY OWNER. PUBLIC ACCESS MUST BE AVAILABLE 24 HOURS A DAY, 7 DAYS A WEEK UNLESS AGREED TO BY THE DIRECTOR OF PLANNING AND STATED IN THE EASEMENT. THE COMPLETION OF THE PROMENADE EASEMENT AREA MUST COINCIDE WITH THE COMPLETION OF THE ADJACENT DEVELOPMENT ON THE PROPERTY.

(4) PUBLIC ACCESS CORRIDORS ARE CONNECTIONS BETWEEN PUBLIC STREETS ADJOINING A WATERFRONT PROPERTY AND THE PROMENADE ESTABLISHED ON THE PROPERTY. ALL PUBLIC ACCESS CORRIDORS MUST BE INCLUDED IN THE PEDESTRIAN PROMENADE EASEMENTS FOR THE PROPERTY IN WHICH THEY ARE LOCATED. THE WIDTHS OF THE REQUIRED CORRIDORS MAY VARY BUT MUST BE AT LEAST 12 FEET WIDE. THE CORRIDORS MUST BE OPEN TO THE PUBLIC 24 HOURS A DAY, 7 DAYS A WEEK, UNLESS OTHERWISE AGREED TO BY THE DIRECTOR OF PLANNING AND STATED IN THE EASEMENT, AND FREE OF GATES OR OTHER IMPEDING OBSTACLES. THE CITY MAY ERECT SIGNS ON THESE CORRIDORS TO PROMOTE ACCESS AND RULES AND REGULATIONS FOR PUBLIC USE. ADEQUATE LIGHTING OF THESE CORRIDORS, CONSISTENT WITH THE PROMENADE, IS REQUIRED.

(5) NO MOTOR VEHICLES ARE PERMITTED TO USE OR CROSS THE PROMENADE, UNLESS FOR EMERGENCY OR INVASIVE REPAIR PURPOSES. ANY PROPOSED ROAD CROSSING OF THE PROMENADE, EITHER PUBLIC OR PRIVATE, REQUIRES PLANNING COMMISSION APPROVAL.

(6) NO MECHANICAL OR SERVICE EQUIPMENT MAY BE LOCATED ADJACENT TO THE PROMENADE EASEMENT WITHOUT BENEFIT OF FULL PERMANENT SCREENING.

(B) W-2 OVERLAY ZONING DISTRICT.

(1) IN ADDITION TO THE USES ALLOWED BY THE UNDERLYING ZONING DISTRICTS, ON WATERFRONT LOTS WITHIN THE W-2 OVERLAY ZONING DISTRICT, A CONSERVATION EASEMENT, ACCESSIBLE TO THE PUBLIC BUT BUILT AND MAINTAINED BY THE OWNERS OF THE UNDERLYING LAND, MUST BE PROVIDED ON LOTS, OR DEVELOPMENT PARCELS CONSISTING OF LOTS, THAT ADJOIN THE WATERLINE OF MIDDLE BRANCH OF THE PATAPSCO.

(2) A BUFFER THAT PROVIDES A VEGETATED HABITAT AREA MUST BE ESTABLISHED BY AN EASEMENT AT LEAST 100 FEET WIDE LANDWARD FROM THE MEAN HIGH WATER LINE OF TIDAL WATERS OR FROM THE EDGE OF TIDAL WETLANDS AND TRIBUTARY STREAMS, AND MUST BE VEGETATED AS SPECIFIED BY THE CRITICAL AREA MANAGEMENT PROGRAM. A 12-FOOT WIDE HIKING AND BIKING TRAIL MUST BE CONSTRUCTED IN THIS AREA.

(3) (I) TO ALLOW FLEXIBILITY FOR DEVELOPMENT WHILE PRESERVING AND CREATING HABITAT, THE DIRECTOR OF PLANNING MAY APPROVE A REDUCTION OF THE 100-FOOT WIDE BUFFER TO 50 FEET (FROM THE MEAN HIGH WATER LINE) IF:

(A) THE AREAS OF IMPACT ARE REPLACED WITH AREAS ELSEWHERE ON THE SITES CONTROLLED BY THE SAME DEVELOPER; OR

(B) THERE IS AN OUTFALL OR OTHER LIMITING PHYSICAL CONDITION, AS INDICATED ON THE ZONING MAP.

(II THE REPLACEMENT AREAS MUST BE:

(A) OF EQUAL OR GREATER SIZE THAN THE AREA BEING TRANSFERRED AND PLACED UNDER EASEMENT; AND

(B) ADJOINING A HABITAT AREA.

(III) BOTH THE TRANSFERRED HABITAT AREA AND THE CONTIGUOUS HABITAT AREA MUST BE PROPERLY VEGETATED AS SPECIFIED BY THE CRITICAL AREA MANAGEMENT PROGRAM.

(4) STORMWATER FROM THE ENTIRE SITE MUST BE MANAGED TO PREVENT NEGATIVE IMPACTS TO THE BUFFER.

(5) THE HIKING AND BIKING TRAIL MUST BE AT LEAST 50 FEET FROM THE MEAN HIGH TIDE LINE, WITH A 12-FOOT HARD SURFACE AND A MEADOW OR MOWN STRIP A MAXIMUM OF 3 FEET WIDE ON EITHER SIDE. PUBLIC ACCESS CORRIDORS TO THE TRAIL MUST BE PROVIDED AND INCLUDED IN THE EASEMENTS FOR THE PROPERTY WHERE THEY ARE LOCATED. THE TRAIL ON ANY GIVEN PROPERTY MUST CONNECT TO THE TRAIL ON ADJOINING PROPERTIES. THE TRAIL TAKES THE PLACE OF THE PROMENADE AND THESE HARD SURFACES ARE EXEMPT FROM THE CRITICAL AREA BUFFER REQUIREMENT, BUT ARE NOT EXEMPT FROM STORMWATER REQUIREMENTS.

(6) ACCESS TO THE WATER AS PART OF THE TRAIL SYSTEM IS ENCOURAGED, AND MUST BE APPROVED BY THE DIRECTOR OF PLANNING.

(7) EASEMENTS FOR THE BUFFER AND THE HIKING AND BIKING TRAIL MUST BE RECORDED BY THE PROPERTY OWNER ONCE APPROVED AND A COPY OF THE EASEMENTS, STAMPED AT THE

COURTHOUSE, PROVIDED TO THE DIRECTOR OF PLANNING.

(8) THESE REQUIRED EASEMENT IMPROVEMENTS MUST BE BUILT AND MAINTAINED BY THE PROPERTY OWNER. PUBLIC ACCESS ON PRIVATE PROPERTY IS SUBJECT TO REASONABLE RULES AND REGULATIONS ADOPTED BY THE PROPERTY OWNER AND INCLUDED IN THE EASEMENT. THE COMPLETION OF THE EASEMENT AREA MUST COINCIDE WITH THE COMPLETION OF THE ADJACENT DEVELOPMENT ON THE PROPERTY.

(9) THE SHORELINE MUST BE MAINTAINED AS A NATURALLY VEGETATED BUFFER. NO NEW BULKHEADS OR RIP-RAP MAY BE CONSTRUCTED AND ANY EXISTING BULKHEADS OR RIP-RAP MUST BE REMOVED TO THE GREATEST EXTENT POSSIBLE AS DEVELOPMENT OCCURS. ADDITIONALLY, WETLAND MARSH CREATION, RESTORATION, AND PRESERVATION ARE ENCOURAGED.

(10) ANY WORK DONE IN DESIGNATED HABITAT PROTECTION AREAS, RESOURCE CONSERVATION AREAS, OR EXISTING VEGETATED BUFFERS MUST BE SCHEDULED SO THAT IT DOES NOT DISTURB THE REPRODUCTIVE CYCLES OF FISH OR WILDLIFE.

(11) NO MOTOR VEHICLES ARE PERMITTED TO USE OR CROSS THE HIKING AND BIKING TRAIL, UNLESS REQUIRED FOR AN EMERGENCY OR FOR TRAIL OR BUFFER MAINTENANCE PURPOSES.

(12) MECHANICAL OR SERVICE EQUIPMENT MAY BE LOCATED ADJACENT TO THE CONSERVATION EASEMENT ONLY WHEN FULL PERMANENT SCREENING IS INSTALLED.

SUBTITLE 10. ROWHOUSE MIXED-USE OVERLAY DISTRICT

§ 12-1001. APPLICABILITY.

THE ROWHOUSE MIXED-USE OVERLAY DISTRICT MAY BE APPLIED TO ROWHOUSE DWELLINGS IN THE R-5, R-6, R-7, R-8, R-9, R-10, AND OR DISTRICTS. THIS OVERLAY DISTRICT ALLOWS THE ROWHOUSE DWELLING TO BE USED FOR 1 OF THE NON-RESIDENTIAL USES LISTED IN § 121003 {"USE REGULATIONS"} OF THIS SUBTITLE.

§ 12-1002. MINIMUM SIZE OF DISTRICT.

THE R-MU OVERLAY DISTRICT MAY ONLY BE APPLIED TO A MINIMUM OF:

- (1) 50% OF THE BLOCKFACE; OR
- (2) TWO OPPOSING CORNER LOTS.

§ 12-1003. USE REGULATIONS.

(A) PERMITTED USES.

IN THE R-MU OVERLAY DISTRICT, 1 (BUT NO MORE THAN 1) OF THE FOLLOWING NON-RESIDENTIAL USES IS PERMITTED ON THE GROUND FLOOR OF A ROWHOUSE STRUCTURE:

- (1) ART GALLERY.

- (2) ARTS STUDIO.
- (3) DAY-CARE CENTER: CHILD OR ADULT (SEE § 14-309 FOR USE STANDARDS).
- (4) HEALTH-CARE CLINIC.
- (5) OFFICE.
- (6) PERSONAL SERVICES ESTABLISHMENT.
- (7) RESTAURANT.
- (8) RETAIL GOODS ESTABLISHMENT - NO ALCOHOL SALES.
- (B) CONDITIONAL USES.

IN THE R-MU OVERLAY DISTRICT, THE FOLLOWING USES ARE CONDITIONAL USES, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

- (1) OUTDOOR DINING (SEE § 14-329 FOR USE STANDARDS).
- (2) USE OF UPPER FLOOR FOR A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION.

§ 12-1004. BULK AND YARD REGULATIONS.

THE BULK AND YARD REGULATIONS FOR ROWHOUSES IN THE UNDERLYING DISTRICT APPLY TO THE ROWHOUSE MIXED-USE OVERLAY DISTRICT.

§ 12-1005. DESIGN AND PERFORMANCE STANDARDS.

(A) IN GENERAL.

THE DESIGN STANDARDS FOR ROWHOUSE DWELLINGS IN THE UNDERLYING DISTRICT APPLY TO THE ROWHOUSE MIXED-USE OVERLAY DISTRICT.

(B) ADDITIONAL STANDARDS.

(1) CONVERSION OF THE ROWHOUSE TO A USE ALLOWED BY § 12-1003 {"USE REGULATIONS"} OF THIS SUBTITLE REQUIRES DESIGN REVIEW. THIS CONVERSION IS SUBJECT TO THE FOLLOWING DESIGN AND PERFORMANCE STANDARDS.

(2) THE GROUND FLOOR OF THE STRUCTURE MAY BE USED FOR A NON-RESIDENTIAL USE LISTED IN § 12-1003 {"USE REGULATIONS"} OF THIS SUBTITLE. THE UPPER FLOORS OF THE STRUCTURE MAY BE USED FOR OFFICE USES RELATED TO THAT GROUND-FLOOR BUSINESS, AS LONG AS THE UPPER FLOORS ARE NOT OPEN TO THE PUBLIC. CONDITIONAL USE APPROVAL IS REQUIRED FOR THE USE OF THE UPPER FLOORS OF A STRUCTURE FOR THE NON-RESIDENTIAL USES LISTED IN § 12-1003 {"USE REGULATIONS"} OF THIS SUBTITLE.

- (3) THE RESIDENTIAL FORM OF THE BUILDING MUST BE GENERALLY MAINTAINED. HOWEVER, GROUND FLOOR WINDOWS AND DOORS MAY BE ENLARGED FOR IMPROVED VISIBILITY AND ACCESS.
- (4) THE PRINCIPAL ENTRANCE MUST BE A DIRECT ENTRY FROM THE PRIMARY ABUTTING STREET.
- (5) NO ADDITIONAL OFF-STREET PARKING IS REQUIRED.
- (6) OUTSIDE STORAGE OR DISPLAY IS PROHIBITED. ALL BUSINESS, SERVICING, PROCESSING, AND STORAGE USES MUST BE LOCATED WITHIN THE STRUCTURE.
- (7) SIGNS ARE LIMITED TO WALL, PROJECTING, WINDOW, AWNING, AND TEMPORARY A-FRAME SIGNS ONLY.
- (8) SIGNS MUST COMPLY WITH THE FOLLOWING LIMITATIONS:
 - (I) SIGNS ARE LIMITED TO THE NAME OR DESCRIPTION OF THE USE.
 - (II) GOOSE-NECK FIXTURES AND INDIRECT SPOTLIGHTS ARE PERMITTED ON WALL AND PROJECTING SIGNS. ALL LIGHTING MUST CONCENTRATE THE ILLUMINATION ON THE AREA OF THE SIGN SO AS TO PREVENT GLARE ON THE STREET OR ADJACENT PROPERTY. INTERNALLY ILLUMINATED SIGNS ARE PROHIBITED.
 - (III) PROJECTING AND WALL SIGNS ARE LIMITED TO 6 SQUARE FEET. THESE SIGNS MAY NOT BE MOUNTED HIGHER THAN THE SECOND FLOOR WINDOW SILLS. PROJECTING SIGNS MUST MAINTAIN A CLEARANCE OF AT LEAST 8 FEET, AS MEASURED FROM GRADE, AND MAY NOT PROJECT MORE THAN 3½ FEET FROM THE FACE OF THE STRUCTURE. WALL SIGNS MAY NOT PROJECT MORE THAN 8 INCHES FROM THE FACE OF THE STRUCTURE.
 - (IV) THE TOTAL AMOUNT OF WINDOW SIGNS, WHETHER TEMPORARY OR PERMANENT, MAY NOT OCCUPY MORE THAN 40% OF THE SURFACE OF EACH WINDOW AREA. NEON WINDOW SIGNS ARE PROHIBITED.
 - (V) AWNING SIGNS MUST BE CONSTRUCTED OUT OF CANVAS OR CANVAS-LIKE MATERIAL. BACK-LIT AND METAL AWNINGS ARE PROHIBITED. PRINTING ON AWNING SIGNS MAY NOT EXCEED 6 SQUARE FEET.
 - (VI) TEMPORARY A-FRAME SIGNS ARE PERMITTED WITH A PERMIT AND ARE SUBJECT TO THE REGULATIONS IN § 17-702 {"A-FRAME SIGNS"} OF THIS CODE.

SUBTITLE 11. DETACHED DWELLING MIXED-USE OVERLAY DISTRICT

§ 12-1101. APPLICABILITY.

THE DETACHED DWELLING MIXED-USE OVERLAY DISTRICT MAY BE APPLIED TO DETACHED DWELLINGS. THIS OVERLAY DISTRICT ALLOWS THE DETACHED DWELLING TO BE USED FOR 1 OF THE NON-RESIDENTIAL USES LISTED IN § 12-1103 {"USE REGULATIONS"}.

§ 12-1102. MINIMUM SIZE OF DISTRICT.

THE D-MU OVERLAY DISTRICT MAY ONLY BE APPLIED TO A MINIMUM OF:

- (1) 50% OF THE BLOCKFACE; OR
- (2) TWO OPPOSING CORNER LOTS.

§ 12-1103. USE REGULATIONS.

- (A) PERMITTED USES.

IN THE D-MU OVERLAY DISTRICT, 1 (BUT NO MORE THAN 1) OF THE FOLLOWING NON-RESIDENTIAL USES IS PERMITTED ON THE GROUND FLOOR OF A DETACHED DWELLING:

- (1) ART GALLERY.
- (2) ARTS STUDIO.
- (3) DAY-CARE CENTER: CHILD OR ADULT (SEE § 14-309 FOR USE STANDARDS).
- (4) HEALTH-CARE CLINIC.
- (5) OFFICE.

- (B) CONDITIONAL USES.

IN THE D-MU OVERLAY DISTRICT, THE USE OF AN UPPER FLOOR FOR A NON-RESIDENTIAL USE LISTED IN SUBSECTION (A) OF THIS SECTION IS A CONDITIONAL USE, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.

§ 12-1104. BULK AND YARD REQUIREMENTS.

THE BULK AND YARD REGULATIONS FOR DETACHED DWELLINGS IN THE UNDERLYING DISTRICT APPLY TO THE DETACHED DWELLING MIXED-USE OVERLAY DISTRICT.

§ 12-1105. DESIGN AND PERFORMANCE STANDARDS.

- (A) IN GENERAL.

THE DESIGN STANDARDS FOR DETACHED DWELLINGS IN THE UNDERLYING DISTRICT APPLY TO THE DETACHED DWELLING MIXED-USE OVERLAY DISTRICT .

- (B) ADDITIONAL STANDARDS.

- (1) CONVERSION OF THE STRUCTURE TO A USE ALLOWED BY §12-1103 {"USE REGULATIONS"} OF THIS SUBTITLE REQUIRES DESIGN REVIEW. THIS CONVERSION IS SUBJECT TO THE FOLLOWING DESIGN AND PERFORMANCE STANDARDS.

- (2) THE GROUND FLOOR OF THE STRUCTURE MAY BE USED FOR A NON-RESIDENTIAL USE LISTED IN § 12-1003 {"USE REGULATIONS"} OF THIS SUBTITLE. THE UPPER FLOORS OF THE STRUCTURE MAY BE USED FOR OFFICE USES RELATED TO THAT GROUND-FLOOR BUSINESS, AS

LONG AS THE UPPER FLOORS ARE NOT OPEN TO THE PUBLIC. CONDITIONAL USE APPROVAL IS REQUIRED FOR THE USE OF THE UPPER FLOORS OF A STRUCTURE FOR THE NON-RESIDENTIAL USES LISTED IN § 12-1003 {"USE REGULATIONS"} OF THIS SUBTITLE.

- (3) THE RESIDENTIAL FORM OF THE BUILDING MUST BE GENERALLY MAINTAINED.
- (4) THE PRINCIPAL ENTRANCE MUST BE A DIRECT ENTRY FROM THE PRIMARY ABUTTING STREET.
- (5) NO ADDITIONAL OFF-STREET PARKING IS REQUIRED.
- (6) OUTSIDE STORAGE OR DISPLAY IS PROHIBITED. ALL BUSINESS, SERVICING, PROCESSING, AND STORAGE USES MUST BE LOCATED WITHIN THE STRUCTURE.
- (7) SIGNS ARE LIMITED TO WALL AND PROJECTING SIGNS ONLY.
- (8) SIGNS MUST COMPLY WITH THE FOLLOWING LIMITATIONS:
 - (I) SIGNS ARE LIMITED TO THE NAME OR DESCRIPTION OF THE USE.
 - (II) GOOSE-NECK FIXTURES AND INDIRECT SPOTLIGHTS ARE PERMITTED ON WALL AND PROJECTING SIGNS. ALL LIGHTING MUST CONCENTRATE THE ILLUMINATION ON THE AREA OF THE SIGN SO AS TO PREVENT GLARE ON THE STREET OR ADJACENT PROPERTY. INTERNALLY ILLUMINATED SIGNS ARE PROHIBITED.
 - (III) PROJECTING AND WALL SIGNS ARE LIMITED TO 6 SQUARE FEET. THESE SIGNS MAY NOT BE MOUNTED HIGHER THAN THE SECOND FLOOR WINDOW SILLS. PROJECTING SIGNS MUST MAINTAIN A CLEARANCE OF AT LEAST 8 FEET, AS MEASURED FROM GRADE, AND MAY NOT PROJECT MORE THAN 3½ FEET FROM THE FACE OF THE STRUCTURE. WALL SIGNS MAY NOT PROJECT MORE THAN 8 INCHES FROM THE FACE OF THE STRUCTURE.

SUBTITLE 12. ADULT USE OVERLAY DISTRICT

§ 12-1201. APPLICABILITY

THE ADULT USE OVERLAY DISTRICT MAY BE APPLIED ONLY WITHIN THE C-5 DISTRICT.

§ 12-1202. USE REGULATIONS.

(A) PERMITTED USES.

ALL PERMITTED USES IN THE UNDERLYING ZONING DISTRICT ARE ALLOWED AS PERMITTED USES WITHIN THE ADULT USE OVERLAY DISTRICT.

(B) CONDITIONAL USES.

(1) ALL CONDITIONAL USES IN THE UNDERLYING ZONING DISTRICT ARE ALLOWED AS CONDITIONAL USES WITHIN THE AU OVERLAY DISTRICT.

(2) IN ADDITION, THE FOLLOWING USES ARE CONDITIONAL USES, REQUIRING APPROVAL BY THE BOARD OF MUNICIPAL AND ZONING APPEALS:

(I) ADULT USES (SEE § 14-301 FOR USE STANDARDS).

§ 12-1203. BULK AND YARD REGULATIONS.

THE BULK AND YARD REGULATIONS OF THE UNDERLYING ZONING DISTRICT APPLY TO THE AU OVERLAY DISTRICT.

§ 12-1204. ESTABLISHMENT OF ADULT USE.

(A) IN GENERAL.

(1) THE ESTABLISHMENT OF AN ADULT USE WITHIN THE CITY IS A 2-STEP PROCESS:

(I) FIRST AN AREA MUST BE ZONED AS AN ADULT USE OVERLAY DISTRICT, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE, THE ZONING AMENDMENT PROCESS OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE, AND THE ADDITIONAL APPROVAL STANDARDS OF SUBSECTION (B) OF THIS SECTION.

(II) ONCE THE AREA IS REZONED, A CONDITIONAL USE MAY BE APPLIED FOR TO ESTABLISH THE ADULT USE, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBTITLE, THE CONDITIONAL USE PROCESS OF TITLE 5, SUBTITLE 4 {"CONDITIONAL USES"} OF THIS CODE, AND ANY ADDITIONAL USE AND DEVELOPMENT STANDARDS OF THIS CODE.

(2) A CONDITIONAL USE MAY BE APPLIED FOR TO ESTABLISH AN ADULT USE IN AN AREA ALREADY ZONED AS AN AU OVERLAY DISTRICT.

(B) ADDITIONAL ZONING AMENDMENT APPROVAL STANDARDS.

(1) IN ADDITION TO THE GENERAL STANDARDS FOR ZONING MAP AMENDMENTS, AS SET FORTH IN § 5406 {"APPROVAL STANDARDS"} OF THIS CODE, THE FOLLOWING STANDARDS MUST BE MET.

(2) THE ADULT USE MUST BE SO DESIGNED, LOCATED, AND OPERATED SO THAT THE PUBLIC HEALTH, SAFETY, AND WELFARE WILL BE PROTECTED.

(3) THE ADULT USE MAY NOT UNDULY INCREASE TRAFFIC CONGESTION IN THE PUBLIC STREETS OF THE AREA IN WHICH IT IS LOCATED.

(4) THE ADULT USE MAY NOT CAUSE ADDITIONAL PUBLIC EXPENSE FOR FIRE OR POLICE PROTECTION.

(5) NO ADULT USE MAY BE CONDUCTED IN ANY MANNER THAT PERMITS THE OBSERVATION, FROM ANY PUBLIC WAY OR ADJACENT PROPERTY, OF ANY MATERIAL THAT DEPICTS, DESCRIBES, OR RELATES TO SPECIFIED SEXUAL ACTIVITIES OR SPECIFIED ANATOMICAL AREAS. THIS APPLIES TO ANY DISPLAY, DECORATION, SIGN, SHOW WINDOW, OR OTHER OPENING.

(C) CONDITIONAL USE STANDARDS.

ADULT USES MUST MEET THE STANDARDS OF § 14-301 {"ADULT USES"} OF THIS CODE.

TITLE 13. PLANNED UNIT DEVELOPMENTS

SUBTITLE 1. PURPOSE; TRANSITION RULES

§ 13-101. PURPOSE.

THE PURPOSE OF A PLANNED UNIT DEVELOPMENT IS TO:

- (1) ENCOURAGE FLEXIBILITY IN THE DEVELOPMENT OF LAND AND IN THE DESIGN OF STRUCTURES;
- (2) ENCOURAGE A CREATIVE APPROACH TO THE USE OF LAND THAT RESULTS IN BETTER DEVELOPMENT AND DESIGN THAN MIGHT OTHERWISE BE ACCOMPLISHED UNDER THE STRICT APPLICATION OF THIS CODE ON A LOT-BY-LOT BASIS;
- (3) PROVIDE FOR THE EFFICIENT USE OF LAND TO FACILITATE A MORE EFFECTIVE ARRANGEMENT OF LAND USES, BUILDINGS, CIRCULATION SYSTEMS, AND UTILITIES;
- (4) ENCOURAGE THE CONSTRUCTION OF APPROPRIATE AESTHETIC AMENITIES THAT WILL ENHANCE THE CHARACTER OF THE SITE;
- (5) PROMOTE QUALITY DEVELOPMENT THAT IS COMMENSURATE WITH OTHER DEVELOPMENT WITHIN THE COMMUNITY AND COMPATIBLE WITH THE CHARACTER OF THE SURROUNDING AREA AND ADJACENT PROPERTIES; AND
- (6) FACILITATE THE IMPLEMENTATION OF THE COMPREHENSIVE MASTER PLAN.

§ 13-102. TRANSITION RULES.

(A) IN GENERAL.

PREVIOUSLY APPROVED RESIDENTIAL, OFFICE-RESIDENTIAL, BUSINESS, AND INDUSTRIAL PLANNED UNIT DEVELOPMENTS REMAIN VALID AND MUST CONTINUE TO COMPLY WITH ALL REQUIREMENTS AND CONDITIONS OF THEIR INITIAL APPROVAL, INCLUDING ALL CODE REGULATIONS IN EFFECT IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THIS CODE.

(B) AMENDMENTS.

ANY AMENDMENTS TO THESE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS WILL BE CATEGORIZED AS EITHER ENGINEERING CORRECTIONS, MINOR CHANGES, OR MAJOR CHANGES IN ACCORDANCE WITH SUBTITLE 4 {"MODIFICATIONS TO APPROVED FINAL DEVELOPMENT PLANS"} OF THIS TITLE AND MUST FOLLOW THE CORRESPONDING APPROVAL PROCEDURE.

(C) ALLOWED USES.

ALL PERMITTED AND CONDITIONAL USES OF THE UNDERLYING ZONING DISTRICT OF A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT ARE ALLOWED UNLESS SPECIFICALLY PROHIBITED BY THE PLANNED UNIT DEVELOPMENT.

SUBTITLE 2. REQUIREMENTS; APPROVAL STANDARDS; EXCEPTIONS

§ 13-201. AUTHORIZATION.

(A) ALLOWED AS CONDITIONAL USE.

A PLANNED UNIT DEVELOPMENT IS ALLOWED AS A CONDITIONAL USE IN ALL ZONING DISTRICTS, EXCEPT AS SPECIFIED IN SUBSECTION (C) OF THIS SECTION, AND MUST BE APPROVED THROUGH THE DEVELOPMENT APPROVAL PROCESS OF THIS TITLE.

(B) REQUIREMENTS OF UNDERLYING DISTRICT..

UNLESS OTHERWISE SPECIFICALLY PROVIDED BY THE ORDINANCE ESTABLISHING OR AMENDING THE PLANNED UNIT DEVELOPMENT, ALL REQUIREMENTS OF THE UNDERLYING DISTRICT APPLY.

(C) EXCLUDED ZONING DISTRICTS.

PLANNED UNIT DEVELOPMENTS ARE PROHIBITED IN THE I-1, I-2, AND MI DISTRICTS.

§ 13-202. GENERAL REQUIREMENTS.

(A) COMMON OWNERSHIP OR UNIFIED CONTROL.

(1) THE SITE OF THE PLANNED UNIT DEVELOPMENT MUST BE UNDER COMMON OWNERSHIP OR UNIFIED CONTROL.

(2) IF THERE ARE 2 OR MORE OWNERS, THE APPLICATION FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT OR FOR APPROVAL OF AN AMENDMENT TO AN APPROVED PLANNED UNIT DEVELOPMENT MUST BE JOINTLY FILED BY ALL OWNERS.

(B) MINIMUM AREAS.

PLANNED UNIT DEVELOPMENTS MUST MEET THE FOLLOWING MINIMUM AREAS:

(1) AT LEAST 5 ACRES IN THE R-1A, R-1B, RIC, RID, R-1E, R-1, R-2, R-3, R-4, AND R-5 DISTRICTS;

(2) AT LEAST 2 ACRES IN THE R-6, R7, R-8, R-9, RI0, B-1, B-2, B-3, B-4, BI, I-MU, TOD, AND OR DISTRICTS;

(3) AT LEAST 1½ ACRES IN THE B-5 DISTRICT; AND

(4) AT LEAST 5 ACRES IN THE OIP AND BSC DISTRICTS.

(C) EXCEPTIONS.

EXCEPTIONS TO THE REGULATIONS CONTAINED IN THIS CODE, INCLUDING USE, BULK, YARD, PARKING, AND SIGN REGULATIONS, MAY BE GRANTED THROUGH THE PLANNED UNIT DEVELOPMENT PROCESS, AS MAY BE DESIRABLE TO ACHIEVE THE OBJECTIVES OF THE

PROPOSED PLANNED UNIT DEVELOPMENT, AS LONG AS THE EXCEPTIONS ARE FULLY CONSISTENT WITH AND AUTHORIZED BY THIS TITLE.

§ 13-203. APPROVAL STANDARDS.

IN REVIEWING A PLANNED UNIT DEVELOPMENT:

(1) THE CONDITIONAL USE STANDARDS OF TITLE 5, SUBTITLE 4 {"CONDITIONAL USES"} OF THIS CODE APPLY; AND

(2) THE FOLLOWING ADDITIONAL FACTORS MUST BE CONSIDERED:

(I) WHETHER THE PLANNED UNIT DEVELOPMENT IS IN GENERAL CONFORMANCE WITH ALL ELEMENTS OF THE COMPREHENSIVE MASTER PLAN, AND THE CHARACTER AND NATURE OF EXISTING AND CONTEMPLATED DEVELOPMENT IN THE VICINITY OF THE PROPOSED PLANNED UNIT DEVELOPMENT;

(II) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PRESERVE UNUSUAL TOPOGRAPHIC OR NATURAL FEATURES OF THE LAND, AND THE DESIGN OF THE PLANNED UNIT DEVELOPMENT WILL BEST UTILIZE AND BE COMPATIBLE WITH THE TOPOGRAPHY OF THE LAND;

(III) WHETHER THE PHYSICAL CHARACTERISTICS OF THE PLANNED UNIT DEVELOPMENT WILL NOT ADVERSELY AFFECT FUTURE DEVELOPMENT OR THE VALUE OF UNDEVELOPED NEIGHBORING AREAS, OR THE USE, MAINTENANCE, OR VALUE OF NEIGHBORING AREAS ALREADY DEVELOPED;

(IV) WHETHER THE PLANNED UNIT DEVELOPMENT WILL PROVIDE THE SAME PROTECTION AS THE BASIC DISTRICT REGULATIONS IN REGARD TO FIRE, HEALTH HAZARDS, AND OTHER DANGERS; AND

(V) WHETHER THE PLANNED UNIT DEVELOPMENT WILL ENCOURAGE INNOVATIVE DESIGN FEATURES OR ADAPTIVE REUSE OF STRUCTURES THAT WOULD NOT BE POSSIBLE BY APPLICATION OF THE BASIC DISTRICT REGULATIONS.

§ 13-204. EXCEPTIONS FROM DISTRICT REGULATIONS.

(A) CONSIDERATIONS

IN DETERMINING WHETHER TO GRANT AN EXCEPTION FROM DISTRICT REGULATIONS, THE PLANNING COMMISSION AND CITY COUNCIL MUST CONSIDER WHETHER THE EXCEPTION WILL:

(1) ENHANCE THE OVERALL MERIT OF THE PLANNED UNIT DEVELOPMENT;

(2) PROMOTE THE OBJECTIVES OF BOTH THE CITY AND THE DEVELOPMENT;

(3) ENHANCE THE QUALITY OF THE DESIGN OF THE STRUCTURES AND THE SITE PLAN;

(4) ENABLE THE DEVELOPMENT TO OFFER ENVIRONMENTAL AND PEDESTRIAN AMENITIES;

(5) NOT CAUSE SUCH AN ADVERSE IMPACT ON NEIGHBORING PROPERTIES SO AS TO

OUTWEIGH THE BENEFITS OF THE DEVELOPMENT;

(6) NOT NEGATIVELY AFFECT THE VALUE AND ENJOYMENT OF SURROUNDING PROPERTY, THE PROVISION OF MUNICIPAL SERVICES, OR THE FLOW OF TRAFFIC;

(7) BE COMPATIBLE WITH THE LAND USE POLICIES OF THE COMPREHENSIVE MASTER PLAN;

(8) PROVIDE A SUBSTANTIAL PUBLIC BENEFIT TO THE CITY, AS ILLUSTRATED IN SUBSECTION (D) OF THIS SECTION; AND

(9) ALLOW USES THAT PREDOMINANTLY MATCH OR ARE COMPATIBLE WITH USES ALLOWED IN THE UNDERLYING ZONING DISTRICT AND THE ZONING DISTRICTS OF ADJACENT PROPERTIES.

(B) REQUIRED SUPERIOR DESIGN AND AMENITIES.

TO BE GRANTED AN EXCEPTION, THE APPLICANT MUST DEMONSTRATE SUPERIOR DESIGN AND ENHANCED AMENITIES.

(C) REQUIRED BENEFIT TO CITY.

IN NO CASE MAY ANY EXCEPTION BE GRANTED UNLESS THE APPLICANT DEMONSTRATES A SUBSTANTIAL BENEFIT TO THE CITY.

(D) EXAMPLES OF SUBSTANTIAL BENEFIT TO CITY.

EXAMPLES OF SUBSTANTIAL BENEFITS TO THE CITY ARE AS FOLLOWS:

(1) USE OF SUSTAINABLE DESIGN AND ARCHITECTURE, SUCH AS GREEN ROOFS, WHITE ROOFS, AND OTHER ENERGY EFFICIENT DESIGN CONCEPTS, NEW BUILDING TECHNOLOGIES, AND QUALIFYING AS A LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN ("LEED") OR LEED-EQUIVALENT STRUCTURE;

(2) ENHANCED DESIGN CHARACTERISTICS, INCLUDING MIXED-USE DEVELOPMENT, CIRCULATION SYSTEMS THAT UTILIZE ALLEYS OR TRAFFIC-CALMING TECHNIQUES, AND A PEDESTRIAN-ORIENTED ENVIRONMENT;

(3) COMMUNITY AMENITIES, INCLUDING PLAZAS, MALLS, FORMAL GARDENS, PLACES TO CONGREGATE, OUTDOOR SEATING, PUBLIC ART, AND PEDESTRIAN AND TRANSIT FACILITIES;

(4) PRESERVATION OF NATURAL AREAS AND SITE DESIGN THAT IS SENSITIVE TO ENVIRONMENTAL FEATURES;

(5) HISTORIC PRESERVATION AND ADAPTIVE REUSE OF HISTORIC STRUCTURES;

(6) ADDITIONAL OPEN SPACE AND RECREATIONAL AMENITIES, SUCH AS RECREATIONAL OPEN SPACE AND PLAYGROUNDS, INCLUDING ATHLETIC FIELDS, DOG PARKS, NATURAL WATER FEATURES, AND CONSERVATION AREAS;

(7) ADDITIONAL PUBLIC INFRASTRUCTURE IMPROVEMENTS, IN ADDITION TO THE MINIMUM NEEDED BY THE PLANNED UNIT DEVELOPMENT, SUCH AS NEW OR REPAVED STREETS, BICYCLE

PATHS, GUTTERS AND SEWERS, AND TRAFFIC CONTROL DEVICES TO IMPROVE TRAFFIC FLOW;

(8) SENIOR HOUSING SET-ASIDE;

(9) AFFORDABLE HOUSING SET-ASIDE;

(10) PROVISION OF ACCESSIBLE DWELLING UNITS WITH ACCESSIBLE FEATURES BEYOND THOSE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT OR ANY OTHER APPLICABLE CODES; AND

(11) PROVISION OF PUBLIC CAR OR BIKE SHARE FACILITIES.

SUBTITLE 3. PROCEDURES FOR PLAN APPROVAL

§ 13-301. IN GENERAL.

(A) 4-STEP PROCESS..

APPROVAL OF A PLANNED UNIT DEVELOPMENT IS A 4-STEP PROCESS COMPRISING:

(1) PRE-APPLICATION CONSULTATION;

(2) CONCEPT PLAN;

(3) PRELIMINARY DEVELOPMENT PLAN; AND

(4) FINAL DEVELOPMENT PLAN.

(B) COMPLIANCE REQUIRED.

THE PROCEDURES, REQUIREMENTS, RESTRICTIONS, AND CONDITIONS OF THIS TITLE MUST BE OBSERVED IN THE AUTHORIZATION OF A PLANNED UNIT DEVELOPMENT.

§ 13-302. PRE-APPLICATION CONSULTATION.

(A) CONSULTATION REQUIRED.

BEFORE FILING ANY PLANS FOR A PLANNED UNIT DEVELOPMENT, THE APPLICANT MUST ATTEND A PRE-APPLICATION CONSULTATION WITH THE DIRECTOR OF PLANNING.

(B) INFORMATION TO BE SUBMITTED.

FOR THE PRE-APPLICATION CONSULTATION, THE APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

(1) LOCATION OF THE PROPOSED DEVELOPMENT;

(2) PROPOSED USES;

(3) PROPOSED PUBLIC AND PRIVATE IMPROVEMENTS;

(4) A LIST OF ANY EXCEPTIONS TO DISTRICT REQUIREMENTS THAT THE APPLICANT ANTICIPATES WILL BE REQUESTED ; AND

(5) ANY OTHER INFORMATION NECESSARY TO CLEARLY EXPLAIN THE PLANNED UNIT DEVELOPMENT.

(C) PURPOSE OF CONSULTATION.

THE PURPOSE OF THE PRE-APPLICATION CONSULTATION IS TO MAKE ADVICE AND ASSISTANCE AVAILABLE TO THE APPLICANT BEFORE PREPARATION OF THE CONCEPT PLAN, SO THAT THE APPLICANT MAY DETERMINE:

(1) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT APPEARS IN GENERAL TO BE IN COMPLIANCE WITH THE PROVISIONS OF THIS CODE AND OTHER APPLICABLE REGULATIONS;

(2) WHETHER ANY ZONING EXCEPTIONS ARE REQUIRED IN CONNECTION WITH THE PROPOSED PLANNED UNIT DEVELOPMENT; AND

(3) WHETHER THE PROPOSED PLANNED UNIT DEVELOPMENT WILL BE IN CONFORMITY WITH THE COMPREHENSIVE MASTER PLAN AND THE GOALS AND POLICIES OF THE CITY FOR DEVELOPMENT.

(D) APPLICATION AND FEE.

THE PRE-APPLICATION CONSULTATION DOES NOT REQUIRE THE FILING OF AN APPLICATION OR PAYMENT OF A FEE.

(E) OPINIONS GIVEN NOT BINDING.

OPINIONS OR ADVICE PROVIDED AT THE CONSULTATION ARE IN NO WAY BINDING ON THE PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE PLANNED UNIT DEVELOPMENT.

§ 13-303. CONCEPT PLAN.

(A) SUBMISSION TO COMMISSION.

AFTER THE PRE-APPLICATION CONSULTATION, THE APPLICANT MUST FILE A CONCEPT PLAN WITH THE PLANNING DIRECTOR FOR THE PURPOSE OF OBTAINING INFORMATION AND GUIDANCE FROM THE PLANNING COMMISSION BEFORE THE APPLICANT ENTERS INTO BINDING COMMITMENTS OR INCURS SUBSTANTIAL EXPENSE.

(B) PLAN COMPONENTS.

AT MINIMUM, THE CONCEPT PLAN MUST CONSIST OF THE FOLLOWING:

(1) A SITE PLAN THAT IS DRAWN TO AN APPROPRIATE SCALE AND, IN GENERAL FORM, SHOWS:

(I) PROPOSED LAND USES AND STRUCTURES;

(II) NATURAL FEATURES OF THE DEVELOPMENT SITE;

(III) APPROXIMATE LOCATION OF ALL ROADWAYS AND ACCESS DRIVES PROPOSED WITHIN THE PLANNED UNIT DEVELOPMENT; AND

(IV) LOCATION OF ALL ADJACENT PUBLIC STREETS, THOROUGHFARES, AND PUBLIC UTILITIES;

(2) A SITE LOCATION MAP THAT IS DRAWN TO AN APPROPRIATE SCALE AND SHOWS:

(I) THE PROPOSED PLANNED UNIT DEVELOPMENT IN RELATION TO SURROUNDING STREETS AND PROPERTY WITHIN 600 FEET IN ALL DIRECTIONS OF THE DEVELOPMENT SITE; AND

(II) THE LOCATION, HEIGHT, AND LAND USE OF ALL EXISTING BUILDINGS AND STRUCTURES ADJOINING THE DEVELOPMENT SITE;

(3) SCHEMATIC DRAWINGS THAT SHOW THE SIZE, GROSS SQUARE FOOTAGE, CHARACTER, AND DISPOSITION OF BUILDINGS CURRENTLY EXISTING ON THE SITE AND BUILDINGS PROPOSED FOR THE SITE; AND

(4) A WRITTEN STATEMENT THAT CONTAINS:

(I) A GENERAL EXPLANATION OF THE PLANNED UNIT DEVELOPMENT;

(II) A STATEMENT OF THE PRESENT OWNERSHIP OF ALL THE LAND WITHIN THE DEVELOPMENT;

(III) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REQUIREMENTS, INCLUDING EXCEPTIONS TO THE REGULATIONS GOVERNING USE, BULK, YARD, OFFSTREET PARKING, AND SIGNS, AS THEY APPLY TO THE ZONING DISTRICT OR DISTRICTS IN WHICH THE PLANNED UNIT DEVELOPMENT IS TO BE LOCATED; AND

(IV) PROPOSED PUBLIC BENEFITS AND AMENITIES.

(C) COMMISSION TO PROVIDE GUIDANCE.

THE PLANNING COMMISSION MUST REVIEW THE CONCEPT PLAN AND PROVIDE THE INFORMATION AND GUIDANCE THAT IT CONSIDERS APPROPRIATE.

(D) OPINIONS GIVEN NOT BINDING.

OPINIONS OR ADVICE PROVIDED BY THE PLANNING COMMISSION ARE IN NO WAY BINDING ON THE PLANNING COMMISSION OR THE CITY COUNCIL WHEN LATER TAKING FORMAL ACTION ON THE PLANNED UNIT DEVELOPMENT.

(E) REVIEW TO BE AT PUBLIC MEETING.

THE REVIEW OF THE CONCEPT PLAN IS A PUBLIC MEETING. PUBLIC COMMENT ON THE CONCEPT PLAN WILL BE ACCEPTED AT THAT MEETING. NOTICE OF THE MEETING MUST BE GIVEN AS SPECIFIED BY THE DIRECTOR OF PLANNING IN ACCORDANCE WITH THE PLANNING COMMISSION'S RULES AND REGULATIONS.

§ 13-304. PRELIMINARY DEVELOPMENT PLAN.

(A) IN GENERAL.

AFTER THE PLANNING COMMISSION'S REVIEW OF THE CONCEPT PLAN, THE APPLICANT MUST FILE A PRELIMINARY DEVELOPMENT PLAN WITH THE PLANNING DIRECTOR, TOGETHER WITH THE APPLICABLE FILING FEE.

(B) PLAN COMPONENTS.

THE PRELIMINARY DEVELOPMENT PLAN MUST INCLUDE THE FOLLOWING:

- (1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;
- (2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO SURROUNDING PROPERTIES;
- (3) THE PATTERN AND INTENDED DESIGN STANDARDS OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;
- (4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS, STRUCTURES, AND BUILDING GROUPS;
- (5) THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING;
- (6) ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES;
- (7) THE LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
- (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
- (9) THE PROPOSED STORM DRAINAGE SYSTEM, SHOWING BASIC TOPOGRAPHIC CHANGES;
- (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;
- (11) STATISTICAL DATA ON:
 - (I) THE TOTAL SIZE OF THE PROJECT AREA;
 - (II) DENSITY COMPUTATIONS;
- (III) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND
- (IV) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF THE PROPOSED PLANNED UNIT DEVELOPMENT;
- (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT

DEVELOPMENT, INCLUDING A PROPOSED PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED; AND

(13) A SCHEDULE SETTING FORTH ANY PROPOSED EXCEPTIONS TO DISTRICT REGULATIONS, CITING BY SECTION NUMBER EACH REGULATION FROM WHICH AN EXCEPTION IS SOUGHT.

(C) PLAN APPROVAL PROCEDURE - PLANNING COMMISSION.

(1) BEFORE A PUBLIC HEARING IS SCHEDULED, THE PRELIMINARY DEVELOPMENT PLAN MUST BE FORWARDED TO THE APPROPRIATE CITY AGENCIES, AS DETERMINED BY THE DIRECTOR OF PLANNING, FOR REVIEW. THESE AGENCIES MUST REVIEW THE PRELIMINARY DEVELOPMENT PLAN AND FORWARD THEIR REPORTS TO THE PLANNING COMMISSION WITHIN 30 DAYS OF RECEIPT OF THE PLAN. THE PLANNING COMMISSION MUST SCHEDULE A PUBLIC HEARING ON THE PRELIMINARY DEVELOPMENT PLAN WITHIN 60 DAYS OF RECEIPT OF A COMPLETE APPLICATION.

(2) IF, IN THE PLANNING COMMISSION'S JUDGMENT, THE APPLICATION DOES NOT CONTAIN SUFFICIENT INFORMATION TO ENABLE IT TO PROPERLY DISCHARGE ITS RESPONSIBILITIES, THE PLANNING COMMISSION MAY REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT AND THE 60 DAY PERIOD IS SUSPENDED OR THE HEARING CONTINUED.

(3) AFTER COMPLETION OF THE PUBLIC HEARING, THE PLANNING COMMISSION MAY:

(I) RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PRELIMINARY DEVELOPMENT PLAN, AND SUBMIT ITS WRITTEN RECOMMENDATION TO THE CITY COUNCIL; OR

(II) ADVISE THE APPLICANT IN WRITING OF ANY RECOMMENDED CHANGES, ADDITIONS, OR CORRECTIONS TO THE PRELIMINARY DEVELOPMENT PLAN.

(4) IF THE PLANNING COMMISSIONS RECOMMEND CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PLAN FOR PLANNING COMMISSION CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE PLANNING COMMISSION MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PLAN. ONCE RESUBMITTED, THE PLANNING COMMISSION MAY THEN RECOMMEND APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE PRELIMINARY DEVELOPMENT PLAN AND SUBMIT ITS WRITTEN RECOMMENDATION TO THE CITY COUNCIL.

(D) PLAN APPROVAL PROCEDURE - CITY COUNCIL.

(1) AFTER THE CITY COUNCIL RECEIVES THE PLANNING COMMISSION'S RECOMMENDATION, THE PRELIMINARY DEVELOPMENT PLAN MAY BE INTRODUCED INTO THE CITY COUNCIL.

(2) ONCE THE PRELIMINARY DEVELOPMENT PLAN IS INTRODUCED, THE CITY COUNCIL MAY:

(I) APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PLAN; OR

(II) REQUIRE THAT THE APPLICANT CHANGE, ADD TO, OR CORRECT THE PRELIMINARY DEVELOPMENT PLAN BEFORE APPROVAL AND RESUBMIT THE PLAN TO THE CITY COUNCIL.

(3) IF THE CITY COUNCIL RECOMMEND CHANGES, ADDITIONS, OR CORRECTIONS, THE APPLICANT MAY, WITHIN 30 DAYS OF THE RECOMMENDATION, SUBMIT A REVISED PRELIMINARY DEVELOPMENT PLAN FOR CITY COUNCIL CONSIDERATION, WITHOUT PAYING AN ADDITIONAL FILING FEE. THE CITY COUNCIL MAY GRANT THE APPLICANT ADDITIONAL TIME TO PREPARE THE REVISED PRELIMINARY DEVELOPMENT PLAN. ONCE RESUBMITTED, THE CITY COUNCIL MAY APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PRELIMINARY DEVELOPMENT PLAN.

(4) THE CITY COUNCIL'S PRELIMINARY DEVELOPMENT PLAN APPROVAL MUST BE IN THE FORM OF AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

(E) CHART OF PROCESS.

FIGURE 13-304: PRELIMINARY DEVELOPMENT PLAN SUMMARIZES THE PROCESS BY WHICH PRELIMINARY DEVELOPMENT PLANS MAY BE APPROVED.

§ 13-305. FINAL DEVELOPMENT PLAN.

(A) WHEN REQUIRED.

(1) WITHIN 2 YEARS AFTER APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN, THE APPLICANT MUST FILE A FINAL DEVELOPMENT PLAN WITH THE DIRECTOR OF PLANNING, TOGETHER WITH THE APPLICABLE FILING FEE.

(2) IF THE PRELIMINARY DEVELOPMENT PLAN WAS APPROVED TO BE CONSTRUCTED IN PHASES, THE APPLICANT MUST SUBMIT THE FINAL DEVELOPMENT PLAN FOR THE FIRST PHASE WITHIN 2 YEARS OF THE APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. FINAL DEVELOPMENT PLANS FOR SUBSEQUENT PHASES MAY BE SUBMITTED ACCORDING TO THE PHASING SCHEDULE APPROVED AS PART OF THE PRELIMINARY DEVELOPMENT PLAN.

(B) PLAN COMPONENTS.

THE FINAL DEVELOPMENT PLAN MUST INCLUDE THE FOLLOWING, IN FINAL FORM:

(1) AN ACCURATE TOPOGRAPHIC AND BOUNDARY LINE MAP OF THE PROJECT AREA;

(2) A LOCATION MAP THAT SHOWS THE RELATIONSHIP OF THE PROJECT AREA TO SURROUNDING PROPERTIES;

(3) THE PATTERN AND DESIGN OF EXISTING AND PROPOSED ROADS, DRIVEWAYS, PARKING FACILITIES, AND BICYCLE AND PEDESTRIAN PATHS, WHETHER PUBLIC OR PRIVATE;

(4) THE USE, TYPE, SIZE, ARRANGEMENT, AND LOCATION OF EXISTING AND PROPOSED LOTS, STRUCTURES, AND BUILDING GROUPS;

(5) THE LOCATION, TYPE, AND SIZE OF EXISTING AND PROPOSED LANDSCAPING;

(6) FINAL ARCHITECTURAL DRAWINGS AND SKETCHES THAT ILLUSTRATE THE DESIGN AND CHARACTER OF PROPOSED STRUCTURES;

- (7) THE LOCATION OF EXISTING AND PROPOSED SEWER AND WATER FACILITIES;
- (8) THE EXISTING TOPOGRAPHY AND STORM DRAINAGE PATTERN;
- (9) THE PROPOSED STORM DRAINAGE SYSTEM SHOWING BASIC TOPOGRAPHIC CHANGES;
- (10) THE LOCATION OF RECREATIONAL AND OPEN SPACE AREAS AND AREAS RESERVED OR DEDICATED FOR PUBLIC USES, SUCH AS SCHOOL AND PARK SITES, AND ANY OPEN SPACE TO BE OWNED AND MAINTAINED BY A PROPERTY OWNERS' ASSOCIATION;
- (11) STATISTICAL DATA ON:
 - (I) THE TOTAL SIZE OF THE PROJECT AREA;
 - (II) DENSITY COMPUTATIONS;
 - (III) THE PROPOSED NUMBER OF RESIDENTIAL UNITS, BY TYPE; AND
 - (IV) ANY OTHER SIMILAR FACTORS PERTINENT TO A COMPREHENSIVE EVALUATION OF THE PROPOSED PLANNED UNIT DEVELOPMENT;
- (12) A DETAILED TIME SCHEDULE FOR THE START AND COMPLETION OF THE PLANNED UNIT DEVELOPMENT, INCLUDING A PHASING SCHEDULE, WHICH MUST INDICATE WHEN THE PUBLIC BENEFITS AND AMENITIES WILL BE CONSTRUCTED.
- (13) A SCHEDULE SETTING FORTH THE EXCEPTIONS TO DISTRICT REGULATIONS THAT WERE APPROVED AS PART OF THE PRELIMINARY DEVELOPMENT PLAN, CITING BY SECTION NUMBER EACH REGULATION FOR WHICH AN EXCEPTION WAS APPROVED.
 - (C) CONFORMANCE REVIEW.
 - (1) THE DIRECTOR OF PLANNING MUST REVIEW THE FINAL DEVELOPMENT PLAN WITHIN 60 DAYS OF ITS RECEIPT AND TAKE ACTIONS DESCRIBED IN THIS SUBSECTION.
 - (2) THE DIRECTOR OF PLANNING MAY RECOMMEND APPROVAL OF THE FINAL DEVELOPMENT PLAN TO THE PLANNING COMMISSION IF IT IS IN SUBSTANTIAL COMPLIANCE WITH THE PRELIMINARY DEVELOPMENT PLAN AND ALL CITY REGULATIONS. THE DIRECTOR OF PLANNING WILL CERTIFY TO THE PLANNING COMMISSION THAT THE FINAL PLAN IS IN SUBSTANTIAL CONFORMANCE WITH THE PREVIOUSLY FILED PRELIMINARY DEVELOPMENT PLAN. WITHIN 60 DAYS OF RECEIPT OF THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING COMMISSION MUST REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A PUBLIC MEETING.
 - (3) IF THE DIRECTOR OF PLANNING FINDS THAT THE FINAL DEVELOPMENT PLAN IS SUBSTANTIALLY CHANGED FROM THE APPROVED PRELIMINARY DEVELOPMENT PLAN, OR IS OTHERWISE NOT IN ACCORDANCE WITH CITY REGULATIONS, THEN THE DIRECTOR OF PLANNING MAY RECOMMEND TO THE PLANNING COMMISSION THAT THE FINAL DEVELOPMENT PLAN BE DENIED. IF THE PLANNING COMMISSION FINDS THAT THE FINAL DEVELOPMENT PLAN IS NOT IN CONFORMITY WITH THE PRELIMINARY DEVELOPMENT PLAN OR OTHER REGULATIONS, THE DIRECTOR OF PLANNING MUST INFORM THE APPLICANT OF THE SPECIFIC AREAS FOUND NOT TO

BE IN COMPLIANCE, AND THE APPLICANT MAY RESUBMIT THE FINAL PLAN TO THE DIRECTOR OF PLANNING WITH CHANGES TO THOSE AREAS FOUND NOT TO BE IN COMPLIANCE.

(4) ONCE RESUBMITTED AND THE DIRECTOR OF PLANNING HAS DETERMINED THE FINAL DEVELOPMENT PLAN TO BE IN SUBSTANTIAL COMPLIANCE WITH THE PRELIMINARY DEVELOPMENT PLAN, THE DIRECTOR OF PLANNING MUST CERTIFY TO THE PLANNING COMMISSION THAT THE FINAL DEVELOPMENT PLAN IS IN SUBSTANTIAL CONFORMANCE WITH THE PREVIOUSLY FILED PRELIMINARY DEVELOPMENT PLAN. WITHIN 60 DAYS OF RECEIPT OF THE DIRECTOR OF PLANNING'S RECOMMENDATION, THE PLANNING COMMISSION MUST REVIEW THE FINAL DEVELOPMENT PLAN AND APPROVE OR DENY IT AT A PUBLIC MEETING.

(5) BEFORE FINAL APPROVAL OF THE FINAL DEVELOPMENT PLAN, THE PLANNING COMMISSION MAY APPROVE MINOR CHANGES TO THE FINAL DEVELOPMENT PLAN THAT ARE NOT IN DIRECT CONFORMANCE WITH THE PRELIMINARY DEVELOPMENT PLAN. THE MINOR CHANGES THAT MAY BE APPROVED BY THE PLANNING COMMISSION ARE LIMITED TO THOSE THAT QUALIFY AS MINOR VARIANCES UNDER § 5-302(B) {"MINOR AND MAJOR VARIANCES: MINOR VARIANCES"} OF THIS CODE.

(D) APPROVED FINAL DEVELOPMENT PLAN.

AFTER THE APPROVAL OF A FINAL DEVELOPMENT PLAN BY THE PLANNING COMMISSION, THE USE OF THE LAND AND THE CONSTRUCTION, MODIFICATION, OR ALTERATION OF ANY STRUCTURES WITHIN THE PLANNED UNIT DEVELOPMENT ARE GOVERNED BY THE APPROVED FINAL DEVELOPMENT PLAN RATHER THAN BY THE PROVISIONS OF THIS CODE.

(E) CHART OF PROCESS.

FIGURE 13-305: FINAL DEVELOPMENT PLAN SUMMARIZES THE PROCESS BY WHICH FINAL DEVELOPMENT PLANS MAY BE APPROVED.

SUBTITLE 4. MODIFICATIONS TO APPROVED FINAL DEVELOPMENT PLANS

§ 13-401. ENGINEERING CORRECTIONS.

(A) DIRECTOR MAY APPROVE.

(1) DURING CONSTRUCTION ONLY, MINOR CHANGES REQUIRED BY ENGINEERING OR OTHER PHYSICAL SITE CIRCUMSTANCES NOT FORESEEN AT THE TIME THAT THE FINAL DEVELOPMENT PLAN WAS APPROVED, BUT ENCOUNTERED DURING CONSTRUCTION ON SITE, MAY BE AUTHORIZED BY THE DIRECTOR OF PLANNING.

(2) HOWEVER, THE DIRECTOR OF PLANNING MAY NOT APPROVE ANY CHANGE THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION ATTACHED TO THE APPROVED PLANNED UNIT DEVELOPMENT.

(B) REVISED DEVELOPMENT PLAN.

(1) A REVISED FINAL DEVELOPMENT PLAN MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE

ORDINANCE AND PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT.

(2) THE REVISED FINAL DEVELOPMENT PLAN MUST BE REVIEWED AND APPROVED OR DENIED BY THE DIRECTOR OF PLANNING WITHIN 15 DAYS.

(C) AMENDMENTS; NEW DEVELOPMENT PLAN.

ALL CHANGES TO THE FINAL DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT ORDINANCE. A NEW PLAN REFLECTING THESE CHANGES MUST BE FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

§ 13-402. MINOR CHANGES.

(A) COMMISSION MAY APPROVE.

(1) THE PLANNING COMMISSION MAY APPROVE A CHANGE TO THE APPROVED FINAL DEVELOPMENT PLAN THAT IS NOT A MAJOR CHANGE GOVERNED BY § 13-403 {"MAJOR CHANGES"} OF THIS SUBTITLE.

(2) HOWEVER, THE PLANNING COMMISSION MAY NOT APPROVE ANY CHANGE THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION ATTACHED TO THE APPROVED PLANNED UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE.

(B) REVISED DEVELOPMENT PLAN.

(1) A REVISED FINAL DEVELOPMENT PLAN MUST BE SUBMITTED TO THE DIRECTOR OF PLANNING WITH THESE CHANGES INDICATED BY MARKED-UP OR RED-LINED EXHIBIT OF THE ORDINANCE AND PLANS, SHOWING ALL AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT. THE DIRECTOR OF PLANNING MUST FORWARD THE REVISIONS TO THE PLANNING COMMISSION.

(2) THE PLANNING COMMISSION MUST REVIEW THE REVISED FINAL DEVELOPMENT PLAN AND APPROVE, APPROVE WITH CONDITIONS, OR DENY IT WITHIN 30 DAYS OF ITS SUBMITTAL.

(C) AMENDMENTS; NEW DEVELOPMENT PLAN.

ALL CHANGES TO THE FINAL DEVELOPMENT PLAN MUST BE RECORDED AS AMENDMENTS TO THE PLANNED UNIT DEVELOPMENT ORDINANCE. A NEW PLAN REFLECTING THESE CHANGES MUST BE FILED WITH THE DEPARTMENT OF PLANNING, NOTING THE DATE OF THE CHANGES.

§ 13-403. MAJOR CHANGES.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO THE FOLLOWING MAJOR CHANGES:

(1) A 10% INCREASE OR 25% DECREASE IN THE APPROVED NUMBER OF DWELLING UNITS;

(2) A CHANGE IN BUILDING HEIGHT OVER THE STATED MAXIMUM HEIGHTS IN THE APPROVED PLANNED UNIT DEVELOPMENT;

(3) A SIGNIFICANT CHANGE IN THE TYPE, LOCATION, OR ARRANGEMENT OF LAND USE WITHIN THE DEVELOPMENT, AS SHOWN ON THE PREVIOUSLY APPROVED DEVELOPMENT PLAN;

(4) A CHANGE IN THE BOUNDARIES OF THE PLANNED UNIT DEVELOPMENT;

(5) A DECREASE IN OPEN SPACE THAT HAD BEEN INCLUDED AS A PUBLIC BENEFIT OR AMENITY UNDER § 13-204 {"EXCEPTIONS FROM DISTRICT REGULATIONS"} OF THIS TITLE; AND

(6) ANY CHANGE THAT VIOLATES THE UNDERLYING ZONING, ANY APPROVED EXCEPTION, OR ANY CONDITION OF APPROVAL ATTACHED TO THE APPROVED PLANNING UNIT DEVELOPMENT, WITH THE EXCEPTION OF MODIFICATIONS TO A PLANNED UNIT DEVELOPMENT'S PHASING SCHEDULE.

(B) CHANGE REQUIRES REPEAL OF PLAN AND RESUBMITTAL.

A MAJOR CHANGE REQUIRES THE REPEAL OF THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT AND RESUBMITTAL OF A PLANNED UNIT DEVELOPMENT AT THE PRELIMINARY DEVELOPMENT PLAN STAGE, INCLUDING ALL APPLICATION REQUIREMENTS AND FEES, AND MUST FOLLOW THE PLANNED UNIT DEVELOPMENT APPROVAL PROCESS.

SUBTITLE 5. ENFORCEMENT

§ 13-501. ORDINANCE AND DEVELOPMENT PLAN AS BINDING AGREEMENT.

THE ORDINANCE AND APPROVED FINAL DEVELOPMENT PLAN CONSTITUTE A BINDING AGREEMENT BY THE OWNER AND DEVELOPER THAT THEY WILL PROCEED WITH THE DEVELOPMENT IN STRICT ACCORDANCE WITH THE APPROVED FINAL DEVELOPMENT PLAN, INCLUDING THE DETAILED TIME SCHEDULE.

§ 13-502. EXPIRATION ON FAILURE TO PROCEED TIMELY.

(A) IN GENERAL.

AN APPROVED PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN AUTOMATICALLY EXPIRE 2 YEARS AFTER THE DATE OF APPROVAL IF:

(1) A BUILDING PERMIT HAS NOT BEEN ISSUED; OR

(2) THE INSTALLATION OF REQUIRED INFRASTRUCTURE HAS NOT BEGUN.

(B) EXTENSION OF TIME.

(1) THE PLANNING COMMISSION MAY EXTEND THE TIME FOR EXPIRATION OF AN APPROVED PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN ON:

(I) A WRITTEN REQUEST FOR EXTENSION THAT IS SUBMITTED BEFORE THE EXPIRATION: AND

(II) FOR GOOD CAUSE SHOWN.

(2) THE PLANNING COMMISSION MUST CONDUCT A PUBLIC HEARING TO DETERMINE WHETHER TO TERMINATE OR EXTEND THE APPROVAL.

(3) IN MAKING ITS DETERMINATION, THE PLANNING COMMISSION MUST TAKE INTO ACCOUNT:

(I) HARDSHIP TO THE APPLICANT;

(II) CHANGES IN SURROUNDING CIRCUMSTANCES THAT HAVE OCCURRED SINCE THE ORIGINAL APPROVAL;

(III) THE SCHEDULE FOR PROVIDING REQUIRED PUBLIC BENEFITS AND AMENITIES; AND

(IV) THE LIKELIHOOD THAT SUBSTANTIAL CONSTRUCTION WILL OCCUR DURING ANY PERIOD OF EXTENSION.

§ 13-503. NONCOMPLIANCE.

(A) CAUSE FOR CANCELLING DEVELOPMENT, PLAN.

FAILURE TO COMPLY WITH THE REQUIREMENTS SET BY OR UNDER AUTHORITY OF THIS TITLE IS CAUSE FOR CANCELING THE PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN.

(B) NOTICE.

THE ZONING ADMINISTRATOR MUST PROVIDE THE OWNER OR DEVELOPER AT LEAST 15 DAYS NOTICE TO APPEAR BEFORE THE ZONING ADMINISTRATOR AND ANSWER TO ANY CHARGE OF NONCOMPLIANCE.

(C) ACTION BY ADMINISTRATOR.

IF THE ZONING ADMINISTRATOR FINDS THE CHARGES TO BE SUBSTANTIATED AND IF THE SITUATION IS NOT SATISFACTORILY ADJUSTED WITHIN A SPECIFIED PERIOD SET BY THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MAY:

(1) ORDER CANCELLATION OF THE PLANNED UNIT DEVELOPMENT AND FINAL DEVELOPMENT PLAN; AND

(2) TAKE ANY OTHER ACTION THAT IS APPROPRIATE.

TITLE 14. USE STANDARDS

SUBTITLE 1. PURPOSE OF TITLE

§ 14-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO SET FORTH ADDITIONAL REQUIREMENTS FOR CERTAIN PERMITTED AND CONDITIONAL USES FOUND WITHIN THE DISTRICT USE TABLES. THESE STANDARDS ARE INTENDED TO ENSURE THAT A USE IS COMPATIBLE WITH THE SURROUNDING AREA.

SUBTITLE 2. APPLICABILITY OF USE STANDARDS

§ 14-201. USE OF LAND AND STRUCTURE.

NO STRUCTURE OR LAND MAY BE USED OR OCCUPIED EXCEPT IN CONFORMITY WITH THE REGULATIONS FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED. NO STRUCTURE MAY BE ERECTED, RECONSTRUCTED, EXTENDED, ENLARGED, ALTERED, OR MOVED EXCEPT IN CONFORMITY WITH THE REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.

§ 14-202. ADDITIONAL STANDARDS

IN ADDITION TO THE USE STANDARDS OF SUBTITLE 3 OF THIS TITLE, ALL USES ARE REQUIRED TO COMPLY WITH ALL PROVISIONS OF THIS CODE, INCLUDING TITLE 15 {"SITE DEVELOPMENT STANDARDS"}, TITLE 16 {"OFF-STREET PARKING AND LOADING"}, AND TITLE 17 {"SIGNS"}, AND ALL OTHER CITY REGULATIONS.

SUBTITLE 3. USE STANDARDS

§ 14-301. ADULT USES.

(A) IN GENERAL.

THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF AN ADULT USE MAY NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE.

(B) EFFECT ON COMMUNITY.

WHEN REVIEWING A PROPOSED ADULT USE, THE FOLLOWING MUST BE CONSIDERED:

(I) THE ADVERSE SECONDARY EFFECTS OF THE PROPOSED USE ON THE COMMUNITY; AND

(II) IN ADDITION TO DETERMINING COMPLIANCE WITH SUBSECTION (C) OF THIS SECTION, THE DISTANCE BETWEEN THE PROPOSED USE AND EXISTING ADULT USES IN THE AREA, TO DETERMINE IF A NEGATIVE IMPACT ON THE COMMUNITY WILL RESULT.

(C) DISTANCE FROM OTHER USES.

ANY NEW ADULT USE MUST BE AT LEAST 300 FEET DISTANT FROM ANY EXISTING ADULT USE, RESIDENTIAL DISTRICT, EDUCATIONAL FACILITY, AND PLACE OF WORSHIP.

(D) BUSINESS AND IDENTIFICATION SIGNS.

THE FOLLOWING BUSINESS AND IDENTIFICATION SIGNS ARE PROHIBITED FOR ADULT USES:

(1) NEON LIGHTS THAT DEPICT ANY ADULT ENTERTAINMENT;

(2) POSTERS, PHOTOGRAPHS, SKETCHES, PAINTED OR LAMINATED SIGNS, OR SIMILAR MATERIALS THAT ARE DISPLAYED ON THE EXTERIOR OF THE BUILDING OR IN WINDOWS AND THAT DEPICT OR ILLUSTRATE ADULT ENTERTAINMENT; AND

(3) FREESTANDING SIGNS THAT ARE ON OR ADJACENT TO THE PREMISES AND THAT IDENTIFY OR ADVERTISE THE BUSINESS.

§ 14-302. BANQUET HALLS.

A BANQUET HALL MAY NOT BE USED BY A THIRD-PARTY ENTITY FOR BANQUETS, MEETINGS, PARTIES, OR OTHER EVENTS THAT WERE PLANNED, ORGANIZED, PREPARED FOR, EXECUTED, OR PROMOTED BY THE THIRD-PARTY ENTITY IF THE THIRD-PARTY ENTITY HAS NO RELATED BUSINESS OR ORGANIZATIONAL PURPOSE OTHER THAN THE PLANNING, ORGANIZATION, PREPARATION FOR, EXECUTION, OR PROMOTION OF BANQUETS, MEETINGS, PARTIES, OR OTHER EVENTS, AND WHETHER OR NOT THE THIRD-PARTY ENTITY RESERVED THE ESTABLISHMENT.

§ 14-303. BOAT MANUFACTURING, REPAIR, AND SALES.

(A) REQUIRED EQUIPMENT.

FOR BOAT MANUFACTURING, REPAIR, AND SALES, THE SITE MUST HAVE EQUIPMENT CAPABLE OF REPAIRING, HAULING, AND LAUNCHING VESSELS WITH A GROSS WEIGHT OF 25 TONS OR MORE.

(B) PROHIBITED ACTIVITIES.

THE FOLLOWING ACTIVITIES ARE PROHIBITED:

(1) THE SALE OF NEW BOATS, OTHER THAN THOSE ASSEMBLED OR MANUFACTURED ON SITE; AND

(2) THE LEASING OF DRY DOCK OR MARINA STORAGE FOR INDIVIDUAL BOAT OWNERS.

§ 14-304. CAR WASHES.

(A) LOT AREA.

(1) THE SITE OF A CAR WASH, OTHER THAN A HAND CAR WASH, MUST BE AT LEAST 10,000 SQUARE FEET.

(2) FOR A HAND CAR WASH, THERE IS NO MINIMUM LOT AREA.

(B) PAVING.

THE SITE OF THE USE MUST BE PAVED TO DRAIN AWAY FROM ADJACENT PROPERTIES.

(C) LIGHTING.

LIGHTING PROVIDED FOR THE SITE MUST BE DIRECTED AWAY FROM ADJACENT PROPERTIES.

§ 14-305. COMMERCIAL COMPOSTING FACILITIES.

(A) "COMMERCIAL COMPOSTING FACILITY" DEFINED.

"COMMERCIAL COMPOSTING FACILITY" MEANS A FACILITY IN THE BUSINESS OF COLLECTING, STORING, OR PROCESSING ORGANIC MATERIALS, BULKING AGENTS, OR ADDITIVES FOR COMPOSTING.

(B) COMPLIANCE WITH STATE LAWS.

THE FACILITY MUST WORK WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO ENSURE ITS COMPLIANCE WITH ALL STATE REGULATIONS AND TO OBTAIN ALL APPLICABLE STATE PERMITS.

(C) PROTECTION AGAINST ODORS AND PESTS.

THE FACILITY MUST BE OPERATED AND MAINTAINED IN A MANNER THAT PROTECTS ADJACENT PROPERTIES FROM NUISANCE ODORS AND THE ATTRACTION OF RODENTS OR OTHER PESTS.

§ 14-306. COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEMS.

(A) ON PARTICIPATING LOTS.

(1) FOR A COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEM, PROPERTIES MAY SHARE A SOLAR, WIND, OR GEOTHERMAL ALTERNATIVE ENERGY SYSTEM, INCLUDING PERMISSION TO INSTALL EQUIPMENT ALONG ALL PROPERTIES.

(2) THIS COMMUNITY-BASED RENEWABLE ENERGY SYSTEM IS ONLY ALLOWED IF AGREED TO BY THE OWNERS OF EACH LOT, AND THE AGREEMENT IS RECORDED AS A "COMMUNITY-BASED RENEWABLE ENERGY EASEMENT" ON EACH SURVEY PLAT, INCLUDING PROVISIONS FOR ALL PROPERTY OWNERS TO ACCESS ALL EQUIPMENT TO MAINTAIN THE SYSTEM.

(3) THE EASEMENT MUST BE SUBMITTED TO THE CITY.

(B) ON LOT OWNED BY HOMEOWNERS' ASSOCIATION.

(1) ALTERNATIVELY, A COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEM MAY BE CONSTRUCTED ON A LOT MANAGED AND OWNED BY A HOMEOWNERS' ASSOCIATION.

(2) A MANAGEMENT PLAN MUST BE SUBMITTED TO THE CITY.

(C) SUBMISSIONS FOR INFORMATION ONLY.

(1) EASEMENTS, AGREEMENTS, AND MANAGEMENT PLANS SUBMITTED TO THE CITY UNDER THIS SECTION ARE FOR INFORMATIONAL PURPOSES.

(2) THE CITY WILL NOT ENFORCE ANY EASEMENT, AGREEMENT, OR MANAGEMENT PLAN.

(D) APPLICABLE STANDARDS.

(1) COMMUNITY-BASED ALTERNATIVE ENERGY SYSTEMS ARE SUBJECT TO THE STANDARDS FOR THE TYPE OF INDIVIDUAL RENEWABLE ENERGY SYSTEM.

(2) GROUND-MOUNTED SYSTEMS MUST MEET THE YARD REQUIREMENTS OF THE APPLICABLE DISTRICT.

(3) HEIGHT RESTRICTIONS AND SCREENING REQUIREMENTS MUST MEET THE STANDARDS OF:

- (I) § 15-517 OF THIS CODE FOR SOLAR ALTERNATIVE ENERGY SYSTEMS; AND
- (II) § 15-518 OF THIS CODE FOR WIND ALTERNATIVE ENERGY SYSTEMS.

§ 14-307. COMMUNITY-MANAGED OPEN SPACES.

(A) PERMITTED ACTIVITIES.

(1) COMMUNITY-MANAGED OPEN SPACES ARE LIMITED TO:

- (I) THE CULTIVATION OF HERBS, FRUITS, FLOWERS, OR VEGETABLES;
- (II) THE CULTIVATION AND TILLAGE OF SOIL; AND
- (III) THE PRODUCTION, CULTIVATION, GROWING, AND HARVESTING OF ANY AGRICULTURAL, FLORICULTURAL, OR HORTICULTURAL COMMODITY.

(2) COMMUNITY-MANAGED OPEN SPACES MAY ALSO INCLUDE COMMUNITY GATHERING SPACES FOR ACTIVE OR PASSIVE RECREATION. HOWEVER, PLAYGROUND EQUIPMENT IS PROHIBITED.

(3) THE KEEPING OF LIVESTOCK AND ANIMALS IS PERMITTED, BUT MUST ADHERE TO ALL BALTIMORE CITY HEALTH DEPARTMENT AND MARYLAND DEPARTMENT OF AGRICULTURE REGULATIONS.

(B) PLANTS FOR HUMAN CONSUMPTION.

FOR ANY COMMUNITY-MANAGED OPEN SPACE USE THAT INVOLVES THE CULTIVATION OF PLANTS FOR HUMAN CONSUMPTION, MEASURES MUST BE TAKEN TO TEST AND, IF NECESSARY, REMEDIATE THE SOIL IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE DEPARTMENT OF PLANNING.

(C) PERMANENT STRUCTURES.

- (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, PERMANENT STRUCTURES ARE PROHIBITED.
- (2) TEMPORARY GREENHOUSES, INCLUDING HIGH TUNNELS, HOOP-HOUSES, COLD-FRAMES, AND SIMILAR STRUCTURES ARE PERMITTED TO EXTEND THE GROWING SEASON.
- (3) ACCESSORY STRUCTURES, SUCH AS SHEDS, GAZEBOS AND PERGOLAS, ARE ALSO PERMITTED.

(D) FARMSTANDS.

(1) FARMSTANDS FOR THE DISPLAY AND SALE OF AGRICULTURAL PRODUCTS GROWN AT THE SITE ARE PERMITTED.

(2) FARMSTANDS MUST BE REMOVED FROM THE PREMISES OR STORED INSIDE A STRUCTURE ON THE PREMISES DURING THAT TIME OF THE YEAR WHEN THE OPEN SPACE IS NOT OPEN FOR PUBLIC USE.

(3) ONLY 1 FARMSTAND IS PERMITTED PER LOT.

(E) COMPOSTING.

COMPOSTING ON-SITE IS ALLOWED AS AN ACCESSORY USE, SUBJECT TO THE FOLLOWING CONDITIONS:

(1) ANY COMPOST PILE MUST BE LOCATED AT LEAST 3 FEET AWAY FROM ANY LOT LINE;

(2) COMPOSTING AREAS AND STRUCTURES MUST BE MAINTAINED IN A WAY THAT PROTECTS ADJACENT PROPERTIES FROM NUISANCE ODORS AND THE ATTRACTION OF RODENTS OR OTHER PESTS; AND

(3) ORGANIC WASTE MATERIAL FOR COMPOSTING MAY BE ACCEPTED FROM OUTSIDE SOURCES AND EITHER USED ON SITE OR DISTRIBUTED AT NO COST, BUT MAY NOT BE SOLD.

§ 14-308. CULTURAL FACILITIES.

CULTURAL FACILITIES MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

§ 14-309. DAY-CARE CENTERS: CHILD OR ADULT.

(A) IN GENERAL.

DAY-CARE CENTERS MUST MEET ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS, INCLUDING LICENSING, HEALTH, SAFETY, AND BUILDING CODE REQUIREMENTS.

(B) ADDITIONAL STANDARDS.

IN ADDITION, EACH DAY-CARE CENTER MUST MEET THE FOLLOWING CONDITIONS:

(1) ADEQUATE ON-SITE DROP-OFF ZONES, SIDEWALKS, AND EXTERIOR LIGHTING MUST BE PROVIDED, EXCEPT THAT DROP-OFF ZONES ARE NOT REQUIRED IN THE C-5 DISTRICT;

(2) THE AMOUNT OF TRAFFIC OR NOISE TO BE GENERATED MAY NOT BE EXCESSIVE;

(3) OPEN SPACE AND RECREATIONAL AREAS MUST BE PROVIDED IN ACCORDANCE WITH STATE REQUIREMENTS; AND

(4) IN ALL RESIDENTIAL DISTRICTS, DAY-CARE CENTER SIGNS MAY NOT EXCEED 12 SQUARE

FEET IN AGGREGATE SIGN AREA.

§ 14-310. DAY-CARE HOMES: CHILD OR ADULT.

(A) IN GENERAL.

DAY-CARE HOMES MUST MEET ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS, INCLUDING LICENSING, HEALTH, SAFETY, AND BUILDING CODE REQUIREMENTS.

(B) ADDITIONAL STANDARDS.

IN ADDITION, EACH DAY-CARE HOME MUST MEET THE FOLLOWING CONDITIONS:

- (1) OPEN SPACE AND RECREATIONAL AREAS MUST BE PROVIDED IN ACCORDANCE WITH STATE REQUIREMENTS;
- (2) THE DAY-CARE HOME MUST RETAIN A RESIDENTIAL CHARACTER AND MAY NOT ADVERSELY AFFECT THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD.
- (3) THE OPERATION OF THE DAY-CARE HOME MAY NOT ADVERSELY IMPACT SURROUNDING PROPERTIES; AND
- (4) IN ALL RESIDENTIAL DISTRICTS, DAY-CARE HOME SIGNS MAY NOT EXCEED 8 SQUARE FEET IN AGGREGATE SIGN AREA.

§ 14-311. DRIVE-THROUGH FACILITIES.

(A) NATURE OF USE.

A DRIVE-THROUGH FACILITY IS CONSIDERED A SEPARATE USE, RATHER THAN ACCESSORY TO A PRINCIPAL USE, AND IS SUBJECT TO THE FOLLOWING STANDARDS.

(B) USES PERMITTED A DRIVE-THROUGH FACILITY.

ONLY THE FOLLOWING USES ARE PERMITTED A DRIVE-THROUGH FACILITY:

- (1) RESTAURANTS, INCLUDING CARRY-OUT FOOD SHOPS;
- (2) FINANCIAL INSTITUTIONS; AND
- (3) RETAIL GOODS ESTABLISHMENTS - WITHOUT ALCOHOL SALES.

(C) STACKING SPACES.

ALL DRIVE-THROUGH FACILITIES MUST PROVIDE ADEQUATE STACKING SPACES, IN ACCORDANCE WITH TITLE 16 {"OFF-STREET PARKING AND LOADING"} OF THIS CODE.

(D) SERVICE WINDOWS, MENU BOARDS, AND QUEUING AREAS.

SERVICE WINDOWS, MENU BOARDS, AND QUEUING AREAS ARE PROHIBITED ALONG THE FRONT FACADE OF ANY BUILDING.

(E) EFFECT ON TRAFFIC.

(1) ALL DRIVE-THROUGH LANES MUST BE LOCATED AND DESIGNED TO ENSURE THAT THEY WILL NOT ADVERSELY AFFECT THE SAFETY AND EFFICIENCY OF TRAFFIC CIRCULATION ON ADJACENT STREETS.

(2) A DRIVE-THROUGH FACILITY ON AN INTERIOR LOT IS LIMITED TO 2 CURB CUTS. A DRIVE-THROUGH FACILITY ON A CORNER LOT IS LIMITED TO 1 CURB CUT ALONG EACH STREET FRONTAGE.

(F) EXTERIOR LIGHTING.

NO EXTERIOR LIGHTING MAY BE USED THAT WILL PRODUCE A GLARE INTO OR UPON THE SURROUNDING AREA OR ANY RESIDENTIAL PREMISES.

(G) SCREENING.

(1) ALL DRIVE-THROUGH FACILITIES MUST BE PROPERLY SCREENED.

(2) DRIVE AISLES OF DRIVE-THROUGH FACILITIES MUST BE EFFECTIVELY SCREENED FROM VIEW ALONG THE PUBLIC RIGHT-OF-WAY AND AT THE EDGES OF SITES ADJOINING RESIDENTIAL PROPERTIES, IN ORDER TO MINIMIZE THE IMPACT OF EXTERIOR SITE LIGHTING, HEADLIGHT GLARE, AND ANY MENU INTERCOM DISPLAYS.

(3) SCREENING MAY BE APPROVED DURING THE SITE PLAN REVIEW PROCESS AND MUST CONSIST OF:

(I) AN OPAQUE MASONRY WALL (STONE, STUCCO, OR BRICK);

(II) A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE; OR

(III) LANDSCAPING IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

(H) CURBS.

DRIVE AISLES MUST BE SEPARATED FROM LANDSCAPED AREAS BY CURBS.

(I) INTERCOM VOLUME.

THE VOLUME ON ALL INTERCOM -MENU DISPLAYS MUST BE MAINTAINED AT A LEVEL SO AS NOT TO BE AUDIBLE ON ADJACENT RESIDENTIAL PROPERTIES. THE VOLUME ON ALL INTERCOM-MENU DISPLAYS MUST COMPLY WITH ALL LOCAL NOISE REGULATIONS.

(J) WASTE CONTROL.

THE OPERATOR OF A DRIVE-THROUGH FACILITY MUST PROVIDE:

(1) ADEQUATE ON-SITE OUTDOOR WASTE RECEPTACLES; AND

(2) DAILY LITTER CLEAN-UP OF THE FACILITY.

§ 14-312. ENTERTAINMENT AND RECREATION FACILITIES: INDOOR OR OUTDOOR.

ENTERTAINMENT AND RECREATION FACILITIES MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, NOISE LEVELS, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

§ 14-313. FRATERNITY OR SORORITY HOUSES.

(A) LOCATION.

A FRATERNITY OR SORORITY HOUSE MUST BE LOCATED WITHIN 1,000 FEET OF THE EDUCATIONAL FACILITY.

(B) NUMBER OF RESIDENTS.

THE NUMBER OF PERSONS RESIDING IN A FRATERNITY OR SORORITY HOUSE MAY NOT EXCEED THAT ALLOWED UNDER THE BUILDING, FIRE, AND RELATED CODES OF THE CITY.

§ 14-314. GAS STATIONS.

(A) CANOPY LIGHTING.

(1) GAS STATION CANOPIES MUST BE DESIGNED WITH LUMINAIRES RECESSED UNDER THE CANOPY TO MINIMIZE LIGHT POLLUTION.

(2) LIGHT INTENSITY DIRECTLY UNDER THE CANOPY MAY NOT EXCEED 10 FOOTCANDLES AT ANY LOCATION. ALL LIGHTING MOUNTED UNDER THE CANOPY, INCLUDING AUXILIARY LIGHTING WITHIN SIGNAGE AND PANELS OVER THE PUMPS, ARE INCLUDED IN THE 10-FOOTCANDLE LIMIT.

(B) EFFECT ON TRAFFIC.

ALL GAS STATION DRIVE LANES MUST BE DESIGNED AND LOCATED TO ENSURE THAT THEY WILL NOT ADVERSELY AFFECT THE SAFETY AND EFFICIENCY OF TRAFFIC CIRCULATION ON ADJACENT STREETS.

(C) ALCOHOL SALES PROHIBITED.

THE SALE OF ALCOHOL BEVERAGES IS PROHIBITED.

(D) AUTOMATIC CAR WASH.

A GAS STATION MAY ALSO INCLUDE A FREE-STANDING SELF-SERVICE CAR WASH WITH 1 BAY.

(E) AS ACCESSORY TO SERVICE AND REPAIR ESTABLISHMENT.

A GAS STATION MAY BE CONSIDERED ACCESSORY TO A MOTOR VEHICLE SERVICE AND REPAIR ESTABLISHMENT. IN THAT CASE, THE GAS STATION IS SUBJECT TO THE REQUIREMENTS OF BOTH

THIS SECTION AND § 14-326 {"MOTOR VEHICLE SERVICE AND REPAIR: MAJOR OR MINOR"} OF THIS SUBTITLE.

(F) YARD REQUIREMENTS.

(1) GAS STATIONS ARE NOT SUBJECT TO THE FRONT YARD REQUIREMENTS OF THE ZONING DISTRICT.

(2) HOWEVER:

(I) A LANDSCAPED FRONT YARD OF AT LEAST 5 FEET MUST BE PROVIDED; AND

(II) IF A GAS STATION ADJOINS A RESIDENTIAL DISTRICT, BUFFER YARD LANDSCAPING IS REQUIRED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

(G) SIGNS.

SIGNS MUST COMPLY WITH ALL STATE AND FEDERAL REGULATIONS FOR GAS STATION SIGNS.

§ 14-315. GENERAL INDUSTRIAL.

(A) IN MI DISTRICT - WHEN ALLOWED.

GENERAL INDUSTRIAL USES ARE ALLOWED IN THE MI DISTRICT ONLY IF THE USE INCLUDES A DEEPWATER COMPONENT THAT REQUIRES WATERSIDE ACCESS TO AND FROM THE PROPERTY BY VESSELS OR BARGES IN MARITIME TRADE. THIS DEEP WATER COMPONENT MAY INCLUDE OTHER USERS WHOSE CORE BUSINESS HAS A MARITIME-RELATED COMPONENT.

(B) IN MI DISTRICT - MAINTENANCE OF INFRASTRUCTURE AND CHANNELS.

GENERAL INDUSTRIAL USES IN THE MI DISTRICT MUST MAINTAIN, REGARDLESS OF FREQUENCY OR NATURE OF USE:

(1) THE WORKING CONDITION OF THE PIERS, BERTHS, BULKHEADS, AND OTHER EXISTING MARITIME INFRASTRUCTURE UNDER THEIR CONTROL; AND

(2) THE WATER DEPTH AND CONDITION OF THE DEEPWATER CHANNELS THROUGHOUT THE ASSOCIATED RIPARIAN AREA.

§ 14-316. JUNK OR SCRAP STORAGE AND YARDS.

(A) POLLUTION PREVENTION.

(1) A JUNK OR SCRAP STORAGE AND YARD MUST BE LOCATED, CONFORMED, DRAINED, AND MANAGED SO THAT IT WILL NOT CONSTITUTE A SOURCE OF WATER POLLUTION.

(2) A POLLUTION PREVENTION PLAN APPROVED BY THE CITY AND THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS REQUIRED. THE PLAN MUST COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL LAWS, RULES, AND REGULATIONS.

(B) SCREENING.

A JUNK OR SCRAP STORAGE AND YARD MUST BE SCREENED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 14-317. KENNELS AND ANIMAL CLINICS.

(A) SCOPE.

THIS SECTION APPLIES TO ALL KENNELS AND ANIMAL CLINICS.

(B) QUARTERS AND RUNS TO BE CLEAN, DRY, AND SANITARY.

ALL ANIMAL QUARTERS AND RUNS ARE TO BE KEPT IN A CLEAN, DRY, AND SANITARY CONDITION.

(C) EXTERIOR ENCLOSURES AND RUNS.

(1) EXTERIOR ENCLOSURES AND RUNS MUST PROVIDE PROTECTION AGAINST WEATHER EXTREMES.

(2) FLOORS OF RUNS MUST BE MADE OF IMPERVIOUS MATERIAL TO PERMIT PROPER CLEANING AND DISINFECTING.

(D) FENCING.

(1) EXERCISE AREAS AND RUNS MUST BE FENCED.

(2) THIS FENCING MUST BE:

(I) OF A SUFFICIENT HEIGHT TO PREVENT ESCAPE; AND

(II) BURIED DURING INSTALLATION TO PREVENT ESCAPE BY DIGGING BENEATH THE FENCE POSTS.

(E) NOISE.

(1) NOISE MUST BE MITIGATED SO AS NOT TO CREATE A PUBLIC NUISANCE FOR ADJACENT PROPERTIES AND MUST COMPLY WITH ALL LOCAL NOISE REGULATIONS.

(2) THIS EXCLUDES TYPICAL NOISE FROM EXERCISE OR TRAINING WHILE OUTDOORS DURING DAYTIME HOURS OF OPERATION.

§ 14-318. LANDFILL: INDUSTRIAL.

(A) COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS.

(1) AN INDUSTRIAL LANDFILL MUST:

(I) BE A PART OF THE CITY'S SOLID WASTE PLAN;

(II) HAVE A STATE REFUSE DISPOSAL PERMIT AND OTHER APPLICABLE STATE AND LOCAL PERMITS; AND

(III) COMPLY WITH ALL FEDERAL STATE, AND LOCAL ENVIRONMENTAL AND HEALTH LAWS, RULES, AND REGULATIONS.

(2) THE APPLICANT MUST WORK WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO ENSURE COMPLIANCE WITH ALL STATE REGULATIONS AND TO OBTAIN ALL APPLICABLE STATE PERMITS.

(B) PROHIBITED WASTE.

AN INDUSTRIAL LANDFILL MAY NOT ACCEPT:

- (1) RESIDENTIAL SOLID WASTE;
- (2) MUNICIPAL SOLID WASTE; OR
- (3) RUBBLE OR LAND-CLEARING DEBRIS.

(C) LAYERING.

MATERIALS MUST BE DEPOSITED IN LAYERS, COVERED WITH SUITABLE COVER MATERIAL TO A DEPTH AND AT A FREQUENCY SUFFICIENT TO CONTROL DISEASE, VECTORS, AND ODORS AND IN A MANNER THAT PROTECTS THE ENVIRONMENT.

(D) POLLUTION PREVENTION.

AN INDUSTRIAL LANDFILL MUST BE LOCATED, CONFORMED, DRAINED, AND MANAGED SO THAT IT WILL NOT CONSTITUTE A SOURCE OF WATER POLLUTION.

(E) SCREENING.

AN INDUSTRIAL LANDFILL MUST BE SCREENED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 14-319. LIVE ENTERTAINMENT OR DANCING.

(A) ADDITIONAL APPLICATION REQUIREMENTS.

AN APPLICATION FOR CONDITIONAL-USE AUTHORIZATION TO PROVIDE LIVE ENTERTAINMENT OR DANCING MUST INCLUDE:

- (1) A DESCRIPTION OF THE TYPE OF LIVE ENTERTAINMENT OR DANCING TO BE PROVIDED;
- (2) A FLOOR PLAN THAT DESCRIBES, IN SUFFICIENT DETAIL:
 - (I) THE ESTABLISHMENT GENERALLY;
 - (II) THE LIVE ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;

(III) IF DANCING IS TO BE PROVIDED, THE LOCATION AND DIMENSIONS OF THE DANCE FLOOR;
AND

(IV) THE MAXIMUM AUTHORIZED OCCUPANT LOAD, AS APPROVED BY THE FIRE DEPARTMENT,
FOR:

(A) ALL CONFIGURATIONS OF THE ESTABLISHMENT, GENERALLY; AND

(B) THE LIVE ENTERTAINMENT OR DANCING VENUE, SPECIFICALLY.

(B) IMPOSITION OF CONDITIONS.

IN APPROVING A CONDITIONAL USE FOR LIVE ENTERTAINMENT OR DANCING, THE BOARD OF
MUNICIPAL AND ZONING APPEALS MAY:

(1) LIMIT THE TYPES OF LIVE ENTERTAINMENT OR DANCING TO WHICH THE USE IS ALLOWED;
AND

(2) IMPOSE CONDITIONS, AS APPROPRIATE, CONCERNING:

(I) DAYS AND HOURS OF OPERATION FOR:

(A) THE ESTABLISHMENT'S OPERATIONS GENERALLY; AND

(B) THE LIVE ENTERTAINMENT OR DANCING TO BE PROVIDED;

(II) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR SOUNDPROOFING;

(III) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR
CONFIGURATION OF THE LIVE ENTERTAINMENT OR DANCING VENUE WITHIN THE
ESTABLISHMENT;

(IV) NUMBER OF LIVE ENTERTAINERS;

(V) NUMBER OF SEATS PROPOSED FOR OUTDOOR DINING;

(VI) EXTERIOR LIGHTING;

(VII) WHETHER TO LIMIT THE USE TO LIVE ENTERTAINMENT ONLY OR DANCING ONLY;

(VIII) PUBLIC NEED AND DESIRE FOR THE ESTABLISHMENT;

(IX) NUMBER AND LOCATION OF OTHER, SIMILAR ESTABLISHMENTS IN THE AREA AND
POTENTIAL EFFECT OF THE NEW USE ON THOSE ESTABLISHMENTS;

(X) PROXIMITY OF RESIDENTIAL DWELLINGS, EDUCATIONAL FACILITIES, PLACES OF WORSHIP,
OR PARKS OR PLAYGROUNDS TO THE ESTABLISHMENT;

(XI) MAXIMUM AUTHORIZED OCCUPANT LOADS OF THE ESTABLISHMENT AND OF THE LIVE
ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;

(XII) VOLUME AND TYPES OF VEHICULAR AND PEDESTRIAN TRAFFIC IN THE AREA OF THE ESTABLISHMENT; AND

(XIII) THE ESTABLISHMENT AND MAINTENANCE OF:

- (A) A TRAFFIC MANAGEMENT PLAN;
- (B) A PARKING MANAGEMENT PLAN;
- (C) AN INDOOR AND OUTDOOR SECURITY PLAN; AND
- (D) A SANITATION PLAN.

§ 14-320. LODGES AND SOCIAL CLUBS.

(A) EFFECT ON TRAFFIC, ADJACENT PROPERTIES, ETC.

LODGES AND SOCIAL CLUBS MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

(B) MEALS AND DRINKS.

LODGES AND SOCIAL CLUBS ARE PERMITTED TO SERVE MEALS AND ALCOHOL ON THE PREMISES FOR MEMBERS AND THEIR GUESTS ONLY.

(C) OFFICE SPACE.

NO MORE THAN 50% OF THE GROSS FLOOR AREA MAY BE USED AS OFFICE SPACE FOR THE LODGE OR SOCIAL CLUB.

(D) SLEEPING FACILITIES.

SLEEPING FACILITIES ARE PROHIBITED.

§§ 14-321 TO 14-322. {RESERVED}

§ 14-323. MARINAS; INDUSTRIAL BOAT REPAIR FACILITIES.

(A) COMPLIANCE WITH MARITIME MASTER PLAN.

ALL MARINAS AND INDUSTRIAL BOAT REPAIR FACILITIES MUST COMPLY WITH THE RULES AND GUIDELINES SET FORTH IN THE BALTIMORE MARITIME MASTER PLAN, AS ADOPTED BY THE PLANNING COMMISSION AND AMENDED FROM TIME TO TIME.

(B) NO IMPEDING ACCESS TO WATER.

A MARINA OR INDUSTRIAL BOAT REPAIR FACILITY MAY NOT UNDULY IMPEDE ACCESS TO OPEN WATER BY OTHER MARINAS, INDUSTRIAL BOAT REPAIR FACILITIES, COMMERCIAL OPERATIONS,

OR BOAT LAUNCHES.

(C) COMPLIANCE WITH FEDERAL, STATE, AND LOCAL REQUIREMENTS.

THE MARINA OR INDUSTRIAL BOAT REPAIR FACILITY MUST MEET ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A MARINA OR A INDUSTRIAL BOAT REPAIR FACILITY.

§ 14-324. MATERIALS RECOVERY FACILITIES.

(A) COMPLIANCE WITH STATE AND LOCAL LAWS.

(1) A MATERIALS RECOVERY FACILITY, INCLUDING A RECYCLABLE MATERIALS RECOVERY FACILITY, MUST HAVE A STATE REFUSE DISPOSAL PERMIT AND OTHER APPLICABLE STATE AND LOCAL PERMITS.

(2) THE APPLICANT MUST WORK WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO ENSURE ITS COMPLIANCE WITH ALL STATE REGULATIONS AND TO OBTAIN ALL APPLICABLE STATE PERMITS.

(B) OPERATIONS TO BE ENCLOSED.

(1) ALL LOADING AND UNLOADING MUST BE PERFORMED EITHER WITHIN AN ENCLOSED BUILDING OR WITHIN A SCREENED AREA.

(2) ALL OTHER OPERATIONS MUST BE PERFORMED WITHIN AN ENCLOSED BUILDING.

(C) NO ON-SITE PURCHASES.

THE OPERATOR OF A MATERIALS RECOVERY FACILITY MAY NOT PURCHASE MATERIALS ON-SITE FROM THE PUBLIC.

14-325. MOTOR VEHICLE DEALERSHIPS OR RENTAL ESTABLISHMENTS.

(A) LOT SIZE.

MOTOR OR RECREATIONAL VEHICLE DEALERSHIPS OR RENTAL ESTABLISHMENTS MUST HAVE A LOT SIZE OF AT LEAST 20,000 SQUARE FEET.

(B) SERVICE AREA.

ANY SERVICE AND REPAIR FACILITIES MUST ALSO COMPLY WITH THE STANDARDS §14-326 {"MOTOR VEHICLE SERVICE AND REPAIR"} OF THIS SUBTITLE.

§ 14-326. MOTOR VEHICLE SERVICE AND REPAIR: MAJOR OR MINOR.

(A) LOT SIZE.

(1) MAJOR MOTOR VEHICLE SERVICE AND REPAIR SHOPS MUST HAVE A LOT SIZE OF AT LEAST 20,000 SQUARE FEET.

(2) MINOR MOTOR VEHICLE SERVICE AND REPAIR SHOPS MUST HAVE A LOT SIZE OF AT LEAST 10,000 SQUARE FEET.

(B) OUTDOOR STORAGE LIMITATIONS.

MOTOR VEHICLE SERVICE AND REPAIR SHOPS MAY NOT STORE THE SAME VEHICLES OUTDOORS ON THE SITE FOR LONGER THAN 10 DAYS.

(C) EFFECT ON TRAFFIC.

ALL CURB CUTS MUST BE LOCATED AND DESIGNED TO ENSURE THAT THEY WILL NOT ADVERSELY AFFECT THE SAFETY AND EFFICIENCY OF TRAFFIC CIRCULATION ON ADJACENT STREETS.

(D) OPERATIONS TO BE ENCLOSED.

(1) ALL REPAIR OPERATIONS MUST BE FULLY ENCLOSED.

(2) WRECKED OR JUNKED VEHICLES MUST BE SCREENED FROM THE PUBLIC RIGHT-OF-WAY AND ANY ADJACENT RESIDENTIAL DISTRICTS.

(3) ONLY MOTOR VEHICLES MAY BE STORED OUTDOORS. THEIR STORAGE MUST COMPLY WITH THE REQUIREMENTS OF § 15-510 {"OUTDOOR STORAGE"} OF THIS CODE.

(E) GAS STATIONS.

MOTOR VEHICLE SERVICE AND REPAIR SHOPS MAY ALSO INCLUDE GAS STATIONS AS AN ACCESSORY USE. THESE GAS STATIONS MUST ALSO COMPLY WITH THE REQUIREMENTS OF § 14-314 {"GAS STATIONS"} OF THIS SUBTITLE.

§ 14-327. MULTI-FAMILY DWELLINGS - ACCESSORY NON-RESIDENTIAL USES.

(A) ACCESSORY NON-RESIDENTIAL USES ALLOWED.

A MULTI-FAMILY DWELLING CONTAINING 50 OR MORE DWELLING UNITS IN THE R-8, R-9, AND R-10 DISTRICT MAY CONTAIN THE FOLLOWING NON-RESIDENTIAL USES:

(1) OFFICES.

(2) PERSONAL SERVICE ESTABLISHMENTS.

(3) RETAIL GOODS ESTABLISHMENTS - NO ALCOHOL SALES.

(4) RESTAURANTS.

(B) USES LIMITED TO BUILDING INTERIOR.

THESE USES MUST BE CONDUCTED ENTIRELY INSIDE THE BUILDING.

(C) AGGREGATE AREA OF USES.

THE AGGREGATE FLOOR OF ALL THESE USES MAY NOT EXCEED THE FOLLOWING:

- (1) IN THE R-8 AND R-9 DISTRICTS, 5% OF THE BUILDING'S GROSS FLOOR AREA; AND
- (2) IN THE R-10 DISTRICT, 10% OF THE BUILDING'S GROSS FLOOR AREA.

(D) WALL SIGN.

(1) ONLY 1 WALL SIGN ON THE EXTERIOR OF THE BUILDING IS ALLOWED, SUBJECT TO THE FOLLOWING REGULATIONS.

(2) INTERNALLY ILLUMINATED WALL SIGNS ARE PROHIBITED. INDIRECT ILLUMINATION IS ALLOWED.

(3) THE SIGN IS LIMITED TO THE NAME OR DESCRIPTION OF THE USE.

(4) IN THE R-8 AND R-9 DISTRICTS, THE WALL SIGN:

(I) IS LIMITED TO 3 SQUARE FEET OF SIGN AREA;

(II) MAY NOT BE MORE THAN 12 FEET HIGH, AS MEASURED FROM GRADE TO THE UPPERMOST POINT OF THE SIGN; AND

(III) MAY NOT PROJECT MORE THAN 8 INCHES FROM THE FACE OF THE BUILDING.

(5) IN THE R-10 DISTRICT, THE WALL SIGN:

(I) IS LIMITED TO 1 SQUARE FOOT OF SIGN AREA PER LINEAR FOOT OF BUILDING FRONTAGE;

(II) MAY NOT BE MOUNTED NO HIGHER THEN THE SECOND FLOOR LINE; AND

(III) MAY NOT PROJECT MORE THAN 12 INCHES FROM THE FACE OF THE BUILDING.

(E) WINDOW SIGNS.

WINDOW SIGNS ARE ALLOWED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 17 {"SIGNS"} OF THIS CODE.

§ 14-328. NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS.

(A) NON-RESIDENTIAL USES ALLOWED.

A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT MAY CONTAIN THE FOLLOWING NON-RESIDENTIAL USES:

(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.
- (7) RETAIL GOODS ESTABLISHMENTS - NO ALCOHOL SALES.
- (B) PEDESTRIAN ORIENTATION.

THE DEVELOPMENT AND THE PROPOSED USE MUST BE PEDESTRIAN-ORIENTED AND NOT ORIENTED TO THE AUTOMOBILE.

- (C) PRINCIPAL ENTRANCE.

THE PRINCIPAL ENTRANCE MUST BE A DIRECT ENTRY FROM THE PRIMARY ADJOINING STREET.

- (D) OFF-STREET PARKING.

NO OFF-STREET PARKING IS REQUIRED FOR USES UNDER 2,500 SQUARE FEET IN GROSS FLOOR AREA.

- (E) DRIVE-THROUGH FACILITIES PROHIBITED.

DRIVE-THROUGH FACILITIES ARE PROHIBITED.

- (F) USES LIMITED TO BUILDING INTERIOR.

(1) ALL BUSINESS, SERVICING, PROCESSING, AND STORAGE USES MUST BE LOCATED WITHIN THE BUILDING.

- (2) OUTSIDE STORAGE OR DISPLAY IS PROHIBITED.

- (G) SIGNS.

ALL SIGNS ARE RESTRICTED TO THE REQUIREMENTS APPLICABLE TO THE C-1 DISTRICT.

§ 14-329. OUTDOOR DINING.

- (A) NATURE OF USE.

OUTDOOR DINING IS CONSIDERED A SEPARATE USE, RATHER THAN ACCESSORY TO A PRINCIPAL USE.

- (B) PEDESTRIAN AND PARKING ACCESS.

(1) OUTDOOR DINING MAY NOT INTERFERE WITH THE PEDESTRIAN ACCESS OR PARKING.

(2) ALL OUTDOOR DINING AREAS MUST MAINTAIN A 5-FOOT SIDEWALK CLEARANCE AT ALL

TIMES.

(C) MINOR PRIVILEGE PERMIT.

ANY OUTDOOR DINING LOCATED IN THE PUBLIC RIGHT-OF-WAY REQUIRES A MINOR PRIVILEGE PERMIT.

(D) REQUIRED YARD.

OUTDOOR DINING MAY NOT BE LOCATED IN ANY REQUIRED YARD THAT ADJOINS A RESIDENTIAL DISTRICT, UNLESS AN ALLEY IS LOCATED BETWEEN THE USE AND THE RESIDENTIAL DISTRICT.

(E) COMPACTNESS.

AN OUTDOOR DINING AREA FOR AN ESTABLISHMENT MUST BE AS COMPACT AS POSSIBLE BY LOCATING THE OUTDOOR DINING AREA IN A SINGLE PORTION OF AN ESTABLISHMENT'S FRONTAGE.

§ 14-330. OUTDOOR STORAGE YARDS AND CONTRACTOR STORAGE YARDS.

(A) "OUTDOOR STORAGE AREA" DEFINED.

IN THIS SECTION, "OUTDOOR STORAGE AREA" MEANS ANY:

- (1) OUTDOOR STORAGE YARD; OR
- (2) CONTRACTOR STORAGE YARD.

(B) SCREENING REQUIREMENTS.

ALL OUTDOOR STORAGE AREAS MUST BE SCREENED IN ACCORDANCE WITH § 15-510 {"OUTDOOR STORAGE"} OF THIS CODE.

(C) LOCATION.

WHENEVER POSSIBLE, THE STORAGE AREA MUST BE LOCATED TO THE REAR OF THE LOT.

(D) SURFACING.

- (1) OUTDOOR STORAGE AREAS MUST BE SURFACED AND GRADED TO DRAIN ALL SURFACE WATER.
- (2) OUTDOOR STORAGE AREAS MAY BE SURFACED WITH PARTIALLY PERMEABLE MATERIALS, IF ADEQUATE DRAINAGE AND EROSION AND DUST CONTROL ARE PROVIDED.

(E) LIGHTING.

(1) ANY LIGHTING USED TO ILLUMINATE AN OUTDOOR STORAGE AREA MUST BE DIRECTED AND SHIELDED AS TO NOT ILLUMINATE ANY ADJACENT LOTS.

(2) ALL EXTERIOR LIGHTING MUST COMPLY WITH THE REQUIREMENTS OF § 15-505 {"EXTERIOR LIGHTING"} OF THIS CODE.

§ 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.

(2) IN ALL OTHER CASES, IF A PARKING GARAGE DOES NOT INCLUDE ACTIVE GROUND FLOOR USES ALONG AT LEAST 50% OF THE GROUND FLOOR OR INCORPORATE ARCHITECTURAL TREATMENTS TO SCREEN VIEWS OF PARKED CARS AT THE GROUND LEVEL, THE PARKING STRUCTURE MUST BE SCREENED AND LANDSCAPED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

(B) PARKING LOTS.

(1) A PARKING LOT MAY BE USED SOLELY FOR THE PARKING OF MOTOR VEHICLES AND MAY NOT BE USED AS AN OFF-STREET LOADING AREA.

(2) NO MOTOR VEHICLE REPAIR OR SERVICE OF ANY KIND MAY BE CONDUCTED IN ANY PARKING LOT.

(3) NO SIGNS OF ANY KIND, OTHER THAN IDENTIFICATION SIGNS AND SIGNS DESIGNATING ENTRANCES, EXITS, AND CONDITIONS OF USE, MAY BE MAINTAINED ON ANY OFF-STREET PARKING LOT.

(4) NO BUILDINGS OTHER THAN THOSE FOR SHELTER OF ATTENDANTS MAY BE ERECTED IN A PARKING LOT. THE ALLOWABLE SHELTERS MAY NOT EXCEED 10 FEET IN HEIGHT OR 50 SQUARE FEET IN AREA.

(5) THE PARKING LOTS MUST BE SCREENED AND LANDSCAPED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL. ALL LANDSCAPE MUST BE MAINTAINED IN A HEALTHY GROWING CONDITION.

(6) THE PARKING LOT MUST BE KEPT FREE FROM REFUSE AND DEBRIS.

§ 14-332. PLACES OF WORSHIP.

PLACES OF WORSHIP MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

§ 14-333. RESIDENTIAL-CARE FACILITIES.

(A) SINGLE-FAMILY DWELLING.

A RESIDENTIAL-CARE FACILITY MAY LOCATE WHERE SINGLE-FAMILY DWELLINGS ARE ALLOWED UNDER THIS CODE IF THE FACILITY:

- (1) IS LOCATED IN A SINGLE-FAMILY DWELLING (WHETHER DETACHED, SEMI-DETACHED, OR ATTACHED);
- (2) COMPLIES WITH § 1305(S) {"DWELLING UNIT"} AND § 1-306(G) {"FAMILY"} OF THIS CODE; AND
- (3) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND ALL OTHER REQUIREMENTS OF THIS CODE APPLICABLE TO DWELLINGS IN THE ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.

(B) MULTI-FAMILY DWELLING.

A RESIDENTIAL-CARE FACILITY MAY LOCATE WHERE MULTI-FAMILY DWELLINGS ARE ALLOWED UNDER THIS CODE IF THE FACILITY:

- (1) COMPLIES WITH § 1305(P) {"DWELLING: MULTI-FAMILY"}, § 1305(S) {"DWELLING UNIT"}, AND § 1-306(G) {"FAMILY"} OF THIS CODE; AND
- (2) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND ALL OTHER REQUIREMENTS OF THIS CODE APPLICABLE TO DWELLINGS IN THE ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.

§ 14-334. RESOURCE RECOVERY FACILITIES.

(A) COMPLIANCE WITH STATE AND LOCAL LAWS.

- (1) A RESOURCE RECOVERY FACILITY MUST HAVE A STATE REFUSE DISPOSAL PERMIT AND OTHER APPLICABLE STATE AND LOCAL PERMITS. STATE RESTRICTIONS MAY APPLY TO THE LOCATION.
- (2) THE APPLICANT MUST WORK WITH THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO ENSURE COMPLIANCE WITH ALL STATE REGULATIONS AND TO OBTAIN ALL APPLICABLE STATE PERMITS.

(B) ENVIRONMENTAL AND HEALTH REGULATIONS.

THE FACILITY MUST COMPLY WITH ALL FEDERAL, STATE, AND LOCAL ENVIRONMENTAL AND HEALTH LAWS, RULES, AND REGULATIONS.

(C) STORAGE.

MATERIAL MUST BE STORED INDOORS OR IN APPROPRIATE WASTE CONTAINERS.

§ 14-335. RETAIL GOODS ESTABLISHMENTS - WITH ALCOHOL SALES.

(A) LICENSE REQUIRED.

A RETAIL GOODS ESTABLISHMENT WITH ALCOHOL SALES MUST HAVE A CLASS A OR CLASS A-2 LICENSE FROM THE BALTIMORE CITY BOARD OF LIQUOR LICENSE COMMISSIONERS.

(B) HEALTH, SAFETY, AND WELFARE.

THE ESTABLISHMENT MAY NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(C) DISTANCE FROM OTHERS.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A RETAIL GOODS ESTABLISHMENT WITH ALCOHOL SALES MUST BE LOCATED AT LEAST 300 FEET FROM ANY OTHER EXISTING RETAIL GOODS ESTABLISHMENT WITH ALCOHOL SALES.

(2) THIS SPACING REQUIREMENT DOES NOT APPLY IN THE C-5 AND C-1-E DISTRICTS.

(3) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY WAIVE THIS SPACING STANDARD DURING THE CONDITIONAL USE PROCESS IF THE APPLICANT CAN SHOW THAT THERE WILL BE NO NEGATIVE IMPACT TO PUBLIC HEALTH, SAFETY, AND WELFARE.

§ 14-336. TAVERNS.

(A) LICENSE REQUIRED.

A TAVERN MUST HAVE THE APPROPRIATE LICENSE FROM THE BALTIMORE CITY BOARD OF LIQUOR LICENSE COMMISSIONERS.

(B) SALES FOR OFF-PREMISES CONSUMPTION.

TAVERNS MAY SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ONLY IF:

(1) ANNUALLY, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION EXCEEDS 50% OF THE ESTABLISHMENT'S TOTAL AVERAGE DAILY RECEIPTS, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, COVER CHARGES, OR OTHER RECEIPTS NOT DERIVED FROM THE SALE OF FOOD OR BEVERAGES; AND

(2) MORE THAN 50% OF THE ESTABLISHMENT'S PUBLIC FLOOR SPACE IS DEVOTED TO ON-PREMISES CONSUMPTION.

(C) RECORDS.

TAVERNS MUST KEEP ACCURATE RECORDS OF ALL SALES OF ALCOHOLIC BEVERAGES SO THAT A DETERMINATION CAN BE MADE OF WHAT PROPORTION OF THOSE SALES ARE IN SEALED PACKAGES OR CONTAINERS FOR OFF-PREMISE CONSUMPTION. THESE RECORDS MUST BE MAINTAINED AND MADE AVAILABLE FOR INSPECTION TO CONFIRM COMPLIANCE.

§ 14-337. URBAN AGRICULTURE.

(A) MANAGEMENT PLAN FOR CERTAIN ACTIVITIES.

URBAN AGRICULTURE USES THAT INVOLVE ANY OF THE FOLLOWING ACTIVITIES MUST PREPARE A MANAGEMENT PLAN, SUBJECT TO APPROVAL BY THE DIRECTOR OF PLANNING, THAT ADDRESSES HOW THE ACTIVITIES WILL BE MANAGED TO MITIGATE IMPACTS ON SURROUNDING LAND USES AND NATURAL SYSTEMS:

(1) ANIMAL HUSBANDRY, INCLUDING CHICKEN COOPS, APIARIES AND AQUACULTURE. THE KEEPING OF LIVESTOCK MUST ADHERE TO ALL BALTIMORE CITY HEALTH DEPARTMENT AND MARYLAND DEPARTMENT OF AGRICULTURE REGULATIONS.

(2) PROCESSING OF FOOD PRODUCED ON SITE.

(3) SPREADING OF MANURE, SLUDGE, OR OTHER NUTRIENT-RICH FERTILIZERS.

(4) SPRAYING OF AGRICULTURAL CHEMICALS, INCLUDING FERTILIZERS, FUNGICIDES, AND PESTICIDES.

(5) USE OF HEAVY EQUIPMENT SUCH AS TRACTORS.

(B) GREENHOUSES, ETC.

(1) GREENHOUSES (PERMANENT OR TEMPORARY), HIGH TUNNELS, HOOP-HOUSES, COLD-FRAMES, AND SIMILAR STRUCTURES USED TO EXTEND THE GROWING SEASON ARE PERMITTED.

(2) THERE IS NO LIMIT ON THE NUMBER OR SQUARE FOOTAGE ON THESE STRUCTURES.

(C) PLANTS FOR HUMAN CONSUMPTION.

FOR ANY URBAN AGRICULTURE USE THAT INVOLVES THE CULTIVATION OF PLANTS FOR HUMAN CONSUMPTION, MEASURES MUST BE TAKEN TO TEST AND, IF NECESSARY, REMEDIATE THE SOIL IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE DEPARTMENT OF PLANNING.

(D) PERMANENT ACCESSORY STRUCTURES .

(1) PERMANENT ACCESSORY STRUCTURES ARE LIMITED TO:

(I) TOOL SHEDS;

(II) SHADE PAVILIONS;

(III) BARNES;

(IV) TOILET FACILITIES;

(V) PLANTING PREPARATION HOUSES; AND

(VI) POST-HARVEST PROCESSING FACILITIES.

(2) ALL STRUCTURES MUST BE SET BACK AT LEAST 5 FEET FROM ANY LOT LINE

(3) NO STRUCTURE MAY EXCEED 25 FEET IN HEIGHT, EXCEPT FOR STRUCTURES DESIGNED TO CAPTURE WIND ENERGY.

(E) COMBINES AREA OF ACCESSORY STRUCTURES.

(1) THE COMBINED AREA OF ALL STRUCTURES IS LIMITED TO 25% OF THE LOT AREA.

(2) FOR MULTIPLE ADJOINING LOTS THAT ARE UNDER COMMON OWNERSHIP AND USED AS COMMUNITY-MANAGED OPEN SPACE, THE LIMIT FOR THE COMBINED AREA OF STRUCTURES IS APPLIED OVER THE ENTIRE SITE RATHER THAN EACH INDIVIDUAL LOT. THE LIMIT FOR THE COMBINED AREA OF STRUCTURES FOR THE INDIVIDUAL LOTS MAY NOT EXCEED THAT OF THE UNDERLYING ZONE.

(F) FARMSTANDS.

(1) FARMSTANDS FOR THE DISPLAY AND SALE OF AGRICULTURAL PRODUCTS ARE PERMITTED.

(2) FARMSTANDS MUST BE REMOVED FROM THE PREMISES OR STORED INSIDE A STRUCTURE ON THE PREMISES DURING THAT TIME OF THE YEAR WHEN THE FACILITY IS NOT OPEN FOR PUBLIC USE.

(G) COMPOSTING.

COMPOSTING ON-SITE IS ALLOWED AS AN ACCESSORY USE, SUBJECT TO THE FOLLOWING CONDITIONS:

(1) ANY COMPOST PILE MUST BE LOCATED AT LEAST 3 FEET AWAY FROM ANY LOT LINE;

(2) COMPOSTING AREAS AND STRUCTURES MUST BE MAINTAINED IN A WAY THAT PROTECTS ADJACENT PROPERTIES FROM NUISANCE ODORS AND THE ATTRACTION OF RODENTS OR OTHER PESTS; AND

(3) ORGANIC WASTE MATERIAL FOR COMPOSTING MAY BE ACCEPTED FROM OUTSIDE SOURCES AND EITHER USED ON SITE OR DISTRIBUTED AT NO COST, BUT MAY NOT BE SOLD.

§ 14-338. UTILITIES.

(A) AFFECT ON TRAFFIC, ADJACENT PROPERTIES, ETC.

(1) UTILITIES MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

(2) ADDITIONAL LANDSCAPING AND SCREENING MAY BE REQUIRED.

(B) ABOVEGROUND STRUCTURES.

ANY ABOVEGROUND UTILITY STRUCTURES, SUCH AS PEDESTALS FOR CABLE WIRE ACCESS OR OTHER ACCESS POINTS FOR UNDERGROUND INFRASTRUCTURE (COMMUNICATIONS WIRING,

FIBER OPTIC, ETC.):

- (1) MAY NOT ENCROACH INTO A REQUIRED FRONT YARD; AND
- (2) MUST BE SCREENED FROM VIEW OF ANY PUBLIC RIGHT-OF-WAY.

§ 14-339. WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, AND TOWER.

(A) "CO-LOCATION" DEFINED.

IN THIS SECTION, "CO-LOCATION" MEANS THE PLACEMENT OF WIRELESS TELECOMMUNICATIONS ANTENNA OR FACILITIES FOR MORE THAN 1 SERVICE OR SERVICE PROVIDER ON A SINGLE TOWER OR SITE.

(B) PURPOSE.

THE FOLLOWING STANDARDS FOR WIRELESS TELECOMMUNICATIONS ANTENNAS, FACILITIES, AND TOWERS ARE INTENDED TO:

- (1) ENSURE PUBLIC HEALTH, SAFETY, AND WELFARE;
- (2) ENSURE ACCESS TO RELIABLE WIRELESS TELECOMMUNICATIONS SERVICES THROUGHOUT THE CITY;
- (3) ENCOURAGE THE LOCATION OF ANTENNAS AND TOWERS ON CITY-OWNED PROPERTY;
- (4) ENCOURAGE THE USE OF EXISTING TOWERS AND OTHER STRUCTURES FOR THE CO-LOCATION OF WIRELESS TELECOMMUNICATIONS ANTENNA;
- (5) ENCOURAGE THE LOCATION OF TOWERS, TO THE EXTENT POSSIBLE, IN AREAS WHERE THE ADVERSE IMPACT ON THE CITY WILL BE MINIMAL AND, PREFERABLY, IN NON-RESIDENTIAL DISTRICTS;
- (6) ENCOURAGE THE LOCATION OF TOWERS, WHEN ALL CO-LOCATION OPPORTUNITIES HAVE BEEN PROVEN INADEQUATE, IN AREAS WHERE THE ADVERSE IMPACT ON THE SURROUNDING AREA WILL BE AS MINIMAL AS POSSIBLE AND, PREFERABLY, IN NON-RESIDENTIAL DISTRICTS.

(C) APPLICATION REQUIREMENTS.

IN ADDITION TO THE GENERAL REQUIREMENTS FOR CONDITIONAL-USE APPLICATIONS, ALL APPLICATIONS TO ERECT, CONSTRUCT, OR MODIFY ANY PART OF A WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, OR TOWER MUST INCLUDE THE FOLLOWING ITEMS:

- (1) A SITE PLAN SHOWING:
 - (I) THE LOCATION, SIZE, SCREENING AND DESIGN OF ALL STRUCTURES, INCLUDING FENCES;
 - (II) THE LOCATION AND SIZE OF ALL OUTDOOR EQUIPMENT;
 - (III) ELEVATIONS SHOWING ANTENNA HEIGHT;

- (IV) A LANDSCAPE PLAN SHOWING ALL SCREENING; AND
- (V) IF THE SITE PLAN IS FOR A NEW WIRELESS TELECOMMUNICATIONS TOWER, INDICATION OF THE FALL ZONE (SHADED CIRCLE);
- (2) A MAINTENANCE PLAN, AND ANY APPLICABLE MAINTENANCE AGREEMENT, DESIGNED TO ENSURE LONG-TERM, CONTINUOUS MAINTENANCE TO A REASONABLY PRUDENT STANDARD, INCLUDING MAINTENANCE OF LANDSCAPING, KEEPING THE AREA FREE FROM DEBRIS AND LITTER, AND IMMEDIATE REMOVAL OF ANY GRAFFITI;
- (3) A DESCRIPTION OF WHAT IS PROPOSED, DEMONSTRATING THE NEED FOR THE WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, OR TOWER TO BE LOCATED WHERE PROPOSED.
- (4) THE REASON OR PURPOSE FOR THE PLACEMENT, CONSTRUCTION, OR MODIFICATION, WITH SPECIFIC REFERENCE TO THE PROVIDER'S COVERAGE, CAPACITY, AND QUALITY NEEDS, GOALS, AND OBJECTIVES;
- (5) THE SERVICE AREA OF THE PROPOSED WIRELESS TELECOMMUNICATIONS ANTENNA, FACILITY, OR TOWER;
- (6) IF THE PROPOSAL IS FOR A NEW TELECOMMUNICATIONS TOWER, A MAP SHOWING CO-LOCATION OPPORTUNITIES WITHIN THE CITY AND WITHIN AREAS SURROUNDING THE BORDERS OF THE CITY, TOGETHER WITH A JUSTIFICATION FOR WHY CO-LOCATION IS NOT FEASIBLE AND THE NEW TOWER NEEDED WHERE PROPOSED;
- (7) CERTIFICATION BY A PROFESSIONAL ENGINEER OF THE MANNER IN WHICH THE PROPOSED STRUCTURE WILL FALL, WHICH CERTIFICATION MAY BE USED, ALONG WITH OTHER CRITERIA SUCH AS APPLICABLE REGULATIONS FOR THE DISTRICT IN QUESTION, IN DETERMINING IF ADDITIONAL SETBACK SHOULD BE REQUIRED FOR THE STRUCTURE AND OTHER FACILITIES; AND
- (8) A VISUAL SIMULATION OR RENDERING OF THE PROPOSED SUPPORT STRUCTURE THAT ILLUSTRATES THE RELATIONSHIP BETWEEN THE HEIGHT AND THE VISUAL APPEARANCE OF THE STRUCTURE. THE ZONING ADMINISTRATOR MAY REQUIRE THAT THE VISUAL SIMULATION BE PROVIDED FROM 2 DIFFERENT PERSPECTIVES AND ACCURATELY DEPICT THE SCALE OF THE PROPOSED STRUCTURE IN THE CONTEXT OF THE SURROUNDING AREA.

(D) SETBACKS.

ALL WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES MUST BE SET BACK FROM ALL LOT LINES IN ACCORDANCE WITH THE MINIMUM SETBACK REQUIREMENTS APPLICABLE TO THE DISTRICT IN QUESTION.

(E) HEIGHT.

THE MAXIMUM HEIGHT OF A WIRELESS TELECOMMUNICATIONS TOWER IS THE MINIMUM NEEDED TO FUNCTION SATISFACTORILY. THE CONDITIONAL-USE APPLICATION FOR APPROVAL OF A TOWER MUST DEMONSTRATE THE HEIGHT NEEDED FOR THE TOWER.

(F) LIGHTING AND MARKING.

WIRELESS TELECOMMUNICATIONS ANTENNAS, TOWERS AND FACILITIES MAY NOT BE LIT OR MARKED UNLESS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION OR THE FEDERAL AVIATION ADMINISTRATION.

(G) LANDSCAPING.

ALL WIRELESS TELECOMMUNICATION TOWERS AND FACILITIES MUST COMPLY WITH THE LANDSCAPING REGULATIONS OF THE BALTIMORE CITY LANDSCAPE MANUAL.

(H) ADDITIONAL STANDARDS FOR ANTENNAS.

(1) A WIRELESS TELECOMMUNICATIONS ANTENNA IS A CONDITIONAL USE IN ALL DISTRICTS, EXCEPT WHERE, IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION, IT IS CONSIDERED A PERMITTED USE SUBJECT TO SITE PLAN REVIEW.

(2) WIRELESS TELECOMMUNICATIONS ANTENNAS DO NOT INCLUDE SATELLITE DISHES, AS REGULATED IN § 15-516 {"SATELLITE DISH ANTENNAS"} OF THIS CODE.

(I) ADDITIONAL STANDARDS FOR FACILITIES.

(1) A WIRELESS TELECOMMUNICATIONS FACILITY IS A CONDITIONAL USE IN ALL DISTRICTS.

(2) ANY BUILDING, CABINET, OR SHELTER MAY HOUSE ONLY EQUIPMENT AND SUPPLIES FOR OPERATION OF THE WIRELESS TELECOMMUNICATION TOWER. EQUIPMENT NOT USED IN DIRECT SUPPORT OF THE OPERATION MAY NOT BE STORED ON THE SITE.

(3) THE FACILITY MAY NOT BE STAFFED.

(4) SIGNS FOR THE WIRELESS TELECOMMUNICATIONS FACILITY ARE LIMITED TO OWNERSHIP AND CONTACT INFORMATION, FCC ANTENNA REGISTRATION NUMBER (IF REQUIRED), AND ANY OTHER INFORMATION REQUIRED BY GOVERNMENT REGULATION.

(5) COMMERCIAL ADVERTISING IS STRICTLY PROHIBITED.

(J) ADDITIONAL STANDARDS FOR TOWERS.

(1) A WIRELESS TELECOMMUNICATIONS TOWER IS A CONDITIONAL USE IN ALL DISTRICTS.

(2) A WIRELESS TELECOMMUNICATIONS TOWER MAY BE FREESTANDING OR SUPPORTED AND MAY BE OF EITHER LATTICE OR MONOPOLE CONSTRUCTION.

(3) THE ABILITY FOR OTHER TELECOMMUNICATIONS PROVIDERS TO CO-LOCATE ON A TOWER IS REQUIRED. WIRELESS TELECOMMUNICATIONS TOWERS MUST BE DESIGNED TO ACCOMMODATE OTHER TELECOMMUNICATIONS PROVIDERS. THE AREA SURROUNDING A TOWER MUST BE OF A SUFFICIENT SIZE TO ACCOMMODATE ACCOMPANYING WIRELESS TELECOMMUNICATIONS FACILITIES FOR OTHER TELECOMMUNICATIONS PROVIDERS.

(4) UNLESS OTHERWISE REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION, THE FEDERAL AVIATION ADMINISTRATION, OR THE CITY, TOWERS MUST HAVE A GALVANIZED SILVER

OR GRAY FINISH.

(K) STEALTH DESIGN FOR ANTENNAS.

(1) STEALTH DESIGN FOR WIRELESS ANTENNAS IS ENCOURAGED AND IS CONSIDERED A PERMITTED USE IN ALL DISTRICTS, SUBJECT TO DESIGN REVIEW AND THE REQUIREMENTS OF THIS SECTION.

(2) AN APPLICATION FOR DESIGN REVIEW MUST INCLUDE ALL INFORMATION REQUIRED BY THIS SECTION.

(3) TO QUALIFY AS A PERMITTED STEALTH DESIGN, A WIRELESS TELECOMMUNICATIONS ANTENNA:

(I) MUST BE ENCLOSED, CAMOUFLAGED, SCREENED, OBSCURED, OR OTHERWISE NOT READILY APPARENT TO A CASUAL OBSERVER;

(II) MUST BE MOUNTED AT LEAST 40 FEET ABOVE GRADE, AS MEASURED FROM GRADE TO THE BASE OF THE ANTENNA;

(III) MUST BE LOCATED ON OR IN A STRUCTURE ALREADY PERMITTED WITHIN THE ZONING DISTRICT, SUCH AS WATER TOWERS, CLOCK TOWERS, STREETLIGHTS, PENTHOUSES, PARAPET WALLS, AND STEEPLES, AND DESIGNED TO BLEND INTO THE STRUCTURE; AND

(IV) MAY NOT INCREASE THE OVERALL HEIGHT OF THE STRUCTURE ON WHICH IT IS MOUNTED.

(4) ANTENNAS THAT CO-LOCATE ON EXISTING WIRELESS TELECOMMUNICATIONS TOWERS ARE ALSO CONSIDERED STEALTH DESIGN.

(L) ABANDONMENT.

(1) ANY WIRELESS TELECOMMUNICATIONS TOWER OR FACILITY THAT IS NOT OPERATED FOR 180 CONSECUTIVE DAYS IS CONSIDERED ABANDONED.

(2) THE OWNER MUST REMOVE THE TOWER OR FACILITY AND ALL ABOVEGROUND EQUIPMENT AND RELATED DEBRIS WITHIN 180 DAYS OF ITS ABANDONMENT.

(M) NONCONFORMITIES.

(1) ORDINARY MAINTENANCE MAY BE PERFORMED ON NONCONFORMING ANTENNA OR FACILITIES. HOWEVER, IF A PROPOSED ALTERATION INTENSIFIES A NONCONFORMING CHARACTERISTIC OF THE ANTENNA OR FACILITY, A VARIANCE IS REQUIRED.

(2) ORDINARY MAINTENANCE MAY BE PERFORMED ON NONCONFORMING TOWERS.

(3) CO-LOCATION OF AN ANTENNA ON AN EXISTING NONCONFORMING TOWER IS ALLOWED AS A CONDITIONAL USE, AS LONG AS THE ADDITION OF THE ANTENNA AND ANY ADDITIONAL WIRELESS TELECOMMUNICATIONS FACILITIES DO NOT INTENSIFY THE NONCONFORMITY.

SUBTITLE 4. TEMPORARY USE STANDARDS

§ 14-401. PERMITS.

(A) ANY PERSON DESIRING A TEMPORARY USE PERMIT, AS REQUIRED BY THIS CODE, MUST FILE WITH THE ZONING ADMINISTRATOR A WRITTEN APPLICATION ON A FORM PROVIDED BY THE CITY.

(B) (1) THE ZONING ADMINISTRATOR MAY GRANT TEMPORARY USE PERMITS FOR THOSE USES LISTED IN THIS SUBTITLE AS LONG AS THE ZONING ADMINISTRATOR DETERMINES THAT THE PROPOSED USE COMPLIES WITH THE REQUIREMENTS OF THIS OF THIS SUBTITLE AND THIS CODE.

(2) UNLESS EXPRESSLY PROVIDED IN THIS SUBTITLE, EVERY TEMPORARY USE OR STRUCTURE MUST COMPLY WITH THE BULK REQUIREMENTS APPLICABLE IN THE DISTRICT IN WHICH IT IS LOCATED.

(C) (1) TEMPORARY USES NOT SPECIFICALLY LISTED IN THIS SUBTITLE REQUIRE THE SPECIFIC APPROVAL OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(2) UNLESS OTHERWISE LIMITED, TEMPORARY USES MAY BE ALLOWED IN ANY ZONING DISTRICT, AS LONG AS THAT USE IS CONSISTENT WITH THE PURPOSE AND INTENT OF THIS CODE AND THE ZONING DISTRICT IN WHICH IT IS LOCATED.

(D) (1) AS PART OF THE TEMPORARY USE PERMIT APPROVAL, THE ZONING ADMINISTRATOR OR BOARD OF MUNICIPAL AND ZONING APPEALS MAY IMPOSE OTHER CONDITIONS AS NECESSARY TO ACHIEVE THE PURPOSES OF THIS CODE AND TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE.

(2) NO TEMPORARY USE IS PERMITTED IN ANY DISTRICT IF IT WOULD HAVE A SIGNIFICANT NEGATIVE IMPACT ON ANY ADJACENT PROPERTY OR ON THE AREA AS A WHOLE.

(E) (1) WHENEVER THE ZONING ADMINISTRATOR LEARNS OF A VIOLATION OF A CONDITION, RESTRICTION, OR LIMITATION IMPOSED ON A TEMPORARY USE, THE ZONING ADMINISTRATOR MUST ATTEMPT TO RESOLVE IT INFORMALLY AND PROMPTLY.

(2) IF UNABLE TO RESOLVE THE VIOLATION, THE ZONING ADMINISTRATOR MUST ISSUE NOTICE OF PROPOSED REVOCATION.

(3) ALL NOTICES MUST BE SERVED BY EITHER FIRST CLASS MAIL OR BY PERSONAL SERVICE BY AN AUTHORIZED REPRESENTATIVE OF THE CITY. IF SERVICE BY EITHER OF THOSE METHODS FAILS, NOTICE MUST BE GIVEN BY POSTING OF THE PROPERTY.

(4) THE NOTICE OF THE PROPOSED REVOCATION MUST BE SENT TO:

(I) THE OWNERS OF RECORD OF THE PROPERTY, AS SHOWN ON THE TAX RECORDS OF BALTIMORE CITY;

(II) THE PERSONS TO WHOM THE TEMPORARY USE APPROVAL WAS GRANTED OR THE CURRENT OPERATOR; AND

(III) THE DIRECTOR OF PLANNING.

(5) THE NOTICE MUST SPECIFY THE NATURE OF THE VIOLATION AND WARN THE RECIPIENT THAT, UNLESS THE VIOLATION IS CORRECTED WITHIN THE TIME SPECIFIED IN THE NOTICE, THE TEMPORARY USE WILL BE EITHER:

(I) REVOKED;

(II) SUSPENDED SUBJECT TO COMPLETION OF CORRECTIVE ACTION OR OTHER CONDITION; OR

(III) AFFIRMED SUBJECT TO A SCHEDULE FOR CORRECTIVE ACTION, WITH PROVISION FOR AUTOMATIC TERMINATION IF THE SCHEDULE IS NOT MET.

§ 14-402. GENERAL PROVISIONS.

(A) THREAT TO HEALTH, SAFETY, OR WELFARE

NO TEMPORARY USE IS PERMITTED THAT CAUSES OR THREATENS TO CAUSE AN ON-SITE OR OFF-SITE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE.

(B) SAFETY REGULATIONS.

(1) EVERY TEMPORARY USE MUST BE OPERATED IN ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS THAT THE FIRE DEPARTMENT REQUIRES.

(2) IF REQUIRED BY THE CITY, THE OPERATOR OF THE TEMPORARY USE MUST EMPLOY APPROPRIATE SECURITY PERSONNEL.

(C) TRAFFIC CONSIDERATIONS.

(1) NO TEMPORARY USE IS PERMITTED IF THE ADDITIONAL VEHICULAR TRAFFIC REASONABLY EXPECTED TO BE GENERATED BY THE USE WOULD HAVE UNDUE DETRIMENTAL EFFECTS ON SURROUNDING STREETS AND USES.

(2) NO TEMPORARY USE MAY BLOCK FIRE LANES.

(D) PARKING SPACES.

(1) NO TEMPORARY USE MAY BE AUTHORIZED THAT WOULD UNREASONABLY REDUCE THE AMOUNT OF PARKING SPACES AVAILABLE FOR USE IN CONNECTION WITH PERMANENT USES LOCATED ON THE LOT IN QUESTION.

(2) THE BUILDING OFFICIAL MAY MAKE AN ASSESSMENT OF THE TOTAL NUMBER OF PARKING SPACES THAT WILL BE REASONABLY REQUIRED IN CONNECTION WITH A PROPOSED TEMPORARY USE, BASED ON THE PARTICULAR USE, ITS INTENSITY, AND THE AVAILABILITY OF OTHER PARKING FACILITIES IN THE AREA. THE BUILDING OFFICIAL MAY APPROVE THE TEMPORARY USE ONLY IF THAT NUMBER OF PARKING SPACES ARE PROVIDED.

(E) CONFLICT WITH PREVIOUSLY AUTHORIZED USE.

NO TEMPORARY USE IS PERMITTED IF IT CONFLICTS WITH ANOTHER PREVIOUSLY AUTHORIZED

TEMPORARY USE.

§§ 14-403 TO 14-405. {RESERVED}

§ 14-406. PERMITTED TEMPORARY USES - CARNIVALS OR CIRCUSES.

(A) WHERE ALLOWED.

CARNIVALS AND CIRCUSES ARE ALLOWED IN ANY DISTRICT.

(B) EVALUATION.

CARNIVALS AND CIRCUSES ARE EVALUATED BASED ON:

- (1) THE ADEQUACY OF THE PARCEL SIZE, PARKING PROVISIONS, AND TRAFFIC ACCESS; AND
- (2) THE ABSENCE OF UNDUE ADVERSE IMPACT, INCLUDING NOISE, ON OTHER PROPERTIES.
- (C) YARD AND HEIGHT RESTRICTIONS.

CARNIVALS AND CIRCUSES NEED NOT COMPLY WITH THE YARD REQUIREMENTS AND THE MAXIMUM HEIGHT REQUIREMENTS OF THIS CODE.

(D) REQUIREMENTS.

THE PARTY RESPONSIBLE FOR THE OPERATION OF THE CARNIVAL OR CIRCUS MUST:

- (1) SUBMIT, IN ADVANCE OF THE EVENT, A SITE LAYOUT DISPLAYING ADEQUATE INGRESS AND EGRESS ROUTES FOR EMERGENCY VEHICLES AND NO DEAD-END AISLES;
- (2) COMPLY WITH ALL APPLICABLE LOCAL REGULATIONS;
- (3) PROVIDE AND PROPERLY SERVICE REFUSE CONTAINERS IN THE NUMBER AND LOCATIONS REQUIRED BY THE CITY;
- (4) PROVIDE FOR A THOROUGH CLEAN-UP OF THE SITE AT THE COMPLETION OF THE EVENT;
- (5) PROVIDE PROOF THAT ALL AMUSEMENT DEVICES HAVE BEEN GOVERNMENT INSPECTED; AND
- (6) ON WRITTEN NOTICE FROM THE CITY, IMMEDIATELY STOP THE USE OF ANY AMUSEMENT DEVICE OR STRUCTURE FOUND BY THE CITY TO POSE A THREAT TO THE PUBLIC SAFETY.

§ 14-407. PERMITTED TEMPORARY USES - SEASONAL OR HOLIDAY SALES LOTS.

(A) WHERE ALLOWED.

SEASONAL OR HOLIDAY SALES LOTS ARE ALLOWED IN ANY DISTRICT.

(B) EVALUATION.

SEASONAL OR HOLIDAY SALES LOTS, SUCH AS CHRISTMAS TREE SALES AND PUMPKIN PATCHES, ARE EVALUATED BASED ON:

- (1) THE ADEQUACY OF THE PARCEL SIZE, PARKING PROVISIONS, AND TRAFFIC ACCESS; AND
 - (2) THE ABSENCE OF UNDUE ADVERSE IMPACT ON OTHER PROPERTIES.
- (C) DURATIONAL LIMITS.

SEASONAL OR HOLIDAY SALES LOTS ARE LIMITED TO A PERIOD OF NOT MORE THAN 45 DAYS.

§ 14-408. PERMITTED TEMPORARY USES - FARMERS' MARKETS.

(A) "FARMERS' MARKET" DEFINED.

"FARMERS' MARKET" MEANS A MARKET IN A FIXED LOCATION AT WHICH 3 OR MORE VENDORS OFFER FOR SALE TO THE PUBLIC:

- (1) FRESH FRUITS, VEGETABLES, JUICES, FLOWERS, PLANTS, HERBS, OR SPICES THAT HAVE BEEN PRODUCED OR GROWN BY THE VENDOR OR CONSIGNED TO THE VENDOR BY THEIR PRODUCER OR GROWER;
- (2) BAKED GOODS, MEATS, DAIRY GOODS, OR PREPARED FOODS THAT HAVE BEEN MADE BY THE VENDOR OR CONSIGNED TO THE VENDOR BY THEIR MAKER; OR
- (3) ARTS AND CRAFTS THAT HAVE BEEN MADE BY THE VENDOR OR CONSIGNED TO THE VENDOR BY THEIR MAKER.

(B) WHERE ALLOWED.

FARMERS' MARKETS ARE ALLOWED IN ANY ZONING DISTRICT ON A LOT OR CONTIGUOUS LOTS AT LEAST 3,500 SQUARE FEET.

(C) APPLICATION

THE APPLICATION FOR A TEMPORARY USE PERMIT MUST BE SUBMITTED BY THE MARKET'S MANAGER.

(D) NEW FARMERS' MARKET.

FOR AN INITIAL APPLICATION, THE MARKET'S MANAGER MUST ALSO SUBMIT A MAP THAT SHOWS:

- (1) THE LOCATION AND LAYOUT OF THE SITE; AND
 - (2) ALL PARKING AREAS, INCLUDING PROPOSED INGRESS AND EGRESS.
- (E) ARTS AND CRAFTS LIMITATION.

SALES OF ARTS AND CRAFTS MAY NOT OCCUPY MORE THE 25% OF THE OVERALL SALES AREA OF

THE MARKET.

§ 14-409. PERMITTED TEMPORARY USES - HOUSE, APARTMENT, GARAGE, AND YARD SALES.

(A) WHERE ALLOWED.

HOUSE, APARTMENT, GARAGE, AND YARD SALES ARE ALLOWED IN ANY DISTRICT, BUT ONLY WHEN LIMITED TO PERSONAL POSSESSIONS OF, OR ARTS AND CRAFTS MADE BY, THE OWNER OR OCCUPANT OF THE DWELLING UNIT WHERE THE SALE IS BEING CONDUCTED.

(B) PERMIT NOT REQUIRED.

NO TEMPORARY USE PERMIT IS REQUIRED.

(C) DURATIONAL LIMITS.

(1) THESE SALES ARE LIMITED TO A PERIOD OF NOT MORE THAN 3 CONSECUTIVE DAYS.

(2) NO MORE THAN 3 SALES MAY BE CONDUCTED FROM THE SAME RESIDENCE IN ANY 12-MONTH PERIOD.

§ 14-410. PERMITTED TEMPORARY USES - ARTS AND CRAFTS SHOWS; PLANT SHOWS.

(A) WHERE ALLOWED.

ARTS AND CRAFTS SHOWS AND PLANT SHOWS (INDOOR OR OUTDOOR) ARE ALLOWED IN ANY DISTRICT.

(B) EVALUATION.

ARTS AND CRAFTS SHOWS AND PLANT SHOWS ARE EVALUATED BASED ON:

(1) THE ADEQUACY OF THE PARCEL SIZE, PARKING PROVISIONS, AND TRAFFIC ACCESS; AND

(2) THE ABSENCE OF UNDUE ADVERSE IMPACT ON OTHER PROPERTIES.

(C) DURATIONAL LIMITS.

IN RESIDENTIAL DISTRICTS:

(1) THESE SHOWS ARE LIMITED TO A PERIOD OF NOT MORE THAN 3 CONSECUTIVE DAYS; AND

(2) NO MORE THAN THREE 3 SHOWS ARE PERMITTED AT THE SAME LOCATION IN ANY 12-MONTH PERIOD.

§ 14-411. PERMITTED TEMPORARY USES - SIDEWALK SALES.

(A) WHERE ALLOWED.

SIDEWALK SALES ARE PERMITTED IN THE COMMERCIAL DISTRICTS ONLY.

(B) MUST BE INCIDENTAL TO PERMANENT ON-SITE USE.

(1) SIDEWALK SALES MUST BE IN CONJUNCTION WITH AND CLEARLY INCIDENTAL TO AN EXISTING PERMANENT ON-SITE USE.

(2) SIDEWALK SALES ARE PERMITTED TO DISPLAY AND SELL ONLY MERCHANDISE THAT IS FOUND IN STORES PARTICIPATING IN THE SIDEWALK SALE.

(C) NO INTERFERENCE WITH PEDESTRIAN TRAFFIC.

SIDEWALK SALE MAY NOT INTERFERE WITH PEDESTRIAN TRAFFIC OR VIOLATE STANDARDS OF ACCESSIBILITY REQUIRED BY THE ADA OR OTHER ACCESSIBILITY CODES.

(D) MINOR PRIVILEGE PERMIT.

A MINOR PRIVILEGE PERMIT IS REQUIRED FOR ANY SIDEWALK SALE THAT TAKES PLACE WITHIN THE PUBLIC RIGHT-OF-WAY.

(E) DURATIONAL LIMITS.

(1) SIDEWALK SALES ARE LIMITED TO A PERIOD OF NOT MORE THAN 5 CONSECUTIVE DAYS.

(2) NO MORE THAN 2 SALES ARE PERMITTED AT THE SAME LOCATION IN ANY 12-MONTH PERIOD.

§ 14-412. PERMITTED TEMPORARY USES - OUTDOOR ENTERTAINMENT.

(A) WHERE ALLOWED.

TEMPORARY OUTDOOR ENTERTAINMENT EVENTS ARE ALLOWED IN NON-RESIDENTIAL DISTRICTS.

(B) EVALUATION.

TEMPORARY OUTDOOR ENTERTAINMENT EVENTS ARE EVALUATED BASED ON:

(1) THE ADEQUACY OF THE PARCEL SIZE, PARKING PROVISIONS, AND TRAFFIC ACCESS; AND

(2) THE ABSENCE OF UNDUE ADVERSE IMPACT, INCLUDING NOISE, ON OTHER PROPERTIES.

(C) YARD RESTRICTIONS.

TEMPORARY OUTDOOR ENTERTAINMENT EVENTS NEED NOT COMPLY WITH THE YARD REQUIREMENTS OF THIS CODE.

§ 14-413. PERMITTED TEMPORARY USES - BATCHING PLANTS.

(A) WHERE ALLOWED.

TEMPORARY BATCHING PLANTS (ASPHALT OR CONCRETE) ARE ALLOWED IN ANY DISTRICT IN

CONNECTION WITH CONSTRUCTION ACTIVITIES.

(B) SETBACK.

TEMPORARY BATCHING PLANTS MUST BE SET BACK AT LEAST 50 FEET FROM ANY PROPERTY DEVELOPED FOR OTHER THAN INDUSTRIAL USES.

(C) DURATIONAL LIMITS.

TEMPORARY BATCHING PLANTS ARE LIMITED THE DURATION OF CONSTRUCTION OR 1 YEAR, WHICHEVER IS SOONER.

§ 14-414. PERMITTED TEMPORARY USES - CONTRACTOR TRAILERS; REAL ESTATE MODEL UNITS.

(A) DEFINITIONS.

(1) IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) "CONTRACTOR TRAILER" MEANS A USE THAT INCLUDES WATCHMAN'S TRAILERS, CONSTRUCTION EQUIPMENT SHEDS, CONTRACTOR TRAILERS, AND SIMILAR ITEMS INCIDENTAL TO A CONSTRUCTION PROJECT.

(3) (I) "REAL ESTATE MODEL UNIT" MEANS A DWELLING UNIT TEMPORARILY USED FOR DISPLAY PURPOSES AS AN EXAMPLE OF DWELLING UNITS AVAILABLE FOR SALE OR RENTAL IN A PARTICULAR SUBDIVISION OR OTHER RESIDENTIAL DEVELOPMENT.

(II) "REAL ESTATE MODEL UNIT" INCLUDES SALES OR RENTAL OFFICES FOR DWELLINGS WITHIN THE DEVELOPMENT.

(B) WHERE ALLOWED.

CONTRACTOR TRAILERS AND REAL ESTATE MODEL UNITS, INCLUDING TEMPORARY SALES OR RENTAL OFFICES ACCESSORY TO A NEW DEVELOPMENT, ARE ALLOWED N ANY ZONING DISTRICT WHEN ACCESSORY TO A CONSTRUCTION PROJECT OR A NEW DEVELOPMENT.

(C) NO SLEEPING OR COOKING ACCOMMODATIONS.

THESE STRUCTURES MAY NOT CONTAIN ANY SLEEPING OR COOKING ACCOMMODATIONS, EXCEPT THOSE LOCATED IN A MODEL UNIT USED FOR DEMONSTRATION PURPOSES ONLY.

(D) NO GENERAL OFFICE.

NO TRAILER, UNIT, OR OFFICE MAY BE USED AS THE GENERAL OFFICE OR HEADQUARTERS OF ANY PERSON.

(E) DURATIONAL LIMITS.

(1) CONTRACTOR TRAILERS ARE LIMITED TO A PERIOD OF NOT MORE THAN THE DURATION OF THE ACTIVE CONSTRUCTION PHASE OF THE PROJECT.

(2) REAL ESTATE MODEL UNITS, INCLUDING TEMPORARY SALES OR RENTAL OFFICES, ARE LIMITED TO THE ACTIVE SELLING AND LEASING OF SPACE IN THE DEVELOPMENT OR 6 MONTHS AFTER ISSUANCE OF THE FINAL OCCUPANCY PERMIT, WHICHEVER IS SOONER.

§ 14-415. PERMITTED TEMPORARY USES - SELF-STORAGE CONTAINERS.

(A) "TEMPORARY STORAGE CONTAINER" DEFINED.

IN THIS SECTION, "TEMPORARY STORAGE CONTAINER" MEANS A TEMPORARY SELF-STORAGE CONTAINER (ALSO KNOWN AS A "PORTABLE ON-DEMAND STORAGE" CONTAINER OR "PODS") THAT IS DELIVERED TO A RESIDENTIAL OR COMMERCIAL USE FOR THE RESIDENT OR BUSINESS OWNER TO STORE BELONGINGS, WHICH ARE THEN PICKED UP AND RETURNED TO A WAREHOUSE UNTIL CALLED FOR.

(B) WHERE ALLOWED.

TEMPORARY STORAGE CONTAINERS ARE PERMITTED IN ANY ZONING DISTRICT WHEN USED FOR LOADING OR UNLOADING.

(C) PERMIT NOT REQUIRED.

NO TEMPORARY USE PERMIT IS REQUIRED.

(D) NOT FOR PERMANENT STORAGE.

(1) TEMPORARY STORAGE CONTAINERS MAY NOT BE USED FOR PERMANENT STORAGE. THEY MAY NOT SERVE AS A SUBSTITUTE FOR PERMANENT STORAGE NEEDS ON THE SITE ON WHICH THEY ARE LOCATED.

(2) CONTAINERS MAY NOT BE PERMANENTLY ATTACHED TO THE GROUND, SERVICED WITH PERMANENT UTILITIES, OR STACKED ON THE SITE.

(E) DURATIONAL LIMIT.

TEMPORARY STORAGE CONTAINERS ARE LIMITED ON SITE TO A PERIOD OF NOT MORE THAN 72 HOURS.

§ 14-416. PERMITTED TEMPORARY USES - TENTS.

(A) COMMERCIAL DISTRICTS.

(1) TENTS WITHIN COMMERCIAL DISTRICTS ARE PERMITTED FOR NO LONGER THAN 14 DAYS AND MUST BE IN CONJUNCTION WITH A SPECIAL EVENT OR A USE LOCATED ON THE SAME LOT. TENTS MUST BE REMOVED WITHIN 2 DAYS OF THE END OF THE EVENT FOR WHICH IT WAS ERECTED, BUT IN NO CASE MAY A TENT BE IN PLACE FOR LONGER THAN 14 DAYS.

(2) EVERY TENT MUST COMPLY WITH THE BULK REQUIREMENTS APPLICABLE TO ACCESSORY STRUCTURES. ADDITIONALLY, THE ZONING ADMINISTRATOR MAY RESTRICT THE SIZE AND LOCATION OF A TENT OR TENTS IF THE ZONING ADMINISTRATOR DETERMINES THAT THEY CREATE PARKING OR ACCESS PROBLEMS ON THE SITE.

(B) RESIDENTIAL DISTRICTS.

- (1) TENTS WITHIN RESIDENTIAL DISTRICTS ARE LIMITED TO A PERIOD OF NOT MORE THAN 5 CONSECUTIVE DAYS AND MUST BE LOCATED IN THE REAR YARD.
- (2) TENTS WITHIN RESIDENTIAL DISTRICTS ARE EXEMPT FROM TEMPORARY USE PERMITS.
- (3) THESE INCLUDE TENTS USED FOR ENTERTAINMENT OR ASSEMBLY PURPOSES.

TITLE 15. SITE DEVELOPMENT STANDARDS

SUBTITLE 1. PURPOSE OF TITLE

§ 15-101. PURPOSE.

THE PURPOSE OF THIS TITLE IS TO ADDRESS THE REGULATION OF SITE IMPROVEMENTS ON A LOT, OTHER THAN THE REGULATIONS APPLICABLE TO THE PRINCIPAL BUILDING. THIS INCLUDES MEASUREMENT METHODOLOGIES, SITE DESIGN STANDARDS, ACCESSORY STRUCTURES AND USES, TEMPORARY USES, PERMITTED ENCROACHMENTS AND PERFORMANCE STANDARDS.

SUBTITLE 2. APPLICABILITY OF DEVELOPMENT STANDARDS

§ 15-201. COMPLIANCE REQUIRED.

- (A) NO STRUCTURE MAY BE ERECTED EXCEPT IN ACCORDANCE WITH THE BULK REGULATIONS PRESCRIBED FOR THE DISTRICT IN WHICH THE STRUCTURE IS LOCATED OR PROPOSED TO BE LOCATED.
- (B) NO STRUCTURE MAY BE EXPANDED, ALTERED OR MOVED SO AS TO REDUCE THE YARDS AND OPEN SPACES PRESCRIBED FOR THE DISTRICT IN WHICH THE STRUCTURE IS LOCATED OR THE EXPANSION, ALTERATION, OR MOVEMENT IS PROPOSED TO BE LOCATED.
- (C) NO STRUCTURE MAY BE ERECTED, EXPANDED OR ALTERED IF THE STRUCTURE, AS PROPOSED TO BE ERECTED, EXPANDED OR ALTERED, IS ARRANGED, INTENDED OR DESIGNED TO EXCEED THE DENSITY PERMITTED IN THE DISTRICT IN WHICH THE STRUCTURE, EXPANSION OR ALTERATION IS LOCATED OR PROPOSED TO BE LOCATED.
- (D) NO STRUCTURE MAY BE OCCUPIED BY MORE THAN THE NUMBER OF PERSONS PERMITTED BY THE BULK REGULATIONS OF THE DISTRICT IN WHICH THE STRUCTURE IS LOCATED.

§ 15-202. CONTINUED CONFORMITY REQUIRED.

- (A) THE MAINTENANCE OF REQUIRED YARDS, OTHER OPEN SPACE AND MINIMUM LOT AREA FOR A STRUCTURE IS A CONTINUING OBLIGATION OF THE OWNER OF THE STRUCTURE AND OF THE OWNER OF THE PROPERTY ON WHICH THE STRUCTURE IS LOCATED, AS LONG AS THE STRUCTURE EXISTS.
- (B) NO REQUIRED YARD, OTHER OPEN SPACE OR MINIMUM LOT AREA ALLOCATED TO A

STRUCTURE MAY, BY VIRTUE OF A CHANGE OF OWNERSHIP OR FOR ANY OTHER REASON, BE USED TO SATISFY YARD, OTHER OPEN SPACE, OR MINIMUM LOT AREA REQUIREMENTS FOR ANY OTHER STRUCTURE.

(C) ALL YARDS AND OTHER OPEN SPACES ALLOCATED TO A STRUCTURE MUST BE LOCATED ON THE SAME LOT AS THE STRUCTURE.

(D) NO LOT MAY BE DIVIDED OR SUBDIVIDED IN A WAY THAT WOULD VIOLATE ANY PROVISION OF THIS CODE APPLICABLE TO THE ORIGINAL LOT OR TO THE RESULTING LOTS.

SUBTITLE 3. MEASUREMENT METHODOLOGIES

§ 15-301. MEASUREMENT OF BUILDING HEIGHT

(A) (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:

(A) THE MEAN CURB LEVEL OF THE RIGHT-OF-WAY ON WHICH THE PROPERTYFRONTS; 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; AND

(II) TO THE FOLLOWING:

(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.
{SEE FIGURE 15-301: BUILDING HEIGHT.}

(B) THE HEIGHT REGULATIONS OF THIS CODE DO NOT APPLY TO THE FOLLOWING:

(1) BELFRIES, CHIMNEYS, CUPOLAS, DOMES, GRAIN ELEVATORS, FIRE ESCAPES, FLAGPOLES, FLUES, MINARETS, MONUMENTS, SPIRES, STACKS, STEEPLES, VENTILATORS, AND UTILITY POLES;

(2) WATER TOWERS OR TANKS OTHER THAN THOSE LOCATED ON THE ROOF OF A STRUCTURE;

(3) BULKHEADS, COOLING TOWERS, ELEVATOR ENCLOSURES, MONITORS, ELEVATOR OR STAIRWAY PENTHOUSES, SKYLIGHTS, STAGE TOWERS AND WATER TANKS, AND AIR CONDITIONING UNITS, AS LONG AS THESE STRUCTURES DO NOT OCCUPY MORE THAN 25% IN THE AGGREGATE OF THE AREA OF THE ROOF OF THE STRUCTURE ON WHICH THEY ARE LOCATED;

(4) ROOF DECKS, SUBJECT TO DESIGN REVIEW;

(5) PARAPET WALLS USED TO SCREEN MECHANICAL EQUIPMENT, AS LONG AS THESE WALLS DO NOT EXCEED THE HEIGHT NECESSARY TO SCREEN THE MECHANICAL EQUIPMENT LISTED IN PARAGRAPH (3) OF THIS SUBSECTION;

(6) ANY ACCESSORY STRUCTURES IN SUBTITLE 5 OF THIS TITLE THAT ARE ALLOWED TO EXCEED HEIGHT LIMITATIONS, SUBJECT TO ANY LIMITATIONS IMPOSED BY SUBTITLE 5 OF THIS TITLE; AND

(7) ROOFTOP GREENHOUSES, AS LONG AS:

(I) THE GREENHOUSES DO NOT EXCEED 15 FEET ABOVE THE APPLICABLE DISTRICT HEIGHT LIMIT;

(II) THE GREENHOUSES DO NOT OCCUPY MORE THAN 50% OF THE ROOF AREA;

(III) ALL LIGHTING USED TO ILLUMINATE A ROOFTOP GREENHOUSE IS DIRECTED AND SHIELDED TO PREVENT ILLUMINATION OF ANY ADJACENT LOTS; AND

(IV) ALL EXTERIOR LIGHTING COMPLIES WITH THE REQUIREMENTS OF § 15-505 {"EXTERIOR LIGHTING"} OF THIS TITLE.

§ 15-302. MEASUREMENT OF DENSITY.

IN THE RESIDENTIAL DISTRICTS, THE MAXIMUM NUMBER OF PERMITTED DWELLING UNITS ON A LOT IS DETERMINED BY DIVIDING THE TOTAL AREA OF THE LOT BY THE LOT AREA REQUIREMENT THAT APPLIES TO THE DISTRICT IN WHICH THE LOT IS LOCATED. ON A LOT WITH 3 OR MORE DWELLING UNITS, A FRACTION OF THE TOTAL AREA THAT IS 50% OR MORE OF THE REQUIRED LOT AREA FACTOR COUNTS AS AN ADDITIONAL PERMITTED DWELLING UNIT.

§ 15-303. MEASUREMENT OF FLOOR AREA RATIO.

FOR DETERMINING FLOOR AREA RATIO, THE FLOOR AREA OF A STRUCTURE IS THE GROSS FLOOR AREA OF ALL FLOORS OF THE STRUCTURE, INCLUDING PARKING, MEASURED FROM THE OUTSIDE FACES OF EXTERIOR WALLS OR FROM THE CENTERLINES OF PARTY WALLS.

§ 15-304. MEASUREMENT OF LOT COVERAGE.

IN COMPUTING THE PERCENTAGE OF LOT AREA COVERED BY A STRUCTURE, THE AREA OF THE MAXIMUM HORIZONTAL PLANE OF THE ENTIRE STRUCTURE IS USED.

SUBTITLE 4. EXCEPTIONS AND REQUIREMENTS

§ 15-401. MAJOR HIGHWAY AND OPEN SPACE DEDICATIONS.

(A) SUBJECT TO THE REQUIREMENTS AND LIMITATIONS OF THIS SECTION, IF THE OWNER OF A LOT GIVES OR DEDICATES TO THE MAYOR AND CITY COUNCIL OF BALTIMORE ANY LAND FOR THE PURPOSE OF ESTABLISHING, EXTENDING, OR WIDENING A STREET ABUTTING THAT LOT OR ANY LAND FOR THE PURPOSE OF ESTABLISHING OPEN SPACE, THE AREA OF THE LAND SO GIVEN

OR DEDICATED MAY BE ADDED TO THE LOT AREA USED TO COMPUTE THE MAXIMUM NUMBER OF DWELLING UNITS THAT, UNDER THE BULK REGULATIONS OF THIS CODE, ARE PERMITTED ON THAT LOT.

(B) TO QUALIFY FOR THIS ADDED AREA, THE LAND GIVEN OR DEDICATED FOR A STREET OR OPEN SPACE MUST BE:

(1) DESIGNATED FOR THIS PURPOSE ON AN APPROVED SUBDIVISION PLAT OR BUILDERS' LOCATION PLAT;

(2) CERTIFIED BY THE PLANNING COMMISSION AS ESSENTIAL TO OVERALL COMMUNITY PLANNING AND NOT FOR THE SOLE BENEFIT OF ANY ONE INDIVIDUAL; AND

(3) GIVEN OR DEDICATED TO THE CITY AT THE REQUEST OF THE PLANNING COMMISSION.

(C) THE PERMITTED DENSITY OF THE LOT, AS COMPUTED UNDER THIS SECTION, MAY NOT EXCEED 120% OF THE DENSITY THAT OTHERWISE WOULD BE ALLOWED FOR THAT LOT.

§ 15-402. INCLUSIONARY HOUSING ADJUSTMENT.

FOR A RESIDENTIAL PROJECT THAT, UNDER CITY CODE ARTICLE 13, § 2B-22(C) {"PROJECT BENEFITTING FROM SIGNIFICANT LAND USE AUTHORIZATION OR REZONING"} OR § 2B-23(C)(1) {"30 OR MORE UNITS: COST-OFFSETS"}, IS ENTITLED TO BONUS UNITS, THE LOT AREA PER DWELLING UNIT OTHERWISE REQUIRED BY THIS CODE IS REDUCED TO THE EXTENT NEEDED TO ACCOMMODATE THOSE BONUS UNITS.

§ 15-403. REAR YARD REDUCTION.

(A) FOR A LOT THAT IS LESS THAN 100 FEET DEEP, THE DEPTH OF A REAR YARD REQUIRED FOR A DWELLING MAY BE REDUCED 1% FOR EACH 1 FOOT THAT THE LOT IS LESS THAN 100 FEET DEEP, SUBJECT TO THE LIMITATIONS AND REQUIREMENTS OF THIS SECTION.

(B) A REDUCTION UNDER THIS SECTION MAY NOT EXCEED THE FOLLOWING:

(1) IN THE CASE OF AN EXISTING DETACHED OR SEMI-DETACHED DWELLING THAT IS LOCATED IN A BUSINESS DISTRICT, TWO-THIRDS OF THE REQUIRED DEPTH; AND

(2) IN ALL OTHER CASES, ONE-QUARTER OF THE REQUIRED DEPTH.

(C) A REDUCTION MAY ONLY BE TAKEN UNDER THIS SECTION IF ALL OTHER BULK REGULATIONS ARE COMPLIED WITH.

§ 15-404. HEIGHT LIMITATION IN VICINITY OF WASHINGTON MONUMENT.

NOTHING IN THIS CODE IN ANY WAY AFFECTS THE REQUIREMENTS OF CHAPTER 42, LAWS OF MARYLAND 1904, WHICH STATES:

"[F]ROM AND AFTER [MARCH 15, 1904], NO BUILDING, EXCEPT CHURCHES, SHALL BE ERECTED OR ALTERED IN THE CITY OF BALTIMORE ON THE TERRITORY BOUNDED BY THE SOUTH SIDE OF MADISON STREET, THE WEST SIDE OF ST. PAUL STREET, THE NORTH SIDE OF CENTRE STREET, AND

THE EAST SIDE OF CATHEDRAL STREET, TO EXCEED IN HEIGHT A POINT SEVENTY FEET ABOVE THE SURFACE OF THE STREET AT THE BASE LINE OF THE WASHINGTON MONUMENT."

§ 15-405. HEIGHT LIMITATION IN MOUNT VERNON NEIGHBORHOOD.

THE BUILDING HEIGHT LIMITATIONS AND PERMISSIONS OF TABLE 15-405: MOUNT VERNON NEIGHBORHOOD HEIGHT MAP APPLY WITHIN THE BOUNDARIES INDICATED IN TABLE 15-405 WITHIN THE MOUNT VERNON NEIGHBORHOOD. THESE BUILDING HEIGHTS CONTROL IN PLACE OF THE BUILDING HEIGHT REGULATIONS OF THE ZONING DISTRICT.

SUBTITLE 5. ACCESSORY STRUCTURES AND USES

§ 15-501. GENERAL REGULATIONS FOR ACCESSORY STRUCTURES AND USES.

- (A) 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.
- (B) THE TOTAL AREA OF ALL ACCESSORY STRUCTURES MAY NOT OCCUPY MORE THAN 50% OF THE AREA OF A REQUIRED REAR YARD.
- (C) UNLESS OTHERWISE PERMITTED OR RESTRICTED BY THIS SUBTITLE, NO ACCESSORY STRUCTURE MAY EXCEED 15 FEET IN HEIGHT.
- (D) UNLESS OTHERWISE PERMITTED OR RESTRICTED BY THIS SUBTITLE, ACCESSORY STRUCTURES MUST COMPLY WITH THE YARD REQUIREMENTS OF THE DISTRICT.
- (E) NO ACCESSORY STRUCTURE MAY BE ERECTED ON ANY LOT BEFORE CONSTRUCTION OF THE PRINCIPAL STRUCTURE TO WHICH IT IS ACCESSORY.
- (F) IF AN ACCESSORY STRUCTURE, SUCH AS AN ATTACHED GARAGE, IS ATTACHED TO A PRINCIPAL STRUCTURE BY ANY WALL OR ROOF CONSTRUCTION, IT IS CONSIDERED TO BE A PART OF THE PRINCIPAL STRUCTURE AND MUST COMPLY IN ALL RESPECTS WITH THE REQUIREMENTS OF THIS CODE THAT APPLY TO THE PRINCIPAL STRUCTURE.

§ 15-502. AMATEUR (HAM) RADIO EQUIPMENT

- (A) (1) "AMATEUR (HAM) RADIO EQUIPMENT" MEANS EQUIPMENT FOR BROADCASTING AN AMATEUR (HAM) RADIO STATION LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION.
- (2) "AMATEUR (HAM) RADIO EQUIPMENT" INCLUDES:
 - (I) A TOWER OR TOWER-LIKE STRUCTURE SUPPORTING A SINGLE, RADIATING ANTENNA PLATFORM; AND
 - (II) OTHER BROADCASTING EQUIPMENT.
- (B) TOWERS THAT SOLELY SUPPORT AMATEUR (HAM) RADIO EQUIPMENT AND CONFORM TO ALL APPLICABLE PERFORMANCE CRITERIA AS SET FORTH IN SUBTITLE 7 OF THIS TITLE ARE PERMITTED IN THE REQUIRED REAR YARD. TOWERS MAY NOT EXCEED THE MAXIMUM BUILDING

HEIGHT OF THE APPLICABLE DISTRICT, UNLESS A TALLER TOWER IS TECHNICALLY NECESSARY TO ENGAGE SUCCESSFULLY IN AMATEUR RADIO COMMUNICATIONS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION. IN THE SINGLE-FAMILY RESIDENTIAL DISTRICTS, ALL TOWERS MUST BE SETBACK 10 FEET FROM ANY LOT LINE.

(C) CERTAIN ADDITIONAL TYPES OF ANTENNA SYSTEMS THAT ARE NOT FREESTANDING TOWERS ARE PERMITTED IN ANY YARD IF THEY IMPLEMENT STEALTH DESIGN AND RECEIVE DESIGN REVIEW APPROVAL. TO QUALIFY AS A STEALTH DESIGN, ANTENNAS MUST BE ENCLOSED, CAMOUFLAGED, SCREENED, OBSCURED, OR OTHERWISE NOT READILY APPARENT TO A CAUSAL OBSERVER.

(D) ANTENNAE MAY BE GROUND-, BUILDING- OR ROOF-MOUNTED. EVERY EFFORT MUST BE MADE TO INSTALL RADIO ANTENNAE IN LOCATIONS THAT ARE NOT READILY VISIBLE FROM NEIGHBORING PROPERTIES OR FROM THE PUBLIC RIGHT-OF-WAY, EXCLUDING ALLEYS.

(E) AN ANTENNA OR TOWER THAT IS PROPOSED TO EXCEED THE HEIGHT LIMITATIONS IS A CONDITIONAL USE. THE OPERATOR MUST PROVIDE EVIDENCE THAT A TALLER TOWER OR ANTENNA IS NECESSARY TO ENGAGE SUCCESSFULLY IN AMATEUR RADIO COMMUNICATIONS. IN ADDITION, THE APPLICANT MUST PROVIDE EVIDENCE THAT THE TOWER OR ANTENNA IS NOT A HAZARD TO BIRDS (I.E., MINIMAL CHANCE OF BIRD STRIKES). THE TOWER OR ANTENNA MUST CONFORM TO ALL APPLICABLE PERFORMANCE CRITERIA AS SET FORTH IN SUBTITLE 7 OF THIS TITLE. AS PART OF THE APPLICATION, THE APPLICANT MUST SUBMIT A SITE PLAN SHOWING THE PROPOSED LOCATION OF THE TOWER OR ANTENNA, AS WELL AS ITS RELATION TO THE PRINCIPAL BUILDING AND ANY ADDITIONAL ACCESSORY STRUCTURES.

(F) ANTENNAE AND TOWERS OWNED AND OPERATED BY THE CITY ARE EXEMPT FROM THESE REQUIREMENTS.

§ 15-503. AUTOMOBILE CHARGING STATION (ELECTRIC AND SOLAR).

PARKING SPACES WITHIN PARKING LOTS OR PARKING GARAGES, WHETHER THE PARKING IS A PRINCIPAL USE OR ACCESSORY TO A PRINCIPAL USE, MAY INCLUDE PUBLIC ELECTRIC AUTOMOBILE CHARGING STATIONS, INCLUDING MODELS THAT CHARGE BY SOLAR ENERGY.

§ 15-504. CARRIAGE HOUSE.

AN ACCESSORY CARRIAGE HOUSE IN ALL RESIDENTIAL DISTRICTS AND THE OR DISTRICT, EXISTING ON THE EFFECTIVE DATE OF THIS CODE, MAY BE SUBDIVIDED AND CONVERTED INTO A DETACHED DWELLING, IF:

- (1) THE NEW LOT AREA MEETS THE MINIMUM LOT AND YARD REQUIREMENTS THAT APPLY TO ROWHOUSE DWELLINGS IN THE APPLICABLE DISTRICT;
- (2) THE BUILDING CONTAINS AT LEAST 1,750 SQUARE FEET OF GROSS FLOOR AREA;
- (3) ALL OTHER REQUIREMENTS OF THIS CODE AND BALTIMORE CITY SUBDIVISION REGULATIONS ARE MET OR A VARIANCE IS OBTAINED; AND
- (4) 1 ADDITIONAL PARKING SPACE IS PROVIDED FOR EACH DWELLING UNIT CREATED.

§ 15-505. EXTERIOR LIGHTING.

(A) THE FOLLOWING EXTERIOR LIGHTING REQUIREMENTS APPLY TO LIGHTING ON PRIVATE PROPERTY.

(B) (1) NO EXTERIOR LIGHTING MAY GLARE INTO, OR UPON, THE SURROUNDING AREA OR ANY RESIDENTIAL PREMISES. IN ADDITION, NO EXTERIOR LIGHTING MAY BE USED IN ANY MANNER THAT COULD INTERFERE WITH THE SAFE MOVEMENT OF MOTOR VEHICLES ON PUBLIC STREETS. THE LIGHT LEVEL MAY NOT BE GREATER THAN ONE-HALF FOOTCANDLE AT A RESIDENTIAL PROPERTY LINE AND 1 FOOTCANDLE AT ANY NON-RESIDENTIAL PROPERTY LINE OR PUBLIC RIGHT-OF-WAY LINE.

(2) SPECIFICALLY, THE FOLLOWING TYPES OF LIGHT TRESPASS ARE PROHIBITED:

(I) ANY LIGHT NOT DESIGNED FOR ROADWAY ILLUMINATION THAT PRODUCES DIRECT OR REFLECTED GLARE THAT COULD DISTURB THE OPERATOR OF A MOTOR VEHICLE;

(II) ANY LIGHT THAT MAY BE CONFUSED WITH, OR CONSTRUED AS, A TRAFFIC CONTROL DEVICE, EXCEPT AS AUTHORIZED BY FEDERAL, STATE, OR LOCAL GOVERNMENT.

(3) EXTERIOR LIGHTING MUST BE DESIGNED AS DOWN-LIGHTING. SHIELDED LIGHTING, UNLESS SPECIFICALLY PERMITTED BY SUBSECTION (C) OF THIS SECTION, IS REQUIRED.

(C) THE USE OF UNSHIELDED LIGHTING, INCLUDING INCANDESCENT LIGHT BULBS HUNG OR STRUNG ON POLES, WIRES, OR ANY OTHER TYPE OF SUPPORT, ARE PROHIBITED, EXCEPT ON A TEMPORARY BASIS IN AREAS WHERE APPROVED CARNIVALS, FAIRS, OR OTHER SIMILAR ACTIVITIES ARE HELD AND ONLY WHILE THOSE ACTIVITIES ARE TAKING PLACE.

(D) (1) THE MAXIMUM HEIGHT OF LIGHT POLES ON PRIVATE PROPERTY, AS MEASURED FROM GRADE AT THE BASE TO THE BOTTOM OF THE LUMINAIRE, IS AS SPECIFIED BELOW. THESE STANDARDS DO NOT APPLY TO PUBLIC RIGHT-OF-WAY LIGHTING. PERMITTED LIGHT POLE HEIGHTS ARE AS FOLLOWS.

(2) FOR NON-RESIDENTIAL USES:

(I) LIGHTS POLES AND BUILDING-MOUNTED FIXTURES MUST BE DESIGNED WITH FULLY SHIELDED LUMINAIRES. THESE POLES OR MOUNTS MAY NOT EXCEED 25 FEET IN HEIGHT.

(II) LIGHT POLES FOR OUTDOOR RECREATIONAL FACILITIES MAY NOT EXCEED 60 FEET IN HEIGHT. EXTERIOR LIGHTING FOR THE OUTDOOR RECREATION AREAS IS SUBJECT TO DESIGN REVIEW. LIGHT POLES FOR OUTDOOR RECREATIONAL FACILITIES THAT EXCEED 60 FEET IN HEIGHT ARE CONDITIONAL USES.

(3) FOR RESIDENTIAL USES:

(I) LIGHT POLES FOR SINGLE-FAMILY DETACHED AND SEMI-DETACHED DWELLINGS AND ROWHOUSE DWELLINGS MAY NOT EXCEED 6 FEET IN HEIGHT.

(II) LIGHT POLES FOR MULTI-FAMILY USES MAY NOT EXCEED 12 FEET IN HEIGHT.

(III) UNDER-SOFFIT LIGHTING MOUNTED ON A RESIDENTIAL DWELLING MAY NOT BE MOUNTED HIGHER THAN 15 FEET ABOVE THE FINISHED FLOOR HEIGHT OF THE GROUND FLOOR.

§ 15-506. GREENHOUSES AND HOOP-HOUSES.

ANY LIGHTING USED TO ILLUMINATE A GREENHOUSE OR HOOP-HOUSE MUST BE DIRECTED AND SHIELDED SO AS TO MINIMIZE ILLUMINATION OF ANY ADJACENT LOTS. ALL EXTERIOR LIGHTING MUST COMPLY WITH THE REQUIREMENTS OF § 15-505 {"EXTERIOR LIGHTING"} OF THIS SUBTITLE.

§ 15-507. HOME OCCUPATION.

(A) THE HOME OCCUPATION MUST BE CONDUCTED ENTIRELY WITHIN THE DWELLING AND MUST BE CLEARLY INCIDENTAL AND SECONDARY TO THE USE OF THE DWELLING FOR RESIDENTIAL PURPOSES.

(B) A HOME OCCUPATION MAY NOT BE ESTABLISHED BEFORE THE MEMBERS OF THE FAMILY CONDUCTING THE HOME OCCUPATION TAKE POSSESSION OF AND RESIDE IN THE DWELLING.

(C) NO MORE THEN 1 PERSON OTHER THAN A FAMILY MEMBER RESIDING ON THE PREMISES MAY BE EMPLOYED AS PART OF A HOME OCCUPATION.

(D) THE USE MAY NOT CREATE ADDITIONAL PEDESTRIAN, AUTOMOBILE, OR TRUCK TRAFFIC IN EXCESS OF THE NORMAL AMOUNT TYPICAL FOR THE AREA. CLIENT OR CUSTOMER VISITS TO THE SITE ARE LIMITED TO NO MORE THAN 3 A DAY AND 10 A WEEK. NO MORE THAN 1 TRUCK OR VAN, WHOSE CAPACITY IS LIMITED TO 1 TON, MAY BE USED IN ANY MANNER WITH THE HOME OCCUPATION. VEHICLES MAY NOT CONTAIN ADVERTISING FOR THE HOME OCCUPATION.

(E) THE RECEIPT, SALE, OR SHIPMENT OF DELIVERIES IS NOT PERMITTED ON OR FROM THE PREMISES, WITH THE EXCEPTION OF REGULAR U.S. MAIL OR A SHIPPING SERVICE THAT IS CHARACTERISTIC OF SERVICE TO RESIDENTIAL NEIGHBORHOODS.

(F) A HOME OCCUPATION MAY NOT GENERATE NOISE, SOLID WASTE, VIBRATION, GLARE, FUMES, ODORS, OR ELECTRICAL INTERFERENCE BEYOND WHAT NORMALLY OCCURS IN A RESIDENTIAL USE. NO OUTSIDE STORAGE OR DISPLAY OF MATERIALS, MERCHANDISE, INVENTORY, OR HEAVY EQUIPMENT IS PERMITTED.

(G) NO EXTERIOR ALTERATION THAT CHANGES THE RESIDENTIAL CHARACTER OF THE PRINCIPAL BUILDING IS PERMITTED.

(H) NO SIGNS ARE PERMITTED EXCEPT FOR A NAMEPLATE. NAMEPLATES MUST COMPLY WITH § 17807 {"NAMEPLATES"} OF THIS CODE.

(I) ANY TYPE OF MOTOR VEHICLE REPAIR OR SERVICE IS A PROHIBITED HOME OCCUPATION.

(J) DAY CARE HOMES ARE NOT CONSIDERED A HOME OCCUPATION.

§ 15-508. MECHANICAL EQUIPMENT.

(A) IN ALL DISTRICTS, ALL GROUND-BASED MECHANICAL EQUIPMENT, INCLUDING HEATING, VENTILATING, AND AIR-CONDITIONING UNITS AND BACK-UP GENERATORS, MAY BE LOCATED IN

ANY YARD. HOWEVER, IF THE EQUIPMENT IS IN AN INTERIOR SIDE YARD, IT MUST BE AT LEAST 3 FEET FROM THE SIDE LOT LINE.

(B) IF GROUND-BASED MECHANICAL EQUIPMENT IS LOCATED IN A NON-RESIDENTIAL DISTRICT ADJOINING A RESIDENTIAL DISTRICT, THE EQUIPMENT MUST BE COMPLETELY SCREENED IF VISIBLE FROM THE PUBLIC RIGHT-OF-WAY, EXCLUDING ALLEYS, OR FROM THE ADJOINING RESIDENTIAL DISTRICT. SCREENING MATERIALS MAY BE MASONRY, WOOD, LANDSCAPE, OR OTHER OPAQUE MATERIAL, AND MUST EFFECTIVELY SCREEN MECHANICAL EQUIPMENT SO NO PORTION IS VISIBLE FROM A STREET OR ADJACENT LOT. WHERE LANDSCAPE IS USED TO SCREEN MECHANICAL EQUIPMENT, IT MUST BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL. COLOR AND TEXTURE OF A MASONRY SCREEN WALL MUST BE COMPATIBLE WITH THE COLOR AND TEXTURE OF THE PRINCIPAL BUILDING ON THE SITE. IF A PRINCIPAL OR ACCESSORY STRUCTURE OR LANDSCAPE BLOCKS THE VIEW OF GROUND-BASED MECHANICAL EQUIPMENT, THE EQUIPMENT IS CONSIDERED SCREENED.

(C) ANY MECHANICAL EQUIPMENT LOCATED ON THE ROOF OF ANY STRUCTURE IN ANY ZONING DISTRICT MUST BE LOCATED TO ALLOW SAFE ACCESS TO THE ROOF.

§ 15-509. OUTDOOR SALES AND DISPLAY.

(A) RETAIL GOODS ESTABLISHMENTS ARE PERMITTED TO HAVE OUTDOOR SALES AND DISPLAY OF MERCHANDISE, BY EITHER A STOREOWNER OR OCCUPANT. ANY LAWFULLY EXISTING RETAIL GOODS ESTABLISHMENT IS PERMITTED TO DISPLAY AND SELL ITS MERCHANDISE OUTDOORS UNDER THE FOLLOWING CONDITIONS.

(B) NO SALES OR DISPLAY AREA IS PERMITTED IN ANY PUBLIC RIGHT-OF-WAY UNLESS A MINOR PRIVILEGE PERMIT IS OBTAINED. NO SALES OR DISPLAY AREA IS PERMITTED IN A REQUIRED YARD.

(C) OUTDOOR STORAGE OF GOODS NOT OFFERED FOR SALE IS PROHIBITED.

(D) A PORTION OF THE PARKING AREA MAY BE USED FOR OUTDOOR SALES AND DISPLAY ON A TEMPORARY BASIS ONLY, IN TERMS OF BOTH DISPLAY STRUCTURE AND GOODS DISPLAYED OR SOLD (NO PERMANENT DISPLAY STRUCTURES PERMITTED IN PARKING AREAS). NO MORE THAN 10% OF THE REQUIRED PARKING AREA FOR THE EXISTING COMMERCIAL USE MAY BE USED FOR THE TEMPORARY OUTDOOR SALES AND DISPLAY.

(E) IF THE REAR OR INTERIOR SIDE YARD OF AN OUTDOOR SALES AND DISPLAY AREA ABUTS A RESIDENTIAL DISTRICT, THE AREA MUST BE EFFECTIVELY SCREENED FROM VIEW BY AN OPAQUE MASONRY WALL (STONE, STUCCO, OR BRICK), A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE, OR LANDSCAPING IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

(F) MOTOR VEHICLE DEALERSHIP OR RENTAL ESTABLISHMENTS WITH OUTDOOR SALES AND DISPLAY LOTS MUST BE DESIGNED WITH PERMANENT SCREENING OF THE OUTDOOR SALES AND DISPLAY AREA IF ABUTTING THE PUBLIC RIGHT-OF-WAY, EXCLUDING ALLEYS. THE SCREENING MAY CONSIST OF LANDSCAPE SCREENING IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL OR A LOW PEDESTRIAN WALL AT LEAST 3 FEET HIGH.

§ 15-510. OUTDOOR STORAGE.

- (A) USES ALLOWED ACCESSORY OUTDOOR STORAGE.
- (1) THE FOLLOWING USES ARE ALLOWED AS ACCESSORY OUTDOOR STORAGE:
- (I) GREENHOUSES AND NURSERIES, INCLUDING THE GROWING OF PLANTS IN THE OPEN;
 - (II) INDUSTRIAL USES WITHIN THE OIC, C-4, I-1, I-2, AND MI DISTRICTS;
 - (III) MINI-WAREHOUSES IN THE C-4, I-MU, AND I-1 DISTRICTS;
 - (IV) MOTOR VEHICLE DEALERSHIPS OR RENTAL ESTABLISHMENTS (PROHIBITED WHEN ESTABLISHMENT IS REQUIRED TO BE FULLY ENCLOSED);
 - (V) MOTOR VEHICLE OPERATIONS FACILITIES;
 - (VI) MOTOR VEHICLE SERVICE AND REPAIR - STORAGE OF VEHICLES UNDER REPAIR ONLY (PROHIBITED WHEN ESTABLISHMENT IS REQUIRED TO BE FULLY ENCLOSED); AND
 - (VII) OUTDOOR STORAGE YARDS AND CONTRACTOR STORAGE YARDS.
- (2) ADDITIONAL ACCESSORY OUTDOOR STORAGE MAY BE APPROVED BY AS A CONDITIONAL USE.

(B) STANDARDS.

PERMITTED OUTDOOR STORAGE USES MUST COMPLY WITH THE FOLLOWING PROVISIONS:

- (1) NO REQUIRED PARKING AREA MAY BE USED AS OUTDOOR STORAGE;
- (2) ALL OUTDOOR STORAGE MUST MEET MINIMUM YARD REQUIREMENTS;
- (3) ALL MATERIALS STORED MUST BE RELATED TO THE BUSINESS CONDUCTED ON THE PROPERTY; AND
- (4) EXCEPT IN THE I-2 AND MI DISTRICTS, WHERE NO SCREENING IS REQUIRED, ALL OUTDOOR STORAGE MUST COMPLY WITH THE FOLLOWING SCREENING REQUIREMENTS:
 - (I) NO MATERIALS STORED OR DISPLAYED OUTDOORS MAY BE OF A GREATER HEIGHT THAN THAT OF THE SCREENING PROVIDED;
 - (II) ALL OUTDOOR STORAGE AREAS MUST BE COMPLETELY SCREENED BY AN OPAQUE MASONRY WALL (STONE, STUCCO, OR BRICK) OR A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE THAT IS AT LEAST 6 FEET HIGH; AND
 - (III) IF FEASIBLE, PLANT MATERIALS MUST BE INSTALLED ALONG THE FENCE OR WALL LOCATED ALONG THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL TO PROVIDE A SOFTENING EFFECT.

§ 15-511. PARKING GARAGES (RESIDENTIAL).

- (A) THE FOLLOWING DESIGN STANDARDS APPLY TO ALL RESIDENTIAL PARKING GARAGES.

ATTACHED GARAGES ARE NOT CONSIDERED AN ACCESSORY STRUCTURE BUT ARE SUBJECT TO THE DESIGN STANDARDS AND REGULATIONS OF THIS SECTION FOR ATTACHED GARAGES.

(B) (1) FRONT-LOADED ATTACHED GARAGES ARE DISCOURAGED. NEW FRONT-LOADED ATTACHED GARAGES ARE PROHIBITED WHERE REAR OR SIDE ACCESS TO THE LOT IS AVAILABLE, AND RESTRICTED TO AREAS IN WHICH THE CITY'S CURB CUT POLICY WOULD ALLOW FOR A CURB CUT TO ACCESS THE GARAGE. REAR-LOADED AND SIDE-LOADED ATTACHED GARAGES ARE PREFERRED.

(2) FRONT-LOADED ATTACHED GARAGES MAY NOT OCCUPY MORE THAN 50% OF THE WIDTH OF THE FRONT FACADE OF THE DWELLING, AS MEASURED ALONG THE BUILDING LINE THAT FACES THE STREET. {SEE FIGURE 15-511(B): ATTACHED GARAGE DESIGN.}

(3) ATTACHED FRONT-LOADED GARAGES MUST BE LOCATED AT LEAST 5 FEET BEHIND THE MAIN FRONT FACADE OF THE DWELLING. {SEE FIGURE 15-511(B).} THIS MEASUREMENT MUST BE TAKEN FROM THE PART OF THE FRONT FACADE THAT ADJOINS THE GARAGE, EXCEPT THAT THE MEASUREMENT MAY BE TAKEN FROM THE PART OF THE HOUSE CLOSEST TO THE STREET IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

(I) THE FRONT FACADE OF THE HOUSE IS IRREGULAR, I.E., THE FRONT FOUNDATION IS NOT A STRAIGHT LINE;

(II) THE PORTION CLOSEST TO THE STREET IS ACTUAL LIVING SPACE; AND

(III) THE MEASUREMENT IS NOT TAKEN FROM A PORCH, BAY WINDOW, TURRET, OR SIMILAR ARCHITECTURAL FEATURE THAT PROTRUDES FROM THE FACADE.

(4) WINDOWS, DOORS, AND ROOF TREATMENTS OF THAT PART OF THE GARAGE FACING THE STREET MUST INCORPORATE ARCHITECTURAL DETAIL EXPRESSIVE OF A RESIDENCE.

(5) UPPER LEVEL DORMERS AND PITCHED ROOF ELEMENTS MUST BE USED TO DE-EMPHASIZE THE GARAGE. GARAGE OPENINGS, WINDOWS, COLUMNS, TRIMS, DECORATIVE PANELING, AND COLOR MUST DE-EMPHASIZE THE VISUAL IMPACT OF THE GARAGE IN RELATION TO THE BUILDING AS A WHOLE.

(6) NO GARAGE MAY BE USED FOR COMMERCIAL BODY REPAIR, PAINTING, OR ENGINE REBUILDING.

(B) (1) DETACHED GARAGES ARE PERMITTED IN THE REAR YARD AND MUST BE ACCESSED FROM THE REAR OF THE LOT IF REAR ACCESS IS AVAILABLE. DETACHED GARAGES ACCESSED FROM THE FRONT OF THE LOT ARE RESTRICTED TO AREAS IN WHICH THE CITY'S CURB CUT POLICY WOULD ALLOW FOR A CURB CUT TO ACCESS THE GARAGE.

(2) ON LOTS OF 7,300 SQUARE FEET OR LESS IN AREA, DETACHED GARAGES ARE LIMITED TO 660 SQUARE FEET IN AREA.

(3) NO GARAGE MAY BE USED FOR COMMERCIAL BODY REPAIR, PAINTING, OR ENGINE REBUILDING.

§ 15-512. PORCHES.

(A) (1) IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) (I) "ENCLOSED PORCH" MEANS A PORCH THAT IS ENCLOSED BY WALLS, SCREENS, OR OTHER MATERIAL ON 2 OR MORE SIDES.

(II) "ENCLOSED PORCH" INCLUDES A SCREENED-IN PORCH.

(3) "UNENCLOSED PORCH" MEANS A PORCH THAT IS OPEN ON 2 OR MORE SIDES, EVEN IF THE PORCH HAS A RAILING ALONG THE SIDES.

(B) UNENCLOSED PORCHES MAY ENCROACH 8 FEET INTO ANY REQUIRED FRONT OR CORNER SIDE YARD. UNENCLOSED PORCHES IN THE INTERIOR SIDE YARD MUST BE LOCATED AT LEAST 4 FEET FROM THE INTERIOR SIDE LOT LINE. ENCLOSED PORCHES MUST MEET ALL MINIMUM YARD REQUIREMENTS.

(C) FRONT PORCHES MUST REMAIN OPEN. ORIGINAL PORCHES MUST BE RETAINED AND MAY NOT BE FILLED IN WITH OPAQUE MATERIALS.

(D) FOR INFILL CONSTRUCTION OF 1 OR 2 ROWHOUSE UNITS WITHIN A COORDINATED GROUP OF EXISTING ROWHOUSES, THE FOLLOWING STANDARDS MUST BE MET:

(1) PORCH POSTS AND RAILINGS MUST BE COMPATIBLE WITH THE OTHER HOUSES IN THE ROW;

(2) STEPS MUST BE ORIENTED IN THE SAME MANNER AS OTHER HOUSES IN THE ROW; AND

(3) REPLACEMENT STEPS MUST MATCH THE MATERIAL OF THE STEPS ORIGINAL TO THE NEIGHBORHOOD.

(E) WHEN REPLACING PORCH ELEMENTS, THE ORIGINAL ELEMENTS OF THE ROW MUST BE MATCHED AS CLOSELY AS POSSIBLE. T-1-11 PANELING, PLYWOOD, VINYL AND ALUMINUM SIDING, AND CINDERBLOCK ARE PROHIBITED. COLUMNS AND RAILINGS ARE PROHIBITED WHEN NOT PART OF THE ORIGINAL ELEMENTS OF THE ROW.

(F) FOUNDATIONS OF ASHLAR STONE MUST BE REPAIRED AND REPOINTED WITH MATCHING MORTAR AND MORTAR JOINTS.

§ 15-513. PUBLIC PARK ACCESSORY USES.

THE FOLLOWING ACCESSORY USES ARE PERMITTED WITHIN A PUBLICLY-OWNED PARK:

(1) CONCESSION SERVICES, AS FOLLOWS:

(I) SALES OF FOOD AND SUNDRIES; AND

(II) RENTAL OF RECREATIONAL EQUIPMENT;

(2) GRANDSTANDS AS PART OF ATHLETIC FIELDS, WHICH GRANDSTANDS MUST BE LOCATED AT LEAST 200 FEET FROM THE NEAREST LOT LINE IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT;

- (3) INFORMATION KIOSKS;
- (4) PICNIC SHELTERS AND GAZEBOS;
- (5) PUBLIC RESTROOMS; AND
- (6) MOBILE STORAGE STRUCTURES.

§ 15-514. RECYCLING COLLECTION STATIONS.

(A) (1) "RECYCLING COLLECTION STATION" MEANS A RECEPTACLE, USUALLY A TRAILER OR ROLL-OFF, THAT IS LOCATED ON A HARD SURFACE AND USED FOR COLLECTING RECYCLABLE MATERIALS, INCLUDING PAPER (CORRUGATED BOXES, HIGH GRADE PAPER, NEWSPAPERS, AND THE LIKE), CANS (ALUMINUM, TIN, OR BI-METAL), ALUMINUM SCRAP, NON-FERROUS METAL (COPPER, BRASS, ZINC, LEAD, OR TIN), GLASS BOTTLES, AND PLASTICS.

(2) "RECYCLING COLLECTION STATION" INCLUDES RECEPTACLES FOR THE COLLECTION OF LEAF AND YARD WASTE.

(B) RECYCLING COLLECTION STATIONS ARE CONDITIONAL USES, SUBJECT TO THE FOLLOWING STANDARDS:

(1) RECYCLING COLLECTION STATIONS ARE ALLOWED AS A CONDITIONAL USE IN THE C-4, I-1, AND I-2 DISTRICTS;

(2) NO MECHANICAL PROCESSING OR SHREDDING IS ALLOWED ON-SITE;

(3) IN APPROVING A RECYCLING COLLECTION STATION, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST CONSIDER:

(I) THE SIZE OF THE TRANSFER TRAILER OR ROLL-OFF AND ITS LOCATION ON THE SITE;

(II) AVAILABILITY OF OFF-STREET PARKING AND THE IMPACT ON ANY EXISTING PARKING LOT;

(III) WHETHER AN ATTENDANT IS TO BE PROVIDED OR REQUIRED AND THE HOURS OF OPERATION, WHICH MUST BE CLEARLY POSTED ON THE TRAILER OR ROLL-OFF;

(IV) IMPACT ON ADJACENT RESIDENCES OR BUSINESSES;

(V) WHETHER OTHER RECYCLING COLLECTION STATIONS ARE IN THE IMMEDIATE NEIGHBORHOOD;

(VI) WHETHER LANDSCAPING OR SCREENING IS NEEDED AND WHAT IS TO BE PROVIDED; AND

(VII) COMPLIANCE WITH ALL APPLICABLE BUILDING, HOUSING, AND HEALTH CODE STANDARDS.

§ 15-515. REFUSE DISPOSAL CONTAINERS AND REFUSE STORAGE AREAS.

(A) REFUSE DISPOSAL CONTAINERS AND REFUSE STORAGE AREAS MUST BE LOCATED TO THE

REAR OR SIDE OF STRUCTURES.

(B) REFUSE DISPOSAL CONTAINERS AND REFUSE STORAGE AREAS MAY STORE RECYCLING BINS.

(C) (1) ALL REFUSE DISPOSAL CONTAINERS MUST BE FULLY ENCLOSED ON 3 SIDES BY A SOLID WOOD OR SIMULATED WOOD SCREEN FENCE, AN OPAQUE MASONRY WALL (STONE, STUCCO, OR BRICK) OR PRINCIPAL STRUCTURE WALL 6 FEET HIGH. THE ENCLOSURE MUST BE GATED.

(2) THE MATERIALS USED FOR SCREENING, INCLUDING THE ENCLOSURE, MUST COMPLEMENT THE ARCHITECTURE OF THE PRINCIPAL STRUCTURE.

(3) A MINIMUM 10 FEET WIDE BY 10 FEET LONG CONCRETE PAD IS REQUIRED FOR EACH REFUSE DISPOSAL CONTAINER.

(D) AN EXTENSION OF AN EXTERIOR PRINCIPAL STRUCTURE WALL MAY BE USED AS ONE OF THE SCREENING WALLS FOR A REFUSE DISPOSAL CONTAINER, AS LONG AS THE WALL MEETS THE MINIMUM 6-FOOT HEIGHT REQUIREMENT AND IS OF THE SAME BUILDING MATERIALS AS THE PRINCIPAL STRUCTURE. THIS WALL MAY NOT BE THE GATED ENCLOSURE.

(E) IF REFUSE DISPOSAL CONTAINERS ARE USED AS PART OF ON-SITE CONSTRUCTION, THIS SECTION DOES NOT APPLY. HOWEVER, THE CONTAINER MUST BE KEPT ON THE SITE OF THE CONSTRUCTION, UNLESS A MINOR PRIVILEGE PERMIT IS OBTAINED TO ALLOW THE CONTAINER ON THE PUBLIC RIGHT-OF-WAY. THE CONTAINER MUST BE REMOVED ONCE CONSTRUCTION IS COMPLETE.

§ 15-516. SATELLITE DISH ANTENNAS.

(A) GENERAL REQUIREMENTS.

(1) SATELLITE DISH ANTENNAS MUST BE PERMANENTLY INSTALLED ON A BUILDING, IN THE GROUND OR ON A FOUNDATION, AND MAY NOT BE MOUNTED ON A PORTABLE OR MOVABLE STRUCTURE.

(2) SUBJECT TO OPERATIONAL REQUIREMENTS, THE DISH MUST BE OF A NEUTRAL COLOR, SUCH AS WHITE OR GREY, TO BLEND WITH THE SURROUNDINGS AS BEST AS POSSIBLE. NO SIGNS OR ADVERTISING ARE PERMITTED ON THE SATELLITE DISH, ASIDE FROM THE LOGOS OF THE DISH'S SERVICE PROVIDER OR MANUFACTURER.

(3) COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS IS REQUIRED IN THE CONSTRUCTION, INSTALLATION, AND OPERATION OF SATELLITE DISH ANTENNAS.

(4) ALL EXPOSED SURFACES OF THE ANTENNA MUST BE KEPT CLEAN AND ALL SUPPORTS MUST BE PAINTED TO MAINTAIN A WELL-KEPT APPEARANCE. ANTENNAS NO LONGER IN USE MUST BE REMOVED.

(B) SMALL SATELLITE DISH ANTENNAS.

(1) SATELLITE DISH ANTENNAS THAT ARE 1 METER OR LESS IN DIAMETER ("SMALL DISH

ANTENNAS") ARE SUBJECT TO THE GENERAL REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(2) EVERY EFFORT MUST BE MADE TO INSTALL SMALL OR FROM THE PUBLIC RIGHT-OF-WAY. SATELLITE DISHES ARE NOT PERMITTED ON ANY FACADE THAT ADJOINS A STREET UNLESS A REPORT IS SUBMITTED TO VERIFY THAT THIS FACADE IS THE ONLY LOCATION THAT RECEIVES AN ADEQUATE SIGNAL.

(C) LARGE SATELLITE DISH ANTENNAS.

(1) IN GENERAL.

SATELLITE DISH ANTENNAS THAT ARE MORE THAN 1 METER IN DIAMETER ("LARGE DISH ANTENNAS") ARE SUBJECT TO THE GENERAL REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

(2) RESIDENTIAL DISTRICTS.

(I) IN RESIDENTIAL DISTRICTS, A LARGE DISH ANTENNAS IS ALLOWED ONLY IN THE REAR YARD, AND MUST BE SET BACK FROM ALL LOT LINES A DISTANCE THAT IS AT LEAST EQUAL TO THE HEIGHT OF THE DISH, BUT IN NO CASE LESS THAN 5 FEET. ROOF-MOUNTING IS PROHIBITED.

(II) THE OVERALL HEIGHT OF A LARGE DISH ANTENNA CANNOT EXCEED 12 FEET.

(III) A LARGE DISH ANTENNA MUST BE LOCATED AND SCREENED SO THAT IT CANNOT BE READILY SEEN FROM PUBLIC STREETS OR ADJACENT PROPERTIES. SCREENING INCLUDES FENCES, LANDSCAPING, OR EARTH BERMS LOCATED TO CONCEAL THE SIDES AND REAR OF THE ANTENNA AND ITS SUPPORT STRUCTURE. LANDSCAPE SCREENING MUST BE IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

(2) NON-RESIDENTIAL DISTRICTS.

(I) IN NON-RESIDENTIAL DISTRICTS, A LARGE DISH ANTENNA IS ALLOWED ONLY IN THE REAR OR INTERIOR SIDE YARD, AND MUST BE SET BACK FROM ALL LOT LINES A DISTANCE THAT IS AT LEAST EQUAL TO THE HEIGHT OF THE DISH, BUT IN NO CASE LESS THAN 5 FEET.

(II) ROOF-MOUNTING IS ALLOWED IN NON-RESIDENTIAL DISTRICTS ONLY IF THE LARGE DISH ANTENNA IS IN SCALE WITH THE OVERALL BUILDING MASS AND LOCATION AND IS SCREENED BY AN ARCHITECTURAL FEATURE. THE VISIBLE PORTION OF THE DISH MAY NOT EXCEED 25% OF THE CORRESPONDING HEIGHT OR WIDTH OF THE SCREEN.

(III) A GROUND-MOUNTED LARGE DISH ANTENNA MUST PROVIDE SCREENING, WHICH INCLUDES FENCING, BERMING, OR LANDSCAPING IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL SO THAT ALL GROUND-MOUNTED ACCESSORY EQUIPMENT AND THE LOWER PART OF THE SUPPORT STRUCTURE ARE COMPLETELY SCREENED.

§ 15-517. ALTERNATIVE ENERGY SYSTEMS: SOLAR.

(A) BUILDING PERMIT REQUIREMENTS.

BUILDING PERMIT APPLICATIONS FOR SOLAR ALTERNATIVE ENERGY SYSTEMS MUST BE ACCOMPANIED BY A LINE DRAWING OF THE ELECTRICAL COMPONENTS IN SUFFICIENT DETAIL TO ALLOW FOR A DETERMINATION THAT THE MANNER OF THE INSTALLATION CONFORMS TO ALL ELECTRICAL CODES.

(B) HEIGHT, SETBACK LIMITATIONS - GENERAL.

- (1) SOLAR ALTERNATIVE ENERGY SYSTEMS MUST BE INSTALLED TO RISE NO MORE THAN 42 INCHES FROM A ROOF SURFACE.
- (2) A ROOF-MOUNTED SOLAR ALTERNATIVE ENERGY SYSTEM IS CONSIDERED A PERMITTED HEIGHT EXCEPTION AND IS NOT SUBJECT TO THE BUILDING HEIGHT LIMITATIONS OF THE DISTRICT.
- (3) IN THE CASE OF A FLAT ROOF, SOLAR ALTERNATIVE ENERGY SYSTEMS MUST BE SETBACK 3 FEET FROM THE FRONT FACADE.

(C) HEIGHT, YARD, AND SETBACK LIMITATIONS - GROUND-MOUNTED.

- (1) A GROUND-MOUNTED SOLAR ALTERNATIVE ENERGY SYSTEM IS PERMITTED IN ALL YARDS AND MUST BE AT LEAST 3 FEET FROM ANY LOT LINE.
- (2) GROUND-MOUNTED SOLAR ALTERNATIVE SYSTEMS ARE SUBJECT TO THE FOLLOWING HEIGHT LIMITATIONS:
 - (I) FOR A COMMERCIAL ALTERNATIVE ENERGY SYSTEM, THE SYSTEM MAY NOT EXCEED 15 FEET IN HEIGHT; AND
 - (II) FOR A COMMUNITY-BASED OR PRIVATE ALTERNATIVE ENERGY SYSTEM:
 - (A) A SYSTEM LOCATED IN A SIDE OR REAR YARD MAY NOT EXCEED 10 FEET IN HEIGHT; AND
 - (B) A SYSTEM LOCATED IN A FRONT YARD MAY NOT EXCEED 30 INCHES IN HEIGHT.

(D) SCREENING AND SAFETY - GROUND-MOUNTED.

ALL GROUND-MOUNTED SYSTEMS MUST:

- (1) BE VISUALLY SCREENED WITH FENCING OR LANDSCAPE SCREENING; AND
- (2) DISPLAY WARNING SIGNS INDICATING VOLTAGE AND DANGERS.

§ 15-518. ALTERNATIVE ENERGY SYSTEMS: WIND.

(A) BUILDING PERMIT REQUIREMENTS.

BUILDING PERMIT APPLICATIONS FOR WIND ENERGY SYSTEMS MUST BE ACCOMPANIED BY A LINE DRAWING OF THE ELECTRICAL COMPONENTS IN SUFFICIENT DETAIL TO ALLOW FOR A DETERMINATION THAT THE MANNER OF THE INSTALLATION CONFORMS TO ALL ELECTRICAL CODES

(B) HEIGHT LIMITATIONS.

(1) THE MAXIMUM HEIGHT OF ANY GROUND-MOUNTED WIND ENERGY SYSTEM IS 65 FEET OR 20 FEET ABOVE THE TREE LINE, WHICHEVER IS GREATER.

(2) THE MAXIMUM HEIGHT OF ANY ROOF-MOUNTED WIND ALTERNATIVE ENERGY SYSTEM MOUNTED ON A DETACHED ACCESSORY STRUCTURE IS 15 FEET ABOVE THE MAXIMUM PERMITTED HEIGHT FOR THAT STRUCTURE.

(3) THE MAXIMUM HEIGHT OF ANY ROOF-MOUNTED WIND ENERGY SYSTEM MOUNTED ON A PRINCIPAL STRUCTURE IS 10 FEET ABOVE THE MAXIMUM PERMITTED HEIGHT FOR THAT STRUCTURE. HOWEVER, THIS LIMITATION DOES NOT APPLY TO PRINCIPAL STRUCTURES OVER 175 FEET IN HEIGHT, IN WHICH CASE THERE IS NO LIMIT ON THE HEIGHT OF A ROOF-MOUNTED WIND ALTERNATIVE ENERGY SYSTEM.

(4) FOR PURPOSES OF THIS SECTION, MAXIMUM HEIGHT IS THE TOTAL HEIGHT OF THE TURBINE SYSTEM, INCLUDING THE TOWER AND, IF DESIGNED WITH TURBINE BLADES, THE MAXIMUM VERTICAL HEIGHT OF THE TURBINE BLADES. MAXIMUM HEIGHT IS THEREFORE CALCULATED BY MEASURING THE LENGTH OF A PROP AT MAXIMUM VERTICAL ROTATION TO THE BASE OF THE TOWER. THE MAXIMUM HEIGHT OF ANY GROUND-MOUNTED WIND ENERGY SYSTEM IS MEASURED FROM THE LENGTH OF A PROP AT MAXIMUM VERTICAL ROTATION TO GRADE.

(5) IF TURBINE BLADES ARE PART OF THE SYSTEM, NO PORTION OF THE TURBINE BLADES MAY BE WITHIN 20 FEET OF THE GROUND.

(C) YARD AND SETBACK LIMITATIONS.

(1) GROUND-MOUNTED WIND ALTERNATIVE ENERGY SYSTEMS MAY BE LOCATED IN THE REAR YARD ONLY.

(2) NO PART OF THE WIND SYSTEM STRUCTURE, INCLUDING GUY WIRE ANCHORS, MAY EXTEND CLOSER THAN 10 FEET TO ANY LOT LINE OF THE INSTALLATION SITE. THE SYSTEM TOWER MUST BE SETBACK FROM ALL LOT LINES EQUAL TO THE HEIGHT OF THE SYSTEM.

(D) BLADE SPEED CONTROLS.

ALL WIND ALTERNATIVE ENERGY SYSTEMS MUST BE EQUIPPED WITH MANUAL (ELECTRONIC OR MECHANICAL) AND AUTOMATIC OVER-SPEED CONTROLS TO LIMIT THE BLADE ROTATION SPEED TO WITHIN THE DESIGN LIMITS OF THE WIND ALTERNATIVE ENERGY SYSTEM.

(E) NOISE LIMITATIONS.

(1) EXCEPT AS PROVIDED IN THIS SUBSECTION, WIND ALTERNATIVE ENERGY SYSTEMS MAY NOT EXCEED 60 DBA, AS MEASURED AT THE CLOSEST NEIGHBORING INHABITED DWELLING.

(2) THIS LEVEL, HOWEVER, MAY BE EXCEEDED DURING SHORT-TERM EVENTS, SUCH AS UTILITY OUTAGES OR SEVERE WINDSTORMS.

(F) SMALL-WIND CERTIFICATION.

(1) WIND TURBINES MUST BE CERTIFIED BY A SMALL-WIND CERTIFICATION PROGRAM RECOGNIZED BY THE AMERICAN WIND ENERGY ASSOCIATION OR THE U.S. DEPARTMENT OF ENERGY.

(2) ALTERNATIVELY, FOR A NON-CERTIFIED WIND TURBINE, THE APPLICANT MUST SUBMIT TO THE BUILDING OFFICIAL A DESCRIPTION OF THE SAFETY FEATURES OF THE TURBINE PREPARED BY A REGISTERED MECHANICAL ENGINEER.

(G) COMPLIANCE WITH FAA REGULATIONS.

WIND ALTERNATIVE ENERGY SYSTEMS MUST COMPLY WITH APPLICABLE FAA REGULATIONS, INCLUDING ANY NECESSARY APPROVALS FOR INSTALLATIONS CLOSE TO AIRPORTS.

(H) NOTICE TO UTILITY.

NO WIND ALTERNATIVE ENERGY SYSTEM MAY BE INSTALLED UNTIL EVIDENCE HAS BEEN SUBMITTED TO THE BUILDING OFFICIAL THAT THE UTILITY COMPANY HAS BEEN INFORMED OF THE CUSTOMER'S INTENT TO INSTALL AN INTERCONNECTED CUSTOMER-OWNED GENERATOR.

SUBTITLE 6. PERMITTED ENCROACHMENTS

§ 15-601. PERMITTED PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS.

EXCEPT FOR THE PROJECTIONS AND OBSTRUCTIONS SPECIFIED IN TABLE 15-601: PERMITTED ENCROACHMENTS, EVERY PART OF A REQUIRED YARD OR OF ANY OTHER REQUIRED OPEN SPACE MUST BE OPEN AND UNOBSTRUCTED FROM THE GROUND TO THE SKY.

SUBTITLE 7. PERFORMANCE STANDARDS

§ 15-701. PURPOSE.

THE PERFORMANCE STANDARDS IN THIS TITLE ARE DESIGNED TO PROMOTE AND PROTECT COMMERCIAL DISTRICTS, BUSINESS AREAS, AND THE I-MU AND I-1 DISTRICTS, AS LIGHT INDUSTRIAL AREAS, THEREBY PROMOTING AND MAINTAINING THE MOST APPROPRIATE AND BENEFICIAL USE OF THESE AREAS. THE APPLICATION OF THESE STANDARDS PROTECT BUSINESS AND RESIDENTIAL AREAS IN OR ADJACENT TO A COMMERCIAL DISTRICT OR AN I-MU OR I-1 DISTRICT FROM ADVERSE CHARACTERISTICS THAT MIGHT OTHERWISE RESULT FROM THE OPERATION OF THE USES ALLOWED IN THOSE DISTRICTS.

§ 15-702. APPLICABILITY OF STANDARDS.

(A) EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THE PERFORMANCE STANDARDS IN THIS TITLE APPLY TO:

(1) ALL USES IN AN I-MU AND I-1 DISTRICT; AND

(2) ALL ACTIVITIES IN A COMMERCIAL DISTRICT THAT INVOLVE THE PRODUCTION, PROCESSING, CLEANING, SERVICING, TESTING, OR REPAIR OF MATERIALS, GOODS, OR PRODUCTS.

(B) USES LAWFULLY ESTABLISHED BEFORE THESE PERFORMANCE STANDARDS WERE ENACTED OR EXTENDED TO APPLY TO THE DISTRICT IN WHICH THEY ARE LOCATED NEED NOT COMPLY WITH THE STANDARDS. HOWEVER, IF THAT USE IS LATER EXPANDED, THE EXPANSION MUST COMPLY WITH ALL APPLICABLE PERFORMANCE STANDARDS.

§ 15-703. ENVIRONMENTAL PERFORMANCE STANDARDS.

(A) IN GENERAL.

ALL USES IN THE COMMERCIAL DISTRICTS AND THE I-MU AND I-1 DISTRICTS MUST BE SO OPERATED SO AS TO COMPLY WITH THE PERFORMANCE STANDARDS DESCRIBED IN THIS SECTION. IN ADDITION TO THESE PERFORMANCE STANDARDS, ALL USES MUST BE CONSTRUCTED, MAINTAINED, AND OPERATED SO AS NOT TO BE INJURIOUS TO THE USE AND OCCUPATION OF THE ADJACENT PREMISES BY REASON OF THE EMISSION OR CREATION OF NOISE, VIBRATION, RADIATION, FIRE, EXPLOSIVE HAZARD, OR GLARE. NOTHING IN THIS SECTION MAY BE CONSTRUED TO ALTER, CHANGE, MODIFY, OR ABROGATE ANY AUTHORITY GRANTED EXCLUSIVELY TO ANY STATE OR FEDERAL REGULATIONS.

(B) NOISE.

NO ACTIVITY OR USE MAY BE CONDUCTED IN A MANNER THAT GENERATES A LEVEL OF SOUND AS MEASURED ON ANOTHER PROPERTY GREATER THAN THAT ALLOWED BY FEDERAL, STATE, OR LOCAL REGULATIONS. THESE LIMITS DO NOT APPLY TO CONSTRUCTION NOISES, NOISES EMANATING FROM SAFETY SIGNALS OR WARNING DEVICES, NOISES NOT DIRECTLY UNDER THE CONTROL OF THE OWNER OR OCCUPANT OF THE PROPERTY, OR TRANSIENT NOISES FROM MOVING SOURCES, SUCH AS MOTOR VEHICLES, RAILROADS, OR AIRCRAFT.

(C) GLARE AND HEAT.

ANY ACTIVITY OR THE OPERATION OF ANY USE THAT PRODUCES GLARE OR HEAT MUST BE CONDUCTED SO THAT NO GLARE OR HEAT FROM THE ACTIVITY OR OPERATION IS DETECTABLE AT ANY POINT OFF THE LOT ON WHICH THE USE IS LOCATED. FLICKERING OR INTENS SOURCES OF LIGHT MUST BE CONTROLLED OR SHIELDED SO AS NOT TO CAUSE A NUISANCE ACROSS LOT LINES.

(D) VIBRATION.

NO EARTHBORNE VIBRATION FROM THE OPERATION OF ANY USE MAY BE DETECTABLE AT ANY POINT OFF THE LOT ON WHICH THE USE IS LOCATED.

(E) DUST AND AIR POLLUTION.

DUST AND OTHER TYPES OF AIR POLLUTION, BORNE BY THE WIND FROM SOURCES SUCH AS STORAGE AREAS, YARDS, ROADS, CONVEYING EQUIPMENT, AND THE LIKE ON THE LOT, MUST BE KEPT TO A MINIMUM BY APPROPRIATE LANDSCAPING, SCREENING, SHELTERING, PAVING, FENCING, WETTING, COLLECTING, OR OTHER ACCEPTABLE MEANS.

(F) DISCHARGE AND DISPOSAL OF RADIOACTIVE AND HAZARDOUS WASTE.

THE DISCHARGE OR DISPOSAL OF RADIOACTIVE OR HAZARDOUS WASTE MATERIALS MUST COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS THAT GOVERN THOSE MATERIALS OR WASTE, GENERALLY. NO OPERATION THAT PRODUCES RADIOACTIVE OR HAZARDOUS WASTE MATERIAL MAY BEGIN WITHOUT AT LEAST 3 WEEKS PRIOR NOTICE TO THE CITY DEPARTMENT OF PUBLIC WORKS. RADIOACTIVE AND HAZARDOUS WASTE MATERIALS MUST BE TRANSPORTED, STORED, AND USED IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS.

(G) ODORS.

ANY CONDITION OR OPERATION THAT RESULTS IN THE CREATION OF ODORS OF AN INTENSITY AND CHARACTER AS TO BE DETRIMENTAL TO THE HEALTH AND WELFARE OF THE PUBLIC OR THAT INTERFERES UNREASONABLY WITH THE COMFORT OF THE PUBLIC, MUST BE REMOVED, STOPPED, OR MODIFIED SO AS TO REMOVE THE ODOR.

(H) TOXIC SUBSTANCES.

THE STORAGE, HANDLING, OR TRANSPORT OF TOXIC SUBSTANCES MUST COMPLY WITH FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS.

(I) FIRE AND EXPLOSION HAZARDS.

MATERIALS THAT PRESENT POTENTIAL FIRE OR EXPLOSION HAZARDS MUST BE TRANSPORTED, STORED, AND USED ONLY IN CONFORMANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL REGULATIONS.

TITLE 16. OFF-STREET PARKING AND LOADING

SUBTITLE 1. PURPOSE OF TITLE

§ 16-101. PURPOSE

THE OFF-STREET PARKING AND LOADING REGULATIONS OF THIS TITLE ARE INTENDED TO:

- (1) PROVIDE ACCESSIBLE, ATTRACTIVE, SECURE, AND WELL-MAINTAINED OFF-STREET PARKING AND LOADING AREAS WITH THE APPROPRIATE NUMBER OF SPACES IN PROPORTION TO THE NEEDS OF THE PROPOSED USE;
- (2) INCREASE PUBLIC SAFETY BY REDUCING CONGESTION OF PUBLIC STREETS;
- (3) ENCOURAGE THE USE OF ALTERNATIVE MODES OF TRANSPORTATION WHERE APPROPRIATE; AND
- (4) ENSURE THAT PARKING REQUIREMENTS ARE TAILORED TO MAINTAIN PEDESTRIAN ENVIRONMENTS AND SENSITIVE TO THE URBAN FABRIC OF THE CITY.

SUBTITLE 2. GENERAL APPLICABILITY

§ 16-201. EXISTING OFF-STREET PARKING FACILITIES.

(A) THE NUMBER OF EXISTING OFF-STREET PARKING AND LOADING SPACES MAY NOT BE REDUCED BELOW THE REQUIREMENTS OF THIS TITLE. IF THE NUMBER OF THOSE EXISTING SPACES IS ALREADY LESS THAN THE REQUIREMENTS OF THIS TITLE, IT MAY NOT BE FURTHER REDUCED.

(B) IF A BUILDING PERMIT WAS LAWFULLY ISSUED BEFORE THE EFFECTIVE DATE OF THIS CODE AND IF CONSTRUCTION BEGAN WITHIN 180 DAYS OF THE PERMIT'S ISSUANCE, THE NUMBER OF OFF-STREET PARKING AND LOADING SPACES MUST BE PROVIDED IN THE AMOUNT REQUIRED FOR THE ISSUANCE OF THAT BUILDING PERMIT, REGARDLESS OF THE REQUIREMENTS OF THIS TITLE.

§ 16-202. DAMAGE OR DESTRUCTION.

IF A STRUCTURE IS RECONSTRUCTED OR REPAIRED AFTER BEING DAMAGED OR DESTROYED, OFF-STREET PARKING AND LOADING FACILITIES MAY BE RESTORED OR MAINTAINED IN AN AMOUNT EQUIVALENT TO THAT AT THE TIME OF THE DAMAGE OR DESTRUCTION. HOWEVER, IT IS NOT NECESSARY TO RESTORE OR MAINTAIN PARKING AND LOADING FACILITIES IN EXCESS OF THE APPLICABLE REQUIREMENTS OF THIS TITLE.

§ 16-203. ADDITIONS OR EXPANSIONS TO EXISTING STRUCTURES.

(A) IF A STRUCTURE IS INCREASED THROUGH THE ADDITION OF A DWELLING UNIT, FLOOR AREA, SEATING CAPACITY, OR OTHER UNIT OF MEASUREMENT, OFF-STREET PARKING SPACES MUST BE PROVIDED FOR THAT INCREASED INTENSITY, AS REQUIRED BY THIS TITLE.

(B) HOWEVER, A NON-RESIDENTIAL USE THAT WAS LAWFULLY ESTABLISHED BEFORE THE EFFECTIVE DATE OF THIS CODE DOES NOT NEED TO PROVIDE ADDITIONAL OFF-STREET PARKING FOR THAT INCREASE UNTIL THE AGGREGATE INCREASE IN UNITS OF MEASUREMENT EQUALS 10% OR MORE OF THE UNITS OF MEASUREMENT EXISTING ON THE EFFECTIVE DATE OF THIS CODE. ONCE THAT LEVEL OF INCREASE HAS BEEN REACHED, HOWEVER, OFF-STREET PARKING FACILITIES MUST BE PROVIDED, AS REQUIRED BY THIS TITLE, FOR THE TOTAL INCREASE.

§ 16-204. CHANGE IN USE.

IF A STRUCTURE OR LAND CHANGES TO A NEW USE, THE NEW USE MUST PROVIDE THE AMOUNT OF PARKING AND LOADING SPACES REQUIRED BY THIS TITLE.

§ 16-205. PROVISION OF ADDITIONAL SPACES AND PARKING MAXIMUMS.

NOTHING IN THIS TITLE PREVENTS THE VOLUNTARY ESTABLISHMENT OF ADDITIONAL OFF-STREET PARKING OR LOADING FACILITIES. HOWEVER, IN NO CASE MAY OFF-STREET PARKING BE PROVIDED IN EXCESS OF DOUBLE THE REQUIREMENTS OF THIS CODE, EXCEPT FOR DETACHED AND SEMI-DETACHED DWELLINGS, TO WHICH NO MAXIMUM APPLIES. ALL REGULATIONS GOVERNING THE LOCATION, DESIGN, AND CONTROL OF THESE FACILITIES MUST BE IN ACCORDANCE WITH THIS TITLE.

§ 16-206. PROHIBITED USES OF OFF-STREET PARKING AND LOADING SPACES.

(A) ALL OFF-STREET PARKING SPACES REQUIRED BY THIS TITLE MAY ONLY BE USED FOR THE PARKING OF MOTOR VEHICLES AND BICYCLES.

(B) IN NO EVENT MAY REQUIRED PARKING SPACES BE USED FOR THE TEMPORARY OR PERMANENT STORAGE OF VEHICLES FOR SALE OR HIRE.

(C) NO MOTOR VEHICLE REPAIR WORK OR SERVICE OF ANY KIND, EXCEPT EMERGENCY REPAIR SERVICE, IS PERMITTED IN ANY OFF-STREET PARKING SPACE.

(D) NO SPACE ALLOCATED TO AN OFF-STREET LOADING SPACE MAY BE USED TO SATISFY THE REQUIREMENT FOR AN OFF-STREET PARKING SPACE OR ACCESS AISLE, OR PORTION OF EITHER. CONVERSELY, THE AREA ALLOCATED TO AN OFF-STREET PARKING SPACE MAY NOT BE USED TO SATISFY THE REQUIREMENT FOR AN OFF-STREET LOADING SPACE OR PORTION OF A SPACE.

§ 16-207. COMPUTATION OF OFF-STREET PARKING REQUIREMENTS.

(A) THE TOTAL NUMBER OF REQUIRED PARKING, LOADING, AND BICYCLE SPACES IS BASED ON THE REQUIREMENTS FOR THE USE OF THE LOT. HOWEVER, IF A LOT CONTAINS MORE THAN 1 USE, THE NUMBER OF REQUIRED SPACES IS THE SUM OF THE SEPARATE REQUIREMENTS FOR EACH USE. ALL OFF-STREET PARKING FACILITIES MUST BE COMPLETED BEFORE OCCUPANCY OF THE STRUCTURE.

(B) (1) IN COMPUTING THE NUMBER OF OFF-STREET PARKING, LOADING, OR BICYCLE SPACES REQUIRED BY THIS TITLE, THE FOLLOWING STANDARDS OF COMPUTATION APPLY.

(2) A FRACTION OF LESS THAN ONE-HALF MAY BE DISREGARDED, AND A FRACTION OF ONE-HALF OR MORE IS COUNTED AS 1 PARKING OR LOADING SPACE.

(3) IN PLACES OF ASSEMBLY IN WHICH PATRONS OR SPECTATORS OCCUPY BENCHES, PEWS OR SIMILAR SEATING FACILITIES, EACH 24 INCHES OF THE SEATING FACILITY IS COUNTED AS 1 SEAT FOR THE PURPOSE OF DETERMINING THE REQUIREMENT FOR OFF-STREET PARKING FACILITIES. FLOOR AREA OF A PRAYER HALL IS COUNTED AS ONE 1 SEAT PER MARKED PRAYER MAT SPACE OR, IF PRAYER MAT SPACES ARE NOT MARKED, 1 SEAT FOR EVERY 5 SQUARE FEET IN THE PRAYER HALL.

(4) EXCEPT AS OTHERWISE SPECIFIED, PARKING OR LOADING SPACES REQUIRED ON AN EMPLOYEE BASIS IS BASED ON THE MAXIMUM NUMBER OF EMPLOYEES NORMALLY PRESENT ON THE PREMISES AT ANY ONE TIME. IF THE DETERMINATION OF THE NUMBER OF PARKING SPACES IS BASED ON THE NUMBER OF EMPLOYEES, THE OWNER AND THE MANAGER ARE COUNTED AS EMPLOYEE.

§ 16-208. ACCESSIBLE PARKING REQUIREMENTS.

WITH THE EXCEPTION OF SINGLE-FAMILY, DETACHED AND SEMI-DETACHED, DWELLINGS AND ROWHOUSE DWELLINGS, IN ALL OFF-STREET PARKING FACILITIES WHERE PARKING IS PROVIDED FOR EMPLOYEES, VISITORS, OR BOTH, ACCESSIBLE PARKING SPACES MUST BE PROVIDED. THE NUMBER OF ACCESSIBLE PARKING SPACES MUST BE INCLUDED IN THE TOTAL NUMBER OF REQUIRED PARKING SPACES AND MUST BE IN ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF THE MARYLAND ACCESSIBILITY CODE, AND ALL OTHER GOVERNING CODES AND APPLICABLE LAWS. THESE SPACES MUST COMPLY WITH THE DESIGN STANDARDS IN THE

MARYLAND ACCESSIBILITY CODE. THESE SPACES MUST BE IDENTIFIED BY A SIGN AND PAVEMENT MARKINGS INDICATING PARKING FOR THE DISABLED ONLY.

SUBTITLE 3. CONSTRUCTION OF PARKING AND LOADING FACILITIES

§ 16-301. SITE PLAN REVIEW OF PARKING FACILITIES.

SITE PLAN REVIEW IS REQUIRED BEFORE ANY CONSTRUCTION OR ALTERATION OF OR ADDITION TO ANY PARKING FACILITY OF 5 OR MORE PARKING SPACES OR THE CONSTRUCTION OF A NEW LOADING BERTH. FOR PURPOSES OF THIS SECTION, CONSTRUCTION, ALTERATION, OR ADDITION INCLUDES ALL PAVING OF PREVIOUSLY UNPAVED SURFACES, REPLACEMENT OF PAVEMENT WITH NEW BINDER AND SURFACE COURSES, CONSTRUCTION OF CURBING, INSTALLATION OF NEW PARKING LOT LANDSCAPING, AND SIMILAR ACTIVITIES. CONSTRUCTION, ALTERATION, OR ADDITION DOES NOT INCLUDE MAINTENANCE ACTIVITIES SUCH AS REPLACEMENT OF EXISTING LANDSCAPING, REPAIR OF EXISTING CURBING, REPAIRS, SEALING, RE-STRIPING, OR PLACEMENT OF SURFACE COURSE PAVEMENT OVER PREVIOUSLY PAVED AREAS.

§ 16-302. TIME OF COMPLETION.

OFF-STREET PARKING AND LOADING FACILITIES REQUIRED BY THIS TITLE MUST BE COMPLETED BEFORE ISSUANCE OF A USE PERMIT FOR THE USE THESE FACILITIES SERVE.

SUBTITLE 4. DESIGN OF OFF-STREET PARKING FACILITIES

§ 16-401. LOCATION OF OFF-STREET PARKING.

(A) UNLESS OTHERWISE PERMITTED BY THIS TITLE, ALL OFF-STREET PARKING FACILITIES MUST BE LOCATED ON THE SAME LOT AS THE USE OR STRUCTURE SERVED.

(B) IN THE C-1, C-1-E, C-1-VC, AND C-2 DISTRICTS, OFF-STREET PARKING IS PROHIBITED IN FRONT OF THE FRONT BUILDING LINE.

(C) (1) OFF-STREET PARKING FACILITIES MAY BE LOCATED OFF-SITE IF:

(I) THE PARKING FACILITIES ARE LOCATED IN A ZONING DISTRICT WHERE THIS PARKING IS PERMITTED OR ALLOWED AS A CONDITIONAL USE;

(II) THE LAND ON WHICH THE OFF-SITE PARKING FACILITIES ARE LOCATED IS WITHIN 600 FEET OF THE LOT LINE OF THE USE OR STRUCTURE SERVED; AND

(III) THE OFF-SITE PARKING FACILITIES ARE ON A LOT POSSESSED BY THE RECORD TITLEHOLDER OF THE LOT OCCUPIED BY THE STRUCTURE OR USE TO BE SERVED BY THE PARKING FACILITIES.

(2) FOR THE PURPOSES OF THIS SUBSECTION, POSSESSION OF THE FACILITIES MAY BE BY EITHER:

(I) DEED; OR

(II) 20-YEAR OR LONGER RECORDED DEED RESTRICTION.

(3) THE LOCATION OF THE OFF-SITE PARKING FACILITIES AND THE TERM AND CONTENTS OF THE DEED OR DEED RESTRICTION PERMITTING THE OWNER OF THE USE OR STRUCTURE SERVED TO USE THE OFF-SITE FACILITIES ARE SUBJECT TO THE APPROVAL OF THE ZONING ADMINISTRATOR. THE DEED OR DEED RESTRICTION MUST BE RECORDED IN THE LAND RECORDS OF BALTIMORE CITY, BINDING THE OWNER OF THAT LOT AND THE OWNER'S HEIRS AND ASSIGNS TO MAINTAIN THE REQUIRED NUMBER OF PARKING SPACES FOR THE DURATION OF THE USE SERVED OR THE TERM OF THE DEED OR DEED RESTRICTION, WHICHEVER FIRST TERMINATES.

(4) A USE MAY UTILIZE VALET SERVICE TO AN OFF-SITE PARKING FACILITY WITH NO DISTANCE RESTRICTION. HOWEVER, THE OFF-SITE PARKING FACILITY MUST PROVIDE THE REQUIRED NUMBER OF SPACES. THE USE MUST CERTIFY THAT VALET SERVICE WILL BE USED AND THAT THE REQUIRED NUMBER OF SPACES HAS BEEN PROVIDED.

§ 16-402. MINIMUM DIMENSION OF OFF-STREET PARKING SPACES.

(A) OFF-STREET PARKING SPACES MUST BE DESIGNED IN ACCORDANCE WITH TABLE 16-402: OFF-STREET PARKING DIMENSIONS.

(B) ALL PARKING SPACES MUST HAVE A MINIMUM VERTICAL CLEARANCE OF 7 FEET 6 INCHES. HANDICAP VAN ACCESSIBLE FLOORS MUST HAVE A MINIMUM CLEARANCE OF 8 FEET 2 INCHES.

§ 16-403. ACCESS.

(A) EACH OFF-STREET SPACE MUST OPEN DIRECTLY ONTO AN AISLE OR DRIVEWAY WIDE ENOUGH TO PROVIDE ADEQUATE MEANS OF VEHICULAR ACCESS TO THE PARKING SPACE. ALL OFF-STREET PARKING FACILITIES MUST PROVIDE APPROPRIATE MEANS OF VEHICULAR ACCESS IN A MANNER THAT LEAST INTERFERES WITH TRAFFIC MOVEMENT AND IN A WAY THAT PERMITS VEHICLES TO ENTER OR LEAVE THE PARKING SPACES WITHOUT HAVING TO MOVE ANY OTHER VEHICLE.

(B) ALL REQUIRED OFF-STREET PARKING FACILITIES MUST HAVE VEHICULAR ACCESS FROM A STREET, AN ALLEY AT LEAST 10 FEET WIDE, A DRIVEWAY, OR CROSS-ACCESS EASEMENT CONNECTION.

(C) IN THE RESIDENTIAL AND COMMERCIAL DISTRICTS, IF OFF-STREET PARKING AREAS CAN BE ACCESSED FROM AN ALLEY AT LEAST 15 FEET WIDE, ACCESS FROM THE ALLEY IS REQUIRED AND NEW CURB CUTS ALONG THE PUBLIC RIGHT-OF-WAY ARE PROHIBITED.

(D) WITHIN OFF-STREET PARKING FACILITIES, ONE-WAY TRAFFIC AISLES MUST BE DESIGNED IN ACCORDANCE WITH TABLE 16-402.

§ 16-404. DRIVEWAYS.

(A) ALL DRIVEWAY DESIGNS WITH ACCESS ONTO CITY-OWNED ROADWAYS MUST CONFORM TO THE CITY DEPARTMENT OF TRANSPORTATION'S BOOK OF STANDARDS.

(B) REGULATIONS FOR DRIVEWAY RADII AND MAXIMUM DRIVEWAY WIDTH STANDARDS ARE CONTAINED IN TABLE 16-404(B): DRIVEWAY STANDARDS.

(C) DRIVEWAYS MUST BE LOCATED AT LEAST 1 FOOT FROM THE SIDE LOT LINE. HOWEVER, A RESIDENTIAL DRIVEWAY MAY BE LOCATED ON THE LOT LINE IF IT PHYSICALLY ABUTS A DRIVEWAY ON THE ADJOINING LOT. THIS LOCATION WILL ONLY BE ALLOWED IF AGREED TO BY THE OWNERS OF EACH LOT AND THAT AGREEMENT IS RECORDED AS A SHARED DRIVEWAY EASEMENT ON EACH SURVEY PLAT. {SEE FIGURE 16-404(C): DRIVEWAY LOCATION.}

(D) SINGLE-FAMILY DETACHED AND SEMI-DETACHED DWELLINGS AND ROWHOUSE DWELLINGS ARE ALLOWED A PAVED PARKING PAD. THIS PARKING PAD MAY NOT BE LOCATED IN THE REQUIRED FRONT OR CORNER SIDE YARD AND MUST BE SET BACK 1 FOOT FROM THE INTERIOR SIDE LOT LINE. IN ADDITION, NO PARKING PADS MAY BE LOCATED FORWARD OF THE FRONT BUILDING LINE. PARKING PADS MAY NOT EXCEED 18 FEET IN DEPTH, AS MEASURED FROM THE PROPERTY LINE OR RIGHT-OF-WAY. ANY DRIVEWAY MUST COMPLY WITH THE REQUIREMENTS OF THIS SECTION. THE MINIMUM IMPERVIOUS SURFACE REQUIREMENT FOR THE LOT MAY NOT BE EXCEEDED TO ACCOMMODATE A PARKING PAD. FIGURE 16-404(D): PARKING PAD LOCATION ILLUSTRATES WHERE A PARKING PAD MAY BE LOCATED.

§ 16-405. CURB CUTS

(A) CURB CUTS FOR DRIVEWAYS REQUIRE A CURB CUT PERMIT FROM THE DEPARTMENT OF GENERAL SERVICES, WITH REVIEW AND APPROVAL BY THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF PLANNING. NO PERSON MAY CONSTRUCT, WIDEN, REMOVE, OR ALTER ANY DRIVEWAY OR CURB CUT WITHOUT A PERMIT ISSUED BY THE DEPARTMENT OF GENERAL SERVICES.

(B) (1) FOR RESIDENTIAL-, COMMERCIAL-, AND INDUSTRIAL-ZONED PROPERTIES, CURB CUTS WILL BE CONSIDERED UNDER THE FOLLOWING CONDITIONS:

(I) FOR ACCESS TO PARKING GARAGES (PRINCIPAL USE);

(II) FOR ACCESS TO PARKING LOTS WITH MORE THAN 5 SPACES;

(III) FOR DWELLING UNITS WITHOUT REAR OR SIDE ACCESS, WHERE NO ON-STREET PARKING IS ALLOWED ALONG THE FRONT LOT LINE;

(IV) FOR DWELLING UNITS THAT ARE CAPABLE OF SECURING SIDE STREET ACCESS TO GARAGE OR PAD; AND

(V) IN CASES WHERE THE PROPOSED PRIVATE PARKING WILL PROVIDE A NET GAIN OVER THE DISPLACED AMOUNT OF ON-STREET PARKING.

(2) EXISTING CURB CUTS OR ABANDONED CURB CUTS DO NOT GUARANTEE APPROVAL FOR REUSE UNLESS THERE IS AN EXISTING PERMIT. IN ADDITION, EXISTING CURB CUTS LAWFULLY ESTABLISHED IN THE IMMEDIATE VICINITY DO NOT GUARANTEE APPROVAL OF ANY GIVEN REQUEST.

(3) THE CITY RESERVES THE RIGHT TO DENY A CURB CUT REQUEST REGARDLESS OF THE AVAILABILITY OR UNAVAILABILITY OF SIDE AND REAR ACCESS.

§ 16-406. DRIVE-THROUGH FACILITY STACKING SPACES.

(A) EVERY DRIVE-THROUGH FACILITY MUST PROVIDE AT LEAST 4 STAKING SPACES PER BAY OR LANE, UNLESS OTHERWISE REQUIRED BY TABLE 16-406(A): REQUIRED OFF-STREET PARKING OR OTHERWISE BY THIS CODE.

(B) STACKING SPACES PROVIDED FOR DRIVE-THROUGH USES MUST:

(1) BE AT LEAST 9 FEET WIDE, AS MEASURED FROM THE OUTERMOST POINT OF ANY SERVICE WINDOW TO THE EDGE OF THE DRIVE AISLE, AND AT LEAST 18 FEET LONG {SEE FIGURE 16406(B)(1): MEASUREMENT OF DRIVE-THROUGH.};

(2) BE PLACED IN A SINGLE LINE BEHIND THE DRIVE-THROUGH FACILITY;

(3) BE LOCATED SO THAT, WHEN IN USE, THEY DO NOT OBSTRUCT INGRESS OR EGRESS TO THE SITE AND DO NOT OBSTRUCT ACCESS TO REQUIRED PARKING OR LOADING SPACES;

(4) BEGIN BEHIND THE VEHICLE PARKED AT A LAST POINT OF SERVICE, SUCH AS A WINDOW OR CAR WASH BAY {SEE FIGURE 16-406(B)(4): STACKING SPACES}; AND

(5) COMPLY WITH ANY ADDITIONAL STANDARDS IN § 14-311 {"DRIVE-THROUGH FACILITIES"}.

§ 16-407. SURFACING.

(A) 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.

(B) FOR SINGLE-FAMILY DETACHED AND SEMI-DETACHED DWELLINGS, A PARKING SPACE MAY CONSIST OF 2 PARALLEL PAVED PARKING STRIPS, EACH OF WHICH IS AT LEAST 18 INCHES WIDE AND AT LEAST 18 FEET LONG. {SEE FIGURE 16-407: PARALLEL PARKING STRIPS.}

(C) FOR SINGLE-FAMILY DETACHED AND SEMI-DETACHED AND ROWHOUSE DWELLINGS, DRIVEWAYS MAY BE CONSTRUCTED OF SEMI-PERVIOUS MATERIALS, SUCH AS GRASS-CRETE, PERVIOUS PAVERS, AND GRAVEL.

§ 16-408. PAVEMENT MARKING.

OFF-STREET PARKING AREAS OF 5 OR MORE SPACES MUST DELINEATE THE PARKING SPACES WITH PAINT OR OTHER PERMANENT MATERIALS, WHICH MUST BE MAINTAINED IN CLEARLY VISIBLE CONDITION. ACCESSIBLE PARKING SPACES MUST BE IDENTIFIED WITH THE APPROPRIATE SIGN AND MUST BE VISIBLE AT ALL TIMES OF THE YEAR.

§ 16-409. CURBING AND WHEEL STOPS.

WHEEL STOPS OR CURBING MUST BE PROVIDED TO PREVENT VEHICLES FROM DAMAGING OR ENCROACHING ON AN ADJACENT PARKING OR LOADING SPACE, SIDEWALK, LANDSCAPED AREA, OR PARKING LOT ISLAND, FENCE, WALL, OR BUILDING. CURBING MUST BE AT LEAST 6 INCHES IN HEIGHT, IN ACCORDANCE WITH BUILDING CODE § 3111.4.

§ 16-410. LIGHTING.

PARKING LOT LIGHTING MUST COMPLY WITH § 15-505 {"EXTERIOR LIGHTING"} OF THIS CODE. ILLUMINATION OF AN OFF-STREET PARKING AREA MUST BE ARRANGED SO AS TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES AND STREETS.

§ 16-411. LANDSCAPING AND SCREENING.

ALL PARKING LOTS MUST BE LANDSCAPED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

SUBTITLE 5. PERMITTED PARKING ALTERNATIVES

§ 16-501. COLLECTIVE AND ALTERNATING SHARED PARKING.

(A) COLLECTIVE PARKING.

(1) OFF-STREET PARKING SPACES FOR SEPARATE USES MAY BE PROVIDED COLLECTIVELY IF THE AGGREGATE NUMBER OF SPACES PROVIDED IS NOT LESS THAN THE SUM OF THE SPACES REQUIRED IN TABLE 16-501: COLLECTIVE PARKING CALCULATION. TABLE 16-501 IS APPLIED AS PROVIDED IN THIS SUBSECTION.

(2) THE REQUIRED NUMBER OF SPACES FOR EACH USE IS CALCULATED ACCORDING TO TABLE 16-501(A): REQUIRED OFF-STREET PARKING.

(3) THE REQUIRED NUMBER OF SPACES FOR EACH USE IS THEN APPLIED TO THE PERCENTAGES SHOWN IN TABLE 16-501 FOR EACH APPLICABLE TIME FRAME AND THE APPROPRIATE LAND USE CATEGORY, TO DETERMINE THE NUMBER OF REQUIRED SPACES.

(4) THE NUMBER OF SPACES ARE ADDED FOR ALL LAND USES WITHIN EACH TIME FRAME, AND THE HIGHEST SUM TOTAL IN A TIME FRAME IS THE REQUIRED NUMBER OF SPACES.

(B) ALTERNATELY SHARED PARKING ARRANGEMENTS.

(1) AN OFF-STREET PARKING FACILITY MAY BE ALTERNATELY SHARED BETWEEN 2 OR MORE USES, AS LONG AS THE USE OF THAT FACILITY BY EACH USER DOES NOT OCCUR AT THE SAME TIME. ALTERNATELY SHARED PARKING ARRANGEMENTS MUST MEET THE CONDITIONS SET FORTH IN THIS SUBSECTION.

(2) THE ZONING ADMINISTRATOR MUST CONFIRM THAT THE USE OF THE FACILITY BY EACH USER DOES NOT TAKE PLACE AT THE SAME HOURS DURING THE SAME DAYS OF THE WEEK.

(3) THE USERS OF THE ALTERNATING SHARED PARKING ARRANGEMENT MUST RECORD AN AGREEMENT TO SHARE THE PARKING FACILITIES, SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR. A COPY OF THE RECORDED AGREEMENT MUST BE SUBMITTED TO THE ZONING ADMINISTRATOR.

(4) THE OFF-SITE PARKING FACILITIES MUST BE LOCATED WITHIN 300 FEET OF THE LOT LINE OF THE USE OR STRUCTURE SERVED.

(5) ANY SUBSEQUENT CHANGE IN OWNERSHIP OR USE MUST REQUIRE PROOF THAT THE MINIMUM PARKING REQUIREMENTS, PER THIS TITLE, HAVE BEEN MET FOR EACH USE. THE OWNER OF AN EXISTING BUILDING OR USE HAS 180 DAYS WITHIN WHICH TO ACCOMMODATE REQUIRED OFF-STREET PARKING OR TO APPLY FOR A VARIANCE. IF THE OWNER IS UNABLE TO ACCOMMODATE THE PARKING OR APPLY FOR A VARIANCE, THEN THE USE PERMIT IS REVOKED WITH RESPECT TO THE USE FOR WHICH THE SEPARATE PARKING WAS REQUIRED. THE USE PERMIT WILL BE REINSTATED WHEN ALL APPLICABLE PROVISIONS OF THIS TITLE ARE COMPLIED WITH. AS AN ALTERNATIVE TO A VARIANCE, A NEW SHARED PARKING AGREEMENT MAY BE ARRANGED IN ACCORDANCE WITH THIS SUBSECTION.

§ 16-502. LAND-BANKED FUTURE PARKING

(A) LAND BANKING ALLOWS FOR DESIGNATING A PORTION OF LAND ON A SITE THAT WOULD BE REQUIRED FOR PARKING TO BE HELD AND PRESERVED AS OPEN SPACE, RATHER THAN CONSTRUCTED AS PARKING. THE DEPARTMENT OF PLANNING MAY PERMIT LAND BANKING OF UP TO 25% OF THE REQUIRED PARKING SPACES THROUGH THE SITE PLAN REVIEW PROCESS, SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT MUST PROVIDE SUFFICIENT EVIDENCE THAT SUPPORTS THE REDUCED PARKING NEEDS.

(C) THE AREA PROPOSED FOR LAND BANKING OF PARKING SPACES MUST BE AN AREA SUITABLE FOR PARKING AT A FUTURE TIME.

(D) THE LAND-BANKED AREA MAY NOT BE USED FOR ANY OTHER USE AND MUST BE PART OF THE SAME LOT AND ALL UNDER THE SAME OWNERSHIP.

(E) AS PART OF THE SITE PLAN REVIEW PROCESS, THE APPLICANT MUST SHOW THE AREA TO BE BANKED ON THE SITE PLAN AND MARKED AS "LAND-BANKED FUTURE PARKING".

(F) THE ZONING ADMINISTRATOR, ON THE BASIS OF INCREASED PARKING DEMAND FOR THE USE, MAY REQUIRE THE CONVERSION OF ALL OR PART OF THE LAND-BANKED AREA TO OFF-STREET PARKING SPACES.

§ 16-503. ON-RIGHT-OF-WAY PARKING BONUS.

(A) IN THE C-2 AND I-MU DISTRICTS, ON-STREET PARKING SPACES THAT ARE LOCATED ON THE RIGHT-OF-WAY ALONG THE FRONT OR SIDE PROPERTY LINE MAY BE COUNTED TOWARD REQUIRED OFF-STREET PARKING SPACES. NEW ON-RIGHT-OF-WAY PARKING SPACES MAY BE CREATED TO COUNT TOWARD REQUIRED OFF-STREET PARKING, BUT THEY MUST BE LOCATED ALONG THE SIDE OR FRONT PROPERTY LINE AND MUST BE ACCESSIBLE TO THE PUBLIC 24 HOURS A DAY. AT LEAST 50% OF THE WIDTH OF AN ON-RIGHT-OF-WAY SPACE MUST BE LOCATED ALONG THE PROPERTY LINE OF THE PROPERTY UNDER CONSIDERATION IN ORDER TO COUNT TOWARD OFF-STREET PARKING REQUIREMENTS. {SEE FIGURE 16-503(1): ON-STREET PARKING AND FIGURE 16503(2): ON-STREET PARKING CONSIDERATION STANDARD.} THESE SPACES ARE NOT RESERVED FOR THE ESTABLISHMENTS THAT UTILIZE THIS EXEMPTION. WHEN AN APPLICANT SEEKS TO UTILIZE THIS PROVISION, THE DIRECTOR OF PLANNING MAY SEEK VERIFICATION FROM THE DEPARTMENT OF TRANSPORTATION THAT THE SPACES ARE AVAILABLE.

(B) ANY SUBSEQUENT CHANGE IN AVAILABILITY OF ON-RIGHT-OF-WAY PARKING MUST

REQUIRE PROOF THAT THE MINIMUM PARKING REQUIREMENTS, PER THIS TITLE, HAVE BEEN MET. THE OWNER OF AN EXISTING BUILDING OR USE HAS 180 DAYS WITHIN WHICH TO ACCOMMODATE REQUIRED OFF-STREET PARKING OR TO APPLY FOR A VARIANCE. IF THE OWNER IS UNABLE TO ACCOMMODATE THE PARKING OR APPLY FOR A VARIANCE, THEN THE USE PERMIT IS REVOKED WITH RESPECT TO THE USE FOR WHICH THE SEPARATE PARKING WAS REQUIRED. THE USE PERMIT WILL BE REINSTATED WHEN ALL APPLICABLE PROVISIONS OF THIS TITLE ARE COMPLIED WITH.

§ 16-504. FEE-IN-LIEU PARKING REDUCTION.

(A) A REDUCTION IN THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR THE C-2, C-3, AND C-4 DISTRICTS MAY BE GRANTED BY THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY AUTHORIZE THE REQUESTED PARKING REDUCTION CONDITIONED ON PAYMENT, BY THE OWNER, OF A FEE-IN-LIEU OF PROVIDING THE PLANNING COMMISSION WITH THE APPROVAL OF THE BOARD OF ESTIMATES. THIS PAYMENT WILL BE PLACED INTO A CITY FUND TO BE USED FOR THE ACQUISITION, CONSTRUCTION, AND MAINTENANCE OF PUBLIC OFF-STREET PARKING FACILITIES OR ALTERNATIVE TRANSPORTATION OPTIONS TO THE AREA. THE PARKING AUTHORITY MUST PRESENT A FORMAL REPORT TO THE PLANNING COMMISSION ON THIS TYPE OF ARRANGEMENT AND OUTLINE THE PROPOSED USE OF THESE FUNDS.

(B) ON PAYMENT, THE PROPERTY GRANTED THE MODIFICATION IN THE NUMBER OF REQUIRED OFF-STREET SPACES WILL BE CREDITED PERMANENTLY WITH THE NUMBER OF SPACES FOR WHICH PAYMENT WAS RECEIVED BY THE CITY.

§ 16-505. CROSS-ACCESS EASEMENTS

(A) ADJACENT COMMERCIAL USES THAT POSSESS DEDICATED PARKING AREAS ARE ENCOURAGED TO PROVIDE A CROSS-ACCESS DRIVE TO ALLOW CIRCULATION BETWEEN SITES. FOR NEW COMMERCIAL AND OFFICE USES, A SYSTEM OF JOINT-USE DRIVEWAYS AND CROSS-ACCESS EASEMENTS IS ENCOURAGED WHERE FEASIBLE. COMMERCIAL PROPERTY OWNERS ARE ENCOURAGED TO PURSUE CROSS-ACCESS WITH NEIGHBORING PROPERTY OWNERS WHEN SITE PLAN REVIEW IS REQUESTED. IF CROSS-ACCESS WILL BE PROVIDED, THE ZONING ADMINISTRATOR MAY REQUIRE THAT THE PROPERTY OWNER PROVIDE PROOF THAT ADJACENT PROPERTY OWNERS HAVE BEEN CONTACTED IN WRITING REGARDING THE PROVISION OF CROSS-ACCESS. {SEE FIGURE 16-505: CROSS-ACCESS EASEMENTS.}

(B) JOINT-USE DRIVEWAYS AND CROSS-ACCESS EASEMENTS MUST INCORPORATE THE FOLLOWING:

(1) A MINIMUM WIDTH OF 24 FEET TO ENSURE 2-WAY TRAVEL AISLES TO ACCOMMODATE AUTOMOBILES, SERVICE VEHICLES AND LOADING VEHICLES;

(2) BUMP-OUTS AND OTHER DESIGN FEATURES TO MAKE IT VISUALLY OBVIOUS THAT THE ABUTTING PROPERTIES ARE TIED TOGETHER; AND

(3) A UNIFIED ACCESS AND CIRCULATION PLAN FOR COORDINATED OR SHARED-PARKING AREAS.

(C) PROPERTY OWNERS WHO ESTABLISH CROSS-ACCESS EASEMENTS UNDER THIS SECTION MUST:

(1) RECORD AN EASEMENT THAT ALLOWS CROSS-ACCESS TO AND FROM PROPERTIES SERVED BY THE JOINT-USE DRIVEWAYS AND CROSS-ACCESS EASEMENT;

(2) RECORD AN EASEMENT TO THE EFFECT THAT REMAINING ACCESS RIGHTS ALONG THE ROADWAY WILL BE DEDICATED TO THE CITY, AND THAT ANY PRE-EXISTING DRIVEWAYS WILL BE CLOSED AND ELIMINATED AFTER CONSTRUCTION OF THE JOINT-USE DRIVEWAY; AND

(3) RECORD A JOINT MAINTENANCE AGREEMENT THAT DEFINES THE MAINTENANCE RESPONSIBILITIES OF EACH PROPERTY OWNER.

SUBTITLE 6. REQUIRED OFF-STREET PARKING

§ 16-601. EXEMPTIONS FROM OFF-STREET PARKING REQUIREMENTS.

(A) THE FOLLOWING DISTRICTS AND USES ARE ALLOWED THE FOLLOWING EXEMPTIONS FROM THE OFF-STREET PARKING REQUIREMENTS OF TABLE 16-406(A): REQUIRED OFF-STREET PARKING. THESE DO NOT INCLUDE EXEMPTIONS FROM REQUIRED BICYCLE PARKING.

(B) ZONING DISTRICTS EXEMPT.

THE C-1, C-1-E, AND C-5 DISTRICTS AND ALL NON-RESIDENTIAL USES IN THE R-MU AND D-MU OVERLAY DISTRICTS ARE EXEMPT FROM PARKING REQUIREMENTS.

(C) SQUARE FOOTAGE EXEMPTION FOR C-2..

THE FIRST 2,500 SQUARE FEET OF GROSS FLOOR AREA FOR COMMERCIAL USES IN THE C-2 DISTRICT ARE EXEMPT FROM THE PARKING REQUIREMENTS OF TABLE 16-406(A). THOSE COMMERCIAL USES 2,500 SQUARE FEET OR LESS IN GROSS FLOOR AREA LOCATED WITHIN A MULTI-TENANT CONFIGURATION (E.G., A SHOPPING CENTER) ARE NOT ELIGIBLE FOR THIS EXEMPTION AND MUST PROVIDE THE REQUIRED PARKING.

(D) ALL COMMERCIAL DISTRICTS.

IF THE APPLICATION OF THIS TITLE RESULTS IN A REQUIREMENT OF NO MORE THAN 2 PARKING SPACES ON A SINGLE LOT IN A COMMERCIAL DISTRICT, THOSE OFF-STREET PARKING SPACES DO NOT NEED TO BE PROVIDED. THIS DOES NOT APPLY TO OFF-STREET PARKING REQUIRED FOR DWELLING UNITS.

(E) ROWHOUSE DWELLING.

FOR A ROWHOUSE DWELLING THAT IS PLACED, CONSTRUCTED, OR RECONSTRUCTED IN AN EXISTING ROW OF ATTACHED OR FORMERLY ATTACHED ROWHOUSE DWELLINGS, NO OFF-STREET PARKING SPACES NEED BE PROVIDED IF ANY OF THE FOLLOWING CIRCUMSTANCES ARE MET:

(1) NO OFF-STREET PARKING SPACE EXISTED FOR THE PREVIOUS DWELLING;

(2) THE LOT ADJOINS A STREET THAT IS AT LEAST 34 FEET WIDE;

(3) THE LOT IS LESS THAN 85 FEET DEEP; OR

(4) REGARDLESS OF THE DEPTH OF THE LOT OR THE WIDTH OF THE STREET, THE ALLEY ADJOINING THE DWELLING IS LESS THAN 10 FEET WIDE.

(F) NEIGHBORHOOD COMMERCIAL ESTABLISHMENT.

WHERE A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT IS PERMITTED BY THIS CODE, THAT USE IS EXEMPT FROM PARKING REQUIREMENTS.

(G) STRUCTURES OVER 50 YEARS OLD, ETC.

STRUCTURES OVER 50 YEARS OLD OR STRUCTURES THAT HAVE RECEIVED AN HISTORIC TAX CREDIT ARE EXEMPT FROM THE PARKING REQUIREMENTS, SUBJECT TO REVIEW AND APPROVAL BY THE DIRECTOR OF PLANNING, IF THEY HAVE NOT HISTORICALLY PROVIDED PARKING AND THEY LACK SUFFICIENT SPACE ON THE LOT TO ACCOMMODATE PARKING. HOWEVER, ANY CONVERSIONS OF ROWHOUSE DWELLINGS (TITLE 9, SUBTITLE 7) EXISTING AS OF THE EFFECTIVE DATE OF THIS CODE MUST PROVIDE ADDITIONAL PARKING SPACES FOR THE ADDITIONAL DWELLING UNITS REQUIRED BY THIS CODE.

§ 16-602. REQUIRED OFF-STREET PARKING.

(A) THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES TO BE PROVIDED FOR THE DESIGNATED USES IS AS IN TABLE 16-406(A): REQUIRED OFF-STREET PARKING. TABLE 16-406(A) LISTS PARKING REQUIREMENTS FOR THE GENERIC USES LISTED WITHIN THE DISTRICTS. IN SOME CASES, USES THAT ARE CONSIDERED PART OF A GENERIC USE CATEGORY ARE LISTED WITH SPECIFIED PARKING REQUIREMENTS. THESE SPECIFIC USES ARE LISTED ONLY FOR THE PURPOSES OF THIS TITLE AND DO NOT INDICATE WHETHER THE USES ARE PERMITTED OR CONDITIONAL USES WITHIN ANY DISTRICT. CERTAIN GENERIC USES LISTED WITHIN THE DISTRICTS DO NOT HAVE PARKING REQUIREMENTS. THESE TYPES OF USES ARE NOT LISTED IN TABLE 16-406(A).

(B) NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY 2 DWELLING UNITS IN DWELLINGS ERECTED OR REHABILITATED TO BE SOLD TO, TO BE DEVELOPED BY, OR TO BE DEVELOPED FOR THE USE OF THE HOUSING AUTHORITY OF BALTIMORE CITY FOR LOW-RENT PUBLIC HOUSING.

(C) NO MORE THAN 1 PARKING SPACE NEED BE PROVIDED FOR EVERY FOUR 4 UNITS DESIGNED FOR OCCUPANCY BY THE ELDERLY IN A GOVERNMENT-ASSISTED PRIVATE OR PUBLIC HOUSING DWELLING.

(D) COMPACT SPACES MAY BE SUBSTITUTED FOR REQUIRED PARKING SPACES SUBJECT TO SITE PLAN REVIEW AND APPROVAL. THE USE OF COMPACT SPACES MAY NOT REDUCE OR INCREASE THE AMOUNT OF PARKING REQUIRED BY TABLE 16-406(A) AND THIS CODE .

SUBTITLE 7. REQUIRED BICYCLE PARKING

§ 16-701. DESIGN STANDARDS FOR ALL BICYCLE PARKING

(A) REQUIRED BICYCLE SPACES MUST BE AT LEAST 2 FEET WIDE BY 6 FEET LONG, WITH A

MINIMUM OVERHEAD VERTICAL CLEARANCE OF 7 FEET 6 INCHES, EXCEPT FOR APPROVED BIKE LOCKERS AND OTHER ENCLOSURES, WHICH MAY BE SHORTER IN HEIGHT.

(B) ALL BICYCLE PARKING SPACES REQUIRED BY THIS TITLE MUST BE USED SOLELY FOR THE PARKING OF BICYCLES.

(C) IF REQUIRED BICYCLE PARKING FACILITIES ARE NOT VISIBLE FROM THE STREET, SIGNS MUST BE POSTED TO INDICATE THEIR LOCATION.

(D) AREAS USED FOR REQUIRED BICYCLE PARKING MUST BE PAVED AND DRAINED TO BE REASONABLY FREE OF MUD, DUST, AND STANDING WAE, AND MUST BE WELL-LIGHTED.

(E) BICYCLE PARKING MUST BE DESIGNED SO THAT BICYCLES MAY BE SECURELY LOCKED WITHOUT UNDUE INCONVENIENCE AND WILL BE REASONABLY SAFEGUARDED FROM INTENTIONAL OR ACCIDENTAL DAMAGE.

(F) BICYCLE PARKING MUST BE PROVIDED AT GROUND LEVEL UNLESS AN ELEVATOR IS EASILY ACCESSIBLE TO AN APPROVED BICYCLE STORAGE AREA.

(G) BICYCLE PARKING MUST BE POSITIONED SO AS TO MINIMIZE INTERFERENCE WITH PEDESTRIAN MOVEMENTS.

(H) WHERE REQUIRED BICYCLE PARKING IS PROVIDED IN LOCKERS, THE LOCKERS MUST BE:

(1) LOCKABLE;

(2) CAPABLE OF FULLY ENCLOSING THE BICYCLE;

(3) SECURELY ANCHORED;

(4) CONSTRUCTED FROM A STRONG, WEATHER-RESISTANT, AND LOW-TO-NO MAINTENANCE MATERIAL;

(5) CLEARLY LABELED AS BICYCLE PARKING;

(6) CONSTRUCTED WITH DOORS THAT OPEN AT LEAST 90 DEGREES TO ALLOW EASY LOADING AND UNLOADING;

(7) POSTED WITH INFORMATION ABOUT HOW TO USE BICYCLE LOCKERS (USER-PROVIDED LOCKS, LEASING, SIGN-UP SYSTEM, SMART CARDS, ETC.) ON OR NEAR THE LOCKERS; AND

(8) IF LOCKERS ARE STACKED ON TOP OF EACH OTHER PROVIDED WITH A WHEEL GUIDE TRAY OR OTHER MECHANISM TO ASSIST THE USER WITH LIFTING THE BICYCLE.

(I) REQUIRED BICYCLE PARKING MAY BE PROVIDED IN FLOOR RACKS. WALL AND CEILING RACK DESIGNS ARE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF PLANNING AS PART OF SITE PLAN REVIEW. WHERE REQUIRED BICYCLE PARKING IS PROVIDED IN RACKS, THE RACKS MUST MEET THE FOLLOWING STANDARDS:

(1) THE BICYCLE FRAME AND 1 WHEEL MUST BE LOCKABLE TO THE RACK WITH A HIGH

SECURITY, U-SHAPED SHACKLE LOCK IF BOTH WHEELS ARE LEFT ON THE BICYCLE;

(2) A BICYCLE 6 FEET LONG CAN BE SECURELY HELD WITH ITS FRAME SUPPORTED SO THAT THE BICYCLE CANNOT BE PUSHED OR FALL IN A MANNER THAT WILL DAMAGE THE BICYCLE IN ANY WAY;

(3) RACKS MUST SUPPORT THE BICYCLE IN AT LEAST 2 PLACES, PREVENTING IT FROM FALLING OVER; AND

(4) RACKS MUST BE ANCHORED SO THAT THEY CANNOT BE EASILY REMOVED, SOLIDLY CONSTRUCTED, RESISTANT TO RUST AND CORROSION, AND RESISTANT TO HAMMERS AND SAWS.

(J) PARKING AND MANEUVERING AREAS FOR BICYCLING PARKING MUST MEET THE FOLLOWING STANDARDS:

(1) EACH REQUIRED BICYCLE PARKING SPACE MUST BE ACCESSIBLE WITHOUT MOVING ANOTHER BICYCLE;

(2) THERE MUST BE AN AISLE AT LEAST 5 FEET WIDE BEHIND ALL REQUIRED BICYCLE PARKING TO ALLOW ROOM FOR BICYCLE MANEUVERING; AND

(3) WHERE THE BICYCLE ADJOINS A SIDEWALK, THE MANEUVERING AREA MAY EXTEND INTO THE RIGHT-OF-WAY.

(K) COVERED BICYCLE PARKING CAN BE PROVIDED INSIDE BUILDINGS, UNDER ROOF OVERHANGS OR AWNINGS, IN BICYCLE LOCKERS, OR WITHIN OR UNDER OTHER STRUCTURES. WHERE REQUIRED COVERED BICYCLE PARKING IS NOT WITHIN A BUILDING OR LOCKER, THE COVER MUST BE:

(1) PERMANENT;

(2) DESIGNED TO PROTECT THE BICYCLE FROM RAINFALL; AND

(3) AT LEAST 7 FEET AND 6 INCHES ABOVE THE FLOOR OR GROUND.

(L) ALL REQUIRED BICYCLE PARKING SPACES MUST BE MADE AVAILABLE TO THE PUBLIC AS FOLLOWS:

(1) REQUIRED SHORT-TERM BICYCLE PARKING SPACES MUST BE AVAILABLE FOR SHOPPERS, CUSTOMERS, MESSENGERS, AND OTHER VISITORS TO THE SITE;

(2) REQUIRED LONG-TERM BICYCLE PARKING SPACES MUST BE AVAILABLE FOR EMPLOYEES, STUDENTS, RESIDENTS, COMMUTERS, AND OTHERS WHO REMAIN AT THE SITE FOR SEVERAL HOURS.

(M) ALTERNATE DESIGNS FOR BICYCLE PARKING MAY BE APPROVED BY THE DIRECTOR OF PLANNING AS PART OF SITE PLAN REVIEW.

§ 16-702. LOCATION.

(A) ALL REQUIRED BICYCLE SPACES MUST BE LOCATED ON THE SAME LOT AS THE USE SERVED. HOWEVER, REQUIRED BICYCLE SPACES MAY BE CONSTRUCTED IN THE PUBLIC RIGHT-OF-WAY, SUBJECT TO OBTAINING A MINOR PRIVILEGE PERMIT.

(B) REQUIRED LONG-TERM BICYCLE PARKING FOR RESIDENTS OF DWELLINGS, DORMITORIES, FRATERNITIES, OR SORORITIES MUST BE PROVIDED IN GARAGES, STORAGE ROOMS AND OTHER RESIDENT-ACCESSIBLE, INDOOR, SECURE AREAS. SPACE WITHIN DWELLING UNITS OR ON BALCONIES MAY NOT BE COUNTED TOWARD SATISFYING BICYCLE PARKING REQUIREMENTS.

§ 16-703. SHORT-TERM BICYCLE PARKING STANDARDS.

SHORT-TERM BICYCLE PARKING MUST BE:

(1) OUTSIDE A BUILDING;

(2) AT THE SAME GRADE AS THE SIDEWALK OR AT A LOCATION THAT CAN BE REACHED BY AN ACCESSIBLE ROUTE; AND

(3) WITHIN THE FOLLOWING DISTANCES OF THE MAIN ENTRANCE:

(I) FOR A BUILDING WITH 1 MAIN ENTRANCE, THE BICYCLE PARKING MUST BE WITHIN 50 FEET OF THAT ENTRANCE, AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ACCESS ROUTE;

(II) FOR A BUILDING WITH MORE THAN 1 MAIN ENTRANCE, THE BICYCLE PARKING MUST BE ALONG ALL FACADES WITH A MAIN ENTRANCE, AND WITHIN 50 FEET OF AT LEAST 1 MAIN ENTRANCE ON EACH FACADE THAT HAS A MAIN ENTRANCE, AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ACCESS ROUTE;

(III) FOR A SITE THAT HAS MORE THAN 1 PRIMARY BUILDING, BUT IS NOT AN INSTITUTIONAL CAMPUS, THE BICYCLE PARKING MUST BE WITHIN 50 FEET OF A MAIN ENTRANCE, AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ACCESS ROUTE AND DISTRIBUTED TO SERVE ALL PRIMARY BUILDINGS; AND

(IV) ON AN INSTITUTIONAL CAMPUS WITH MORE THAN 1 BUILDING OR MAIN ENTRANCE, THE BICYCLE PARKING MUST BE EITHER:

(A) WITHIN 50 FEET OF A MAIN ENTRANCE, AS MEASURED ALONG THE MOST DIRECT PEDESTRIAN ACCESS ROUTE; AND

(B) IF THE SHORT-TERM BICYCLE PARKING IS MORE THAN 50 FEET FROM A MAIN ENTRANCE, IT MUST BE IN A COMMON BICYCLE PARKING LOCATION ALONG A PEDESTRIAN ACCESS ROUTE.

§ 16-704. LONG-TERM BICYCLE PARKING STANDARDS.

LONG-TERM BICYCLE PARKING MUST BE:

(1) LOCATED:

(I) ON THE SITE; OR

(II) IN AN AREA WHERE THE CLOSEST POINT IS WITHIN 300 FEET OF THE SITE.

(2) LOCATED EITHER AT GROUND LEVEL, ON THE GROUND FLOOR OF A BUILDING, OR EASILY ACCESSIBLE BY ELEVATOR.

(3) COVERED;

(4) IN AT LEAST 1 OF THE FOLLOWING LOCATIONS, TO PROVIDE SECURITY:

(I) IN A LOCKED ROOM;

(II) IN AN AREA THAT IS ENCLOSED BY A FENCE, EITHER 8 FEET HIGH OR FROM FLOOR TO CEILING, WITH A LOCKED GATE;

(III) WITHIN VIEW OF AN ATTENDANT OR SECURITY GUARD;

(IV) IN AN AREA THAT IS MONITORED BY A SECURITY CAMERA; OR

(V) IN AN AREA THAT IS VISIBLE FROM EMPLOYEE WORK AREAS.

§ 16-705. REQUIRED NUMBER OF BICYCLE SPACES.

(A) WHERE OFF-STREET PARKING FACILITIES ARE PROVIDED FOR MOTOR VEHICLES, THE NUMBER OF BICYCLE PARKING SPACES MUST BE PROVIDED AS INDICATED IN TABLE 16-705: REQUIRED BICYCLE SPACES. NO BICYCLE PARKING IS REQUIRED FOR USES NOT LISTED IN TABLE 16-705. STRUCTURES UNDER 2,500 SQUARE FEET IN GROSS FLOOR AREA ARE EXEMPT FROM BICYCLE PARKING REQUIREMENTS.

(B) IN ALL CASES WHERE BICYCLE PARKING IS REQUIRED, A MINIMUM OF 2 SPACES MUST BE PROVIDED.

(C) WHERE BICYCLE PARKING IS REQUIRED, IT MUST BE PROVIDED EVEN IF VEHICLE PARKING IS EXEMPTED.

(D) AFTER THE FIRST 50 BICYCLE PARKING SPACES ARE PROVIDED, ADDITIONAL BICYCLE PARKING SPACES REQUIRED ARE AT ONE-HALF SPACE PER UNIT LISTED.

(E) IF THE EXPECTED NEED FOR BICYCLE PARKING FOR A PARTICULAR USE IS UNCERTAIN DUE TO UNKNOWN OR UNUSUAL OPERATING CHARACTERISTICS OF THE USE, THE DIRECTOR OF PLANNING MAY AUTHORIZE THE DEFERRAL OF UP TO 50% OF THE BICYCLE PARKING SPACES. LAND AREA REQUIRED FOR DEFERRED BICYCLE PARKING SPACES MUST BE MAINTAINED IN RESERVE.

(F) FOR EVERY 12 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. EXISTING PARKING MAY BE CONVERTED TO TAKE ADVANTAGE OF THIS PROVISION.

§ 16-706. FEE-IN-LIEU SHORT-TERM BICYCLE PARKING REDUCTION.

(A) A REDUCTION IN THE REQUIRED NUMBER OF SHORT-TERM BICYCLE PARKING SPACES MAY

BE GRANTED BY THE DIRECTOR OF PLANNING IF IT IS NOT POSSIBLE TO PROVIDE ALL REQUIRED SHORT-TERM BICYCLE PARKING ON SITE IN COMPLIANCE WITH THE STANDARDS DESCRIBED IN THIS TITLE. THE PLANNING COMMISSION MAY AUTHORIZE THE REQUESTED PARKING REDUCTION CONDITIONED ON PAYMENT, BY THE OWNER, OF A FEE-IN-LIEU OF PROVIDING THE REQUIRED PARKING SPACES. THE RATE FOR THE FEE-IN-LIEU WILL BE BASED ON THE AMOUNT NECESSARY TO PROVIDE PUBLIC BENEFITS EQUAL TO NORMAL COMPLIANCE AS DESCRIBED ABOVE, AS DETERMINED BY THE PLANNING COMMISSION AND APPROVED BY THE BOARD OF ESTIMATES. THIS PAYMENT WILL BE PLACED INTO A CITY FUND TO INSTALL BICYCLE PARKING AND ASSOCIATED IMPROVEMENTS IN THE RIGHT-OF-WAY.

(B) THIS OPTION MAY NOT BE USED IF THERE ARE SURFACE PARKING AREAS, PLAZAS, EXTERIOR COURTYARDS, OR OTHER OPEN AREAS ON THE SITE, OTHER THAN REQUIRED LANDSCAPE, WHICH ARE LARGE ENOUGH, WHETHER SEPARATELY OR IN COMBINATION, TO ACCOMMODATE ALL REQUIRED SHORT-TERM BICYCLE PARKING AND WHICH ALSO MEET THE LOCATIONAL REQUIREMENTS DESCRIBED IN THIS TITLE.

(C) ON PAYMENT, THE PROPERTY GRANTED THE MODIFICATION IN THE NUMBER OF REQUIRED BICYCLE PARKING SPACES WILL BE CREDITED PERMANENTLY WITH THE NUMBER OF SPACES FOR WHICH PAYMENT WAS RECEIVED BY THE CITY.

SUBTITLE 8. ADDITIONAL VEHICLE STORAGE REQUIREMENTS

§ 16-801. STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS.

(A) THE FOLLOWING RESTRICTIONS APPLY TO THE PARKING OR STORAGE OF COMMERCIAL VEHICLES ON PROPERTY ZONED FOR RESIDENTIAL USE.

(B) NO STORED OR PARKED COMMERCIAL VEHICLE MAY BE OCCUPIED OR USED FOR HUMAN HABITATION.

(C) 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 RESIDENTIALLY-ZONED PRIVATE PROPERTY.

(D) 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 NOT PERMITTED TO BE STORED OR PARKED OUTSIDE OVERNIGHT ON RESIDENTIALLY-ZONED PROPERTY.

§ 16-802. STORAGE OF RECREATIONAL VEHICLES.

(A) THE PARKING OR STORAGE OF RECREATIONAL VEHICLES OR SIMILAR CAMPING EQUIPMENT MUST MEET THE FOLLOWING CONDITIONS:

(B) 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) 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.

(D) NO RECREATIONAL VEHICLE MAY BE USED FOR LIVING, SLEEPING, OR HOUSEKEEPING PURPOSES. THE VEHICLE MAY NOT HAVE FIXED CONNECTIONS TO ELECTRICITY, WATER, GAS, OR SANITARY SEWER FACILITIES.

(E) 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 CARRY A CURRENT YEAR'S LICENSE AND REGISTRATION.

§ 16-803. STORAGE, ETC., OF ABANDONED , ETC., VEHICLES.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) DERELICT VEHICLE.

"DERELICT VEHICLE" MEANS A VEHICLE THAT EXHIBITS A DEFECT, DAMAGE, OR DETERIORATION SUFFICIENT TO PRECLUDE PROPER OPERATION ON THE HIGHWAY.

(3) UNLICENSED VEHICLE.

"UNLICENSED VEHICLE" MEANS:

(I) AN UNREGISTERED VEHICLE; OR

(II) A VEHICLE ON WHICH CURRENT REGISTRATION TAGS ARE NOT DISPLAYED.

(B) PROHIBITED USE.

OUTDOOR STORAGE OR MAINTENANCE OF ABANDONED, DERELICT, OR UNLICENSED VEHICLES IS PROHIBITED IN ALL DISTRICTS.

SUBTITLE 9. OFF-STREET LOADING REQUIREMENTS

§ 16-901. DESIGN OF OFF-STREET LOADING SPACES.

(A) LOCATION.

ALL OFF-STREET LOADING SPACES MUST BE LOCATED ON THE SAME LOT AS THE BUILDING OR USE SERVED. NO OFF-STREET LOADING SPACE MAY PROJECT INTO A PUBLIC RIGHT-OF-WAY. NO OFF-STREET LOADING SPACE MAY BE LOCATED IN A FRONT YARD.

(B) DIMENSIONS

(1) ALL REQUIRED OFF-STREET LOADING SPACES MUST BE AT LEAST 12 FEET WIDE AND 35 FEET LONG, EXCLUSIVE OF AISLE AND MANEUVERING SPACE, AND MUST HAVE A VERTICAL CLEARANCE OF AT LEAST 14 FEET. HOWEVER, A LARGER LOADING SPACE MAY BE REQUIRED THROUGH SITE PLAN REVIEW.

(2) ALL STRUCTURES THAT, ON THE EFFECTIVE DATE OF THIS CODE, MAINTAIN LOADING SPACES THAT DO NOT COMPLY WITH THE DIMENSIONS REQUIRED BY THIS SECTION ARE CONSIDERED TO BE LEGALLY CONFORMING IN TERMS OF LOADING SPACE DIMENSIONS. IF NEW LOADING SPACES ARE CONSTRUCTED, THOSE SPACES MUST MATCH THE DIMENSIONS OF THE EXISTING LOADING SPACES RATHER THAN THOSE OF THIS SECTION.

(C) SURFACING.

ALL OFF-STREET LOADING SPACES MUST BE PAVED WITH A DURABLE, ALL-WEATHER MATERIAL, SUCH AS CONCRETE OR ASPHALT. SEMI-PERVIOUS MATERIALS MAY ALSO BE USED, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF TRANSPORTATION AND VERIFICATION THAT THE MATERIALS CAN SUPPORT THE WEIGHT OF VEHICLES AND THEIR LOADS.

(D) DRAINAGE AND MAINTENANCE.

(1) OFF-STREET LOADING FACILITIES MUST BE DRAINED TO ELIMINATE STANDING WATER AND PREVENT DAMAGE TO ADJOINING PROPERTY OR PUBLIC STREETS.

(2) OFF-STREET LOADING AREAS MUST BE MAINTAINED IN A CLEAN, ORDERLY, AND DUST-FREE CONDITION.

(E) ACCESS CONTROL AND SIGNAGE.

EACH OFF-STREET LOADING SPACE MUST BE DESIGNED WITH ADEQUATE MEANS OF VEHICULAR ACCESS TO A STREET THAT IS AT LEAST 15 FEET WIDE IN A MANNER THAT WILL MINIMIZE INTERFERENCE WITH TRAFFIC MOVEMENT.

(F) LIGHTING.

LOADING FACILITY LIGHTING MUST BE IN ACCORDANCE WITH § 15-505 {"EXTERIOR LIGHTING"} OF THIS CODE. ILLUMINATION OF AN OFF-STREET LOADING FACILITY MUST BE ARRANGED SO AS TO DEFLECT THE DIRECT RAYS OF LIGHT AWAY FROM ADJACENT PROPERTIES AND STREETS.

(G) LANDSCAPING AND SCREENING.

ALL LOADING FACILITIES MUST BE LANDSCAPED IN ACCORDANCE WITH THE BALTIMORE CITY LANDSCAPE MANUAL.

§ 16-902. REQUIRED OFF-STREET LOADING SPACES .

(A) (1) OFF-STREET LOADING SPACES MUST BE PROVIDED FOR A BUILDING, STRUCTURE, OR USE THAT REQUIRES THE RECEIPT OR DISTRIBUTION OF MATERIALS OR MERCHANDISE BY TRUCKS OR OTHER VEHICLES IN ACCORDANCE WITH TABLE 16-902: OFF-STREET LOADING REQUIREMENTS.

(2) IN THE CASE OF MULTI-TENANT BUILDINGS OR MIXED-USE DEVELOPMENTS, REQUIRED LOADING SPACES ARE CALCULATED ON THE BASIS OF EACH INDIVIDUAL TENANT. FOR EXAMPLE, IF ONLY 1 COMMERCIAL TENANT OF A MULTI-TENANT BUILDING IS OVER 10,000 SQUARE FEET, ONLY ONE 1 LOADING SPACE IS REQUIRED; IF ALL TENANTS ARE 10,000 SQUARE FEET OR LESS, NO LOADING IS REQUIRED.

(B) IN NO CASE IS A STRUCTURE REQUIRED TO PROVIDE MORE THAN 5 LOADING SPACES.

(C) ALL STRUCTURES THAT WERE CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THIS CODE WITHOUT ON-SITE LOADING SPACES ARE CONSIDERED TO BE LEGALLY CONFORMING IN TERMS OF LOADING SPACE REQUIREMENTS. NO NEW LOADING SPACES ARE REQUIRED TO BE CONSTRUCTED.

TITLE 17. SIGNS

SUBTITLE 1. PURPOSE OF TITLE; DEFINITIONS

§ 17-101. PURPOSE.

(A) IN GENERAL.

SIGNS SERVE AN IMPORTANT FUNCTION, AND REASONABLE AND ADEQUATE DISPLAY OF SIGNS IS THEREFORE ALLOWED UNDER THIS TITLE.

(B) NEED TO REGULATE.

AT THE SAME TIME, THIS TITLE RECOGNIZES THAT A DEFINITE NEED EXISTS TO REGULATE THE DISPLAY OF SIGNS. THEREFORE THIS TITLE ESTABLISHES LIMITATIONS AND STANDARDS CONSISTENT WITH THE CHARACTER OF THE VARIOUS DISTRICTS AND THE USES AND ACTIVITIES IN THOSE DISTRICTS.

(C) LIMITATIONS AND STANDARDS..

THESE LIMITATIONS AND STANDARDS ARE INTENDED TO ENCOURAGE SOUND PRACTICES WITH RESPECT TO SIZE, TYPE, AND PLACEMENT OF SIGNS FOR THE PURPOSE OF:

(1) SAFEGUARDING AND ENHANCING PROPERTIES IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL AREAS;

(2) PROVIDING AN ENVIRONMENT THAT WILL PROMOTE THE GROWTH AND DEVELOPMENT OF BUSINESS IN THE CITY;

- (3) PROTECTING PUBLIC INVESTMENT IN PUBLIC BUILDINGS, OPEN SPACES, AND THOROUGHFARES;
- (4) REDUCING HAZARDS TO MOTORISTS AND PEDESTRIANS ON THE PUBLIC WAYS; AND
- (5) PROMOTING THE PUBLIC HEALTH, SAFETY, AND WELFARE.

§ 17-102. DEFINITIONS.

(A) GENERAL.

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) A-FRAME SIGN.

"A-FRAME SIGN" MEANS A SIGN, ORDINARILY IN THE SHAPE OF THE LETTER "A," OR SOME VARIATION OF IT, THAT IS DISPLAYED ON THE GROUND, NOT PERMANENTLY ATTACHED, AND USUALLY 2-SIDED.

(C) ANIMATED SIGN.

(1) GENERAL.

"ANIMATED SIGN" MEANS A SIGN THAT USES MOVEMENT OR CHANGE OF LIGHTING TO DEPICT ACTION OR TO CREATE A SPECIAL EFFECT OR SCENE.

(2) EXCLUSIONS.

"ANIMATED SIGN" DOES NOT INCLUDE AN ELECTRONIC MESSAGE SIGN.

(D) AWNING SIGN.

"AWNING SIGN" MEANS A SIGN THAT IS PRINTED OR DISPLAYED ON AN AWNING.

(E) BANNER SIGN.

(1) GENERAL.

"BANNER SIGN" MEANS A SIGN THAT IS PRINTED OR DISPLAYED ON CLOTH OR OTHER FLEXIBLE MATERIAL WITH OR WITHOUT FRAMES.

(2) TYPES.

BANNER SIGNS MAY BE PERMANENT OR TEMPORARY IN NATURE. A PERMANENT BANNER SIGN IS A BANNER SIGN DISPLAYED FOR MORE THAN 30 DAYS AS A PERMANENT MEANS OF IDENTIFYING AN ESTABLISHMENT.

(F) CANOPY SIGN.

"CANOPY SIGN" MEANS A SIGN THAT IS PRINTED OR DISPLAYED ON A CANOPY.

(G) CHANGEABLE COPY SIGN.

"CHANGEABLE COPY SIGN" MEANS A PERMANENT SIGN THAT CONTAINS A PART THAT ALLOWS COPY TO BE CHANGED MANUALLY.

(H) CONSTRUCTION SIGN.

"CONSTRUCTION SIGN" MEANS A TEMPORARY SIGN THAT IDENTIFIES AN ARCHITECT, CONTRACTOR, SUBCONTRACTOR, OR MATERIAL SUPPLIER PARTICIPATING IN CONSTRUCTION ON THE PROPERTY ON WHICH THE SIGN IS LOCATED AND MAY IDENTIFY THE PROPOSED USE FOR THE PROPERTY.

(I) ELECTRONIC DISPLAY SCREEN SIGN.

(1) GENERAL.

"ELECTRONIC DISPLAY SCREEN SIGN" MEANS A SIGN, OR PORTION OF A SIGN, THAT DISPLAYS AN ELECTRONIC IMAGE OR VIDEO, WHICH MAY OR MAY NOT INCLUDE TEXT.

(2) INCLUSIONS.

"ELECTRONIC DISPLAY SCREEN SIGN" INCLUDES TELEVISION SCREENS, PLASMA SCREENS, DIGITAL SCREENS, FLAT SCREENS, LED SCREENS, VIDEO BOARDS, AND HOLOGRAPHIC DISPLAYS.

(J) ELECTRONIC MESSAGE SIGN.

(1) GENERAL.

"ELECTRONIC MESSAGE SIGN" MEANS A SIGN, OR PORTION OF A SIGN, THAT USES CHANGING LIGHTS TO FORM A MESSAGE OR MESSAGES IN TEXT FORM WHERE THE SEQUENCE OF MESSAGES AND THE RATE OF CHANGE IS ELECTRONICALLY PROGRAMMED AND CAN BE MODIFIED BY ELECTRONIC PROCESSES.

(2) EXCLUSIONS.

"ELECTRONIC MESSAGE SIGN" DOES NOT INCLUDE TIME-TEMPERATURE SIGNS.

(K) FLASHING SIGN.

(1) GENERAL.

"FLASHING SIGN" MEANS A SIGN THAT CONTAINS AN INTERMITTENT OR SEQUENTIAL FLASHING LIGHT SOURCE USED PRIMARILY TO ATTRACT ATTENTION.

(2) EXCLUSIONS.

"FLASHING SIGN" DOES NOT INCLUDE AN ELECTRONIC MESSAGE SIGN.

(L) FREESTANDING SIGN.

(1) GENERAL.

"FREESTANDING SIGN" SIGN MEANS A SIGN THAT IS PLACED ON OR SUPPORTED BY THE GROUND, INDEPENDENT OF THE PRINCIPAL STRUCTURE ON THE LOT.

(2) TYPES.

FREESTANDING SIGNS MAY BE EITHER POLE OR MONUMENT SIGNS.

(M) MARQUEE SIGN.

"MARQUEE SIGN" MEANS A SIGN THAT IS MOUNTED ON A PERMANENT ROOF-LIKE STRUCTURE CONSTRUCTED OF DURABLE MATERIAL, AND EXTENDING FROM THE WALL OF A STRUCTURE WITH NO SUPPORTS EXTENDING TO THE GROUND.

(N) MENU BOARD SIGN.

"MENU BOARD SIGN" MEANS A DEVICE THAT LISTS ITEMS FOR SALE AT AN ESTABLISHMENT WITH DRIVE-THROUGH FACILITIES.

(O) MOVING SIGN.

(1) GENERAL.

"MOVING SIGN" MEANS A SIGN THAT, IN WHOLE OR IN PART, ROTATES, ELEVATES, OR IN ANY WAY ALTERS POSITION OR GEOMETRY.

(2) EXCLUSIONS.

"MOVING SIGN" DOES NOT INCLUDE A CLOCK.

(P) NAMEPLATE.

"NAMEPLATE" MEANS A SIGN THAT IS AFFIXED FLAT AGAINST A WALL OF A BUILDING THAT DESIGNATES ONLY THE NAME OR THE NAME AND PROFESSION OF WHO RESIDES OR OCCUPIES SPACE IN THE BUILDING.

(Q) NONCONFORMING SIGN.

"NONCONFORMING SIGN" MEANS A SIGN THAT WAS LAWFULLY ERECTED AND MAINTAINED BUT DOES NOT NOW CONFORM TO THE REQUIREMENTS OF THIS CODE.

(R) NON-COMMERCIAL OR POLITICAL SIGN.

"NON-COMMERCIAL OR POLITICAL SIGN" MEANS A SIGN ADVOCATING ACTION ON A PUBLIC ISSUE OR A CANDIDATE FOR PUBLIC OFFICE.

(S) PORTABLE SIGN.

(1) GENERAL.

"PORTABLE SIGN" MEANS A SIGN WHOSE PRINCIPAL SUPPORTING STRUCTURE IS INTENDED, BY DESIGN AND CONSTRUCTION, TO REST ON THE GROUND FOR SUPPORT AND MAY BE EASILY MOVED OR RELOCATED FOR REUSE.

(2) INCLUSIONS.

"PORTABLE SIGN" INCLUDES A SIGN MOUNTED ON A TRAILER, WHEELED CARRIER, OR OTHER NON-MOTORIZED MOBILE STRUCTURE, WITH WHEELS OR WITH WHEELS REMOVED.

(3) EXCLUSIONS.

"PORTABLE SIGN" DOES NOT INCLUDE AN A-FRAME SIGN.

(T) PROJECTING SIGN.

"PROJECTING SIGN" MEANS A SIGN THAT IS ATTACHED TO A BUILDING OR OTHER STRUCTURE AND EXTENDS BEYOND THE SURFACE OF THE BUILDING OR STRUCTURE TO WHICH IT IS ATTACHED.

(U) REAL ESTATE SIGN.

(1) GENERAL.

"REAL ESTATE SIGN" MEANS A SIGN THAT ADVERTISES THE PROPERTY ON WHICH IT IS LOCATED AS BEING FOR RENT, LEASE, OR SALE.

(2) INCLUSIONS.

"REAL ESTATE SIGN" INCLUDES A SIGN ADVERTISING AN OPEN HOUSE.

(V) ROOF SIGN.

"ROOF SIGN" MEANS A SIGN THAT IS WHOLLY ERECTED, CONSTRUCTED, OR MAINTAINED ABOVE THE ROOF STRUCTURE OR PARAPET OF ANY BUILDING AND THAT HAS ITS PRINCIPAL SUPPORT ATTACHED TO THE ROOF STRUCTURE.

(W) UNDER-AWNING SIGN.

"UNDER-AWNING SIGN" MEANS A SIGN THAT IS ATTACHED TO AND MOUNTED UNDER AN AWNING.

(X) WALL SIGN.

(1) GENERAL.

"WALL SIGN" MEANS A SIGN THAT IS MOUNTED FLAT AGAINST OR PAINTED ON A WALL, AND PROJECTS NO MORE THAN 12 INCHES FROM THE WALL OF A STRUCTURE WITH THE EXPOSED FACE OF THE SIGN IN A PLANE PARALLEL TO THE FACE OF THE WALL.

(2) EXCLUSIONS.

"WALL SIGN" DOES NOT INCLUDE A WINDOW SIGN.

(Y) WINDOW SIGN.

(1) GENERAL.

"WINDOW SIGN" MEANS A SIGN THAT IS ATTACHED TO, PLACED ON, OR PRINTED ON THE INTERIOR OR EXTERIOR OF A WINDOW OR DOOR OF A BUILDING, OR THAT IS DISPLAYED WITHIN 12 INCHES OF A WINDOW INTENDED FOR VIEWING FROM THE EXTERIOR OF THE BUILDING.

(2) TYPES.

WINDOW SIGNS MAY BE EITHER PERMANENT OR TEMPORARY.

SUBTITLE 2. PLACEMENT, DESIGN, AND CONSTRUCTION

§ 17-201. LOCATION RESTRICTIONS.

(A) AS IN BUILDING CODE.

ALL SIGNS MUST COMPLY WITH THE LOCATION RESTRICTIONS OF THE BALTIMORE CITY BUILDING CODE, APPENDIX H {"SIGNS"}.

(B) COVERING WINDOW, DOOR, ETC., PROHIBITED.

NO SIGN MOUNTED ON THE EXTERIOR OF A BUILDING MAY COVER ANY WINDOWS, DOORS, OR ARCHITECTURAL FEATURES.

§ 17-202. GENERAL DESIGN AND CONSTRUCTION.

(A) AS IN BUILDING, FIRE, AND RELATED CODES.

THE STRUCTURAL DESIGN AND CONSTRUCTION OF SIGNS, INCLUDING THEIR SUPPORTS, MUST COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE BUILDING, FIRE, AND RELATED CODES OF BALTIMORE CITY.

(B) SUPPORTS AND BRACES.

(1) SUPPORTS AND BRACES MUST BE AN INTEGRAL PART OF THE SIGN DESIGN.

(2) SUPPORTS AND BRACES MUST BE HIDDEN FROM PUBLIC VIEW TO THE EXTENT TECHNICALLY FEASIBLE, UNLESS THEY ARE INTENDED AS A DECORATIVE PART OF THE SIGN DESIGN.

(C) LETTERING.

ALL LETTERS, FIGURES, CHARACTERS, OR REPRESENTATIONS IN CUT-OUT OR IRREGULAR FORM,

MAINTAINED IN CONJUNCTION WITH, ATTACHED TO, OR SUPERIMPOSED ON ANY SIGN MUST BE SAFELY AND SECURELY BUILT OR ATTACHED TO THE SIGN STRUCTURE.

(D) ILLUMINATION.

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, ALL PERMANENT SIGNS ARE SUBJECT TO THE REGULATIONS OF THIS SUBSECTION.

(2) GOOSE-NECK FIXTURES AND INDIRECT SPOTLIGHTS ARE ALLOWED ON PERMANENT FREESTANDING SIGNS, PROJECTING SIGNS, AND WALL SIGNS.

(3) ALL EXTERIOR LIGHTING INTENDED TO ILLUMINATE A SIGN MUST CONCENTRATE THE ILLUMINATION ON THE AREA OF THE SIGN SO AS TO PREVENT GLARE ON THE STREET OR ADJACENT PROPERTY.

(4) (I) ALL SIGN ILLUMINATION MUST BE DESIGNED, LOCATED, SHIELDED, AND DIRECTED SO AS TO PREVENT:

(A) CASTING GLARE OR DIRECT LIGHT ON ADJACENT PUBLICLY DEDICATED ROADWAYS AND SURROUNDING PROPERTIES; AND

(B) DISTRACTION OF MOTORISTS OR PEDESTRIANS IN THE PUBLIC RIGHT-OF-WAY.

(II) THIS PARAGRAPH (4) DOES NOT APPLY TO DIGITAL BILLBOARDS.

(5) PERMANENT FREESTANDING SIGNS, PROJECTING SIGNS, WINDOW SIGNS, AND WALL SIGNS MAY BE INTERNALLY ILLUMINATED. HOWEVER, IN THE B-1, B-2, OR, R-MU AND RESIDENTIAL DISTRICTS, INTERNALLY ILLUMINATED CABINET BOX WALL SIGNS ARE PROHIBITED.

(6) FOR THE PURPOSES OF THIS TITLE, AN INDIRECTLY ILLUMINATED SIGN IS A SIGN ILLUMINATED WITH A LIGHT THAT IS DIRECTED PRIMARILY TOWARD THE SIGN AND SHIELDED SO THAT NO DIRECT RAYS FROM THE LIGHT ARE VISIBLE ANYWHERE OTHER THAN ON THE LOT WHERE THE SIGN IS LOCATED.

§ 17-203. SIGN AND PREMISES MAINTENANCE.

(A) IN GENERAL.

(1) ALL SIGNS AND THE PREMISES SURROUNDING THEM MUST BE MAINTAINED IN A CLEAN, SANITARY, AND INOFFENSIVE CONDITION, FREE AND CLEAR OF ALL NOXIOUS SUBSTANCES, RUBBISH, AND WEEDS.

(2) ALL UNUSED SIGN HARDWARE OR WIRING THAT IS VISIBLE FROM THE STREET MUST BE REMOVED.

(B) ENFORCEMENT.

(1) IF THE BUILDING OFFICIAL FINDS THAT ANY SIGN OR OTHER ADVERTISING STRUCTURE IS UNSAFE OR INSECURE, OR IS A MENACE TO THE PUBLIC, OR HAS BEEN CONSTRUCTED OR ERECTED OR IS BEING MAINTAINED IN VIOLATION OF THIS TITLE, THE BUILDING OFFICIAL MUST GIVE WRITTEN NOTICE TO THE SIGN PERMIT HOLDER AND THE PROPERTY OWNER.

(2) IF THE SIGN PERMIT HOLDER OR THE PROPERTY OWNER FAILS TO CURE THE VIOLATION, THE SIGN MAY BE REMOVED BY THE CITY AT THE EXPENSE OF THE SIGN PERMIT HOLDER OR THE PROPERTY OWNER.

(3) THE CITY MAY CAUSE ANY SIGN OR OTHER ADVERTISING STRUCTURE THAT IS AN IMMEDIATE PERIL TO PERSONS OR PROPERTY TO BE REMOVED SUMMARILY AND WITHOUT NOTICE.

SUBTITLE 3. SIGN DIMENSION MEASUREMENT METHODOLOGY

§ 17-301. IN GENERAL.

(A) SIGN AREA.

SIGN AREA IS MEASURED AS PROVIDED IN §§ 17-302 THROUGH 17-305 OF THIS SUBTITLE. {SEE FIGURE 17-301(A): SIGN AREA MEASUREMENT.}

(B) SIGN HEIGHT.

SIGN HEIGHT IS MEASURED AS PROVIDED IN § 17-306 OF THIS SUBTITLE. {SEE FIGURE 17-301(B): MEASUREMENT OF SIGN HEIGHT.}

§ 17-302. SIGN AREA - GENERAL.

(A) SIGNS ON A BACKGROUND.

(1) FOR SIGNS ON A BACKGROUND, THE ENTIRE AREA OF THE FRAMEWORK OR BACKGROUND OF THE SIGN IS CALCULATED AS SIGN AREA, INCLUDING ANY MATERIAL OR COLOR FORMING THE SIGN FACE OR BACKGROUND USED TO DIFFERENTIATE THE SIGN FROM THE STRUCTURE AGAINST WHICH IT IS PLACED.

(2) SIGN AREA DOES NOT INCLUDE ANY FRAMEWORK OR BRACING, UNLESS THE FRAMEWORK OR BRACING IS PART OF THE MESSAGE OR SIGN FACE.

(B) FREESTANDING LETTERS OR LOGOS.

(1) FOR SIGNS CONSISTING OF FREESTANDING LETTERS OR LOGOS, THE SIGN AREA IS CALCULATED AS THE TOTAL AREA OF EACH SQUARE, CIRCLE, RECTANGLE, TRIANGLE, OR COMBINATION OF THESE, THAT ENCOMPASSES EACH INDIVIDUAL LETTER OR LOGO.

(2) SIGN AREA DOES NOT INCLUDE ANY SUPPORTING FRAMEWORK OR BRACING, UNLESS THE FRAMEWORK OR BRACING IS PART OF THE MESSAGE OR SIGN FACE.

(C) WINDOW SIGN ON TRANSPARENT FILM.

WINDOW SIGNS PRINTED ON A TRANSPARENT FILM AND AFFIXED TO A WINDOWPANE ARE CALCULATED BY THEIR INDIVIDUAL LETTERS OR LOGOS, AS LONG AS THE PORTION OF THE TRANSPARENT FILM AROUND THE PERIMETER OF THE INDIVIDUAL LETTERS OR

LOGOS MAINTAINS THE TRANSPARENCY OF THE WINDOW.

§ 17-303. SIGN AREA - SUPPORTS AND UPRIGHTS EXCLUDED.

NECESSARY SUPPORTS OR UPRIGHTS ON WHICH THE SIGN IS PLACED ARE NOT INCLUDED IN THE COMPUTATION.

§ 17-304. SIGN AREA - MULTI-FACED SIGNS.

(A) IN GENERAL.

IF A SIGN HAS 2 OR MORE FACES, THE AREA OF ALL FACES IS INCLUDED IN DETERMINING THE AREA OF THE SIGN, EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(B) BACK-TO-BACK WITHIN 2 FEET.

IF 2 FACES ARE PLACED BACK TO BACK AND ARE NOT MORE THAN 2 FEET APART (EXCLUDING NECESSARY SUPPORTS OR UPRIGHTS), THE AREA OF THE SIGN IS TAKEN AS:

- (1) THE AREA OF 1 FACE, IF THE 2 FACES ARE OF EQUAL AREA; AND.
- (2) THE AREA OF THE LARGER FACE, IF THE 2 FACES ARE OF UNEQUAL AREA.

§ 17-305. SIGN AREA - THREE-DIMENSIONAL SIGNS.

THE SIGN AREA OF A THREE-DIMENSIONAL, FREE-FORM OR SCULPTURAL (NON-PLANAR) SIGN IS CALCULATED AS 50% OF THE SUM OF THE AREA OF THE 4 VERTICAL SIDES OF THE SMALLEST CUBE THAT WILL ENCOMPASS THE SIGN.

§ 17-306. SIGN HEIGHT.

THE HEIGHT OF A SIGN IS DETERMINED BY MEASURING THE VERTICAL DISTANCE FROM THE UPPERMOST POINT USED TO MEASURE THE AREA OF A SIGN TO THE GROUND IMMEDIATELY BELOW THAT POINT OR TO THE LEVEL OF THE UPPER SURFACE OF THE NEAREST CURB OF A STREET OR ALLEY, WHICHEVER MEASUREMENT PERMITS THE GREATER ELEVATION OF THE SIGN.

SUBTITLE 4. SIGN PERMIT AND SPECIAL DESIGNATIONS

§ 17-401. BUILDING PERMIT FOR SIGNS REQUIRED.

(A) IN GENERAL.

UNLES OHERWISE PROVIDED IN THIS TITLE, IT IS UNLAWFUL FOR ANY PERSON TO ERECT, RELOCATE, OR STRUCTURALLY ALTER ANY SIGN WITHOUT FIRST OBTAINING A SIGN PERMIT FROM THE BUILDING OFFICIAL.

(B) REVOCATION.

THE BUILDING OFFICIAL MAY REVOKE A SIGN PERMIT WHERE THERE HAS BEEN A VIOLATION OF THE PROVISIONS OF THIS CODE OR MISREPRESENTATION OF FACT ON THE PERMIT APPLICATION.

§ 17-402. CLASSIC SIGNS.

(A) PURPOSE.

(1) BECAUSE THE CITY RECOGNIZES THAT CERTAIN EXISTING SIGNS DO NOT CONFORM WITH THIS CODE BUT ARE PARTICULARLY UNIQUE OR HAVE HISTORIC VALUE, INCLUDING SIGNS FOR PRODUCTS OR BUSINESSES THAT ARE NO LONGER LOCATED ON-SITE, THE CLASSIC SIGN DESIGNATION PROCESS IS ESTABLISHED TO DESIGNATE CERTAIN SIGNS AS CLASSIC SIGNS.

(2) ONCE DESIGNATED, THE CLASSIC SIGN IS DEEMED TO BE CONFORMING, AND THUS LOSES ITS NONCONFORMING STATUS, AS LONG AS:

- (I) THE SIGN IS MAINTAINED IN GOOD CONDITION;
- (II) ITS PHYSICAL INTEGRITY REMAINS INTACT; AND
- (III) IT IS NOT MOVED TO ANOTHER LOCATION.

(B) EXEMPTION FROM STANDARDS.

CLASSIC SIGNS ARE EXEMPT FROM AREA, SETBACK, HEIGHT, LIGHTING, MOVEMENT, FLASHING, PLACEMENT, TYPE, CONTENT, AND CONSTRUCTION MATERIALS REQUIREMENTS OF THIS CODE.

(C) ELIGIBILITY.

(1) ANY PERSON OR THE CITY MAY APPLY FOR DESIGNATION OF AN EXISTING SIGN AS A CLASSIC SIGN.

(2) TO QUALIFY FOR DESIGNATION AS A CLASSIC SIGN, THE SIGN MUST:

- (I) BE AT LEAST 25 YEARS OLD OR A REPLICA OF AN ORIGINAL SIGN WHERE THE COMBINED AGE OF THE DUPLICATE AND ORIGINAL SIGN IS AT LEAST 25 YEARS;
 - (II) POSSESS UNIQUE PHYSICAL DESIGN CHARACTERISTICS, SUCH AS CONFIGURATION, MESSAGE, COLOR, TEXTURE, ETC.; AND
 - (III) BE OF SIGNIFICANCE TO THE CITY, REGARDLESS OF THE USE IDENTIFIED BY THE SIGN.
- (3) A SIGN DESIGNATED A CLASSIC SIGN MAY REMAIN ON THE PREMISES EVEN IF THE ORIGINAL USE OR PRODUCT TO WHICH THE SIGN RELATES IS NO LONGER LOCATED ON THE PREMISES.

(D) APPLICATION.

(1) AN APPLICATION FOR CLASSIC SIGN STATUS MUST INCLUDE PLANS FOR SIGN MAINTENANCE, RENOVATION, OR POSSIBLE RECONSTRUCTION.

(2) APPLICATION FOR CLASSIC SIGN STATUS MUST BE MADE TO THE COMMISSION FOR

HISTORICAL AND ARCHITECTURAL PRESERVATION.

(3) THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION MUST APPROVE OR DENY THE APPLICATION.

(E) MAINTENANCE.

(1) THE OWNER OF A CLASSIC SIGN MUST ENSURE THAT THE SIGN IS NOT STRUCTURALLY DANGEROUS, A FIRE HAZARD, AN ELECTRICAL SHOCK HAZARD, OR ANY OTHER KIND OF HAZARD.

(2) CLASSIC SIGNS MAY BE REBUILT IF DAMAGED.

(F) MASTER LIST OF CLASSIC SIGNS.

THE ZONING ADMINISTRATOR MUST MAINTAIN A MASTER LIST OF ALL DESIGNATED CLASSIC SIGNS.

SUBTITLE 5. EXEMPT SIGNS

§ 17-501. IN GENERAL.

(A) EXEMPTION FROM PERMIT REQUIREMENTS.

THE FOLLOWING ACTIVITIES AND SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.

(B) ILLUMINATION NOT PERMITTED.

NO SIGN EXEMPT BY THIS SUBTITLE MAY BE ILLUMINATED UNLESS SPECIFICALLY ALLOWED BY THIS SUBTITLE.

§ 17-502. ACTIVITIES EXEMPT FROM PERMIT.

THE FOLLOWING ACTIVITIES ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS:

(1) CHANGING THE ADVERTISING COPY OR MESSAGE ON AN EXISTING CHANGEABLE COPY SIGN, WHETHER ILLUMINATED OR NON-ILLUMINATED;

(2) PAINTING, REPAINTING, CLEANING, CHANGING ALLOWED ITEMS OF INFORMATION, OR OTHER NORMAL MAINTENANCE AND REPAIR OF A SIGN, NOT INVOLVING STRUCTURAL CHANGES OR CHANGES IN THE ELECTRICAL COMPONENTS OF THE SIGN;

(3) REFACING AN EXISTING SIGN, UNLESS LOCATED IN AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT OR LISTED ON A LANDMARK LIST: EXTERIORS OR A SPECIAL LIST: EXTERIORS, IN WHICH CASE THE PROPOSED ACTIVITY MUST BE REFERRED TO THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION FOR APPROVAL; AND

(4) CLASSIC SIGNS, AS DESCRIBED IN § 17-402 {"CLASSIC SIGNS"} OF THIS SUBTITLE, MAY BE EXEMPT FROM ADDITIONAL ACTIVITIES, SUBJECT TO REGULATIONS ADOPTED BY THE

COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION.

§ 17-503. BANNERS (TEMPORARY).

(A) GENERAL.

TEMPORARY BANNERS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NON-RESIDENTIAL OR MULTI-FAMILY USES.

TEMPORARY BANNERS ARE ALLOWED FOR ANY NON-RESIDENTIAL USE OR MULTI-FAMILY DWELLING.

(C) SIZE.

TEMPORARY BANNERS ARE LIMITED TO A MAXIMUM OF 32 SQUARE FEET IN AREA.

(D) 1 PER LOT.

ONLY 1 TEMPORARY BANNER IS ALLOWED PER LOT.

(E) HEIGHT.

NO TEMPORARY BANNER MAY BE LOCATED HIGHER THAN THE ROOFLINE OF THE BUILDING TO WHICH IT IS ATTACHED OR, IF ATTACHED TO A PERMANENT SIGN, HIGHER THAN THAT SIGN.

(F) NO RIGHT-OF-WAY ENCROACHMENT.

NO TEMPORARY BANNER MAY ENCROACH INTO THE PUBLIC RIGHT-OF-WAY.

(G) PERIODS OF DISPLAY.

(1) TEMPORARY BANNERS ARE LIMITED TO A DISPLAY PERIOD OF 30 DAYS.

(2) TEMPORARY BANNERS ARE LIMITED TO 4 DISPLAY PERIODS PER YEAR, WITH AT LEAST 7 DAYS BETWEEN DISPLAY PERIODS.

§ 17-504. FLAGS.

(A) IN GENERAL.

FLAGS OF NATIONS OR POLITICAL SUBDIVISIONS OR OF A PATRIOTIC, RELIGIOUS, PHILANTHROPIC, CIVIC, OR EDUCATIONAL ORGANIZATION ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) RESIDENTIAL DISTRICTS.

WITHIN THE RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT:

- (1) A MAXIMUM OF 3 FLAGPOLES IS ALLOWED PER LOT; AND
- (2) FLAGPOLE HEIGHTS ARE LIMITED TO THE MAXIMUM HEIGHT OF THE DISTRICT OR 35 FEET, WHICHEVER IS LESS.

(C) COMMERCIAL "WELCOME", ETC., FLAGS.

STANDARD-SIZE FLAGS OF A COMMERCIAL NATURE, IDENTIFYING A GENERIC TYPE OF BUSINESS OR DISPLAYING A "WELCOME", "OPEN", OR SIMILAR GENERIC MESSAGE, ARE LIMITED TO NO MORE THAN 1 PER ESTABLISHMENT AND MUST BE AFFIXED TO THE STOREFRONT OF THE ESTABLISHMENT.

§ 17-505. GARAGE OR YARD SALE SIGNS.

(A) IN GENERAL.

TEMPORARY GARAGE OR YARD SALE SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) SIZE.

TEMPORARY RESIDENTIAL GARAGE OR YARD SALE SIGNS MAY NOT EXCEED 4 SQUARE FEET IN AREA.

(C) POSTING LIMITATIONS.

(1) SIGNS MAY NOT BE POSTED MORE THAN 3 DAYS BEFORE THE EVENT AND MUST BE REMOVED WITHIN 24 HOURS AFTER THE EVENT.

(2) SIGNS MAY NOT BE POSTED IN THE PUBLIC RIGHT-OF-WAY OR OFF-PREMISES.

§ 17-506. GOVERNMENTAL SIGNS.

(A) IN GENERAL.

GOVERNMENTAL SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS. THESE INCLUDE TRAFFIC SIGNS AND TRAFFIC LIGHTS, RAILROAD CROSSING SIGNS, SIGNS REGULATING VEHICULAR OR PEDESTRIAN TRAFFIC, SIGNS OF PUBLIC SERVICE COMPANIES INDICATING DANGER OR AIDS TO SERVICE OR SAFETY, AND SIGNS DESIGNATING OR GIVING DIRECTION TO STREETS, SCHOOLS, HISTORIC SITES, OR PUBLIC BUILDINGS.

(B) ILLUMINATION.

GOVERNMENTAL SIGNS MAY BE ILLUMINATED AS NEEDED.

§ 17-507. HOUSE NUMBER SIGNS.

HOUSE NUMBER SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS AS LONG AS THEY COMPLY WITH CITY CODE ARTICLE 26, SUBTITLE 6 {"BUILDING ADDRESS NUMBERS"}.

§ 17-508. MEMORIAL PLAQUES.

MEMORIAL PLAQUES, CORNERSTONES, AND HISTORICAL TABLETS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS

§ 17-509. MISCELLANEOUS INFORMATIONAL MATTER.

(A) IN GENERAL.

MATTER APPEARING ON GASOLINE PUMPS, NEWSPAPER VENDING BOXES AND OTHER VENDING MACHINES, OR AUTOMATIC TELLER MACHINES, OR MATTER APPEARING ON OR ADJACENT TO ENTRY DOORS, SUCH AS "PUSH", "PULL", "OPEN", OR "CLOSED", OR MATTER APPEARING ON DISPLAY WINDOWS OR DOORS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.

(B) INCLUDED IN WINDOW SIGN AREA LIMITS.

HOWEVER, THIS INFORMATION IS COUNTED IN THE TOTAL WINDOW SIGN AREA LIMITATIONS.

§ 17-510. OFFICIAL PUBLIC NOTICES.

(A) IN GENERAL.

OFFICIAL PUBLIC NOTICES OR NOTICES POSTED BY PUBLIC OFFICERS IN THE PERFORMANCE OF THEIR DUTIES ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.

(B) PROMPT REMOVAL.

IF RELATED TO A SPECIFIC DATE, THESE SIGNS MUST BE REMOVED WITHIN 14 DAYS OF THAT DATE.

§ 17-511. PARKING REGULATION SIGNS.

PARKING LOT OR GARAGE REGULATION SIGNS, SUCH AS "NO PARKING" OR "UNAUTHORIZED USERS WILL BE TOWED", ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS.

§ 17-512. NON-COMMERCIAL OR POLITICAL SIGNS.

(A) IN GENERAL.

TEMPORARY SIGNS IN CONNECTION WITH COMMUNITY DEVELOPMENT EVENTS, NON-COMMERCIAL HEALTH, ART, SAFETY, AND WELFARE CAMPAIGNS, AND POLITICAL SIGNS, ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) PRIVATE PROPERTY ONLY.

(1) THESE SIGNS MAY ONLY BE POSTED ON PRIVATE PROPERTY AND ONLY WITH THE PERMISSION OF THE PROPERTY OWNER.

(2) POSTING ON ANY PUBLIC PROPERTY IS PROHIBITED.

(C) PROMPT REMOVAL.

THE SPONSORING ORGANIZATION MUST REMOVE TEMPORARY SIGNS IN CONNECTION WITH COMMUNITY DEVELOPMENT EVENTS, NON-COMMERCIAL HEALTH, ART, SAFETY, AND WELFARE CAMPAIGNS PROMPTLY AT THE CONCLUSION OF THE EVENT OR CAMPAIGN.

§ 17-513. REAL ESTATE SIGNS.

(A) IN GENERAL.

REAL ESTATE SIGNS ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) RESIDENTIAL AND OR DISTRICTS - MULTI-FAMILY (20 OR MORE UNITS) AND NON-RESIDENTIAL BUILDINGS.

(1) THIS SUBSECTION APPLIES REAL ESTATE SIGNS FOR MULTI-FAMILY DWELLINGS (20 OR MORE UNITS) OR FOR NON-RESIDENTIAL BUILDINGS IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT.

(2) 1 NON-ILLUMINATED REAL ESTATE SIGN IS ALLOWED.

(3) THE SIGN MAY BE ERECTED ONLY ON THE PREMISES TO WHICH THE SIGN RELATES.

(4) THE SIGN MAY NOT EXCEED 36 SQUARE FEET IN AREA OR 8 FEET IN HEIGHT.

(5) IF ATTACHED TO A BUILDING, THE SIGN MAY NOT EXTEND ABOVE THE ROOFLINE.

(6) THE SIGN DISPLAY IS LIMITED TO NO MORE THAN 7 DAYS AFTER THE PREMISES HAS BEEN LEASED TITLE TO THE PREMISES HAS TRANSFERRED.

(C) RESIDENTIAL AND OR DISTRICTS - SINGLE-FAMILY, ROWHOUSE, AND MULTI-FAMILY (19 OR FEWER UNITS) AND UNIMPROVED LOTS.

(1) THIS SUBSECTION APPLIES TO REAL ESTATE SIGNS FOR SINGLE-FAMILY, ROWHOUSE, OR MULTI-FAMILY (19 OR LESS UNITS) DWELLINGS OR FOR UNIMPROVED LOTS IN A RESIDENTIAL OR OFFICE-RESIDENTIAL DISTRICT.

(2) 1 NON-ILLUMINATED REAL ESTATE SIGN IS ALLOWED FOR EACH STREET FRONTAGE OF THE LOT.

(3) THE SIGN MAY BE ERECTED ONLY ON THE PREMISES TO WHICH THE SIGN RELATES.

(4) THE SIGN MAY NOT EXCEED 6 SQUARE FEET IN AREA OR 6 FEET IN HEIGHT.

(5) THE SIGN DISPLAY IS LIMITED TO NO MORE THAN 7 DAYS AFTER THE PREMISES HAS BEEN LEASED OR TITLE TO THE PREMISES HAS TRANSFERRED.

(D) ALL OTHER DISTRICTS.

- (1) THIS SUBSECTION APPLIES TO REAL ESTATE SIGNS IN ALL OTHER DISTRICTS.
- (2) 1 NON-ILLUMINATED REAL ESTATE SIGN IS ALLOWED.
- (3) THE SIGN MAY BE ERECTED ONLY ON THE PREMISES TO WHICH THE SIGN RELATES.
- (4) THE SIGN MAY NOT EXCEED 36 SQUARE FEET IN AREA OR 8 FEET IN HEIGHT.
- (5) IF ATTACHED TO A BUILDING, THE SIGN MAY NOT EXTEND ABOVE THE ROOFLINE.
- (6) THE SIGN DISPLAY IS LIMITED TO NO MORE THAN 7 DAYS AFTER THE PREMISES HAS BEEN LEASED OR TITLE TO THE PREMISES HAS TRANSFERRED. IF A REAL ESTATE SIGN ADVERTISES THE LEASING OF MULTIPLE DWELLING UNITS OR COMMERCIAL SPACES, THAT SIGN MAY BE DISPLAYED UNTIL ALL UNITS OR SPACES ARE LEASED. ONCE ALL UNITS OR SPACES ARE LEASED, THE SIGN MUST BE REMOVED NO MORE THAN 7 DAYS AFTER LEASING THE LAST UNIT OR SPACE.

§ 17-514. WARNING SIGNS.

(A) IN GENERAL.

WARNING SIGNS ON PRIVATE PROPERTY, SUCH AS "NO TRESPASSING" OR "NO DUMPING," ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) AREA.

THESE SIGNS MAY NOT EXCEED 6. SQUARE FEET IN AREA.

(C) HEIGHT; SETBACK.

IF MOUNTED AS A FREESTANDING SIGN, THE WARNING SIGN MAY NOT EXCEED 6 FEET IN HEIGHT AND MUST BE SETBACK AT LEAST 5 FEET FROM A LOT LINE.

§ 17-515. WINDOW SIGNS (TEMPORARY).

(A) IN GENERAL.

TEMPORARY SIGNS AFFIXED TO THE INSIDE OF A WINDOW OR MOUNTED WITHIN 12 INCHES OF A WINDOW ARE EXEMPT FROM SIGN PERMIT REQUIREMENTS, AS LONG AS THE TOTAL OF ALL WINDOW SIGNS, WHETHER PERMANENT OR TEMPORARY BUT NOT COUNTING WINDOW DISPLAYS, OCCUPIES NO MORE THAN 25% OF THE TOTAL WINDOW AREA.

(B) NON-RESIDENTIAL USES ONLY.

EXCEPT AS OTHERWISE PROVIDED IN THIS CODE, TEMPORARY WINDOW SIGNS ARE ONLY ALLOWED FOR NON-RESIDENTIAL USES IN NON-RESIDENTIAL DISTRICTS.

(C) PERIOD OF DISPLAY.

- (1) TEMPORARY SIGNS ARE LIMITED TO A DISPLAY PERIOD OF 30 DAYS.

(2) TEMPORARY SIGNS ARE LIMITED TO 4 DISPLAY PERIODS PER YEAR, WITH AT LEAST 7 DAYS BETWEEN DISPLAY PERIODS.

SUBTITLE 6. PROHIBITED SIGNS

§ 17-601. PROHIBITED SIGNS.

THE FOLLOWING TYPES OF PERMANENT AND TEMPORARY SIGNS ARE PROHIBITED.

§ 17-602. ALCOHOLIC BEVERAGE AND CIGARETTE ADVERTISING SIGNS.

(A) GENERAL PROHIBITION.

NO PERSON MAY PLACE ANY SIGN, POSTER, PLACARD, DEVICE, GRAPHIC DISPLAY, OR OTHER ITEM THAT ADVERTISES ALCOHOLIC BEVERAGES OR CIGARETTES IN ANY PUBLICLY VISIBLE LOCATION, INCLUDING ANY OUTDOOR BILLBOARD, SIDE OF A BUILDING, OR FREESTANDING SIGNBOARD.

(B) EXCEPTIONS.

(1) "LICENSED PREMISES" DEFINED.

IN THIS SUBSECTION, "LICENSED PREMISES" MEANS:

(I) AS TO ALCOHOLIC BEVERAGE SIGNS, A PREMISES THAT OPERATES UNDER AN ALCOHOLIC BEVERAGES LICENSE OR PERMIT ISSUED UNDER STATE CODE ARTICLE 2B; AND

(II) AS TO THE CIGARETTE SIGNS, A PREMISES THAT OPERATES UNDER A CIGARETTE BUSINESS LICENSE ISSUED UNDER TITLE 16 OF THE STATE BUSINESS REGULATION ARTICLE;

(2) THIS SECTION DOES NOT APPLY TO:

(I) THE PLACEMENT OF SIGNS, INCLUDING ADVERTISEMENTS:

(A) INSIDE A LICENSED PREMISES;

(B) ON COMMERCIAL VEHICLES USED FOR TRANSPORTING ALCOHOLIC BEVERAGES OR CIGARETTES, AS THE CASE MAY BE; OR

(C) IN CONJUNCTION WITH A TEMPORARY OR 1-DAY ALCOHOLIC BEVERAGES LICENSE GRANTED BY THE BOARD OF LICENSE COMMISSIONERS;

(II) ANY SIGN THAT CONTAINS THE NAME OR SLOGAN OF A LICENSED PREMISES AND HAS BEEN PLACED FOR THE PURPOSE OF IDENTIFYING THE LICENSED PREMISES;

(III) ANY SIGN THAT REFERS TO BEER, WINE, LIQUOR, SPIRITS, OR OTHER ALCOHOLIC BEVERAGES OR TO CIGARETTES SOLELY BY WAY OF GENERIC DESCRIPTION;

(IV) ANY NEON OR ELECTRICALLY CHARGED SIGN THAT IS ON A LICENSED PREMISES AND

INSTALLED INSIDE A WINDOW, AS LONG AS THE TOTAL OF ALL WINDOW SIGNS, WHETHER PERMANENT OR TEMPORARY, BUT NOT COUNTING WINDOW DISPLAYS, IS NO MORE THAN 25% OF THE WINDOW AREA;

(V) ANY SIGN ON A MARYLAND TRANSIT AUTHORITY VEHICLE OR ON A TAXICAB;

(VI) ANY SIGN ON PROPERTY OWNED, LEASED, OR OPERATED BY THE MARYLAND STADIUM AUTHORITY; AND

(VII) ANY SIGN AT A FACILITY THAT OPERATES UNDER A LICENSE ISSUED UNDER § 11-304 OF THE STATE BUSINESS REGULATION ARTICLE.

§ 17-603. BILLBOARDS.

(A) GENERAL PROHIBITION.

EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THIS CODE:

(1) THE ERECTION, PLACEMENT, OR CONSTRUCTION OF NEW BILLBOARDS IS PROHIBITED; AND

(2) THE CITY MAY NOT ISSUE PERMITS FOR THESE SIGNS.

(B) EXCEPTIONS.

(1) THE FOLLOWING EXCEPTIONS APPLY TO THIS SECTION.

(2) SUBJECT TO CONDITIONAL USE APPROVAL, 1 OR MORE NEW BILLBOARDS MAY BE ERECTED OR PLACED ON A PUBLICLY-OWNED STADIUM OR ARENA, BUT MUST BE ACCOMPANIED BY A PLAN FOR THE REMOVAL ELSEWHERE OF AT LEAST 1 EXISTING BILLBOARD FOR EACH NEW BILLBOARD TO BE PLACED OR ERECTED.

(3) SUBJECT TO CONDITIONAL USE APPROVAL, A DIGITAL BILLBOARD MAY BE ERECTED, BUT:

(I) MUST BE ACCOMPANIED BY A PLAN FOR THE REMOVAL ELSEWHERE OF AT LEAST 3 EXISTING BILLBOARD FACES FOR EACH NEW ELECTRONIC BILLBOARD FACE TO BE PLACED OR ERECTED; AND

(II) IN ADDITION, MUST MEET THE FOLLOWING STANDARDS:

(A) EACH MESSAGE OR IMAGE DISPLAYED ON A DIGITAL BILLBOARD MUST BE STATIC OR DEPICTED FOR AT LEAST 10 SECONDS;

(B) ANIMATION, STREAMING VIDEO, OR IMAGES THAT MOVE OR GIVE THE APPEARANCE OF MOVEMENT ARE PROHIBITED;

(C) NO ILLUMINATION FROM ANY DIGITAL BILLBOARD MAY GLARE DIRECTLY INTO ANY RESIDENTIAL PREMISES OR INTERFERE WITH THE SAFE MOVEMENT OF MOTOR VEHICLES ON PUBLIC THOROUGHFARES;

(D) ALL DIGITAL BILLBOARDS MUST HAVE AMBIENT LIGHT MONITORS, WHICH

AUTOMATICALLY ADJUST THE BRIGHTNESS LEVEL OF THE ELECTRONIC BILLBOARD BASED ON AMBIENT LIGHT CONDITIONS; AND

(E) NO DIGITAL BILLBOARD MAY HAVE AUDIO SPEAKERS OR ANY AUDIO COMPONENT.

(3) BANNERS OR SIGNS MOUNTED ON STREETLIGHTS AND SIMILAR STRUCTURES IN THE PUBLIC RIGHT-OF-WAY ARE NOT CONSIDERED BILLBOARDS, AND ARE SUBJECT TO CITY REGULATIONS AND PERMISSIONS.

§ 17-604. MOVING OR FLASHING SIGNS.

(A) GENERAL PROHIBITION.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION OR WHEN ALLOWED AS A CLASSIC SIGN, NO SIGN MAY HAVE OR CONSIST OF:

- (1) ANY MOVING, ROTATING OR OTHERWISE ANIMATED PART; OR
- (2) ANY FLASHING, BLINKING, FLUCTUATING, OR OTHERWISE ANIMATED LIGHT.

(B) EXCEPTIONS.

IN THE NON-RESIDENTIAL DISTRICTS, SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING SIGNS FOR NON-RESIDENTIAL USES ONLY:

- (1) INDOOR ENTERTAINMENT MARQUEES;
- (2) ELECTRONIC MESSAGE SIGNS;
- (3) SIGNS THAT SHOW THE TIME OF DAY, TEMPERATURE, WEATHER FORECAST, OR NEWS;
- (4) BARBER POLES; AND
- (5) SCROLLING NEWSCAST SIGNS, BUT ONLY IN THE C-5 DISTRICT AND SUBJECT TO DESIGN REVIEW.

§ 17-605. OBSCENE SIGNS.

NO SIGN OR OTHER ADVERTISING DEVICE MAY DISPLAY ANY MATTER IN WHICH THE DOMINANT THEME OF THE MATERIAL TAKEN AS A WHOLE APPEALS TO A PRURIENT INTEREST IN SEX, OR IS PATENTLY OFFENSIVE BECAUSE IT AFFRONTS CONTEMPORARY COMMUNITY STANDARDS RELATING TO THE DESCRIPTION OR REPRESENTATION OF SEXUAL MATTERS, AND IS UTTERLY WITHOUT REDEEMING SOCIAL VALUE.

§ 17-606. PAINTED SIGNS .

(A) WHERE PROHIBITED.

SIGNS PAINTED DIRECTLY ON A ROOF, FASCIA, OR PARAPET OF A BUILDING OR ON A FENCE ARE PROHIBITED.

(B) WHERE ALLOWED AS WALL SIGNS.

SIGNS PAINTED DIRECTLY ON EXTERIOR WALLS MUST FOLLOW THE SAME REQUIREMENTS AS WALL SIGNS.

§ 17-607. PORTABLE SIGNS.

PORTABLE SIGNS ARE PROHIBITED.

§ 17-608. SNIPE SIGNS.

(A) GENERAL PROHIBITION.

ANY SIGN PAINTED, PASTED, OR OTHERWISE AFFIXED TO ANY TREE, ROCK, UTILITY POLE, HYDRANT, BRIDGE, SIDEWALK, CURB, STREET, BENCH, OR TRASH RECEPTACLE IS PROHIBITED.

(B) LOGOS AND LABELS.

LOGOS AND LABELS LOCATED ON MECHANICAL EQUIPMENT, RECYCLING BINS, OR TRASH CONTAINERS ARE ALLOWED IF THEY ARE PART OF THE ITEM AS MANUFACTURED OR INSTALLED.

SUBTITLE 7. TEMPORARY SIGNS

§ 17-701. TEMPORARY SIGNS .

THE FOLLOWING TEMPORARY SIGNS ARE ALLOWED WITH A SIGN PERMIT.

§ 17-702. A-FRAME SIGNS.

(A) IN GENERAL.

A-FRAME SIGNS ARE ALLOWED WITH A BUILDING PERMIT AND , IF PLACED IN A PUBLIC RIGHT-OF-WAY, A MINOR PRIVILEGE PERMIT.

(B) REGULATIONS.

(1) A-FRAME SIGNS ARE SUBJECT TO THE FOLLOWING REGULATIONS.

(2) A-FRAME SIGNS ARE ALLOWED FOR NON-RESIDENTIAL USES WITHIN THE C-1, C-1-E, C1MC, C-2, C3, C-4, C-5, TOD, R-MU, D-MU, EC-2, AND H DISTRICTS.

(3) A-FRAME SIGNS ARE LIMITED TO 6 SQUARE FEET PER SIDE IN AREA AND 4 FEET IN HEIGHT.

(4) THE USE OF A-FRAME SIGNS IS LIMITED TO BUSINESS HOURS ONLY. SIGNS MUST BE STORED INDOORS AT ALL OTHER TIMES.

(5) A-FRAME SIGNS MAY NOT BE USED OUTDOORS WHEN HIGH WINDS OR HEAVY RAIN CONDITIONS EXIST.

(6) ONLY 1 A-FRAME SIGN IS ALLOWED PER BUSINESS. A MINIMUM SEPARATION OF 8 FEET SEPARATION IS REQUIRED BETWEEN ALL A-FRAME SIGNS.

(7) AN A-FRAME SIGN MUST BE PLACED ON THE PROPERTY WHERE THE BUSINESS IS LOCATED AND WITHIN 30 FEET OF THE PRIMARY ENTRANCE OF THE BUSINESS OR ON THE RIGHT-OF-WAY IN FRONT OF PROPERTY, AND MAY NOT INTERFERE WITH PEDESTRIAN TRAFFIC OR VIOLATE STANDARDS OF ACCESSIBILITY AS REQUIRED BY THE ADA OR OTHER ACCESSIBILITY CODES.

§ 17-703. ATTENTION-GETTING DEVICES.

(A) "ATTENTION-GETTING DEVICE" DEFINED.

(1) GENERAL.

"ATTENTION-GETTING DEVICE" MEANS ANY PENNANTS, FLAG, FESTOON, SPINNER, STREAMER, SEARCHLIGHT, BALLOON, INFLATABLE SIGN, STROBE LIGHT, FLOOD LIGHT, OR SIMILAR DEVICE OR ORNAMENTATION DESIGNED FOR THE PURPOSE OF ATTRACTING ATTENTION.

(2) EXCLUSIONS.

"ATTENTION-GETTING DEVICE" DOES NOT INCLUDE:

(I) FLAGS OF NATIONS OR POLITICAL SUBDIVISIONS OR OF A PATRIOTIC, RELIGIOUS, PHILANTHROPIC, CIVIC, OR EDUCATIONAL ORGANIZATION ; OR

(II) TEMPORARY HOLIDAY DECORATIONS.

(B) IN GENERAL.

ATTENTION-GETTING DEVICES REQUIRE A PERMIT AND ARE ALLOWED FOR NON-RESIDENTIAL USES IN THE C-3 AND C-4 DISTRICT.

(C) REGULATIONS.

(1) ATTENTION-GETTING DEVICES ARE SUBJECT TO THE FOLLOWING REGULATIONS.

(2) ATTENTION-GETTING DEVICES UNRELATED TO A SPECIFIC DATE ARE LIMITED TO A DISPLAY PERIOD OF 14 DAYS. IF RELATED TO A SPECIFIC DATE THESE DEVICES MAY BE ERECTED NO EARLIER THAN 5 DAYS BEFORE THAT DATE AND MUST BE REMOVED WITHIN 3 DAYS AFTER THAT DATE. ATTENTION-GETTING DEVICES MAY BE ERECTED ON A LOT NO MORE THAN 4 TIMES IN A YEAR, WITH AT LEAST 7 DAYS BETWEEN DISPLAY PERIODS.

(3) ATTENTION-GETTING DEVICES MAY NOT BE ERECTED OR MAINTAINED IN ANY LOCATION OR MANNER THAT COULD ENDANGER THE PUBLIC SAFETY, INTERFERE WITH OR OBSTRUCT PEDESTRIAN OR VEHICULAR TRAVEL, OR CREATE A TRAFFIC SAFETY PROBLEM.

(4) ATTENTION-GETTING DEVICES MAY NOT BE ERECTED OR MAINTAINED WITHIN ANY PUBLIC RIGHT-OF-WAY.

(5) AS A CONDITION OF THE ISSUANCE OF A BUILDING PERMIT, REQUIREMENTS MAY BE IMPOSED ON THE MATERIAL, MANNER OF CONSTRUCTION, AND METHOD OF ERECTION AS ARE REASONABLY NECESSARY TO ASSURE THE SAFETY AND CONVENIENCE OF THE PUBLIC.

(6) NO INFLATABLE PROMOTIONAL DEVICE MAY EXCEED 15 FEET IN HEIGHT OR THE HEIGHT OF THE PRINCIPAL BUILDING TO WHICH IT RELATES, WHICHEVER IS LOWER. NO INFLATABLE PROMOTIONAL DEVICE MAY BE MOUNTED ON THE ROOF OF A STRUCTURE.

§ 17-704. TEMPORARY CONSTRUCTION SIGNS.

(A) IN GENERAL.

TEMPORARY NON-ILLUMINATED CONSTRUCTION SIGNS OF PERSONS CONNECTED WITH WORK ON BUILDINGS UNDER ACTIVE CONSTRUCTION OR ALTERATION, INDICATING THEIR NAMES AND INFORMATION PERTINENT TO THE PROJECT, ARE ALLOWED WITH A PERMIT.

(B) AGGREGATE SIZE.

(1) IN THE RESIDENTIAL, OS, AND OR DISTRICTS, CONSTRUCTION SIGNS MAY NOT EXCEED A COMBINED AREA FOR ALL SIGNS OF 36 SQUARE FEET FOR EACH STREET FRONTAGE AND 6 FEET IN HEIGHT.

(2) IN ALL OTHER DISTRICTS, CONSTRUCTION SIGNS MAY NOT EXCEED A COMBINED AREA FOR ALL SIGNS OF 48 SQUARE FEET FOR EACH STREET FRONTAGE AND 10 FEET IN HEIGHT.

(C) DISPLAY PERIOD.

THESE SIGNS MAY NOT BE ERECTED BEFORE THE APPROVAL OF A SITE PLAN AND MUST BE REMOVED NO LATER THAN 7 DAYS AFTER THE LATER OF ISSUANCE OF AN OCCUPANCY PERMIT OR COMPLETION OF CONSTRUCTION.

§ 17-705. TEMPORARY SUBDIVISION OR PLANNED UNIT DEVELOPMENT SIGNS.

(A) IN GENERAL.

TEMPORARY NON-ILLUMINATED OR INDIRECTLY ILLUMINATED SUBDIVISION DEVELOPMENT AND PLANNED UNIT DEVELOPMENT SIGNS, INDICATING THE NAMES AND INFORMATION PERTINENT TO THE PROJECT, ARE ALLOWED WITH A PERMIT.

(B) AGGREGATE SIZE.

(1) IN THE RESIDENTIAL, OS, AND OR DISTRICTS, THESE SIGNS MAY NOT EXCEED A COMBINED AREA FOR ALL SIGNS OF 100 SQUARE FEET FOR THE PROJECT AND 20 FEET IN HEIGHT.

(2) IN ALL OTHER DISTRICTS, THESE SIGNS MAY NOT EXCEED A COMBINED AREA FOR ALL SIGNS OF 180 SQUARE FEET FOR THE PROJECT AND 20 FEET IN HEIGHT.

(C) DISPLAY PERIOD.

THESE SIGNS MAY NOT BE ERECTED BEFORE THE APPROVAL OF A SITE PLAN AND MUST BE REMOVED NO LATER THAN 7 DAYS AFTER THE LATER OF ISSUANCE OF AN OCCUPANCY PERMIT

OR COMPLETION OF CONSTRUCTION.

§ 17-706. TEMPORARY POLE SIGNS.

(A) IN GENERAL.

TEMPORARY POLE SIGNS ARE PERMITTED FOR ANY NON-RESIDENTIAL USE AND REQUIRE A PERMIT.

(B) REGULATIONS.

(1) TEMPORARY POLE SIGNS ARE LIMITED TO 32 SQUARE FEET IN AREA AND 6 FEET IN HEIGHT.

(2) ALL TEMPORARY POLE SIGNS MUST BE SET BACK 10 FEET FROM ANY PROPERTY LINE.

(3) TEMPORARY POLE SIGNS ARE LIMITED TO A DISPLAY OF 30 DAYS. TEMPORARY POLE SIGNS MAY BE ERECTED ON A LOT NO MORE THAN 4 TIMES IN A YEAR, WITH AT LEAST 7 DAYS BETWEEN DISPLAY PERIODS.

§ 17-707. TEMPORARY WALL SIGNS.

(A) IN GENERAL.

TEMPORARY WALL SIGNS ARE PERMITTED FOR ANY NON-RESIDENTIAL USE AND REQUIRE A PERMIT.

(B) SIZE.

A TEMPORARY WALL SIGN IS LIMITED TO 32 SQUARE FEET IN AREA.

(C) HEIGHT.

NO TEMPORARY WALL SIGN MAY BE LOCATED HIGHER THAN THE ROOFLINE OF THE BUILDING TO WHICH IT IS ATTACHED.

(D) NO ENCROACHMENT.

NO TEMPORARY WALL SIGN MAY ENCROACH INTO THE PUBLIC RIGHT-OF-WAY.

(E) NO COVERING DOORS, WINDOWS, ETC.

NO TEMPORARY WALL SIGN MAY COVER WINDOWS, DOORS, OR ARCHITECTURAL FEATURES.

(F) DISPLAY PERIOD.

TEMPORARY WALL SIGNS ARE LIMITED TO A DISPLAY OF 30 DAYS. TEMPORARY WALL SIGNS MAY BE ERECTED ON A LOT NO MORE THAN 4 TIMES IN A YEAR, WITH AT LEAST 7 DAYS BETWEEN DISPLAY PERIODS.

SUBTITLE 8. PERMANENT SIGNS

§ 17-801. PERMITS REQUIRED.

THE FOLLOWING PERMANENT SIGNS ARE ALLOWED WITH A PERMIT AND , IF PROJECTING INTO THE PUBLIC RIGHT-OF-WAY, A MINOR PRIVILEGE PERMIT.

§ 17-802. AWNINGS AND CANOPIES.

(A) WHEN NOT CONSIDERED A SIGN.

(1) AWNINGS AND CANOPIES THAT ARE CONSIDERED AN ARCHITECTURAL FEATURE OF A STRUCTURE AND ARE NOT USED FOR IDENTIFYING THE PREMISES OR THE GOODS OR SERVICES SOLD ARE NOT CONSIDERED SIGNS.

(2) AWNINGS AND CANOPIES THAT ONLY IDENTIFY THE ADDRESS OF THE STRUCTURE ARE NOT CONSIDERED SIGNS.

(B) REGULATIONS.

AWNINGS OR CANOPIES USED AS SIGNS ARE SUBJECT TO THE FOLLOWING REGULATIONS. {SEE FIGURE 17-802: AWNING SIGNS.}.

(C) WHERE ALLOWED.

AWNING OR CANOPY SIGNS ARE ALLOWED FOR MULTI-FAMILY DWELLINGS AND NON-RESIDENTIAL USES IN ANY DISTRICT.

(D) CLEARANCE; LOCATION.

(1) AWNING OR CANOPY SIGNS MUST MAINTAIN A CLEARANCE OF AT LEAST 8 FEET.

(2) AWNING OR CANOPY SIGNS MUST BE LOCATED AT LEAST 1 FOOT FROM THE CURB LINE.

(E) PRINTING.

PRINTING ON ANY AWNING OR CANOPY SIGN IS LIMITED TO 25% OF THE SURFACE AREA.

(F) CONSTRUCTION.

(1) AWNING AND CANOPY SIGNS MUST BE CONSTRUCTED OUT OF CANVAS, CANVAS-LIKE MATERIAL, FABRIC, OR METAL. BACK-LIT BOX AND PLASTIC AWNINGS ARE PROHIBITED.

(2) AWNING AND CANOPY SIGNS MUST BE SECURELY ATTACHED TO AND SUPPORTED BY A BUILDING. ALL FRAMES AND SUPPORTS MUST BE MADE OF METAL OR SIMILAR RIGID MATERIAL. FRAMES AND SUPPORTS MAY NOT BE MADE OF WOOD OR PLASTICS.

(G) UNDER-AWNING SIGNS.

(1) UNDER-AWNING SIGNS ARE ALLOWED IN THE C-1, C-1-E, C-1-VC, C-2, C-3, C-5, AND TOD

DISTRICTS, SUBJECT TO THE FOLLOWING REGULATIONS.

- (2) UNDER-AWNING SIGNS MUST BE ATTACHED TO THE UNDERSIDE OF AN AWNING. UNDER-AWNING SIGNS MAY NOT PROJECT BEYOND THE AWNING.
- (3) UNDER-AWNING SIGNS MUST MAINTAIN A CLEARANCE OF AT LEAST 7 FEET.
- (4) NO MORE THAN 1 UNDER-AWNING SIGN IS ALLOWED FOR ANY BUSINESS ESTABLISHMENT WITH FRONTAGE ON THE STREET WHERE THE AWNING IS MOUNTED.
- (5) UNDER-AWNING SIGNS MAY NOT EXCEED 3 SQUARE FEET IN AREA.
- (6) UNDER-AWNING SIGNS MUST BE SECURELY FIXED TO THE AWNING WITH METAL SUPPORTS.

(H) DESIGN STANDARDS.

(1) AWNING OR CANOPY SIGNS MUST COMPLY WITH THE FOLLOWING DESIGN STANDARDS.

- (2) AWNING OR CANOPY SIGNS MUST BE COMPATIBLE IN MATERIAL AND CONSTRUCTION TO THE STYLE AND CHARACTER OF THE BUILDING. THE COLOR OF THE AWNING OR CANOPY MUST BE COMPATIBLE WITH THE OVERALL COLOR SCHEME OF THE FACADE.
- (3) WHEN FEASIBLE, AWNING OR CANOPY SIGNS SHOULD BE GENERALLY ALIGNED WITH OTHERS NEARBY IN ORDER TO MAINTAIN A SENSE OF VISUAL CONTINUITY.
- (4) AWNING OR CANOPY SIGNS MUST BE TAILORED TO THE OPENING OF THE BUILDING AND POSITIONED SO THAT DISTINCTIVE ARCHITECTURAL FEATURES REMAIN VISIBLE.

§ 17-803. ELECTRONIC MESSAGE SIGNS.

(A) IN GENERAL.

FREESTANDING SIGNS AND WALL SIGNS IN THE OS, C-1, C-1-E, C-1-VC, C-2, C-3, C-4, C-5, EC1, EC-2, H, I-2, AND MI DISTRICTS ARE ALLOWED TO INCLUDE AN ELECTRONIC MESSAGE SIGN, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NUMBER.

THERE MAY BE ONLY 1 ELECTRONIC MESSAGE SIGN PER BUSINESS.

(C) DESIGN REVIEW.

ALL ELECTRONIC MESSAGE SIGNS ARE SUBJECT TO DESIGN REVIEW.

(D) DISPLAY.

(1) EACH MESSAGE DISPLAYED ON AN ELECTRONIC MESSAGE SIGN MUST BE:

- (I) STATIC OR DEPICTED FOR AT LEAST 10 SECONDS; AND
- (II) LIMITED TO TEXT ONLY.
- (2) THE CONTINUOUS SCROLLING OF MESSAGES IS PROHIBITED.
- (3) ELECTRONIC MESSAGE SIGNS MAY NOT DISPLAY ANY OFF-PREMISES ADVERTISING.
- (E) ILLUMINATION.

NO ILLUMINATION FROM AN ELECTRONIC MESSAGE COMPONENT MAY:

- (1) GLARE INTO ANY RESIDENTIAL PREMISES; OR
- (2) INTERFERE WITH THE SAFE MOVEMENT OF MOTOR VEHICLES ON PUBLIC THOROUGHFARES.
- (F) SIZE.
- (1) THE ELECTRONIC MESSAGE COMPONENT MAY NOT EXCEED 10 SQUARE FEET IN AREA, EXCEPT IN THE C-1, C-1-E, AND C-1-VC DISTRICTS, WHERE THE MAXIMUM SIZE IS LIMITED TO 6 SQUARE FEET IN AREA.
- (2) ELECTRONIC MESSAGE SIGNS MAY BE INTEGRATED INTO A FREESTANDING OR WALL SIGN, BUT IN NO CASE MAY THE COMBINED SIGN AREA OF THE FREESTANDING OR WALL SIGN AND THE ELECTRONIC MESSAGE SIGN EXCEED THE ALLOWED MAXIMUM SIGN AREA FOR THE FREESTANDING OR WALL SIGN.
- (3) ELECTRONIC MESSAGE SIGNS IN THE C-5 DISTRICT MUST MAINTAIN A CLEARANCE OF AT LEAST 20 FEET.

(G) PROHIBITED ON NONCONFORMING SIGNS.

THE ADDITION OF AN ELECTRONIC MESSAGE SIGN TO ANY NONCONFORMING SIGN IS PROHIBITED.

(H) ELECTRONIC DISPLAY SIGNS PROHIBITED.

ELECTRONIC DISPLAY SCREENS ARE NOT CONSIDERED ELECTRONIC MESSAGE SIGNS AND ARE PROHIBITED.

§ 17-804. FREESTANDING SIGNS.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN TABLE 17-804: FREESTANDING SIGN REGULATIONS, FREESTANDING SIGNS ARE ALLOWED FOR ALL NON-RESIDENTIAL USES, SUBJECT TO THE FOLLOWING REGULATIONS.

(2) FREESTANDING SIGNS IN THE OS DISTRICT ARE REGULATED BY § 17-809 {"OPEN-SPACE

DIRECTIONAL SIGNS"} AND § 17-810 {"OPEN-SPACE IDENTIFICATION SIGNS"} OF THIS SUBTITLE.

(B) NUMBER.

(1) 1 FREESTANDING SIGN IS ALLOWED FOR EACH STREET FRONTAGE OF A LOT.

(2) A LOT MUST HAVE A MINIMUM OF 100 FEET OF FRONTAGE ALONG THE PUBLIC RIGHT-OF-WAY IN ORDER TO ERECT A FREESTANDING SIGN.

(C) DESIGN REVIEW.

ALL FREESTANDING SIGNS IN THE C-5 DISTRICT ARE SUBJECT TO DESIGN REVIEW.

(D) SIGN ON POLE.

ALL FREESTANDING SIGNS CONSTRUCTED ON A POLE MUST BE SECURELY BUILT, CONSTRUCTED, AND ERECTED ON POSTS AND STANDARDS THAT ARE SUNK BELOW THE NATURAL SURFACE IN A MANNER THAT WILL PREVENT THE SIGN FROM OVERTURNING.

(E) NO ENCROACHMENT.

NO PART OF A FREESTANDING SIGN MAY PROJECT INTO, OVER, OR OTHERWISE ENCROACH ON A PUBLIC RIGHT-OF-WAY.

(F) PERMISSIONS, SIZE, AND HEIGHT.

FREESTANDING SIGN PERMISSIONS, HEIGHTS AND SIGN AREAS ARE LIMITED AS SHOWN IN TABLE 17804: FREESTANDING SIGN REGULATIONS.

§ 17-805. MARQUEES.

(A) IN GENERAL.

MARQUEES ARE ALLOWED FOR NON-RESIDENTIAL USES IN THE C-2, C-3, C-4, AND C-5 DISTRICTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) CONSTRUCTION.

(1) THE MANNER OF CONSTRUCTION AND MATERIALS USED FOR ALL MARQUEES MUST MEET THE REQUIREMENTS OF THIS SECTION AND ALL OTHER APPLICABLE CITY CODE REQUIREMENTS.

(2) MARQUEES MUST BE SUPPORTED SOLELY BY THE BUILDING TO WHICH THEY ARE ATTACHED. NO EXTERIOR COLUMNS OR POSTS ARE ALLOWED AS SUPPORTS.

(3) EVERY MARQUEE, INCLUDING THE ANCHORS, BOLTS, SUPPORTS, RODS, AND BRACES, MUST:

(I) BE BUILT SECURELY;

(II) BE DESIGNED BY A STRUCTURAL ENGINEER OR REGISTERED ARCHITECT; AND

(III) COMPLY WITH THE BALTIMORE CITY BUILDING AND ELECTRICAL CODES.

(4) NO MARQUEE MAY BE ERECTED ON ANY BUILDING OR OTHER STRUCTURE OF WOOD FRAME CONSTRUCTION.

(C) ROOF.

(1) THE ROOF OF A MARQUEE MAY NOT BE USED FOR ANY PURPOSE OTHER THAN TO FORM AND CONSTITUTE A ROOF.

(2) THE ROOF OF A MARQUEE MUST BE:

(I) CONSTRUCTED OF NONCOMBUSTIBLE MATERIAL; AND

(II) DESIGNED AND CONSTRUCTED TO SUPPORT A LIVE LOAD OF NOT LESS THAN 100 POUNDS PER SQUARE FOOT.

(D) DRAINAGE.

(1) WATER FROM THE ROOFS OF MARQUEES MAY NOT DRAIN, DRIP, OR FLOW ONTO THE SURFACE OF A PUBLIC RIGHT-OF-WAY.

(2) SUFFICIENT DOWNSPOUTS, DRAINS, AND GUTTERS MUST BE INSTALLED AS PART OF EACH MARQUEE TO PREVENT WATER FROM THE ROOF OF THE MARQUEE FROM FLOWING ONTO THE SURFACE OF A PUBLIC RIGHT-OF-WAY.

(E) PLACEMENT.

(1) MARQUEES ARE LIMITED TO THE WIDTH OF THE BUILDING ENTRANCE PLUS AN ADDITIONAL 5 FEET ON EACH SIDE OF THE ENTRANCE DOORS COVERED BY THE MARQUEE.

(2) ALL MARQUEES MUST MAINTAIN A VERTICAL CLEARANCE OF AT LEAST 12 FEET ABOVE THE SIDEWALK OR OTHER PUBLIC THOROUGHFARE.

(3) MARQUEES MAY ENCROACH UP TO 1 FOOT FROM THE CURB LINE.

(4) A MINOR PRIVILEGE PERMIT IS REQUIRED FOR ANY MARQUEE THAT PROJECTS INTO THE PUBLIC RIGHT-OF-WAY.

(F) ATTACHMENTS, ADVERTISING PROHIBITED.

(1) NO TEMPORARY SIGN MAY BE ATTACHED TO OR HUNG FROM A MARQUEE.

(2) NO ADVERTISING MATERIAL MAY BE PLACED UPON THE ROOF OF ANY MARQUEE.

§ 17-806. MENU BOARD SIGNS.

(A) NUMBER.

DRIVE-THROUGH ESTABLISHMENTS ARE ALLOWED 1 MENU BOARD SIGN FOR EACH DRIVE-THROUGH LANE.

(B) SIZE; HEIGHT.

A MENU BOARD MAY BE NO MORE THAN:

- (1) 40 SQUARE FEET IN SIGN AREA; AND
- (2) 6 FEET IN HEIGHT.

(C) LOCATION.

A MENU BOARD MAY BE NO LESS THAN 15 FEET FROM ANY LOT LINE.

(D) ILLUMINATION.

MENU BOARDS MAY BE INTERNALLY ILLUMINATED.

§ 17-807. NAMEPLATES.

(A) IN GENERAL.

NAMEPLATES ARE ALLOWED FOR ALL USES, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NUMBER.

1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED NAMEPLATE IS ALLOWED FOR EACH STREET FRONTAGE OF THE LOT.

(C) WALL MOUNTING.

NAMEPLATE SIGNS MUST BE WALL SIGNS AND MAY BE MOUNTED NO HIGHER THAN 12 FEET, AS MEASURED FROM THE GROUND TO THE UPPERMOST POINT OF THE SIGN.

(D) SIZE.

(1) FOR MULTI-FAMILY DWELLINGS OF 20 OR MORE DWELLING UNITS AND FOR ANY NON-RESIDENTIAL USES, NAMEPLATE SIGNS ARE LIMITED TO 9 SQUARE FEET.

(2) ALL OTHER USES ARE LIMITED TO 1 SQUARE FOOT.

§ 17-808. NEIGHBORHOOD IDENTIFICATION SIGNS.

(A) IN GENERAL.

NON-ILLUMINATED OR INDIRECTLY ILLUMINATED IDENTIFICATION SIGNS, INDICATING THE NAME OF A NEIGHBORHOOD, ARE ALLOWED IN THE RESIDENTIAL AND OR DISTRICTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NUMBER.

THERE MAY BE NO MORE THAN 2 NEIGHBORHOOD IDENTIFICATION SIGNS PER NEIGHBORHOOD.

(C) SIZE.

NEIGHBORHOOD IDENTIFICATION SIGNS ARE LIMITED TO 48 SQUARE FEET IN AREA AND 6 FEET IN HEIGHT.

(D) ENCROACHMENT.

NEIGHBORHOOD IDENTIFICATION SIGNS ARE ALLOWED IN THE PUBLIC RIGHT-OF-WAY, SUBJECT TO REVIEW AND APPROVAL BY THE DIRECTOR OF PLANNING AND THE DEPARTMENT OF TRANSPORTATION.

§ 17-809. OPEN-SPACE DIRECTIONAL SIGNS.

(A) IN GENERAL.

NON-ILLUMINATED SIGNS THAT PROVIDE DIRECTIONS TO DESTINATIONS WITHIN OPEN-SPACE PROPERTIES ARE ALLOWED AT ENTRANCES ALONG THE PERIMETER AND WITHIN THE INTERIOR OF PROPERTIES IN AN OS DISTRICT.

(B) AREA..

AN OPEN-SPACE DIRECTIONAL SIGN ALONG THE PERIMETER MAY NOT EXCEED 60 SQUARE FEET IN AREA.

(C) HEIGHT.

OPEN-SPACE DIRECTIONAL SIGNS MAY NOT EXCEED 10 FEET IN HEIGHT.

§ 17-810. OPEN-SPACE IDENTIFICATION SIGNS.

(A) IN GENERAL.

OPEN-SPACE IDENTIFICATION SIGNS FOR PROPERTY AND BUILDINGS ARE ALLOWED WITHIN THE OS DISTRICT, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) PROPERTY IDENTIFICATION SIGNS.

(1) 1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED FREESTANDING IDENTIFICATION SIGN, INDICATING THE NAME OF THE PROPERTY, IS ALLOWED AT EACH ENTRANCE TO THE PROPERTY.

(2) PROPERTY IDENTIFICATION SIGNS ARE LIMITED TO 30 SQUARE FEET IN AREA AND 6 FEET IN HEIGHT.

(C) BUILDING IDENTIFICATION SIGNS.

(1) 1 NON-ILLUMINATED, INDIRECTLY ILLUMINATED, OR DIRECTLY ILLUMINATED SIGN IS ALLOWED ON EACH SIDE OF A BUILDING.

(2) BUILDING IDENTIFICATION SIGNS ARE LIMITED TO 18 SQUARE FEET IN AREA, EXCEPT FOR SIGNS THAT ARE DIRECTLY ILLUMINATED. DIRECTLY ILLUMINATED SIGNS ARE LIMITED TO 12 SQUARE FEET IN AREA.

(3) FREESTANDING BUILDING IDENTIFICATION SIGNS ARE LIMITED TO 6 FEET IN HEIGHT.

(4) WALL-MOUNTED BUILDING IDENTIFICATION SIGNS MAY BE MOUNTED NO HIGHER THAN 6 FEET, AS MEASURED FROM THE GROUND TO THE UPPERMOST POINT OF THE SIGN.

§ 17-811. PARKING ACCESS SIGNS.

(A) IN GENERAL.

PARKING ACCESS SIGNS ARE ALLOWED FOR PARKING LOTS (PRINCIPAL USE) AND PARKING GARAGES (PRINCIPAL USE), SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NUMBER.

1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED SIGN, INDICATING THE ENTRANCE TO OR EXIT FROM THE PARKING LOT OR PARKING GARAGE, IS ALLOWED FOR EACH STREET FRONTAGE OF THE LOT.

(C) SIZE.

PARKING ACCESS SIGNS ARE LIMITED TO 4 SQUARE FEET IN AREA.

(D) HEIGHT.

PARKING ACCESS SIGNS ARE LIMITED TO 6 FEET IN HEIGHT.

§ 17-812. PROJECTING SIGNS.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN TABLE 17-812: PROJECTING SIGN REGULATIONS, PROJECTING SIGNS ARE ALLOWED FOR ALL NON-RESIDENTIAL USES PERMITTED WITHIN THE DISTRICT, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) NUMBER.

(1) 1 PROJECTING SIGN IS ALLOWED FOR EACH ESTABLISHMENT WITH FRONTAGE ON A STREET.

(2) FOR A CORNER LOT, 1 PROJECTING SIGN IS ALLOWED FOR EACH STREET FRONTAGE.

(C) PROJECTION LIMIT.

A PROJECTING SIGN MAY NOT PROJECT MORE THAN 4 FEET FROM THE FACE OF THE BUILDING TO WHICH IT IS ATTACHED, INCLUDING THE AREA BETWEEN THE SIGN AND THE FACE OF THE BUILDING. {SEE FIGURE 17-812: PROJECTING SIGNS.}

(D) CLEARANCE; HEIGHT.

(1) THE BOTTOM OF ANY PROJECTING SIGN MUST BE AT LEAST 8 FEET ABOVE THE SIDEWALK OR THOROUGHFARE.

(2) NO PROJECTING SIGN AFFIXED TO A BUILDING MAY PROJECT HIGHER THAN THE BUILDING HEIGHT, INCLUDING THE SIGN SUPPORT STRUCTURE. {SEE FIGURE 17-812.}

(E) DESIGN AND CONSTRUCTION.

(1) PROJECTING SIGNS, INCLUDING FRAMES, BRACES, AND SUPPORTS MUST BE DESIGNED BY A LICENSED STRUCTURAL ENGINEER OR MANUFACTURER.

(2) NO PROJECTING SIGN MAY BE SECURED WITH WIRE, CHAINS, STRIPS OF WOOD, OR NAILS NOR MAY ANY PROJECTING SIGN BE HUNG OR SECURED TO ANY OTHER SIGN.

(3) ANY MOVABLE PART OF A PROJECTING SIGN, SUCH AS THE COVER OF A SERVICE OPENING, MUST BE SECURELY FASTENED BY CHAINS OR HINGES.

(F) SIZE.

PROJECTING SIGN AREAS ARE LIMITED AS SHOWN IN TABLE 17-812.

§ 17-813. RESIDENTIAL IDENTIFICATION SIGNS.

(A) IN GENERAL.

SUBJECT TO THE FOLLOWING REGULATIONS, RESIDENTIAL IDENTIFICATION SIGNS ARE ALLOWED FOR:

(1) MULTI-FAMILY DWELLINGS OF 4 OR MORE DWELLING UNITS; AND

(2) ROOMING HOUSES.

(B) R-1A THROUGH R-8 DISTRICTS.

(1) THIS SUBSECTION APPLIES TO THE R-1A THROUGH R-8 DISTRICTS.

(2) 1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED RESIDENTIAL IDENTIFICATION SIGN IS ALLOWED FOR EACH STREET FRONTAGE.

(3) RESIDENTIAL IDENTIFICATION SIGNS ARE LIMITED TO 15 SQUARE FEET IN AREA, EXCEPT FOR SIGNS THAT ARE DIRECTLY ILLUMINATED. DIRECTLY ILLUMINATED SIGNS ARE LIMITED TO 12 SQUARE FEET IN AREA.

(4) FREESTANDING RESIDENTIAL IDENTIFICATION SIGNS ARE LIMITED TO 6 FEET IN HEIGHT.

(5) WALL-MOUNTED RESIDENTIAL IDENTIFICATION SIGNS MAY BE MOUNTED NO HIGHER THAN 16 FEET, AS MEASURED FROM THE GROUND TO THE UPPERMOST POINT OF THE SIGN.

(C) OTHER DISTRICTS.

(1) THIS SUBSECTION APPLIES TO ALL OTHER DISTRICTS.

(2) 1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED RESIDENTIAL IDENTIFICATION SIGN IS ALLOWED FOR EACH STREET FRONTAGE.

(3) RESIDENTIAL IDENTIFICATION SIGN ARE LIMITED TO 36 SQUARE FEET IN AREA, EXCEPT FOR SIGNS THAT ARE DIRECTLY ILLUMINATED. DIRECTLY ILLUMINATED SIGNS ARE LIMITED TO 24 SQUARE FEET IN AREA.

(3) FREESTANDING RESIDENTIAL IDENTIFICATION SIGNS ARE LIMITED TO 8 FEET IN HEIGHT.

§ 17-814. ROOF SIGNS.

(A) IN GENERAL.

SUBJECT TO CONDITIONAL USE APPROVAL, A ROOF SIGN IS AUTHORIZED IN THE C-5, I-1, I-2, AND MI DISTRICTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) FOR IDENTIFICATION ONLY.

THE ROOF SIGN MAY ONLY USED TO IDENTIFY THE BUSINESS.

(C) LOCATION; HEIGHT.

THE ROOF SIGN:

(1) MUST BE LOCATED ON THE SIDE OF A ROOF STRUCTURE THAT FORMS A BACKDROP FOR IT;
AND

(2) MAY NOT PROJECT MORE THAN 20 FEET ABOVE THE ROOF.

§ 17-815. WALL SIGNS.

(A) IN GENERAL.

WALL SIGNS ARE ALLOWED FOR NON-RESIDENTIAL USES IN ALL DISTRICTS, SUBJECT TO THE FOLLOWING REGULATIONS.

(B) R-1A THROUGH R-8 DISTRICTS.

(1) THIS SUBSECTION APPLIES TO THE R-1A THROUGH R-8 DISTRICTS.

(2) 1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED WALL SIGN IS ALLOWED FOR EACH STREET FRONTAGE. HOWEVER, INTERNALLY ILLUMINATED CABINET BOX WALL SIGNS ARE PROHIBITED.

(3) WALL SIGNS ARE LIMITED TO 18 SQUARE FEET IN AREA, EXCEPT FOR SIGNS THAT ARE DIRECTLY ILLUMINATED. DIRECTLY ILLUMINATED SIGNS ARE LIMITED TO 12 SQUARE FEET IN AREA. {SEE FIGURE 17-815: WALL SIGNS.}

(C) R-9 THROUGH R-10 AND OR DISTRICTS.

(1) THIS SUBSECTION APPLIES TO THE R-9 THROUGH R-10 DISTRICTS AND THE OR DISTRICT.

(2) 1 NON-ILLUMINATED OR INDIRECTLY ILLUMINATED WALL SIGN IS ALLOWED FOR EACH STREET FRONTAGE. HOWEVER, INTERNALLY ILLUMINATED CABINET BOX WALL SIGNS ARE PROHIBITED.

(3) WALL SIGNS ARE LIMITED TO 36 SQUARE FEET IN AREA, EXCEPT FOR SIGNS THAT ARE DIRECTLY ILLUMINATED. DIRECTLY ILLUMINATED SIGNS ARE LIMITED TO 24 SQUARE FEET IN AREA.

(D) OS DISTRICT.

WALL SIGNS IN THE OS DISTRICT ARE REGULATED BY § 17-809 {"OPEN-SPACE DIRECTIONAL SIGNS"} AND § 17-810 {"OPEN-SPACE IDENTIFICATION SIGNS"}.

(E) ALL OTHER DISTRICTS.

(1) THIS SUBSECTION APPLIES TO ALL OTHER DISTRICTS.

(2) WALL SIGNS ARE LIMITED TO 1 SQUARE FOOT PER LINEAR FOOT OF BUILDING FRONTAGE, SUBJECT TO THE FOLLOWING PROVISIONS OF THIS SUBSECTION:

(3I) FOR AN INTERIOR LOT, THE MAXIMUM SIZE OF A WALL SIGN IS DETERMINED BY MEASURING ALONG THE FRONT BUILDING LINE, WITH A MINIMUM OF 25 SQUARE FEET ALLOWED.

(IV) FOR A CRNER LOT, THE MAXIMUM SIZE OF A WALL SIGN LOCATED ON EACH BUILDING WALL IS DETERMINED BY MEASURING ALONG THE BUILDING FRONTAGE LOCATED AT THE FRONT OR CORNER SIDE LOT LINE, WITH A MINIMUM OF 25 SQUARE FEET ALLOWED FOR EACH FIRST-FLOOR OR GRADE-LEVEL SIGN. THE SIZE OF A WALL SIGN ON EACH SIDE OF THE BUILDING IS LIMITED TO THE SQUARE FOOTAGE CALCULATED ON THAT SIDE ONLY. IN NO CASE MAY THE SQUARE FOOTAGE ALLOWED FOR THE BUILDING WALL LOCATED ALONG THE FRONT LOT LINE AND THE SQUARE FOOTAGE ALLOWED FOR THE BUILDING WALL LOCATED ALONG THE CORNER SIDE LOT LINE BE COMBINED TO CREATE A LARGER SIGN ON A WALL OTHER THAN THAT ALLOWED ON EACH INDIVIDUAL WALL.

(V) IN A MULTI-TENANT STRUCTURE, THE MAXIMUM SIZE OF A WALL SIGN FOR EACH TENANT AT GROUND LEVEL IS MEASURED ALONG EACH INDIVIDUAL BUSINESS FRONTAGE, WITH A MINIMUM OF 25 SQUARE FEET ALLOWED FOR A WALL SIGN FOR EACH TENANT. MULTI-TENANT STRUCTURES WITH MORE THAN ONE STORY ARE ALLOWED UPPER STORY WALL SIGNS AS FOLLOWS:

(I) IN THE C-5 DISTRICT, 1 SQUARE FOOT TIMES THE LINEAR FOOT OF TOTAL BUSINESS UPPER STORY FRONTAGE, WITH A MINIMUM OF 25 SQUARE FEET, ALLOWED.

(II) IN ALL OTHER DISTRICTS, 15 SQUARE FEET PER UPPER STORY TENANT.

(III) IF A MULTI-TENANT STRUCTURE IS LOCATED ON A CORNER LOT, THE MAXIMUM SIZE OF THE WALL SIGN LOCATED ALONG THE CORNER LOT LINE IS MEASURED ALONG THE BUILDING

FRONTAGE ALONG THE CORNER LOT LINE, WITH A MINIMUM OF 25 SQUARE FEET ALLOWED.

(F) ILLUMINATION OF PERMANENT SIGNS.

PERMANENT WALL SIGNS MAY BE INTERNALLY ILLUMINATED.

(G) MOUNTING, ETC.

(1) WALL SIGNS MUST BE SAFELY AND SECURELY ATTACHED TO THE BUILDING WALL.

(2) WALL SIGNS MUST BE AFFIXED FLAT AGAINST THE WALL AND MAY NOT PROJECT MORE THAN 12 INCHES FROM THE BUILDING WALL.

(3) ANY WALL SIGN THAT PROJECTS INTO THE PUBLIC RIGHT-OF-WAY REQUIRES A MINOR PRIVILEGE PERMIT.

(H) PLACEMENT.

(1) WALL SIGNS MUST BE LOCATED ON THE SIGN FRIEZE - THAT IS, ON THE PORTION OF THE BUILDING IMMEDIATELY ABOVE THE GROUND FLOOR WINDOW AND, IN THE CASE OF A 2-STORY BUILDING, BELOW THE SECOND FLOOR WINDOW SILL.

(2) WALL SIGNS INSTALLED ABOVE THE GROUND FLOOR ARE SUBJECT TO DESIGN REVIEW.

(3) WALL SIGNS ARE LIMITED TO A HEIGHT OF 40 FEET ABOVE GRADE, EXCEPT FOR BUILDING IDENTIFICATION SIGNS IN THE C-5 DISTRICT IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION.

(I) C-5 DISTRICT.

(1) ANY STRUCTURE IN THE C-5 DISTRICT THAT EXCEEDS 10 STORIES IS ALLOWED A MAXIMUM OF 1 BUILDING IDENTIFICATION SIGN PER BUILDING FACE.

(2) THE SIGN MUST BE PLACED WITHIN THE TOP 25 FEET OF THE STRUCTURE AND MAY NOT COVER ANY WINDOW OR ARCHITECTURAL FEATURES.

(3) THE MAXIMUM SIZE OF A BUILDING IDENTIFICATION SIGN IS 1 SQUARE FOOT PER LINEAR FOOT OF LOT FRONTAGE ON THAT SIDE OF THE FACADE.

(J) ARCHITECTURE.

(1) NO WALL SIGN AFFIXED TO A BUILDING, INCLUDING SIGN SUPPORT STRUCTURE, MAY PROJECT BEYOND THE ENDS OR TOP OF THE WALL OR HIGHER THAN THE ROOFLINE OF THE STRUCTURE TO WHICH IT IS ATTACHED UNLESS SPECIFICALLY PERMITTED BY § 17814 {"ROOF SIGNS"} OF THIS SUBTITLE.

(2) ARCHITECTURAL FEATURES THAT ARE PART OF THE ORIGINAL BUILDING DESIGN, SUCH AS CHIMNEYS, MAY HAVE A SIGN AFFIXED TO THEM, SUBJECT TO DESIGN REVIEW.

(3) ON EXISTING BUILDINGS, A PARAPET WALL MAY NOT BE CONSTRUCTED FOR THE SOLE

PURPOSE OF INCREASING THE ALLOWABLE HEIGHT OF A WALL SIGN. FOR NEW BUILDINGS, WHEN A SIGN IS TO BE MOUNTED ON A PARAPET WALL, THAT PARAPET WALL MUST BE CONSISTENT WITH THE ARCHITECTURAL DESIGN OF THE BUILDING, INCLUDING BUILDING MATERIALS.

- (4) WALL SIGNS MAY NOT BE ATTACHED TO UN-REINFORCED MASONRY PARAPETS.
- (5) WALL SIGNS MAY NOT COVER WINDOWS, DOORS, OR ARCHITECTURAL FEATURES.
- (K) PERMANENT BANNER SIGNS.

PERMANENT BANNER SIGNS USED AS WALL SIGNS ARE SUBJECT TO DESIGN REVIEW.

- (L) CABINET BOX WALL SIGNS.

CABINET BOX WALL SIGNS ARE PROHIBITED IN THE C-1, C-1-E, C-1-VC, C-2, OR, R-MU, DMU, AND ALL RESIDENTIAL DISTRICTS.

§ 17-816. WINDOW SIGNS.

- (A) IN GENERAL.

WINDOW SIGNS ARE ALLOWED FOR NON-RESIDENTIAL USES IN ALL DISTRICTS.

- (B) AGGREGATE SIZE.

(1) ALL WINDOW SIGNS, WHETHER TEMPORARY, PERMANENT, OR NEON WINDOW SIGNS, MAY OCCUPY NO MORE THAN 25% OF THE SURFACE OF EACH WINDOW AREA.

(2) "WINDOW AREA" MEANS A CONTINUOUS SURFACE UNDIVIDED BY ANY ARCHITECTURAL OR STRUCTURAL ELEMENT. MULLIONS ARE NOT CONSIDERED AN ELEMENT THAT DIVIDES A WINDOW AREA. {SEE FIGURE 17-816: WINDOW SIGNS.}

SUBTITLE 9. AREAS OF SPECIAL SIGN CONTROL

§ 17-901. PURPOSE.

THE CITY RECOGNIZES THAT CERTAIN COMMERCIAL AREAS PRESENT A UNIQUE CHARACTER THAT COULD BE ENHANCED WITH THE APPLICATION OF SIGN STANDARDS THAT DEPART FROM THE REQUIREMENTS OF THIS TITLE. IN THESE CIRCUMSTANCES, THESE STANDARDS WOULD BE CONSIDERED SUPPORTIVE OF THE COMMERCIAL AREA. THE PLANNING COMMISSION MAY RECOMMEND AND THE CITY COUNCIL MAY APPROVE SIGN STANDARDS FOR PERMANENT SIGNS THROUGH THEIR APPROVAL OF AN AREA OF SPECIAL SIGN CONTROL.

§ 17-902. APPLICABILITY.

- (A) DISTRICTS.

AN AREA OF SPECIAL SIGN CONTROL MAY BE APPLIED FOR IN THE C-1, C-1-E, C-1-VC, C-2, C-3, C-4,

C-5, I-MU, OR, OR TOD DISTRICT.

(B) SIZE OF AREA.

- (1) AN AREA OF SPECIAL SIGN CONTROL MUST COVER AN AREA OF AT LEAST 2 BLOCK FACES.
- (2) THE BLOCK FACES MAY EITHER BE LOCATED DIRECTLY ACROSS THE STREET FROM EACH OTHER OR ADJACENT TO EACH OTHER ALONG THE STREET.
- (3) THE BLOCK FACES MAY BE IN ANY DISTRICT OR COMBINATION OF DISTRICTS IDENTIFIED IN SUBSECTION (A) OF THIS SECTION.

(C) NOTICE OF APPLICATION.

- (1) WHEN AN APPLICATION FOR DESIGNATION OF AN AREA OF SPECIAL SIGN CONTROL IS SUBMITTED, THE APPLICANT MUST MAIL NOTICE TO ALL PROPERTY OWNERS IN THE PROPOSED AREA.
- (2) THE NOTICE MUST DESCRIBE:
 - (I) THE BOUNDARIES OF THE PROPOSED AREA;
 - (II) THE PROPOSED SIGN PLAN FOR THAT AREA; AND
 - (III) THE EXCEPTIONS THAT WOULD BE ALLOWED UNDER THE SIGN PLAN.
- (2) THE NOTICE MUST ALSO INFORM THE PROPERTY OWNERS THAT THEY HAVE 15 DAYS TO NOTIFY THE DIRECTOR OF PLANNING OF OPPOSITION TO THE AREA OF SPECIAL SIGN CONTROL.
- (3) IF 51% OF OWNERS OBJECT TO THE DESIGNATION, THE DIRECTOR OF PLANNING MAY NOT APPROVE THE APPLICATION.

§ 17-903. SIGN PLAN.

(A) REQUIRED.

AS PART OF THE REQUEST FOR ESTABLISHMENT OF AN AREA OF SPECIAL SIGN CONTROL, A SIGN PLAN MUST BE SUBMITTED.

(B) CONTENTS.

THE SIGN PLAN MUST DESCRIBE THE PROPOSED SIGN STANDARDS FOR THE AREA OF SPECIAL SIGN CONTROL, INCLUDING ALL EXCEPTIONS TO THE REQUIREMENTS OF THIS TITLE.

(C) SCOPE,

THE SIGN PLAN MAY BE MORE RESTRICTIVE OR MORE PERMISSIVE THAN THE STANDARDS OF THIS TITLE.

§ 17-904. PROCESS.

AN AREA OF SPECIAL SIGN CONTROL AND ACCOMPANYING SIGN PLAN (AND ANY SUBSEQUENT AMENDMENT TO EITHER) REQUIRES APPROVAL AS A TEXT AMENDMENT IN ACCORDANCE WITH THE PROCEDURES OF TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} OF THIS CODE.

SUBTITLE 10. NONCONFORMING SIGNS

§ 17-1001. IN GENERAL.

REGULATIONS GOVERNING NONCONFORMING SIGNS ARE IN TITLE 18, SUBTITLE 5 {"NONCONFORMING SIGNS"} OF THIS CODE.

TITLE 18. NONCONFORMITIES

SUBTITLE 1. PURPOSE OF TITLE

§ 18-101. PURPOSE.

(A) BACKGROUND.

THIS CODE ESTABLISHES SEPARATE DISTRICTS, EACH OF WHICH IS AN APPROPRIATE AREA FOR THE LOCATION OF THE USES AND STRUCTURES THAT ARE ALLOWED IN THAT DISTRICT. CONSISTENT WITH THE ESTABLISHMENT OF THOSE DISTRICTS, ALL USES AND STRUCTURES INCOMPATIBLE WITH ALLOWED USES AND STRUCTURES MUST BE STRICTLY REGULATED AND PROPERLY CONTROLLED.

(B) REGULATION.

THIS TITLE PROVIDES FOR THE REGULATION OF NONCONFORMING USES AND STRUCTURES EXISTING IN THE VARIOUS DISTRICTS. SPECIFICALLY, THIS TITLE REGULATES THE CONTINUANCE OF NONCONFORMING USES, STRUCTURES, LOTS, AND SIGNS.

SUBTITLE 2. DEFINITIONS; GENERAL PROVISIONS

§ 18-201. DEFINITIONS.

(A) IN GENERAL..

IN THIS TITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) NONCONFORMING LOT.

"NONCONFORMING LOT" MEANS ANY LAWFULLY EXISTING LOT THAT DOES NOT MEET THE LOT AREA OR LOT WIDTH REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED.

(C) NONCONFORMING STRUCTURE.

"NONCONFORMING STRUCTURE" MEANS ANY LAWFULLY EXISTING STRUCTURE THAT DOES NOT COMPLY WITH THE APPLICABLE BULK OR YARD REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED OR WITH OTHER APPLICABLE REGULATIONS OF THIS CODE.

(D) NONCONFORMING USE.

"NONCONFORMING USE" MEANS ANY LAWFULLY EXISTING USE OF A STRUCTURE OR OF LAND THAT DOES NOT CONFORM TO THE APPLICABLE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.

§ 18-202. AUTHORITY TO CONTINUE.

(A) LEGAL USE, STRUCTURE, OR LOT.

EXCEPT AS OTHERWISE SPECIFIED IN THIS TITLE, ANY USE, STRUCTURE, OR LOT THAT EXISTED AS A LAWFUL NONCONFORMING USE, STRUCTURE, OR LOT AS OF THE EFFECTIVE DATE OF THIS CODE, AND ANY USE, STRUCTURE, OR LOT THAT HAS BEEN MADE NONCONFORMING BECAUSE OF THE TERMS OF THIS CODE OR ANY SUBSEQUENT AMENDMENT TO THIS CODE, MAY CONTINUE SUBJECT TO THE PROVISIONS OF THIS TITLE SO LONG AS IT REMAINS OTHERWISE LAWFUL.

(B) UNLAWFUL USE OR STRUCTURE.

A USE OR STRUCTURE THAT WAS ILLEGAL AS OF THE EFFECTIVE DATE OF THIS CODE REMAINS ILLEGAL IF IT DOES NOT CONFORM WITH EACH AND EVERY REQUIREMENT OF THIS CODE.

§ 18-203. SAFETY REGULATIONS.

ALL POLICE POWER LAWS AND REGULATIONS ENACTED TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE, INCLUDING ALL BUILDING, FIRE, AND HEALTH CODES, APPLY TO NONCONFORMING STRUCTURES.

§ 18-204. NONCONFORMITY NOT ESTABLISHED BY CASUAL, ETC., USES.

A CASUAL, TEMPORARY, OR UNLAWFUL USE OF ANY LAND OR STRUCTURE DOES NOT ESTABLISH ANY NONCONFORMING USE, NONCONFORMING DENSITY, OR OTHER FORM OF NONCONFORMITY.

§ 18-205. NONCONFORMITY WITH OFF-STREET PARKING REQUIREMENTS.

NO USE MAY BE CONSTRUED AS NONCONFORMING SOLELY BY REASON OF NONCONFORMANCE WITH THE OFF-STREET PARKING REQUIREMENTS OF THIS CODE.

§ 18-206. DETERMINATION OF NONCONFORMITY.

(A) BY BMZA.

WHETHER A NONCONFORMING USE, NONCONFORMING DENSITY, OR OTHER FORM OF NONCONFORMITY EXISTS IS A QUESTION OF FACT THAT, EXCEPT AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION, MUST BE DECIDED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS AFTER PUBLIC NOTICE AND HEARING AND IN ACCORDANCE WITH THE RULES OF THE BOARD.

(B) BY ADMINISTRATOR.

THE ZONING ADMINISTRATOR MAY ISSUE A USE PERMIT, WITHOUT REFERRING THE MATTER TO

THE BOARD OF MUNICIPAL AND ZONING APPEALS, IF:

(1) PERMITS, ORDINANCES, THE POLICE SURVEY OF 1931, OR OTHER RECORDS ON FILE WITH THE ZONING ADMINISTRATOR:

(I) DOCUMENT THE EXISTENCE OF A BONA FIDE NONCONFORMING USE, NONCONFORMING DENSITY, OR OTHER NONCONFORMANCE; AND

(II) CLEARLY SHOW ITS CONTINUED AND UNINTERRUPTED USE TO THE DATE OF INQUIRY OR APPLICATION; AND

(2) A FIELD INSPECTION OF THE CONSTRUCTION, DESIGN, AND ARRANGEMENT OF THE STRUCTURE OR USE IN QUESTION CONFIRMS THESE RECORDS.

SUBTITLE 3. NONCONFORMING USES

§ 18-301. IN GENERAL.

A NONCONFORMING USE IS A LAWFULLY EXISTING USE OF LAND OR STRUCTURE THAT, AS OF THE EFFECTIVE DATE OF THIS CODE OR AN AMENDMENT TO THIS CODE, IS NO LONGER ALLOWED IN THE ZONING DISTRICT IN WHICH THEY ARE LOCATED.

§ 18-302. CONTINUATION.

EXCEPT AS OTHERWISE SPECIFIED IN THIS CODE, NONCONFORMING USES MAY BE CONTINUED, SUBJECT TO THE REGULATIONS OF THIS SUBTITLE.

§ 18-303. EXPANSION OF USE.

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.

§ 18-304. REPAIRS AND ALTERATIONS.

(A) MAINTENANCE AND REPAIRS.

NORMAL MAINTENANCE AND INCIDENTAL REPAIR MAY BE PERFORMED ON ANY STRUCTURE THAT IS DEVOTED IN WHOLE OR IN PART TO A NONCONFORMING USE, AS LONG AS THE MAINTENANCE OR REPAIR WILL NOT, IN ANY WAY, CREATE ANY NEW NONCONFORMITY, INCREASE THE DEGREE OF ANY NONCONFORMITY, OR INCREASE THE BULK OF THE STRUCTURE.

(B) STRUCTURAL ALTERATIONS.

NO STRUCTURAL ALTERATION MAY BE PERFORMED ON ANY STRUCTURE DEVOTED TO A NONCONFORMING USE, UNLESS:

(1) THE ALTERATION IS REQUIRED BY LAW;

(2) THE ALTERATION IS NECESSARY TO RESTORE THE STRUCTURE TO A SAFE CONDITION ON ORDER OF ANY OFFICIAL CHARGED WITH PROTECTING THE PUBLIC SAFETY;

(3) THE ALTERATION IS FOR THE PURPOSE OF BRINGING ABOUT A CONFORMING USE;
OR

(4) THE ALTERATION WILL NOT, IN ANY WAY, CREATE ANY NEW NONCONFORMITY, INCREASE THE DEGREE OF ANY NONCONFORMITY, OR INCREASE THE BULK OF THE STRUCTURE.

§ 18-305. RESTORATION OF DAMAGED STRUCTURES .

(A) IN GENERAL.

IF A STRUCTURE CONTAINING A NONCONFORMING USE IS DAMAGED OR DESTROYED, THE STRUCTURE MAY BE REPAIRED OR RECONSTRUCTED AND THE NONCONFORMING USE RE-ESTABLISHED AS LONG AS NO NEW NONCONFORMITIES ARE CREATED AND THE EXISTING DEGREE OF ANY NONCONFORMITY IS NOT INCREASED.

(B) TIMELY RESTORATION REQUIRED.

(1) A BUILDING PERMIT MUST BE OBTAINED FOR THE REPAIR OR RECONSTRUCTION WITHIN 1 YEAR OF THE DATE OF THE DAMAGE OR DESTRUCTION.

(2) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT AN EXTENSION OF THIS PERIOD.

(C) EFFECT OF FAILURE TO ACT TIMELY.

IF A BUILDING PERMIT IS NOT OBTAINED WITHIN THE TIME REQUIRED BY THIS SECTION OR THE REPAIRS NOT COMPLETED WITHIN 1 YEAR OF THE ISSUANCE OF THE BUILDING PERMIT, THEN THE USE MAY NOT BE REESTABLISHED UNLESS THE STRUCTURE AND THE USE CONFORM TO ALL REGULATIONS OF THE DISTRICT IN WHICH THEY ARE LOCATED.

§ 18-306. RELOCATION.

(A) ON SAME LOT.

A NONCONFORMING STRUCTURE OR USE MAY NOT BE RELOCATED, IN WHOLE OR IN PART, TO ANY OTHER LOCATION ON THE SAME LOT.

(B) TO ANOTHER LOT.

A NONCONFORMING USE MAY BE RELOCATED TO ANOTHER LOT ONLY IF THE USE CONFORMS TO ALL REGULATIONS OF THE ZONING DISTRICT IN WHICH THE NEW LOT IS LOCATED, INCLUDING ALL USE REGULATIONS

§ 18-307. CHANGE OF USE.

(A) CHANGE DESCRIBED.

A CHANGE OF USE OCCURS WHEN AN EXISTING NONCONFORMING USE HAS BEEN TERMINATED AND ANOTHER USE HAS COMMENCED.

(B) WHEN CHANGE ALLOWED.

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.

(C) REVERSION PROHIBITED.

WHEN A NONCONFORMING USE HAS BEEN CHANGED, IN WHOLE OR IN PART, TO AN ALLOWED USE, THE WHOLE OR PART THAT HAS BEEN MADE TO CONFORM MAY NOT LATER BE CHANGED BACK TO A NONCONFORMING USE.

(D) VIOLATION CONSTITUTES ABANDONMENT.

ANY CHANGE IN USE THAT VIOLATES THIS CODE CONSTITUTES AN ABANDONMENT OF THE PREVIOUSLY EXISTING NONCONFORMING USE.

§ 18-308. DISCONTINUANCE OR ABANDONMENT.

(A) DISCONTINUANCE OF USE.

WHENEVER THE ACTIVE AND CONTINUOUS OPERATION OF ANY NONCONFORMING USE, OR ANY PART OF THAT USE, HAS BEEN DISCONTINUED FOR 12 CONSECUTIVE MONTHS:

(1) THE DISCONTINUANCE CONSTITUTES AN ABANDONMENT OF THE DISCONTINUED NONCONFORMING USE, OR DISCONTINUED PART OF THAT USE, REGARDLESS OF ANY RESERVATION OF AN INTENT TO RESUME ACTIVE OPERATIONS OR OTHERWISE NOT ABANDON THE USE; AND

(2) THE DISCONTINUED NONCONFORMING USE, OR DISCONTINUED PART OF THAT USE:

(I) MAY NOT BE REESTABLISHED; AND

(II) ANY SUBSEQUENT USE OF ANY PART OF THE LAND OR STRUCTURE PREVIOUSLY USED FOR THE DISCONTINUED USE, OR DISCONTINUED PART OF THAT USE, MUST CONFORM TO THE REGULATIONS OF THE DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED.

(B) ABANDONMENT OF USE.

IF, AT ANY TIME, ACTUAL ABANDONMENT IN FACT IS EVIDENCED BY REMOVAL OF STRUCTURES, MACHINERY, OR EQUIPMENT, OR BY ALTERATIONS THAT INDICATE A CHANGE IN THE USE OF ANY PART OF THE LAND OR STRUCTURE:

(1) THAT ACT IN CONSTITUTES AN ABANDONMENT OF THE NONCONFORMING USE, OR AFFECTED PART OF THAT USE; AND

(2) ALL RIGHTS TO CONTINUE OR REESTABLISH THE NONCONFORMING USE, OR PART OF THAT USE, IMMEDIATELY TERMINATE.

§§ 18-309 TO 18-310. {RESERVED}

§ 18-311. JUNK OR SCRAP STORAGE AND YARDS; VEHICLE DISMANTLING FACILITIES

(A) STATUS.

A JUNK OR SCRAP STORAGE AND YARD OR A VEHICLE DISMANTLING FACILITY LAWFULLY EXISTING AS OF THE EFFECTIVE DATE OF THIS CODE IS CONSIDERED A LAWFUL NONCONFORMING CONDITIONAL USE, SUBJECT TO THE CONDITIONS AND RESTRICTIONS PREVIOUSLY IMPOSED.

(B) MODIFICATIONS.

(1) STRUCTURAL ALTERATIONS ARE PERMITTED .

(2) AN EXPANSION OF NO MORE THAN 25% IN LAND AREA IS ALLOWED IF, IN ADDITION TO ANY CONDITIONS AND RESTRICTIONS PREVIOUSLY IMPOSED:

(I) THE EXPANSION IS ONTO A PROPERTY THAT IS NO MORE THAN 750 FEET FROM THE PROPERTY LINE OF THE JUNK OR SCRAP STORAGE AND YARD OR THE VEHICLE DISMANTLING FACILITY; AND

(II) THE EXPANSION IS ONTO THE PORTION OF THAT PROPERTY THAT IS CLOSEST TO THE EXISTING USE.

(C) LOT SUBDIVISION OR CONSOLIDATION.

THE AREA TO BE USED FOR THE EXPANSION OF THE JUNK OR SCRAP STORAGE AND YARD OR THE VEHICLE DISMANTLING FACILITY MUST BE SUBDIVIDED INTO A SEPARATE LOT OR, IF POSSIBLE, CONSOLIDATED AS PART OF THE EXISTING JUNK OR SCRAP STORAGE AND YARD OR VEHICLE DISMANTLING FACILITY TO AVOID HAVING A USE ALLOWED ON A PORTION OF A LOT BUT NOT ON THE WHOLE LOT.

SUBTITLE 4. NONCONFORMING STRUCTURES

§ 18-401. IN GENERAL.

(A) APPLICABLE ONLY TO NONCONFORMANCE WITH BULK REGULATIONS.

(1) A NONCONFORMING STRUCTURE IS A STRUCTURE THAT, AS OF THE EFFECTIVE DATE OF THIS CODE OR AN AMENDMENT TO THIS CODE, DOES NOT COMPLY WITH THE BULK REGULATIONS OF THE DISTRICT IN WHICH THE STRUCTURE IS LOCATED.

(2) NONCONFORMING SIGNS ARE REGULATED BY SUBTITLE 5 OF THIS TITLE.

(B) NONCONFORMING STRUCTURE DEVOTED TO NONCONFORMING USE.

(1) IF A NONCONFORMING STRUCTURE IS ALSO DEVOTED IN WHOLE OR IN PART TO A

NONCONFORMING USE, THE STRUCTURE IS SUBJECT TO BOTH:

- (I) THE PROVISIONS OF THIS TITLE THAT GOVERN NONCONFORMING USES; AND
- (II) THE PROVISIONS OF THIS SUBTITLE.

(2) IN THE EVENT OF ANY CONFLICT OR INCONSISTENCY BETWEEN THE PROVISIONS THAT GOVERN NONCONFORMING USES AND THE PROVISIONS OF THIS SUBTITLE, THE PROVISIONS THAT GOVERN NONCONFORMING USES CONTROL.

§ 18-402. CONTINUATION.

EXCEPT AS OTHERWISE SPECIFIED IN THIS CODE, NONCONFORMING STRUCTURES MAY BE CONTINUED, SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE.

§ 18-403. EXPANSION OF STRUCTURE.

A NONCONFORMING STRUCTURE MAY NOT BE EXPANDED IF THE EXPANSION WOULD, IN ANY WAY, CREATE A NEW NONCONFORMITY, INCREASE THE DEGREE OF ANY NONCONFORMITY, OR INCREASE THE BULK OF THE STRUCTURE.

§ 18-404. REPAIRS AND ALTERATIONS.

(A) MAINTENANCE AND REPAIRS.

NORMAL MAINTENANCE AND INCIDENTAL REPAIR MAY BE PERFORMED ON ANY NONCONFORMING STRUCTURE, AS LONG AS THE MAINTENANCE OR REPAIR WILL NOT, IN ANY WAY, CREATE ANY NEW NONCONFORMITY, INCREASE THE DEGREE OF ANY NONCONFORMITY, OR INCREASE THE BULK OF THE STRUCTURE.

(B) STRUCTURAL ALTERATIONS.

NO STRUCTURAL ALTERATIONS MAY BE PERFORMED ON ANY NONCONFORMING STRUCTURE, UNLESS:

- (1) THE ALTERATION IS REQUIRED BY LAW;
- (2) THE ALTERATION IS NECESSARY TO RESTORE THE STRUCTURE TO A SAFE CONDITION ON ORDER OF ANY OFFICIAL CHARGED WITH PROTECTING THE PUBLIC SAFETY;
- (3) THE ALTERATION WILL RESULT IN ELIMINATING THE NONCONFORMITY; OR
- (4) THE ALTERATION WILL NOT, IN ANY WAY, CREATE ANY NEW NONCONFORMITY, INCREASE THE DEGREE OF ANY NONCONFORMITY, OR INCREASE THE BULK OF THE STRUCTURE.

§ 18-405. RESTORATION OF DAMAGED STRUCTURES.

(A) IN GENERAL.

IF A NONCONFORMING STRUCTURE IS DAMAGED OR DESTROYED, THE STRUCTURE MAY BE

REPAIRED OR RECONSTRUCTED AS LONG AS NO NEW NONCONFORMITIES ARE CREATED AND THE EXISTING DEGREE OF NONCONFORMITY IS NOT INCREASED.

(B) TIMELY RESTORATION REQUIRED.

(1) A BUILDING PERMIT MUST BE OBTAINED FOR THE REPAIR OR RECONSTRUCTION WITHIN 1 YEAR OF THE DATE OF THE DAMAGE OR DESTRUCTION.

(2) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT AN EXTENSION OF THIS PERIOD.

(C) EFFECT OF FAILURE TO ACT TIMELY.

IF THE BUILDING PERMIT IS NOT OBTAINED WITHIN THE TIME REQUIRED BY THIS SECTION OR THE REPAIRS NOT COMPLETED WITHIN 1 YEAR OF THE ISSUANCE OF THE BUILDING PERMIT, THEN THE STRUCTURE MAY NOT BE RESTORED UNLESS THE STRUCTURE CONFORMS TO ALL REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED.

§ 18-406. RELOCATION.

A NONCONFORMING STRUCTURE MAY NOT BE MOVED, IN WHOLE OR IN PART, TO ANY OTHER LOCATION ON THE LOT, UNLESS THE STRUCTURE OR THE MOVED PART OF THE STRUCTURE IS MADE TO COMPLY WITH THE BULK REGULATIONS OF THE DISTRICT IN WHICH THE STRUCTURE IS LOCATED.

§§ 18-407 TO 18-410. {RESERVED}

§ 18-411. EXCEPTIONS - ADMINISTRATIVE BULK ADJUSTMENTS.

(A) IN GENERAL.

A MINOR EXPANSION OF A NONCONFORMING STRUCTURE MAY BE MADE WITH THE ADMINISTRATIVE APPROVAL OF THE ZONING ADMINISTRATOR, AS PROVIDED IN THIS SECTION.

(B) APPLICATION; CERTIFICATIONS.

(1) AN APPLICATION UNDER THIS SECTION MUST BE FILED BY THE PROPERTY OWNER OR WITH THE WRITTEN CONSENT OF THE PROPERTY OWNER.

(2) THE APPLICATION MUST BE FILED WITH THE ZONING ADMINISTRATOR, IN THE FORM AND WITH THE INFORMATION AND ACCOMPANYING PLANS THAT THE ZONING ADMINISTRATOR REQUIRES.

(3) THE APPLICATION MUST INCLUDE A CERTIFICATION BY THE PROPERTY OWNER:

(I) THAT THE STRUCTURE IS A NONCONFORMING STRUCTURE; AND

(II) THAT A COPY OF THE APPLICATION HAS BEEN GIVEN TO THE OWNERS OF THE ADJOINING PROPERTIES.

(4) ON RECEIPT OF AN APPLICATION, THE ZONING ADMINISTRATOR MUST PROMPTLY REFER IT TO THE DIRECTOR OF PLANNING FOR DESIGN REVIEW.

(C) REVIEW AND APPROVAL.

THE PLANNING DIRECTOR MAY RECOMMEND APPROVAL OF THE APPLICATION IF, AFTER DESIGN REVIEW, THE DIRECTOR FINDS THAT THE PROPOSAL:

- (1) IS IN HARMONY WITH THE GENERAL CHARACTER, ARRANGEMENT, DESIGN, AND ARCHITECTURAL FEATURES OF SIMILAR BUILDINGS WITHIN A RADIUS OF 300 FEET;
- (2) IS NOT CONTRARY TO THE PUBLIC INTEREST; AND
- (3) IS CONSISTENT WITH THE PURPOSES AND INTENT OF THIS CODE.

(D) IMPOSITION OF CONDITIONS.

TO THE EXTENT NECESSARY OR DESIRABLE TO REDUCE OR MINIMIZE ANY EFFECT OF A PROPOSED EXPANSION ON OTHER PROPERTIES IN THE NEIGHBORHOOD, THE PLANNING DIRECTOR MAY RECOMMEND:

- (1) REQUIRING CHANGES IN ANY DESIGN OR PLAN OF ANY EXISTING STRUCTURE OR ANY ALTERATION OF THE STRUCTURE; AND
- (2) IMPOSING CONDITIONS, RESTRICTIONS, AND LIMITATIONS GOVERNING:
 - (I) SCREENING OR FENCING;
 - (II) TYPE OF LIGHTING; AND
 - (III) ANY OTHER RELEVANT MATTER.

(E) FINAL DECISION.

- (1) A COPY OF THE PLANNING DIRECTOR'S RECOMMENDATION ON THE APPLICATION MUST BE FILED WITH THE ZONING ADMINISTRATOR.
- (2) WHEN ISSUED, THE DIRECTOR'S DECISION CONSTITUTES A RECOMMENDATION TO THE ZONING ADMINISTRATOR. THE ZONING ADMINISTRATOR'S DECISION IS A FINAL DECISION FOR PURPOSES OF ADMINISTRATIVE APPEAL UNDER TITLE 19, SUBTITLE 2 {"APPEALS"} OF THIS CODE.

(F) COMPLIANCE REQUIRED.

- (1) FAILURE TO COMPLY WITH ANY CHANGE, CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SECTION CONSTITUTES A VIOLATION OF THIS CODE.
- (2) NO CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS SECTION MAY BE CHANGED UNLESS, ON THE FILING OF A NEW APPLICATION, THAT CHANGE IS AUTHORIZED UNDER THIS SECTION.

§ 18-412. EXCEPTIONS - MULTI-FAMILY STRUCTURES.

(A) SCOPE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO ANY STRUCTURE THAT:

(I) AT ANY TIME, WITH OR WITHOUT AUTHORIZATION OF THE BOARD OF MUNICIPAL AND ZONING APPEALS, HAS BEEN CONVERTED FOR 4 OR MORE DWELLING UNITS OR, IF ORIGINALLY BUILT FOR 4 OR MORE DWELLING UNITS, HAS BEEN CONVERTED TO INCREASE THE NUMBER OF DWELLING UNITS; AND

(II) NOW FAILS TO COMPLY WITH THE MINIMUM LOT AREA REQUIREMENTS OF THE DISTRICT IN WHICH IT IS LOCATED.

(2) THIS SECTION DOES NOT APPLY TO ANY NONCONFORMING STRUCTURE THAT:

(I) IN COMPLIANCE WITH OR BEFORE THE EFFECTIVE DATE OF THIS CODE WAS ORIGINALLY DESIGNED AND BUILT AS A MULTI-FAMILY DWELLING FOR 4 OR MORE DWELLING UNITS, AS EVIDENCED BY PERMITS OR RECORDS OF THE CITY; AND

(II) HAS NOT BEEN ALTERED, ADDED TO, OR SUBDIVIDED IN ANY WAY THAT INCREASES THE NUMBER OF DWELLING UNITS TO MORE THAN THE MAXIMUM NOW ALLOWED UNDER THIS CODE.

(B) DISCONTINUANCE OF DWELLING UNIT.

WHENEVER THE ACTIVE AND CONTINUOUS USE OF A DWELLING UNIT IN A NONCONFORMING MULTI-FAMILY STRUCTURE SUBJECT TO THIS SECTION HAS BEEN DISCONTINUED FOR 12 CONSECUTIVE MONTHS:

(1) THE DISCONTINUANCE CONSTITUTES AN ABANDONMENT OF THAT DWELLING UNIT, REGARDLESS OF ANY RESERVATION OF AN INTENT TO RESUME ACTIVE USE OF OR TO REOCCUPY THE UNIT OR OTHERWISE NOT TO ABANDON IT; AND

(2) THE NUMBER OF DWELLING UNITS ALLOWED TO CONTINUE IN THE STRUCTURE IS REDUCED BY 1.

(C) ABANDONMENT OF DWELLING UNIT.

IF, AT ANY TIME, ACTUAL ABANDONMENT IS IN FACT IS EVIDENCED BY REMOVAL OF PLUMBING OR KITCHEN FACILITIES, BY ALTERATIONS THAT INDICATE AN ABANDONMENT OF ANY NONCONFORMING DWELLING UNIT, INCLUDING CONSOLIDATION WITH ANOTHER DWELLING UNIT, OR BY THE ISSUANCE OF A USE PERMIT FOR FEWER DWELLING UNITS:

(1) THAT ACTION CONSTITUTES AN ABANDONMENT OF THE DWELLING UNIT;

(2) ALL RIGHTS TO CONTINUE OR REESTABLISH THE PREVIOUS NUMBER OF DWELLING UNITS IMMEDIATELY TERMINATE; AND

(3) THE NUMBER OF DWELLING UNITS ALLOWED TO CONTINUE IN THE STRUCTURE IS

REDUCED BY 1.

§ 18-413. STRUCTURES IN HOSPITAL CAMPUS AND EDUCATIONAL CAMPUS DISTRICTS.

ALL LAWFULLY EXISTING STRUCTURES THAT, AS OF THE EFFECTIVE DATE OF THIS CODE, ARE LOCATED IN A HOSPITAL CAMPUS ZONING DISTRICT OR AN EDUCATIONAL CAMPUS ZONING DISTRICT ARE CONSIDERED TO BE CONFORMING USES.

SUBTITLE 5. NONCONFORMING SIGNS

§ 18-501. IN GENERAL.

SIGNS THAT WERE LAWFUL WHEN ERECTED BUT NO LONGER CONFORM TO THE REQUIREMENTS OF THIS CODE MUST COMPLY WITH THE FOLLOWING REGULATIONS.

§ 18-502. ALTERATIONS, REPLACEMENTS, RELOCATIONS, ETC.

ANY NONCONFORMING SIGN MAY BE STRUCTURALLY ALTERED, RECONSTRUCTED, REPLACED, OR RELOCATED, AS LONG AS THE ALTERATION, RECONSTRUCTION, REPLACEMENT, OR RELOCATION DOES NOT RESULT IN:

- (1) AN INCREASE IN THE AREA OR ANY DIMENSION OF THE SIGN;
- (2) AN INCREASE IN THE DEGREE OF ILLUMINATION OF THE SIGN;
- (3) THE ADDITION OF:
 - (I) ANY MOVING, ROTATING OR OTHERWISE ANIMATED PART; OR
 - (II) ANY FLASHING, BLINKING, FLUCTUATING, OR OTHERWISE ANIMATED LIGHT; OR
- (4) ANY OTHER INCREASE IN THE DEGREE OF THE SIGN'S NONCONFORMITY.

§ 18-503. RESTORATION OF DAMAGED SIGNS.

IF A NONCONFORMING SIGN IS DAMAGED OR DESTROYED TO THE EXTENT OF MORE THAN 50% OF THE SIGN'S FAIR MARKET VALUE IMMEDIATELY PRECEDING THE DAMAGE, THE SIGN MAY NOT BE REPAIRED OR RECONSTRUCTED UNLESS IT WILL THEN CONFORM TO ALL APPLICABLE REGULATIONS FOR THE DISTRICT.

§ 18-504. CHANGES TO BILLBOARDS.

- (A) BMZA APPROVAL REQUIRED.

ANY CHANGE TO A NONCONFORMING BILLBOARD REQUIRES THE APPROVAL OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

- (B) FINDINGS AND CONDITIONS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST FIND, AND REQUIRE AS CONDITIONS OF APPROVAL, THAT:

- (1) THE SIGN CONFORMS TO ITS ORIGINAL APPROVALS;
- (2) NEITHER THE HEIGHT NOR SIZE OF THE SIGN WILL BE INCREASED; AND
- (3) THE SIGN WILL NOT BE RELOCATED MORE THAN 10 FEET FROM ITS ORIGINALLY APPROVED LOCATION.

(C) PROHIBITED ADDITIONS OR ALTERATIONS.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY NOT AUTHORIZE THE FOLLOWING ADDITIONS OR ALTERATIONS TO NONCONFORMING BILLBOARDS:

- (1) INTERNALLY ILLUMINATED BOX SIGNS;
- (2) NEON SIGNS;
- (3) TRI-VISION SIGNS; OR
- (4) FLUCTUATING SIGNS, OTHER THAN FOR TIME OR TEMPERATURE.

(D) SUPPORTING STRUCTURE.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY APPROVE A CHANGE IN THE SIGN'S SUPPORTING STRUCTURE.

SUBTITLE 6. NONCONFORMING LOTS

§ 18-601. CONSTRUCTION OF SINGLE-FAMILY DWELLING.

(A) SCOPE.

THIS SECTION DOES NOT APPLY IN AN INDUSTRIAL DISTRICT.

(B) WHEN ALLOWED.

ON A NONCONFORMING LOT THAT WAS ESTABLISHED BEFORE APRIL 20, 1971, A SINGLE-FAMILY DWELLING MAY BE ERECTED REGARDLESS OF THE MINIMUM LOT AREA REQUIREMENTS IMPOSED BY THIS CODE, AS LONG AS:

- (1) THE NONCONFORMING LOT MEETS ALL OTHER REQUIREMENTS OF THIS CODE; AND
- (2) THE OWNER OF THE NONCONFORMING LOT DOES NOT ALSO OWN ANY ABUTTING LOT THAT CAN BE CONSOLIDATED WITH THE NONCONFORMING LOT.

SUBTITLE 7. MANDATORY TERMINATION OF CERTAIN USES

§ 18-701. RETAIL GOODS ESTABLISHMENT - WITH ALCOHOL SALES.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, RETAIL GOODS ESTABLISHMENTS WITH ALCOHOL SALES IN A RESIDENTIAL DISTRICT MUST BE TERMINATED AS FOLLOWS:

(1) FOR AN ESTABLISHMENT WITH ALCOHOL SALES THAT EXISTED AS A LAWFUL NONCONFORMING USE PRIOR TO THE EFFECTIVE DATE OF THIS CODE, NO LATER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THIS CODE, NOTWITHSTANDING THE ISSUANCE OF ANY PRIOR USE PERMIT AS A NONCONFORMING PACKAGE GOODS LIQUOR STORE; AND

(2) FOR AN ESTABLISHMENT THAT BECOMES NONCONFORMING ON OR AFTER THE EFFECTIVE DATE OF THIS CODE, WHETHER BY THE ENACTMENT OF THIS CODE, BY THE ENACTMENT OF AN AMENDMENT TO THIS CODE, OR BY THE RECLASSIFICATION OF THE PROPERTY, NO LATER THAN 3 YEARS AFTER THE DATE ON WHICH THE USE BECAME NONCONFORMING.

(B) WAIVER FOR HARDSHIP.

(1) BOARD AUTHORITY.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY EXTEND BY AN ADDITIONAL 2 YEARS THE TIME BY WHICH A RETAIL GOODS ESTABLISHMENT WITH ALCOHOL SALES MUST TERMINATE THE NONCONFORMING USE.

(2) TIMELY APPLICATION.

TO OBTAIN AN EXTENSION, THE PROPERTY OWNER OR LESSEE MUST APPLY TO THE BOARD, IN WRITING, WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS CODE, OF THE AMENDMENT TO THIS CODE, OR OF THE PROPERTY RECLASSIFICATION, AS THE CASE MAY BE.

(3) GENERAL CONSIDERATIONS.

(I) FOR NONCONFORMING USES EXISTING PRIOR TO THE EFFECTIVE DATE OF THIS CODE, THE PROPERTY OWNER OR LESSEE SEEKING AN EXTENSION MUST ESTABLISH THE EXISTENCE OF ONE OF THE FOLLOWING FACTORS THAT WOULD RENDER TERMINATION WITHIN THE TIME REQUIRED BY SUBSECTION (A) OF THIS SECTION A HARDSHIP:

(A) PURCHASE OF THE PROPERTY AFTER JANUARY 1, 2008, AND BEFORE THE APRIL 1, 2012;

(B) INVESTMENT IN CAPITAL IMPROVEMENTS TO THE PROPERTY IN EXCESS OF \$100,000 AFTER JUNE 30, 2007, AND BEFORE APRIL 1, 2012; OR

(C) A LEASE THAT WAS ENTERED INTO APRIL 1, 2012, HAS A TERM REMAINING IN EXCESS OF 10 YEARS, AND IS NOT TERMINABLE BY THE LESSEE BECAUSE OF ZONING CHANGES PROHIBITING THE USE.

(II) FOR ALL OTHER USES THAT BECOME NONCONFORMING, WHETHER BY ENACTMENT OF THIS CODE, BY THE ENACTMENT OF AN AMENDMENT TO THIS CODE, OR BY RECLASSIFICATION

OF THE PROPERTY, THE PROPERTY OWNER OR LESSEE SEEKING AN EXTENSION MUST ESTABLISH THE EXISTENCE OF ONE OF THE FOLLOWING FACTORS THAT WOULD RENDER TERMINATION WITHIN THE TIME REQUIRED BY SUBSECTION (A) OF THIS SECTION A HARDSHIP:

- (A) PURCHASE OF THE PROPERTY WITHIN THE 5 YEARS IMMEDIATELY PRECEDING THE ENACTMENT OF THIS CODE, THE ENACTMENT OF THE AMENDMENT TO THIS CODE, OR THE ENACTMENT OF THE PROPERTY RECLASSIFICATION, AS THE CASE MAY BE;
- (B) INVESTMENT IN CAPITAL IMPROVEMENTS TO THE PROPERTY IN EXCESS OF \$100,000 AFTER JUNE 30, 2007, AND APRIL 1, 2012; OR
- (C) A LEASE THAT WAS ENTERED INTO BEFORE APRIL 1, 2012, HAS A TERM REMAINING IN EXCESS OF 10 YEARS, AND IS NOT TERMINABLE BY THE LESSEE BECAUSE OF ZONING CHANGES PROHIBITING THE USE.

§ 18-702. TAVERNS.

(A) IN GENERAL.

NONCONFORMING TAVERNS MUST EITHER:

- (1) FULLY COMPLY WITH § 14-336 {"TAVERNS"} WITHIN 2 YEARS AFTER THEY BECOME NONCONFORMING; OR
- (2) BE TERMINATED.

(B) WAIVER FOR HARDSHIP.

A WAIVER EXTENDING THE TIME FOR COMPLIANCE BASED ON HARDSHIP MAY BE APPLIED FOR IN ACCORDANCE WITH § 18-701(B) OF THIS SUBTITLE.

TITLE 19. ENFORCEMENT; APPEALS

SUBTITLE 1. ENFORCEMENT

§ 19-101. NOTICE OF VIOLATION.

(A) IN GENERAL.

(1) WHENEVER THE ZONING ADMINISTRATOR LEARNS OF A VIOLATION OF THIS CODE, OF ANY RULE, REGULATION, OR MANUAL ADOPTED UNDER THIS CODE, OR OF ANY NOTICE OR ORDER ISSUED UNDER THIS CODE, THE ZONING ADMINISTRATOR MUST ISSUE A NOTICE OF VIOLATION TO:

- (I) THE OWNER OF RECORD OF THE PROPERTY, AS SHOWN ON THE TAX RECORDS OF BALTIMORE CITY; AND
- (II) ANY OTHER PERSON AGAINST WHOM THE ZONING ADMINISTRATOR INTENDS TO PROCEED

FOR THE VIOLATION.

(2) THE NOTICE MUST:

- (I) SPECIFY THE NATURE OF THE VIOLATION;
- (II) CITE THE PROVISIONS OF THIS CODE OR OF THE RULES, REGULATIONS, MANUAL, NOTICE OR ORDER THAT HAVE BEEN VIOLATED; AND
- (III) SERVED BY:
 - (A) FIRST CLASS MAIL; OR
 - (B) PERSONAL SERVICE BY AN AUTHORIZED REPRESENTATIVE OF THE CITY, WHICH SERVICE MUST BE CERTIFIED ON THE RECORDS OF THE ZONING ADMINISTRATOR.
- (B) REPORTED VIOLATIONS IN CERTAIN DISTRICTS.

THE ZONING ADMINISTRATOR MAY ISSUE A NOTICE OF VIOLATION UNDER THIS SECTION ON RECEIPT OF 2 OR MORE SEPARATE STATEMENTS THAT:

- (1) DESCRIBE AN UNAUTHORIZED ACTIVITY OR USE IN A C-1, C-1-E, C-1VC, C-2, OR C-3 DISTRICT;
 - (2) GIVE THE DATE, TIME, AND LOCATION AT WHICH THE VIOLATION OCCURRED; AND
 - (3) ARE SIGNED BY OWNERS OR LESSEES OF DIFFERENT PROPERTIES.
- (C) COMPLIANCE WITH NOTICE REQUIRED.

ON RECEIPT OF A NOTICE FROM THE ZONING ADMINISTRATOR, THE RECIPIENT MUST IMMEDIATELY TAKE APPROPRIATE STEPS TO CORRECT THE VIOLATION.

§ 19-102. ENFORCEMENT GENERALLY.

(A) ADMINISTRATOR TO INSTITUTE APPROPRIATE PROCEEDINGS.

IF A VIOLATION IS NOT PROMPTLY DISCONTINUED OR ABATED OR IF A VIOLATION NOTICE OR ORDER IS NOT COMPLIED WITH PROMPTLY, THE ZONING ADMINISTRATOR MAY INSTITUTE OR CAUSE TO BE INSTITUTED ANY APPROPRIATE CIVIL OR CRIMINAL ENFORCEMENT PROCEEDINGS.

(B) TYPES OF PROCEEDINGS.

THESE ENFORCEMENT PROCEEDINGS MAY INCLUDE:

- (1) INJUNCTIVE OR OTHER EQUITY PROCEEDINGS;
- (2) CRIMINAL PROSECUTION; OR
- (3) ADMINISTRATIVE PROCEEDINGS.

§ 19-103. REMEDIES NOT EXCLUSIVE.

IN PURSUING A VIOLATION, THE ZONING ADMINISTRATOR MAY USE ANY ONE OR MORE AVAILABLE REMEDIES OR ENFORCEMENT ACTIONS. THE INITIATION OF ANY ONE REMEDY OR ENFORCEMENT ACTION DOES NOT PRECLUDE PURSUING ANY OTHER REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 19-104. PROHIBITED CONDUCT.

NO PERSON MAY:

- (1) VIOLATE ANY PROVISION OF THIS CODE, OF ANY RULE, REGULATION, OR MANUAL ADOPTED UNDER THIS CODE, OR OF ANY PERMIT, NOTICE, OR ORDER ISSUED UNDER THIS CODE;
- (2) REFUSE, NEGLECT, OMIT, OR OTHERWISE FAIL TO COMPLY WITH ANY PROVISION OF THIS CODE, OF ANY RULE, REGULATION, OR MANUAL ADOPTED UNDER THIS CODE, OR OF ANY PERMIT, NOTICE, OR ORDER ISSUED UNDER THIS CODE;
- (3) RESIST THE ENFORCEMENT OF ANY PROVISION OF THIS CODE, OF ANY RULE, REGULATION, OR MANUAL ADOPTED UNDER THIS CODE, OR OF ANY NOTICE OR ORDER ISSUED UNDER THIS CODE; OR
- (4) CAUSE ANY OF THESE ACTS OR OMISSIONS TO BE DONE.

§ 19-105. ENFORCEMENT BY CITATION.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, CERTAIN PROVISIONS OF THIS CODE MAY BE ENFORCED BY ISSUANCE OF THE FOLLOWING:

- (1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"};
- (2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {"CIVIL CITATIONS"}; AND
- (3) A PRE-PAYABLE CRIMINAL CITATION UNDER CITY CODE ARTICLE 19, SUBTITLE 71 {"SPECIAL ENFORCEMENT OFFICERS"}.

§ 19-106. CIVIL PENALTIES AND COSTS.

(A) INJUNCTIVE OR OTHER EQUITY PROCEEDINGS .

IN INJUNCTIVE OR OTHER EQUITY PROCEEDINGS INSTITUTED UNDER THIS CODE:

- (1) A VIOLATION FOR WHICH EQUITABLE RELIEF IS SOUGHT IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$500 FOR EACH DAY THAT THE VIOLATION CONTINUES UNABATED; AND
- (2) THE DEFENDANT IS LIABLE FOR THE CITY'S ENFORCEMENT COSTS AND REASONABLE ATTORNEYS' FEES, AT THE RATE ESTABLISHED BY THE COURT OF APPEALS, WHETHER OR NOT THE ATTORNEY IS A SALARIED EMPLOYEE OF THE CITY.

(B) ADDITIONAL LEGAL ACTION.

THE IMPOSITION OF PENALTIES DOES NOT PRECLUDE THE CITY FROM INSTITUTING APPROPRIATE LEGAL PROCEEDINGS TO:

- (1) PREVENT UNLAWFUL CONSTRUCTION;
- (2) RESTRAIN, CORRECT, OR ABATE A VIOLATION;
- (3) PREVENT ILLEGAL OCCUPANCY OF A STRUCTURE OR PREMISES; OR
- (4) STOP AN ILLEGAL ACT, CONDUCT, BUSINESS, OR USE OF A STRUCTURE ON OR ABOUT ANY PREMISES.

§ 19-107. CRIMINAL PENALTIES.

(A) VIOLATION A MISDEMEANOR.

ANY PERSON WHO VIOLATES ANY PROVISION OF § 19-104 {"PROHIBITED CONDUCT"} OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO THE PENALTIES SPECIFIED IN THIS SECTION.

(B) EACH DAY A SEPARATE OFFENSE.

EACH DAY THAT A VIOLATION CONTINUES AFTER WRITTEN NOTICE FROM THE ZONING ADMINISTRATOR CONSTITUTES A SEPARATE OFFENSE.

(C) PENALTIES.

- (1) EXCEPT AS OTHERWISE SPECIFIED IN THIS SECTION, THE PENALTY FOR A VIOLATION IS A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.
- (2) FOR OCCUPYING OR USING ANY LAND OR STRUCTURE IN VIOLATION OF A REQUIRED USE PERMIT AFTER WRITTEN NOTICE FROM THE ZONING ADMINISTRATOR, THE PENALTY IS A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 30 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.
- (3) FOR VIOLATING ANY PROVISION OF § 17-602 {"ALCOHOLIC BEVERAGE AND CIGARETTE ADVERTISING SIGNS"}, THE PENALTY IS A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

SUBTITLE 2. APPEALS

§ 19-201. ADMINISTRATIVE APPEALS.

(A) WHO MAY APPEAL.

A DECISION OF THE ZONING ADMINISTRATOR, INCLUDING THE ISSUANCE OF A VIOLATION NOTICE UNDER SUBTITLE 1 {"ENFORCEMENT"} OF THIS TITLE, MAY BE APPEALED TO THE BOARD

OF MUNICIPAL AND ZONING APPEALS BY:

(1) ANY PERSON AGGRIEVED BY THE DECISION; OR

(2) ANY OFFICER, DEPARTMENT, BOARD, OR BUREAU OF THE CITY AFFECTED BY THE DECISION.

(B) WHEN AND HOW TAKEN.

(1) THE NOTICE OF APPEAL MUST BE FILED AS FOLLOWS:

(I) IN THE CASE OF A VIOLATION NOTICE, WITHIN 10 WORKING DAYS OF THE DATE THE NOTICE WAS SERVED; AND

(II) IN THE CASE OF ANY OTHER DECISION, WITHIN 10 WORKING DAYS OF THE DATE ON WHICH NOTICE OF THE DECISION WAS GIVEN.

(2) THE NOTICE OF APPEAL MUST:

(I) BE FILED WITH THE ZONING ADMINISTRATOR, IN THE FORM THAT THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS REQUIRE; AND

(II) SPECIFY THE GROUNDS FOR THE APPEAL.

(3) ONCE THE ZONING ADMINISTRATOR DETERMINES THE NOTICE OF APPEAL IS TIMELY AND COMPLETE, THE ZONING ADMINISTRATOR MUST TRANSMIT THE NOTICE TO THE BOARD OF MUNICIPAL AND ZONING APPEALS, TOGETHER WITH ALL INFORMATION THAT CONSTITUTES THE RECORD OF THE ACTION APPEALED FROM.

(C) STAY OF PROCEEDINGS.

(1) IF THE APPEAL IS TIMELY FILED AND PURSUED, AN APPEAL TO THE BOARD OF MUNICIPAL AND ZONING APPEALS STAYS ALL PROCEEDINGS IN FURTHERANCE OF THE ACTION APPEALED FROM, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) IF THE ZONING ADMINISTRATOR CERTIFIES TO THE BOARD OF MUNICIPAL AND ZONING APPEALS THAT, BY REASON OF FACTS STATED IN THE CERTIFICATION, A STAY WOULD, IN HIS OR HER OPINION, CAUSE IMMINENT PERIL TO LIFE OR PROPERTY OR IS NOT JUSTIFIED BY ANY MATERIAL FACT, THE PROCEEDINGS ARE NOT STAYED, UNLESS OTHERWISE ORDERED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS OR, ON APPLICATION TO A COURT OF COMPETENT JURISDICTION, WITH NOTICE TO THE ZONING ADMINISTRATOR, BY THE COURT ON GOOD CAUSE SHOWN.

(D) DECISION OF BOARD.

(1) WITHIN 30 DAYS OF THE PUBLIC HEARING, THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST RENDER ITS DECISION IN WRITING, SETTING FORTH ITS FINDINGS OF FACT AND CONCLUSIONS OF LAW. IF, HOWEVER, THE BOARD OF MUNICIPAL AND ZONING APPEALS DETERMINES THAT ADDITIONAL TIME IS NEEDED TO RENDER A DECISION, THE BOARD MAY, ON WRITTEN NOTICE TO THE PARTIES, EXTEND THE TIME FOR AN ADDITIONAL 30 DAYS.

(2) IN EXERCISING ITS POWERS OF REVIEW, THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY:

(I) REVERSE OR AFFIRM, WHOLLY OR IN PART, OR MODIFY THE DECISION APPEALED FROM;
AND

(II) MAKE ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION AS OUGHT TO BE MADE IN ACCORDANCE WITH THIS CODE.

(3) FOR THESE PURPOSES, THE BOARD OF MUNICIPAL AND ZONING APPEALS HAS ALL THE POWERS CONFERRED BY THIS CODE ON THE ZONING ADMINISTRATOR.

§ 19-202. JUDICIAL REVIEW

(A) FINAL ADMINISTRATIVE DECISION.

ALL DECISIONS AND FINDINGS OF THE BOARD OF MUNICIPAL AND ZONING APPEALS THAT ARE MADE ON APPEALS, ON APPLICATION FOR CONDITIONAL USES OR VARIANCES, AND IN ALL OTHER MATTERS ON WHICH THE BOARD OF MUNICIPAL AND ZONING APPEALS IS REQUIRED TO ACT AFTER PUBLIC NOTICE AND HEARING, ARE FINAL ADMINISTRATIVE DECISIONS, SUBJECT TO JUDICIAL REVIEW.

(B) WHO MAY APPEAL.

JUDICIAL REVIEW OF A FINAL ADMINISTRATIVE DECISION OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY BE FILED BY:

(1) ANY PERSON AGGRIEVED BY THE DECISION; OR

(2) ANY OFFICER, DEPARTMENT, BOARD, OR UNIT OF THE CITY AGGRIEVED BY THE DECISION.

(C) HOW AND WHEN TAKEN.

(1) THIS REVIEW MUST BE SOUGHT WITHIN THE TIME AND IN THE MANNER REQUIRED BY LAW AND THE MARYLAND RULES OF PROCEDURE.

(2) BEFORE THE PETITION FOR JUDICIAL REVIEW IS FILED WITH THE COURT, THE PETITIONER MUST FILE A COPY WITH THE BOARD OF MUNICIPAL AND ZONING APPEALS AND THE ZONING ADMINISTRATOR.

(3) THE BOARD OF MUNICIPAL AND ZONING APPEALS MUST PROMPTLY NOTIFY THE CITY SOLICITOR OF THE FILING OF EVERY PETITION FOR JUDICIAL REVIEW.

(D) STAY OF PROCEEDINGS.

(1) THE FILING OF A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE PROCEEDINGS FOR WHICH THE REVIEW IS SOUGHT.

(2) ON MOTION AND HEARING, THE COURT MAY GRANT A STAY ON GOOD CAUSE SHOWN, SUBJECT TO THE CONDITIONS OF BOND OR OTHERWISE THAT THE COURT CONSIDERS PROPER.

(E) APPELLATE REVIEW.

A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT'S FINAL JUDGMENT TO THE COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Zoning Map dated October 22, 2012, and accompanying this Ordinance is enacted as a part of new City Code Article 32 - Zoning.

SECTION 4. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article - Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 1. Administration

Section 105 Permits

105.3 Application for permit. To obtain a permit, the applicant must first file an application on the form provided by the Building Official for that purpose. The application must:

- 4. . . . specify the gross floor area, as defined in Zoning Code [§ 1-304] § 1-306(J), involved in the proposed work,

105.3.1 Action on application.

. . . .
105.3.1.2 Referral to assess need for traffic mitigation. Within 15 business days of receiving a completed application, the Building Official must refer the application and all accompanying documents to the Director of Transportation, for review and action under Chapter 38 {"Traffic Impact and Mitigation"} of this Code, if:

- 2. . . . the proposed work:
 - b. . . . involves 15,000 sq. ft. or more of gross floor area (as defined in Zoning Code [§ 1-304] § 1-306(J)), or

Section 109 Fees

109.6 Fee schedules.

109.6.1 Permit fees for construction work.

k. Installing on-premises advertising signs.

For erecting, placing, hanging, or reconstructing any consolidated area of signage, as described in [§ 11422 of the] Zoning Code § 17-301, the fee is \$1 a square foot, with a minimum of \$13 for each consolidated area of signage.

Chapter 38. Traffic Impact and Mitigation

Section 3801 Definitions

3801.1 General. In this Chapter, the following terms have the meanings indicated.

3801.1.2 Gross floor area. "Gross floor area" means the area specified in ZONING CODE [§ 1304] § 1-306(j) [of the Baltimore City Zoning Code].

Part VII. International Property Maintenance Code

§ 7-102. City modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 3. General Requirements

Section 305 Exterior Sanitary Maintenance - General

305.5 Motor vehicles and trailers. Except only as otherwise expressly authorized by law, the following rules apply to all motor vehicles and trailers.

....

2. A motor vehicle or trailer may be parked, kept, or stored only on a dustless all-weather surface constructed and maintained in accordance with the Building Code and Zoning Code [§ 1-306(j)] § 16-802 [of Baltimore City].

....

....

Article - Health

Title 6. Food Service Facilities

Subtitle 6. Suspensions and Revocations

§ 6-603.1. Suspension or nonrenewal for multiple or unpaid citations.

(b) Covered offenses.

(1) For purposes of this section, citations issued for violations of the following provisions of the City Code are presumed to be issued for reasons related to public health or to the prevention of disease, epidemics, or nuisances affecting public health:

....

Zoning Code

[§ 2402] § 5-704. [Use permit] WHEN {USE PERMIT} required
[§ 3107] § 16-803. [Prohibited uses [storage] STORAGE, etc., of ABANDONED, ETC., vehicles

Title 9. Noise Regulation

Subtitle 2. Basic Sound Level Standards

Part I. Definitions; General Provisions

§ 9201. Definitions.

(f) Zone, commercial.

"Zone, commercial" means any of the following zoning districts[, as] established under the Zoning Code of Baltimore City:

- (1) all [business] COMMERCIAL zoning districts;
- (2) THE OIC OFFICE-INDUSTRIAL CAMPUS ZONING DISTRICT;
- (3) THE BSC BIO-SCIENCE CAMPUS ZONING DISTRICT;
- (4) THE I-MU INDUSTRIAL MIXED-USE ZONING DISTRICT; and
- (5) ANY OF THE TOD TRANSIT-ORIENTED DEVELOPMENT DISTRICTS.

[(2) all M industrial zoning districts.]

(g) Zone, manufacturing.

"Zone, manufacturing" means [all M2 and M3 industrial] ANY OF THE FOLLOWING zoning districts, as established under the Zoning Code of Baltimore City:

- (1) THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT;
- (2) THE I-2 GENERAL INDUSTRIAL ZONING DISTRICT; AND
- (3) THE MI MARITIME INDUSTRIAL ZONING DISTRICT.

(h) Zone, residential.

"Zone, residential" means any of the following zoning districts [, as] established under the Zoning Code of Baltimore City:

- (1) all [residence] RESIDENTIAL zoning districts; and
- (2) all [office residence] OFFICE-RESIDENTIAL zoning districts.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 4014. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(8) Zoning Code

[§ 2402] § 5-704. [Use permit] WHEN {USE PERMIT} required \$500

[§ 3107. Prohibited uses [storage, etc., of vehicles \$ 50]

[§ 17-401(c)] § 14-319. [Conditional-use live] LIVE entertainment
OR DANCING \$500

§ 16-803. STORAGE, ETC., OF ABANDONED, ETC., VEHICLES \$ 50

Subtitle 41. Civil Citations

§ 41-14. Offenses to which subtitle applies - Listing.

(7) Zoning Code

[§ 3107] § 16-803. [Prohibited uses [storage] STORAGE, etc., of
ABANDONED, ETC., vehicles \$ 50

Article 2. Consumer Protections

Subtitle 14. Real Estate Practices - Disclosures

§ 146. Heavy-industrial and railroad operations.

On or before entering into a contract for the sale of any real property, the seller must provide the buyer with the following disclosure:

Disclosure of Heavy-Industrial and Railroad Operations

Buyer is advised that the property may be located near heavy-industrial operations (that is, land uses limited to an [M-3] I-2 GENERAL Industrial Zoning District, AN MI MARITIME INDUSTRIAL ZONING DISTRICT, OR A T TRANSPORTATION ZONING DISTRICT [under Zoning Code Title 7, Subtitle 4]) or near railroad operations.

These operations may involve the use of machinery, trucks, or trains, 24 hours a day, 7 days a week, and may create or cause noises, odors, fumes, bright lights, vibrations, and safety hazards.

Detailed information on the location of heavy-industrial [(M-3)] (I-2, MI, AND T) zones and on the location of railroad tracks can be found on the "Baltimore CityView" website, at <http://cityview.baltimorecity.gov>.

Article 6. Historical and Architectural Preservation

Subtitle 3. Process for Designating Districts and Properties

§ 31. Designation of Districts.

(c) Hearing.

(1) The ordinance may not be passed by the City Council until the City Council has given notice that the proposal is pending and has held a hearing on it.

(2) For this purpose, the [Commission] COUNCIL shall comply with the notice and hearing requirements of Zoning Code [Title 16 {"Legislative Authorizations and Amendments"}] TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} for proposed changes in zoning classifications.

§ 32. Establishment of Landmark Lists.

(c) Hearing.

(1) Approval may not be given by the City Council until the City Council has given notice that the proposal is pending and has held a hearing on it.

(2) For this purpose, the [Commission] Council shall comply with the notice and hearing requirements of Zoning Code [Title 16 {"Legislative Authorizations and Amendments"}] TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"} for proposed changes in zoning classifications.

Article 11. Labor and Employment

Subtitle 14. Mandatory Bicycle Parking

§ 14-66. Required bicycle parking.

(a) Scope.

Bicycle parking spaces required by this subtitle are in addition to any parking spaces otherwise required by [Title 10 {"Off-Street Parking Regulations"}] TITLE 16 {"OFF-STREET PARKING AND LOADING"} of the Zoning Code.

(b) General requirements.

Every employer must provide its employees with [at least 1 bicycle parking space for every 10,000 square feet of floor area (as determined under Zoning Code § 10401) in use at the employer's place of business] THE NUMBER OF LONG-TERM AND SHORT-TERM PARKING SPACES REQUIRED BY ZONING CODE § 16-705.

Article 13. Housing and Urban Renewal

Subtitle 2. Department of Housing and Community Development

§ 21. Determinations, declarations, and definitions.

(c) Definitions.

(3) Zoning change.

In this subtitle, "zoning change":

(i) means a [legislative authorization] ZONING MAP AMENDMENT, as [that term is defined] DESCRIBED in Zoning Code [§ 16101] TITLE 5, SUBTITLE 5 {"ZONING AMENDMENTS"}; and

(ii) does not include any use or bulk regulation restriction that is imposed by a Renewal Plan or Conservation Plan.

§ 27. Specific powers.

(jj) Industrial growth.

(3) Limitations on condemnation authority.

(iii) Except as authorized by Article II, § (15) of the City Charter, no property may be acquired under this subsection by condemnation if the property is:

1. occupied lawfully, in whole or in part, for residential use; or

2. located in a [Residence] RESIDENTIAL, [Office-Residence] OFFICE-RESIDENTIAL, or [Business] COMMERCIAL Zoning District.

Subtitle 2B. Inclusionary Housing Requirements

§ 2B-22. Project benefitting from significant land use authorization or rezoning.

(c) Density Bonuses.

The residential project may apply to the Board of Municipal and Zoning Appeals to receive bonus units up to 20% of the units otherwise allowed in the residential project, computed as set forth in Zoning Code [§ 3-206] Table 9-401, but only if the Housing Commissioner first determines that the residential project:

(1) would not be economically feasible if it provided the number of inclusionary units required by this subtitle, but

(2) would be economically feasible if it provided the number of inclusionary units required by this subtitle and received the density bonus described in this subsection.

§ 2B-23. Other projects - 30 or more units.

(c) Cost offsets.

(1) If all of the affordable units provided under this section are at or below a low affordable housing cost, the residential project may apply to the Board of Municipal and Zoning Appeals for bonus units equal to 20% of the units otherwise allowed in the residential project, computed as set forth in [the City] Zoning Code, [§ 3-206] Table 9 -401. In that case, the number of affordable units required is 10% of all units, including bonus units.

Subtitle 9. Rental Units in Floodplains

§ 91. Definitions.

(b) Floodplain.

(1) "Floodplain" [means] HAS THE MEANING STATED IN Zoning Code § 7-302.

(2) "FLOODPLAIN" INCLUDES THE FOLLOWING DISTRICTS, AS DESCRIBED IN ZONING CODE § 7 -303:

(I) flood way[,];

(II) floodway fringe[,];

(III) approximated flood plain[,];

(IV) harbor flood zone[,];

(V) COASTAL HAZARD ZONE; AND

(VI) COASTAL FLOOD RESERVE ZONE.

[or shallow flood zone, as defined and described in the Zoning Code of Baltimore City.]

Article 15. Licensing and Regulation

Subtitle 3. Amusement Device Location Permits

§ 32. Permit required.

(b) Exceptions.

A location permit is not required under this subtitle for: (1) any establishment that is entertainment, leisure, or recreation oriented, as listed in or determined by the Zoning Board under § 6207, 7209, or 13610 of the Zoning Code; or (2)] any amusement arcade or recreation center that is operated by the City.

Subtitle 9. Late-Night Commercial Operations

§ 94. Scope.

(a) In general.

Except as specified in subsection (b) of this section, this subtitle applies to all businesses that are located in any [Residence] RESIDENTIAL Zoning District, [Office-Residence] OFFICE-RESIDENTIAL Zoning District, or [B-1 or B-2 Business] C-1, C-1-E, C-1-VC, OR C-2 COMMERCIAL Zoning District.

§ 96. License required.

No business in [an R, O-R, B-1, or B-2] A RESIDENTIAL Zoning District, OFFICE-RESIDENTIAL ZONING DISTRICT, or [B-1, or B-2 Business] C1, C-1-E, C-1-VC, OR C-2 COMMERCIAL Zoning District may be open to the public at any time between the hours of midnight and 5 a.m. without having first obtained a late-night operations license under this subtitle.

Subtitle 13. Parking Facilities - Special-Event Parking Lots

§ 13-1. Definitions.

(f) Special-Event Parking District.

"Special-Event Parking District" means the FOLLOWING area of the City [delineated in Baltimore City Zoning Code § 10-601(b) {"Definitions: Special-Event Parking District"}.]:

BEGINNING AT THE INTERSECTION OF BUSH STREET AND THE NORTHBOUND SIDE OF RUSSELL STREET; FROM THIS POINT OF BEGINNING, BINDING NORTHWESTERLY ON THE CENTERLINE OF BUSH STREET FOR ~2,018 FEET TO INTERSECT WITH W. HAMBURG STREET; THEN BINDING NORTHEASTERLY ON THE CENTERLINE OF W. HAMBURG STREET ~2,485 FEET TO THE INTERSECTION WITH SCOTT STREET; THEN TURNING NORTH ON THE CENTERLINE OF SCOTT STREET FOR ~1,935 TO THE INTERSECTION WITH W. PRATT STREET; FOLLOWING THE CENTERLINE OF W. PRATT STREET FOR ~2,770 FEET IN AN EASTERLY DIRECTION TO THE INTERSECTION WITH S. HOWARD STREET; THEN HEADING SOUTH ON THE CENTERLINE S. HOWARD STREET FOR ~181 FEET UNTIL THE SPLIT; AND THEN CONTINUING SOUTH ON THE NORTHBOUND CENTERLINE OF S. HOWARD STREET FOR ANOTHER ~636 FEET TO THE INTERSECTION WITH THE WESTBOUND CENTERLINE OF W. CONWAY STREET; CONTINUING EAST ON THE WESTBOUND CENTERLINE OF W. CONWAY STREET FOR ~1,238 FEET TO THE NORTHBOUND CENTERLINE OF S. CHARLES STREET; BINDING ON THE CENTERLINE OF S. CHARLES STREET FOR ~3,120 FEET IN A SOUTHERLY DIRECTION TO THE INTERSECTION WITH W. WEST STREET; THEN CONTINUING WEST ON SAID CENTERLINE FOR ~330 FEET TO THE INTERSECTION WITH THE STREET CENTERLINE OF S. HANOVER STREET; HEADING SOUTH OF S. HANOVER STREET FOR ~335 FEET TO INTERSECT THE CENTERLINE OF E. OSTEND STREET; HEADING IN A WESTERLY DIRECTION ON E. OSTEND STREET FOR ~706 FEET TO THE EXTENDED WESTERN PROPERTY LINE OF BLOCK 0975 LOT 002 (139 W. OSTEND STREET); FOLLOWING THE WESTERN AND SOUTHERN PROPERTY LINES OF 139 W. OSTEND STREET FOR A TOTAL OF ~560 FEET; CONTINUING ACROSS LEADENHALL STREET TO THE SOUTHEASTERN CORNER OF BLOCK 0974 LOT 001 (175 W. OSTEND STREET); FOLLOWING THE SOUTHERN BOUNDARY OF SAID PROPERTY AND EXTENDING TO THE CENTERLINE OF S. SHARP STREET FOR A TOTAL OF ~494 FEET; BINDING SOUTHWESTERLY ON THE CENTERLINE OF S. SHARP STREET FOR ~55 FEET WHERE IS TURNS INTO STOCKHOLM STREET; THEN MOVING SOUTHEAST ~7.5 FEET TO JOIN THE NORTHWESTERN CORNER OF BLOCK 0987 LOT 001 (1800 RACE STREET) AND FOLLOW THIS WESTERN PROPERTY LINE [JOINS THE EASTERN PROPERTY LINE OF BLOCK 0985 LOT 002 (215 STOCKHOLM STREET)] FOR ~405 FEET; EXTENDING FROM THIS SAME PROPERTY LINE ON AN IMAGINARY LINE INTO THE MIDDLE BRANCH; WRAPPING AROUND THE COASTLINE FOR ~4200 FEET AND INTERSECTING THE POINT OF BEGINNING

Article 19. Police Ordinances

Subtitle 25. Loitering - General

§ 252. Liquor establishments, drug abuse centers, or amusement arcades.

(a) Prohibited conduct.

It is unlawful for any person who is standing or loitering

(1) within 100 feet of a Class A, B, BD7, C, or D retail establishment which sells alcoholic beverages, or

(2) within 50 yards of a

(i) drug abuse rehabilitation and treatment center, or

(ii) [amusement arcade] A STRUCTURE HOUSING INDOOR ENTERTAINMENT (as that term is defined in ZONING CODE [§ 1109] § 1-306(B) [of the Zoning Code of Baltimore City]),

in such a manner as to obstruct free passage on or along the street or sidewalk, to disobey a request by a police officer to move on.

Subtitle 36. Minors - Indecent Materials

§ 36-1. Definitions.

(a) Harmful to minors.

"Harmful to minors" means that quality of representation [in a film] of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse[, when it] THAT:

(1) predominantly appeals to the prurient, shameful, or morbid interest of young persons;

(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for young persons; and

(3) is utterly without redeeming social importance for young persons.

(d) Nudity.

"Nudity" means:

(1) the showing of the human male or female genitals, pubic area, or buttocks with less than a [full] FULLY opaque covering; or

(2) the showing of the female breast with less than a fully opaque covering of any [portion thereof] PART below the top of the nipple; or

(3) the depiction of covered male genitals in a discernibly turgid state.

(E) [(g)] Sadomasochistic abuse.

"Sadomasochistic abuse" means:

(1) flagellation or torture by or upon a person [clad] CLOTHED in undergarments, a mask, or A bizarre costume; or

(2) the condition of being fettered, bound, or otherwise physically restrained on the part of one WHO IS so clothed.

(F) [(e)] Sexual conduct.

"Sexual conduct" means acts of masturbation, [homosexuality,] sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if [such] THE person [be] IS a female, breast.

(G) [(f)] Sexual excitement.

"Sexual excitement" means the condition of human male or female genitals [when] in a DISCERNIBLE state of sexual stimulation or arousal.

Subtitle 46. Signs - Campaign Signs in Residential Areas

§ 46□ When signs may be displayed.

(a) Earliest date.

Signs announcing candidates seeking elected public office may NOT be erected on the exterior OR IN THE YARD of [structures] ANY DWELLING [or in yards in Residence and OfficeResidence Zoning Districts] in Baltimore City [no earlier than on] BEFORE the last day on which a certificate of candidacy [must] MAY be withdrawn.

§ 46□. Maximum size.

(b) Computing area.

A sign's area shall be computed as provided in ZONING CODE [§ 11-203] § 17-301 [of the City Zoning Code].

Subtitle 71. Special Enforcement Officers

§ 71□. Prepayable criminal citations.

(i) Enumeration of code violations and penalties.

(3) Zoning Code

[§ 2402] § 5-704. [Use permit] WHEN {USE PERMIT} required \$100

[§ 3107] § 16-803. [Prohibited uses □storage] STORAGE, etc., of ABANDONED, ETC., vehicles \$ 50

Article 26. Surveys, Streets, and Highways

Subtitle 6. Building Address Numbers

§ 6Z. Required display.

The correct number of every house or other building:

...

(3) shall be affixed or otherwise placed:

...

(ii) for a property whose rear borders an alley (as defined in Zoning Code [§ 1108] § 1302(K)), at the rear of the property so that the number is plainly visible and legible in daytime from a point located 4 feet above the grade level of the alley.

Article 31. Transit and Traffic

Subtitle 10. Residential Permit Parking Program

§ 10I. Definitions.

(d) Dwelling unit.

"Dwelling unit" has the meaning stated in Zoning Code [§ 1-137] § 1-305(S).

(f) Household.

"Household" means all persons occupying a single dwelling unit as a "family", [within the meaning stated] AS THAT TERM IS DEFINED in Zoning Code [§ 1-142] § 1-306(G).

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 180th day after the date it is enacted.