



# City of Baltimore

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

## Legislation Text

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**File #:** 07-0695, **Version:** 0

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

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INTRODUCTORY\*

CITY OF BALTIMORE  
COUNCIL BILL

Introduced by: Councilmember Clarke

A BILL ENTITLED

AN ORDINANCE concerning  
**Zoning - Nonconforming Uses of Structures (Class III)**

FOR the purpose of repealing an exception for certain districts to the rules governing the discontinuance or abandonment of Class III nonconforming uses; and generally relating to the regulation of nonconforming uses and noncomplying structures in the various districts.

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) 13-401

Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 13-407

Baltimore City Revised Code  
(Edition 2000)

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

Baltimore City Revised Code

Article - Zoning

Title 13. Nonconformance

Subtitle 4. Nonconforming Uses of Structures (Class III)

§ 13-401. Scope of subtitle.

This subtitle applies to Class III nonconforming uses, which comprise:

- (1) any nonconforming use of all or part of a structure that was designed and erected primarily for a use that is no longer allowed in the district in which it is located;
- (2) any nonconforming use of the lot on which that structure is located; and
- (3) any nonconforming use of land or structures not regulated as Class I or Class II.

§ 13-407. Discontinuance or abandonment.

(a) Discontinuance of use.

(1) Except as specified in this section, whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months:

(i) 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

(ii) the discontinued nonconforming use, or discontinued part of that use:

(A) may not be reestablished; and

(B) 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.

(2) In accordance with Subtitle 7 {"Modifications and Continuances by Board"} of this title, the Board may extend the time limit for discontinuance for 1 or more additional periods. In no case, however, may the total of the additional time exceed 12 months.

(b) Abandonment of use.

Except as specified in this section, 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 action 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.

[(c) Exceptions for R-6 to R-10 Districts.

This section does not apply to any Class III nonconforming uses in an R-6, R-7, R-8, R-9, or R-10 District.]

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

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

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