

**CITY OF BALTIMORE
COUNCIL BILL 20-0601
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: September 21, 2020
Assigned to: Land Use Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning Code – Modifications**

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

11 BY repealing and reordaining, with amendments

12 Article 32 - Zoning

13 Section(s) 1-212(b)(2), 1-303(h), 1-307(a), 1-308(g), 1-311(o), 2-203(c),(d), and (j),
14 3-202(b), 5-204, 5-403, 5-404, 5-405(a)(1), 5-406, 5-407(a), 5-408, 5-409(c) and (f)(1),
15 14-331(a)(1), 15-301(a), 15-504, 17-407(g), 18-403, Table 7-202, Table 8-301, Table 9-
16 301, Table 9-401, Table 10-301, Table 10-401, Table 11-301, Table 12-301, Table 12-
17 402, Table 12-501, Table 12-601, Table 15-601, and Table 17-201

18 Baltimore City Code
19 (Edition 2000)

20 BY adding

21 Article 32 - Zoning

22 Section(s) 1-306(g-1) and (s), 5-310, 5-401(c), 5-410, 14-328(j), 17-404(f), 18-206(c), and
23 18-207

24 Baltimore City Code
25 (Edition 2000)

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

Council Bill 20-0601

1 BY repealing
2 Article 32 - Zoning
3 Section(s) 1-306(u)
4 Baltimore City Code
5 (Edition 2000)

6 BY relettering
7 Article 32 - Zoning
8 Section(s) 1-306(s) and (t) to be 1-306(t) and (u)
9 Baltimore City Code
10 (Edition 2000)

11 BY renaming
12 Article 32 - Zoning
13 Title 5. Subtitle 4. Conditional Uses to be renamed “Subtitle 4. Conditional Uses and Signs”
14 Baltimore City Code
15 (Edition 2000)

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

18 **Baltimore City Code**

19 **Article 32. Zoning**

20 **Title 1. General Provisions**

21 ***Subtitle 2. Rules of Interpretation***

22 **§ 1-212. Tables.**

23 (b) *Use symbology.*

24 . . .
25 (2) In Signage Tables

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

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

29 (iii) A “CB” INDICATES THAT A SIGN TYPE REQUIRES APPROVAL BY THE BOARD OF
30 MUNICIPAL AND ZONING APPEALS.

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

Council Bill 20-0601

Subtitle 3. Definitions

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

(h) *Blockface*.

“Blockface” means all of 1 side of a given street between 2 consecutive intersecting streets, EXCLUDING ALLEYS, FOOTWAYS, AND SIDEWALKS.

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

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

(G-1) *FARMERS MARKET*.

“FARMERS MARKET” MEANS A PUBLIC MARKET WHERE PRODUCERS OF RAW AGRICULTURAL PRODUCTS SELL THE PRODUCTS DIRECTLY TO THE PUBLIC. AT LEAST 50% OF VENDORS MUST SELL AGRICULTURAL OR FOOD PRODUCTS.

...

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

(S) *FUEL STATION*.

(1) *IN GENERAL*.

“FUEL STATION” MEANS ANY PREMISES OR STRUCTURE USED FOR THE RETAIL SALE OF FUEL, DISPENSED FROM FIXED EQUIPMENT INTO THE FUEL TANKS OF MOTOR VEHICLES.

(2) *INCLUSIONS*.

“FUEL STATION” INCLUDES:

- (I) THE ACCESSORY SALE OF CONVENIENCE ITEMS;
- (II) AN ACCESSORY FREESTANDING SELF-SERVICE CAR WASH; AND
- (III) ELECTRIC CHARGING STATIONS.

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

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

(1) *In general*.

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

Council Bill 20-0601

1 (2) *Inclusions.*

2 “Funeral home” includes:

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

5 (U) [(t)] *Garage.*

6 *See* “Parking garage (principal use”).
7 “Parking garage (residential, detached)”.

8 [(u)] *Gas station.*

9 [(1)] *In general.*

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

12 [(2)] *Inclusions.*

13 [“Gas station” includes:]

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

16 ...

17 **§ 1-307. “Government facility” to “Industrial boat repair”.**

18 (a) *Government facility.*

19 (1) *In general.*

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

22 (2) *Inclusions.*

23 “Government facility” includes agency offices, storage yards, public works facilities,
24 RECREATION: INDOOR, and utility facilities.

25 ...

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

Council Bill 20-0601

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

2 (g) *Kennel.*

3 (1) *In general.*

4 “Kennel” means a business OR OTHER ENTITY where 3 or more dogs or cats over 6
5 months old are boarded or maintained by a person other than their owner, AND
6 BOARDING IS THE PRIMARY OR PRINCIPAL FUNCTION OF THE USE.

7 . . .

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

9 **§ 1-311. “Parapet” to “Processed metal”.**

10 (o) *Personal services establishment.*

11 (1) *In general.*

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

14 (2) *Illustrations.*

15 Typical examples of a “personal services establishment” include:

16 (i) beauty shops, INCLUDING MICRO-BLADING SERVICES, and barbershops;

17 (ii) tanning salons;

18 (iii) animal grooming establishments;

19 (iv) electronics repair shops;

20 (v) laundromats, dry cleaners, and tailors; and

21 (vi) certified massage therapists or similar licensed professionals.

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

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

25 ***Subtitle 2. Applicability***

26 **§ 2-203. Transition rules.**

27 . . .

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

Council Bill 20-0601

1 (1) If a preexisting permitted use is reclassified by this Code or an amendment to it as a
2 conditional use for the Zoning District in which it is located, that use may be
3 continued as a lawful conditional use, subject to the conditions and restrictions
4 previously imposed on it by law or regulation.

5 (2) Any subsequent change to that use[, including any addition, expansion, relocation, or
6 structural alteration,] MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING
7 APPEALS AND is subject to the procedural and substantive requirements imposed
8 by this Code on conditional uses.

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

10 (1) If a preexisting nonconforming use is reclassified by this Code or an amendment to it
11 as a permitted or conditional use for the zoning district in which it is located, that use
12 may be continued as a lawful permitted or conditional use, as the case may be.

13 (2) Any subsequent change to that use[, including any addition, expansion, relocation, or
14 structural alteration, is] MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND
15 ZONING APPEALS, subject to this Code and, if a conditional use, to the procedural
16 and substantive requirements imposed by this Code on conditional uses.

17 ...
18 (j) *Previously granted variances and conditional uses.*

19 (1) All variances and conditional uses granted before June 5, 2017, or before the effective
20 date of any relevant amendment to this Code remain effective, and the recipient of the
21 variance and conditional use may proceed to develop the property in accordance with
22 the approved plans.

23 (2) However, if the recipient fails to act timely on the variance or conditional use, as
24 required by § 5-309 {"Expiration of approval"} or § 5-407 {"Expiration of
25 approval"} of this Code, the provisions of this Code govern and the approval is
26 invalid.

27 (3) Any subsequent change to a conditional use[, including any addition, expansion,
28 relocation, or structural alteration,] MUST BE APPROVED BY THE BOARD OF MUNICIPAL
29 AND ZONING APPEALS AND is subject to the procedures and requirements
30 imposed by this Code on conditional uses.

31 ...

32 COMMENT: Clarifies the procedures to change or alter conditional uses.

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

34 *Subtitle 2. Administrative Agencies and Officials*

35 **§ 3-202. Board of Municipal and Zoning Appeals.**

36 (b) *Powers and duties.*

Council Bill 20-0601

1 In addition to the powers and duties specified in City Charter Article VII, §§ 83 through
2 89 and in State law, the Board of Municipal and Zoning Appeals has the following
3 powers and duties under this Code:

- 4 (1) to grant major variances (Title 5, Subtitle 3);
- 5 (2) to grant conditional use authorizations (Title 5, Subtitle 4);
- 6 (3) to hear appeals from decisions of the Zoning Administrator;
- 7 (4) with the approval of the Board of Estimates, to set fees for filing and hearing
8 appeals, granting variances, and for the various other functions required or
9 authorized by this Code; [and]
- 10 (5) to perform all other functions assigned to the Board by this Code[.];
- 11 (6) TO AUTHORIZE ACCESSORY USES AS LONG AS THEY MEET THE STANDARDS FOR
12 “ACCESSORY USE”, AS DEFINED IN § 1-302(C); AND
- 13 (7) TO AUTHORIZE USES NOT OTHERWISE LISTED IN THIS CODE, SUBJECT TO § 1-217.

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

20 **Title 5. Applications and Authorizations**

21 ***Subtitle 2. Applications***

22 **§ 5-204. Withdrawal of application.**

23 An applicant has the right to withdraw an application at any time before a decision is made
24 on the application by the appropriate body. There will be no refund of fees. Requests for
25 withdrawal must be in writing by the applicant OR BY THE PROPERTY OWNER.

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

29 ***Subtitle 3. Variances***

30 **§ 5-310. DISCRETION TO DENY.**

31 THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY
32 DENY ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING
33 NOTICE OF VIOLATION, CODE VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, FINE,
34 OR CITATION.

Council Bill 20-0601

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

Subtitle 4. Conditional Uses AND SIGNS

§ 5-401. Purpose.

...
(C) *SIGNS.*

IN CERTAIN DISTRICTS SOME SIGN TYPES ARE ALLOWED BY CONDITIONAL APPROVAL. THE CONDITIONAL APPROVAL IN THESE SITUATION IS INTERPRETED AS ALLOWING THE SIGN TYPE WITHIN A LOT TO BE MORE INTENSE THAT WOULD OTHERWISE BE ALLOWED IN THAT DISTRICT BECAUSE OF POSSIBLE BROADER IMPACT TO THE SURROUNDING AREA.

COMMENT: Clarifies provisions to allow signs by conditional approval.

§ 5-403. Referrals.

(a) *Section applicable to CB approvals.*

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

(b) *Referral to BMZA for action.*

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

...
COMMENT: Clarifies provisions to allow signs by conditional approval.

§ 5-404. Actions taken.

(a) *Review standards.*

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

(b) *Procedures before the BMZA.*

(1) *Public hearing required.*

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

...

...

COMMENT: Clarifies provisions to allow signs by conditional approval.

Council Bill 20-0601

1 **§ 5-405. Conditions.**

2 (a) *In general.*

3 (1) *Imposition authorized.*

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

9 ...
10 ...

11 **COMMENT:** Clarifies provisions to allow signs by conditional approval.

12 **§ 5-406. Approval standards.**

13 (a) *Limited criteria for denying.*

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

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

25 (b) *Required considerations.*

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

- 28 (1) the nature of the proposed site, including its size and shape and the proposed size,
29 shape, and arrangement of structures;
- 30 (2) the resulting traffic patterns and adequacy of proposed off-street parking and
31 loading;
- 32 (3) the nature of the surrounding area and the extent to which the proposed use OR
33 SIGN might impair its present and future development;

Council Bill 20-0601

- 1 (4) the proximity of dwellings, churches, schools, public structures, and other places
2 of public gathering;
- 3 (5) accessibility of the premises for emergency vehicles;
- 4 (6) accessibility of light and air to the premises and to the property in the vicinity;
- 5 (7) the type and location of adequate utilities, access roads, drainage, and other
6 necessary facilities that have been or will be provided;
- 7 (8) the preservation of cultural and historic landmarks and structures;
- 8 (9) the character of the neighborhood;
- 9 (10) the provisions of the City’s Comprehensive Master Plan;
- 10 (11) the provisions of any applicable Urban Renewal Plan;
- 11 (12) all applicable standards and requirements of this Code;
- 12 (13) the intent and purpose of this Code; and
- 13 (14) any other matters considered to be in the interest of the general welfare.

14 **COMMENT:** Clarifies provisions to allow signs by conditional approval.

15 **§ 5-407. Expiration of approval.**

16 (a) *Exercise within year required.*

17 A conditional use AND A CONDITIONAL SIGN APPROVAL lapses and becomes void 1 year
18 from the date of its final approval unless, within that year:

- 19 (1) a use permit under this Code and an occupancy permit under the Baltimore City
20 Building Code have been obtained for that use;
- 21 (2) the erection or alteration of a structure for that use OR SIGN has lawfully begun;
22 [or]
- 23 (3) the use has lawfully begun[.]; OR
- 24 (4) A BUILDING PERMIT UNDER THIS CODE AND ANY OTHER APPLICABLE CODES HAS
25 BEEN OBTAINED FOR THE SIGN.

26 . . .

27 **COMMENT:** Clarifies provisions for signs by conditional approval.

Council Bill 20-0601

§ 5-408. Discontinued conditional use OR CONDITIONAL SIGN.

(A) *DISCONTINUED CONDITIONAL USE.*

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

(B) *DISCONTINUED CONDITIONAL SIGN.*

IF A CONDITIONAL SIGN IS REMOVED FROM THE BUILDING OR STRUCTURE FOR WHICH IT WAS APPROVED FOR A CONTINUOUS PERIOD OF 1 YEAR OR MORE, THE CONDITIONAL APPROVAL AUTOMATICALLY LAPSES AND IS VOID. A NEW APPLICATION IS REQUIRED BEFORE THE CONDITIONAL APPROVAL MAY BE RE-ESTABLISHED.

COMMENT: Clarifies provisions for signs by conditional approval.

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

...

(c) *Contents of notice.*

The notice must:

(1) specify the nature of the violation; and

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

...

(f) *Decision.*

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

(i) revoke the conditional use OR SIGN;

(ii) suspend the conditional use OR SIGN APPROVAL subject to completion of corrective action or other condition set by the Board; or

(iii) affirm the conditional use OR SIGN, subject to a schedule for corrective action, with provision for automatic termination if the schedule is not met.

...

...

COMMENT: Clarifies provisions for signs by conditional approval.

Council Bill 20-0601

§ 5-410. DISCRETION TO DENY.

THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY DENY ANY APPLICATION FOR A CONDITIONAL USE OR SIGN IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING NOTICE OF VIOLATION, CODE VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, FINE, OR CITATION.

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

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-328. Neighborhood commercial establishments.

...
(j) *OUTDOOR SEATING.*

OUTDOOR SEATING MAY ONLY BE ON THE STREET SIDE OF THE PROPERTY AND IS NOT ALLOWED IN THE REAR YARD, DECK, OR ROOFTOP.

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

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

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

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

...

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

Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-301. Measurement of building height.

(a) *In general.*

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

Council Bill 20-0601

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

3 (i) from the following, as applicable:

4 (A) from the mean curb level of the right-of-way on which the
5 property fronts;

6 (B) if the front wall of the building is not within 30 feet of
7 the curb, from the average elevation of [the ground between
8 that wall and the curb] GROUND ADJOINING THAT WALL; or
9 ...

10 ...
11 **COMMENT:** Clarifies how the height of a building is determined by measuring the
12 vertical distance.

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

14 **§ 15-504. Carriage house.**

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

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

20 (1) [(2)] the building contains at least [1,750] 750 square feet of gross floor area;

21 (2) [(3)] all other requirements of this Code [and Baltimore City Subdivision
22 Regulations] are met [or a variance is obtained]; and

23 (3) [(4)] 1 additional parking space is provided for each dwelling unit created.

24 (B) IN ADDITION, IF AN EXISTING CARRIAGE HOUSE IS CONVERTED INTO A DWELLING UNIT, IT
25 CANNOT BE ENLARGED BY ANY ALTERATION THAT WOULD INCREASE THE BUILDING
26 HEIGHT OR FOOTPRINT BY MORE THAN 20%.

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

32 **Title 17. Signs**

33 ***Subtitle 4. Requirements by Sign Type***

34 **§ 17-404. Awning or canopy signs and open-structural framework signs.**
35 ...

Council Bill 20-0601

1 (F) *SIGNAGE ON EXISTING CANOPIES IN LOCAL HISTORIC DISTRICTS AND LOCAL LANDMARKS.*

2 (1) AWNING OR CANOPY SIGNAGE MAY BE APPLIED TO EXISTING CANOPY STRUCTURE ON
3 BUILDINGS IN LOCAL HISTORIC DISTRICTS AND LOCAL LANDMARKS THAT WERE
4 PREVIOUSLY USED FOR SIGNAGE AS APPROVED BY THE COMMISSION FOR HISTORICAL
5 AND ARCHITECTURAL PRESERVATION.

6 (2) ANY ELECTRONIC SIGNAGE ON EXISTING CANOPIES ARE SUBJECT TO ALL APPLICABLE
7 RULES OF THIS ARTICLE, TITLE 17, TABLE 17-201: SIGN REGULATIONS AND TABLE 17-
8 306:MAXIMUM CUMULATIVE AREA OF SIGNS.

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

11 **§ 17-407. Electronic signs.**

12 . . .
13 (g) *Architecture.*

14 (1) No electronic sign affixed to a building, including sign support structure, may project
15 beyond the ends or top of the wall or higher than any roofline of the structure to
16 which it is attached.

17 (2) IN LOCAL HISTORIC DISTRICTS AND LOCAL LANDMARKS AS DESIGNATED BY THE
18 COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION, ELECTRONIC
19 SIGNAGE MAY BE ADDED TO AN EXISTING CANOPY THAT IS INTEGRAL TO THE
20 ARCHITECTURE OF THE BUILDING IN ACCORDANCE WITH ALL APPLICABLE RULES OF
21 THIS ARTICLE, TITLE 17, TABLE 17-201: SIGN REGULATIONS AND TABLE 17-
22 306:MAXIMUM CUMULATIVE AREA OF SIGNS.

23 **COMMENT:** Allows, subject to certain conditions, electronic signage on existing canopies
24 in local historic districts and local landmarks.
25

26 **Title 18. Nonconformities**

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

28 **§ 18-206. Determination of nonconformity.**

29 . . .
30 (C) THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY
31 DENY ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY HAS AN
32 OUTSTANDING NOTICE OF VIOLATION, CODE VIOLATION, OR ANY OTHER UNRESOLVED OR
33 UNPAID FEE, FINE, OR CITATION.

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

Council Bill 20-0601

1 **§ 18-207. EXPIRATION OF APPROVAL.**

2 (A) ANY AUTHORIZATION TO CONTINUE A NONCONFORMING USE, DENSITY, OR OTHER
3 NONCONFORMITY LAPSES AND BECOMES VOID 1 YEAR FROM THE DATE OF ITS FINAL
4 APPROVAL, UNLESS WITHIN THAT YEAR:

5 (1) A USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE
6 CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT USE;

7 (2) THE ERECTION OR ALTERATION OF A STRUCTURE FOR THAT USE HAS LAWFULLY
8 BEGUN; OR

9 (3) THE USE HAS LAWFULLY BEGUN.

10 (B) THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY GRANT AN EXTENSION OF THIS
11 PERIOD ON WRITTEN APPLICATION AND FOR GOOD CAUSE SHOWN WITHOUT NOTICE OR
12 HEARING.

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

19 *Subtitle 4. Nonconforming Structures*

20 **§ 18-403. Expansion of structure.**

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

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

Council Bill 20-0601

Zoning Tables

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Council Bill 20-0601

<i>Table 7-202: Open Space Districts Permitted and Conditional Uses</i>		
USES	DISTRICTS	USE STANDARDS
	OS	
COMMERCIAL		
...		
FARMERS MARKET	CB	
.....		
OTHER		
.....		
Parking Lot (Accessory Use)	[CO]P	
.....		

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

Council Bill 20-0601

TABLE 8-301: DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES										
USES	DISTRICTS									USE STANDARDS
	R-1A	R-1B	R-1C	R-1D	R-1E	R-1	R-2	R-3	R-4	
COMMERCIAL										
...										
FARMERS MARKET	CB	CB	CB	CB	CB	CB	CB	CB	CB	
...										

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

TABLE 9-301: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES							
USES	DISTRICTS						USE STANDARDS
	R-5	R-6	R-7	R-8	R-9	R-10	
COMMERCIAL							
...							
FARMERS MARKET	CB	CB	CB	CB	CB	CB	
...							

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

Council Bill 20-0601

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

CATEGORIES	SPECIFICATIONS (PER DISTRICT)					
	R-5	R-6	R-7	R-8	R-9	R-10
MINIMUM LOT AREA						
...						
Dwelling: Detached	[3,000 sq. ft.] 1,500 SQ. FT.	[3,000 sq. ft.] 1,500 SQ. FT.	[3,000 sq. ft.] 1,500 SQ. FT.	[3,000 sq. ft.] 1,500 SQ. FT.	[3,000 sq. ft.] 1,500 SQ. FT.	[3,000 sq. ft.] 1,500 SQ. FT.
Dwelling: Semi-Detached	[2,500 sq. ft.] 1,500 SQ. FT.	[2,000 sq. ft.] 1,500 SQ. FT.	[2,000 sq. ft.] 1,500 SQ. FT.	[2,000 sq. ft.] 1,500 SQ. FT.	[2,500 sq. ft.] 1,500 SQ. FT.	[2,000 sq. ft.] 1,500 SQ. FT.
...						
MAXIMUM IMPERVIOUS SURFACE						
...						
[Dwelling: Rowhouse (Rear Yard)]	[65%]	[65%]	[65%]	[65%]	[65%]	[65%]
MINIMUM FRONT YARD						
Dwelling: Detached or Semi-Detached	Lesser of [25] 20 ft. or blockface average ⁵	Lesser of [20] 15 ft. or blockface average ⁵	Lesser of [20] 5 ft. or blockface average ⁵	Lesser of [20] 5 ft. or blockface average ⁵	Lesser of 40ft. or blockface average ⁵	Lesser of [20] 5 ft. or blockface average ⁵
...						
MINIMUM INTERIOR - SIDE YARD						
Dwelling: Detached	10 feet	10 feet	[10] 5 feet	[10] 5 feet	10 feet	[10] 5 feet
Dwelling: Semi-Detached	[15] 10 feet	[15] 10 feet	[10] 5 feet	[10] 5 feet	10 feet	[10] 5 feet
...						
MINIMUM CORNER-SIDE YARD						

Council Bill 20-0601

Dwelling: Detached or Semi-Detached	[20] 15 feet	[20] 15 feet	[15] 10 feet	[15 feet] NONE	15 feet	[15 feet] NONE
...						

...

⁵ In this listing, “blockface average” means the average of the front-yard setbacks of the improved lots on the blockface.

⁷ For semi-detached dwellings, interior-side yards are required only along the interior-side lot line where the party wall between dwellings is not located.

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

Council Bill 20-0601

TABLE 10-301: COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS							USE STANDARDS
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
...								
INSTITUTIONAL								
...								
Educational Facility: Commercial-Vocational	CB			CB	P	P	P	
...								
COMMERCIAL								
...								
Arts Studio: Industrial	P	P	P	[CB] P	[CB] P	P	[CB] P	
...								
FARMERS MARKET	P	P	P	P	P	P	P	
...								
INDUSTRIAL								
Food Processing: Light	[CB] P	[CB] P	[CB] P	[CB] P	[CB] P	[CB] P	[CB] P	
...								

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

Council Bill 20-0601

TABLE 10-401: COMMERCIAL DISTRICTS (C-1 TO C-4) – BULK AND YARD REGULATIONS						
CATEGORIES	SPECIFICATIONS (PER DISTRICT)					
	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
MINIMUM LOT AREA						
Dwelling: Live-Work, Multi-Family, or Rowhouse	300 sq.ft/ PER DU	5,000 sq.ft/ PER DU	550 sq.ft/ PER DU	225 sq.ft/ PER DU	300 sq.ft/ PER DU	300 sq.ft/ PER DU
...						

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

COMMENT: Clarifies and corrects, with the addition of the term “per du” (per dwelling unit).

TABLE 11-301: INDUSTRIAL DISTRICTS – PERMITTED AND CONDITIONAL USES								
USES	DISTRICTS							USE STANDARDS
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
COMMERCIAL								
...								
FARMERS MARKET	P	P	P					
...								

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

Council Bill 20-0601

**TABLE 12-301: OFFICE-RESIDENTIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS	USE STANDARDS
	OR	
COMMERCIAL		
...		
FARMERS MARKET	CB	
...		

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

**TABLE 12-402: TRANSIT-ORIENTED DEVELOPMENT DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS				USE STANDARDS
	TOD-1	TOD-2	TOD-3	TOD-4	
COMMERCIAL					
...					
FARMERS MARKET	P	P	P	P	
...					

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

Council Bill 20-0601

<i>TABLE 12-501: EDUCATIONAL CAMPUS DISTRICTS – PERMITTED AND CONDITIONAL USES</i>			
USES	DISTRICTS		USE STANDARDS
	EC-1	EC-2	
COMMERCIAL			
...			
FARMERS MARKET	P	P	
...			

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

<i>TABLE 12-601: HOSPITAL CAMPUS DISTRICTS – PERMITTED AND CONDITIONAL USES</i>		
USES	DISTRICTS	USE STANDARDS
	H	
COMMERCIAL		
...		
FARMERS MARKET	P	
...		

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

Council Bill 20-0601

TABLE 15-601: PERMITTED ENCROACHMENTS INTO REQUIRED YARDS			
PERMITTED ENCROACHMENTS	FRONT YARD/ CORNER-SIDE YARD	INTERIOR- SIDE YARD	REAR YARD
...			
GAZEBO		x	x
...			

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

Council Bill 20-0601

TABLE 17-201: SIGN REGULATIONS

CAUTION: ADDITIONAL SIGN STANDARDS ARE LOCATED IN TITLE 17 {"SIGNS"}.

SIGN TYPES BY ZONING DISTRICT *		ZONING DISTRICT REQUIREMENTS			AREA OF SPECIAL SIGNAGE CONTROL (ASSC)		
	Approval Method	Maximum Area Per Sign	Height, Width, & Location Req'ts	Maximum Quantity	Sign Types Allowable for ASSC Deviation	Maximum Percentage Deviation for Height, Width, & Area	Quantity Deviation
R-1A THROUGH R-4							
ELECTRONIC SIGN (CATEGORY I)	CB	15 SQ. FT.	PER SIGN TYPE USED	1 PER LOT	NOT ELIGIBLE		
...							
R-5 THROUGH R-7							
...							
ELECTRONIC SIGN (CATEGORY I)	CB	15 SQ. FT.	PER SIGN TYPE USED	1 PER LOT	NOT ELIGIBLE		
...							
R-8 THROUGH R-10							
...							
ELECTRONIC SIGN (CATEGORY I)	CB	15 SQ. FT.	PER SIGN TYPE USED	1 PER LOT	NOT ELIGIBLE		
...							
R-MU							
...							
ELECTRONIC SIGN (CATEGORY I)	CB	15 SQ. FT.	PER SIGN TYPE USED	1 PER LOT	NOT ELIGIBLE		
...							
D-MU							
...							
ELECTRONIC SIGN (CATEGORY I)	CB	15 SQ. FT.	PER SIGN TYPE USED	1 PER LOT	NOT ELIGIBLE		

Council Bill 20-0601

...					
-----	--	--	--	--	--

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

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

Council Bill 20-0601

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

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