

Proposed Amendments

8/1/2020

Code Section	Proposed Change	Purpose
1-XXX	FARMERS MARKET- A RECURRING EVENT ON DESIGNATED DATES AND TIMES CONSISTING PRIMARILY OF AGRICULTURAL PRODUCERS SELLING THEIR PRODUCTS DIRECTLY TO THE PUBLIC. AT LEAST 50% OF VENDORS MUST SELL AGRICULTURAL OR FOOD PRODUCTS AS DESIGNATED BY THE STATE OF MARYLAND’S DEFINITION FOR ‘FARMERS MARKET.’”	Create a definition of Farmers market use and permit in most zones Make it CB in residential zones
1-306 u.	Change title from Gas station to FUEL STATION and Add inclusion iii - electric charging stations	To be more clear that EV chargers are included in fueling
1-307 (a) (2)	Government facilities - Add to inclusions, RECREATION, INDOOR	This is to make it clear that recreation centers, owned by City recreation and Parks are a permitted use in OS zones
1-308(g)	“Kennel” means a business OR OTHER ENTITY where 3 or more dogs or cats over 6 months old are boarded or maintained by a person other than their owner AND BOARDING IS THE PRIMARY OR PRINCIPAL FUNCTION OF THE USE.	This is to make it clear that it includes a non-profit animal shelter.
1-311 (o)	Add MICRO-BLADING to list of personal services	Micro-blading is a service that is cosmetic in nature, typically shaping of eyebrows. This is to clarify it is not a tattoo parlor.
1-303 (h)	“Blockface” means all of 1 side of a given street between 2 consecutive intersecting streets, EXCLUDING ALLEYS, FOOTWAYS, AND SIDEWALKS.	This is being added for clarification.

<p>2-203 d and j</p>	<p>(c) Preexisting permitted use reclassified as conditional.</p> <p>(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.</p> <p>(2) Any subsequent change to that use, MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS [including any addition, expansion, relocation, or structural alteration], AND is subject to the procedural and substantive requirements imposed by this Code on conditional uses.</p> <p>(d) Preexisting nonconforming use reclassified as permitted or conditional.</p> <p>(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.</p> <p>(2) Any subsequent change to that use[,] MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS [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.</p> <p>(j) Previously granted variances and conditional uses.</p> <p>(1) All variances and conditional uses granted before June 5, 2017, or before the effective date of any relevant amendment to this Code remain effective, and the recipient of the variance and conditional use may proceed to develop the property in accordance with the approved plans.</p> <p>(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.</p> <p>(3) Any subsequent change to a conditional use, MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS [including any addition, expansion, relocation, or structural alteration], AND is subject to the procedures and requirements imposed by this Code on conditional uses.</p>	<p>Clarify procedures to change or alter conditional uses conditional uses</p>
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3-202(b)	<p>(6) BMZA MAY AUTHORIZE ACCESSORY USES SO LONG AS THEY MEET THE STANDARDS FOR ACCESSORY DEFINED UNDER 1-302(C)</p> <p>(7) BMZA MAY AUTHORIZE USES NOT OTHERWISE LISTED IN THIS CODE SUBJECT TO 1-217</p>	<p>These two items give the Zoning Board some flexibility as new uses get invented, not previously accounted for. Under the prior zoning code, BMZA routinely heard appeals for accessory uses not expressly listed as accessory, so long as they met the definitional requirements of “accessory.” This provides flexibility as uses change over time and trends allow for certain accessory uses to compliment principal uses that may not be expressly listed in the zoning code. Example: microblading as accessory to a salon.</p>
5-204	<p>Withdrawal of application. An applicant has the right to withdraw an application at any time before a decision is made on the application by the appropriate body. There will be no refund of fees. Requests for withdrawal must be in writing by the applicant OR PROPERTY OWNER.</p>	<p>BMZA has had occurrences where tenants filed zoning appeals without the property owner’s permission.</p>
Add 5-310	<p>DISCRETION TO DENY THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL & ZONING APPEALS MAY DENY ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY IS SUBJECT TO ANY OUTSTANDING NOTICE(S) OF VIOLATION(S), CODE VIOLATIONS, OR ANY OTHER UNRESOLVED OR UNPAID FEE, FINE, OR CITATION.</p>	<p>This provision would give BMZA discretion to dismiss or deny relief under an application for outstanding code or other violations. Removes a loophole</p>
Add 5-410	<p>DISCRETION TO DENY THE BOARD OF MUNICIPAL & ZONING APPEALS MAY DENY ANY APPLICATION FOR A CONDITIONAL USE IF THE SUBJECT PROPERTY IS SUBJECT TO ANY OUTSTANDING NOTICE(S) OF VIOLATION(S), CODE VIOLATIONS, OR ANY OTHER UNRESOLVED OR UNPAID FEE, FINE, OR CITATION.</p>	<p>This provision would give BMZA discretion to dismiss or deny relief under an application for outstanding code or other violations.</p>
Table 7-202	<p>Change Parking lot accessory from CO to P</p>	<p>This requirement has been too onerous for Parks with no benefit</p>
Table 9-401	<p>Change minimum lot area for singles and semi-detached to 1500 sqft</p>	<p>Currently too restrictive and discourages new construction</p>

Table 9-401	<p>Reduce yard requirements Detached/ Semi-detached House Front Yard from; 25 feet to 20 feet in R-5 20 feet to 15 feet in R-6 20 feet to 5 feet in R-7, 8 and 10</p> <p>Reduce Minimum Interior Side Yards in Detached from 10 feet to 5 feet in R-7, 8 and 10</p> <p>Reduce Minimum Interior Side Yards in Semi- Detached from 15 feet to 10 feet in R-5 and 6 10 feet to 5 feet in R-7, 8 and 10</p> <p>Reduce Minimum Corner Side Yard in Detached or Semi-detached from, 20 feet to 15 feet in R-5 and 6 15 feet to 10 feet in R-7 15 feet to None in R-8 and 10</p>	These changes are intended to better align with existing urban patterns
Table 9-401	Delete line regarding rowhouse impervious	This is not working as intended
Table 10-301	Permit Food Processing Light and Arts studio Industrial in all C districts	This will help small businesses and start-ups and bring new businesses to commercial corridors
Table 10-301	Change Educational facility commercial vocational to CB in C-1 zones	This will allow for driving schools and other small training centers to locate in Main Street areas.
Table 10-401	Add the term PER DWELLING UNIT add/per du after minimum lot area for multi-family uses	This was a correction and to clarify
14-328	ADD OUTDOOR SEATING ONLY ON THE STREET SIDE OF PROPERTY, NOT IN REAR YARD, DECKS OR ROOFTOPS	There has been interest in adding outdoor seating to neighborhood commercial establishments. It is recommended on the street sides of businesses not in rear yards where is could bother residents.

14-331	<p>§ 14-331. Parking garages [(principal use)] and parking lots.</p> <p>(a) Parking garages [(principal use)]:-</p> <p>(1) Parking garages [(principal use)] in the C-1, C-1-E, C-1-VC, C-2, C-3, C-5, and TOD</p> <p>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.</p> <p>...</p>	<p>Amend §14-331 to remove the reference to “(principal use)” since this section was intended to apply to all parking garages (accessory and principal). This is needed, since principal use parking garages aren’t permitted in C-1, C-1-E, or C-1-VC zones.</p>
15-504	<p>§ 15-504. Carriage house.</p> <p>(A) An accessory carriage house existing on June 5, 2017, in a Residential District or in an OR District may be subdivided and converted into a SINGLE FAMILY detached dwelling, if:</p> <p>(1) the new lot area meets the minimum lot and yard requirements that apply to rowhouse dwellings in the applicable district;</p> <p>(2) the building contains at least 4,750 square feet of gross floor area;</p> <p>(3) all other requirements of this Code and Baltimore City Subdivision Regulations are met or a variance is obtained; and</p> <p>(4) 1 additional parking space is provided for each dwelling unit created.</p> <p>(B) IN ADDITION, IF AN EXISTING CARRIAGE HOUSE IS CONVERTED INTO A DWELLING UNIT, IT CANNOT BE ENLARGED BY ANY ALTERATION THAT WOULD INCREASE THE BUILDING HEIGHT OR FOOTPRINT BY NO MORE THAN 20%.</p>	<p>This change would clarify the original intent to allow for the conversion of the existing carriage houses. Sub-division was not the proper mechanism as subdivision would create a separate lot and not protect neighborhoods from creating flag lots and larger buildings. This change to by-right with the addition of a cap for rehabilitation is in keeping with the original intent of scale and purpose.</p>
Table 15-601	<p>Add “GAZEBO” to the list of permitted encroachments.</p>	<p>Gazebos are common structures and are not the same thing as an arbor or trellis.</p>
Title 17 *	<p>Add the ability to have digital signs in Residential zones by Conditional to Board</p>	<p>Institutions such as churches and schools would like to take advantage of new technology to have digital signs. By making them Conditional to Board they can be reviewed to assure they are not glaring into residential windows.</p>

Amend 18-403	Expansion of structure. A nonconforming structure may not be expanded if the expansion would [in any way] create a new nonconformity OR increase the degree of any nonconformity [or increase the bulk of the structure] .	Example: If a single-family dwelling covers more of a lot than allowed by bulk regulation (say, by 1 sq. ft), but requests an additional floor with building height that's allowed by right, this provision as currently drafted would not be allowed as it would "increase the bulk of the structure." BMZA proposes lessening the restrictions on nonconforming structures to allow for regular improvements to property so long as they do not create new nonconformities or increase the degree of nonconformity.
Add: 18-206(c)	DISCRETION TO DENY THE ZONING ADMINISTRATOR OR THE BOARD OF MUNICIPAL & ZONING APPEALS MAY DENY ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY IS SUBJECT TO ANY OUTSTANDING NOTICE(S) OF VIOLATION(S), CODE VIOLATIONS, OR ANY OTHER UNRESOLVED OR UNPAID FEE, FINE, OR CITATION.	This provision would give BMZA discretion to dismiss or deny relief under an application for outstanding code or other violations.
Add: 18-207	EXPIRATION OF APPROVAL (A) ANY AUTHORIZATION TO CONTINUE A NONCONFORMING USE, DENSITY, OR OTHER NONCONFORMITY LAPSES AND BECOMES VOID 1 YEAR FROM THE DATE OF ITS FINAL APPROVAL UNLESS, WITHIN THAT YEAR: (1) A USE PERMIT UNDER THIS CODE AND AN OCCUPANCY PERMIT UNDER THE BALTIMORE CITY BUILDING CODE HAVE BEEN OBTAINED FOR THAT USE; (2) THE ERECTION OR ALTERATION OF A STRUCTURE FOR THAT USE HAS LAWFULLY BEGUN; OR (3) THE USE HAS LAWFULLY BEGUN. (B) THE BOARD OF MUNICIPAL & ZONING APPEALS MAY GRANT AN EXTENSION OF THIS PERIOD ON WRITTEN APPLICATION AND FOR GOOD CAUSE SHOWN WITHOUT NOTICE OR HEARING.	Expiration of conditional uses and variances, and extensions from BMZA, are covered under Title 5, but continuation of nonconforming uses/ structures are not. BMZA proposes adding language mirroring the expiration/extension process for conditional uses and variances to include the authorization to continue nonconforming uses/structures.

- Other Title 17 Amendments to follow