

ZONING 101: The public regulation of land use and development

Baltimore City Board of Municipal & Zoning Appeals (“BMZA”)

Executive Director: Derek Baumgardner

Zoning Appeals Officers: Bob Henry, Mike Barb

Administration: Shari Kearney

Beginnings

- Great London fire of 1666 & the Rebuilding of London Act of 1667 (Charles II)
- Early urban planning in American cities post industrial revolution - crowded housing, poor sanitation, disease
- Second industrial revolution (late 19th century – early 20th century) - first urban planning conference in New York in 1898
- 1st Baltimore City Zoning Code (1923) – Baltimore Municipal Art Society
- Previous Zoning Code(s) (1953,1971)
- Current Zoning Code - “Transform Baltimore” – Effective June 5th, 2017

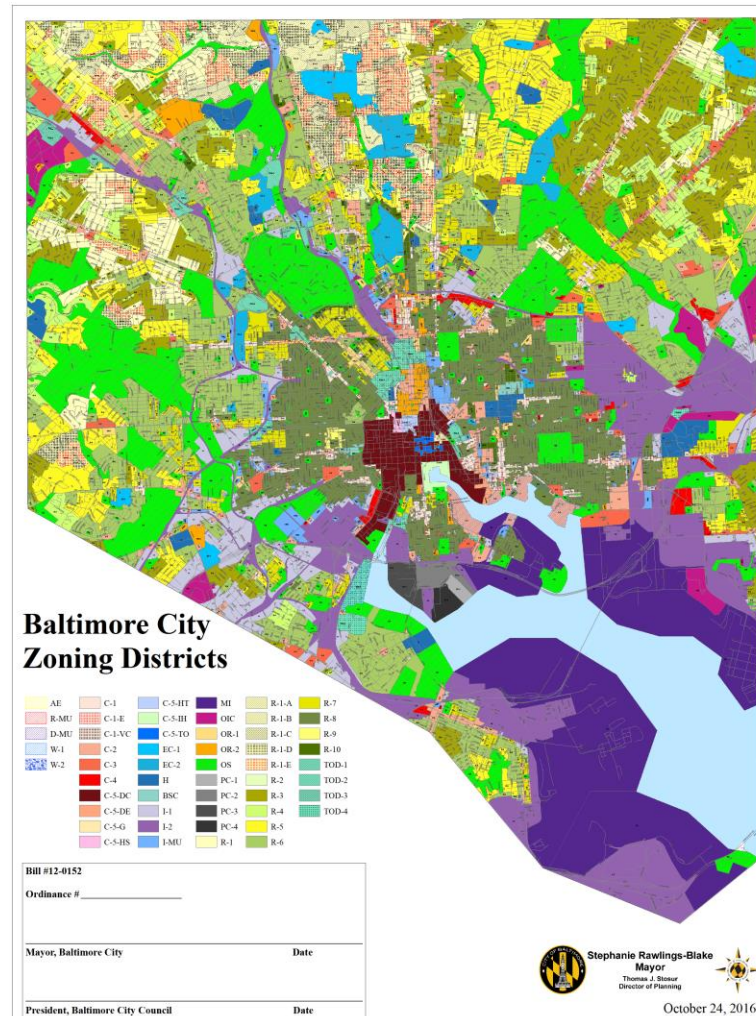


Euclidean Zoning

***Zoning** by city and county governmental units is allowed as a proper function of the municipality's **police power**. **Police power** is defined as the **power** to regulate for the advancement and protection of the health, morals, safety or general welfare of the community as a whole.*

- Residential Districts (“R” 1-10)
 - Single-family dwellings, multiple-family dwellings, efficiency units, rooming houses
 - Attached (i.e. rowhouse), detached, semi-detached (e.g. duplex)
- Commercial Districts (“C” 1-5)
 - Neighborhood business, mixed-use, downtown
- Special Purpose Districts (“OR”, “TOD” 1-4, etc.)
 - Office-Residential, Transit-Oriented, Educational Campus, etc.
- Industrial Districts (“OIC”, “I”, etc.)
 - Light storage manufacturing to heavy machinery and manufacturing
- Open Space & Environmental Districts (“OS”, “FP”, “CBCA”)
 - Open-Space, Floodplain, Chesapeake Bay Critical Area

Baltimore City Zoning Districts Map




Baltimore City Zoning Districts Map - Legend




TransForm Baltimore Zoning Code

MAP LEGEND & ZONING DISTRICT SUMMARY



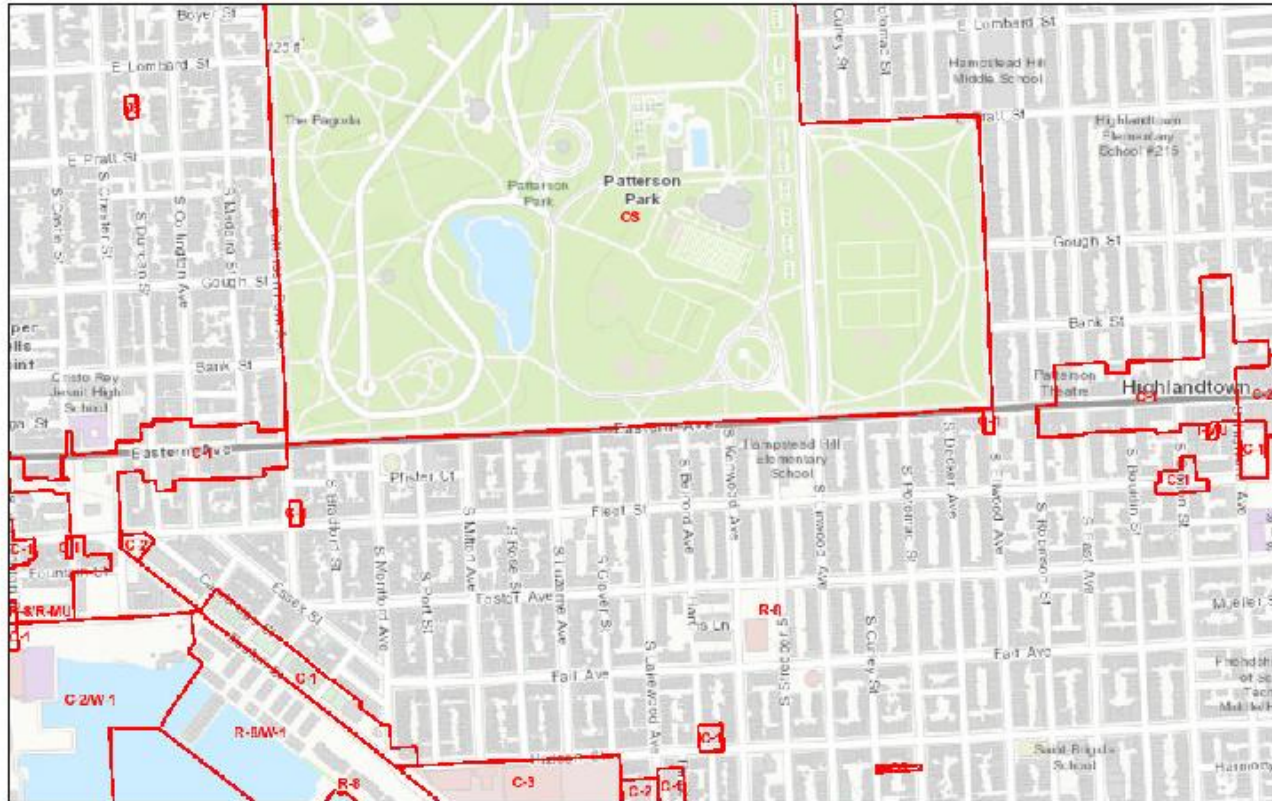
Catherine E. Pugh
Mayor



Thomas J. Stour
Director of Planning

Baltimore City Zoning Map

Zoning Map

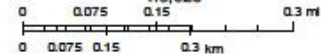


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Zoning Layer

 Zoning Layer

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Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeBCast, IGN, Kadaster NL, Ordnance Survey.

Baltimore City Zoning Pathway: Part 1

- Department of Housing and Community Development (“Housing”)
 - Permits Office
 - Plans Examining
 - Code Enforcement
 - Zoning Administrator
 - First-level zoning determination
 - Zoning Enforcement

Baltimore City Zoning Pathway: Part 2

- Baltimore City Board of Municipal & Zoning Appeals
 - Charter agency within Baltimore City
 - Quasi-independent
 - Quasi-judicial
 - Hears zoning appeals that are:
 - (1) referred by the Zoning Administrator (i.e. the Zoning Code requires these matters to be heard by BMZA)
 - (2) appealed by the applicant after the Zoning Administrator denies the application
 - (3) “negative appeals” meaning a permit has been issued by Housing but an “aggrieved person” believes that permit was issued in error, or was otherwise issued in violation of the Zoning Code

Baltimore City Zoning Pathway: Part 3

- Baltimore City Council
 - Legislative branch enacts zoning bills
 - A bill is introduced by City Councilperson
 - The bill goes to a subcommittee
 - If passes subcommittee goes to full Council
 - If passes Council vote goes to Mayor's Office
 - If Mayor signs the bill, it becomes law
 - The only agency that has the authority to “rezone” properties
 - Certain controversial (e.g. adult entertainment) or heavy impact uses (e.g. increasing housing density) bypass the Zoning Administrator and BMZA and go directly to City Council

Board of Municipal & Zoning Appeals

- 5 Board Members
- All private citizens
- Must reside in Baltimore City
- Appointed by the Mayor for 4-year terms

BMZA Hearings

- Not as formal as a court hearing
- All hearings take place in **City Hall, Room 215**
- Each application is reviewed, evidence is submitted, witnesses are examined, and the Board usually renders a decision *at the conclusion of the hearing*
- To be approved, 4 of the 5 Board members must vote to approve the application
- If an application is denied, the applicant must wait 12 months to reapply *under the same application terms*
- If the proposed construction or use is amended to become “approvable” the applicant can reapply *at any time*

What types of applications does the BMZA hear?

- Variances
 - The proposed structure or construction will project or encroach into required yards, will be too tall, will occupy more of the lot than is permitted, etc.
- Conditional Uses
 - Specifically designated in the Zoning Code
 - Presumed to be valid and permitted, unless the overwhelming weight of the evidence weighs against this presumption
 - BMZA is given the authority to place “conditions” on approval (e.g. close by a certain hour, can only be so large, must provide security, noise levels must stay within a certain decibel range, etc.)
- Continuation of Nonconforming uses
 - Uses of property that were in existence before 2017, and have remained in *continuous* operation since that time
 - Example: Corner bar in a residential district

What the Board Considers: Variances

§ 5-301. Purpose

- (a) The purpose of the variance procedure is to afford a property owner relief from certain regulations of the Zoning Code when unnecessary hardship or practical difficulty exists.
- (b) The variance procedure applies only to changes in bulk and yard regulations. It does not apply to changes in the uses allowed within a zoning district.

§ 5-308(a) Required finding of unnecessary hardship or practical difficulty

In order to grant a variance, the Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, 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** would result, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out.

§ 5-308(b) Other required findings.

The Zoning Administrator, the Board of Municipal and Zoning Appeals, or the City Council, 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;

Variations (continued)

- (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; or
 - (ii) the City's Master Plan
 - (iii) any Historical and Architectural Preservation District; and

- (7) the variance will not otherwise:
 - (i) be detrimental to or endanger the public health, security, general welfare, or morals; or
 - (ii) in any way be contrary to the public interest;

What the Board Considers: Conditional Uses

§ 5-401. Purpose

- (a) The 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.

§ 5-406(a) Limited criteria for denying

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

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

§ 5-406(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:

Conditional Uses (continued)

§ 5-406(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's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code'
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

What the Board Considers: Nonconformities

§ 18-201. Definitions

(b) Nonconforming lot.

“Nonconforming lot” means a lawfully existing lot that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this Code, does not comply with the lot area or lot width regulations applicable to the district in which it is located

(c) Nonconforming structure.

“Nonconforming structure” means a lawfully existing structure that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this Code, does not comply with the bulk, yard or other regulations applicable to the district in which it is located.

(d) Nonconforming use.

“Nonconforming use” means a lawfully existing use of a structure or of land that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this code, does not conform to the use regulations applicable to the district in which it is located.

§ 18-302. 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.

§ 18-403. 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.

Nonconformities: Discontinuance or Abandonment

§ 18-307. 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 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.

Nonconformities: Mandatory Termination of Certain Uses

§ 18-701. Retail goods establishment – with alcoholic beverage sales.

- (a) In general. Except as provided in subsection (b) of this section, retail goods establishments with alcoholic beverage sales in a residential district must be terminated as follows:
 - (1) for an establishment with alcoholic beverage sales that existed as a lawful nonconforming use before June 5, 2017, no later than June 4, 2019, 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 June 5, 2017, 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 alcoholic beverage 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 (June 5, 2017), of the amendment to this Code, or of the property reclassification, as the case may be.
 - (3) General considerations
 - (i) For nonconforming uses existing before June 5, 2017, 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:

Nonconformities:

Mandatory Termination of Certain Uses (continued)

(A) purchase of the property after January 1, 2008, and before 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 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.

(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 before 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.

Nonconformities:

Mandatory Termination of Certain Uses - continued

§ 18-702. Taverns.

(a) In general. Nonconforming taverns must either:

- (1) fully comply with § 14-337 {"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) {"Retail good establishments...: Waiver for hardship"} of this subtitle.

Where do I go?


- Permits Office (410-396-3360)
 - Nuts and bolt questions about the permitting process
 - Costs and fees
 - Track permits
- Zoning Administrator (410-396-4126)
 - Check on the zoning district for a particular property
 - Ask questions about specific proposed uses
 - Zoning enforcement
- BMZA (410-396-4301)
 - Inquire as to a pending appeal
 - Obtain information about the appeals hearing process
- Planning Department (410-396-7526 “PLAN”)
 - Neighborhood or street-wide concerns
 - Long-term planning

Community Input


- Information from neighbors and the surrounding community is very important
- We may not know your community, but you do
- Provide objective facts as to the reasons why an application should/should not be approved
- Be specific – cite the Code
- All of our hearings are open to the public
- If you are unable to attend a hearing in person, you can submit a statement or letter (must be in writing) in support or in opposition to any appeal
 - Provided they are received in time, all written statements or letters are read into the record at the hearing

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[Home](#) > [Code Enforcement](#) > Existing Permit Search

Existing Permit Search

Section searches for all permits issued since 1/1/2007.

To determine whether a permit has been obtained for work currently under construction or to determine that the scope of work has been properly permitted, an existing permit search may be accessed by the property address, permit number or neighborhood. If visible and substantial work is being done without a permit, [report un-permitted work](#).

Find out about [Permits & Building Inspection](#) or get answers to [Frequently Asked Questions](#)

<input type="checkbox"/> By Address	House Number	Direction	Street Name	Street Suffix
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/> By Permit Number	<input type="text"/> (ie, COM2003-01234)			
<input type="checkbox"/> By Issue Date	From	To		
	<input type="text"/>	<input type="text"/>		
<input type="checkbox"/> By Neighborhood	<input type="text"/>			

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BMZA Search

To Search BMZA records.

By Address House Number: Direction: Street Name:

By BMZA Number (ie, BMZ2009-01234)
From(mm/dd/yyyy) To(mm/dd/yyyy)

By Hearing Date

By Type Conditional Non Conditional All

By Council District

By Neighborhood

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Other Appeals Heard by the BMZA

- a) Footway/Alleyway Repaving
- b) False Alarm Reduction Program
- c) Certain tax, stormwater fees, other appeals etc.

Contact Info

Baltimore City Board of
Municipal & Zoning Appeals
417 E. Fayette Street
Room 1432
Baltimore, Maryland 21202
(410) 396-4301
<http://zoning.baltimorecity.gov>

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