

NON-COMPLYING USES



The Zoning Code establishes a variety of districts that control the size and shape of buildings, as well as the type of use that can be housed within them. Once the City is rezoned, there will be instances where a building or use of a building will not meet the requirements of its new zoning district. However, if a building or use was lawfully built and has the correct use and occupancy permit, it may continue as it exists under a special set of non-conformity rules.

If a building does not satisfy size, shape or setback requirements (known as bulk requirements) of the new zoning district, then it is considered a non-complying structure. For example, a house built too close to a backyard property line, or a building that exceeds the height limit for its district. If the use within the building is no longer allowed in that zoning district, then the use is considered a non-conforming use, such as an office use in a residential area.

It is also possible for a property to be both, a non-complying structure and a non-conforming use at the same time. An example of this would be a gas station in a residential area (the use is not allowed and the building does not meet bulk standards).

There is only one form of non-conforming use, making it easier to understand and administer. The new Code more forcefully encourages the eventual change to conforming uses outlined in the Code. It also provides clear guidance for non-conforming empty lots and signs. If you have a non-conforming use and/or a noncomplying structure, below are a few key rules to remember:

- If the building was built lawfully with the appropriate permit(s) and/or you have correct permits for use and occupancy, you can continue to use the building as it is now.
- If the building is damaged, you may make reasonable repairs. If it is significantly damaged, you may rebuild it so long as not more than 50% of the building (or its replacement value) has been destroyed.
- You may not change the non-conforming use to another non-conforming use.
- You may not expand the non-conforming use or area.
- If the non-conforming use is abandoned or discontinued for more than 12 months, the non-conforming use is gone forever.
- If you have a non-complying structure, you may make alterations to it, so long as the degree of noncompliance isn't made worse. For example, a home that exceeds the height limit may have an addition that is lower than the height limit, so long as it meets all other requirements of the district.

SIMPLIFY THE PROCESS

RETOOL ZONING DISTRICTS

PRESERVE NEIGHBORHOODS

CREATE BETTER DESIGN

TRANSFORM BALTIMORE | a city-wide effort to develop a state-of-the-art zoning code featuring new and more effective zoning tools to protect and enhance neighborhood character, guide private development and foster community revitalization.

When referring to the new code and its provisions we are referring to the proposed draft. Its provisions will not be in effect until enacted by the City Council and signed into law by the Mayor.

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