
BALTIMORE COUNTY DEPARTMENT OF PLANNING
DEPARTMENT OF PLANNING STAFF
Project Description
This report was drafted in response to County Council Resolution Number 73-19 from June 3, 2019 requesting that the Baltimore County Planning Board examine how communities around the Country are regulating the conversion of ground-floor commercial space in mixed-use buildings to residential units and dormitories. The resolution is in response to increasing enrollment at Towson University and other colleges and universities in the vicinity of greater Towson. We are seeing an increase in the demand to accommodate students which could potentially make it marketable for condominium and multi-tenant building owners to convert lower and ground level commercial space to residential uses in the Downtown Towson (D.T.) District. The resolution requests that the Planning Board determine how such conversions be regulated by the County Code.

Background
In preparing this report staff did not find specific examples addressing the conversion of ground and lower-level commercial space to dormitories. Staff has identified examples of local governments permitting the conversion of ground-level commercial uses to residential uses and examples of local governments permitting residential uses in commercial or mixed-use districts.

The Congress for New Urbanism (CNU) discusses mixed-use zoning solutions in their recent report titled “Enabling Better Places Users’ Guide to Zoning Reform.” This staff report consults the CNU report in making its recommendations regarding appropriate regulations for ground-level commercial-to-residential conversions. Solutions discussed in the CNU report are aimed at creating “vibrant, livable urban conditions” through small, incremental changes in zoning regulations. Recommendations include ground level commercial along primary corridors but not, necessarily, throughout downtown zones. Other recommendations that could mitigate the potential negative consequences of ground-level residential include regulations that help activate the street such as requiring buildings to have functional street-facing entrances, and maximum setback requirements.

There has been a push in the last several decades to include ground-level commercial space in downtown districts (CNU 2018). Ground-level commercial uses help activate the spaces where they are located by promoting pedestrian activity, reducing car usage and providing space for businesses that can be sustained the local population. They are a significant part of what makes downtown urban areas vibrant and are a way for local governments to shape a more urban form for their communities. In Baltimore County, mixed-use development with active streets is a key component of sustainable development and an important policy goal of Master Plan 2020. Mixed use developments are best suited to urban areas and are characterized as being “[the] areas most suitable for growth [and] are typically located along major roads in commercial corridors in or adjacent to existing town centers...” (MP2020 pg. 5). The Master Plan establishes transect zones throughout the County. The greater Towson area is primarily situated within the T-6 Urban Core. This transect consists of the highest density and height with greatest variety of uses (MP2020 pg. 31). Mirroring the T-6 Urban Core is the D.T. district. BCZR § 259.16.A, supports the policies of the Master Plan 2020 by “foster[ing] the redevelopment of Towson into a premier, walkable, mixed-use hub of activity.”

In encouraging ground-level commercial and mixed-use development, some communities have experienced increases in ground-level commercial vacancies, causing some local governments to rethink use regulations of ground-level space, especially in cities with housing affordability issues. Jurisdictions including Annapolis, Prince Georges County, San Diego, San Francisco and East Lansing allow the conversion of ground-level commercial uses to residential uses, helping solve the dual problems of commercial vacancies and lack of housing. In cases where the commercial and residential mix of a
The downtown district does not support ground-level commercial viability and there are long-term vacancy issues in existing commercial space, allowing these conversions may be worth considering. However, it is appropriate in areas with thriving ground-level commercial uses that local jurisdictions be more considered in their approach.

The sections of this report are organized as follows. First, examples are provided of specific areas of Baltimore County where zoning allows residential use on the ground-level. The report then looks at examples from other jurisdictions that have allowed conversions of ground-level commercial uses to residential uses. It is followed by a brief discussion and recommendations for the Planning Board to consider.

**Baltimore County (current)**

**Dormitories**

There are dormitories in Baltimore County. Such dormitories exist as ancillary uses to established educational institutions and more recently as a principal use pursuant to planned unit development. That notwithstanding dormitories are not defined within the BCZR. Dormitories exist in multiple configurations with varying amenities. Within the BCZR there exists language addressing dormitories. Pursuant to BCZR §253.1.C.8 “dormitories for the housing of students attending an accredited higher education institution are permitted in I.M. Districts only, subject to Section 441.”

- Dormitories do not require density.
- Dormitories are parked at 1 p.s. per 4 beds.
- Dormitories are not considered a residential unit (as characterized in Res. 73-19).

In the D.R. zones, dormitories are permitted by special exception. Dormitories are permitted by right in the business zones. There is no specific requirement they be directly associated with an institutional use, though, historically that has been the case in Baltimore County.

**Residential uses in combination with non-residential uses**

Apartments shall be permitted, but only above the first story of a building within the Business zones having a CCC or CT district overlay. Recent legislation adopted by the County Council has modified residential and non-residential uses in combination as follows.

- Apartments at ground-level in designated parts of C.T, B.M or B.M.-CT. zones are allowed in Hunt Valley subject to specific locational and performance criteria. (Bill No. 35-19)
- Tracts zoned B.M.-C.T. and located in the Owings Mills Town Center having a status of state-designated transit-oriented development allows residential uses on any floor. (Bill No. 16-15)
- Residential uses on any floor on tracts in B.M. and M.L zones adjacent to C.T. Districts are permitted subject to specific locational and performance criteria. (Bill No. 66-17)

The D.T. District is identified as the urban center of Baltimore County. Pursuant to the Baltimore County Zoning Regulations § 259.16.A.3 the District allows residential uses by right without regard to density or underlying zone. These uses are permitted on all floors of any building.

The RAE 1 and 2 zones allow office uses in combination with apartment buildings surpassing a threshold of 25 dwelling units and further allows retail and service uses in apartment buildings having 50 or more
dwelling units. In all cases, nonresidential uses are limited in the floor area dedicated to those uses. There is no prohibition to the location of the nonresidential uses being located on any floor. Zoning Review has indicated that typically said nonresidential uses are primarily for the convenience of the building residents.

BCZR §253.1.I allows residential uses in the ML zone on any story of a building, subject to very specific locational, bulk and area requirements.

“Living Quarters” in a commercial building (typically a domicile for security or maintenance personnel) is permitted by special exception in the business zones.

**Other jurisdictions**

This section of the report discusses how other jurisdictions consider residential uses in combination with non-residential uses, and the conversion of ground-level commercial uses to residential uses.

**Annapolis, MD**

The City of Annapolis allows a mix of residential and commercial uses in its MX zone subject to design standards and other development standards. The Charter and Code does not define dormitories nor distinguish whether they are considered a residential use.

The City of Annapolis allows ground-level commercial uses to be converted to residential use as follows.

Charter and Code of the City of Annapolis, 21.44.030 - MX Mixed Use district.

E. Any building or buildings not in existence on November 28, 2005, which building or buildings are subsequently developed, shall provide retail commercial uses on the first floor of any façade abutting West Street, provided however that:

1. If after six months of the issuance of the final use and occupancy permit pursuant to Chapter 21.12 the owner of the building is able to demonstrate an inability to lease to a retail commercial tenant after diligently pursuing such a tenant, the space may be leased to another use permitted in the MX zone.

**D. Additional Standards**

1. Parking Requirements for Changes of Use. Notwithstanding the requirements of 21.66.030(G), when the existing use of a building or structure is changed to a new use, parking and loading facilities are mandatory regardless of the date when the building or structure was erected.

**Prince Georges County, MD**

In Prince Georges County, dormitories are considered a dwelling and have the following definition.

- Dormitory: A building arranged or used for lodging six (6) or more, but not exceeding twenty (20), individuals and having common toilet and bathroom facilities.

County Code for Prince Georges County Section 27-351 allows for dwelling units within a building containing commercial uses subject to certain criteria. Where such combined uses are permitted it must
be demonstrated there is a compatible and functional interrelationship between the commercial, residential, and off-street parking components.

In the Mixed-Use Town Center zone a dwelling unit is permitted within a building containing commercial uses on the first floor.

Sec. 27A-802: A lobby serving an upper Story residential use is permitted on the Ground Story of a Storefront site.

Sec. 27-461(b) states that the conversion of an office building to multifamily dwellings is allowed with conditions.

San Diego, CA

Commercial ground-level space may be converted to residential uses if developers submit a study showing that commercial uses are not viable given existing conditions. In addition, any new residential units must include additional parking spaces.

The approach of the City of San Diego reflects in many ways the goals of the Baltimore County Master Plan 2020 in preserving vibrant street-level activity and walkable commercial spaces.

San Francisco, CA

The City of San Francisco adopted certain rules that allow the conversion of ground-level space in residential buildings to residential uses. These conversions are pursuant to jurisdictional review and a strict matrix governing type of access to the street and the type of visual and spatial connections between the ground floor and first floor. The standards also take into effect whether the building is proposed for alteration or proposed for new construction.

East Lansing, MI

A study adopted by the City Counsel of East Lansing, home of Michigan State, indicates that a strong mix of housing, commercial and institutional uses results in a vibrant downtown. The City prioritized its housing by occupancy status to ensure appropriate mix of land uses. The City also prioritizes design standards that establishes “all housing should be urban in nature, compliment adjacent uses, and provide for first floor retail where possible. Architectural themes should be consistent and harmonious to the greatest extent possible.”

Recommendations

The greater Towson area is established as the singular urban core of Baltimore County. This distinction is confirmed in the Master Plan 2020 by mapping Towson as a T-6 Transect, the only such transect existent in the County. In addition, our recommendations take into account the Towson University 2015 Master Plan which aims to “facilitate connection between the community and the campus,” and help students transition to safe off-campus living (Towson University Master Plan 2015). Planning Staff advises the following recommendations be focused on our urban core.
**Dormitories**

Staff recommends that the BCZR be amended to include a definition for dormitories. Any such definition should be appropriate in its application across the County. The definition shall limit the use to the housing of students actively attending an accredited higher education institution having a physical location in Baltimore County and must consider the requirements of the 2015 NFPA 101 Life Safety Code. A dormitory shall not be a boarding house, rooming house, hotel, shelter or barracks.

Except in the D. T. District, parking for dormitory use shall be calculated at one space for every four beds.

Staff recommends that the County consider establishing a registry for dormitories similar to the current rental registration program administered by the County.

**Mixed-Use**

Analysis in this report shows that maintaining commercial activity on the lower-levels of mixed-use structures is the predominant characteristic of urban environments. The D.T. District reflects this characteristic. Staff recommends that future purpose built mixed-use structures limit the residential component to floors above the street level. Ground-level commercial space should be retained, especially when local market conditions support it. Where commercial/residential combined uses are permitted it must be demonstrated there is a compatible and functional interrelationship between the commercial, residential, and off-street parking components. Any such use shall compliment adjacent uses. In situations where a portion or a street in a downtown district sees high ground-level commercial vacancies, Baltimore County may implement more tailored zoning solutions.

The Baltimore County Department of Economic and Workforce Development may also engage with the business community to identify commercial ventures most suitable and therefore most likely to succeed within the D. T. District.

Commercial uses proposed in combination with residential uses within the D. T. District shall be those currently listed in the respective underlying zones.

**Conversions**

The conversion of ground-level commercial space to residential use and/or dormitory use in commercial zones or the establishment of residences and/or dormitories as a single principal use can alleviate issues around commercial vacancies and increase population support for area businesses. Locations that allow these conversions should have requirements to mitigate ground level impacts and impacts on existing uses. Even with strict rules for conversions, converting ground level commercial to residential may be tempting for property owners with vacant of underused commercial space. A functioning balance must be established to successfully address the legislative goals of Resolution 73-19.

The Baltimore County Design Review Panel (DRP) reviews development proposals in the D.T. District. Comprehensive guidelines are available to allow them to perform their oversight duties. In stringently applying these guidelines in a consistent manner successful development results can be realized. Staff recommends that a clear definition of dormitory as adopted and made part of the BCZR would be an additional effective tool to allow the DRP to conduct their review.
Department Staff recommends that the Planning Board consider the following points in its discussion regarding the conversion of commercial space to non-commercial residential space.

- Design standards addressing ground-level conversions of commercial uses to residential and/or dormitory spaces must be developed to ensure that the urban context and vibrancy of the D.T. District is maintained.
- Prior to any conversion of ground-level commercial the property owner must demonstrate to Baltimore County an inability to lease to a retail commercial tenant after diligently pursuing such a tenant over a specific period of time. Staff recommends a minimum 6-month time period.
- Where a mixed-use building is proposed to be constructed or converted to 100% residential use with or without dormitories, the ground-level shall incorporate a lobby/open space serving the residents.
- Any conversion of existing retail space in the D.T. District to residential use with or without dormitories shall be subject to a special hearing by the Administrative Law Judge.

References


County Council of Baltimore County, Maryland. Legislative Session 2015, Legislative Day No. 4. Bill No. 16-15. February 2015

