

CITY OF BALTIMORE
ORDINANCE 20.360
Council Bill 19-0480

Introduced by: Councilmembers Schleifer, Henry
Introduced and read first time: December 16, 2019
Assigned to: Land Use Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: March 9, 2020

AN ORDINANCE CONCERNING

1 **Zoning – Use Standards – Neighborhood Commercial Establishments**

2 FOR the purpose of allowing the limited expansion of a non-residential use into the Zoning Board
3 to authorize, as a conditional use, the expansion of a neighborhood commercial establishment
4 into a newly constructed addition to the principal building; allowing the Zoning Board to
5 authorize, as a conditional use, certain use types to be outside; and conforming and clarifying
6 related provisions.

7 BY repealing and reordaining, with amendments
8 Article 32 - Zoning
9 Sections Section 14-328, 18-302, and 18-403
10 Baltimore City Code
11 (Edition 2000)

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

14 **Baltimore City Code**

15 **Article 32. Zoning**

16 **Title 14. Use Standards**

17 ***Subtitle 3. Use Standards***

18 **§ 14-328. Neighborhood commercial establishments.**

19 (a) *Minimum lot area requirements.*

20 Because neighborhood commercial establishment uses apply only to certain already-
21 existing [structures] BUILDINGS, those uses are not subject to the minimum lot area
22 required for non-residential uses in Residential or Office-Residential Zoning Districts.

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

1 (b) *Non-residential uses allowed.*

2 A neighborhood commercial establishment may contain ANY ONE OR MORE OF the
3 following non-residential uses IN ANY PART OR ALL OF THE BUILDING:

- 4 (1) Art galleries – no live entertainment or dancing.
- 5 (2) Arts studios.
- 6 (3) Day care centers: adult or child.
- 7 (4) Offices.
- 8 (5) Personal services establishments.
- 9 (6) Restaurants – no live entertainment or dancing.
- 10 (7) Retail goods establishments – no alcoholic beverage sales.

11 (c) *Pedestrian orientation.*

12 The development and the proposed use must be pedestrian-oriented and not oriented to
13 the automobile.

14 (d) *Principal entrance.*

15 The principal entrance must be a direct entry from the primary adjoining street.

16 (e) *{vacant}*

17 (f) *Drive-through facilities prohibited.*

18 Drive-through facilities are prohibited.

19 (g) *Uses limited to building interior.*

20 (1) *IN GENERAL.*

21 ~~EXCEPT AS THE ZONING BOARD AUTHORIZES, AS A CONDITIONAL USE:~~

22 (I) ~~[(1) All] ALL business, servicing, processing, and storage uses must be~~
23 ~~located within the building[.]; AND~~

24 (II) ~~[(2) Outside] OUTSIDE storage or display is prohibited.~~

25 ~~[(1)] All business, servicing, processing, DISPLAY, and storage uses must be located~~
26 ~~within the building, UNLESS THE ZONING BOARD EXPRESSLY AUTHORIZES, AS A~~
27 ~~CONDITIONAL USE, ONE OR MORE OF THESE USES TO BE LOCATED, IN PART OR IN~~
28 ~~WHOLE, OUTSIDE THE BUILDING.~~

1 [(2) Outside storage or display is prohibited.]

2 (2) LIMITED EXPANSION OF USE AND BUILDING.

3 THE ZONING BOARD MAY AUTHORIZE, AS A CONDITIONAL USE, THE EXPANSION OF A
4 NON-RESIDENTIAL-USE NEIGHBORHOOD COMMERCIAL ESTABLISHMENT INTO A NEWLY
5 CONSTRUCTED ADDITION TO THE PRINCIPAL BUILDING, ON THE SAME ORIGINAL
6 PROPERTY. AS LONG AS THE FLOOR AREA OF THE USE IN THE NEWLY CONSTRUCTED
7 ADDITION DOES NOT EXCEED 25% OF THE FLOOR AREA USED FOR THAT USE IN THE
8 PRINCIPAL BUILDING.

9 (h) *Signs.*

10 Signs must comply with Title 17 {"Signs"} of this Code.

11 **Title 18. Nonconformities**

12 ***Subtitle 3. Nonconforming Uses***

13 **§ 18-302. Expansion of use or structure.**

14 (a) *In general.*

15 A nonconforming use may not be expanded in any manner, nor may any structure be
16 erected or expanded, unless the use of the land and the structure are made to conform to
17 the regulations of the district in which they are located.

18 (b) *[Exception] EXCEPTIONS.*

19 (1) *COMMERCIAL, INDUSTRIAL, AND TOD DISTRICTS.*

20 For a nonconforming use or structure in a Commercial, Industrial, or TOD District,
21 the Zoning Board may authorize by variance an expansion of the gross floor area of
22 the use or structure by up to 25% of that which lawfully existed as of June 5, 2017.

23 (2) *NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS.*

24 FOR A NONCONFORMING USE OR STRUCTURE IN A NEIGHBORHOOD COMMERCIAL
25 ESTABLISHMENT, THE ZONING BOARD MAY AUTHORIZE THE EXPANSION OF A NON-
26 RESIDENTIAL USE INTO A NEWLY CONSTRUCTED ADDITION TO THE PRINCIPAL BUILDING
27 IN ACCORDANCE WITH § 14-328(G)(2) {"LIMITED EXPANSION ..."} OF THIS CODE.

28 ***Subtitle 4. Nonconforming Structures***

29 **§ 18-403. Expansion of structure.**

30 (A) *IN GENERAL.*

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1 A nonconforming structure may not be expanded if the expansion would, in any way,
2 create a new nonconformity, increase the degree of any nonconformity, or increase the
3 bulk of the structure.

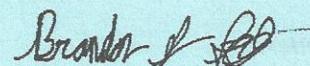
4 (B) EXCEPTION.

5 ~~FOR A NONCONFORMING STRUCTURE IN A NEIGHBORHOOD COMMERCIAL ESTABLISHMENT,~~
6 ~~THE ZONING BOARD MAY AUTHORIZE THE EXPANSION OF A NON-RESIDENTIAL USE INTO A~~
7 ~~NEWLY CONSTRUCTED ADDITION TO THE PRINCIPAL BUILDING IN ACCORDANCE WITH § 14-~~
8 ~~328(G)(2) {"LIMITED EXPANSION ..."} OF THIS CODE.~~

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

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

Certified as duly passed this _____ day of _____, 20____



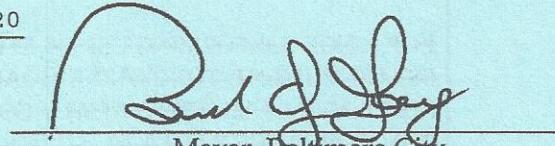
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this 18th day of May, 2020



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
this 25th day of April, 2020.

Elena DiPietro

Chief Solicitor