

**CITY OF BALTIMORE
COUNCIL BILL 19-0480
(First Reader)**

Introduced by: Councilmembers Schleifer, Henry

Introduced and read first time: December 16, 2019

Assigned to: Land Use Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Transportation, Department of Housing and Community Development

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Use Standards – Neighborhood Commercial Establishments

FOR the purpose of allowing the limited expansion of a non-residential use into a newly constructed addition to the principal building; and conforming and clarifying related provisions.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Sections 14-328, 18-302, and 18-403

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 32. Zoning

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-328. Neighborhood commercial establishments.

(a) *Minimum lot area requirements.*

Because neighborhood commercial establishment uses apply only to certain already-existing [structures] BUILDINGS, those uses are not subject to the minimum lot area 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.

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

2 A neighborhood commercial establishment may contain the following non-residential
3 uses:

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 (2) *LIMITED EXPANSION OF USE AND BUILDING.*

26 THE ZONING BOARD MAY AUTHORIZE, AS A CONDITIONAL USE, THE EXPANSION OF A
27 NON-RESIDENTIAL USE INTO A NEWLY CONSTRUCTED ADDITION TO THE PRINCIPAL
28 BUILDING AS LONG AS THE FLOOR AREA OF THE USE IN THE NEWLY CONSTRUCTED

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ADDITION DOES NOT EXCEED 25% OF THE FLOOR AREA USED FOR THAT USE IN THE PRINCIPAL BUILDING.

(h) *Signs.*

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

Title 18. Nonconformities

Subtitle 3. Nonconforming Uses

§ 18-302. Expansion of use or structure.

(a) *In general.*

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.

(b) [*Exception*] *EXCEPTIONS.*

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

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

(2) *NEIGHBORHOOD COMMERCIAL ESTABLISHMENTS.*

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

Subtitle 4. Nonconforming Structures

§ 18-403. Expansion of structure.

(A) *IN GENERAL.*

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.

(B) *EXCEPTION.*

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

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

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