



## Legislation Details (With Text)

|                        |  |                      |   |                      |   |
|------------------------|--|----------------------|---|----------------------|---|
| <b>File #:</b>         | 19-0480  | <b>Version:</b>      | 0 | <b>Name:</b>         | Zoning - Use Standards - Neighborhood Commercial Establishments |
| <b>Type:</b>           | Ordinance  | <b>Status:</b>       |   | <b>Status:</b>       | Enacted   |
| <b>File created:</b>   | 12/16/2019   | <b>In control:</b>   |   | <b>In control:</b>   | City Council  |
| <b>On agenda:</b>      |  | <b>Final action:</b> |   | <b>Final action:</b> | 5/18/2020   |
| <b>Enactment date:</b> |  | <b>Enactment #:</b>  |   | <b>Enactment #:</b>  | 20-360  |
| <b>Title:</b>          | Zoning - Use Standards - Neighborhood Commercial Establishments<br>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. |                      |   |                      |   |
| <b>Sponsors:</b>       | Isaac "Yitzzy" Schleifer, Bill Henry   |                      |   |                      |   |
| <b>Indexes:</b>        | Commercial Establishments, Neighborhood, Zoning  |                      |   |                      |   |
| <b>Code sections:</b>  |  |                      |   |                      |   |
| <b>Attachments:</b>    | 1. 19-0480~1st Reader, 2. Planning 19-0480, 3. HCD 19-0480, 4. Law 19-0480, 5. BMZA 19-0480, 6. DOT 19-0480, 7. 2nd Reader Committee Amendments 19-0480, 8. 19-0480~3rd Reader, 9. Signed Ordinance 19-0480  |                      |   |                      |   |

| Date       | Ver. | Action By          | Action  | Result |
|------------|------|--------------------|---|--------|
| 6/15/2020  | 0    | Mayor              | Signed by Mayor                                     |        |
| 4/6/2020   | 0    | City Council       | Approved and Sent to the Mayor                      |        |
| 3/9/2020   | 0    | City Council       | 3rd Reader, for final passage                       |        |
| 3/9/2020   | 0    | Land Use Committee | Recommended Favorably with Amendment                |        |
| 3/4/2020   | 0    | Land Use Committee | Recommended Favorably with Amendment                | Pass   |
| 2/14/2020  | 0    | Land Use Committee | Advertising   |        |
| 2/10/2020  | 0    | Land Use Committee | Scheduled for a Public Hearing                      |        |
| 12/19/2019 | 0    | The City Council   | Refer to Board of Municipal and Zoning Appeals      |        |
| 12/19/2019 | 0    | The City Council   | Refer to Planning Commission                        |        |
| 12/19/2019 | 0    | The City Council   | Refer to Dept. of Transportation                    |        |
| 12/19/2019 | 0    | The City Council   | Refer to Dept. of Housing and Community Development |        |
| 12/19/2019 | 0    | The City Council   | Refer to City Solicitor                             |        |
| 12/16/2019 | 0    | City Council       | Assigned  |        |
| 12/16/2019 | 0    | City Council       | Introduced  |        |

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***

**City of Baltimore**

## Council Bill

Introduced by: Councilmember Schleifer

### 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.

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

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

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

(c) *Pedestrian orientation.*

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

(d) *Principal entrance.*

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

(e) *{vacant}*

(f) *Drive-through facilities prohibited.*

Drive-through facilities are prohibited.

(g) *Uses limited to building interior.*

(1) *In general.*

Except as the Zoning Board authorizes, as a conditional use:

(i) [(1) All] all business, servicing, processing, and storage uses must be located within the building[.]; and

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

(2) *Limited expansion of use and building.*

The Zoning Board may authorize, as a conditional use, the expansion of a non-residential use into a newly constructed addition to the principal building as long as the floor area of the use in the newly constructed 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.

**Section 2. And be it further ordained,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**Section 3. And be it further ordained,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.