

CITY OF BALTIMORE
COUNCIL BILL 07-0610
(First Reader)

Introduced by: Councilmembers Kraft, Young, D'Adamo, Mitchell, Spector, Holton
Introduced and read first time: February 26, 2007
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Finance, Commission for Historical and Architectural Preservation, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Historical and Architectural Preservation – Interior Protections**

3 FOR the purpose of extending certain historical and architectural preservation procedures and
4 protections to apply to the interiors of covered structures; conforming related references;
5 correcting and clarifying certain language; and generally relating to historical and
6 architectural preservation.

7 BY repealing and reordaining, with amendments

8 Article 6 - Historical and Architectural Preservation

9 Section(s) 1-1(a), 2-5(b)(1), 4-1, 4-2(b) and (c), 4-4(a) and (b)(1), 4-5(a) and (b)(1),
10 4-6, 4-7(a), 4-11(a), 5-2, and 5-3(a)

11 Baltimore City Code
12 (Edition 2000)

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

15 **Baltimore City Code**

16 **Article 6. Historical and Architectural Preservation**

17 **§ 1-1. Definitions.**

18 (a) *Demolition.*

19 The term “demolition” for the purposes of and as used in this article includes “demolition
20 by neglect”, which term means willful neglect in the maintenance or repair of a building
21 or structure, resulting in any of the following conditions:

22 (1) the deterioration of any [exterior] architectural feature so as to create or permit
23 the creation of a hazardous or unsafe condition;

24 (2) the deterioration of [exterior] walls or other vertical supports;

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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- 1 (3) the deterioration of roofs or other horizontal members;
- 2 (4) the deterioration of [exterior] chimneys;
- 3 (5) the deterioration or crumbling of [exterior] plaster or mortar; or
- 4 (6) the ineffective waterproofing of [exterior] walls, roofs, and foundations, including
- 5 broken windows and doors.

6 **§ 2-5. Funding; incentive improvement program.**

7 (b) *Annual appropriation; incentive improvement program.*

8 (1) There shall be appropriated in the annual Ordinance of Estimates a sum of money
9 which may be expended by the Commission for Historical and Architectural
10 Preservation for or in connection with:

- 11 (i) the preparation of surveys of buildings and structures in Baltimore City;
- 12 (ii) the acquisition [and/or] AND restoration of buildings or structures of historical
13 or architectural significance; or
- 14 (iii) an incentive improvement program under which the Commission may
15 contract with the owner or lessee of a building or structure located in an
16 Historical and Architectural Preservation District or on either the Landmark
17 List or Special List to reimburse [such] THAT owner or lessee up to 20% of the
18 actual cost incurred by HER OR him in the reconstruction, alteration, removal,
19 repairs, or painting of an [exterior] architectural feature in furtherance of the
20 purposes of this article, as determined by the Commission.

21 **§ 4-1. HCD permit required.**

22 Before any person or other legal entity commences any excavation, or the construction or
23 erection of any building, fence, wall, or other structure of any kind, or commences any
24 reconstruction, alteration, or removal of any exterior OR INTERIOR architectural feature, or
25 commences any change in [the exterior] color by painting or other means, or commences any
26 demolition of any structures now or hereafter in any Historical and Architectural
27 Preservation District, or commences any reconstruction, alteration, or removal of any
28 exterior OR INTERIOR architectural feature, or commences any change in [the exterior] color
29 by painting or other means, or commences any demolition of any structures now or hereafter
30 appearing on the Landmark List or the Special List, [such] THE person or other legal entity
31 shall submit an application for a permit to the Commissioner of Housing and Community
32 Development, and no work contemplated [herein] IN THIS SECTION [shall] MAY commence
33 before the issuance of [such] THAT permit.

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§ 4-2. Commission to review.

(b) *Plans, etc., to be provided.*

(1) All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the proposed excavation, construction or erection, reconstruction, alteration, removal of any exterior OR INTERIOR architectural feature, change in [the exterior] color by painting or other means, or demolition of any structures shall be made available to the Commission.

(2) The Commission [shall] MAY take no action until it determines that any application is complete and includes all necessary plans, elevations, and other information as specified above.

(c) *Commission action prerequisite for permit.*

The Commissioner of Housing and Community Development [shall] MAY not issue a permit for any excavation, any construction, or erection of any building, fence, wall, or other structure of any kind; or for any removal of any [external] EXTERIOR OR INTERIOR architectural feature, or for any reconstruction, alteration, change of [any exterior] color by painting or other means, or for any demolition of any building or structure now or hereafter in any Historical and Architectural Preservation District or on the Landmark List or the Special List, until the Commission either [shall issue] ISSUES a Certificate of Appropriateness or a Notice to Proceed, or [shall proceed] PROCEEDS as hereinafter provided.

§ 4-4. Commission determination.

(a) *In general.*

As soon as convenient after the final conclusion of [such] THE public hearing, but in any event within 15 days (Saturdays, Sundays, and legal holidays excluded), or within such further time as the applicant for [said] THE permit approves in writing, the Commission shall determine:

(1) whether the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition will be appropriate to the preservation of the particular Historical and Architectural Preservation District or to the preservation of the structure appearing on the Landmark List or on the Special List and a Certificate of Appropriateness may be issued; or

(2) whether, notwithstanding that [such] THE proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition, in the opinion of the Commission, is inappropriate but is without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this [ordinance] ARTICLE, and denial of the application will result in substantial hardship to the applicant, then the Commission, in lieu of a Certificate of Appropriateness, may issue a Notice to Proceed.

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1 (b) *Factors to be considered.*

2 (1) In passing upon the appropriateness, the Commission shall consider, in addition to
3 any other pertinent factors, the historic or architectural value and significance,
4 architectural style, general design, arrangement, texture, material, and color of the
5 exterior AND INTERIOR architectural features of other structures in the immediate
6 neighborhood.

7 **§ 4-5. Certificate of Appropriateness or Notice to Proceed.**

8 (a) *Issuance.*

9 If the Commission determines that the proposed excavation, construction, or erection,
10 reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature,
11 change in [exterior] color, or demolition of a structure in a District, on the Landmark
12 List, or on the Special List is appropriate or, although inappropriate without substantial
13 detriment to the public welfare and without substantial derogation from the intent and
14 purposes of this article, the Commission shall forthwith direct the Executive Director or
15 the Executive Director's designee to forward to the Commissioner of Housing and
16 Community Development a Certificate of Appropriateness or a Notice to Proceed, as
17 applicable, along with the related application, plans, and specifications.

18 (b) *Denial.*

19 (1) If the Commission determines that neither a Certificate of Appropriateness nor a
20 Notice to Proceed [shall] SHOULD be issued, the Commission shall forthwith spread
21 upon its records the reason for [such] THAT determination and may include a
22 recommendation respecting the proposed excavation, construction, or erection,
23 reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature,
24 change in [exterior] color, or demolition.

25 **§ 4-6. HCD bound by Commission decision.**

26 The Commissioner of Housing and Community Development, upon the return to him of the
27 application, plans, and specifications [relative thereto] by the Commission, [shall be] IS
28 bound by the determination of the Commission and SHALL approve, if in conformance with
29 other provisions of the Building Code, or disapprove any application for the proposed
30 excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR
31 INTERIOR architectural feature, change in [exterior] color, or demolition of any building or
32 structure, in an Historical and Architectural Preservation District or on the Landmark List in
33 accordance with [said] THAT determination.

34 **§ 4-7. Postponement of permit.**

35 (a) *Commission to notify HCD.*

36 If the Commission [shall determine] DETERMINES that the proposed excavation,
37 construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR

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1 architectural feature, change in [exterior] color, or demolition of any buildings or
2 structures on the Special List [shall be] is inappropriate, the Commission shall notify the
3 Commissioner of Housing and Community Development in writing to postpone the
4 issuance of the permit.

5 **§ 4-11. Permissible maintenance and repair.**

6 (a) *No change in design, etc.*

7 Nothing in this article shall be construed to prevent any ordinary maintenance or repair of
8 an [exterior] architectural feature now or hereafter in any Historical or Architectural
9 Preservation District or on any building on the Landmark List or on the Special List,
10 [which] IF THE MAINTENANCE OR REPAIR involves no change in design, material, color, or
11 [outward] appearance [thereof] OF THE STRUCTURE.

12 **§ 5-2. Injunctions.**

13 On application of the Commission, the Circuit Court for Baltimore City may:

- 14 (1) restrain or enjoin the excavation, construction, or erection, reconstruction, alteration,
15 removal of any exterior PR INTERIOR architectural feature, change in [exterior] color,
16 or demolition of any building or structure[,]in an Historical and Architectural
17 Preservation District, on the Landmark List, or on the Special List, in violation of this
18 article; and
- 19 (2) [may] order the removal of any [exterior] architectural feature constructed or
20 reconstructed in violation of this article and the substantial restoration of any
21 [exterior] architectural feature altered or demolished in violation of this article or the
22 [exterior] color of which is changed in violation of this article.

23 **§ 5-3. Penalties.**

24 (a) *In general.*

25 Whoever excavates, constructs, or erects, reconstructs, alters, removes any exterior OR
26 INTERIOR architectural feature, changes [the] exterior OR INTERIOR [color] COLORS, or
27 demolishes any building or structure in any Historical and Architectural Preservation
28 District, on the Landmark List, or on the Special List, in violation of this article, is guilty
29 of a misdemeanor and, on conviction, is subject to a fine of not less than \$500 and not
30 more than \$1,000 or imprisonment for not more than 12 months or both fine and
31 imprisonment for each offense.

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

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