

**CITY OF BALTIMORE
COUNCIL BILL 14-0449
(First Reader)**

Introduced by: Councilmember Middleton

At the request of: Kann Aquity, LLC

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Introduced and read first time: October 27, 2014

Assigned to: Urban Affairs and Aging Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Coldspring Neighborhood Development Program –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Coldspring Neighborhood
5 Development Program to delete an existing land use and to add a new land use to the Plan, to
6 establish design standards for the new land use, to remove certain language from a
7 development objective, to delete the acquisition and clearance provisions from the Plan, and
8 to delete a certain exhibit from the Plan; waiving certain content and procedural
9 requirements; making the provisions of this Ordinance severable; providing for the
10 application of this Ordinance in conjunction with certain other ordinances; and providing for
11 a special effective date.

12 BY authority of
13 Article 13 - Housing and Urban Renewal
14 Section 2-6
15 Baltimore City Code
16 (Edition 2000)

17 **Recitals**

18 The Urban Renewal Plan for Coldspring Neighborhood Development Program was originally
19 approved by the Mayor and City Council of Baltimore by Ordinance 73-242 and last amended by
20 Ordinance 97-175.

21 An amendment to the Urban Renewal Plan for Coldspring Neighborhood Development
22 Program is necessary to delete an existing land use and to add a new land use to the Plan, to
23 establish design standards for the new land use, to remove certain language from a development

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

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1 objective, to delete the acquisition and clearance provisions from the Plan, and to delete a certain
2 exhibit from the Plan.

3 Under Article 13, § 2-6 of the Baltimore City Code, no change may be made in any approved
4 renewal plan unless the change is approved in the same manner as that required for the approval
5 of a renewal plan.

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 following changes in the Urban Renewal Plan for Coldspring Neighborhood Development
8 Program are approved:

9 1. In the Plan, amend B.1. to read as follows:

10 B. Statement of Development Objectives

11 1. Housing Objectives

12 [The Coldspring Plan will provide for a clearance of most of the relatively few
13 structures on the site.] A broad range of housing types will be provided to
14 accommodate a variety of types of family and individual needs, including the
15 elderly, with regard to income, size of units, and physical design.
16 Notwithstanding any other provision of this plan, the maximum number of
17 dwelling units to be permitted shall be 4000. [Of the total number of dwelling
18 units developed, no less than 70% shall be for owner occupancy.]

19 2. In the Plan, amend C.2. to read as follows:

20 C. General Land Use Plan

21 2. Description of Predominant Land Uses

22
23 [d. Town Center - In the area designated on the General Land Use Plan as
24 town center, uses shall be limited to residential, as specified in paragraph
25 a. above; community commercial type business, service and commercial
26 establishments as listed in section 6.3-1 of the Baltimore City Zoning
27 Ordinance; neighborhood convenience type business, as listed in sections
28 6.1-1 and 6.2-1 of the Baltimore City Zoning Ordinance; offices for
29 businesses, governmental, professional and related uses; light industrial
30 uses and office space related to research and development activities;
31 libraries, post offices, police stations and other public offices and
32 facilities; restaurants and taverns including live entertainment and dancing;
33 outdoor cafes, theaters and auditoriums; medical clinics; health clubs;
34 schools; day care centers; religious facilities of any denomination sect or
35 rite; recreation centers and teen centers; off-street parking garages; and
36 landscaping, parking and loading facilities related to the above uses. The
37 maximum floor area shall be 5.0.]

38 D. TRANSIT ORIENTED DEVELOPMENT (TOD) - IN THE AREA DESIGNATED ON
39 THE GENERAL LAND USE PLAN AS TRANSIT ORIENTED DEVELOPMENT,
40 ONLY THOSE USES ALLOWED IN THE B-2 CATEGORY OF THE BALTIMORE

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CITY ZONING CODE SHALL BE PERMITTED, EXCEPT FOR THE FOLLOWING USES THAT ARE PROHIBITED: LIQUOR STORES: PACKAGE GOODS; RECYCLING COLLECTION STATIONS; TRAVEL TRAILERS, RECREATIONAL VEHICLES, AND SIMILAR CAMPING EQUIPMENT: PARKING AND STORAGE; COMMUNITY CORRECTION CENTERS; PARKING, OPEN OFF-STREET AREAS AND OFF-STREET GARAGES, OTHER THAN ACCESSORY, FOR THE PARKING OF 4 OR MORE AUTOMOBILES; AUTOMOTIVE ACCESSORY STORES - BUT NOT INCLUDING REPAIR OR INSTALLATION SERVICES; GARAGES, OTHER THAN ACCESSORY, FOR STORAGE, REPAIR, AND SERVICING OF MOTOR VEHICLES NOT OVER 1½ TONS CAPACITY - BUT NOT INCLUDING BODY REPAIR, PAINTING, OR ENGINE REBUILDING; GASOLINE SERVICE STATIONS; CHECK CASHING AGENCIES; ROOMING HOUSES; BANQUETS HALLS; PAWNSHOPS; RESTAURANTS: DRIVE-IN; DRUG STORES AND PHARMACIES: DRIVE-IN; DRY CLEANING ESTABLISHMENTS: DRIVE-IN; HOMES FOR THE REHABILITATION OF NON-BEDRIDDEN ALCOHOLICS AND FOR THE CARE AND CUSTODY OF HOMELESS PERSONS.

3. In the Plan, amend C.3.a. to read as follows:

C. General Land Use Plan

3. Planning Criteria and Standards

a. Type, Intensity and Location of Accessory and Supporting Uses Permitted

(1) Residential Area - parks, playgrounds, elevated pedestrian walkways and decks, parking areas.

[(2) Town Center Area - elevated pedestrian walkways and decks, kiosks, pavilions and similar outdoor display area.]

(2) [3] The location of supporting uses will be such that there will not be conflicts with adjacent uses and that they will adequately serve the residents of the project area.

4. In the Plan, add new subsection C.3.d. to read as follows:

C. General Land Use Plan

3. Planning Criteria and Standards

D. DESIGN STANDARDS FOR TOD

DESIGN REVIEW

THE DEPARTMENT OF PLANNING, ON BEHALF OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, WILL REVIEW ALL EXTERIOR PERMITS WITHIN THE URBAN RENEWAL AREA. ALL PROJECTS, DEFINED AS ANYTHING THAT REQUIRES A NEW USE AND OCCUPANCY PERMIT AND/OR A NEW BUILDING PERMIT, WILL BE CONSIDERED FOR A POTENTIAL SITE PLAN

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1 REVIEW COMMITTEE (SPRC) REVIEW. FOR ANY PROJECT THAT IS
2 REVIEWED BY SPRC, PERMITS MUST MATCH PLANS APPROVED BY SPRC.
3 DEPENDING ON THE SCOPE/SCALE/VISIBILITY OF THE PROJECT, PERMITS
4 WILL BE EITHER REVIEWED BY DESIGN STAFF OR BY THE DEPARTMENT’S
5 URBAN DESIGN AND ARCHITECTURAL REVIEW PANEL (UDARP). PERMITS
6 WILL BE REVIEWED ACCORDING TO THE STANDARDS BELOW, AS WELL AS
7 FOR GENERAL DESIGN PRINCIPLES.

8 LOCATION

9 THESE STANDARDS APPLY WITHIN THE AREA IDENTIFIED ON THE MAP AS
10 “TRANSIT ORIENTED DEVELOPMENT”.

11 (1) GOALS

12 (A) CREATE HIGHER DENSITY DEVELOPMENT IN RELATION TO THE
13 SURROUNDING COMMUNITY.

14 (B) PROVIDE A MIX OF LAND USES, HORIZONTALLY AND
15 VERTICALLY.

16 (C) ORIENT BUILDING DESIGN TOWARDS THE TRANSIT FACILITY
17 AND STREETS.

18 (D) INCORPORATE PEDESTRIAN ORIENTED DESIGN AND
19 STREETSCAPES. PROVIDE PEDESTRIAN SPACES THAT ARE
20 VISUALLY AND MATERIALLY DISTINCT FROM AUTOMOBILE
21 SPACES.

22 (E) PROVIDE PEDESTRIAN, BICYCLE, AND VEHICULAR LINKS TO
23 ADJACENT NEIGHBORHOODS.

24 (F) FACILITATE PEDESTRIAN AND BICYCLE ACCESS TO AND
25 THROUGH SITES.

26 (G) NEW DEVELOPMENT SHOULD BUILD A STRONG RELATIONSHIP
27 TO THE COLD SPRING LIGHT RAIL STATION.

28 (H) ENCOURAGE BUILDING MASSING AND DESIGN TO TAKE
29 ADVANTAGE OF THE SITE AND VIEWS.

30 (I) MITIGATE THE VIEW AND EFFECTS OF SURFACE PARKING AND
31 SERVICE.

32 (J) ENTRANCES SHOULD BE LOCATED WITH PROXIMITY TO THE
33 LIGHT RAIL CONNECTION.

34 (K) OPEN SPACE SHOULD BE AN INTEGRAL DESIGN COMPONENT
35 WITHIN THE DEVELOPMENT AREA.

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(2) REQUIREMENTS

(A) DENSITY

ALL NEW DEVELOPMENT MUST HAVE A MINIMUM OF 4 STORIES, EXCEPT ACCESSORY USES DEVELOPED IN CONJUNCTION WITH PRIMARY SITE DEVELOPMENT.

(B) SITE PLAN

(I) THE MAJOR BUILDING ENTRY MUST BE PEDESTRIAN FRIENDLY AND INCLUDE ENTRANCE FEATURES, PLANTINGS, AND SIGNAGE.

(II) THERE MUST BE CLEAR PEDESTRIAN CONNECTIONS BETWEEN MAJOR BUILDING ENTRANCES AND BOTH WEST COLD SPRING LANE AND THE COLD SPRING LIGHT RAIL STATION.

(C) USES

ACTIVE USES ARE REQUIRED ON THE FIRST FLOOR ALONG WEST COLD SPRING LANE. ACTIVE USES ARE USES THAT ARE OPEN TO THE PUBLIC, AT A MINIMUM, BETWEEN 9:00 A.M. AND 4:00 P.M. WAIVERS ARE PERMITTED UNDER CERTAIN CIRCUMSTANCES; SEE SECTION C.3.D.(2)(G).

(D) AMENITIES

(I) PEDESTRIAN AMENITIES, SUCH AS BENCHES AND BIKE RACKS, MUST BE PROVIDED AS APPROPRIATE.

(II) ALL PUBLIC SPACES MUST INCLUDE PEDESTRIAN ACCESS, BICYCLE ACCESS, PEDESTRIAN SCALE LIGHTING, AND LANDSCAPING.

(E) SIGNAGE

SIGNAGE MUST MEET THE FOLLOWING REQUIREMENTS IN ADDITION TO, AND NOT INSTEAD OF, THE REQUIREMENTS OF THE BALTIMORE CITY ZONING CODE.

(I) ROOFTOP SIGNS, SIGNS ON ROOFTOP MECHANICAL ENCLOSURES OR ADVERTISING BILLBOARDS ARE NOT ALLOWED.

(II) PYLON OR FREE-STANDING SIGNS ARE ALLOWED, PROVIDED THAT THEY DO NOT BLOCK PEDESTRIAN FLOW, ARE NO HIGHER THAN 12 FEET, AND ARE SITED WITHIN A LANDSCAPED SETTING OR PEDESTRIAN PLAZA.

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1 (III) OVERHANGING SIGNS ARE ALLOWED, PROVIDED THAT
2 THEY ARE NO LARGER THAN 12 SQUARE FEET IN AREA,
3 PROJECT NO MORE THAN 4 FEET FROM A BUILDING FACE,
4 AND ARE LOCATED BELOW 12 FEET ABOVE GRADE OR
5 SECOND FLOOR WINDOW SILLS, WHERE THEY EXIST.

6 (IV) FABRIC AWNINGS ARE ALLOWED AND ENCOURAGED
7 ABOVE FIRST FLOOR WINDOWS AND ENTRANCE DOORS.
8 SIGNAGE MAY BE INCORPORATED WITH THEIR DESIGN.

9 (V) FLAT SIGNS ARE ALLOWED, PROVIDED THAT THEY DO
10 NOT EXCEED 2 FEET TIMES THE WIDTH OF THE USE
11 FRONTAGE, ARE LOCATED ABOVE STOREFRONT
12 WINDOWS, AND ARE PLACED BELOW 12 FEET ABOVE
13 GRADE OR SECOND FLOOR WINDOW SILLS, WHERE THEY
14 EXIST.

15 (F) PARKING

16 (I) SURFACE PARKING LOTS ARE NOT ALLOWED TO EXCEED 100
17 PARKING SPACES, AND NO MORE THAN 65% OF THESE
18 SPACES MAY BE PROVIDED ALONG WEST COLD SPRING
19 LANE; THE REMAINDER MAY BE PROVIDED ALONG THE SIDE
20 OR REAR OF THE DEVELOPMENT.

21 (II) SURFACE PARKING LOTS MUST BE LANDSCAPED, INCLUDING
22 THE PEDESTRIAN WALKS AT THE PERIMETER AND BETWEEN
23 AISLES, AND A CONTINUOUS SIDEWALK, WITH
24 LANDSCAPING, MUST BE PROVIDED ALONG WEST COLD
25 SPRING LANE.

26 (G) WAIVERS

27 THE DEPARTMENT OF PLANNING, ON BEHALF OF THE
28 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,
29 MAY WAIVE CERTAIN DESIGN STANDARD REQUIREMENTS, AS
30 NOTED ABOVE, FOR 1 OF THE FOLLOWING REASONS:

31 (I) A REQUIREMENT DIRECTLY VIOLATES OR IS IN CONFLICT
32 WITH OTHER FEDERAL, STATE, OR CITY REGULATIONS
33 ASSOCIATED WITH A SPECIFIC USE THAT A
34 DEVELOPMENT PROJECT UNDER CONSIDERATION MUST
35 MEET.

36 (II) THE DIRECTOR OF PLANNING, WITH INPUT FROM SPRC
37 AND/OR UDARP, DETERMINES THAT FOR A PARTICULAR
38 PROJECT A PARTICULAR REQUIREMENT UNDERMINES
39 THE GOALS ESTABLISHED ABOVE AND THAT THE
40 PROJECT MEETS THE GOALS IN OTHER WAYS.

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1 5. In the Plan, delete D.1. in its entirety; and renumber paragraphs D.2. and D.3.
2 respectively, to be paragraphs D.1 and D.2., respectively.

3 6. In the Plan, delete Exhibit ND 401-2: Property Acquisition from the Plan.

4 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Coldspring
5 Neighborhood Development Program, as amended by this Ordinance and identified as “Urban
6 Renewal Plan, Coldspring Neighborhood Development Program, revised to include Amendment
7 __, dated October 27, 2014”, is approved. The Department of Planning shall file a copy of the
8 amended Urban Renewal Plan with the Department of Legislative Reference as a permanent
9 public record, available for public inspection and information.

10 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan
11 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
12 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
13 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
14 Ordinance is exempted from them.

15 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or the
16 application of this Ordinance to any person or circumstance is held invalid for any reason, the
17 invalidity does not affect any other provision or any other application of this Ordinance, and for
18 this purpose the provisions of this Ordinance are declared severable.

19 **SECTION 5. AND BE IT FURTHER ORDAINED**, That if a provision of this Ordinance concerns
20 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
21 safety law or regulation, the applicable provisions shall be construed to give effect to each.
22 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
23 higher standard for the protection of the public health and safety prevails. If a provision of this
24 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
25 establishes a lower standard for the protection of the public health and safety, the provision of
26 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
27 conflict.

28 **SECTION 6. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
29 enacted.