

**CITY OF BALTIMORE
COUNCIL BILL 24-0576
(First Reader)**

Introduced by: Councilmember Bullock
Introduced and read first time: August 26, 2024
Assigned to: Rules and Legislative Oversight Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Historic Preservation – Conservation Districts – Establishment**

3 FOR the purpose of establishing Conservation Districts; providing a study, proposal, and review
4 process; defining certain terms; and providing for a special effective date.

5 BY repealing and re-ordaining, with amendments,
6 Article 6 - Historical and Architectural Preservation
7 Sections 1-1, 2-9(a)(2)(ii)(A), 2-10(b), 3-1, 3-2, 3-5(a), 3-7, 3-8(a), 3-9(a), 5-3, 6-1, 6-3(b),
8 8-2(a), 8-4(c), 8-9, 8-15(a), and 9-1(a)
9 Baltimore City Code
10 (Edition 2000)

11 BY repealing and re-ordaining, with amendments,
12 Article 6 - Historical and Architectural Preservation
13 The subtitle designation “Subtitle 3. Designation of Districts” immediately preceding
14 Section 3-1
15 Baltimore City Code
16 (Edition 2000)

17 BY repealing and re-ordaining, with amendments,
18 Article 28 - Taxes
19 Section 10-8
20 Baltimore City Code
21 (Edition 2000)

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

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

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Baltimore City Code

Article 6. Historical And Architectural Preservation

Subtitle 1. Definitions; General Provisions

§ 1-1. Definitions.

(a) *In general.*

In this article, the following terms have the meanings indicated.

(B) *AUTHORIZATION TO PROCEED.*

“AUTHORIZATION TO PROCEED” MEANS APPROVAL FROM THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION THAT:

(1) PERMITS AN APPLICANT TO COMPLETE ALTERATIONS TO A HISTORIC STRUCTURE AS PROPOSED IN THE APPLICATION, AND:

(2) IS ISSUED BY THE DIRECTOR OR THE DIRECTOR’S DESIGNEE FOLLOWING COMMISSION’S APPROVAL;

(3) INCLUDES A DESCRIPTION OF THE PROPOSED WORK; AND

(4) MAY BE APPROVED BY THE COMMISSION OR ISSUED BY THE DIRECTOR WITH CONDITIONS.

(C) *Building Official.*

“Building Official” has the meaning stated in § 103.1 of the Baltimore City Building Code.

(D) *Commission; CHAP.*

“Commission” or “CHAP” means the Commission for Historical and Architectural Preservation established under this article.

(E) *Conservation District.*

“CONSERVATION DISTRICT” OR “HISTORICAL CONSERVATION DISTRICT” MEANS AN AREA DESIGNATED AS A CONSERVATION DISTRICT UNDER SUBTITLE 3 {“DESIGNATION OF PRESERVATION DISTRICTS AND CONSERVATION DISTRICTS”} OF THIS ARTICLE.

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1 (F) [(d)] *Demolition.*

2 “Demolition” includes “demolition by neglect”, which means neglect in the maintenance
3 or repair of a structure, resulting in any of the following conditions:

4 (1) the deterioration of any architectural feature so as to create or permit the
5 creation of a hazardous or unsafe condition;

6 (2) the deterioration of walls or other vertical supports;

7 (3) the deterioration of roofs or other horizontal members;

8 (4) the deterioration of chimneys;

9 (5) the deterioration or crumbling of plaster or mortar; or

10 (6) the ineffective waterproofing of walls, roofs, and foundations, including
11 broken windows and doors.

12 (G) *DISTRICT.*

13 “DISTRICT” MEANS HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICTS AND
14 HISTORICAL CONSERVATION DISTRICTS.

15 (H) [(e)] *Executive Director; Director.*

16 “Executive Director” or “Director” means the Executive Director of the Commission for
17 Historical and Architectural Preservation or the Director’s designee.

18 (I) [(f)] *Historical and Architectural Preservation District; Preservation [District;] District.*

19 “Historical and Architectural Preservation [District”, “Preservation District”, or
20 “District”] DISTRICT” OR “PRESERVATION DISTRICT” means an area designated as [an] A
21 Historical and Architectural Preservation District under Subtitle 3 {“Designation of
22 [Districts”},] HISTORICAL DISTRICTS AND HISTORICAL CONSERVATION DISTRICTS”}, of
23 this article.

24 [(g) {*Repealed*}]

25 (J) [(h)] *Landmark.*

26 “Landmark” means a property listed on a Landmark List.

27 (K) [(i)] *Landmark List.*

28 “Landmark List” means either or both of the following, as established and maintained
29 under Subtitle 4 {“Designation of Landmarks”}, of this article:

30 (1) the Landmark List: Exteriors; and

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1 (2) the Landmark List: Public Interiors.

2 (L) [(j)] *Person*.

3 (1) *In general*.

4 “Person” has the meaning stated in § 1-107(a) {“Person: In general”} of the City
5 Code’s General Provisions Article.

6 (2) *Qualified inclusion of governmental entities*.

7 Notwithstanding § 1-107(b) {“Person: Exclusion”} of the General Provisions Article,
8 in this article “person” also includes, except as used in § 9-4 {“Criminal penalties”}
9 of this article, a governmental entity or an instrumentality or unit of a governmental
10 entity.

11 (M) [(k)] *Potential Landmark*.

12 “Potential Landmark” means a property listed on a Potential-Landmark List.

13 (N) [(l)] *Potential-Landmark List*.

14 “Potential-Landmark List” means either or both of the following, as established and
15 maintained under Subtitle 5 {“Designation of Potential Landmarks”}, of this article:

16 (1) the Potential-Landmark List: Exteriors; and

17 (2) the Potential-Landmark List: Public Interiors.

18 (O) [(m)] *Public interior*.

19 “Public interior” means any part of a structure’s interior that is determined by the
20 Commission to be:

21 (1) customarily open or accessible to the public; and

22 (2) of historical or architectural significance.

23 (P) [(n)] *Regulated alteration*.

24 “Regulated alteration” means any addition, alteration or other action described in § 8-2(a)
25 {“Building permit required: Exterior structures”} or § 8-2(b) {“Building permit required:
26 Public interiors”}, as the case may be, of this article.

27 (Q) [(o)] *Structure*.

28 “Structure” means any creation of humans or nature.

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Subtitle 2. Commission for Historical and Architectural Preservation

§ 2-9. CHAP purposes; Funding.

(a) *Annual appropriation.*

(2) These purposes include:

(ii) recommending the designation of and providing for the perpetual protection of:

(A) preservation AND CONSERVATION districts, as designated under Subtitle 3
{"Designation of PRESERVATION DISTRICTS AND CONSERVATION
districts"} of this article; and

§ 2-10. Incentive improvement program.

(b) *Scope of program.*

Subject to appropriations by the Ordinance of Estimates, the Commission for Historical and Architectural Preservation may contract with the owner or lessee of a structure that is located within [an] A Historical and Architectural Preservation [District] DISTRICT, A HISTORICAL CONSERVATION DISTRICT, or included on the Landmark List to reimburse that owner or lessee of up to 20% of the cost incurred by her or him in the reconstruction, alteration, removal, repair, or painting of an architectural feature in a manner that furthers the purposes of this article.

Subtitle 3. Designation of PRESERVATION DISTRICTS AND CONSERVATION Districts

§ 3-1. Ordinance and findings required.

(a) *Ordinance required.*

An ordinance of the Mayor and City Council is required to:

(1) designate any area as [an] A Historical and Architectural Preservation District;
[or]

(2) DESIGNATE ANY AREA AS A HISTORICAL CONSERVATION DISTRICT;

(3) [(2)] modify the boundary lines of an existing Historical and Architectural Preservation [District.] DISTRICT; OR

(4) MODIFY THE BOUNDARY LINES OF AN EXISTING HISTORICAL CONSERVATION DISTRICT.

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1 (b) *Findings of fact.*

2 The ordinance must be supported by written findings of fact that the proposed
3 PRESERVATION District OR CONSERVATION DISTRICT and its boundaries will comply
4 with:

5 (1) the requirements for Local Government Certification under the National
6 Historic Preservation Act (16 U.S.C., Chapter 1A, Subchapter II);

7 (2) the Secretary of the Interior’s Standards for Identification and Registration; and

8 (3) the Commission’s own Historic Preservation Procedures and Guidelines.

9 **§ 3-2. Initial study and proposal by CHAP.**

10 (A) *IN GENERAL.*

11 After undertaking a full and proper study, the Commission for Historical and
12 Architectural Preservation may propose as [an] A Historical and Architectural
13 Preservation District OR AS A HISTORICAL CONSERVATION DISTRICT any area in Baltimore
14 City within which are located structures that have historical or architectural value,
15 the preservation of which is considered to be for the educational, cultural, economic, and
16 general welfare of the public.

17 (B) *HISTORICAL CONSERVATION DISTRICT.*

18 FOR A HISTORICAL CONSERVATION DISTRICT, THE STUDY SHALL INCLUDE
19 CONSIDERATION OF THOSE ALTERATIONS IN WHICH CHAP HAS DESIGN REVIEW
20 AUTHORITY PURSUANT TO CITY CODE ARTICLE 6, SUBTITLE 8 {“ALTERATIONS, ETC., TO
21 OR AFFECTING PROPERTIES”}.

22 **§ 3-5. Council action – Agency referrals.**

23 (a) *Required referrals.*

24 On introduction of any proposed ordinance to designate [an] A Historical and
25 Architectural Preservation [District, or] DISTRICT, to modify the boundaries of an existing
26 PRESERVATION District, TO DESIGNATE A HISTORICAL CONSERVATION DISTRICT, OR TO
27 MODIFY THE BOUNDARIES OF AN EXISTING CONSERVATION DISTRICT, the City Council
28 [must] SHALL refer the bill to the following for their written reports and
29 recommendations:

30 (1) the Commission for Historical and Architectural Preservation;

31 (2) the Planning Commission; and

32 (3) any other agency that the Council President designates.

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§ 3-7. Council action – Disposition.

Subject to the requirements of § 3-8 {“Council action – Amendments”} and § 3-9 {“Council action – Limitations”} of this subtitle, the City Council may:

(1) adopt, reject, or modify an ordinance proposed to designate:

(I) [an] A Historical and Architectural Preservation District; [and] OR

(II) A HISTORICAL CONSERVATION DISTRICT; AND

(2) as necessary or appropriate from time to time, adopt an ordinance to modify the boundary lines of an existing District.

§ 3-8. Council action – Amendments.

(a) *Scope of section.*

This section applies to any bill proposing to designate a new HISTORICAL AND ARCHITECTURAL Preservation [District, or] DISTRICT, to modify the boundaries of an existing [District,] PRESERVATION DISTRICT, TO DESIGNATE A NEW HISTORICAL CONSERVATION DISTRICT, OR TO MODIFY THE BOUNDARIES OF AN EXISTING CONSERVATION DISTRICT for which an amendment is proposed to add to or remove from the new or existing PRESERVATION District OR CONSERVATION DISTRICT any property that was not within the perimeter of the area described in the notice given under § 3-6 {“Council action – Public notice and hearing”} of this subtitle.

§ 3-9. Council action – Limitations.

(a) *Scope of section.*

This section applies to any of the following actions by the City Council:

(1) any modification to the boundary lines set forth in an ordinance proposed by the Commission under § 3-3 {“CHAP to prepare proposed ordinance and findings”} of this subtitle; or

(2) unless by and in accordance with an ordinance initiated at the request of the Commission under this subtitle:

(i) any initial designation of an area [as] AS:

(A) [an] A Historical and Architectural Preservation District; or

(B) A HISTORICAL CONSERVATION DISTRICT; OR

(ii) any modification to the boundary lines of an [existing District:] EXISTING:

(A) HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; OR

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(B) HISTORICAL CONSERVATION DISTRICT.

Subtitle 5. Designation of Potential Landmarks

§ 5-3. Criteria for designation.

(a) *Potential-Landmark List: Exteriors.*

(1) The Potential-Landmark List: Exteriors comprises those structures that, in accordance with the Commission’s Historic Preservation Procedures and Guidelines, the Commission considers to be of such historical or architectural significance that, even if not located within [an] A Historical and Architectural Preservation District OR HISTORICAL CONSERVATION DISTRICT, those structures and their exteriors (with or without, as the case may be, their appurtenant land and other property) should be extended temporary protection under § 5-5 {“Protections pending decision”} of this subtitle and under Subtitle 8 {“Alterations, etc, to or Affecting Properties”} of this article.

(2) The boundaries of a structure on the Potential-Landmark List: Exteriors are as indicated by the Commission, as follows:

(i) by street address, which indicates that all appurtenant land or other property at that street address and on the same lot is included in and protected by the Potential-Landmark designation;

(ii) by Section, Block, and Lot Number, which indicates that all land or other property on that lot is included in the Potential-Landmark designation; or

(iii) by a metes and bounds description or other clear delineation, which indicates that less than all land or other property at a street address or on a lot is included in the Potential-Landmark designation.

(b) *Potential-Landmark List: Public Interiors.*

The Potential-Landmark List: Public Interiors comprises those structures with public interiors that, in accordance with the Commission’s Historic Preservation Procedures and Guidelines, the Commission considers to be of such historical or architectural significance that, whether or not within [an] A Historical or Architectural Preservation District OR HISTORICAL CONSERVATION DISTRICT, those public interiors should be extended temporary protection under § 5-5 {“Protections pending decision”} of this subtitle and under Subtitle 8 {“Alterations, etc, to or Affecting Properties”} of this article.

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Subtitle 6. Inventory of Historic Places

§ 6-1. CHAP to maintain Inventory.

The Commission's Executive Director shall create and maintain an Inventory of Historic Places, to identify areas or structures that, while not designated as Preservation Districts, CONSERVATION DISTRICTS, Landmarks, or Potential Landmarks, are nonetheless historically or architecturally noteworthy.

§ 6-3. Non-regulatory nature of Inventory.

(b) *No determination of eligibility for designation.*

Inclusion of an area or structure in the Inventory is not a determination of eligibility for designation as a Preservation District, CONSERVATION DISTRICT, Landmark, or Potential Landmark.

Subtitle 8. Alterations, etc., to or Affecting Properties

§ 8-2. Building permit required.

(a) *Exterior structures.*

No person may undertake, cause, or allow any of the following regulated alterations for or with respect to any structure located within [an] A Historical and Architectural Preservation [District] DISTRICT, A HISTORICAL CONSERVATION DISTRICT, or included on the Landmark List: Exteriors or the Potential-Landmark List: Exteriors without first obtaining a permit to do so from the Building Official:

- (1) any reconstruction, alteration, or removal of any exterior architectural feature;
- (2) any change in an exterior color, whether by painting or other means;
- (3) any exterior excavation;
- (4) the construction or erection of any exterior building, fence, wall, or other structure of any kind; or
- (5) any exterior demolition.

§ 8-4. CHAP to review.

(c) *CHAP approval prerequisite for permit.*

The Building Official may not issue a permit for any regulated alteration [unless] UNLESS:

- (1) FOR A HISTORICAL PRESERVATION DISTRICT, the [Commission] DIRECTOR first issues an Authorization to [Proceed.] PROCEED; OR

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1 (2) FOR A HISTORICAL CONSERVATION DISTRICT:

2 (I) THE DIRECTOR FIRST ISSUES AN AUTHORIZATION TO PROCEED; OR

3 (II) CHAP STAFF MAKES THE DETERMINATION THAT THE PROPOSED EXTERIOR
4 ALTERATION DOES NOT REQUIRE AN AUTHORIZATION TO PROCEED AND
5 NOTIFIES THE APPLICANT AND BUILDING OFFICIAL OF THEIR
6 DETERMINATION.
7

8 **§ 8-9. Denial of Authorization to Proceed – Districts and Landmarks.**

9 In the case of a structure located within a Preservation [District] DISTRICT, LOCATED WITHIN
10 A HISTORICAL CONSERVATION DISTRICT, or included on the Landmark List, if the
11 Commission determines that an Authorization to Proceed should not be issued, the
12 Commission [must] SHALL promptly notify the applicant and the Building Official in writing
13 of:

14 (1) the reason for that determination; and

15 (2) any recommendations that the Commission might have about the proposed alteration.

16 **§ 8-15. Permissible maintenance and repair.**

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

18 Nothing in this article prevents the ordinary maintenance or repair of an architectural
19 feature within any Preservation [District] DISTRICT, WITHIN ANY CONSERVATION
20 DISTRICT, or on any Landmark or Potential Landmark, if the maintenance or repair
21 involves no change in design, material, color, or appearance of the structure.

22 **Subtitle 9. Judicial Review and Enforcement**

23 **§ 9-1. Judicial and appellate review.**

24 (a) *Judicial review.*

25 Within 30 days after [the Building Official] CHAP has approved, disapproved, or delayed
26 an application [for a permit,] PRESENTED AT A CHAP PUBLIC HEARING, a person
27 aggrieved by any decision of the Commission under this article may seek judicial review
28 of that decision by petition to the Circuit Court for Baltimore City in accordance with the
29 Maryland Rules of Procedure.

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Article 28. Taxes

Subtitle 10. Credits

§ 10-8. Historic improvements, restorations, and rehabilitations.

(4) *Historic property.*

“Historic property” means a property:

- (i) individually listed on the National Register of Historic Places;
- (ii) individually listed on the City Landmark List;
- (iii) located within a National Register Historic or Landmark District and certified by CHAP as contributing to the historic significance of that district;
- (iv) located within a City Historical and Architectural Preservation District OR WITHIN A HISTORICAL CONSERVATION DISTRICT and certified by CHAP as contributing to the historic significance of that district; or
- (v) included within the boundaries of a certified heritage area.

SECTION 2. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.