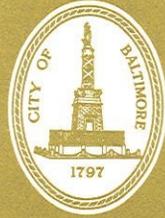


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



BOARD OF MUNICIPAL AND ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

November 3, 2010

The Honorable President and
Members of the City Council
City Hall

Re: City Council Bill No. 10-0494 –Urban Renewal – Annapolis Road Renewal Area
Designation and Renewal Plan

Ladies and Gentlemen:

City Council Bill No. 10-0494 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of this legislation is to designate as an Urban Renewal Area, an area situated in Baltimore City, Maryland known as Annapolis Road, bounded generally by Indiana Avenue on the south, the alley in the rear of Sidney Avenue on the east, the Light Rail tracks on the north, and Tacoma Street/295 ROW on the west: approving a Renewal Plan for Annapolis Road: establishing the objectives of the Plan; establishing permitted uses in the Renewal Area; providing that the provisions of the Zoning Code of Baltimore City apply to those properties in the Project Area.

While the Board supports the creation of Urban Renewal Plans as a tool in the economic development of the City of Baltimore, including the rezoning of certain properties as listed in Bill No. 10-493, however, the Board has concerns with listing specific uses to be prohibited in the Community Business section of the Land Use Plan. The Land Use Plan section of the Urban Renewal Area lists 12 specific uses that are to be expressly prohibited in the B-2 Community Business District within the boundaries of this plan. Establishing a list of prohibited uses that in most instances are allowed in the underlying Zoning District as a permitted or conditional use has the effect of creating a new Zoning District designation without adhering to the process required to establish a new Zoning District. The Board is concerned that establishing a list of prohibited uses in the B-2 District within the Urban Renewal Area without specific evidence and explanation of the public or governmental purpose as to the reasons why these uses should be prohibited as compared to all other B-2 Districts in the City of Baltimore will lead to confusion and to possible challenges to the Ordinance.

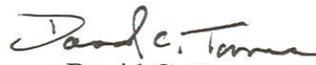


The Board is also concerned about the selection process used to determine uses that will be prohibited, the following is the list of the 12 proposed prohibited uses and their status under the current B-2 Community Business District:

- Adult Bookstore - Adult bookstores are a conditional use requiring Zoning Board Approval after a public hearing only in the B-5 Central Commercial District, they are not permitted in a B-2 District;
- Bail Bond Offices - Bail Bond Offices are not listed in the Zoning Code, they are allowed under the category of Offices: business, governmental, and professional which are permitted uses in the Office-Residential District and B-1 through B-5 Business Districts;
- Community Correction Centers; Dance Halls; and Pawn Shops - All three of these uses are Conditional Uses requiring Approval by Ordinance of the Mayor & City Council;
- Garages, other than accessory, for storage repair and servicing motor vehicles; Tattoo Parlors; and Taverns with live entertainment - All three of these uses are Conditional Uses requiring authorization by the Board of Municipal & Zoning Appeals after public notice and hearing; and
- Check Cashing Operations; Fraternity & Sorority Houses: Off Campus; Rooming Houses; Liquor Stores-package goods; and Taverns with no live entertainment or dancing - These uses are listed as permitted uses in the B-2 District, however Liquor stores and Taverns require a Liquor License.

The Board of Municipal & Zoning Appeals has reviewed this legislation and the report of the Planning Department. The Board recommends that City Council Bill # 10-0494 be amended to remove the list of prohibited uses listed on page three, lines 11-24, The Board concurs with the rest of the Planning Department report and recommends that City Council Bill No. 10-0494 be amended and passed.

Sincerely,


David C. Tanner
Executive Director

DCT/lag
C.c. Mayors Office of Council Relations
Legislative Reference

