

**CITY OF BALTIMORE
COUNCIL BILL 09-0304
(First Reader)**

Introduced by: Councilmembers Branch, Curran, D'Adamo
At the request of: Belair-Edison Neighborhood Incorporated (BENI)
Introduced and read first time: March 16, 2009
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, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Belair-Erdman Business Area –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for the Belair-Erdman Business Area to
5 modify the uses in certain land use categories, change certain regulations, controls, and
6 restrictions on land acquired by the City, modify certain rehabilitation standards, modify the
7 duration of the Plan, provide for a penalty for violation of any provision of the Plan, and
8 clarify, correct, and conform certain language and certain references; waiving certain content
9 and procedural requirements; making the provisions of this Ordinance severable; providing
10 for the application of this Ordinance in conjunction with certain other ordinances; and
11 providing for 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 Belair-Erdman was originally approved by the Mayor and City
19 Council of Baltimore by Ordinance 91-789 and last amended by Ordinance 99-572.

20 An amendment to the Urban Renewal Plan for Belair-Erdman is necessary to modify the uses
21 in certain land use categories, change certain regulations, controls, and restrictions on land
22 acquired by the City, modify certain rehabilitation standards, modify the duration of the Plan,
23 provide for a penalty for violation of any provision of the Plan, and clarify, correct, and conform
24 certain language and certain references.

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

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

Council Bill 09-0304

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
2 following changes in the Urban Renewal Plan for Belair-Erdman are approved:

3 (1) In the Plan, amend B.2.a.(2), (3), (4), and (5) to read as follows:

4 (2) Community Business

5 In the areas designated as Community Business on the Land Use Plan MAP, [uses
6 shall be limited to those uses permitted under the B-2 category of the Zoning
7 Ordinance of Baltimore City.] THE FOLLOWING RESTRICTIONS APPLY:

8 (A) USES SHALL BE LIMITED TO THOSE USES PERMITTED UNDER THE B-2-2
9 CATEGORY OF THE ZONING CODE OF BALTIMORE CITY, WITH THE EXCEPTION
10 OF THE FOLLOWING USES, WHICH ARE PROHIBITED:

11 BAIL BONDSMEN
12 BUY AND SELL STORES
13 CHECK CASHING AGENCY (PRIMARY AND SECONDARY SERVICE)
14 FIREARM SALES
15 LIQUOR AND PACKAGE GOODS STORES
16 MASSAGE SALONS (PRIMARY SERVICE)
17 PAWNSHOPS
18 TAX SERVICES

19 (B) STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR SERVICE
20 ESTABLISHMENTS THAT DEAL DIRECTLY WITH CONSUMERS, RELY HEAVILY ON
21 WALK-IN BUSINESS, AND HAVE REGULAR DAILY HOURS.

22 (3) Community Commercial

23 In the areas designated as Community Commercial on the Land Use Plan Map,
24 THE FOLLOWING RESTRICTIONS APPLY:

25 (A) uses shall be limited to those uses permitted under the [B-3] B-3-2 category of
26 the Zoning [Ordinance] CODE of Baltimore City, [except for] WITH THE
27 EXCEPTION OF the following uses, which [shall not be permitted] ARE
28 PROHIBITED:

29 After hours establishments, other than private clubs*; amusement arcades*;
30 amusement parks and permanent carnivals*; automobile laundries*; BAIL
31 BONDSMEN; building and lumber materials sales establishments with shops
32 and yards; BUY AND SELL STORES; CHECK CASHING AGENCIES; contractor and
33 construction shops and yards; FIREARM SALES; garages, for storage, repair,
34 and servicing of motor vehicles - including body repair, painting and engine
35 rebuilding*; garages and lots for bus and transit vehicles; highway
36 maintenance shops and yards; industrial supplies - sales; LIQUOR AND
37 PACKAGE GOODS STORES; MASSAGE SALONS; accessory and non-accessory
38 microwave antennas (satellite dishes); milk and dairy products - processing
39 and distribution; moving and storage establishments; parcel collection and
40 delivery stations; PAWNSHOPS; pool halls and billiard parlors*; stables for

Council Bill 09-0304

1 horses; taverns, including live entertainment and dancing; tattoo parlors*; TAX
2 SERVICES; overhead transmission lines (above 69-kv) on rights-of-way
3 acquired prior to January 1, 1969*; and warehousing and wholesale
4 establishments, and storage other than accessory to permitted uses.

5 *conditional uses in a B-3 district as defined by the Zoning [Ordinance] CODE
6 of Baltimore City

7 (B) STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR SERVICE
8 ESTABLISHMENTS THAT DEAL DIRECTLY WITH CONSUMERS, RELY HEAVILY ON
9 WALK-IN BUSINESS, AND HAVE REGULAR DAILY HOURS.

10 (4) [Non-conforming] NONCONFORMING

11 A [non-conforming] NONCONFORMING use is any lawfully existing use of a
12 building or other structure, or of land [which] THAT does not conform to the
13 applicable use regulations of the ZONING district in which it is located, according
14 to the Zoning [Ordinance] CODE of Baltimore City. These [non-conforming]
15 NONCONFORMING uses shall be permitted to continue, subject to the provisions [in
16 Chapter 8] OF TITLE 13 of the Zoning [Ordinance] CODE of Baltimore City[, titled
17 “Non-Conformance.”].

18 (5) [Non-complying] NONCOMPLYING

19 A [non-complying] NONCOMPLYING structure, as set forth in [Chapter 8 of Article
20 30 of the Baltimore City Code (1983 Replacement Volume, as amended), titled
21 “Zoning,”] TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY, is any lawfully
22 existing use of a building or other structure [which] THAT does not comply with
23 the bulk regulations of the zoning district in which it is located. These [non-
24 complying] NONCOMPLYING structures shall be permitted to continue, subject to
25 the provisions of [said Chapter 8] Title 13.

26 In addition, a [non-complying] NONCOMPLYING use - when such term is used
27 herein - is any lawfully existing use of a building or other structure, or of land,
28 which does not comply with the land use regulations of this Plan. These [non-
29 complying] noncomplying uses shall be permitted to continue for an indefinite
30 period of time, except that:

31 (a) Any [non-complying] NONCOMPLYING land use [which] THAT is discontinued
32 FOR a period exceeding [twelve (12)] 12 months shall not be reestablished.

33 (b) No change in the permanent physical members of a structure, such as bearing
34 walls, columns, beams, or girders, or no substantial change in the roof or in
35 the exterior walls shall be made in or to a building or structure except those
36 required by law or except to make the building and use [thereof] OF IT
37 conform to the regulations of this Plan.

38 (c) No [non-complying] NONCOMPLYING land use shall be changed to any other
39 [non-complying] NONCOMPLYING land use.

Council Bill 09-0304

1 (2) In B.2.b.(5) of the Plan, amend the first sentence to read as follows:

2 (5) No sign shall extend above the roof line or parapet wall of the building to which it
3 is attached; no FLAT sign shall project more than 12 inches from the building to
4 which it is attached.

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

6 a . Building Fronts and Sides Abutting Streets

7 (1) NEW SECURITY GRATES, GRILLES, AND BARS ARE PROHIBITED ON THE
8 EXTERIOR FACADE OF A BUILDING. INTERIOR BARS ARE PERMITTED BUT MUST
9 BE REMOVED DURING BUSINESS WORKING HOURS TO PREVENT WINDOW AND
10 DOOR BLOCKAGE. INTERIOR BARS MUST BE PAINTED IN A MANNER THAT IS
11 COMPATIBLE WITH THE EXTERIOR FACADE OF THE BUILDING. WINDOW BLINDS
12 MAY BE USED TO COVER WINDOWS BUT ONLY DURING NON-BUSINESS WORKING
13 HOURS.

14 (2) [(1)]

15 . . .

16 (3) [(2)] All cornices, upper story windows and all other portions of a building
17 containing wood trim shall be made structurally sound. Rotten or weakened
18 portions shall be removed and repaired or replaced to match as closely as
19 possible the original patterns. All exposed wood shall be painted or stained,
20 or otherwise treated for protection. EXPOSED CINDER BLOCKS ARE PROHIBITED
21 ON BUILDING FACADES.

22 (4) GLASS STOREFRONTS SHALL NOT BE BLOCKED, COVERED, OR TINTED DURING
23 BUSINESS HOURS. 85% OF THE COMBINED TOTAL SQUARE FOOTAGE OF ALL
24 GLASS ON A STOREFRONT MUST REMAIN OPEN AND UNBLOCKED TO MAINTAIN
25 A CLEAR SIGHT LINE INTO THE BUSINESS.

26 (5) [(3)] Windows

27 . . .

28 (c) Window openings in the building front or on sides facing streets shall not
29 be TINTED, GLAZED, filled or boarded up.

30 . . .

31 (6) [(4)] Show Windows

32 . . .

33 (H) ONLY 15% OF SHOW WINDOWS MAY BE COVERED OR BLOCKED DURING
34 BUSINESS HOURS. EXAMPLES OF ITEMS CONSIDERED INTO THE BLOCKAGE
35 CALCULATION INCLUDE EXTERIOR GRATES, SIGNAGE AND BANNERS AS
36 WELL AS INTERIOR ITEMS SUCH AS SHELVES, BOXES, POSTERS, SET BACK

Council Bill 09-0304

1 ADVERTISEMENTS AND BARS. TINTING OR GLAZING OF STOREFRONT SHOW
2 WINDOWS IS PROHIBITED.

3 (7) [(5)]

4 . . .

5 (8) [6]

6 . . .

7 (9) [(7)] . . .

8 (10) [(8)] . . .

9 (11) [(9)] . . .

10 (12) [(10)] . . .

11 (13) [(11)] . . .

12 (14) [12)] . . .

13 (4) In the Plan, amend C.3.g. to read as follows:

14 . . .

15 (4) Freestanding signs (pole signs) [or projecting signs] shall only be permitted on
16 sites where buildings are sufficiently set back from their property lines so that
17 visibility of a flat sign from at least one direction is hindered. In these cases, the
18 need for a freestanding [or projecting] sign must be verified by the Commissioner
19 of the Department of Housing and Community Development. Such signs shall
20 not exceed 20 feet in height and 80 square feet in area (total of both faces).

21 . . .

22 (8) ONE PROJECTING SECONDARY OVERHANGING PERPENDICULAR OR BLADE SIGN
23 SHALL BE PERMITTED. THESE SIGNS MUST BE DOUBLE FACED AND BE ORIENTED 90
24 DEGREES TO THE BUILDING FACE. SUCH SIGNS SHALL NOT EXCEED 6 SQUARE FEET
25 IN AREA OR 12 INCHES IN WIDTH AND SHALL NOT BE PLACED HIGHER THAN 13 FEET
26 ABOVE GRADE LEVEL OR THE BOTTOM OF THE SECOND STORY WINDOW,
27 WHICHEVER IS LOWER. LETTERING FOR PROJECTING SIGNS SHALL NOT EXCEED 12
28 INCHES IN HEIGHT. THREE DIMENSIONAL SPECIALTY SIGNS (I.E. HAMMER FOR A
29 HARDWARE STORE, EYEGLASSES FOR AN OPTICIAN) ARE ENCOURAGED FOR
30 PROJECTING SIGNS. ALL PROJECTING SIGNS MUST BE ATTACHED TO THE BUILDING
31 USING A DECORATIVE LEVER ARM NOT TO EXCEED 4 FEET IN LENGTH. WIRES OR
32 ROPE SHALL NOT BE PERMITTED IN THE HANGING OR STABILIZATION OF
33 OVERHANGING PERPENDICULAR OR BLADE SIGNS. NO PART OF THE PROJECTING
34 SIGN OR LEVER SHALL EXTEND FARTHER THAN 4 FEET FROM THE BUILDING
35 FACADE. DISCREET SPOTLIGHTING IS PERMITTED, BUT INTERNAL ILLUMINATION IS
36 PROHIBITED. OVERHANGING SIGNS ARE SUBJECT TO MINOR PRIVILEGE FEES. THE

Council Bill 09-0304

1 YEARLY MINOR PRIVILEGE FEE DEPENDS ON THE SIZE OF THE OVERHANGING SIGN.
2 BUSINESS OWNERS MUST OBTAIN A MINOR PRIVILEGE PERMIT PRIOR TO
3 INSTALLING ANY OVERHANGING SIGNS.

4 (9) THE TOTAL AREA OF PRIMARY AND SECONDARY SIGNS COMBINED SHALL NOT
5 EXCEED IN AREA 3 TIMES THE WIDTH IN FEET OF THE PRINCIPAL FRONTAGE OF THE
6 BUILDING.

7 (10) [(8)]

8 . . .

9 (11) [(9)]

10 . . .

11 (12) [(10)]

12 . . .

13 (13) [(11)]

14 . . .

15 (14) [(12)] No new general advertising signs (EXTERIOR BANNERS, billboards and
16 posterboards) shall be permitted.

17 . . .

18 (15) NO NEW METAL BACK-LIT BOX SIGNS WILL BE PERMITTED.

19 (16) EACH BUSINESS IS REQUIRED TO DISPLAY A POSTAL ADDRESS NUMBER ON THE
20 FRONT AND REAR OF THE BUSINESS SO THAT IT IS VISIBLE FROM THE STREET AND
21 ALLEY WHEN THE BUSINESS IS BOTH OPENED AND CLOSED.

22 (5) In the Plan, amend F. to read as follows:

23 F. Duration of Provisions and Requirements

24 The PROVISIONS AND REQUIREMENTS OF [Belair-Erdman Urban] THIS Renewal
25 Plan, as it may be amended from time to time, shall remain in full force and effect
26 for a period of [twenty (20)] 40 years from the date [of original approval of this
27 Plan by the Mayor and City Council of Baltimore] THE RENEWAL PLAN IS LAST
28 AMENDED BY THE CITY.

29 (6) In the Plan, add new section I. Violations to read as follows:

30 I. VIOLATIONS

Council Bill 09-0304

1 ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF THIS RENEWAL PLAN IS
2 SUBJECT TO A FINE NOT EXCEEDING \$500, AND EACH DAY’S VIOLATION
3 CONSTITUTES A SEPARATE OFFENSE.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for the Belair-
5 Erdman Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan,
6 Belair-Erdman, revised to include Amendment __, dated March 16, 2009”, is approved. The
7 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
8 Department of Legislative Reference as a permanent public record, available for public
9 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
29 is enacted.