

**CITY OF BALTIMORE
COUNCIL BILL 15-0529
(First Reader)**

Introduced by: The Council President, Councilmember Henry
At the request of: The Administration (Department of Planning)
Introduced and read first time: April 27, 2015
Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Historical and Architectural Preservation – 50th Anniversary Reauthorization**

3 FOR the purpose of reconstituting and reauthorizing the Commission for Historical and
4 Architectural Preservation; restating and clarifying the Commission’s powers, duties, and
5 functions; substituting a new, short-lived “Potential-Landmark List” for the current “Special
6 List”; modifying the processes for designating Historical and Architectural Preservation
7 Districts, Landmarks, and Potential Landmarks; modifying the procedures for protecting the
8 exteriors, interiors, and appurtenant property of structures located within an Historical
9 District or included on the Landmark List or Potential-Landmark List; modifying the
10 provisions that require review of proposed alterations to “municipal structures”; providing for
11 the establishment and maintenance of an Inventory of Historical Places, to serve primarily as
12 a non-regulatory research and documentation instrument; modifying the procedures for
13 reviewing and criteria for approving proposed alterations to protected structures; authorizing
14 the Commission to delegate to its professional staff the review and approval of minor,
15 compliant alterations; defining various terms; correcting, clarifying, and conforming related
16 provisions; repealing obsolete provisions; and generally relating to the designation and
17 preservation of historically and architecturally significant property.

18 BY repealing

19 Article 6 - Historical and Architectural Preservation
20 Subtitles 1 through 5
21 Baltimore City Code
22 (Edition 2000)

23 BY adding

24 Article 6 - Historical and Architectural Preservation
25 Subtitles 1 through 9
26 Baltimore City Code
27 (Edition 2000)

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

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1 BY renumbering
2 Article 6 - Historical and Architectural Preservation
3 Subtitles 7, 9 through 12, 13, and 13A, respectively
4 to be
5 Subtitles 11, 13 through 16, 17A and 17B, respectively
6 Baltimore City Code
7 (Edition 2000)

8 BY repealing and reordaining, with amendments
9 Article - Building, Fire, and Related Codes
10 Section 2-103 (BC §§ 105.1, 105.3(7), and 114.1)
11 Baltimore City Revised Code
12 (Edition 2000)

13 BY repealing and reordaining, with amendments
14 Article - Zoning
15 Sections 4-106(c) and 14-317
16 Baltimore City Revised Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments
19 Article 26 - Surveys, Streets, and Highways
20 Section 7-3
21 Baltimore City Code
22 (Edition 2000)

23 BY repealing and reordaining, with amendments
24 Article 31 - Transit and Traffic
25 Section 13-15(b)
26 Baltimore City Code
27 (Edition 2000)

28 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That:**

29 (a) City Code Article 6 {“Historical and Architectural Preservation”}, Subtitles 1 through
30 5, are repealed, and

31 (b) new Subtitles 1 through 9 are added to Article 6, to read as follows:

32 **Baltimore City Code**

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

34 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

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1 **§ 1-1. DEFINITIONS.**

2 (A) *IN GENERAL.*

3 IN THIS ARTICLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

4 (B) *BUILDING OFFICIAL.*

5 “BUILDING OFFICIAL” HAS THE MEANING STATED IN § 103.1 OF THE BALTIMORE CITY
6 BUILDING CODE.

7 (C) *COMMISSION; CHAP.*

8 “COMMISSION” OR “CHAP” MEANS THE COMMISSION FOR HISTORICAL AND
9 ARCHITECTURAL PRESERVATION ESTABLISHED UNDER THIS ARTICLE.

10 (D) *DEMOLITION.*

11 “DEMOLITION” INCLUDES “DEMOLITION BY NEGLECT”, WHICH MEANS NEGLECT IN THE
12 MAINTENANCE OR REPAIR OF A STRUCTURE, RESULTING IN ANY OF THE FOLLOWING
13 CONDITIONS:

14 (1) THE DETERIORATION OF ANY ARCHITECTURAL FEATURE SO AS TO CREATE OR
15 PERMIT THE CREATION OF A HAZARDOUS OR UNSAFE CONDITION;

16 (2) THE DETERIORATION OF WALLS OR OTHER VERTICAL SUPPORTS;

17 (3) THE DETERIORATION OF ROOFS OR OTHER HORIZONTAL MEMBERS;

18 (4) THE DETERIORATION OF CHIMNEYS;

19 (5) THE DETERIORATION OR CRUMBLING OF PLASTER OR MORTAR; OR

20 (6) THE INEFFECTIVE WATERPROOFING OF WALLS, ROOFS, AND FOUNDATIONS,
21 INCLUDING BROKEN WINDOWS AND DOORS.

22 (E) *EXECUTIVE DIRECTOR; DIRECTOR.*

23 “EXECUTIVE DIRECTOR” OR “DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
24 COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION OR THE DIRECTOR’S
25 DESIGNEE.

26 (F) *HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT; PRESERVATION DISTRICT;*
27 *DISTRICT.*

28 “HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT”, “PRESERVATION
29 DISTRICT”, OR “DISTRICT” MEANS AN AREA DESIGNATED AS AN HISTORICAL AND
30 ARCHITECTURAL PRESERVATION DISTRICT UNDER SUBTITLE 3 {“DESIGNATION OF
31 DISTRICTS”}, OF THIS ARTICLE.

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1 (G) *INCLUDES; INCLUDING.*

2 “INCLUDES” OR “INCLUDING” MEANS BY WAY OF ILLUSTRATION AND NOT BY WAY OF
3 LIMITATION.

4 (H) *LANDMARK.*

5 “LANDMARK” MEANS A PROPERTY LISTED ON A LANDMARK LIST.

6 (I) *LANDMARK LIST.*

7 “LANDMARK LIST” MEANS EITHER OR BOTH OF THE FOLLOWING, AS ESTABLISHED AND
8 MAINTAINED UNDER SUBTITLE 4 {“DESIGNATION OF LANDMARKS”}, OF THIS ARTICLE:

9 (1) THE LANDMARK LIST: EXTERIORS; AND

10 (2) THE LANDMARK LIST: PUBLIC INTERIORS.

11 (J) *PERSON.*

12 (1) *IN GENERAL.*

13 “PERSON” MEANS:

14 (I) AN INDIVIDUAL;

15 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
16 KIND; OR

17 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
18 OR REPRESENTATIVE OF ANY KIND.

19 (2) *INCLUSIONS.*

20 “PERSON” INCLUDES, EXCEPT AS USED IN § 9-4 {“CRIMINAL PENALTIES”} OF THIS
21 ARTICLE, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
22 GOVERNMENTAL ENTITY.

23 (K) *POTENTIAL LANDMARK.*

24 “POTENTIAL LANDMARK” MEANS A PROPERTY LISTED ON A POTENTIAL-LANDMARK LIST.

25 (L) *POTENTIAL-LANDMARK LIST.*

26 “POTENTIAL-LANDMARK LIST” MEANS EITHER OR BOTH OF THE FOLLOWING, AS
27 ESTABLISHED AND MAINTAINED UNDER SUBTITLE 5 {“DESIGNATION OF POTENTIAL
28 LANDMARKS”}, OF THIS ARTICLE:

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1 (1) THE POTENTIAL-LANDMARK LIST: EXTERIORS; AND

2 (2) THE POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS.

3 (M) *PUBLIC INTERIOR.*

4 ““PUBLIC INTERIOR” MEANS ANY PART OF A STRUCTURE’S INTERIOR THAT IS DETERMINED
5 BY THE COMMISSION TO BE:

6 (1) CUSTOMARILY OPEN OR ACCESSIBLE TO THE PUBLIC; AND

7 (2) OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE.

8 (N) *REGULATED ALTERATION.*

9 “REGULATED ALTERATION” MEANS ANY ADDITION, ALTERATION OR OTHER ACTION
10 DESCRIBED IN § 8-2(A) {“BUILDING PERMIT REQUIRED: EXTERIOR STRUCTURES”} OR
11 § 8-2(B) {“BUILDING PERMIT REQUIRED: PUBLIC INTERIORS”}, AS THE CASE MAY BE, OF
12 THIS ARTICLE.

13 (O) *STRUCTURE.*

14 “STRUCTURE” MEANS ANY CREATION OF MAN OR NATURE.

15 **§ 1-2. RULES OF CONSTRUCTION.**

16 (A) IN GENERAL.

17 IN INTERPRETING AND APPLYING THIS ARTICLE, THE FOLLOWING RULES OF CONSTRUCTION
18 APPLY.

19 (B) *CAPTIONS OR HEADINGS.*

20 THE CAPTIONS OR HEADINGS OF THE VARIOUS SECTIONS AND SUBSECTIONS:

21 (1) ARE FOR CONVENIENCE OF REFERENCE ONLY, INTENDED TO SUMMARIZE THE
22 STATUTORY PROVISIONS THAT FOLLOW; AND

23 (2) ARE NOT LAW AND ARE NOT TO BE TAKEN AS AFFECTING THE MEANING OR EFFECT
24 OF THE LAW.

25 (C) *GENDER.*

26 WORDS DENOTING ONE GENDER INCLUDE AND APPLY TO THE OTHER GENDERS AS WELL.

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1 (D) *MANDATORY, PROHIBITORY, AND PERMISSIVE TERMS.*

2 (1) *MANDATORY TERMS.*

3 "MUST" AND "SHALL" ARE EACH MANDATORY TERMS USED TO EXPRESS A
4 REQUIREMENT OR TO IMPOSE A DUTY.

5 (2) *PROHIBITORY TERMS.*

6 "MUST NOT", "MAY NOT", AND "NO ... MAY" ARE EACH MANDATORY NEGATIVE TERMS
7 USED TO ESTABLISH A PROHIBITION.

8 (3) *PERMISSIVE TERMS.*

9 "MAY" IS PERMISSIVE.

10 (E) *NUMBER.*

11 THE SINGULAR INCLUDES THE PLURAL AND VICE VERSA.

12 (F) *REFERENCES TO OTHER LAWS.*

13 WHENEVER A PROVISION OF THIS ARTICLE REFERS TO ANY PART OF THE CITY CODE OR TO
14 ANY OTHER LAW, THE REFERENCE APPLIES TO ANY SUBSEQUENT AMENDMENT OF THE LAW
15 REFERRED TO, UNLESS THE REFERRING PROVISION EXPRESSLY PROVIDES OTHERWISE.

16 (G) *SEVERABILITY.*

17 ALL PROVISIONS OF THIS ARTICLE ARE SEVERABLE. IF A COURT DETERMINES THAT A
18 WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, OR OTHER
19 PROVISION IS INVALID OR THAT THE APPLICATION OF ANY PART OF THE PROVISION TO ANY
20 PERSON OR CIRCUMSTANCES IS INVALID, THE REMAINING PROVISIONS AND THE
21 APPLICATION OF THOSE PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES ARE NOT
22 AFFECTED BY THAT DECISION.

23 (H) *TIME COMPUTATIONS.*

24 (1) *COMPUTATION OF TIME AFTER AN ACT, EVENT, OR DEFAULT.*

25 (I) IN COMPUTING ANY PERIOD OF TIME PRESCRIBED BY THIS ARTICLE, OR BY A RULE
26 OR REGULATION ADOPTED UNDER THIS ARTICLE, THE DAY OF THE ACT, EVENT, OR
27 DEFAULT AFTER WHICH THE DESIGNATED PERIOD OF TIME BEGINS TO RUN IS NOT
28 INCLUDED.

29 (II) IF THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS, INTERMEDIATE
30 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS ARE COUNTED.

31 (III) IF THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS, INTERMEDIATE SATURDAYS,
32 SUNDAYS, AND LEGAL HOLIDAYS ARE NOT COUNTED.

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1 (IV) THE LAST DAY OF THE PERIOD SO COMPUTED IS INCLUDED UNLESS IT IS A
2 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE PERIOD RUNS
3 UNTIL THE END OF THE NEXT DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL
4 HOLIDAY.

5 (2) *COMPUTATION OF TIME BEFORE A DAY, ACT, OR EVENT.*

6 (I) IN DETERMINING THE LATEST DAY FOR PERFORMING AN ACT THAT THIS ARTICLE,
7 OR A RULE OR REGULATION ADOPTED UNDER THIS ARTICLE, REQUIRES TO BE
8 PERFORMED A PRESCRIBED NUMBER OF DAYS BEFORE A CERTAIN DAY, ACT, OR
9 EVENT, ALL DAYS PRECEDING THAT DAY, INCLUDING INTERVENING SATURDAYS,
10 SUNDAYS, AND LEGAL HOLIDAYS, ARE COUNTED IN THE NUMBER OF DAYS SO
11 PRESCRIBED.

12 (II) THE LATEST DAY IS INCLUDED IN THE DETERMINATION UNLESS IT IS A SATURDAY,
13 SUNDAY, OR LEGAL HOLIDAY, IN WHICH EVENT THE LATEST DAY IS THE FIRST
14 PRECEDING DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

15 **§ 1-3. {RESERVED}**

16 **§ 1-4. PURPOSE OF ARTICLE.**

17 (A) *AREAS AND STRUCTURES TO BE PRESERVED.*

18 (1) BALTIMORE CITY CONTAINS A NUMBER OF SIGNIFICANT AREAS WITHIN WHICH ARE
19 LOCATED VARIOUS BUILDINGS AND OTHER STRUCTURES THAT CONTRIBUTE TO THE
20 HISTORICAL OR ARCHITECTURAL SIGNIFICANCE OF THE AREA. THE PRESERVATION OF
21 THESE AREAS IS APPROPRIATE AND NECESSARY FOR THE EDUCATIONAL, CULTURAL,
22 ECONOMIC, AND GENERAL WELFARE OF THE PUBLIC.

23 (2) BALTIMORE CITY CONTAINS AN EVEN GREATER NUMBER OF INDIVIDUALLY
24 SIGNIFICANT BUILDINGS AND OTHER STRUCTURES THAT HAVE SPECIAL HISTORICAL OR
25 ARCHITECTURAL SIGNIFICANCE. THE PRESERVATION OF THESE INDIVIDUAL
26 STRUCTURES IS EQUALLY APPROPRIATE AND NECESSARY FOR THE EDUCATIONAL,
27 CULTURAL, ECONOMIC, AND GENERAL WELFARE OF THE PUBLIC.

28 (B) *NEED FOR CONTROLS OR RESTRICTIONS.*

29 TO PRESERVE THESE SIGNIFICANT AREAS AND INDIVIDUAL STRUCTURES, IT IS NECESSARY
30 TO IMPOSE CONTROLS AND RESTRICTIONS ON OR IN CONNECTION WITH THEM.

31 (C) *CREATION OF CHAP.*

32 FOR THESE PURPOSES, THE MAYOR AND CITY COUNCIL OF BALTIMORE HAS ENACTED THIS
33 ARTICLE, ESTABLISHING THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL
34 PRESERVATION AND VESTING IT WITH THE POWERS AND DUTIES NEEDED TO ADMINISTER
35 AND ENFORCE THE PROVISIONS OF THIS ARTICLE.

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1 **SUBTITLE 2. COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION**

2 **§ 2-1. CHAP ESTABLISHED.**

3 THERE IS A COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION,
4 CONSTITUTED AS AN INDEPENDENT UNIT OF THE DEPARTMENT OF PLANNING.

5 **§ 2-2. COMPOSITION.**

6 (A) *GENERAL.*

7 THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION COMPRISES 13
8 MEMBERS.

9 (B) *APPOINTED MEMBERS.*

10 11 MEMBERS ARE APPOINTED BY THE MAYOR, IN ACCORDANCE WITH CITY CHARTER
11 ARTICLE IV, § 6, AS FOLLOWS:

12 (1) 1 MEMBER TO BE NOMINATED BY THE GREATER BALTIMORE COMMITTEE;

13 (2) 1 MEMBER TO BE NOMINATED BY BALTIMORE HERITAGE;

14 (3) 1 MEMBER TO BE NOMINATED BY THE BOARD OF DIRECTORS OF PRESERVATION
15 MARYLAND;

16 (4) 1 MEMBER TO BE NOMINATED BY THE BOARD OF THE BALTIMORE CITY
17 HISTORICAL SOCIETY, INC.; AND

18 (5) 7 MEMBERS APPOINTED AT-LARGE.

19 (C) *CITY REPRESENTATIVES.*

20 (1) 1 MEMBER IS A COUNCILMEMBER, TO BE DESIGNATED BY THE COUNCIL PRESIDENT.

21 (2) 1 MEMBER IS THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT OR
22 THE COMMISSIONER'S DESIGNEE.

23 **§ 2-3. QUALIFICATIONS.**

24 (A) *GENERAL.*

25 EACH MEMBER:

26 (1) MUST BE A RESIDENT OF BALTIMORE CITY; AND

27 (2) MUST DEMONSTRATE A SPECIAL INTEREST, KNOWLEDGE, OR TRAINING IN SUCH
28 FIELDS AS HISTORY, ARCHITECTURE, PRESERVATION, AFRICAN-AMERICAN
29 HISTORY, OR URBAN DESIGN.

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1 (B) *APPOINTED MEMBERS.*

2 OF THE 11 MEMBERS APPOINTED BY THE MAYOR UNDER § 2-2(B) {"COMPOSITION:
3 APPOINTED MEMBERS"} OF THIS SUBTITLE:

- 4 (1) AT LEAST 1 MEMBER MUST BE AN HISTORIAN KNOWLEDGEABLE IN THE
5 ARCHITECTURE, HISTORY, AND CULTURE OF BALTIMORE CITY;
- 6 (2) AT LEAST 1 MEMBER MUST BE AN HISTORIAN KNOWLEDGEABLE IN THE AFRICAN-
7 AMERICAN HISTORY AND CULTURE OF BALTIMORE CITY;
- 8 (3) AT LEAST 2 MEMBERS MUST BE LICENSED ARCHITECTS KNOWLEDGEABLE IN
9 ARCHITECTURAL PRESERVATION;
- 10 (4) AT LEAST 1 MEMBER MUST BE A LICENSED REAL ESTATE BROKER DOING BUSINESS
11 IN BALTIMORE CITY;
- 12 (5) AT LEAST 1 MEMBER MUST OWN AND OCCUPY A CONTRIBUTING RESIDENCE WITHIN
13 AN HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT;
- 14 (6) AT LEAST 1 MEMBER MUST OWN AND OPERATE A CONTRIBUTING COMMERCIAL
15 PROPERTY WITHIN AN HISTORICAL AND ARCHITECTURAL PRESERVATION
16 DISTRICT; AND
- 17 (7) EACH OF AT LEAST 2 DIFFERENT MEMBERS MUST DEMONSTRATE A SPECIAL
18 INTEREST, KNOWLEDGE, OR TRAINING IN 1 OF THE FOLLOWING FIELDS, NOT
19 OTHERWISE WITHIN THE SPECIAL INTEREST, KNOWLEDGE, OR TRAINING OF THE
20 OTHER MEMBER:
 - 21 (I) LANDSCAPE ARCHITECTURE;
 - 22 (II) ARCHEOLOGY; AND
 - 23 (III) CONSTRUCTION OR ENGINEERING.

24 **§ 2-4. TERM OF APPOINTED MEMBERS.**

25 (A) *REGULAR TERMS.*

- 26 (1) EACH OF THE 11 MEMBERS APPOINTED UNDER § 2-2(B) {"COMPOSITION: APPOINTED
27 MEMBERS"} OF THIS SUBTITLE SERVES FOR A TERM CONCURRENT WITH THE MAYOR'S
28 TERM OF OFFICE AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.
- 29 (2) THE COUNCILMEMBER DESIGNATED UNDER § 2-2(C)(1) {"COMPOSITION: CITY
30 REPRESENTATIVES"} OF THIS SUBTITLE SERVES A TERM CONCURRENT WITH THAT
31 COUNCILMEMBER'S SERVICE ON THE COUNCIL.

32 (B) *FILLING VACANCY.*

33 A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM SERVES FOR THE
34 REMAINDER OF THAT TERM.

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1 (C) *TERM LIMITS.*

2 A MEMBER MAY NOT BE APPOINTED UNDER § 2-2(B) OR (C)(1) OF THIS SUBTITLE TO SERVE
3 MORE THAN 2 CONSECUTIVE TERMS.

4 (D) *REMOVAL ON FAILURE TO ATTEND MEETINGS.*

5 (1) ANY MEMBER WHO, DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS, FAILS TO
6 ATTEND 6 REGULARLY SCHEDULED MONTHLY MEETINGS OF THE COMMISSION IS
7 CONSIDERED TO HAVE RESIGNED.

8 (2) THE CHAIR OF THE COMMISSION MUST FORWARD THE MEMBER'S NAME TO THE
9 MEMBER'S APPOINTING AUTHORITY AS SOON AS PRACTICABLE FOLLOWING THE 6TH
10 UNATTENDED MEETING.

11 (3) THE APPOINTING AUTHORITY MUST THEN APPOINT A SUCCESSOR FOR THE REST OF THE
12 TERM.

13 **§ 2-5. OFFICERS; COMPENSATION.**

14 (A) *CHAIR AND VICE-CHAIR.*

15 (1) THE MAYOR DESIGNATES ONE OF THE COMMISSION MEMBERS TO SERVE AS THE
16 COMMISSION'S CHAIR.

17 (2) THE COMMISSION ELECTS ONE OF THE COMMISSION MEMBERS TO SERVE AS THE
18 COMMISSION'S VICE-CHAIR.

19 (B) *COMPENSATION.*

20 THE MEMBERS OF THE COMMISSION:

21 (1) SERVE WITHOUT COMPENSATION; BUT

22 (2) ARE ENTITLED TO REIMBURSEMENT OF REASONABLE EXPENSES INCURRED, AS
23 PROVIDED IN THE ORDINANCE OF ESTIMATES.

24 **§ 2-6. EXECUTIVE DIRECTOR.**

25 (A) *APPOINTMENT.*

26 (1) THE EXECUTIVE DIRECTOR FOR HISTORICAL AND ARCHITECTURAL PRESERVATION IS
27 APPOINTED BY THE COMMISSION.

28 (2) THE APPOINTMENT MUST BE MADE FROM A LIST OF AT LEAST 3 QUALIFIED
29 CANDIDATES PROVIDED BY THE DIRECTOR OF PLANNING.

30 (3) IF THE LIST IS NOT SATISFACTORY TO THE COMMISSION, THE DIRECTOR OF PLANNING
31 MUST PROVIDE A NEW LIST UNTIL A SATISFACTORY LIST OF CANDIDATES IS SUBMITTED.

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1 (B) *QUALIFICATIONS.*

2 (1) THE CANDIDATES MUST MEET THE QUALIFICATIONS SPECIFIED IN A POSITION
3 DESCRIPTION DEVELOPED BY THE COMMISSION THAT CONFORMS TO THE
4 "PROFESSIONAL QUALIFICATIONS STANDARDS" OF THE SECRETARY OF THE
5 INTERIOR'S "STANDARDS AND GUIDELINES FOR ARCHEOLOGY AND HISTORIC
6 PRESERVATION".

7 (2) THE EXECUTIVE DIRECTOR MAY NOT ALSO SERVE AS A MEMBER OF THE COMMISSION.

8 (C) *GENERAL DUTIES.*

9 THE EXECUTIVE DIRECTOR:

10 (1) MUST PERFORM THE DUTIES SET FORTH IN THIS ARTICLE AND AS OTHERWISE
11 REQUIRED BY THE COMMISSION; AND

12 (2) ALSO SERVES AS DIVISION CHIEF OF THE PLANNING DEPARTMENT'S HISTORICAL
13 AND ARCHITECTURAL DIVISION.

14 (D) *SUSPENSION OR DISMISSAL.*

15 THE DIRECTOR OF PLANNING, WITH THE APPROVAL OF A MAJORITY OF THE COMMISSION,
16 MAY SUSPEND OR DISMISS THE EXECUTIVE DIRECTOR.

17 **§ 2-7. STAFF AND CONSULTANTS.**

18 (A) *STAFF.*

19 (1) THE DEPARTMENT OF PLANNING SERVES AS STAFF TO THE COMMISSION.

20 (2) STAFF SERVING IN THE PLANNING DEPARTMENT'S HISTORICAL AND ARCHITECTURAL
21 PRESERVATION DIVISION MUST MEET THE QUALIFICATIONS OF A POSITION
22 DESCRIPTION THAT CONFORMS TO THE "PROFESSIONAL QUALIFICATIONS STANDARDS"
23 OF THE SECRETARY OF THE INTERIOR'S "STANDARDS AND GUIDELINES FOR
24 ARCHEOLOGY AND HISTORIC PRESERVATION".

25 (B) *CONSULTANTS.*

26 THE COMMISSION MAY EMPLOY CONSULTANTS AND OTHER PERSONNEL NECESSARY OR
27 APPROPRIATE FOR THE PROPER PERFORMANCE OF ITS DUTIES, AS PROVIDED IN THE
28 ORDINANCE OF ESTIMATES.

29 **§ 2-8. MEETINGS; RECORDS.**

30 (A) *MEETINGS.*

31 (1) 7 MEMBERS CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS BY THE
32 COMMISSION.

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1 (2) AN AFFIRMATIVE VOTE OF A MAJORITY OF A QUORUM IS NEEDED FOR ANY
2 COMMISSION ACTION.

3 (3) ALL MEETINGS OF THE COMMISSION MUST BE CONDUCTED IN ACCORDANCE WITH THE
4 STATE OPEN MEETINGS ACT (STATE GOVERNMENT ARTICLE, TITLE 10, SUBTITLE 3).

5 (B) *RECORDS.*

6 (1) THE COMMISSION SHALL KEEP RECORDS OF ALL ITS PROCEEDINGS, SHOWING THE VOTE
7 OF EACH MEMBER ON EACH QUESTION OR, IF A MEMBER IS ABSENT OR FAILS TO VOTE,
8 INDICATING THAT FACT.

9 (2) THE COMMISSION SHALL KEEP A RECORD OF ALL RESOLUTIONS, TRANSACTIONS,
10 FINDINGS, DETERMINATIONS, AND DECISIONS.

11 (3) ALL RECORDS OF THE COMMISSION ARE OPEN TO PUBLIC INSPECTION IN ACCORDANCE
12 WITH THE STATE PUBLIC INFORMATION ACT (STATE GOVERNMENT ARTICLE, TITLE
13 10, SUBTITLE 6, PART III).

14 **§ 2-9. CHAP PURPOSES; FUNDING.**

15 (A) *ANNUAL APPROPRIATION.*

16 (1) IT IS THE INTENT OF THE MAYOR AND CITY COUNCIL THAT THE ANNUAL ORDINANCE
17 OF ESTIMATES APPROPRIATE AN ADEQUATE SUM OF MONEY THAT THE COMMISSION
18 MAY EXPEND FOR OR IN CONNECTION WITH THE PURPOSES CONTEMPLATED BY THIS
19 ARTICLE.

20 (2) THESE PURPOSES INCLUDE:

21 (I) PREPARING SURVEYS AND MAINTAINING AN INVENTORY OF HISTORICALLY OR
22 ARCHITECTURALLY NOTEWORTHY STRUCTURES IN BALTIMORE CITY;

23 (II) RECOMMENDING THE DESIGNATION OF AND PROVIDING FOR THE PERPETUAL
24 PROTECTION OF:

25 (A) PRESERVATION DISTRICTS, AS DESIGNATED UNDER SUBTITLE 3
26 {"DESIGNATION OF DISTRICTS"} OF THIS ARTICLE; AND

27 (B) INDIVIDUAL STRUCTURES THAT HAVE SPECIAL HISTORICAL OR
28 ARCHITECTURAL SIGNIFICANCE, AS DESIGNATED UNDER SUBTITLE 4
29 {"DESIGNATION OF LANDMARKS"} OF THIS ARTICLE;

30 (III) RECOMMENDING THE DESIGNATION OF AND PROVIDING FOR THE TEMPORARY
31 PROTECTION OF INDIVIDUAL STRUCTURES THAT HAVE HISTORICAL OR
32 ARCHITECTURAL SIGNIFICANCE, AS DESIGNATED UNDER SUBTITLE 5
33 {"DESIGNATION OF POTENTIAL LANDMARKS"} OF THIS ARTICLE;

34 (IV) REVIEWING AND DETERMINING THE APPROPRIATENESS OF PROPOSED
35 ALTERATIONS TO OR AFFECTING PROTECTED PROPERTIES, AS PROVIDED IN

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1 SUBTITLE 8 {"ALTERATIONS, ETC., TO OR AFFECTING PROPERTIES"} OF THIS
2 ARTICLE;

3 (V) ACQUIRING, RESTORING, AND POSSIBLE RESELLING OF PROPERTIES THAT HAVE
4 HISTORICAL OR ARCHITECTURAL SIGNIFICANCE;

5 (VI) IMPLEMENTING THE INCENTIVE IMPROVEMENT PROGRAM AUTHORIZED BY
6 § 2-10 {"INCENTIVE IMPROVEMENT PROGRAM"} OF THIS SUBTITLE; AND

7 (VII) GENERAL ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF THIS
8 ARTICLE AND OF ANY OTHER DUTIES IMPOSED ON THE COMMISSION BY LAW.

9 (B) *GRANTS, LOANS, ETC.*

10 THE COMMISSION MAY, ON BEHALF OF THE MAYOR AND CITY COUNCIL OF BALTIMORE
11 AND WITH THE PRIOR APPROVAL OF THE BOARD OF ESTIMATES, CONTRACT WITH OR
12 ACCEPT ANY GRANT, LOAN, OR AID OF ANY KIND FROM ANY FEDERAL, STATE, OR PRIVATE
13 SOURCE, TO BE EXPENDED FOR THE PURPOSES CONTEMPLATED BY THIS ARTICLE,
14 INCLUDING THE PURPOSES LISTED IN SUBSECTION (A)(2) OF THIS SECTION.

15 (C) *PROCEEDS FROM RESALE OF PROPERTIES.*

16 IF PERMITTED BY THE CITY CHARTER, SUMS RECEIVED FROM THE RESALE OF PROPERTIES
17 ACQUIRED AND RESTORED BY OR ON BEHALF OF THE COMMISSION MAY BE RETAINED BY
18 THE COMMISSION FOR THE ACQUISITION AND RESTORATION OF ADDITIONAL PROPERTIES.

19 **§ 2-10. INCENTIVE IMPROVEMENT PROGRAM.**

20 (A) *PROGRAM ESTABLISHED.*

21 THERE IS AN INCENTIVE IMPROVEMENT PROGRAM, AS PROVIDED IN THIS SECTION.

22 (B) *SCOPE OF PROGRAM.*

23 SUBJECT TO APPROPRIATIONS BY THE ORDINANCE OF ESTIMATES, THE COMMISSION FOR
24 HISTORICAL AND ARCHITECTURAL PRESERVATION MAY CONTRACT WITH THE OWNER OR
25 LESSEE OF A STRUCTURE THAT IS LOCATED WITHIN AN HISTORICAL AND ARCHITECTURAL
26 PRESERVATION DISTRICT OR INCLUDED ON THE LANDMARK LIST TO REIMBURSE THAT
27 OWNER OR LESSEE OF UP TO 20% OF THE COST INCURRED BY HER OR HIM IN THE
28 RECONSTRUCTION, ALTERATION, REMOVAL, REPAIR, OR PAINTING OF AN ARCHITECTURAL
29 FEATURE IN A MANNER THAT FURTHERS THE PURPOSES OF THIS ARTICLE.

30 (C) *LIMITATIONS.*

31 IN NO EVENT MAY THE COMMISSION AUTHORIZE ANY REIMBURSEMENT UNDER THE
32 PROGRAM UNTIL ALL OF THE WORK TO BE DONE AND THE ESTIMATED COST OF THAT WORK
33 HAS BEEN APPROVED BY THE COMMISSION.

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1 (D) *COMMISSION DISCRETION.*

2 IN ALL CASES, THE COMMISSION RETAINS FULL DISCRETION TO DETERMINE THE SCOPE,
3 NATURE, AND COST OF ALL WORK SUBJECT TO REIMBURSEMENT UNDER THE PROGRAM.

4 **§ 2-11. RULES AND REGULATIONS.**

5 (A) *CHAP TO ADOPT.*

6 THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION MUST ADOPT,
7 AFTER NOTICE AND A PUBLIC HEARING, RULES AND REGULATIONS TO CARRY OUT THE
8 PROVISIONS OF THIS ARTICLE.

9 (B) *FILING WITH LEGISLATIVE REFERENCE.*

10 A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE COMMISSION MUST BE FILED
11 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

12 **SUBTITLE 3. DESIGNATION OF DISTRICTS**

13 **§ 3-1. ORDINANCE AND FINDINGS REQUIRED.**

14 (A) *ORDINANCE REQUIRED.*

15 AN ORDINANCE OF THE MAYOR AND CITY COUNCIL IS REQUIRED TO:

16 (1) DESIGNATE ANY AREA AS AN HISTORICAL AND ARCHITECTURAL PRESERVATION
17 DISTRICT; OR

18 (2) MODIFY THE BOUNDARY LINES OF AN EXISTING HISTORICAL AND ARCHITECTURAL
19 PRESERVATION DISTRICT.

20 (B) *FINDINGS OF FACT.*

21 THE ORDINANCE MUST BE SUPPORTED BY WRITTEN FINDINGS OF FACT THAT THE PROPOSED
22 DISTRICT AND ITS BOUNDARIES WILL COMPLY WITH:

23 (1) THE REQUIREMENTS FOR LOCAL GOVERNMENT CERTIFICATION UNDER THE
24 NATIONAL HISTORIC PRESERVATION ACT (16 U.S.C., CHAPTER 1A, SUBCHAPTER
25 II);

26 (2) THE SECRETARY OF THE INTERIOR'S STANDARDS FOR IDENTIFICATION AND
27 REGISTRATION; AND

28 (3) THE COMMISSION'S OWN HISTORIC PRESERVATION PROCEDURES AND
29 GUIDELINES.

30 **§ 3-2. INITIAL STUDY AND PROPOSAL BY CHAP.**

31 AFTER UNDERTAKING A FULL AND PROPER STUDY, THE COMMISSION FOR HISTORICAL AND
32 ARCHITECTURAL PRESERVATION MAY PROPOSE AS AN HISTORICAL AND ARCHITECTURAL

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1 PRESERVATION DISTRICT ANY AREA IN BALTIMORE CITY WITHIN WHICH ARE LOCATED
2 STRUCTURES THAT HAVE HISTORICAL OR ARCHITECTURAL VALUE, THE PRESERVATION OF
3 WHICH IS CONSIDERED TO BE FOR THE EDUCATIONAL, CULTURAL, ECONOMIC, AND GENERAL
4 WELFARE OF THE PUBLIC.

5 **§ 3-3. CHAP TO PREPARE PROPOSED ORDINANCE AND FINDINGS.**

6 IN SUPPORT OF ITS PROPOSED DESIGNATION OF AN AREA, THE COMMISSION MUST:

- 7 (1) PREPARE A PROPOSED ORDINANCE THAT SETS FORTH THE BOUNDARY LINES OF THE
8 AREA BEING PROPOSED FOR DESIGNATION;
- 9 (2) PREPARE AND ADOPT WRITTEN FINDINGS OF FACT THAT INCLUDE, AT A MINIMUM, THE
10 SPECIFIC FINDINGS REQUIRED BY § 3-1(B) {"ORDINANCE ... REQUIRED: FINDINGS OF
11 FACT"} OF THIS SUBTITLE; AND
- 12 (3) REQUEST THAT ITS PROPOSED ORDINANCE AND ACCOMPANYING FINDINGS OF FACT BE
13 INTRODUCED INTO THE CITY COUNCIL FOR APPROPRIATE ACTION.

14 **§ 3-4. {RESERVED}**

15 **§ 3-5. COUNCIL ACTION – AGENCY REFERRALS.**

16 (A) *REQUIRED REFERRALS.*

17 ON INTRODUCTION OF ANY PROPOSED ORDINANCE TO DESIGNATE AN HISTORICAL AND
18 ARCHITECTURAL PRESERVATION DISTRICT OR TO MODIFY THE BOUNDARIES OF AN
19 EXISTING DISTRICT, THE CITY COUNCIL MUST REFER THE BILL TO THE FOLLOWING FOR
20 THEIR WRITTEN REPORTS AND RECOMMENDATIONS:

- 21 (1) THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION;
- 22 (2) THE PLANNING COMMISSION; AND
- 23 (3) ANY OTHER AGENCY THAT THE COUNCIL PRESIDENT DESIGNATES.

24 (B) *REPORTS, ETC., PREREQUISITE TO SECOND READING.*

25 THE CITY COUNCIL MAY NOT PLACE THE BILL ON THE COUNCIL’S SECOND READING
26 CALENDAR UNTIL THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL
27 PRESERVATION AND THE PLANNING COMMISSION:

- 28 (1) SUBMIT THEIR REPORTS AND RECOMMENDATIONS TO THE COUNCIL; OR
- 29 (2) FAIL TO DO SO WITHIN 100 DAYS OF THE REFERRAL.

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§ 3-6. COUNCIL ACTION – PUBLIC NOTICE AND HEARING.

(A) *HEARING REQUIRED.*

THE CITY COUNCIL MAY NOT PLACE THE BILL ON ITS SECOND READING CALENDAR UNTIL THE COUNCIL COMMITTEE TO WHICH THE BILL IS ASSIGNED HAS CONDUCTED A PUBLIC HEARING AT WHICH PARTIES IN INTEREST AND THE GENERAL PUBLIC ARE AFFORDED AN OPPORTUNITY TO BE HEARD ON THE BILL.

(B) *NOTICE REQUIRED.*

NOTICE OF THE HEARING MUST BE GIVEN AS FOLLOWS:

(1) BY POSTING IN CONSPICUOUS PLACES, AS THE DEPARTMENT OF PLANNING DESIGNATES, WITHIN AND AROUND THE FOLLOWING, AS THE CASE MAY BE:

(I) THE PERIMETER OF THE PROPOSED NEW DISTRICT; OR

(II) THE PERIMETER OF ANY AREA PROPOSED TO BE ADDED TO OR REMOVED FROM AN EXISTING DISTRICT; AND

(2) BY FIRST-CLASS MAIL TO EACH PERSON WHO APPEARS ON THE TAX RECORDS OF THE CITY AS AN OWNER OF PROPERTY WITHIN THE FOLLOWING, AS THE CASE MAY BE:

(I) THE PERIMETER OF THE PROPOSED NEW DISTRICT; OR

(II) THE PERIMETER OF ANY AREA PROPOSED TO BE ADDED TO OR REMOVED FROM AN EXISTING DISTRICT.

(C) *CONTENTS OF NOTICE.*

THE NOTICE MUST INCLUDE:

(1) THE IDENTIFYING NUMBER OF THE BILL TO BE HEARD;

(2) THE NAME AND ADDRESS OF THE PERSON REQUESTING THE BILL;

(3) THE DATE, TIME, PLACE, AND PURPOSE OF THE PUBLIC HEARING; AND

(4) A DRAWING OR DESCRIPTION OF THE BOUNDARIES OF THE AREA AFFECTED BY THE PROPOSED BILL.

(D) *TIMING OF NOTICE.*

THE NOTICE MUST BE POSTED AND MAILED AT LEAST 30 DAYS BEFORE THE PUBLIC HEARING.

(E) *NUMBER AND MANNER OF POSTED NOTICES.*

THE NUMBER OF POSTED NOTICES AND THE MANNER OF THEIR POSTING ARE AS FOLLOWS:

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1 (1) AT LEAST 2 OR MORE SIGNS ARE REQUIRED, AS THE DEPARTMENT OF PLANNING
2 DESIGNATES;

3 (2) FOR A NOTICE APPLICABLE ONLY TO AN INDIVIDUAL PROPERTY, AT LEAST 1 SIGN
4 MUST BE VISIBLE FROM EACH OF THE PROPERTY’S STREET FRONTAGES;

5 (3) EACH SIGN MUST BE POSTED AT A PROMINENT LOCATION, NEAR THE SIDEWALK OR
6 PUBLIC RIGHT-OF-WAY, SO THAT IT IS VISIBLE TO PASSING PEDESTRIANS AND
7 MOTORISTS;

8 (4) A WINDOW-MOUNTED SIGN MUST BE MOUNTED INSIDE THE WINDOW GLASS AND
9 PLACED SO THAT IT IS CLEARLY VISIBLE TO PASSING PEDESTRIANS AND
10 MOTORISTS; AND

11 (5) EACH SIGN MUST BE AT LEAST 3 FEET BY 4 FEET IN SIZE.

12 (F) *RESPONSIBILITY FOR NOTICE.*

13 THE NOTICES REQUIRED BY THIS SECTION ARE THE RESPONSIBILITY OF THE FOLLOWING:

14 (1) FOR A BILL REQUESTED BY THE COMMISSION FOR HISTORICAL AND
15 ARCHITECTURAL PRESERVATION, THE NOTICES MUST BE GIVEN BY AND AT THE
16 EXPENSE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE;

17 (2) FOR A BILL REQUESTED BY OR ON BEHALF OF A PROPERTY OWNER TO INCLUDE
18 THAT PROPERTY IN OR REMOVE THAT PROPERTY FROM AN EXISTING DISTRICT, THE
19 NOTICES MUST BE GIVEN BY AND AT THE EXPENSE OF THE REQUESTER; AND

20 (3) IN ALL OTHER CASES, THE NOTICES MUST BE GIVEN BY AND AT THE EXPENSE OF
21 THE CITY COUNCIL.

22 **§ 3-7. COUNCIL ACTION – DISPOSITION.**

23 SUBJECT TO THE REQUIREMENTS OF § 3-8 {“COUNCIL ACTION – AMENDMENTS”} AND § 3-9
24 {“COUNCIL ACTION – LIMITATIONS”} OF THIS SUBTITLE, THE CITY COUNCIL MAY:

25 (1) ADOPT, REJECT, OR MODIFY AN ORDINANCE PROPOSED TO DESIGNATE AN HISTORICAL
26 AND ARCHITECTURAL PRESERVATION DISTRICT; AND

27 (2) AS NECESSARY OR APPROPRIATE FROM TIME TO TIME, ADOPT AN ORDINANCE TO
28 MODIFY THE BOUNDARY LINES OF AN EXISTING DISTRICT.

29 **§ 3-8. COUNCIL ACTION – AMENDMENTS.**

30 (A) *SCOPE OF SECTION.*

31 THIS SECTION APPLIES TO ANY BILL PROPOSING TO DESIGNATE A NEW PRESERVATION
32 DISTRICT OR TO MODIFY THE BOUNDARIES OF AN EXISTING DISTRICT FOR WHICH AN
33 AMENDMENT IS PROPOSED TO ADD TO OR REMOVE FROM THE NEW OR EXISTING DISTRICT
34 ANY PROPERTY THAT WAS NOT WITHIN THE PERIMETER OF THE AREA DESCRIBED IN THE

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1 NOTICE GIVEN UNDER § 3-6 {"COUNCIL ACTION – PUBLIC NOTICE AND HEARING"} OF THIS
2 SUBTITLE.

3 (B) *NEW NOTICE AND HEARING REQUIRED.*

4 BEFORE AN AMENDMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION MAY BE
5 ADOPTED:

6 (1) ANOTHER PUBLIC HEARING MUST BE HELD ON THE AMENDMENT; AND

7 (2) THE REQUIREMENTS OF THIS SUBTITLE FOR NOTICE AND FOR AGENCY REPORTS
8 APPLY TO THE ADDITIONAL HEARING.

9 **§ 3-9. COUNCIL ACTION – LIMITATIONS.**

10 (A) *SCOPE OF SECTION.*

11 THIS SECTION APPLIES TO ANY OF THE FOLLOWING ACTIONS BY THE CITY COUNCIL:

12 (1) ANY MODIFICATION TO THE BOUNDARY LINES SET FORTH IN AN ORDINANCE
13 PROPOSED BY THE COMMISSION UNDER § 3-3 {"CHAP TO PREPARE PROPOSED
14 ORDINANCE AND FINDINGS"} OF THIS SUBTITLE; OR

15 (2) UNLESS BY AND IN ACCORDANCE WITH AN ORDINANCE INITIATED AT THE REQUEST
16 OF THE COMMISSION UNDER THIS SUBTITLE:

17 (I) ANY INITIAL DESIGNATION OF AN AREA AS AN HISTORICAL AND
18 ARCHITECTURAL PRESERVATION DISTRICT; OR

19 (II) ANY MODIFICATION TO THE BOUNDARY LINES OF AN EXISTING DISTRICT.

20 (B) *REFERRAL TO CHAP.*

21 THE CITY COUNCIL MAY NOT TAKE ANY ACTION DESCRIBED IN SUBSECTION (A) OF THIS
22 SECTION WITHOUT FIRST REFERRING THAT ACTION TO THE COMMISSION FOR HISTORICAL
23 AND ARCHITECTURAL PRESERVATION FOR:

24 (1) THE COMMISSION’S WRITTEN REPORT AND RECOMMENDATIONS; AND

25 (2) THE COMMISSION’S FINDINGS OF FACT AFFIRMING, AT A MINIMUM, THAT THE
26 PROPOSED ACTION WILL NOT ADVERSELY AFFECT THE DISTRICT’S COMPLIANCE
27 WITH THE REQUIREMENTS, STANDARDS, PROCEDURES, AND GUIDELINES SPECIFIED
28 IN § 3-1(B) {"ORDINANCE ... REQUIRED: FINDINGS OF FACT"} OF THIS SUBTITLE.

29 (C) *ACTION BY COUNCIL.*

30 IF, WITHIN 100 DAYS OF THE REFERRAL, THE COMMISSION FAILS TO SUBMIT ITS WRITTEN
31 REPORT OR RECOMMENDATIONS, OR FAILS OR IS UNWILLING TO MAKE THE FINDINGS OF
32 FACT REQUIRED BY § 3-1(B) {"ORDINANCE ... REQUIRED: FINDINGS OF FACT"} OF THIS
33 SUBTITLE, THE CITY COUNCIL:

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1 (1) MAY PROCEED TO HEAR AND CONSIDER THE ACTION, SUBJECT TO THE
2 REQUIREMENTS OF § 3-6 {"COUNCIL ACTION – PUBLIC NOTICE AND HEARING"}
3 AND § 3-8 {"COUNCIL ACTION – AMENDMENTS"} OF THIS SUBTITLE; BUT

4 (2) MAY NOT ADOPT THE ACTION WITHOUT PREPARING AND ADOPTING ITS OWN
5 WRITTEN FINDINGS OF FACT AFFIRMING THAT THE ACTION WILL NOT ADVERSELY
6 AFFECT THE DISTRICT’S COMPLIANCE WITH THE REQUIREMENTS, STANDARDS,
7 PROCEDURES, AND GUIDELINES SPECIFIED IN § 3-1(B) {"ORDINANCE ... REQUIRED:
8 FINDINGS OF FACT"} OF THIS SUBTITLE.

9 **SUBTITLE 4. DESIGNATION OF LANDMARKS**

10 **§ 4-1. LIST COMPONENTS.**

11 THE LANDMARK LIST CONSISTS OF TWO COMPONENTS:

- 12 (1) A LANDMARK LIST: EXTERIORS; AND
- 13 (2) A LANDMARK LIST: PUBLIC INTERIORS.

14 **§ 4-2. ORDINANCE REQUIRED.**

15 AN ORDINANCE OF THE MAYOR AND CITY COUNCIL IS REQUIRED TO:

- 16 (1) ADD A STRUCTURE AND ITS APPURTENANT PROPERTY TO THE LANDMARK LIST:
17 EXTERIORS OR THE LANDMARK LIST: PUBLIC INTERIORS; OR
- 18 (2) FOR A STRUCTURE ALREADY ON THE LANDMARK LIST: EXTERIORS, TO MODIFY THE
19 BOUNDARIES OF THE APPURTENANT LAND OR OTHER PROPERTY THAT IS INCLUDED IN
20 THE LANDMARK DESIGNATION.

21 **§ 4-3. CRITERIA FOR DESIGNATION.**

22 (A) *LANDMARK LIST: EXTERIORS.*

- 23 (1) THE LANDMARK LIST: EXTERIORS COMPRISES THOSE STRUCTURES THAT, IN
24 ACCORDANCE WITH THE COMMISSION’S HISTORIC PRESERVATION PROCEDURES AND
25 GUIDELINES, ARE CONSIDERED TO BE OF SUCH SPECIAL HISTORICAL OR
26 ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN HISTORICAL
27 AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE STRUCTURES, THEIR
28 EXTERIORS, AND THEIR APPURTENANT LAND AND OTHER PROPERTY SHOULD BE
29 EXTENDED THE SAME PROTECTIONS AS APPLY TO STRUCTURES WITHIN A DISTRICT.
- 30 (2) THE BOUNDARIES OF A STRUCTURE ON THE LANDMARK LIST: EXTERIORS ARE AS
31 INDICATED BY ORDINANCE, AS FOLLOWS:

- 32 (I) BY STREET ADDRESS, WHICH INDICATES THAT ALL APPURTENANT LAND OR
33 OTHER PROPERTY AT THAT STREET ADDRESS AND ON THE SAME LOT IS
34 INCLUDED IN AND PROTECTED BY THE LANDMARK DESIGNATION;

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1 (II) BY SECTION, BLOCK, AND LOT NUMBERS, WHICH INDICATES THAT ALL LAND
2 OR OTHER PROPERTY ON THAT LOT IS INCLUDED IN THE LANDMARK
3 DESIGNATION; OR

4 (III) BY A METES AND BOUNDS DESCRIPTION OR OTHER CLEAR DELINEATION, WHICH
5 INDICATES THAT LESS THAN ALL LAND OR OTHER PROPERTY AT A STREET
6 ADDRESS OR ON A LOT IS INCLUDED IN THE LANDMARK DESIGNATION.

7 (B) *LANDMARK LIST: PUBLIC INTERIORS.*

8 THE LANDMARK LIST: PUBLIC INTERIORS COMPRISES THOSE STRUCTURES WITH PUBLIC
9 INTERIORS THAT, IN ACCORDANCE WITH THE COMMISSION’S HISTORIC PRESERVATION
10 PROCEDURES AND GUIDELINES, ARE CONSIDERED TO BE OF SUCH SPECIAL HISTORICAL OR
11 ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT WITHIN AN HISTORICAL AND
12 ARCHITECTURAL PRESERVATION DISTRICT, THOSE INTERIORS SHOULD BE EXTENDED THE
13 SAME PROTECTIONS AS APPLY TO THE EXTERIORS OF STRUCTURES WITHIN A DISTRICT.

14 **§ 4-4. {RESERVED}**

15 **§ 4-5. COUNCIL ACTION – AGENCY REFERRALS.**

16 (A) *REQUIRED REFERRALS.*

17 ON INTRODUCTION OF ANY PROPOSED ORDINANCE TO ADD A STRUCTURE TO THE
18 LANDMARK LIST: EXTERIORS OR LANDMARK LIST: PUBLIC INTERIORS OR TO MODIFY THE
19 BOUNDARIES OF A STRUCTURE ON THE LANDMARK LIST: EXTERIORS, THE CITY COUNCIL
20 MUST REFER THE BILL TO THE FOLLOWING FOR THEIR WRITTEN REPORTS AN
21 RECOMMENDATIONS:

22 (1) THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION;

23 (2) THE PLANNING COMMISSION; AND

24 (3) ANY OTHER AGENCY THAT THE COUNCIL PRESIDENT DESIGNATES.

25 (B) *REPORTS, ETC., PREREQUISITE TO SECOND READING.*

26 THE CITY COUNCIL MAY NOT PLACE THE BILL ON THE COUNCIL’S SECOND READING
27 CALENDAR UNTIL THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL
28 PRESERVATION AND THE PLANNING COMMISSION:

29 (1) SUBMIT THEIR REPORTS AND RECOMMENDATIONS TO THE COUNCIL; OR

30 (2) FAIL TO DO SO WITHIN 100 DAYS OF THE REFERRAL.

31 **§ 4-6. COUNCIL ACTION – PUBLIC NOTICE AND HEARING.**

32 (A) *HEARING REQUIRED.*

33 THE CITY COUNCIL MAY NOT PLACE THE BILL ON ITS SECOND READING CALENDAR UNTIL
34 THE COUNCIL COMMITTEE TO WHICH THE BILL IS ASSIGNED HAS CONDUCTED A PUBLIC

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1 HEARING AT WHICH PARTIES IN INTEREST AND THE GENERAL PUBLIC ARE AFFORDED AN
2 OPPORTUNITY TO BE HEARD ON THE BILL.

3 (B) *NOTICE REQUIRED.*

4 NOTICE OF THE HEARING MUST BE GIVEN AS FOLLOWS:

- 5 (1) BY POSTING IN A CONSPICUOUS PLACE ON THE SUBJECT PROPERTY; AND
- 6 (2) BY FIRST-CLASS MAIL TO EACH PERSON WHO APPEARS ON THE TAX RECORDS OF
7 THE CITY AS AN OWNER OF THE SUBJECT PROPERTY.

8 (C) *CONTENTS OF NOTICE.*

9 THE NOTICE MUST INCLUDE:

- 10 (1) THE IDENTIFYING NUMBER OF THE BILL TO BE HEARD;
- 11 (2) THE NAME AND ADDRESS OF THE PERSON REQUESTING THE BILL;
- 12 (3) THE DATE, TIME, PLACE, AND PURPOSE OF THE PUBLIC HEARING; AND
- 13 (4) THE ADDRESS OF THE SUBJECT PROPERTY.

14 (D) *TIMING OF NOTICE.*

15 THE NOTICE MUST BE POSTED AND MAILED AT LEAST 15 DAYS BEFORE THE PUBLIC
16 HEARING.

17 (E) *NUMBER AND MANNER OF POSTED NOTICES.*

18 THE NUMBER OF POSTED NOTICES AND THE MANNER OF THEIR POSTING ARE AS FOLLOWS:

- 19 (1) AT LEAST 1 SIGN MUST BE VISIBLE FROM EACH OF THE PROPERTY'S STREET
20 FRONTAGES;
- 21 (2) EACH SIGN MUST BE POSTED AT A PROMINENT LOCATION, NEAR THE SIDEWALK OR
22 PUBLIC RIGHT-OF-WAY, SO THAT IT IS VISIBLE TO PASSING PEDESTRIANS AND
23 MOTORISTS;
- 24 (3) A WINDOW-MOUNTED SIGN MUST BE MOUNTED INSIDE THE WINDOW GLASS AND
25 PLACED SO THAT IT IS CLEARLY VISIBLE TO PASSING PEDESTRIANS AND MOTORISTS;
26 AND
- 27 (4) EACH SIGN MUST BE AT LEAST 3 FEET BY 4 FEET IN SIZE.

28 (F) *RESPONSIBILITY FOR NOTICE.*

29 THE NOTICES REQUIRED BY THIS SECTION ARE THE RESPONSIBILITY OF THE FOLLOWING:

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1 (1) FOR A BILL REQUESTED BY THE COMMISSION FOR HISTORICAL AND
2 ARCHITECTURAL PRESERVATION, THE NOTICES MUST BE GIVEN BY AND AT THE
3 EXPENSE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE;

4 (2) FOR A BILL REQUESTED BY OR ON BEHALF OF AN OWNER OF THE SUBJECT
5 PROPERTY, THE NOTICES MUST BE GIVEN BY AND AT THE EXPENSE OF THE
6 REQUESTER; AND

7 (3) IN ALL OTHER CASES, THE NOTICES MUST BE GIVEN BY AND AT THE EXPENSE OF
8 THE CITY COUNCIL.

9 **§ 4-7. COUNCIL ACTION – DISPOSITION.**

10 SUBJECT TO THE REQUIREMENTS OF § 4-8 {“COUNCIL ACTION – LIMITATIONS”} OF THIS
11 SUBTITLE, THE CITY COUNCIL MAY:

12 (1) ADOPT, REJECT, OR MODIFY AN ORDINANCE PROPOSED TO ADD A STRUCTURE TO THE
13 LANDMARK LIST: EXTERIORS OR THE LANDMARK LIST: PUBLIC INTERIORS; AND

14 (2) AS NECESSARY OR APPROPRIATE FROM TIME TO TIME, ADOPT AN ORDINANCE TO
15 MODIFY THE BOUNDARIES OF A STRUCTURE ON THE LANDMARK LIST: EXTERIORS.

16 **§ 4-8. COUNCIL ACTION – LIMITATIONS.**

17 (A) *SCOPE OF SECTION.*

18 THIS SECTION APPLIES TO ANY OF THE FOLLOWING ACTIONS BY THE CITY COUNCIL:

19 (1) ANY MODIFICATION TO THE BOUNDARIES OF A STRUCTURE PROPOSED BY THE
20 COMMISSION FOR ADDITION TO THE LANDMARK LIST: EXTERIORS, AS PROVIDED IN
21 § 4-3(A) {“LANDMARK LIST: EXTERIORS”} OF THIS SUBTITLE; OR

22 (2) UNLESS BY AND IN ACCORDANCE WITH AN ORDINANCE INITIATED AT THE REQUEST
23 OF THE COMMISSION UNDER THIS SUBTITLE:

24 (I) ANY INITIAL PROPOSAL TO ADD A STRUCTURE TO THE LANDMARK LIST:
25 EXTERIORS OR THE LANDMARK LIST: PUBLIC INTERIORS; OR

26 (II) ANY MODIFICATION TO THE BOUNDARIES OF A STRUCTURE ON THE
27 LANDMARK LIST EXTERIORS.

28 (B) *REFERRAL TO CHAP.*

29 THE CITY COUNCIL MAY NOT TAKE ANY ACTION DESCRIBED IN SUBSECTION (A) OF THIS
30 SECTION WITHOUT FIRST REFERRING THAT ACTION TO THE COMMISSION FOR HISTORICAL
31 AND ARCHITECTURAL PRESERVATION FOR THE COMMISSION’S WRITTEN REPORT AND
32 RECOMMENDATIONS.

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1 (C) *ACTION BY COUNCIL.*

2 IF, WITHIN 100 DAYS OF THE REFERRAL, THE COMMISSION FAILS TO SUBMIT ITS WRITTEN
3 REPORT OR RECOMMENDATIONS, THE CITY COUNCIL MAY PROCEED TO HEAR AND
4 CONSIDER THE ACTION, SUBJECT TO THE REQUIREMENTS OF § 4-6 {“COUNCIL ACTION –
5 PUBLIC NOTICE AND HEARING”} OF THIS SUBTITLE.

6 **SUBTITLE 5. DESIGNATION OF POTENTIAL LANDMARKS**

7 **§ 5-1. LIST COMPONENTS.**

8 THE POTENTIAL-LANDMARK LIST CONSISTS OF TWO COMPONENTS:

- 9 (1) A POTENTIAL-LANDMARK LIST: EXTERIORS; AND
- 10 (2) A POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS.

11 **§ 5-2. CHAP TO DESIGNATE.**

12 ONLY THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION MAY:

- 13 (1) ADD A STRUCTURE AND ITS APPURTENANT PROPERTY TO THE POTENTIAL-LANDMARK
14 LIST: EXTERIORS OR THE POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS; OR
- 15 (2) FOR A STRUCTURE ALREADY ON THE POTENTIAL-LANDMARK LIST: EXTERIORS,
16 MODIFY THE BOUNDARIES OF THE APPURTENANT LAND OR OTHER PROPERTY THAT IS
17 INCLUDED IN THE POTENTIAL-LANDMARK DESIGNATION.

18 **§ 5-3. CRITERIA FOR DESIGNATION.**

19 (A) *POTENTIAL-LANDMARK List: Exteriors.*

- 20 (1) THE POTENTIAL-LANDMARK LIST: EXTERIORS COMPRISES THOSE STRUCTURES THAT,
21 IN ACCORDANCE WITH THE COMMISSION’S HISTORIC PRESERVATION PROCEDURES
22 AND GUIDELINES, THE COMMISSION CONSIDERS TO BE OF SUCH HISTORICAL OR
23 ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN HISTORICAL
24 AND ARCHITECTURAL PRESERVATION DISTRICT, THOSE STRUCTURES, THEIR
25 EXTERIORS, AND THEIR APPURTENANT LAND AND OTHER PROPERTY SHOULD BE
26 EXTENDED TEMPORARY PROTECTION UNDER § 5-5 {“PROTECTIONS PENDING
27 DECISION”} OF THIS SUBTITLE AND UNDER SUBTITLE 8 {“ALTERATIONS, ETC, TO OR
28 AFFECTING PROPERTIES”} OF THIS ARTICLE.
- 29 (2) THE BOUNDARIES OF A STRUCTURE ON THE POTENTIAL-LANDMARK LIST: EXTERIORS
30 ARE AS INDICATED BY THE COMMISSION, AS FOLLOWS:
 - 31 (I) BY STREET ADDRESS, WHICH INDICATES THAT ALL APPURTENANT LAND OR
32 OTHER PROPERTY AT THAT STREET ADDRESS AND ON THE SAME LOT IS
33 INCLUDED IN AND PROTECTED BY THE POTENTIAL-LANDMARK DESIGNATION;

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1 (II) BY SECTION, BLOCK, AND LOT NUMBERS, WHICH INDICATES THAT ALL LAND
2 OR OTHER PROPERTY ON THAT LOT IS INCLUDED IN THE POTENTIAL-
3 LANDMARK DESIGNATION; OR

4 (III) BY A METES AND BOUNDS DESCRIPTION OR OTHER CLEAR DELINEATION, WHICH
5 INDICATES THAT LESS THAN ALL LAND OR OTHER PROPERTY AT A STREET
6 ADDRESS OR ON A LOT IS INCLUDED IN THE POTENTIAL-LANDMARK
7 DESIGNATION.

8 (B) *POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS.*

9 THE POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS COMPRISES THOSE STRUCTURES
10 WITH PUBLIC INTERIORS THAT, IN ACCORDANCE WITH THE COMMISSION’S HISTORIC
11 PRESERVATION PROCEDURES AND GUIDELINES, THE COMMISSION CONSIDERS TO BE OF
12 SUCH HISTORICAL OR ARCHITECTURAL SIGNIFICANCE THAT, WHETHER OR NOT WITHIN
13 AN HISTORICAL OR ARCHITECTURAL PRESERVATION DISTRICT, THOSE PUBLIC
14 INTERIORS SHOULD BE EXTENDED TEMPORARY PROTECTION UNDER § 5-5
15 {“PROTECTIONS PENDING DECISION”} OF THIS SUBTITLE AND UNDER SUBTITLE 8
16 {“ALTERATIONS, ETC, TO OR AFFECTING PROPERTIES”} OF THIS ARTICLE.

17 **§ 5-4. PROCEDURE TO DESIGNATE.**

18 (A) *IN GENERAL.*

19 A PROPOSAL TO ADD A STRUCTURE TO THE POTENTIAL-LANDMARK LIST MUST COMPLY
20 WITH THE FOLLOWING PROCEDURES.

21 (B) *NOTICE OF HEARING.*

22 (1) THE COMMISSION’S CHAIR OR THE EXECUTIVE DIRECTOR MUST GIVE NOTICE OF A
23 PUBLIC HEARING TO BE HELD BY THE COMMISSION ON THE PROPOSAL, AS FOLLOWS:.

24 (I) BY CAUSING A SIGN TO BE CONSPICUOUSLY POSTED ON THE STRUCTURE; AND

25 (II) BY FIRST-CLASS MAIL TO EACH PERSON WHO APPEARS ON THE TAX RECORDS OF
26 THE CITY AS AN OWNER OF THE SUBJECT PROPERTY.

27 (2) THE NOTICE MUST INCLUDE:

28 (I) A STATEMENT THAT THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL
29 PRESERVATION PROPOSES TO ADD THE STRUCTURE TO THE POTENTIAL-
30 LANDMARK LIST: EXTERIORS OR POTENTIAL-LANDMARK LIST: PUBLIC
31 INTERIORS, AS THE CASE MAY BE;

32 (II) THE PROPOSED DATE, TIME, AND PLACE OF THE PUBLIC HEARING TO BE HELD
33 ON THE PROPOSAL; AND

34 (III) THE COMMISSION’S CONTACT INFORMATION (INCLUDING A PHONE NUMBER)
35 FOR OBTAINING ADDITIONAL INFORMATION ON THE PROPOSAL AND UPDATED
36 INFORMATION ON THE DATE, TIME, AND PLACE OF THE HEARING.

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1 (C) *TIMING OF HEARING.*

2 THE PUBLIC HEARING MUST BE HELD ON A DATE THAT IS:

3 (1) NO SOONER THAN 30 DAYS FROM THE TIME THE SIGN IS POSTED; AND

4 (2) EXCEPT AS AGREED TO BY THE OWNER OF THE SUBJECT PROPERTY, NO LATER THAN
5 60 DAYS FROM THE TIME THE SIGN IS POSTED.

6 (D) *FINAL DECISION.*

7 AT THE END OF THE PUBLIC HEARING, THE COMMISSION MUST RENDER ITS DECISION ON
8 WHETHER TO INCLUDE THE STRUCTURE ON THE POTENTIAL-LANDMARK LIST.

9 **§ 5-5. PROTECTIONS PENDING DECISION.**

10 FROM THE TIME THE SIGN IS POSTED UNTIL THE COMMISSION MAKES ITS FINAL DECISION, THE
11 STRUCTURE IS SUBJECT TO THE REQUIREMENTS, PROCEDURES, AND PROTECTIONS OF SUBTITLE
12 8 {"ALTERATIONS, ETC., TO OR AFFECTING PROPERTIES"} OF THIS ARTICLE.

13 **§ 5-6. EXPIRATION OF DESIGNATION.**

14 THE INCLUSION OF ANY PROPERTY IN THE POTENTIAL-LANDMARK LIST: EXTERIORS OR THE
15 POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS, AS THE CASE MAY BE, AUTOMATICALLY
16 EXPIRES:

17 (1) ON THE 180TH DAY AFTER THE COMMISSION’S DECISION TO ADD THE STRUCTURE TO
18 THAT LIST, UNLESS, BEFORE THAT DATE, A PROPOSED ORDINANCE IS INTRODUCED INTO
19 THE CITY COUNCIL TO ADD THE STRUCTURE TO THE LANDMARK LIST: EXTERIORS OR
20 THE LANDMARK LIST: PUBLIC INTERIORS, RESPECTIVELY; OR

21 (2) IF A PROPOSED LANDMARK ORDINANCE IS INTRODUCED INTO THE CITY COUNCIL
22 BEFORE THAT 180TH DAY BUT HAS NOT YET BEEN ENACTED, 1 YEAR FROM THE DATE OF
23 THE PROPOSED ORDINANCE’S INTRODUCTION.

24 **§ 5-7. LIMITATIONS ON RE-PROPOSAL.**

25 (A) *SCOPE.*

26 THIS SECTION APPLIES TO:

27 (1) ANY PROPERTY FOR WHICH NOTICE OF ITS PROPOSED ADDITION TO THE POTENTIAL-
28 LANDMARK LIST WAS POSTED UNDER § 5-4 {"PROCEDURE TO DESIGNATE"} OF
29 THIS ARTICLE, BUT FOR WHICH NO FINAL DECISION TO INCLUDE IT ON THE LIST WAS
30 RENDERED WITHIN THE PERIOD REQUIRED BY THAT SECTION; OR

31 (2) ANY PROPERTY THAT WAS INCLUDED ON THE POTENTIAL-LANDMARK LIST, BUT
32 WHOSE DESIGNATION HAS EXPIRED BY OPERATION OF § 5-6 {"EXPIRATION OF
33 DESIGNATION"} OF THIS ARTICLE.

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1 (B) *GENERAL PROHIBITION.*

2 EXCEPT AS EXPRESSLY PERMITTED IN SUBSECTION (C) OF THIS SECTION, THE COMMISSION
3 MAY NOT:

- 4 (1) RE-PROPOSE THE ADDITION OR REINSTATEMENT TO THE POTENTIAL-LANDMARK
5 LIST OF ANY PROPERTY DESCRIBED IN SUBSECTION (A) OF THIS SECTION; OR
- 6 (2) INITIATE A PROPOSED ORDINANCE TO ADD THAT PROPERTY TO THE LANDMARK
7 LIST.

8 (C) *WHEN RE-DESIGNATION PERMITTED.*

9 (1) THE COMMISSION MAY AGAIN PROPOSE TO ADD OR REINSTATE THE PROPERTY TO THE
10 POTENTIAL-LANDMARK LIST, SUBJECT AGAIN TO THE PROCEDURES AND OTHER
11 PROVISIONS OF THIS SUBTITLE, ONLY AFTER THE FIRST TO OCCUR OF:

- 12 (I) 2 YEARS FROM THE DATE ON WHICH THE PREVIOUS PROPOSAL FAILED OR THE
13 DESIGNATION EXPIRED, AS THE CASE MAY BE;
- 14 (II) THE ELECTION AND START OF A NEW 4-YEAR TERM OF OFFICE FOR THE
15 MEMBERS OF THE CITY COUNCIL; OR
- 16 (III) THE CITY COUNCIL’S PASSAGE OF A RESOLUTION REQUESTING OR
17 AUTHORIZING THE COMMISSION TO DO SO.

18 (2) THE COMMISSION MAY INITIATE PROCEEDINGS TO ADD THE STRUCTURE TO THE
19 LANDMARK LIST, SUBJECT TO THE PROCEDURES AND OTHER PROVISIONS OF SUBTITLE
20 4 {“DESIGNATION OF LANDMARKS”} OF THIS ARTICLE, ONLY AFTER THE FIRST TO
21 OCCUR OF:

- 22 (I) 2 YEARS FROM THE DATE ON WHICH THE PREVIOUS PROPOSAL FAILED OR THE
23 DESIGNATION EXPIRED, AS THE CASE MAY BE;
- 24 (II) THE ELECTION AND START OF A NEW 4-YEAR TERM OF OFFICE FOR THE
25 MEMBERS OF THE CITY COUNCIL; OR
- 26 (III) THE CITY COUNCIL’S PASSAGE OF A RESOLUTION REQUESTING OR
27 AUTHORIZING THE COMMISSION TO DO SO.

28 **SUBTITLE 6. INVENTORY OF HISTORIC PLACES**

29 **§ 6-1. CHAP TO MAINTAIN INVENTORY.**

30 THE COMMISSION’S EXECUTIVE DIRECTOR SHALL CREATE AND MAINTAIN AN INVENTORY OF
31 HISTORIC PLACES, TO IDENTIFY AREAS OR STRUCTURES THAT, WHILE NOT DESIGNATED AS
32 PRESERVATION DISTRICTS, LANDMARKS, OR POTENTIAL LANDMARKS, ARE NONETHELESS
33 HISTORICALLY OR ARCHITECTURALLY NOTEWORTHY.

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1 **§ 6-2. PURPOSE OF INVENTORY.**

2 THE PRIMARY PURPOSE OF THE INVENTORY IS TO SERVE AS A RESEARCH AND
3 DOCUMENTATION INSTRUMENT THAT INFORMS AND PROVIDES GUIDANCE TO THE
4 DEPARTMENT OF PLANNING AND THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL
5 PRESERVATION.

6 **§ 6-3. NON-REGULATORY NATURE OF INVENTORY.**

7 (A) *GENERAL.*

8 EXCEPT ONLY AS OTHERWISE EXPRESSLY PROVIDED IN THIS ARTICLE, THE INVENTORY IS
9 NOT A REGULATORY INSTRUMENT.

10 (B) *NO DETERMINATION OF ELIGIBILITY FOR DESIGNATION.*

11 INCLUSION OF AN AREA OR STRUCTURE IN THE INVENTORY IS NOT A DETERMINATION OF
12 ELIGIBILITY FOR DESIGNATION AS A PRESERVATION DISTRICT, LANDMARK, OR POTENTIAL
13 LANDMARK.

14 **SUBTITLE 7. SUBDIVISION OF DESIGNATED PROPERTIES**

15 **§ 7-1. SCOPE OF SUBTITLE.**

16 THIS SUBTITLE APPLIES TO ANY LAND OR OTHER PROPERTY WITHIN THE BOUNDARIES OF A
17 STRUCTURE ON THE LANDMARK LIST: EXTERIORS OR THE POTENTIAL-LANDMARK LIST:
18 EXTERIORS.

19 **§ 7-2. EFFECT OF SUBDIVISION.**

20 IF ANY LAND OR OTHER PROPERTY SUBJECT TO THIS SUBTITLE IS SUBDIVIDED, ALL LOTS,
21 PLATS, SITES, OR OTHER DIVISIONS LAND RESULTING FROM THE SUBDIVISION ARE
22 AUTOMATICALLY CONSIDERED TO RETAIN THE SAME LANDMARK OR POTENTIAL-LANDMARK
23 DESIGNATION AND PROTECTION AS THE ORIGINAL SITE HAD BEFORE ITS SUBDIVISION.

24 **§ 7-3. PLANNING COMMISSION TO NOTIFY CHAP OF SUBDIVISION.**

25 AS SOON AS POSSIBLE AFTER A FINAL SUBDIVISION PLAN HAS BEEN RECORDED FOR ANY LAND
26 OR OTHER PROPERTY SUBJECT TO THIS SUBTITLE:

27 (1) THE PLANNING COMMISSION MUST SUBMIT A COPY OF THE APPROVED PLAN TO THE
28 COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION; AND

29 (2) THE COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION MUST:

30 (I) UPDATE ITS RECORDS ACCORDINGLY; AND

31 (II) REQUEST THE DEPARTMENT OF LEGISLATIVE REFERENCE TO INSERT AN
32 EDITOR'S NOTE TO THE APPROPRIATE SECTION OF SUBTITLE 13 ET SEQ . OF
33 THIS ARTICLE TO INDICATE ANY CHANGE IN THE RELEVANT DESCRIPTION.

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SUBTITLE 8. ALTERATIONS, ETC., TO OR AFFECTING PROPERTIES

§ 8-1. RELATED RULES AND REGULATIONS.

(A) *GENERAL.*

THE RULES AND REGULATIONS ADOPTED BY THE COMMISSION UNDER THIS ARTICLE:

(1) MUST INCLUDE DESIGN GUIDELINES FOR UNDERTAKING REGULATED ALTERATIONS;
AND

(2) MAY INCLUDE PROVISIONS DELEGATING TO THE EXECUTIVE DIRECTOR OR OTHER
COMMISSION STAFF THE AUTHORITY TO REVIEW AND APPROVE REGULATED
ALTERATIONS THAT INVOLVE ONLY MINOR WORK, AS DEFINED IN SUBSECTION (B)
OF THIS SECTION.

(B) *“MINOR WORK” DEFINED..*

“MINOR WORK” MEANS WORK THAT:

(1) DOES NOT SIGNIFICANTLY CHANGE THE OVERALL APPEARANCE OF OR REMOVE
HISTORIC FABRIC; AND

(2) CLEARLY MEETS THE APPLICABLE DESIGN GUIDELINES ADOPTED BY THE
COMMISSION UNDER THIS ARTICLE.

§ 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
HISTORICAL AND ARCHITECTURAL PRESERVATION 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.

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1 (B) *PUBLIC INTERIORS.*

2 NO PERSON MAY UNDERTAKE, CAUSE, OR ALLOW ANY OF THE FOLLOWING REGULATED
3 ALTERATIONS FOR OR WITH RESPECT TO ANY STRUCTURE ON THE LANDMARK LIST:
4 PUBLIC INTERIORS OR THE POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS WITHOUT
5 FIRST OBTAINING A PERMIT TO DO SO FROM THE BUILDING OFFICIAL:

- 6 (1) ANY RECONSTRUCTION, ALTERATION, OR REMOVAL OF ANY INTERIOR
7 ARCHITECTURAL FEATURE, AS DEFINED IN SUBSECTION (C) OF THIS SECTION;
- 8 (2) ANY CHANGE IN AN INTERIOR COLOR, WHETHER BY PAINTING OR OTHER MEANS;
- 9 (3) ANY INTERIOR EXCAVATION;
- 10 (4) THE CONSTRUCTION OR ERECTION OF ANY INTERIOR WALL OR OTHER STRUCTURE
11 OF ANY KIND; OR
- 12 (5) ANY INTERIOR DEMOLITION.

13 (C) *“INTERIOR ARCHITECTURAL FEATURE” DEFINED.*

14 (1) *IN GENERAL.*

15 IN THIS SECTION, “INTERIOR ARCHITECTURAL FEATURE” MEANS THE ARCHITECTURAL
16 STYLE, DESIGN, GENERAL ARRANGEMENT, AND COMPONENTS OF A DESIGNATED
17 INTERIOR.

18 (2) *INCLUSIONS.*

19 “INTERIOR ARCHITECTURAL FEATURE” INCLUDES THE KIND, COLOR, AND TEXTURE OF
20 THE BUILDING MATERIAL AND THE TYPE AND STYLE OF WINDOWS, DOORS, LIGHTS,
21 SIGNS, PLAQUES, DECORATIVE FINISHES, MURALS, ART WORK, FLOOR PLAN, AND OTHER
22 FIXTURES APPURTENANT TO THE INTERIOR.

23 **§ 8-3. {RESERVED}**

24 **§ 8-4. CHAP TO REVIEW.**

25 (A) *REFERRAL BY BUILDING OFFICIAL.*

26 WITHIN 2 DAYS OF RECEIVING A PERMIT APPLICATION FOR OR INVOLVING A REGULATED
27 ALTERATION, THE BUILDING OFFICIAL MUST FORWARD THE APPLICATION, TOGETHER WITH
28 ALL ACCOMPANYING PLANS AND SPECIFICATIONS, TO THE COMMISSION.

29 (B) *PLANS, ETC., TO BE AVAILABLE.*

- 30 (1) ON REQUEST OF THE COMMISSION OR ITS STAFF, THE APPLICANT MUST SUBMIT TO THE
31 COMMISSION ANY ADDITIONAL PLANS, ELEVATIONS, AND OTHER RELATED
32 INFORMATION NEEDED TO DETERMINE THE APPROPRIATENESS OF THE PROPOSED
33 REGULATED ALTERATION.

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1 (2) THE COMMISSION MAY NOT MAKE ANY DETERMINATION CONCERNING THE PROPOSED
2 REGULATED ALTERATION UNTIL IT IS SATISFIED THAT:

3 (I) THE PERMIT APPLICATION IS COMPLETE; AND

4 (II) THE COMMISSION HAS RECEIVED ALL OTHER NEEDED DOCUMENTS AND
5 INFORMATION, AS REQUESTED.

6 (C) *CHAP APPROVAL PREREQUISITE FOR PERMIT.*

7 THE BUILDING OFFICIAL MAY NOT ISSUE A PERMIT FOR ANY REGULATED ALTERATION
8 UNLESS THE COMMISSION FIRST ISSUES AN AUTHORIZATION TO PROCEED.

9 **§ 8-5. PUBLIC HEARING.**

10 (A) *POSTING NOTICE.*

11 IF AN AUTHORIZATION TO PROCEED IS NOT ISSUED WITHIN 11 DAYS OF THE COMMISSION'S
12 HAVING RECEIVED A COMPLETED APPLICATION, THE EXECUTIVE DIRECTOR MUST CAUSE A
13 SIGN TO BE CONSPICUOUSLY POSTED ON THE STRUCTURE INVOLVED, GIVING NOTICE OF:

14 (1) THE TYPE OF ALTERATIONS PROPOSED; AND

15 (2) THE DATE, TIME, AND PLACE OF A PUBLIC HEARING TO BE HELD BY THE
16 COMMISSION ON THE PROPOSAL.

17 (B) *HEARING.*

18 THE PUBLIC HEARING MUST BE HELD:

19 (I) AT THE NEXT REGULAR COMMISSION MEETING SCHEDULED FOR A DATE THAT IS NO
20 SOONER THAN 10 DAYS NOR LATER THAN 45 DAYS FROM THE TIME THE SIGN IS
21 POSTED; OR

22 (II) IF NO REGULAR MEETING HAS BEEN SCHEDULED FOR THAT PERIOD, AT A SPECIAL
23 MEETING CALLED FOR A DATE THAT IS NO SOONER THAN 10 DAYS NOR LATER THAN
24 20 DAYS FROM THE TIME THE SIGN IS POSTED.

25 **§ 8-6. CHAP DETERMINATION.**

26 (A) *IN GENERAL.*

27 WITHIN 21 DAYS AFTER THE PUBLIC HEARING CONCLUDES, OR WITHIN ANY ADDITIONAL
28 TIME THAT THE APPLICANT APPROVES IN WRITING, THE COMMISSION MUST DETERMINE
29 WHETHER TO APPROVE OR DENY THE ISSUANCE OF AN AUTHORIZATION TO PROCEED.

30 (B) *CRITERIA FOR AUTHORIZATION TO PROCEED.*

31 THE COMMISSION MAY APPROVE ISSUANCE OF AN AUTHORIZATION TO PROCEED ONLY IF
32 IT DETERMINES THAT:

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1 (1) THE PROPOSED REGULATED ALTERATION IS COMPLIANT WITH THE COMMISSION’S
2 DESIGN GUIDELINES AND OTHERWISE APPROPRIATE TO THE PRESERVATION OF THE
3 PARTICULAR PRESERVATION DISTRICT OR TO THE PRESERVATION OF THE
4 STRUCTURE ON THE LANDMARK LIST OR POTENTIAL-LANDMARK LIST; OR

5 (2) NOTWITHSTANDING THAT THE PROPOSED REGULATED ALTERATION IS, IN THE
6 OPINION OF THE COMMISSION, NONCOMPLIANT WITH THE COMMISSION’S DESIGN
7 GUIDELINES OR OTHERWISE INAPPROPRIATE:

8 (I) THE PROPOSED ALTERATION NONETHELESS IS WITHOUT SUBSTANTIAL
9 DETRIMENT TO THE PUBLIC WELFARE AND WITHOUT SUBSTANTIAL
10 DEROGATION OF THE INTENTS AND PURPOSES OF THIS ARTICLE; AND

11 (II) DENIAL OF AN AUTHORIZATION TO PROCEED WOULD RESULT IN
12 SUBSTANTIAL HARDSHIP TO THE APPLICANT.

13 (C) *FACTORS TO BE CONSIDERED.*

14 IN PASSING ON APPROPRIATENESS, THE COMMISSION MUST CONSIDER, AMONG OTHER
15 PERTINENT FACTORS:

16 (1) THE STRUCTURE’S HISTORIC OR ARCHITECTURAL SIGNIFICANCE;

17 (2) THE LOCATION AND VISIBILITY OF THE PROPOSED ALTERATION; AND

18 (3) THE HISTORIC OR ARCHITECTURAL SIGNIFICANCE, ARCHITECTURAL STYLE,
19 GENERAL DESIGN, ARRANGEMENT, TEXTURE, MATERIAL, AND COLOR OF
20 ARCHITECTURAL FEATURES OF OTHER STRUCTURES IN THE IMMEDIATE
21 NEIGHBORHOOD.

22 **§ 8-7. {RESERVED}**

23 **§ 8-8. ISSUANCE OF AUTHORIZATION TO PROCEED.**

24 (A) *ISSUANCE.*

25 IF THE COMMISSION APPROVES THE ISSUANCE OF AN AUTHORIZATION TO PROCEED, THE
26 EXECUTIVE DIRECTOR MUST PROMPTLY ISSUE THE AUTHORIZATION TO PROCEED AND
27 FORWARD IT TO THE BUILDING OFFICIAL, ALONG WITH THE RELATED APPLICATION, PLANS,
28 AND SPECIFICATIONS.

29 (B) *CONTENTS OF AUTHORIZATION TO PROCEED.*

30 THE AUTHORIZATION TO PROCEED MUST CONTAIN:

31 (1) A DESCRIPTION OF THE REGULATED ALTERATION BEING APPROVED;

32 (2) A REFERENCE TO WHETHER THE APPROVAL IS PREMISED ON:

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1 (I) A FINDING THAT THE ALTERATION IS COMPLIANT WITH THE DESIGN
2 GUIDELINES AND IS OTHERWISE APPROPRIATE (AS REQUIRED BY § 8-6(B)(1)
3 OF THIS SUBTITLE); OR

4 (II) A FINDING THAT THE ALTERATION IS NONCOMPLIANT OR OTHERWISE
5 INAPPROPRIATE, BUT:

6 (A) IT IS WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC WELFARE
7 AND WITHOUT SUBSTANTIAL DEROGATION OF THIS ARTICLE (AS
8 REQUIRED BY § 8-6(B)(2)(I) OF THIS SUBTITLE); AND

9 (B) DENIAL WOULD RESULT IN SUBSTANTIAL HARDSHIP TO THE
10 APPLICANT (AS REQUIRED BY § 8-6(B)(2)(II) OF THIS SUBTITLE);

11 (3) THE SUBSTANCE OF ANY CONDITIONS, RESTRICTIONS, OR LIMITATIONS IMPOSED BY
12 THE COMMISSION TO MINIMIZE THE DEGREE TO WHICH THE ALTERATION
13 OTHERWISE WOULD BE NONCOMPLIANT WITH THE COMMISSION'S DESIGN
14 GUIDELINES OR OTHERWISE INAPPROPRIATE; AND

15 (4) THE DATE ON WHICH THE AUTHORIZATION TO PROCEED IS ISSUED.

16 (C) *TERM OF NOTICE.*

17 UNLESS AN EXTENSION IS GRANTED, EVERY AUTHORIZATION TO PROCEED EXPIRES AND
18 BECOMES INVALID IF A BUILDING PERMIT IS NOT OBTAINED AND THE WORK AUTHORIZED
19 BEGUN WITHIN 1 YEAR AFTER THE AUTHORIZATION TO PROCEED IS ISSUED.

20 **§ 8-9. DENIAL OF AUTHORIZATION TO PROCEED – DISTRICTS AND LANDMARKS.**

21 IN THE CASE OF A STRUCTURE LOCATED WITHIN A PRESERVATION DISTRICT OR INCLUDED ON
22 THE LANDMARK LIST, IF THE COMMISSION DETERMINES THAT AN AUTHORIZATION TO
23 PROCEED SHOULD NOT BE ISSUED, THE COMMISSION MUST PROMPTLY NOTIFY THE APPLICANT
24 AND THE BUILDING OFFICIAL IN WRITING OF:

25 (1) THE REASON FOR THAT DETERMINATION; AND

26 (2) ANY RECOMMENDATIONS THAT THE COMMISSION MIGHT HAVE ABOUT THE PROPOSED
27 ALTERATION.

28 **§ 8-10. DENIAL OF AUTHORIZATION TO PROCEED – POTENTIAL LANDMARKS.**

29 (A) *COMMISSION TO NOTIFY BUILDING OFFICIAL.*

30 IN THE CASE OF A STRUCTURE ON THE POTENTIAL-LANDMARK LIST, IF THE COMMISSION
31 DETERMINES THAT THE PROPOSED REGULATED ALTERATION IS INAPPROPRIATE, THE
32 COMMISSION MUST NOTIFY THE BUILDING OFFICIAL IN WRITING TO POSTPONE ISSUANCE
33 OF THE PERMIT.

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1 (B) *BUILDING OFFICIAL TO POSTPONE.*

2 IF THE BUILDING OFFICIAL IS SO NOTIFIED, THE BUILDING OFFICIAL MUST POSTPONE
3 ISSUANCE OF THE PERMIT UNTIL THE FIRST TO OCCUR OF:

4 (1) 180 DAYS FROM THE DATE OF THE NOTIFICATION TO POSTPONE; OR

5 (2) A SUBSEQUENT NOTIFICATION BY THE COMMISSION TO ISSUE THE PERMIT.

6 (C) *COMMISSION TO CONSULT WITH APPLICANT AND OTHERS.*

7 DURING THE PERIOD OF POSTPONEMENT, THE COMMISSION MUST MEET WITH THE
8 APPLICANT AND MAY CONSULT WITH CIVIC GROUPS, PUBLIC AGENCIES, AND INTERESTED
9 PERSONS TO ASCERTAIN WHAT THE CITY CAN DO TO PRESERVE THE STRUCTURE.

10 **§ 8-11. BUILDING OFFICIAL BOUND BY COMMISSION DECISION.**

11 THE BUILDING OFFICIAL IS BOUND BY THE COMMISSION’S DETERMINATIONS UNDER THIS
12 SUBTITLE AND MUST APPROVE, IF OTHERWISE IN CONFORMANCE WITH THE BUILDING, FIRE,
13 AND RELATED CODES ARTICLE, OR DISAPPROVE THE APPLICATION FOR THE PROPOSED
14 ALTERATION IN ACCORDANCE WITH THOSE DETERMINATIONS.

15 **§ 8-12. {RESERVED}**

16 **§ 8-13. MUNICIPAL STRUCTURES.**

17 (A) *“MUNICIPAL STRUCTURE” DEFINED.*

18 IN THIS SECTION, “MUNICIPAL STRUCTURE” MEANS ANY STRUCTURE THAT:

19 (1) IS OWNED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE; AND

20 (2) EITHER:

21 (I) HAS BEEN OR IS BEING USED FOR A MUNICIPAL FUNCTION, INCLUDING
22 OFFICES AND OTHER WORK PLACES, SCHOOLS, FIRE STATIONS, POLICE
23 STATIONS, MONUMENTS, WATER AND WASTE WATER FACILITIES, AND THE
24 LIKE;

25 (II) HAS BEEN OR IS BEING AGGREGATED BY OR FOR THE CITY FOR
26 REDEVELOPMENT UNDER AUTHORITY OF A MASTER PLAN OR URBAN
27 RENEWAL PLAN; OR

28 (III) MEETS ANY OTHER CRITERIA ADOPTED BY COMMISSION RULE OR
29 REGULATION FOR STRUCTURES REQUIRING REVIEW UNDER THIS SECTION.

30 (B) *SUBMISSION OF PLANS TO COMMISSION.*

31 BEFORE ANY CITY ACTION IS TAKEN TO APPROVE OR OTHERWISE AUTHORIZE THE
32 RECONSTRUCTION, EXTERIOR ALTERATION, INTERIOR ALTERATION OF AN AREA
33 CUSTOMARILY OPEN OR ACCESSIBLE TO THE PUBLIC, OR DEMOLITION OF ANY MUNICIPAL

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1 STRUCTURE, THE AGENCY RESPONSIBLE FOR PREPARING THE PLANS MUST REFER THE
2 PLANS TO THE COMMISSION FOR A REPORT.

3 (C) *ACTION BY COMMISSION.*

4 (1) THE COMMISSION’S REPORT MUST BE SUBMITTED TO THE MAYOR AND TO THE
5 RESPONSIBLE AGENCY WITHIN 45 DAYS AFTER THE REFERRAL.

6 (2) IF THE COMMISSION DOES NOT REPORT WITHIN THIS 45-DAY PERIOD, THE MAYOR MAY
7 CONCLUDE THAT THE COMMISSION DOES NOT OBJECT TO THE APPROVAL OR
8 AUTHORIZATION OF THE PLANS.

9 **§ 8-14. {RESERVED}**

10 **§ 8-15. PERMISSIBLE MAINTENANCE AND REPAIR.**

11 (A) *NO CHANGE IN DESIGN, ETC.*

12 NOTHING IN THIS ARTICLE PREVENTS THE ORDINARY MAINTENANCE OR REPAIR OF AN
13 ARCHITECTURAL FEATURE WITHIN ANY PRESERVATION DISTRICT OR ON ANY LANDMARK
14 OR POTENTIAL LANDMARK, IF THE MAINTENANCE OR REPAIR INVOLVES NO CHANGE IN
15 DESIGN, MATERIAL, COLOR, OR APPEARANCE OF THE STRUCTURE.

16 (B) *PUBLIC SAFETY NEEDS.*

17 NOTHING IN THIS ARTICLE PREVENTS THE CONSTRUCTION, RECONSTRUCTION,
18 ALTERATION, OR DEMOLITION OF ANY FEATURE THAT THE BUILDING OFFICIAL CERTIFIES
19 AS BEING REQUIRED FOR PUBLIC SAFETY BECAUSE OF AN UNSAFE OR DANGEROUS
20 CONDITION.

21 **SUBTITLE 9. JUDICIAL REVIEW AND ENFORCEMENT**

22 **§ 9-1. JUDICIAL AND APPELLATE REVIEW.**

23 (A) *JUDICIAL REVIEW.*

24 WITHIN 30 DAYS AFTER THE BUILDING OFFICIAL HAS APPROVED, DISAPPROVED, OR
25 DELAYED AN APPLICATION FOR A PERMIT, A PERSON AGGRIEVED BY ANY DECISION OF THE
26 COMMISSION MAY SEEK JUDICIAL REVIEW OF THAT DECISION BY PETITION TO THE CIRCUIT
27 COURT FOR BALTIMORE CITY IN ACCORDANCE WITH THE MARYLAND RULES OF
28 PROCEDURE.

29 (B) *APPELLATE REVIEW.*

30 A PARTY TO THE JUDICIAL REVIEW MAY APPEAL THE COURT’S FINAL DECISION TO THE
31 COURT OF SPECIAL APPEALS IN ACCORDANCE WITH THE MARYLAND RULES OF
32 PROCEDURE.

33 **§§ 9-2 TO 9-5. {RESERVED}**

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§ 9-6. ENFORCEMENT GENERALLY.

(A) *UNLAWFUL ACTS.*

IT IS UNLAWFUL FOR ANY PERSON TO BE IN CONFLICT WITH OR IN VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE, REGULATION, DECISION, PERMIT, NOTICE, OR ORDER ISSUED UNDER THIS ARTICLE.

(B) *ENFORCEMENT AND PENALTIES.*

THIS ARTICLE AND THE RULES, REGULATIONS, DECISIONS, PERMITS, NOTICES, AND ORDERS ISSUED UNDER THIS ARTICLE MAY BE ENFORCED BY THE BUILDING OFFICIAL AND PENALTIES MAY BE IMPOSED FOR VIOLATIONS OF THEIR PROVISIONS AS PROVIDED IN CHAPTER 1 {"SCOPE AND ADMINISTRATION"} OF THE BALTIMORE CITY BUILDING CODE FOR THE ENFORCEMENT OF AND THE IMPOSITION OF VIOLATION PENALTIES UNDER THAT CODE.

§ 9-7. INJUNCTIONS.

ON APPLICATION OF THE COMMISSION, THE DISTRICT COURT OR THE CIRCUIT COURT FOR BALTIMORE CITY MAY:

(1) RESTRAIN OR ENJOIN THE ALTERATION OF ANY STRUCTURE IN VIOLATION OF THIS ARTICLE; AND

(2) ORDER:

(I) THE REMOVAL OF ANY ARCHITECTURAL FEATURE CONSTRUCTED OR RECONSTRUCTED IN VIOLATION OF THIS ARTICLE; OR

(II) THE SUBSTANTIAL RESTORATION OF ANY ARCHITECTURAL FEATURE ALTERED OR DEMOLISHED IN VIOLATION OF THIS ARTICLE.

§ 9-8. CRIMINAL PENALTIES.

(A) *IN GENERAL.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE OR OF ANY RULE, REGULATION, DECISION, PERMIT CONDITION, NOTICE, OR ORDER ISSUED UNDER THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ORDAINED, That City Code Article 6 {"Historical and Architectural Preservation"}, Subtitles 7, 9 through 12, 13, and 13A, respectively, be renumbered

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1 to be Subtitles 11, 13 through 16, 17A and 17B, respectively, and that the individual sections in
2 those subtitles be renumbered accordingly.

3 **SECTION 3. AND BE IT FURTHER ORDAINED,** That other Laws of Baltimore City read as
4 follows:

5 **Baltimore City Revised Code**

6 **Article – Building, Fire, and Related Codes**

7 **Part II. International Building Code**

8 **§ 2-103. City modifications.**

9 The additions, deletions, amendments, and other modifications adopted by the City are as
10 follows:

11 **Chapter 1. Scope and Administration**

12 **Section 105 Permits**

13 **105.1 Required.** A permit issued by the Building Official is required before any person may
14 do any of the following work:

- 15 1. construct, alter, add to, repair, rehabilitate, demolish, or move any structure,
- 16 2. change the use of any structure or land,
- 17 3. install or alter any equipment subject to this Code,
- 18 4. move a lot line that affects any structure, [or]
- 19 5. perform any grading or excavating, OR
- 20 6. UNDERTAKE, CAUSE, OR ALLOW ANY ADDITION, ALTERATION OR OTHER ACTION
21 DESCRIBED IN EITHER OF THE FOLLOWING PROVISIONS OF CITY CODE ARTICLE 6
22 {“HISTORICAL AND ARCHITECTURAL PRESERVATION”}:

23 A. § 8-2(A) {“BUILDING PERMIT REQUIRED: EXTERIOR STRUCTURES”},
24 DESCRIBING ACTIONS FOR OR WITH RESPECT TO ANY STRUCTURE:

- 25 I. WITHIN AN HISTORICAL AND ARCHITECTURAL PRESERVATION
26 DISTRICT,
- 27 II. ON THE LANDMARK LIST: EXTERIORS, OR
- 28 III. ON THE POTENTIAL-LANDMARK LIST: EXTERIORS, OR

29 B, § 8-2(B) {“BUILDING PERMIT REQUIRED: PUBLIC INTERIORS”}, DESCRIBING
30 ACTIONS FOR OR WITH RESPECT TO ANY STRUCTURE:

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I. ON THE LANDMARK LIST: PUBLIC INTERIORS; OR

II. ON THE POTENTIAL-LANDMARK LIST: PUBLIC INTERIORS.

105.3 Application for permit. To obtain a permit, the applicant must first file an application on the form provided by the Building Official for that purpose. The application must:

- ...
- 7. if the property is [in] LOCATED WITHIN an Historical and Architectural Preservation District or INCLUDED on the [Historical and Architectural Preservation] CITY’S Landmark List or [Special] POTENTIAL-LANDMARK List, be [accompanied by a Notice to Proceed or a Certificate of Appropriateness from] FORWARDED TO the Commission for Historical and Architectural Preservation, FOR REVIEW AND ACTION UNDER CITY CODE ARTICLE 6 {“HISTORICAL AND ARCHITECTURAL PRESERVATION”}, SUBTITLE 8 {“Alterations, etc., to OR AFFECTING Properties”},
-

Section 114 Violations

114.1 Unlawful acts. It is unlawful for any person to:

- 1. construct, alter, add to, repair, rehabilitate, demolish, move, locate, use, occupy, or maintain any structure, premises, land, or equipment [regulated by this Code,] contrary to or in conflict with or in violation of:
 - a. any provision of this Code,
 - B. ANY PROVISION OF CITY CODE ARTICLE 6 {“HISTORICAL AND ARCHITECTURAL PRESERVATION”}, or
 - C. [b.] any provision of any RULE, regulation, [order, requirement,] decision, permit, [or] notice. OR ORDER issued under this Code OR UNDER CITY CODE ARTICLE 6 by the Building Official, BY THE COMMISSION FOR ARCHITECTURAL AND HISTORICAL PRESERVATION, or by any other person, board, department, bureau, commission, or agency with jurisdiction, [or]
- 2. otherwise fail to comply with any provision of this Code, OF CITY CODE ARTICLE 6, or of any RULE, regulation, [order, requirement,] decision, permit, [or] notice, OR ORDER issued under this Code OR CITY CODE ARTICLE 6, or
- 3. cause any of these acts or omissions to be done.

Article – Zoning

Title 4. Residence Districts

Subtitle 1. Overview; General Requirements

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§ 4-106. Preexisting accessory carriage house.

(c) *Certain structures in [historic] preservation district.*

In any [Historic] HISTORICAL and Architectural Preservation District, a 1-story accessory building may be restored as a 2-story single-family dwelling if:

- (1) it can be proved that the accessory building was formerly of 2-story construction; and
- (2) all other requirements of this section are met.

Title 14. Conditional Uses

Subtitle 3. Additional Considerations for Certain Uses

§ 14-317. Antenna towers, microwave relay towers, etc., for communications.

(a) *Referral for review by Preservation Division.*

For the placement or erection of antenna towers, microwave relay towers, and similar installations for communications transmission or receiving, the Zoning Administrator must, within 10 working days of receiving the application, refer the application and all accompanying documents to the Historical and Architectural Preservation Division of the Department of Planning for review.

(b) *Division report.*

(1) Within 10 working days after the referral, the Historical and Architectural Preservation Division must report to the Board whether the proposed location of the installation is:

- (i) on a [Baltimore City] PROPERTY [Landmark List property or] THAT IS LOCATED within [a Baltimore City] AN Historical and Architectural Preservation District OR INCLUDED ON THE CITY'S LANDMARK LIST OR POTENTIAL-LANDMARK LIST;
- (ii) on a property or within a district listed on the Maryland [Inventory] REGISTER of Historic Properties; or
- (iii) on a property or within a district listed on the National Register of Historic Places.

(2) If the proposed location meets one or more of these criteria, the Division must report to the Board, within 45 days after the referral:

- (i) whether the installation will have an adverse effect on the property or district; and
- (ii) if so, whether and how that adverse effect can be adequately mitigated.

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1 (c) *Board action.*

2 The Board may act on the application:

- 3 (1) after receipt and consideration of the report and recommendations of the
- 4 Historical and Architectural Preservation Division; or
- 5 (2) without the report and recommendations of the Division if the Division fails to
- 6 submit its report within the period specified in subsection (b)(2) of this section.

7 (d) *Required findings.*

8 To approve an application, the Board must find, and require as a condition of approval,

9 that:

- 10 (1) the proposed location does not meet any of the criteria listed in subsection (b)(1)
- 11 of this section; or
- 12 (2) if it does meet one or more of these criteria:
 - 13 (i) the installation will not have an adverse effect on the property or the
 - 14 district; or
 - 15 (ii) the applicant will adequately mitigate any adverse effect, as specified in
 - 16 the Division’s report and recommendations or, absent a timely report from
 - 17 the Division, as specified in the Board’s decision.

18 **Baltimore City Code**

19 **Article 26. Surveys, Streets, and Highways**

20 **Subtitle 7. Street Names**

21 **§ 7-3. Procedure for change.**

22 (a) *Referral to [Department and CHAP] AGENCIES.*

23 Whenever [an ordinance or resolution] A BILL is introduced in the City Council [of

24 Baltimore] to NAME OR [change the name of] RENAME any public street, avenue, or other

25 thoroughfare [within the corporate limits of] IN Baltimore City, [or to name any street,

26 avenue, or other thoroughfare within said corporate limits,] the [same] BILL shall at once

27 be referred to the Department of [Public Works] TRANSPORTATION and to the

28 [Commission for] DEPARTMENT OF PLANNING’S Historical and Architectural Preservation

29 DIVISION for a written report as to the advisability of the [passage of such ordinance or

30 the adoption of such resolution] PROPOSED NAME.

31 (b) *Reports required for action.*

32 The Department OF TRANSPORTATION and the [Commission] HISTORICAL AND

33 ARCHITECTURAL PRESERVATION DIVISION [are hereby authorized and directed to make

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1 such] SHALL SUBMIT THEIR reports as soon as practicable, and no further action [shall]
2 MAY be taken by the City Council on [such ordinance or resolution] THE BILL pending the
3 receipt of [such] THOSE reports.

4 (c) *Guidelines.*

5 In naming or changing the name of any street, avenue, or other thoroughfare, the
6 following guidelines shall be observed:

- 7 (1) the name [shall] MAY not be the same as the name of an existing STREET, AVENUE,
8 OR thoroughfare;
- 9 (2) the name [shall] MAY not be the name of a living person or persons;
- 10 (3) the name [shall] MAY not be the name of an existing or proposed business or OF
11 AN existing [product] or proposed product of a business; and
- 12 (4) the [proposed] name shall be given to the entire length of the street, avenue, or
13 thoroughfare.

14 **Article 31. Transit and Traffic**

15 **Subtitle 13. Baltimore City Parking Authority**

16 **§ 13-15. Compliance with other City laws and regulations.**

17 (b) *Historical and architectural preservation.*

18 For any parking project on or proposed for a site that is [in] LOCATED WITHIN an
19 Historical and Architectural Preservation District or that is on [a] THE Landmark List or
20 [Special] POTENTIAL-LANDMARK List, the Authority must comply with all requirements
21 of City Code Article 6 {"Historical and Architectural Preservation"}.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
23 are not law and may not be considered to have been enacted as a part of this or any prior
24 Ordinance.

25 **SECTION 4. AND BE IT FURTHER ORDAINED,** That, as of the effective date of this Ordinance:

- 26 (a) the Special List: Exteriors and the Special List: Public Interiors then maintained by
27 the Commission for Historical and Architectural Preservation automatically become
28 the Potential-Landmark List: Exteriors and the Potential-List: Public Interiors,
29 respectively, established by this Ordinance;
- 30 (b) all structures then listed on either Special List automatically become subject to the
31 provisions of this Ordinance governing the corresponding Potential-Landmark List;
32 and.
- 33 (c) for purposes of computing the potential automatic expiration of these newly
34 designated Potential-Landmarks, the 180-day time period specified in City Code

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1 Article 6, § 5-6(1), as enacted by this Ordinance, begins to run on the effective date of
2 this Ordinance.

3 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 60th day
4 after the date it is enacted.