Introduced by: Councilmember Middleton

At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181

Prepared by: Department of Legislative Reference **Date:** October 4, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0151

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3310 Ridgewood Avenue

FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

1050-14-1 REV.10/93

Agencies

_____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

✓ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

✓ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other:_____

_____ Other:_____

Boards and Commissions

_____ Board of Estimates

_____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

_____ Parking Authority Board

✓ Planning Commission

_____ Wage Commission

_____ Other:_____

_____ Other:_____

_____ Other:_____

CITY OF BALTIMORE
ORDINANCE 18-122
Council Bill 17-0151

Introduced by: Councilmember Middleton
At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181
Introduced and read first time: October 16, 2017
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: March 12, 2018

AN ORDINANCE CONCERNING

Rezoning – 3310 Ridgewood Avenue

FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying revised plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 22 of the Zoning District Map is amended by changing from the TOD-2 Zoning District to the I-2 Zoning District the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the revised plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying revised plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

dir17-0377-3rd/01Mar18
rezone/cb17-0151-3rd/nbr

Council Bill 17-0151

Certified as duly passed this _____ day of MAR 26 2018

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of MAR 26 2018

Chief Clerk

Approved this 27 day of March, 2018

Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 27th Day of March 2018

Chief Solicitor

dir17-0377-3rd/01Mar18
rezone/cb17-0151-3rd/nbr

APPROVED FOR FORM,
STYLE, AND TEXTUAL SUFFIENCY

3-1-18
DEPT LEGISLATIVE REFERENCE

AMENDMENTS TO COUNCIL BILL 17-0151
(1st Reader Copy)

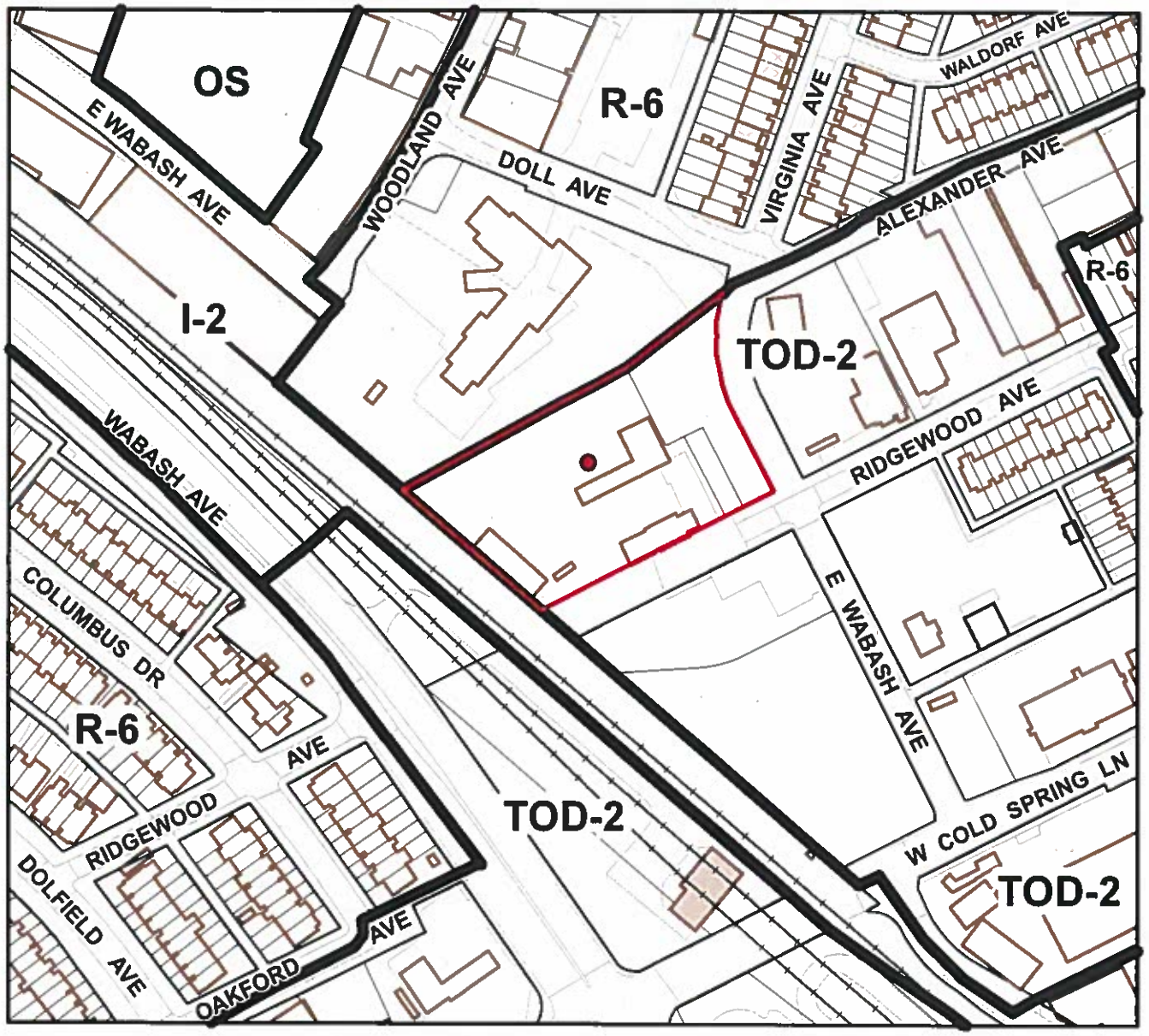
By: Land Use and Transportation Committee

Amendment No. 1

On page 1, in lines 4, 15, and 17, in each instance, before "plat", insert "revised".

ADOPTED

SHEET NO. 22 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'

Note:

In Connection With Property Known As No. 3310 RIDGEWOOD AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From TOD-2 Zoning to I-2 Zoning, As Outlined In Red Above.

WARD 15 SECTION 35

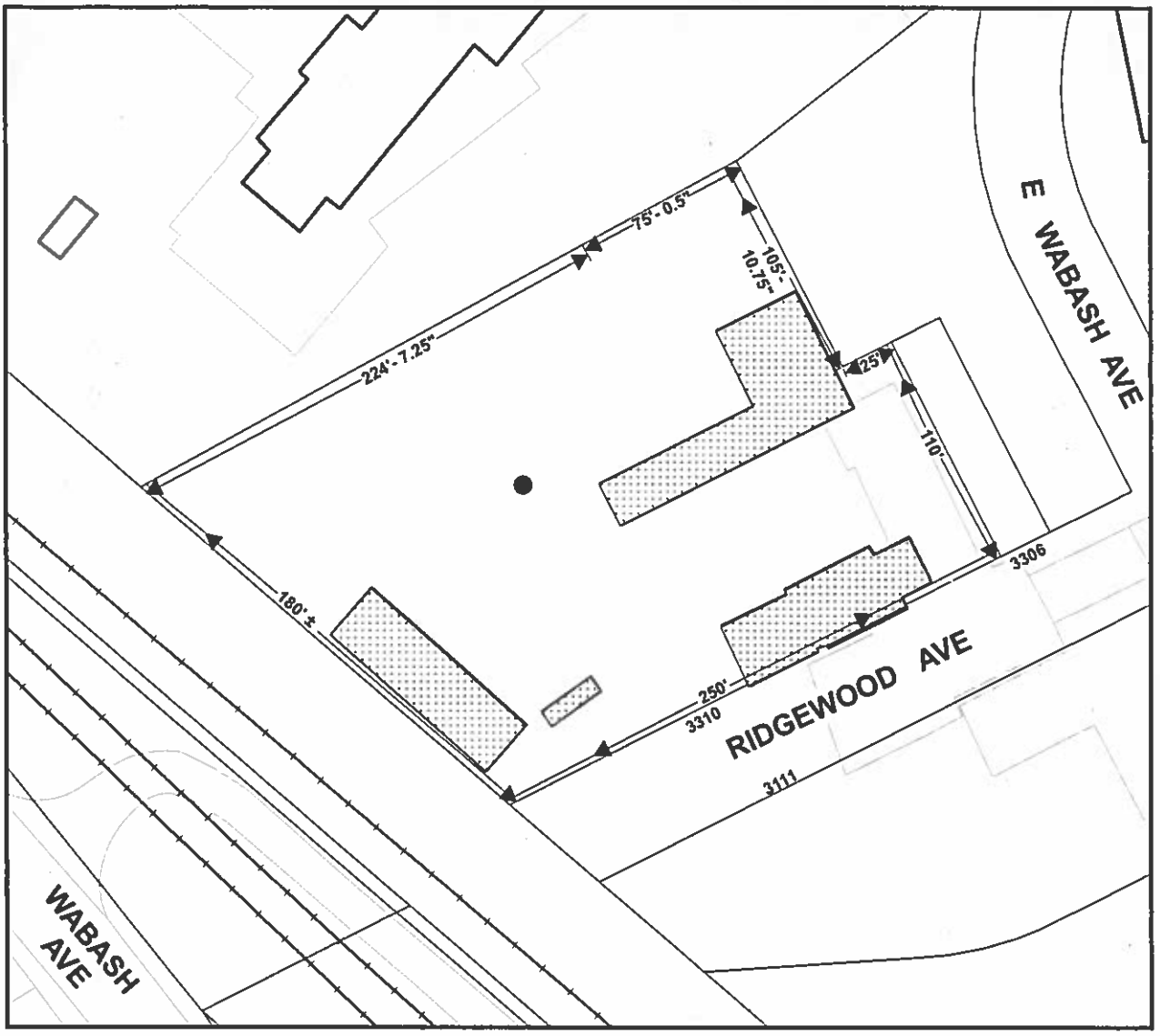
BLOCK 3193A LOT 71

MAYOR

PRESIDENT CITY COUNCIL

151

RPE 10-2-17



Scale: 1" = 80'

3310 RIDGEWOOD AVENUE

Sheet #2

RPE 10-2-17

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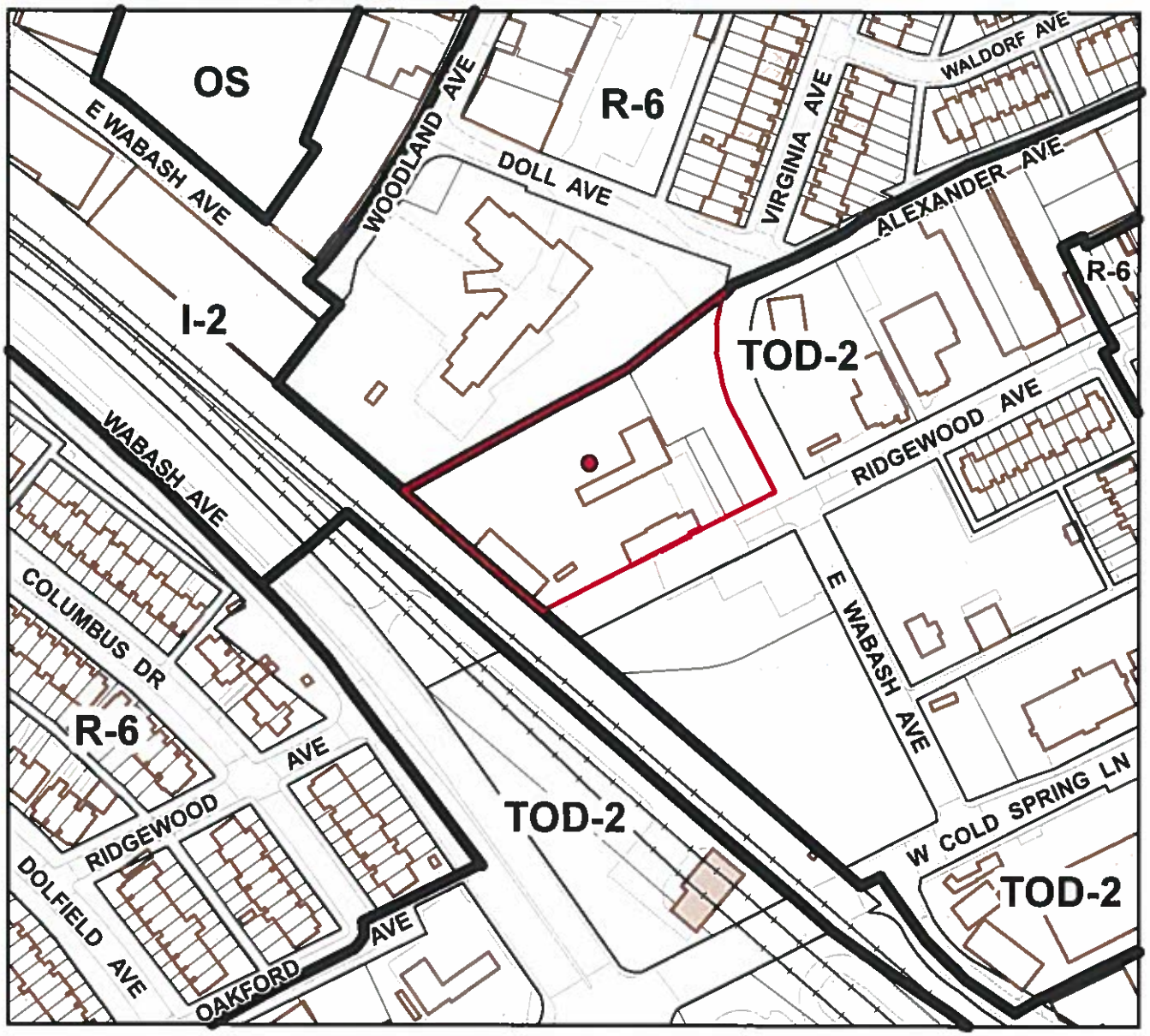

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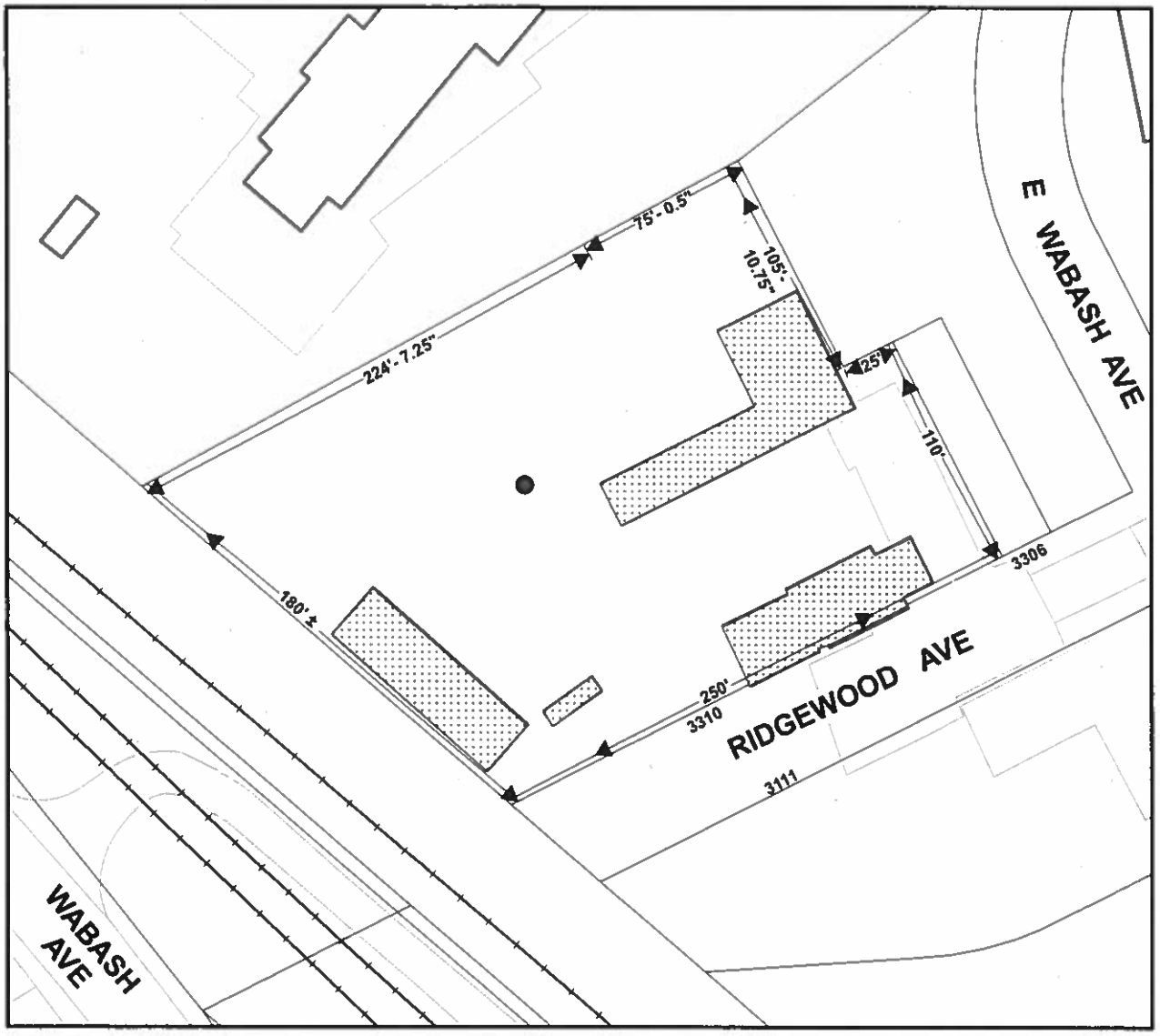

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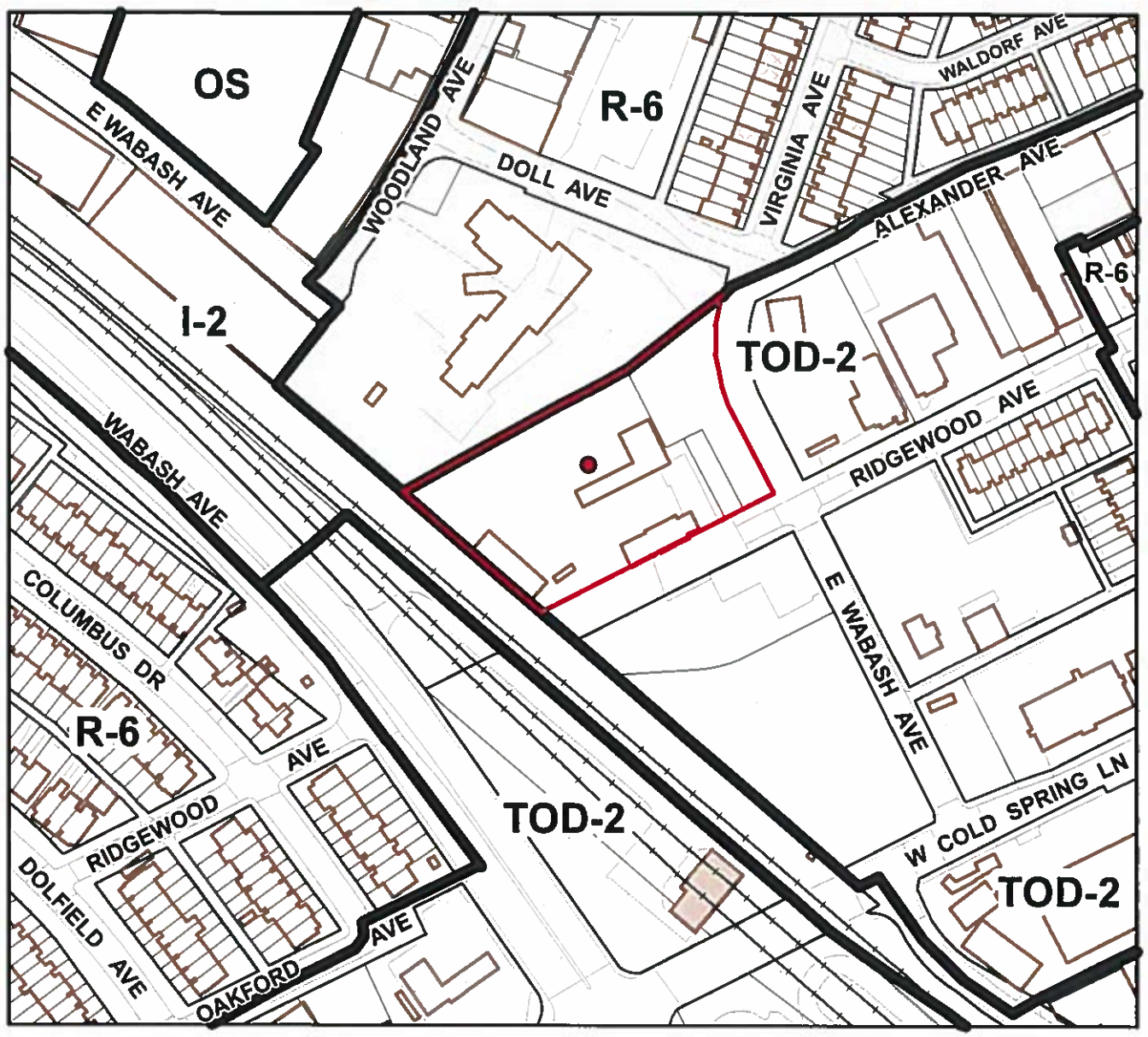

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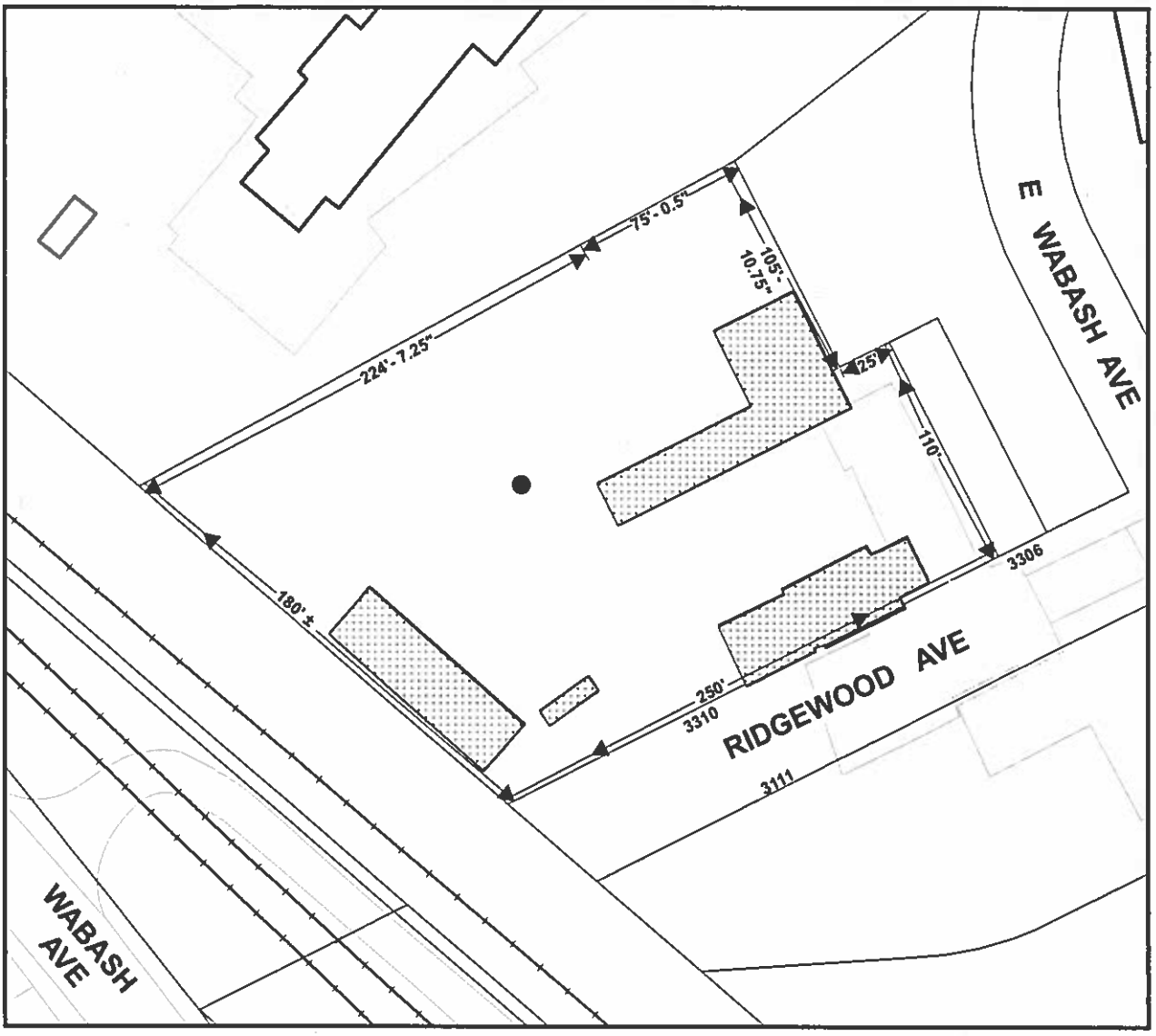

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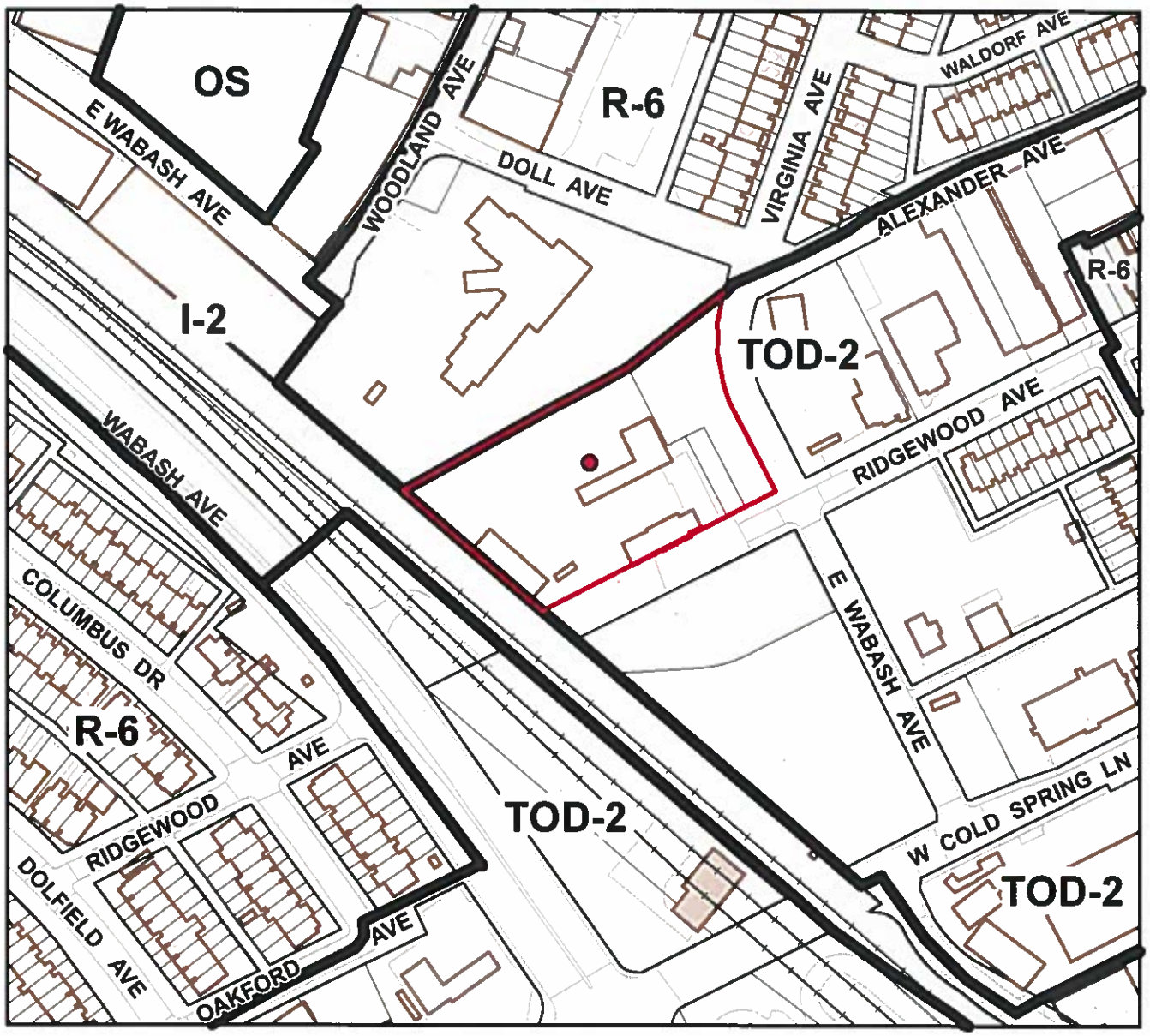

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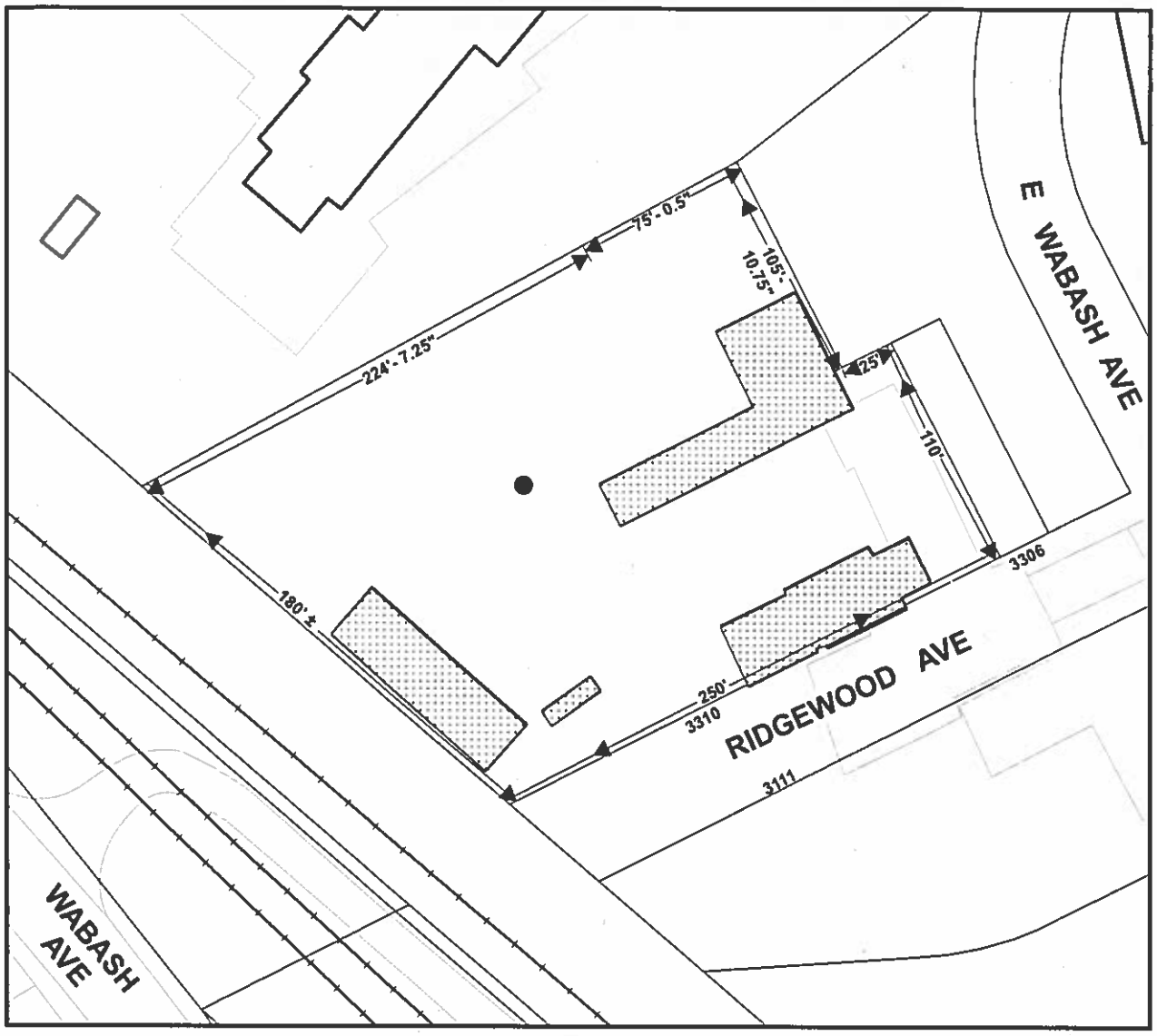

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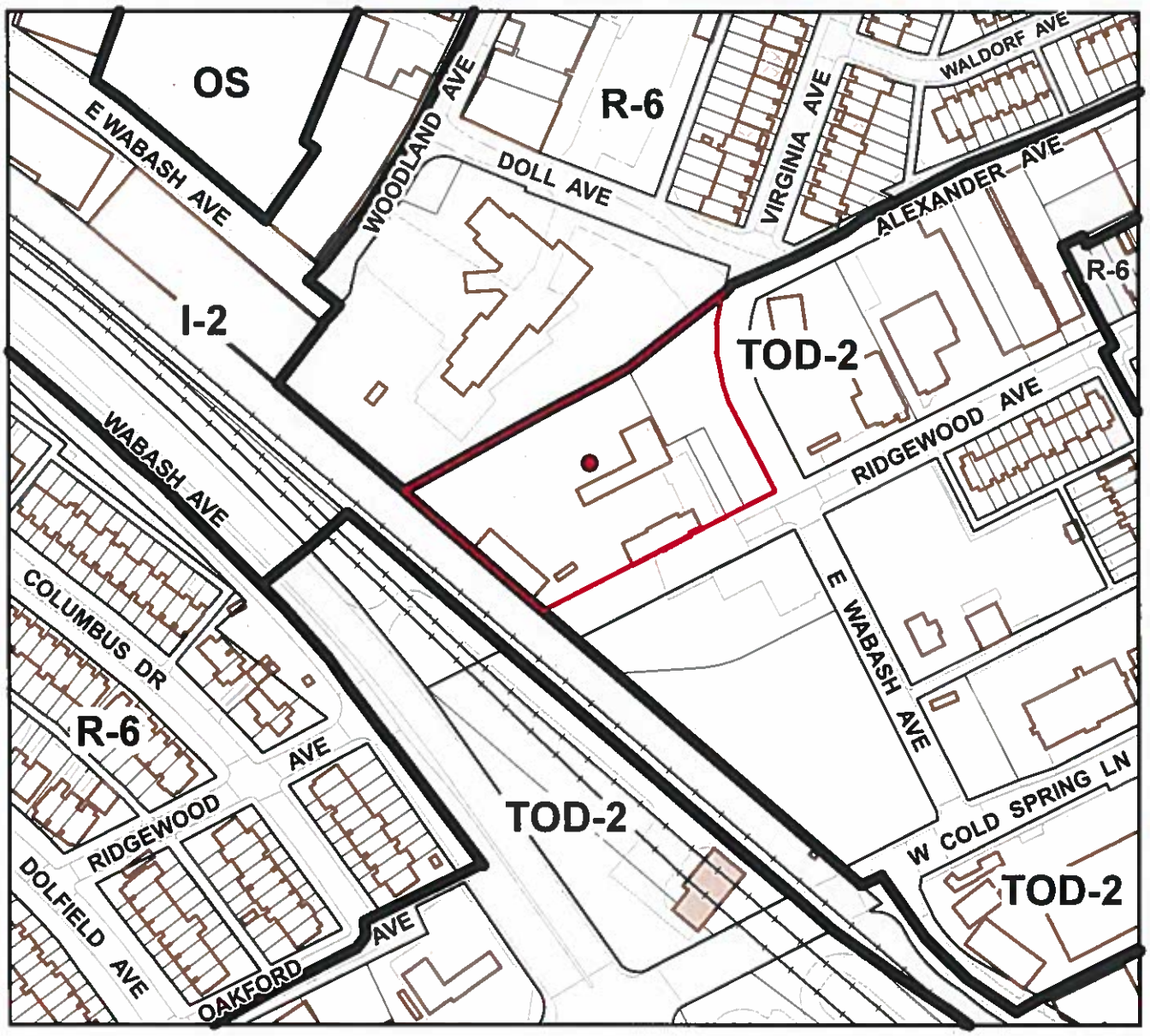

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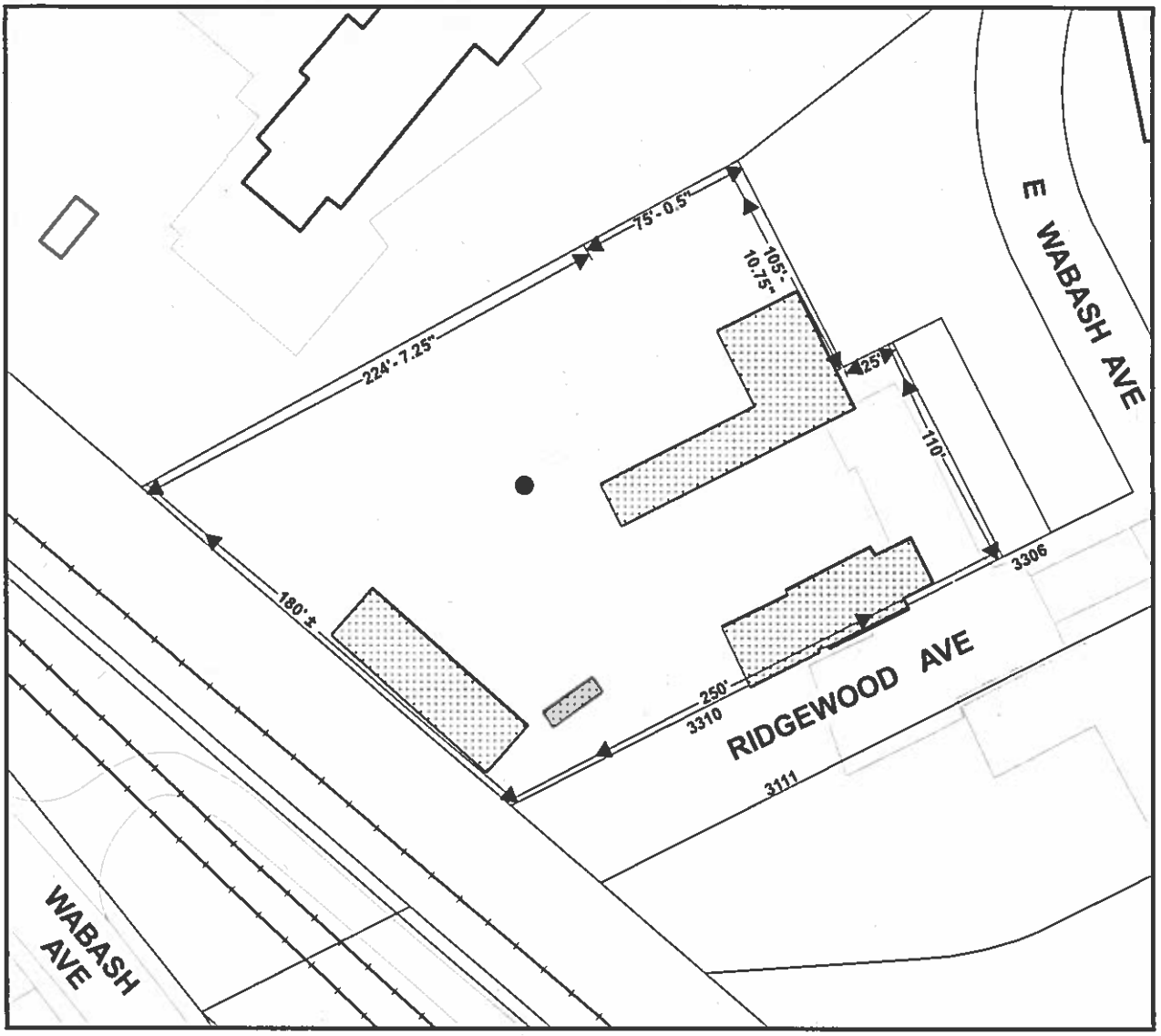

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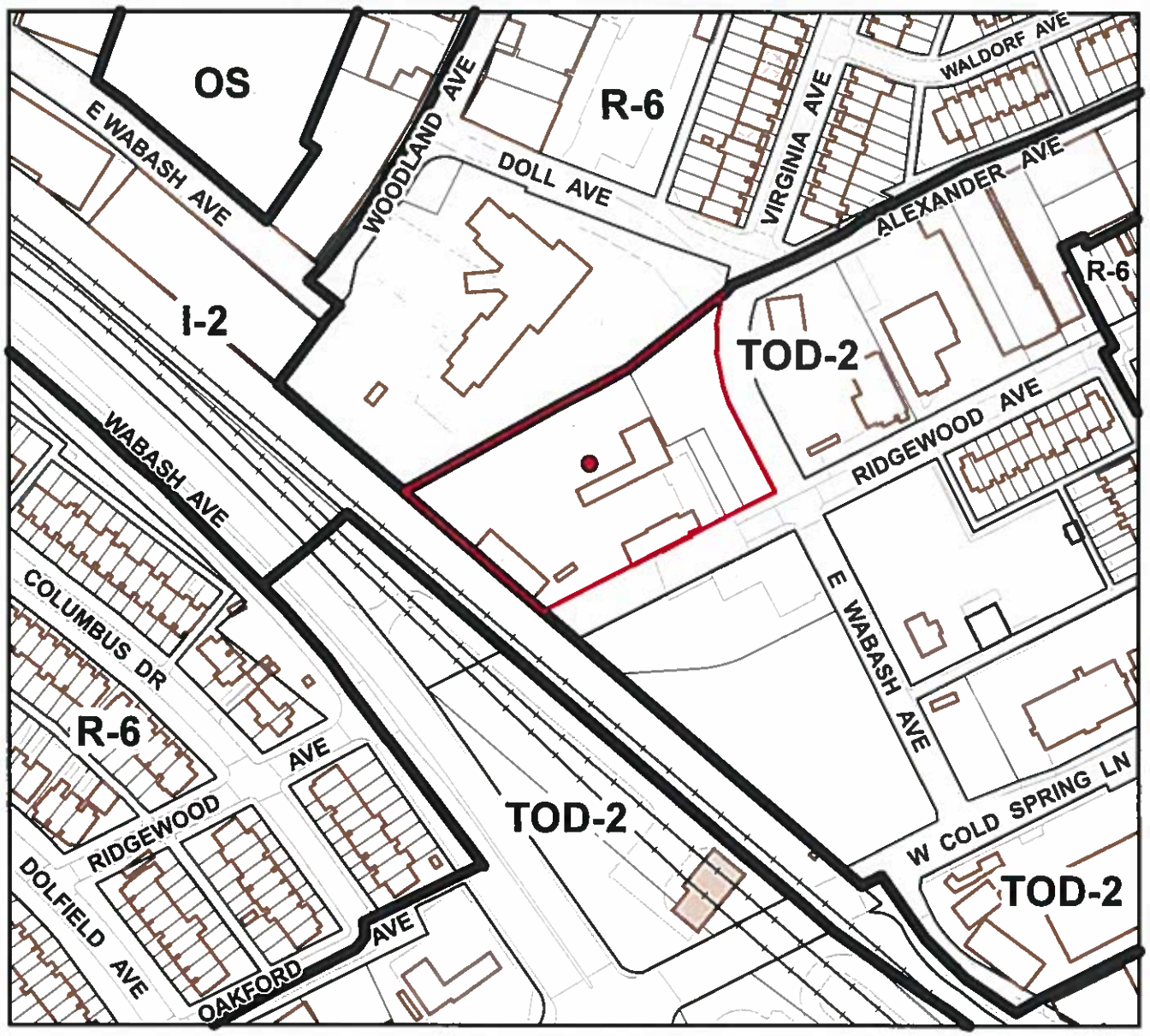

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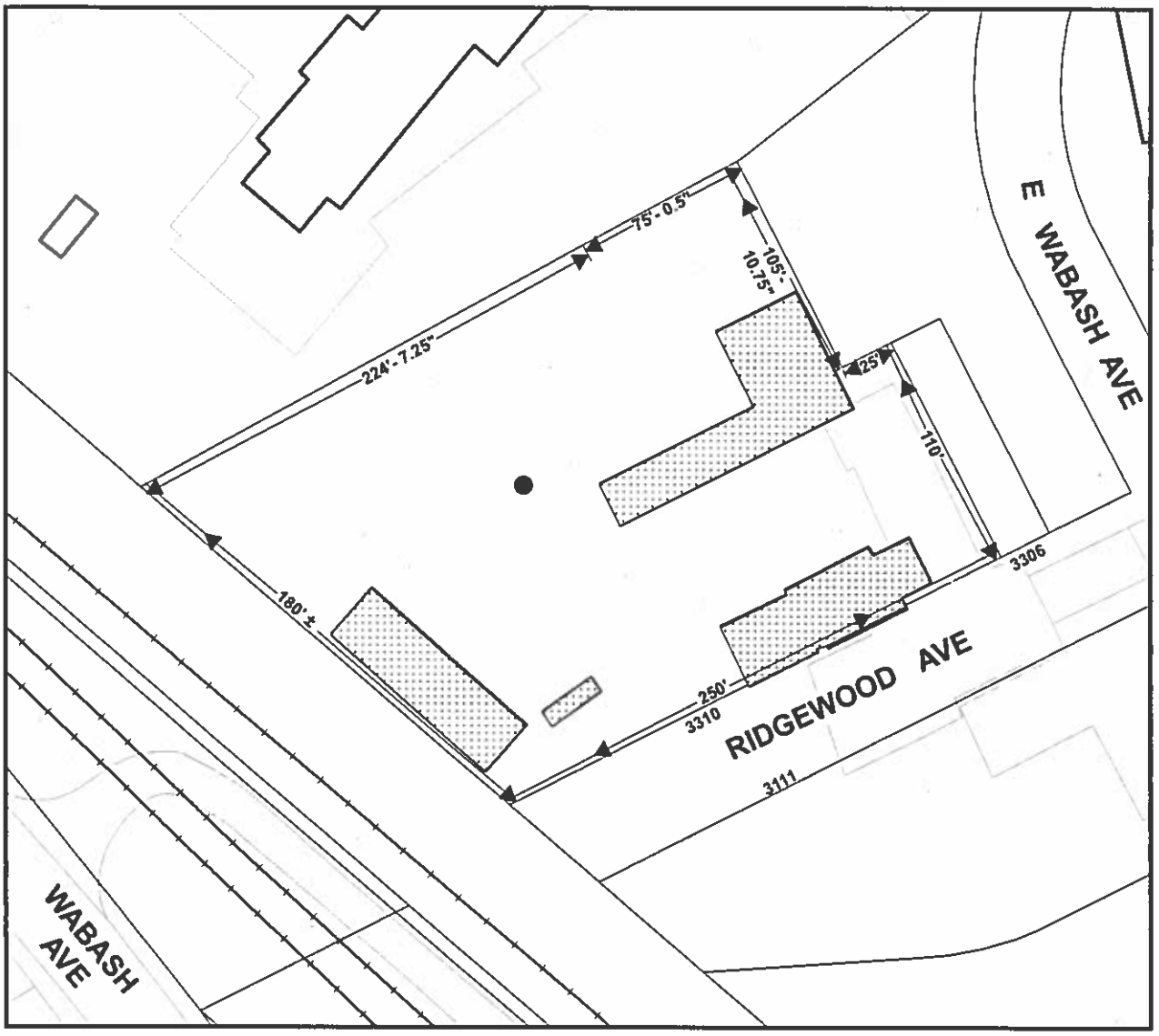

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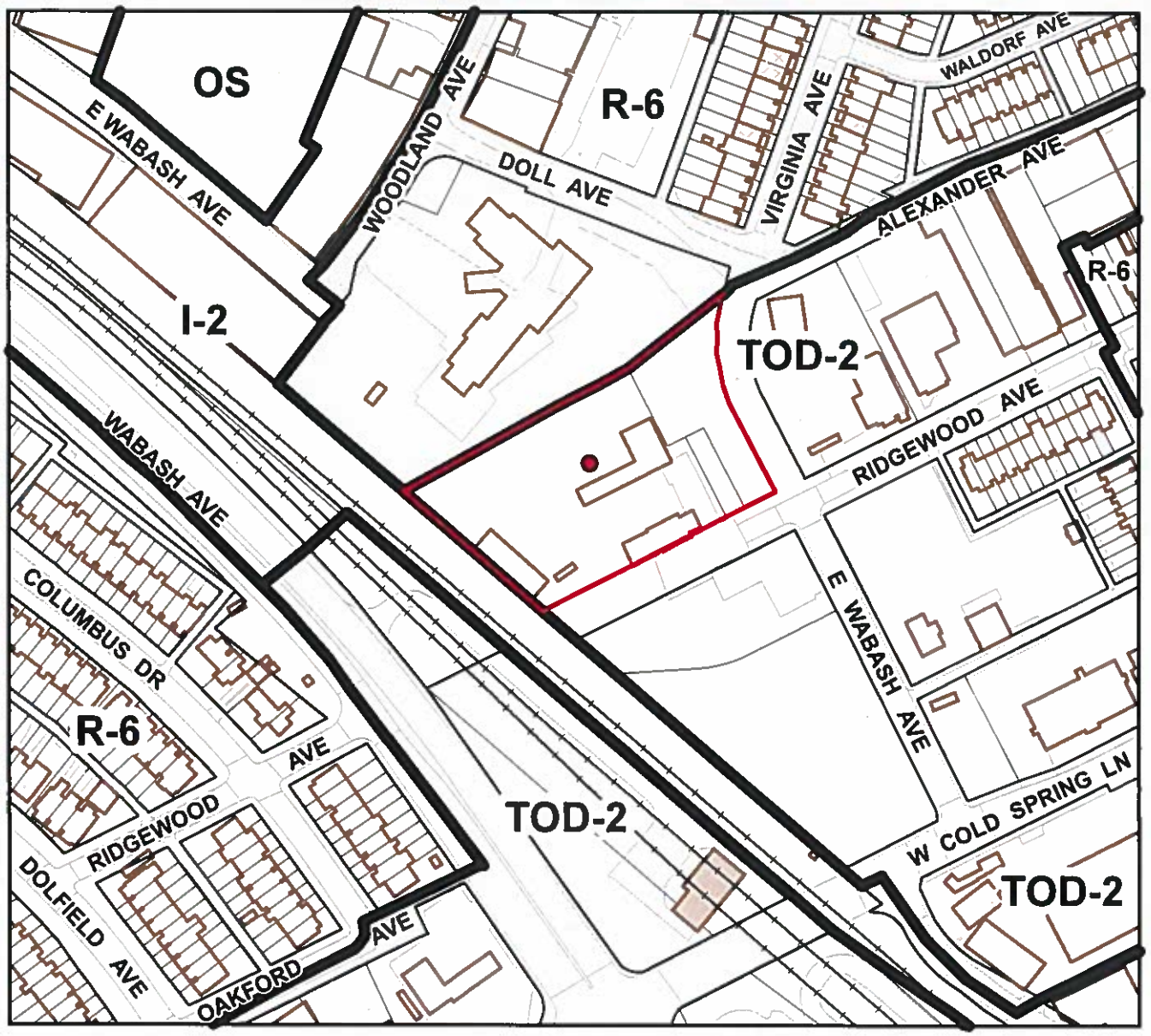

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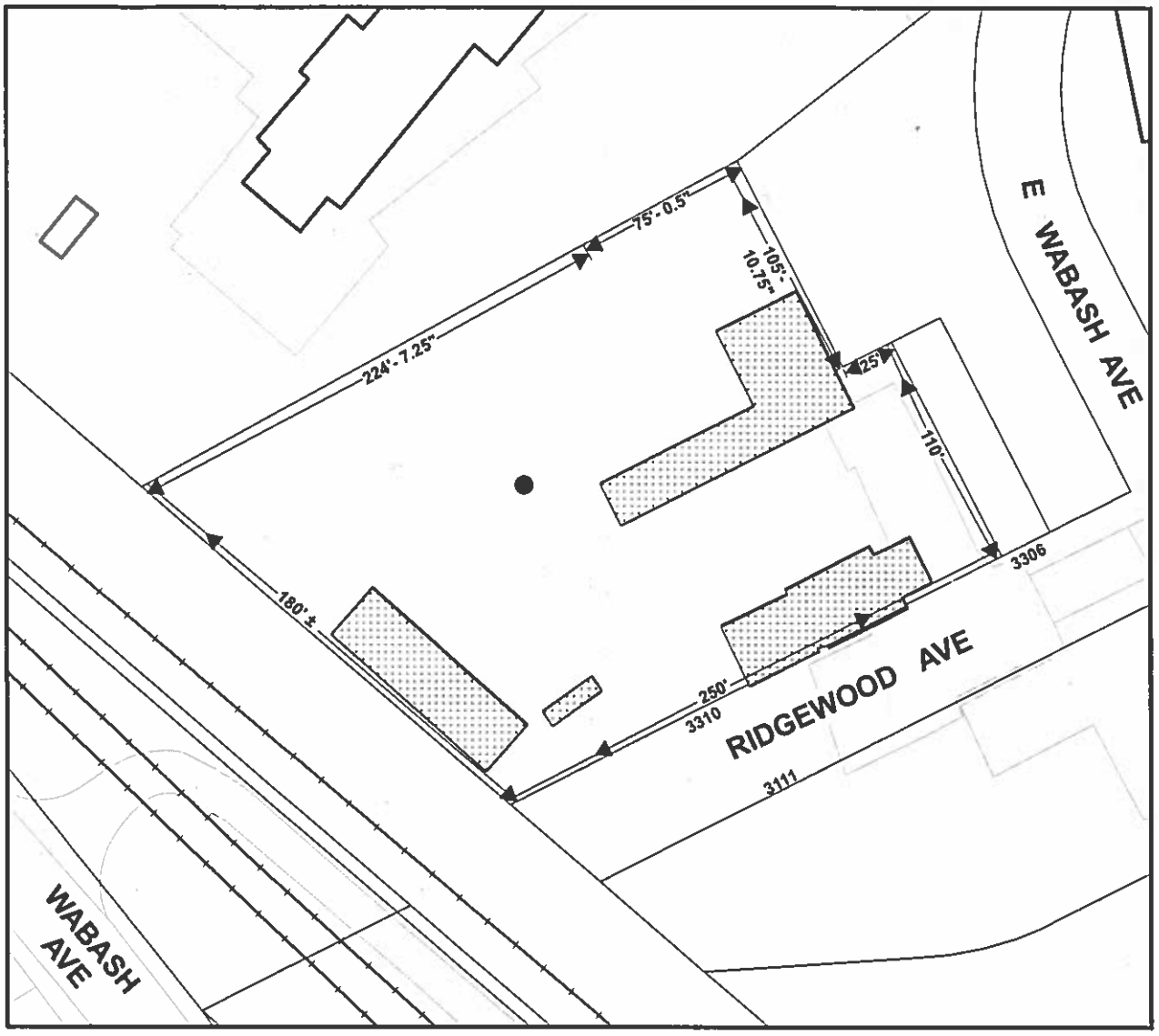

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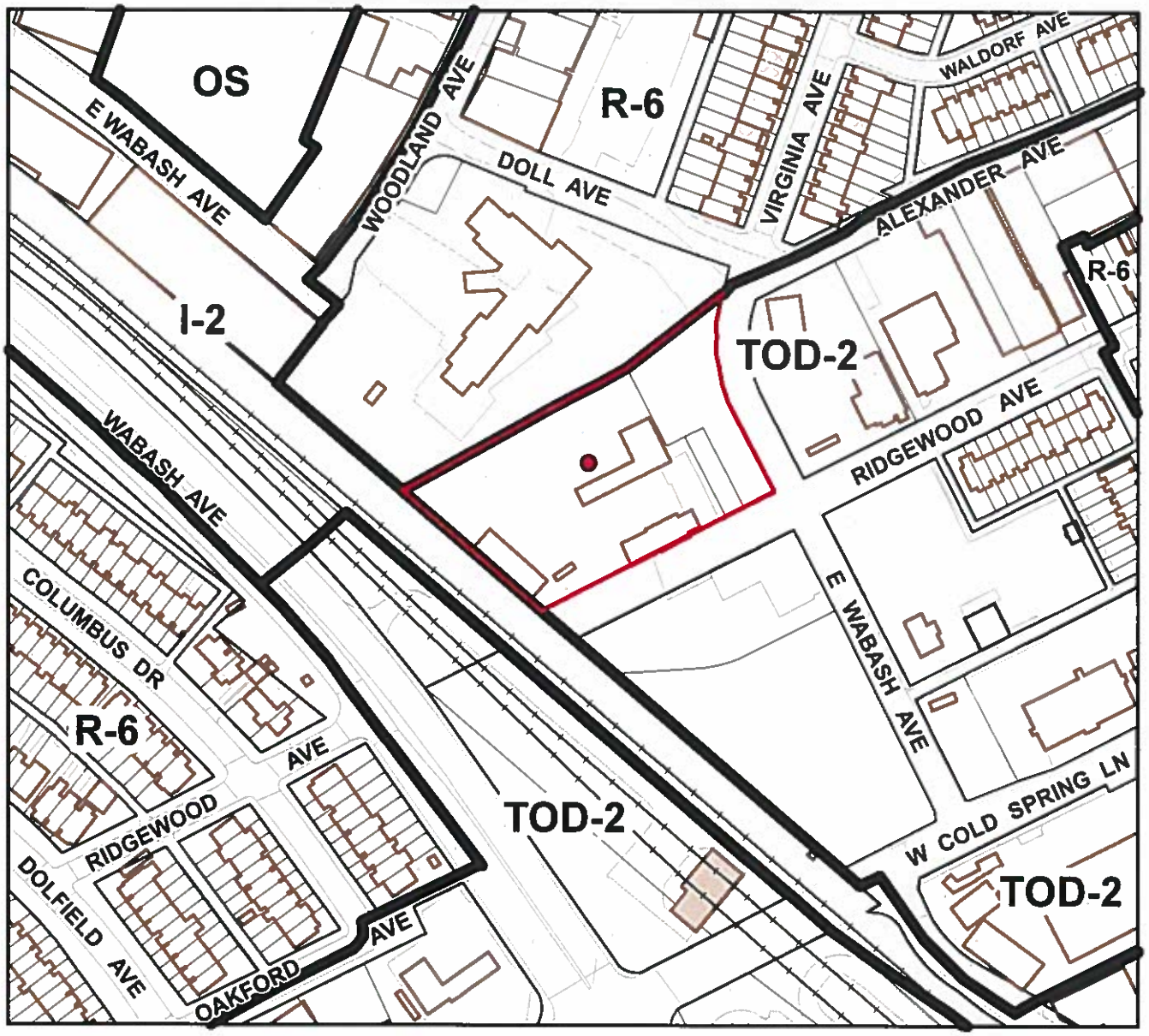

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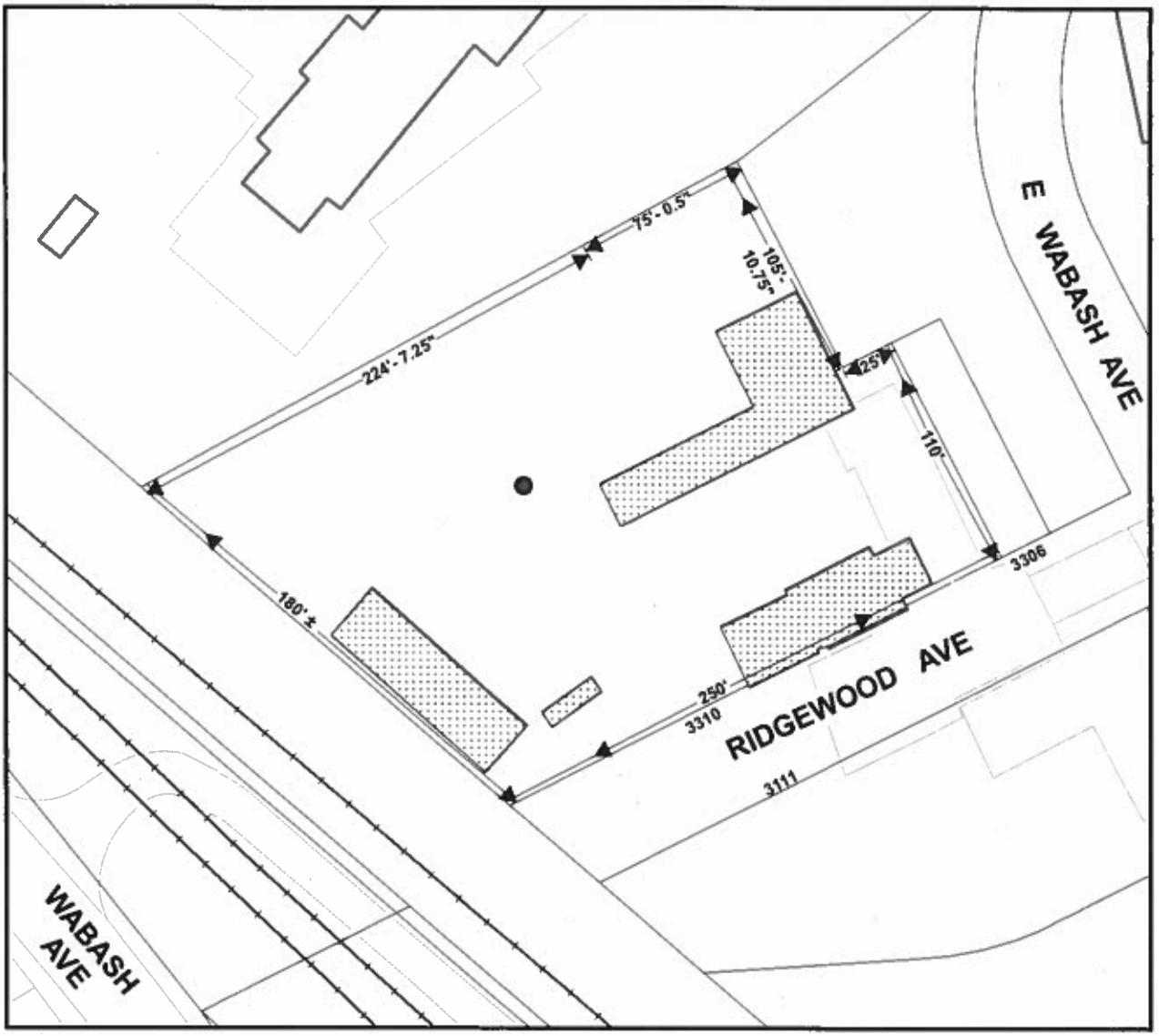

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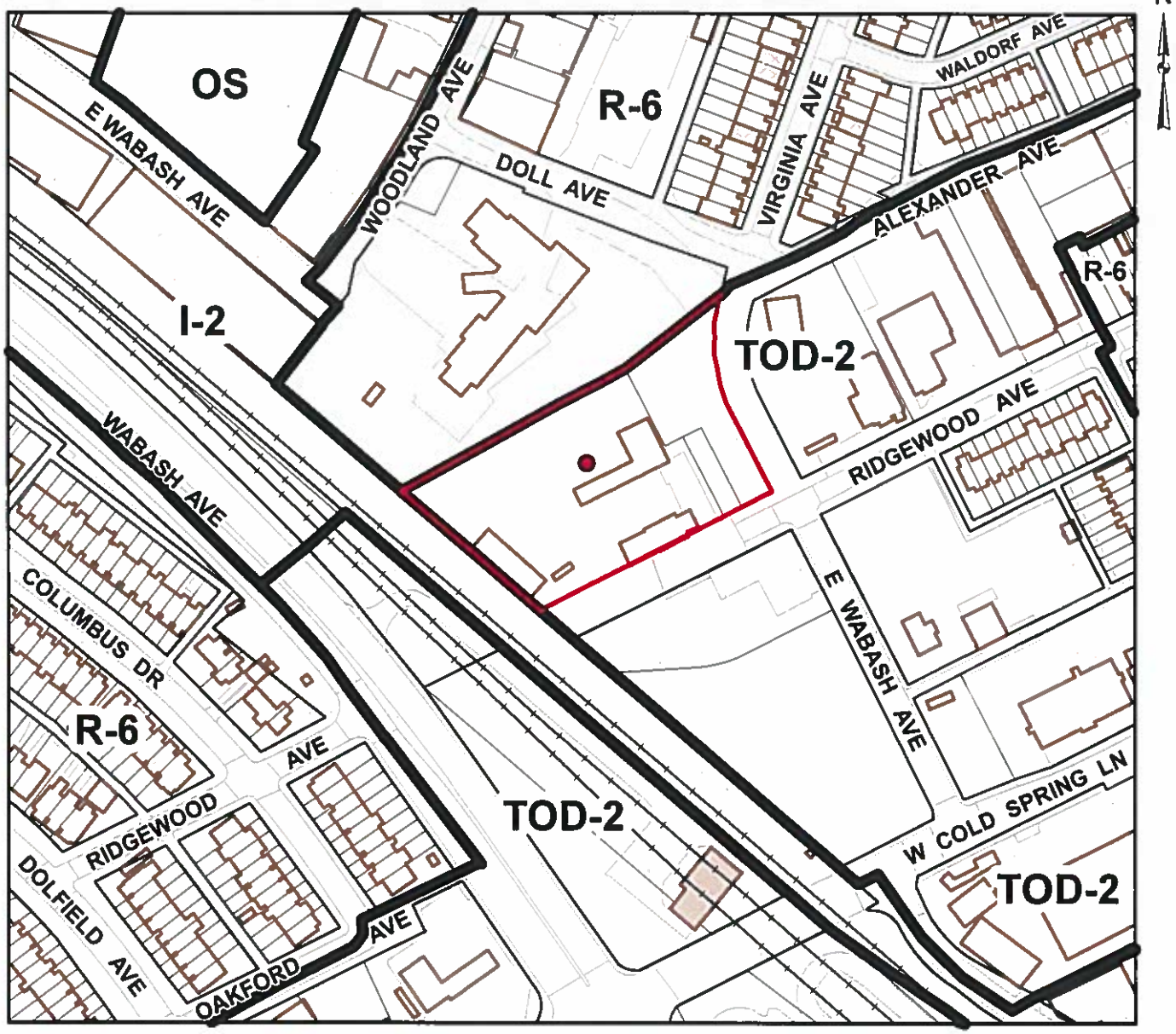

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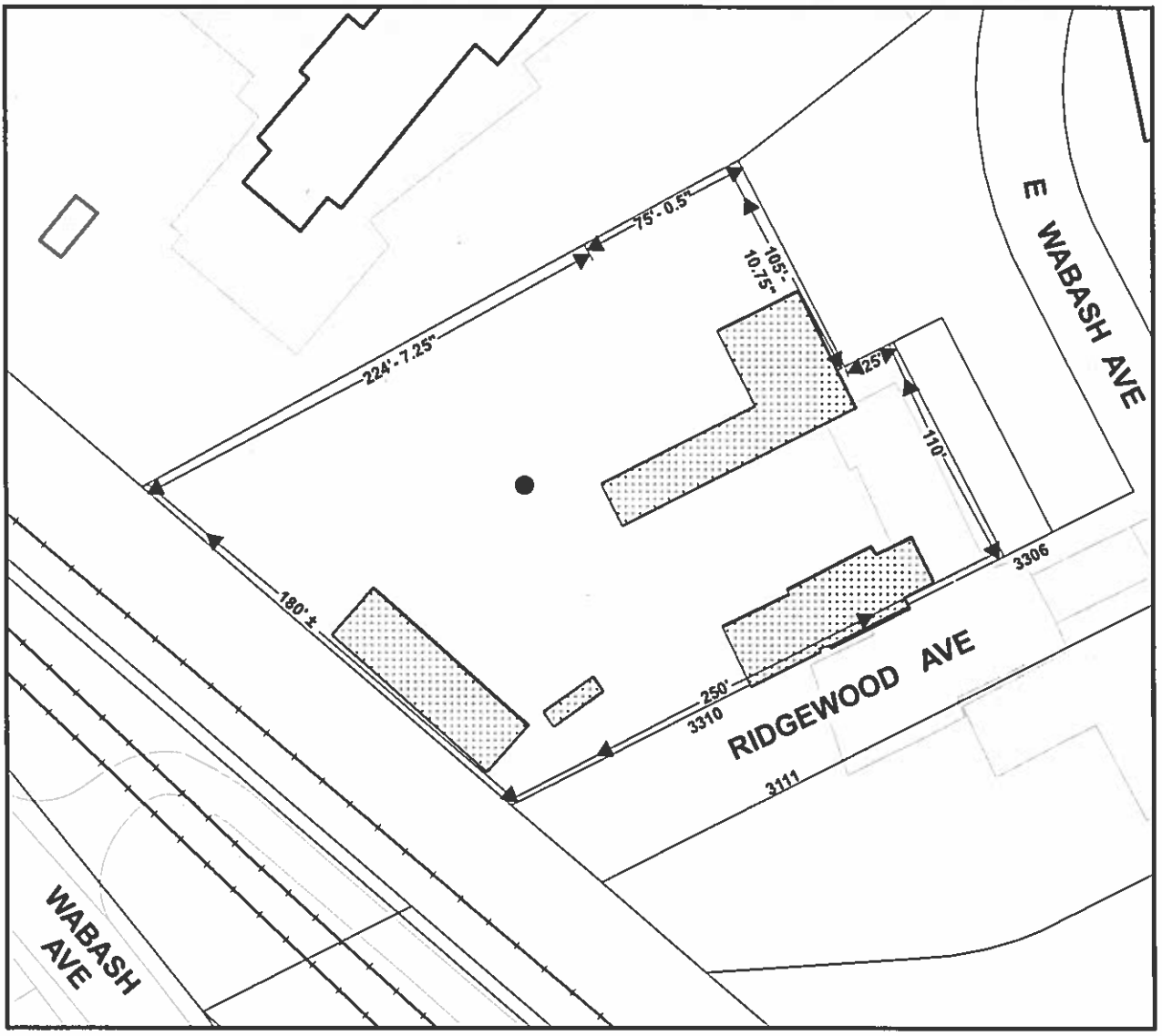

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3310 RIDGEWOOD AVENUE

Sheet #2

RPE 10-2-17

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE,AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO Sections 10-304 and 10-305 of the Maryland Land Use Article and Section 5-508 of the Baltimore City Code, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

CITY COUNCIL BILL NO: 17-0151
REZONING – 3310 RIDGEWOOD AVENUE

Upon finding as follows with regard to:

ADOPTED

(1) Population changes;

There has been no significant population changes in the area since adoption of the new Zoning Code and TOD-2 designation of this site as of June 5, 2017.

(2) The availability of public facilities;

Public facilities are expected to remain adequate, particularly with Cold Spring Lane Metro Station being nearby. Also, when TOD redevelopment of the area occurs, there may be additional public facilities created to support that redevelopment.

(3) Present and future transportation patterns;

Present and future transportation patterns are not expected to change.

(4) Compatibility with existing and proposed development for the area;

The site is adjacent to an existing I-2 zoned property owned by Western Maryland Railroad, a freight carrier serving the Port of Baltimore. The proposed action would be consistent with proposed development for the site.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission concurred with the recommendation of the Department of Planning to disapprove the bill. The Board of Municipal and Zoning Appeals gave an unfavorable recommendation. The Department of Transportation and Baltimore Development Corporation gave favorable

recommendations. The Department of Housing and Community Development deferred the Department of Planning.

(6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed action is consistent with LIVE EARN PLAY Learn, the Comprehensive Master Plan for Baltimore, **Earn** Goal 1, Objective 5: Retain and Attract Business in Construction. The business operation has demonstrated a realistic commitment to the area, as three (3) fourth (4th) generation owners currently run the business and are proposing construction of future industrial uses at the site. Ligon & Ligon, Inc. has been at this current site since 1927 (founded in 1920).

(7) Existing uses of property within the general area of the property in question;

Directly west of the site is the I-2 zoned Western Maryland Railroad. To the east is a construction office/yard and shop owned by Pless B. Jones. Mr. Jones' site is zoned TOD-2 under the new zoning Code and is used as a contractor's yard with small storage sheds. To the south is a concrete plant, also owned by Pless Jones. The industrial conditions have existed at the site for decades. Directly north of the site is Gaudenzia, Inc. (Weinberg Center), a drug abuse treatment facility.

(8) The zoning classification of other property within the general area of the property in question;

Western Maryland Railroad – I-2 Zoning District
P& J Contracting, 3306 Ridgewood Avenue (east of the site) – TOD-2 (previously M-2)
P&J Contracting, East Wabash Avenue (south of the site) TOD-2

North and east of the site, nearby development is predominantly residential, and is predominantly row-housing with some institutional uses and scattered commercial uses mixed in. South of the site is the Cold Spring Lane Metro Station.

(9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The current use is nonconforming under the TOD-2 zoning classification designated under the new Zoning Code.

(10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

The trend of development in the general area of the property in question has not changed since the property was placed in its present classification. Property uses are industrial in nature.

(11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

(12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

The Council failed to consider then existing facts, projects or trends that prove the Council's initial premises were incorrect:

- the property lies adjacent to the I-2 zoned Western Maryland Railroad;
- during the comprehensive rezoning process for the new zoning code (Article 32 – Zoning Code) area community organizations understood and the property owner expressed that the property be allowed to continue as an industrial use. Also, during a review of the Park Heights Urban Renewal Plan for the area, the property owner had made clear to the community that the property would continue to be used for industrial purposes.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

Mr. Peter Ligon, Property Owner of Ligon & Ligon, Inc.
Mr. Martin French, Department of Planning
Councilwoman Sharon Middleton, Baltimore City Council, 6th District

Written – Submitted by:

Department of Planning Staff Report – Dated December 21, 2017
Planning Commission, Agency Report – Dated December 22, 2017

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman	**Member**
Member	**Member**
Member	**Member**
Member	**Member**

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD

DATE: February 28, 2018

BILL#: 17-0151

BILL TITLE: Ordinance - Rezoning - 3310 Ridgewood Avenue

MOTION BY: Clark SECONDED BY: Middleton

☐ FAVORABLE ☑ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	✓			
Middleton, Sharon, Vice Chair	✓			
Clarke, Mary Pat	✓			
Costello, Eric	✓			
Dorsey, Ryan	✓			
Pinkett, Leon	✓			
Stokes, Robert	✓			
TOTALS	7			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5430519

Sold To:
Ligon & Ligon Inc - CU00455524
3310 Ridgewood Ave
Baltimore,MD 21215-6213

Bill To:
Ligon & Ligon Inc - CU00455524
3310 Ridgewood Ave
Baltimore,MD 21215-6213

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Feb 13, 2018

The Baltimore Sun Media Group
By S. Wilkinson
Legal Advertising

Subscribed and sworn to before me this 16 day of Feb 2018,

By _____
Michele Elaine
Notary Public

My commission expires 10/5/19

MICHELE ELAINE GRIESBAUER
NOTARY PUBLIC
BALTIMORE COUNTY, MD

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 17-0151

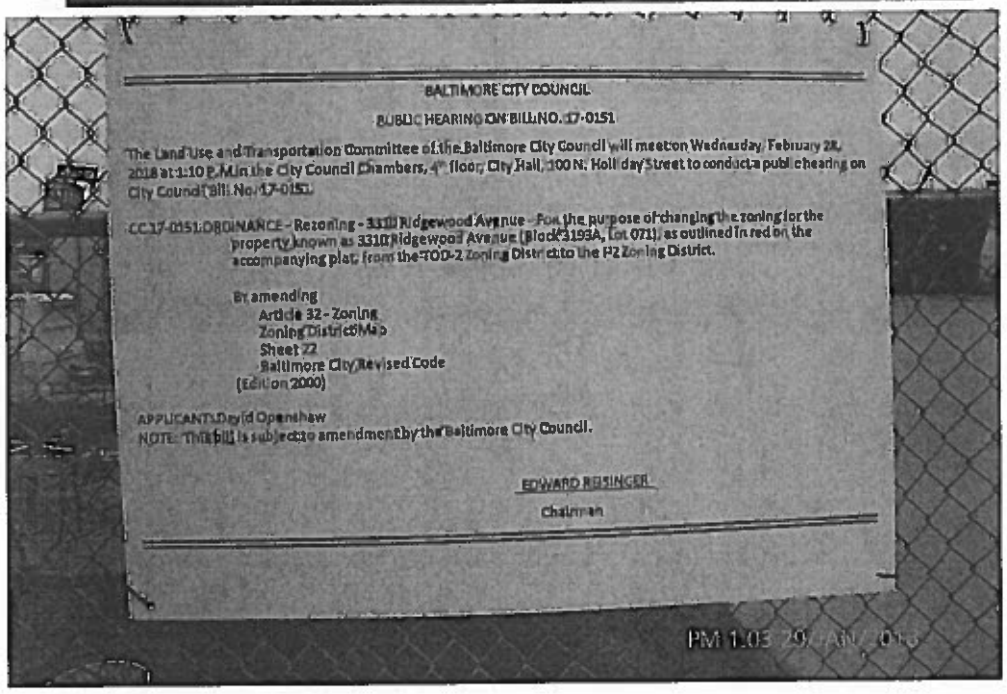
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 28, 2018 at 1:10 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0151.

CC 17-0151 ORDINANCE - Rezoning - 3310 Ridgewood Avenue - FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.
BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)
APPLICANT: Ligon & Ligon, Inc
NOTE: This bill is subject to amendment by the Baltimore City Council.
EDWARD REISINGER
Chairman

Certificate of Posting

Baltimore City Council

Hearing Notice City Council Bill No. 17-0151



BALTIMORE CITY COUNCIL

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APPLICANT: David Openshaw
NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER
Chairman

PM 1:03 29 JAN 2018

3310 Ridgewood Avenue, Baltimore, MD 21215

Posted 1/29/18

David Openshaw

3310 Ridgewood Avenue, Baltimore, MD 212115

410-542-7181

TO: David Openshaw, Ligon and Ligon, Inc.

FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council

DATE: January 24, 2018

RE: NOTICE TO APPLICANT AND INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR MAP AND TEXT AMENDMENTS; PUDs

---

You are hereby notified that the Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 17-0151**

Date: **Wednesday, February 28, 2018**

Time: **1:10 P.M**

Place: **City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.**

At the expense of the applicant, notice of this public hearing must be provided in accordance with **Article 32. Zoning § 5-601**:

1) Notice must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601.

2) Notice of map amendments and PUD's must be posted on the property or properties involved 30 days prior to date of hearing in accordance with Article 32. Zoning § 5-601. The posted notice(s) must be at least 4 feet by 3 feet in size and be posted at a prominent location.

3) Notice of map amendments and PUD's must be provided by first-class mailing of a written notice to each person who appears on the tax records of the City as an owner of the property to be rezoned 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601. This letter serves as notice to the applicant/property owner. If the applicant is not the property owner, the applicant must provide the required notice to the property owner(s).

Please note that ALL of these requirements MUST be met in order for your hearing to proceed as scheduled.

Newspaper Advertisement
You may choose any of the following newspapers for advertising purposes: The Daily Record, The Sun, or the Afro-American.

Wording for Sign, Newspaper Advertisement, and Written Notice:
The information that must be advertised appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

Certification of Postings
Certification of the written notice, sign posting on the property, and publication of the newspaper advertisements, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND PROVIDED TO PROPERTY OWNERS **ON TUESDAY, FEBRUARY 13, 2018** AND A SIGN MUST BE POSTED ON THE PROPERTY **ON MONDAY, JANUARY 29, 2018** AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0151

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 28, 2018 at 1:10 P.M in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0151.

CC 17-0151 ORDINANCE - **Rezoning - 3310 Ridgewood Avenue** - FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

APPLICANT: David Openshaw
NOTE: This bill is subject to amendment by the Baltimore City Council.

EDWARD REISINGER

Chairman

SEND CERTIFICATION OF PUBLICATION TO:

Natawna B. Austin
Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

David Openshaw
3310 Ridgewood Avenue
Baltimore, MD 21215
410-542-7181

FROM			
	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE **MEMO**
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
	SUBJECT	CITY COUNCIL BILL #17-0151 / REZONING – 3310 RIDGEWOOD AVENUE	

DATE: December 22, 2017

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of December 21, 2017, the Planning Commission considered City Council Bill #17-0151, for the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 71), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #17-0151 and adopted the following resolution, eight members being present (eight in favor):

> RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0151 not be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. David Tanner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Frank Murphy, DOT
Ms. Natawna Austin, Council Services
Mr. Paul Plymouth, Council Services
Mr. Peter Ligon, Ligon & Ligon

Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Thomas J. Stosur
Director

December 21, 2017

REQUEST: City Council Bill #17-0151/ Rezoning – 3310 Ridgewood Avenue:
For the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat *, from the TOD-2 Zoning District to the I-2 zoning District.

RECOMMENDATION: Disapproval

STAFF: Martin French and Christina Hartsfield

PETITIONERS: Councilwoman Middleton, at the request of Ligon & Ligon, Inc.

OWNERS: Ligon & Ligon, Inc. for 3310 Ridgewood Avenue and 3308 Ridgewood Avenue, and Pless B. Jones, for 3306 Ridgewood Avenue and for Block 3193A, Lot 029

SITE/GENERAL AREA
Site Conditions: 3310 Ridgewood Avenue and 3308 Ridgewood Avenue, under common ownership of Ligon & Ligon, Inc., contractors, are used as a contractor's warehouse and contractor's shop and yard. Heavy equipment is stored in the yard. * The adjoining properties under common ownership of Pless B. Jones, which are not referred to in the bill's text or caption, are used as a contractor's yard with small storage sheds on each. Both owners use their properties as entireties. These industrial conditions have existed for decades.

General Area: This site is on the western border of the Park Heights area, and exists as an industrial area along the east side the Western Maryland Railroad, a major freight carrier serving the Port of Baltimore. North and east of this site nearby development is predominantly residential, and is predominantly row-housing built in the 1920s and 1930s, with some institutional uses and scattered commercial uses mixed in. South of this site is the Cold Spring Lane Metro Station, for which there is a separate urban renewal plan area separated from the Park Heights Urban Renewal Plan area and this site by the Western Maryland Railroad tracks.

HISTORY
The Planning Commission recommended that this site be made part of a high-density residential area during the TransForm Baltimore zoning code re-write process. This was consistent with the Park Heights Urban Renewal Plan, originally approved by the Mayor and City Council by Ordinance no. 08-93 on December 11, 2008, and last amended by Amendment no. 3 dated June 2, 2014, approved by the Mayor and City Council by Ordinance no. 14-297 on October 1, 2014. These actions took notice of the fact that these properties are within a short distance of the Cold Spring Lane Metro Station, and thus appropriate for re-use as Transit-Oriented Development.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Earn Goal 1, Objective 5: Retain and Attract Business in Construction. The proposed action is inconsistent with the Master Plan's Live Goal 1, Objective 3: Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets, because it would reduce the area now designated for TOD in the Park Heights community at the first Metro Station above ground as one moves northwest out of downtown Baltimore.

The proposed action is inconsistent with the Park Heights Urban Renewal Plan, which designates this site as part of a High Density Residential area (Plan, Land Use Plan maps, Exhibits 1 and 1F). The Plan states that High Density Residential areas should contain uses permitted under the appropriate residential zoning category, and includes a map showing recommended zoning of this site to be R-10 (Plan, Zoning Districts maps, Exhibits 4 and 4F).

ANALYSIS

As suggested by the paragraph immediately above, the purpose of this bill is to remove the site from nonconforming use status under the new Zoning Code and return it to conforming use status. Planning staff note that nonconforming use of a property, when the nonconformity is created by enactment of a new zoning code or application of an existing zoning code to a property in a way that creates nonconformity, such as by a map amendment or a text amendment, may continue indefinitely regardless of the ownership of the property. There is thus no need to rezone this site if the reason for rezoning is to remove nonconforming status from it.

The new Zoning Code states in part:

"Nonconforming use" means a lawfully existing use of a structure or of land that, as of the effective date of this Code (June 5, 2017) or the effective date of an amendment to this Code, does not conform to the use regulations applicable to the district in which it is located.

Except as otherwise specified in this title, any use, structure, or lot that … has been made nonconforming because of the terms of this Code or any subsequent amendment to this Code, may continue subject to the provisions of this title so long as it remains otherwise lawful.
(-- *Article 32 (Zoning Code), subsections 18-201 and 18-202)*

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*
  (1) *Required findings.*
  As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:
    (i) a substantial change in the character of the neighborhood where the property is located; or
    (ii) a mistake in the existing zoning classification.
  (2) *Required findings of fact.*
  In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

(i) population changes;
(ii) the availability of public facilities;
(iii) present and future transportation patterns;
(iv) compatibility with existing and proposed development for the area;
(v) the recommendations of the City agencies and officials; and
(vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*
Additional standards that must be considered for map amendments are:
(i) existing uses of property within the general area of the property in question;
(ii) the zoning classification of other property within the general area of the property in question;
(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
(iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it will reduce the land area designated for revival between the central Park Heights business area now being redeveloped and the Cold Spring Lane Transit Station that is a natural focus for transit-oriented development.

Maryland Land Use Code – Requirements for Rezoning:
The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed action would be inconsistent with encouraging transit-oriented development (TOD) and mixed-use development to reinforce neighborhood centers such as the one being developed now in central Park Heights.
2. **The needs of Baltimore City:** Baltimore City and Park Heights in particular would benefit from redevelopment of this site and its surrounding area. Diminishing the area designated for TOD, and diminishing a portion of the TOD-zoned area nearest the actual transit station, would lessen potential positive impacts from such redevelopment.
3. **The needs of the particular neighborhood:** Although the Park Heights community benefits from any employment base that either exists or is attracted to the area, TOD offers a greater array of possible land uses, and thus of employment opportunities, than does contracting, which can be cyclical depending upon the amount of land development and redevelopment in the metropolitan area. Furthermore, creating a new General Industrial (I-2) zone in close proximity to the existing R-6 Rowhouse and Multi-family Residential zone would expose that part of Park Heights to what is recognized in the definition of "Industrial: General" in the Zoning Code: *processing, manufacturing, or compounding of materials, products, or energy, having impacts on the environment or significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards* (Article 32 (Zoning Code),

subsection 1-308 (a)(1)). The Code adds: *"Industrial: General" includes: (i) the storage of large volumes of toxic or highly flammable matter or explosives; and (ii) outdoor operations as part of the processing, manufacturing, or compounding process* (Article 32 (Zoning Code), subsection 1-308 (a)(2)). It is noted that rezoning this site therefore could result in substantially incompatible use of it, from the viewpoint of the neighborhood and greater Park Heights community, because there is no guarantee that current contractor's storage and yard use would continue indefinitely, and re-use of the site within the context of I-2 zoning could generate significant negative influence on that neighborhood, and possibly also on other parts of Park Heights.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

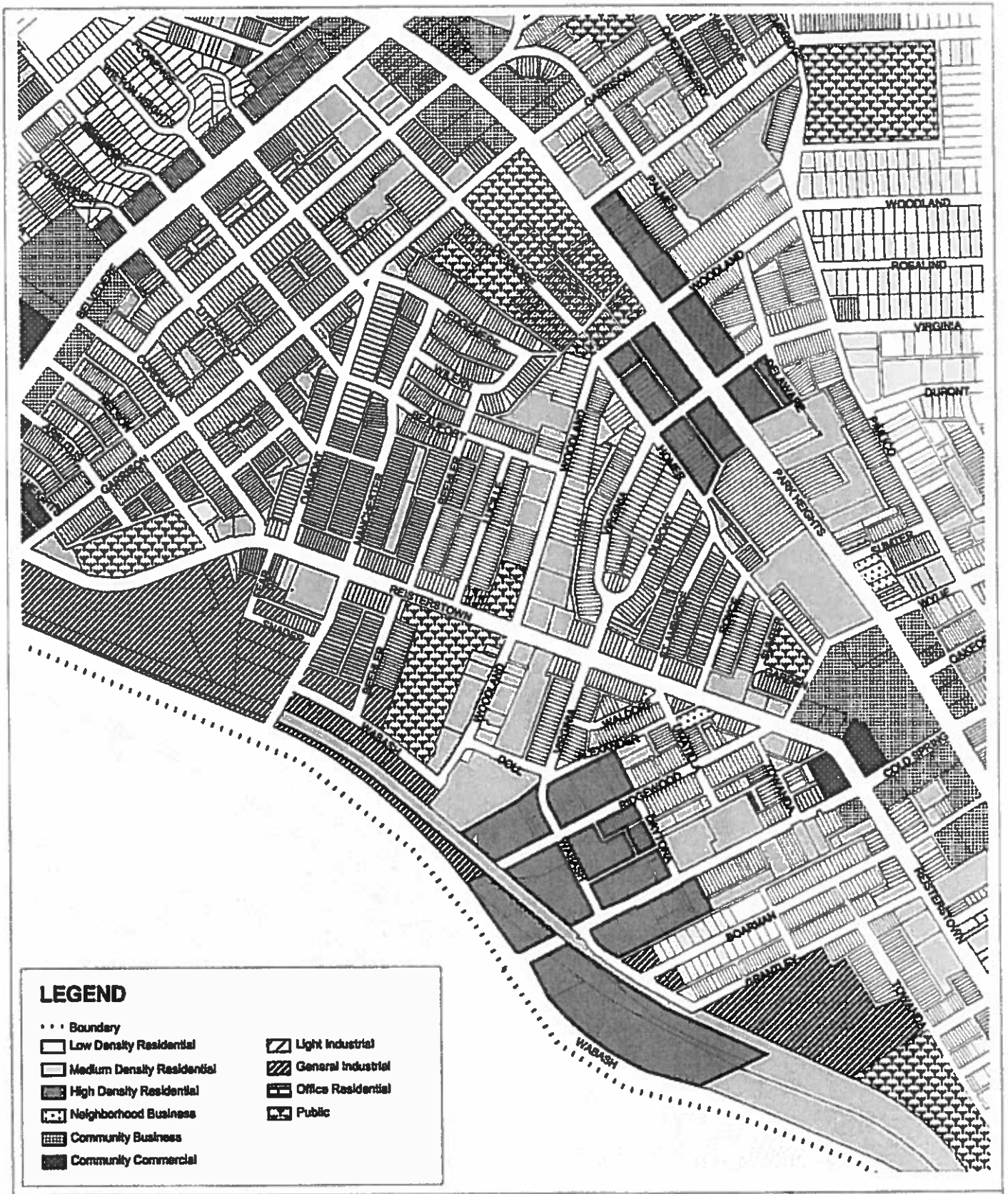
1. **Population changes;** *There has been no significant population change in the area since adoption of the new Zoning Code and TOD designation of this site as of June 5, 2017.*
2. **The availability of public facilities;** *Public facilities are expected to remain adequate. When TOD redevelopment of the area where this site is located actually occurs, there may be additional public facilities created to support that redevelopment.*
3. **Present and future transportation patterns;** *Present and future transportation patterns are not expected to change between the proposed effective date of this bill and June 5, 2017.*
4. **Compatibility with existing and proposed development for the area;** *The proposed action would be inconsistent with proposed development for the area. It could be consistent with existing development of the site only, as described previously, if, and only to the extent that, existing use of the site remained unchanged.*
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** *The proposed amendment is inconsistent with one part of the City's plan (promoting TOD development) but could be considered consistent with another part (retain business in construction) if the property owners could commit to remaining indefinitely at this site without any change in the characteristics of their business operation. Planning staff consider this a commitment that is unrealistic to request or expect to be honored, given one's inability to predict future economic and other factors that would influence a business decision to remain or to move or to cease the current types of operations entirely.*

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. As described previously, Planning staff cannot

detect a substantial change in the character of the neighborhood, as less than a year has elapsed since adoption of the current zoning classification of this site. Because of the extensive and multi-year process that led the Planning Commission to recommend, and the Mayor and City Council to adopt, the current zoning classification of TOD-2 for this site and its environs, and the consistency of that classification with the earlier-established Park Heights Urban Renewal Plan, Planning staff are unable to detect a mistake in the zoning classification.

Notification: The Lucille-Beaufort-Beehler-Manchester Seekers Association, Towanda Neighborhood Association, and Park Heights Renaissance have been notified of this action. Pless B. Jones, owner of adjoining properties known as 3306 Ridgewood Avenue and as Block 3193A, Lot 29/34 which were included in the area designated on the plat accompanying the bill, was also notified.

Thomas J. Stosur
Director



PARK HEIGHTS

N

DISCLAIMER: THE CITY OF BALTIMORE MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, REGARDING THE ACCURACY OF INFO CONTAINED IN THIS MAP. THE MAPS SOLD AND/OR PROVIDED "AS IS" AND THE CITY WILL NOT BE LIABLE FOR ITS USE OR MISUSE BY ANY PARTY

LAND USE PLAN

Date: 07/21/08

Revised:

Exhibit:

1F

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS
DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

January 3, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: CC Ord.17-0151: Rezoning – 3310 Ridgewood Avenue, from the TOD-2 Zoning District to the I-2 Zoning District

Ladies and Gentlemen:

City Council Bill No. 17-0151 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0151 is change the zoning of the property located at 3310 Ridgewood Avenue from the TOD-2 Zoning District (Transit-Oriented Development) to the I-2 Zoning District (General Industrial), as outlined in red on the accompanying plat.

The BMZA has reviewed the legislation and defers to the report and recommendation of the Planning Department and the Planning Commission recommending disapproval of CC# 17-0151.

Sincerely,

David C. Tanner

David C. Tanner
Executive Director

DCT/djb

CC: Mayors Office of Council Relations
Legislative Reference

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Michelle Pourciau, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 17-0151	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0151- Rezoning - 3310 Ridgewood Avenue For the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

DOT supports this bill and respectfully requests a favorable report.

Respectfully,

Michelle Pourciau

Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

F

CITY OF BALTIMORE
COUNCIL BILL 17-0151
(First Reader)

Introduced by: Councilmember Middleton
At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181
Introduced and read first time: October 16, 2017
Assigned to: Land Use and Transportation Committee
REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3310 Ridgewood Avenue

FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

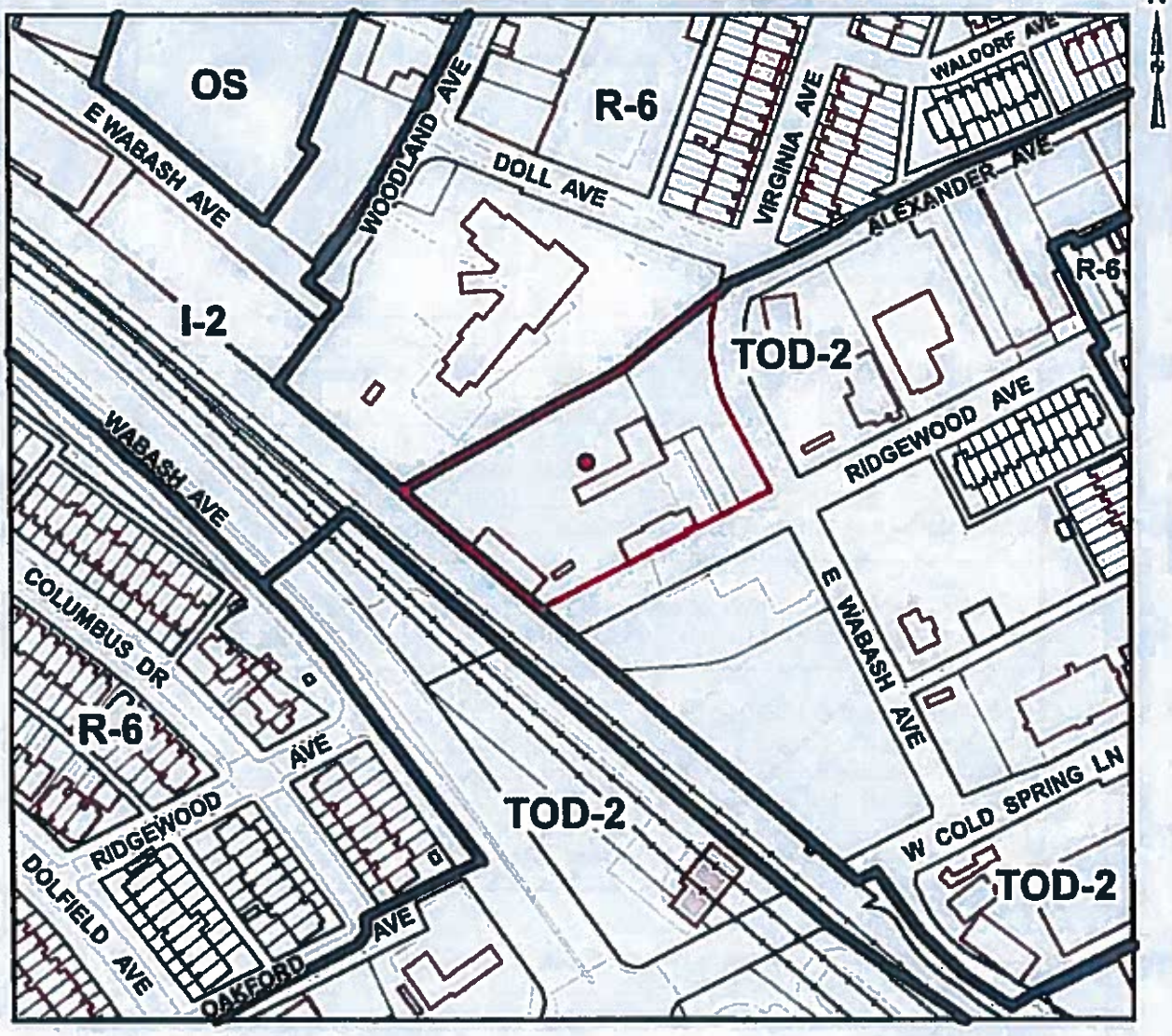
SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 22 of the Zoning District Map is amended by changing from the TOD-2 Zoning District to the I-2 Zoning District the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

SHEET NO. 22 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'

Note:

In Connection With Property Known As No. 3310 RIDGEWOOD AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From TOD-2 Zoning to I-2 Zoning, As Outlined In Red Above.

WARD 16 SECTION 36

BLOCK 3193A LOT 71

MAYOR

PRESIDENT CITY COUNCIL

151

RPE 10-2-17

STATEMENT OF INTENT

FOR

3310 Ridgewood Ave., Balt., MD 21215
(Address)

1. **Applicant's Contact Information:**
   Name: LIGON & LIGON, INC.
   Mailing Address: 3310 Ridgewood Ave.
   Baltimore, MD 21215
   Telephone Number: 410-542-7181
   Email Address: pligon@ligonandligon.com

2. **All Proposed Zoning Changes for the Property:** Property to be re-zoned from the TOD-2 Zoning District to the I-2 Zoning District. Previously zoned M-2.

3. **All Intended Uses of the Property:** Maintain our current uses (manufacturing uses - Construction Yard with Shop, Office and Sheds.

4. **Current Owner's Contact Information:**
   Name: Peter G. Ligon, Sec./Treasurer
   Mailing Address: 3310 Ridgewood Ave.
   Baltimore, MD 21215
   Telephone Number: 410-542-7181
   Email Address: pligon@ligonandligon.com

5. **Property Acquisition:**

   The property was acquired by the current owner on May 12, 1927 by deed recorded in the Land Records of Baltimore City in Liber 1288 Folio 271 ___.

6. **Contract Contingency:**

   (a) There is ____ is not X a contract contingent on the requested legislative authorization.

   (b) If there is a contract contingent on the requested legislative authorization:

   (i) The names and addresses of all parties to the contract are as follows *(use additional sheet if necessary)*: _____

Rev'd 05/22/17

151

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

February 27, 2018

RECEIVED
FEB 27 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0151 – Rezoning – 3310 Ridgewood Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0151 for form and legal sufficiency. The bill would change the zoning for the property known as 3310 Ridgewood Avenue from the TOD-2 Zoning District to the I-2 Zoning District. This change appears to be requested simply because the owner wants the use to be deemed "conforming." This is not a proper reason to rezone and there is NO impediment to the owner continuing to use the property just as it has been used. Rezoning a property to conform it to the intensity of the area around it is appropriate in comprehensive rezoning. *See, e.g.*, *Tennison v. Shomette*, 38 Md. App. 1, 5 (1977), *cert. den.*, 282 Md. 739 (1978).

However, the City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

(1) population change;
(2) the availability of public facilities;
(3) the present and future transportation patterns;
(4) compatibility with existing and proposed development;
(5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
(6) the relationship of the proposed amendment to the City's plan.

Fav w/ Comments

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

Article 32 of the City Code also requires Council to consider:

> (i) existing uses of property within the general area of the property in question;
> (ii) the zoning classification of other property within the general area of the property in question;
> (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
> (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015)(*quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council

could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, **the Planning Department Report states that the facts support neither a mistake nor a substantial change in the neighborhood. Therefore, to approve the bill, Council must base the required findings on other testimony presented at the hearing, as outlined above.**

The Law Department also notes that the plat submitted with the First Reader is in error and that the Office of Property Location has drafted a new plat. The Department of Legislative Reference has drafted an amendment to the bill to replace the original plat with the corrected one, which will be offered by the applicant at the committee hearing.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the

posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervala, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

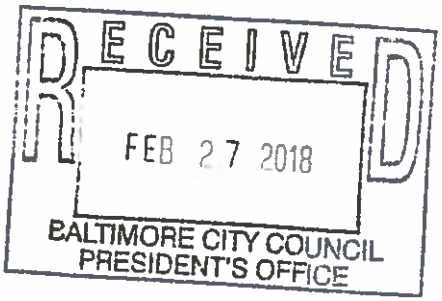
CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

February 27, 2018



The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0151 – Rezoning – 3310 Ridgewood Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0151 for form and legal sufficiency. The bill would change the zoning for the property known as 3310 Ridgewood Avenue from the TOD-2 Zoning District to the I-2 Zoning District. This change appears to be requested simply because the owner wants the use to be deemed "conforming." This is not a proper reason to rezone and there is NO impediment to the owner continuing to use the property just as it has been used. Rezoning a property to conform it to the intensity of the area around it is appropriate in comprehensive rezoning. *See, e.g.*, *Tennison v. Shomette*, 38 Md. App. 1, 5 (1977), *cert. den.*, 282 Md. 739 (1978).

However, the City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as I-2.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

(1) population change;
(2) the availability of public facilities;
(3) the present and future transportation patterns;
(4) compatibility with existing and proposed development;
(5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
(6) the relationship of the proposed amendment to the City's plan.

Fav w/ comments

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

Article 32 of the City Code also requires Council to consider:

> (i) existing uses of property within the general area of the property in question;
> (ii) the zoning classification of other property within the general area of the property in question;
> (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
> (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015)(*quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County,* 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly,* 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council

could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

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The Law Department also notes that the plat submitted with the First Reader is in error and that the Office of Property Location has drafted a new plat. The Department of Legislative Reference has drafted an amendment to the bill to replace the original plat with the corrected one, which will be offered by the applicant at the committee hearing.

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Very truly yours,

Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervala, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

Baltimore
Development Corporation

MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO

DATE: November 13, 2017

SUBJECT: City Council Bill No. 17-0151
Rezoning – 3310 Ridgewood Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0151 for the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

Rezoning 3310 Ridgewood Avenue from the TOD-2 Zoning District to the I-2 Zoning District will allow the existing business to continue operating at its current location as an industrial enterprise.

BDC supports Bill No. 17-0151 and respectfully requests that favorable consideration is given by the City Council.

cc: Kyron Banks

36 S. Charles St. Suite 2100 Baltimore, MD 21201 410.837.9305 O 410.837.6363 F BaltimoreDevelopment.com

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

Date: February 16, 2018

Re: **City Council Bill 17-0151 – Rezoning – 3310 Ridgewood Avenue**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0151 for the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071) from the TOD-2 Zoning District to the I-2 Zoning District.

The Department of Planning does not support the passage of this bill and the Planning Commission concurs with the Department of Planning's recommendation. According to the analysis done by the Department of Planning, there is no need to rezone the property for the purpose of removing it from nonconforming status. Because the nonconforming use happened as part of the new zoning code, the nonconforming use of the property can continue indefinitely regardless of the ownership.

The Department of Housing and Community Development defers to the Department of Planning on the passage of City Council Bill 17-0151.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*

Refers to planning

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, February 28, 2018 | **1:10 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

17-0151

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0151 **Rezoning - 3310 Ridgewood Avenue**

For the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

Sponsors: Sharon Green Middleton

A motion was made by Member Clarke, seconded by Member Middleton, that the bill be recommended favorably with amendment. The motion carried by the following vote:

Yes: 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 17-0151

Rezoning - 3310 Ridgewood Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: February 28, 2018
Time (Beginning): 1:15 PM
Time (Ending): 2:10 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert
Clarke, Mary Pat

Bill Synopsis in the file?	☒ yes	☐ no	☐ n/a
Attendance sheet in the file?	☒ yes	☐ no	☐ n/a
Agency reports read?	☒ yes	☐ no	☐ n/a
Hearing televised or audio-digitally recorded?	☒ yes	☐ no	☐ n/a
Certification of advertising/posting notices in the file?	☒ yes	☐ no	☐ n/a
Evidence of notification to property owners?	☒ yes	☐ no	☐ n/a
Final vote taken at this hearing?	☒ yes	☐ no	☐ n/a

Motioned by: ..... **Councilmember** Clarke, Mary Pat
Seconded b..... **Councilmember** Middleton, Sharon
Final Vote: ..... **Favorable with Amendments**

Major Speakers

(This is not an attendance record.)

- Mr. Martin French, Department of Planning
- Mr. Peter Ligon, Property Owner
- Ms. Katelyn McCauley, Department of Transportation
- Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
- Mr. Kyron Banks, Office of the Mayor/Department of Housing and Community Development
- Ms. Hilary Ruley, Department of Law
- Mr. Gaylord Dutton, Baltimore Development Corporation

Major Issues Discussed

1. Mr. French presented the Planning Commission's report.
2. Agency reports were read. Agency representatives testified in support of their respective agency's position on the bill.
3. Mr. Peter Ligon provided written findings of fact and spoke about use of the property and answered questions.
4. The committee discussed the bill.
5. The committee approved finding of facts for the bill.
6. The committee approved amendments for the bill. The bill was amended to revise the plat.
7. The committee voted to recommend the bill favorably as amended.

Further Study

Was further study requested? ☐ **Yes** ☒ **No**
If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Middleton, Sharon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Yea**
Pinkett, Leon ..... **Yea**
Stokes, Robert: ..... **Yea**

Jennifer L. Coates, Committee Staff JLC
cc: Bill File
OCS Chrono File

Date: February 28, 2017

CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation		**Chairperson: Edward Reisinger**
Date: February 28, 2018	**Time: 1:10 PM**	**Place: Clarence "Du" Burns Chambers**
Subject: Ordinance - Rezoning - 3310 Ridgewood Avenue		**CC Bill Number: 17-0151**

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	WHAT IS YOUR POSITION ON THIS BILL? FOR	AGAINST	(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	√	√	√	√	√
Gaylord	Dutton	2100	BDC	" "	gdutton@baltimoredevelopmentcorp		√			
Peter	Ligon	"	Ligon + Ligon	21215	P Ligon@Ligonandligon.com		√			√
Martin	French		Planning			√				

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730: FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, February 28, 2018 | **1:10 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

17-0151

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0151 **Rezoning - 3310 Ridgewood Avenue**
For the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

Sponsors: Sharon Green Middleton

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

The Honorable Edward Reisinger
Chairperson

PUBLIC HEARING

Wednesday, February 28, 2018
1:10 PM
Clarence "Du" Burns Council Chambers

City Council Bill # 17-0151

Rezoning - 3310 Ridgewood Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS
Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Currin

LAND USE AND TRANSPORTATION
Edward Reisinger - Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY
Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- *Larry Greene* ***(pension only)***

Rev. 10/11/17

CITY OF BALTIMORE
CATHERINE E. PUGH, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0151

Rezoning – 3310 Ridgewood Avenue

Sponsor: *Councilmember Middleton*
Introduced: *October 16, 2017*

Purpose:

For the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A), Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

Effective: 30th day after enactment

Hearing Date/Time/Location: February 28, 2018 /1:10 p.m./Clarence "Du" Burns Chambers

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Agency Reports

Planning Commission	Unfavorable
Board of Municipal and Zoning Appeals	Unfavorable
Department of Transportation	Favorable
Department of Law	
Department of Housing and Community Development	Defers to Planning
Baltimore Development Corporation	Favorable

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 22; Baltimore City Revised Code (Edition 2000).

Background

CC Bill 17-0151, if approved, would rezone the property located at 3310 Ridgewood Avenue from the TOD-2 Zoning District to the I-2 Zoning District. The current and proposed zoning districts as allowed under Article 32 are described below:

Current Zoning District – TOD-2

§ 12-401. Establishment of TOD Districts.
4 types of Transit-Oriented Development Districts are established for areas around existing and anticipated transit stations, as follows:

(1) The TOD-1 Transit-Oriented Development District is characterized by a more restrictive height and a limited retail use mix;
(2) the TOD-2 Transit-Oriented Development District is characterized by a more restrictive height and a full mix of uses;
(3) the TOD-3 Transit-Oriented Development District is characterized by significant height and a limited retail use mix; and
(4) the TOD-4 Transit-Oriented Development District is characterized by significant height and a full mix of uses

Proposed Zoning District – I-2

§ 11-205. I-2 General Industrial District.
(a) Intent.
The I-2 General Industrial Zoning District is intended to provide for a wide variety of general manufacturing, fabricating, processing, wholesale distributing, and warehousing uses.

Under the new zoning code (Article 32 (effective June 5, 2017), the current industrial uses on the site became non-conforming as they do not comply with uses allowed in the new TOD-2 Zoning District.

The industrial site is situated on the western border of the Park Heights area along the eastern side of the Western Maryland Railroad. Uses to the north and east of the site are predominantly

residential with a mix of some institutional and scattered commercial uses. The Cold Spring Lane Metro Station is south of the site.

The subject site is owned by Ligon & Ligon, Inc (3308 & 3310 Ridgewood Avenue) and Pless B. Jones (3306 Ridgewood Avenue and Block 3193A, Lot 029). The property is used as a contractor's warehouse, shop and yard. Heavy equipment is stored in the yard. The industrial conditions have existed at the site for decades.

The site lies within the Park Heights Urban Renewal Plan, which designated the area as part of a High Density Residential area and recommends that the site be zoned R-10. The Planning Department's staff report indicated that the proposed action would be consistent with provisions of the Baltimore City Comprehensive Master Plan LIVE EARN PLAY LEARN's EARN Goal 1, Objective 5: Retain and Attract Businesses in all Growth Construction. However, the Planning Department's staff report also indicated that the proposed action is inconsistent with the Master Plan's Live Goal 1, Objective 3: Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets, because it would reduce the area now designated for TOD in the Park Heights community at the first metro Station above ground as one moves northwest out of downtown Baltimore.

The Planning Department staff report recommended disapproval of the bill. The Planning Commission concurred with the Department of Planning staff's recommendation and recommended that the bill not be passed.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates JLC Direct Inquiries to: (410) 396-1260
Analysis Date: February 23, 2018

CITY OF BALTIMORE
COUNCIL BILL 17-0151
(First Reader)

Introduced by: Councilmember Middleton
At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181
Introduced and read first time: October 16, 2017
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3310 Ridgewood Avenue

FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

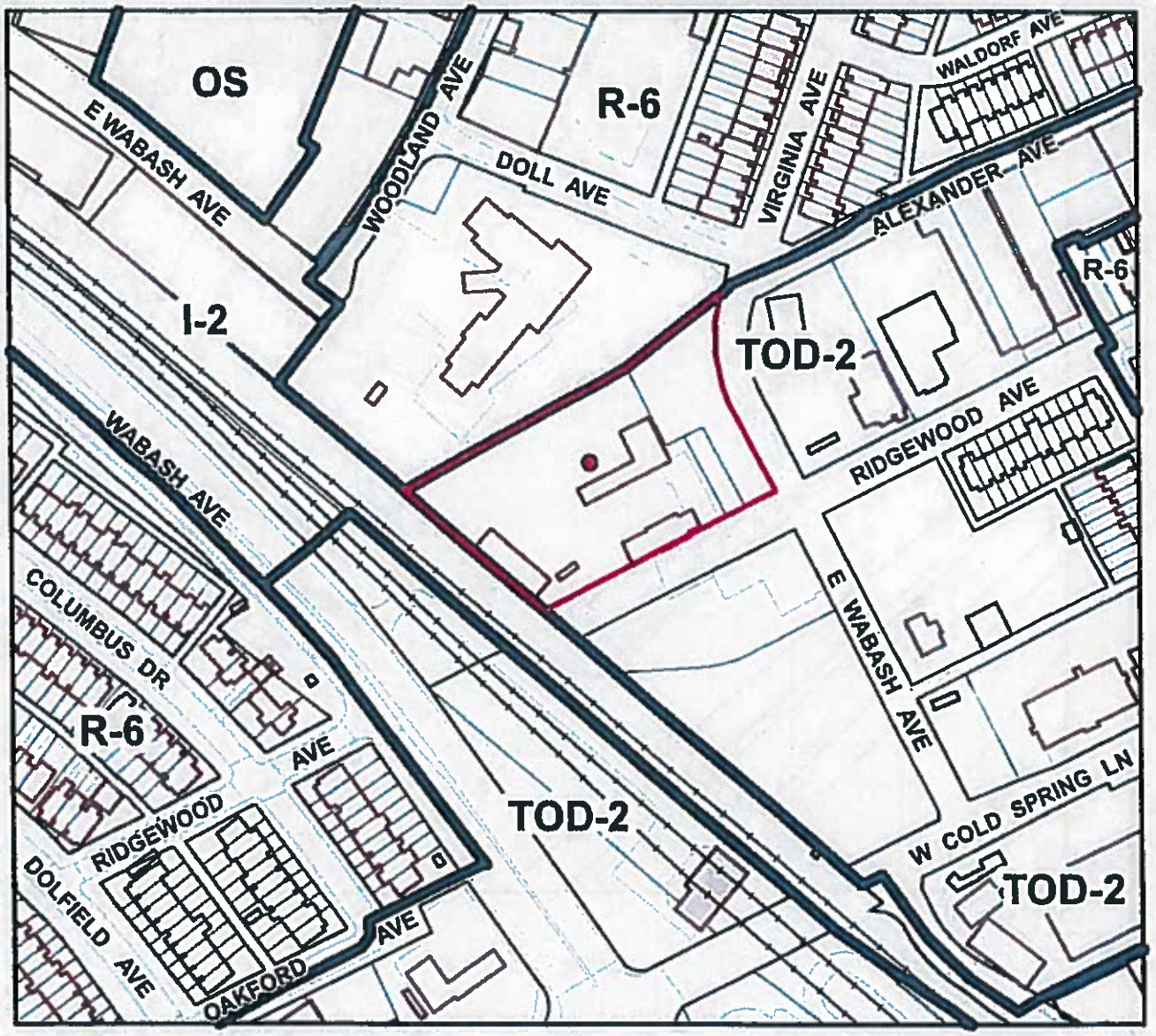
SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 22 of the Zoning District Map is amended by changing from the TOD-2 Zoning District to the I-2 Zoning District the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

SHEET NO. 22 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'

Note:

In Connection With Property Known As No. 3310 RIDGEWOOD AVENUE, The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From TOD-2 Zoning to I-2 Zoning, As Outlined In Red Above.

WARD 15 SECTION 35

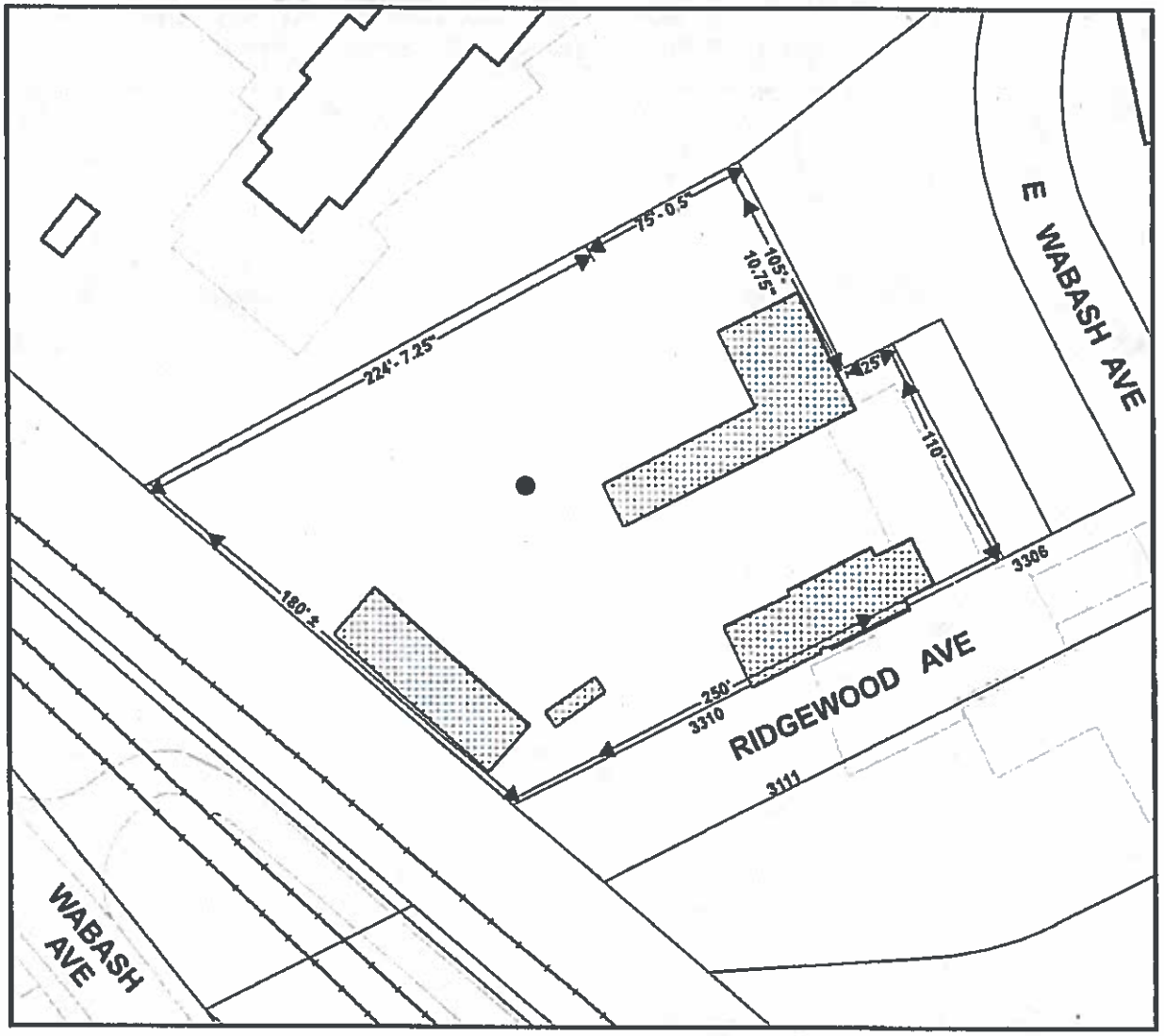
BLOCK 3193A LOT 71

MAYOR

PRESIDENT CITY COUNCIL

151

RPE 10-2-17



Scale: 1" = 80'

3310 RIDGEWOOD AVENUE

Sheet #2

RPE 10-2-17

CITY OF BALTIMORE
COUNCIL BILL 17-0151
(First Reader)

Introduced by: Councilmember Middleton
At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181
Introduced and read first time: October 16, 2017
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 3310 Ridgewood Avenue

FOR the purpose of changing the zoning for the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the accompanying plat, from the TOD-2 Zoning District to the I-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 22
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 22 of the Zoning District Map is amended by changing from the TOD-2 Zoning District to the I-2 Zoning District the property known as 3310 Ridgewood Avenue (Block 3193A, Lot 071), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

dlr17-0377-1st/13Oct17
rezone/cb17-0151-1st/nbr

APPROVED FOR FORM
STYLE, AND TECHNICAL SUFFICIENCY
10-4-17
DEPT. LEGISLATIVE REFERENCE

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ____

Introduced by: Councilmember Middleton
At the request of: Ligon & Ligon, Inc.
Address: c/o David Openshaw, 3310 Ridgewood Avenue, Baltimore, Maryland 21215
Telephone: 410-542-7181

A BILL ENTITLED

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SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT

FOR

3310 Ridgewood Ave., Balt., MD 21215
{Address}

1. **Applicant's Contact Information:**
   Name: LIGON & LIGON, INC.
   Mailing Address: 3310 Ridgewood Ave.
   Baltimore, MD 21215
   Telephone Number: 410-542-7181
   Email Address: pligon@ligonandligon.com

2. **All Proposed Zoning Changes for the Property:** Property to be re-zoned from the TOD-2 Zoning District to the I-2 Zoning District. Previously zoned M-2.

3. **All Intended Uses of the Property:** Maintain our current uses (manufacturing uses - Construction Yard with Shop, Office and Sheds.

4. **Current Owner's Contact Information:**
   Name: Peter G. Ligon, Sec./ Treasurer
   Mailing Address: 3310 Ridgewood Ave.
   Baltimore, MD 21215
   Telephone Number: 410-542-7181
   Email Address: pligon@ligonandligon.com

5. **Property Acquisition:**

   The property was acquired by the current owner on May 12, 1927 by deed recorded in the Land Records of Baltimore City in Liber 1288 Folio 271 ___.

6. **Contract Contingency:**

   (a) There is ____ is not X a contract contingent on the requested legislative authorization.

   (b) If there is a contract contingent on the requested legislative authorization:

   (i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*: _____

(ii) The purpose, nature, and effect of the contract are: _____

7. **Agency:**

(a) The applicant is _____ is not __X__ acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*: _____

AFFIDAVIT

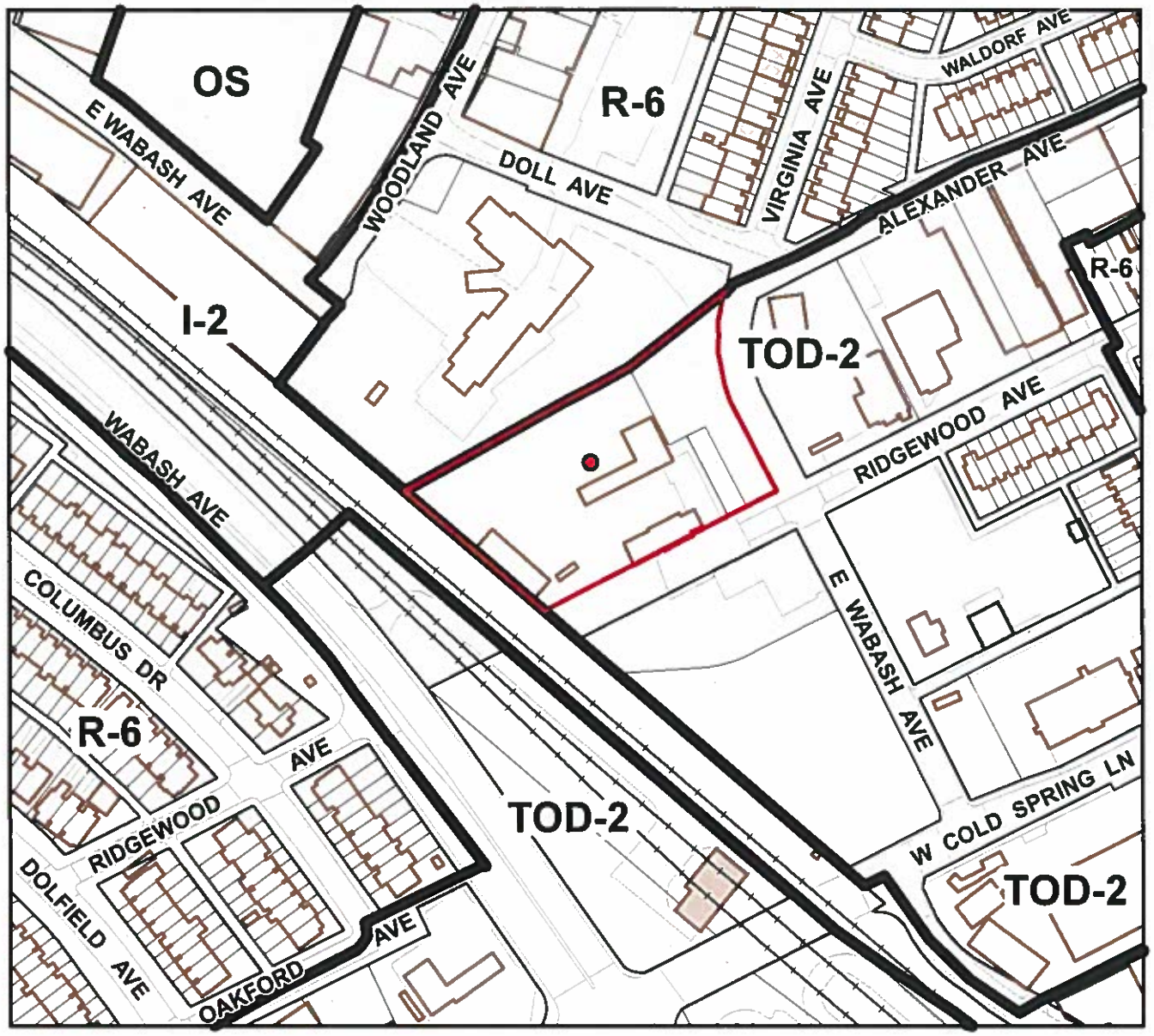
I, Peter G. Ligon, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

Applicant's signature

September 28, 2017
Date

Rev'd 05/22/17

SHEET NO. 22 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



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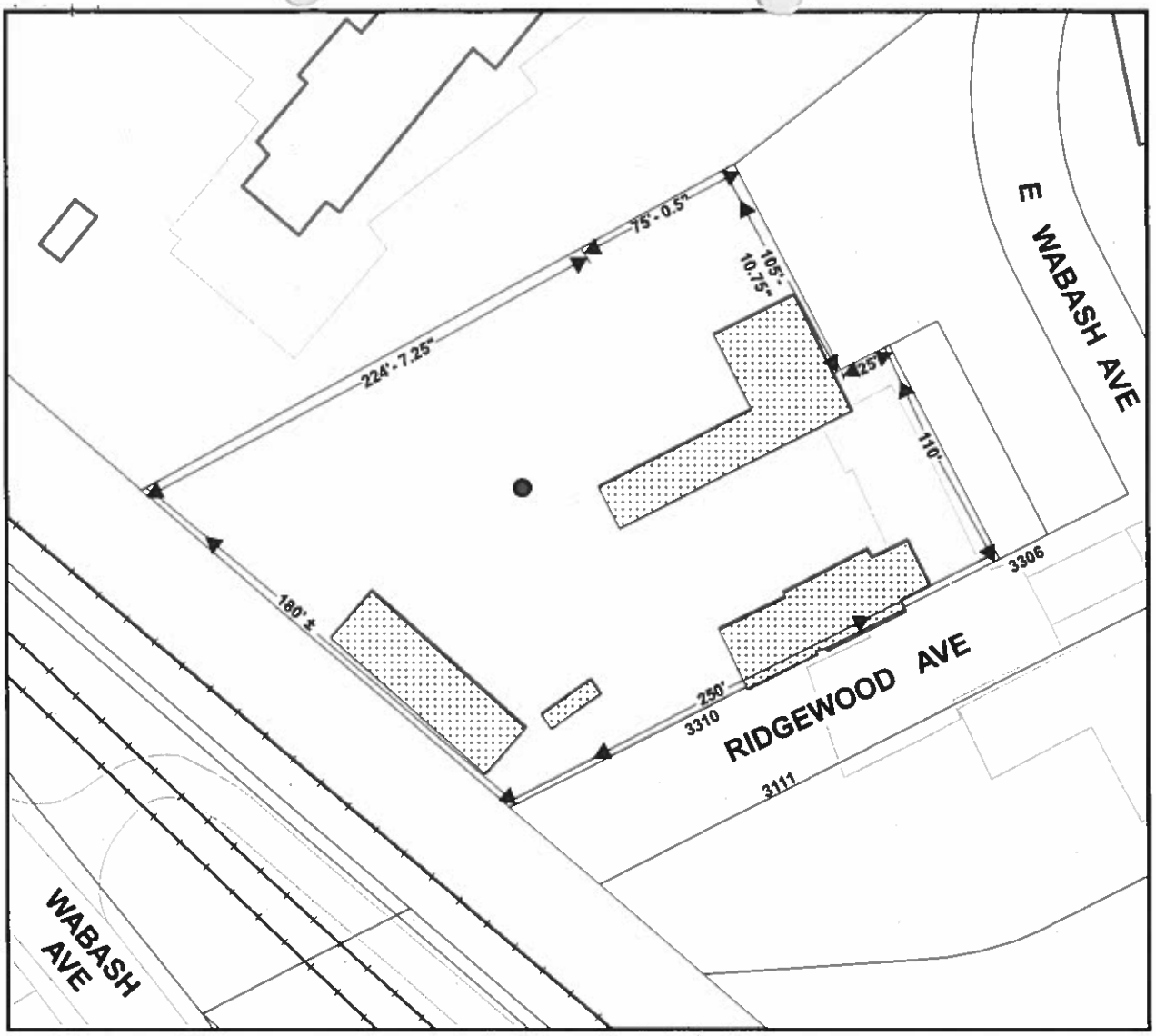
WARD 15 SECTION 35

BLOCK 3193A LOT 71

MAYOR

PRESIDENT CITY COUNCIL

RPE 10-2-17



Scale: 1" = 80'

3310 RIDGEWOOD AVENUE

Sheet #2

RPE 10-2-17

ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) OCT 16 2017 20

PUBLIC HEARING HELD ON February 28, 20 18

COMMITTEE REPORT AS OF March 12, 20 18

____ FAVORABLE ____ UNFAVORABLE ____ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

MAR 12 2018 20

✓ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING MAR 26 2018 20

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) ____ 20 ____

____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) ____ 20 ____

WITHDRAWAL ____ 20 ____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

1050-10-2