

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0494

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: May 3, 2010
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 11, 2011

AN ORDINANCE CONCERNING

**Urban Renewal – Annapolis Road –
Renewal Area Designation and Renewal Plan**

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3 FOR the purpose of designating as a “Renewal Area” an area situated in Baltimore City,
4 Maryland known as Annapolis Road, bounded generally by Indiana Avenue on the south, the
5 alley in the rear of Sidney Avenue on the east, the Light Rail tracks on the north, and Tacoma
6 Street/295 ROW on the west; approving a Renewal Plan for Annapolis Road; establishing the
7 objectives of the Plan; establishing permitted land uses in the Renewal Area; providing that
8 the provisions of the Zoning Code of Baltimore City apply to those properties in the Project
9 Area; establishing rehabilitation and new construction standards; providing for a period of
10 compliance with the rehabilitation and new construction standards; providing for review of
11 all plans for new construction, exterior rehabilitation, or demolition of any property;
12 providing for certain provisions necessary to meet the requirements of State and local laws;
13 providing for the term of the Plan; establishing procedures for changes to the Plan; waiving
14 certain content and procedural requirements; making the provisions of this Ordinance
15 severable; providing for the application of this Ordinance in conjunction with certain other
16 ordinances; and providing for a special effective date.

17 By authority of
18 Article 13 - Housing and Urban Renewal
19 Section 2-6
20 Baltimore City Code
21 (Edition 2000)

22 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
23 area known as Annapolis Road, as more particularly described in Section 2, is established.

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Annapolis
25 Road is adopted to read as follows:

Urban Renewal Plan
Annapolis Road

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.

Council Bill 10-0494

1 A. Project Description

2 1. Boundary Description

3 Beginning at the intersection of Indiana Street and Annapolis Road; thence
4 binding on the street centerline of Annapolis Road for ~800 feet to the
5 intersection with Kent Street; thence binding east on Kent Street ~135 feet to the
6 rear of 2251 Annapolis Road; thence binding north along the rear property line of
7 2251 Annapolis Road extended ~800 feet to the north side of 2119 Annapolis
8 Road; thence binding west along the north side of 2119 Annapolis Road ~270
9 feet, crossing Annapolis Road, binding to the north side of 2128 Annapolis Road
10 to the street centerline of the Tacoma Street-Annapolis Road Alley; thence
11 binding south on the street centerline of Tacoma Street-Annapolis Road Alley
12 ~660 feet, crossing Russell Street to the north side of 2257 Tacoma Street; thence
13 binding west along the north side of 2257 Tacoma Street ~120 feet to the street
14 centerline of Tacoma Street; thence binding south along the centerline of Tacoma
15 Street ~250 feet to the south side of 2309 Tacoma Street; thence binding along the
16 south side of 2309 Tacoma Street ~120 feet to the rear property line of 2312
17 Annapolis Road; thus binding south along the rear property line of 2251
18 Annapolis Road extended ~400 feet to Maisel Street; thus binding south to the
19 rear property line of 2400 Annapolis Road ~250 feet; then heading east ~50 feet
20 to the to the point of beginning.

21 2. Plan Objectives

- 22 a. To bring about a general physical improvement along Annapolis Road in
23 Westport through the rehabilitation of existing buildings and promotion of
24 new, mixed use development to create a main street;
- 25 b. To eliminate deterioration and blight by repairing or replacing exterior
26 surfaces;
- 27 c. To increase the economic viability of the area through the increased health,
28 safety and attractiveness of properties;
- 29 d. To encourage harmonious redevelopment throughout the area while
30 maintaining appropriate support for surrounding industrial land uses;
- 31 e. To provide for a process of review of all plans for properties along Annapolis
32 Road to ensure harmonious and orderly rehabilitation and development.

33 B. Land Use Plan

34 1. Permitted Land Uses

35 Only the use categories shown on the Land Use Plan and Zoning Districts map,
36 Exhibit 1, shall be permitted within the project area. These are Office
37 Residential, Neighborhood Business, and Community Business. Accessory uses,
38 including landscaping and off-street parking and loading, will be permitted. In
39 addition, certain uses will be permitted to continue subject to the provisions

Council Bill 10-0494

1 governing non-conforming and noncomplying uses set forth in Sections B.1.d.
2 and B.1.e. below.

3 a. Neighborhood Business

4 In the area designated as Community Business on the Land Use Plan, uses are
5 limited to those uses permitted under the B-1 category of the Zoning Code of
6 Baltimore City.

7 b. Community Business

8 In the area designated as Community Business on the Land Use Plan, uses are
9 limited to those uses permitted under the B-2 category of the Zoning Code of
10 Baltimore City, except for the following, which are expressly prohibited:

11 adult bookstores
12 bail bonds offices
13 check cashing operations
14 community correction centers
15 dance halls
16 fraternity and sorority houses
17 garages, other than accessory, for storage, repair, and servicing of motor
18 vehicles
19 liquor stores—package goods
20 pawnshops
21 rooming houses for more than three persons
22 tattoo parlors as a principal or accessory use
23 taverns

24 c. Nonconforming Use

25 A nonconforming use is any lawfully existing use of a building, structure, or
26 of land that does not conform to the applicable use regulations of the district
27 in which it is located, according to the Zoning Code of Baltimore City. Non-
28 conforming uses are permitted to continue subject to the provisions of Title 13
29 titled “Nonconformance”.

30 d. Noncomplying Structure

31 A noncomplying structure, as set forth in Title 13 of the Zoning Code, is any
32 lawfully existing structure that does not comply with the bulk regulations of
33 the zoning district in which it is located. These noncomplying structures shall
34 be permitted to continue subject to the provisions of Title 13.

35 2. Zoning

36 All appropriate provisions of the Zoning Code of Baltimore City shall apply to
37 properties in the Area. Any zoning district changes, as designated on Exhibit 1,
38 Land Use Plan and Zoning Districts, must be approved by Ordinance.

Council Bill 10-0494

1 C. Techniques Used to Achieve Plan Objectives

2 1. Rehabilitation and New Construction

3 Within the Project Area, any standards listed below that are above and beyond
4 those required by the Building Code do not apply to existing properties unless the
5 owner applies for permits for new construction or major rehabilitation of the
6 property. The Annapolis Road Rehabilitation Standards are as follows:

7 a. Windows

8 (1) Windows not visible from the street shall be kept properly repaired or,
9 with Fire Department approval, may be closed, in which case sills,
10 lintels and frames must be removed and the opening properly closed to
11 match the material, design and finish of the adjacent wall.

12 (2) All windows must be tight-fitting and have sashes of proper size and
13 design. Sashes with rotten wood, broken joints or loose mullions or
14 muntins must be replaced. All broken and missing windows and glass
15 blocks must be replaced with glass or other approved glazing. All
16 exposed wood must be repaired and painted.

17 (3) Window openings in upper floors of the front or sides of the building
18 facing streets may not be filled or boarded up. Windows in unused
19 areas of the upper floors may be backed by a solid surface on the
20 inside of the glass. Window panes may not be painted. Replacement
21 windows, frames, or sashes must fit existing or historic masonry
22 openings.

23 b. Building Fronts and Sides Abutting Streets

24 (1) All defective structural and decorative elements of building fronts and
25 sides abutting streets must be repaired or replaced in a workmanlike
26 manner to match as closely as possible the character of surrounding
27 buildings and the neighborhood. All damaged, sagging, or otherwise
28 deteriorated store fronts, show windows, or entrances must be repaired
29 or replaced.

30 (2) All cornices, upper floor windows, and all other portions of a building
31 containing wood trim must be made structurally sound. Rotten or
32 weakened portions must be removed, repaired, or replaced to match as
33 closely as possible the buildings in that block. All exposed wood must
34 be painted or stained, or otherwise treated for protection.

35 (3) Store fronts

36 (a) A store front, as a part of the building facade, includes:

37 i. the building face, windows, and the entrance area leading to
38 the door;

Council Bill 10-0494

1 ii. the door, sidelights, transoms, display platforms, and devices
2 including lighting and signage designed to be viewed from the
3 public right-of-way or visible to the public prior to entering the
4 interior portion of the structure.

5 (b) Store front windows, entrances, signs, lighting, sun protection,
6 security grilles, etc., must be compatible, harmonious, and
7 consistent with the scale and character of the surrounding
8 properties. All store front elements must be located below the
9 second floor window sills.

10 (c) Solid or permanently enclosed or covered store fronts are not
11 permitted. New storefronts must provide a minimum of 30%
12 window openings.

13 (d) Enclosures and housings for security grilles and screens must be as
14 inconspicuous as possible and compatible with other elements of
15 the facade. All screens and grilles protecting entrances and store
16 front windows must be constructed so they can be opened or
17 removed. Screens and grilles must be opened or removed during
18 the normal business hours of that business.

19 (e) No temporary or permanent sign affixed or placed against the
20 inside surface of a store front window may exceed 25% of the area
21 of that store front window.

22 (4) Awnings

23 (a) Soft awnings of appropriate material are encouraged over the first
24 floor. They must be appropriately scaled and located to
25 complement the building facade.

26 (b) Signage applied to awnings is restricted to business name or logo
27 and street numbers. Lettering must be sized and located to
28 complement the awning.

29 (c) Awning colors and lighting must complement the colors of the
30 building facade.

31 (5) Adjoining buildings used by the same occupant must be rehabilitated
32 in a unified and harmonious manner.

33 (6) All exterior front or side walls that have not been wholly or partially
34 resurfaced or built over must be repaired and cleaned or painted in an
35 acceptable manner. Brick walls must be pointed where necessary.
36 Painted masonry walls must have loose material removed and be
37 painted a single color except for trim, which may be other colors.
38 Day-glo and fluorescent colors are not permitted. Patched walls must
39 match the existing adjacent surfaces as to materials, color, bond, and
40 joining.

Council Bill 10-0494

1 (7) Any applied facing material or resurfacing materials are not permitted
2 on the front of the building. Examples are siding, formstone, stucco,
3 or wood paneling. No brick facades shall be resurfaced with other
4 materials.

5 (8) Existing miscellaneous elements on the building fronts, such as empty
6 electrical or other conduits, unused sign brackets, etc., must be
7 removed.

8 c. Rear and Side Walls

9 Rear and side walls, whether new or existing, must be repaired and
10 painted or cleaned and repainted to present a neat and fresh appearance.
11 Walls must be painted to cover evenly all miscellaneous patched and filled
12 areas or be stuccoed to present an even and uniform surface.

13 d. Roofs

14 (1) Chimneys, elevator penthouses, or any other auxiliary structures on
15 the roofs must be repaired and cleaned as required for rear and side
16 walls. Any construction visible from the street or from other buildings
17 must be finished so as to be consistent with other visible building
18 walls.

19 (2) Any new mechanical equipment placed on a roof must be located so as
20 to be hidden from view from the streets and to be as inconspicuous as
21 possible from all viewpoints. New equipment must be screened with
22 suitable elements of a permanent nature and finished so as to
23 harmonize with the rest of the building. Where screening is infeasible,
24 equipment must be installed in a neat, presentable manner and must be
25 painted in such a manner as to minimize its visibility.

26 (3) Television and radio antennae must be located so as to be as
27 inconspicuous as possible.

28 (4) Roofs must be kept free of trash, debris, or any other element that is
29 not a permanent part of the building or a functioning element of its
30 mechanical or electrical system.

31 e. Auxiliary Structures

32 Structures at the rear of buildings, attached or unattached to the principal
33 structure, that are structurally deficient, must be properly repaired or
34 demolished.

35 f. Rear Yards

36 Where a rear yard exists, the owner must condition the open area in one of
37 two ways:

Council Bill 10-0494

1 (1) Enclosure of yards:

2 A rear yard may be enclosed along side and rear property lines by
3 a finished masonry wall, wood or picket fence, or coated chain-
4 linked fence. Solid doors or solid gates may be used to the extent
5 necessary for access and delivery. Walls or fences may not be
6 more than 6 feet in height. Use of barbed wire or broken glass on
7 top of walls is not permitted.

8 (2) Provision of parking area:

9 An unenclosed rear yard may be used as a parking or loading area
10 if it is properly paved, illuminated, and maintained. A sign not
11 exceeding 6 square feet may be used to identify and control
12 parking and loading. The building occupant is responsible for
13 maintenance of the parking area in a neat and clean manner. No
14 storage of trash containers is allowed in this area, except when
15 housed in permanent structures of acceptable design.

16 g. Exterior Signs

17 (1) All lighting and electrical elements such as wires, conduits, junction
18 boxes, transformers, ballasts, switches, and panel boxes must be
19 concealed from view as much as possible.

20 (2) One overhanging sign, up to 8 square feet in size, is permitted per
21 building. It may not project more than 4 feet from the building face.
22 The sign must be mounted lower than the second floor window sills or
23 13 feet above grade, whichever is lower. Discreet spotlighting is
24 permitted, but internal illumination and neon are prohibited.

25 (3) Flat signs must be placed parallel to the building face, may not project
26 more than 12 inches from the surface of the building, and may not
27 exceed in area 3 times the width in feet of the frontage of the building.
28 In the case of corner properties, each facade is to be calculated
29 separately as to size allowed for each. Flat signs must be placed no
30 higher than the bottom of the second story window where windows
31 exist or 13 feet above grade level, whichever is lower.

32 (4) Signs painted on vertical building surfaces or use of separate cutout
33 letters are permitted in accordance with the above limits for flat signs.
34 Existing signs may remain.

35 (5) Non-illuminated secondary signs are permitted for the tenants
36 occupying the upper floors of a building. These signs may not exceed
37 2 square feet in area, may not project more than one (1) inch beyond
38 the surface of the building, and may not be placed higher than 13 feet
39 above grade level.

Council Bill 10-0494

- 1 (6) Roof top signs, signs above the parapet of a building, billboards, or
2 outdoor advertising signs painted or mounted on structures other than
3 billboards are not permitted.
- 4 (7) Painted or inlaid signs on cloth awnings are permitted, as per
5 subsection b.(4)(c) of this section.
- 6 (8) Flashing or moving signs other than barber poles are not permitted.
- 7 ~~(9) All temporary signs, including streamers, banners, pennants, bunting,~~
8 ~~etc., are not permitted except as provided in this Plan or as otherwise~~
9 ~~authorized by the Department of Housing and Community~~
10 ~~Development for temporary purposes not exceeding 30 days.~~
- 11 (9) ~~(10)~~ No free standing signs are permitted.

12 h. Outdoor Seating

13 Outdoor table service, when accessory to a principal use, is a conditional
14 use in the B-2 Zoning District requiring the review and approval of the
15 Board of Municipal and Zoning Appeals (BMZA). A minor privilege
16 permit may also be required. The BMZA has the authority to impose
17 certain conditions for the approval of such seating. For the purposes of
18 this Plan, the following guidelines and criteria must be used to evaluate all
19 conditional use and minor privilege applications as to their conformance
20 with the objectives of this Plan.

- 21 (1) A plan and elevation showing the layout and design of the seating
22 area must be submitted to the Department of Housing and
23 Community Development and the Department of General Services
24 along with all applications for permits.
- 25 (2) A 6-foot public walkway must be maintained, and all tables and
26 chairs must be at sidewalk level.
- 27 (3) Sight lines to adjoining properties must be preserved.

28 i. Walk-up Windows

29 Walk-up windows are not permitted unless otherwise authorized by the
30 Department of Housing and Community Development.

31 j. Screening of Private Parking Lots

32 If the parking area is greater than 4 spaces, the area must be effectively
33 screened with fencing, landscaping or a combination thereof. Uncoated
34 chain link fencing is not acceptable. The height of the screening must be
35 between 2 and 4 feet.

Council Bill 10-0494

k. Period of Compliance

- (1) After enactment of this Plan, no work, alterations, or improvements may be undertaken that do not conform to its requirements. However, the Commissioner of the Department of Housing and Community Development (“The Commissioner”) may waive compliance with one or more of the standards if the waiver is determined by the Commissioner not to adversely affect the Plan objectives for Annapolis Road.
- (2) With regard to waiver decisions affecting business properties within the Plan’s boundaries, the Commissioner may be advised by the Westport Business Association or its successor. In making decisions regarding the granting of waivers for residential properties within the Plan’s boundaries, the Commissioner may be advised by the appropriate neighborhood organizations in the area. All recommendations to the Commissioner must be made within 30 days of the filing of the waiver request with the Department of Housing and Community Development.
- (3) Nothing in the Plan may be construed to permit any sign, construction, alteration, change, repair, use, or any other matter otherwise forbidden or restricted or controlled by any other public law.
- (4) Any person violating the provisions of this Plan is subject to a fine to be determined by the Commissioner, and each day’s violation constitutes a separate offense.

l. Design Review and Approval

- (1) Designs for all building improvements, modifications, repair, rehabilitation, or painting concerning the exterior of the existing buildings, their yards, their store fronts, or their outside seating, and for all signs and awnings, must be submitted to the Director of the Department of Planning and the Commissioner of the Department of Housing and Community Development, and issuance of a permit by the Department of Housing and Community Development is required before proceeding with the work.
- (2) The Commissioner or his/her designee may submit to the Westport Business Association, or its successor or assignee, for its review and comment, the plans for any storefront property not to be acquired. The Westport Business Association, or its successor or assignee, must advise the Department of its recommendation regarding the acceptability and/or priority of all plans and proposals. The written comments must be transmitted to the Department no later than 30 days after the proposals and/or plans have been transmitted to the Westport Business Association, or its successor or assignee; otherwise it is presumed that the proposals/plans are acceptable. The Commissioner retains the final authority to approve or disapprove all plans and to grant or withhold development priorities.

Council Bill 10-0494

1 (3) The Commissioner of the Department of Housing and Community
2 Development and the Director of the Department of Planning shall be
3 concerned with all aspects of the designs affecting exterior appearance
4 and in particular with the following:

5 (a) Design of porch front or store front and entrance area,
6 including choice of materials and types of security devices;

7 (b) Design of signs, methods of illumination, colors, materials,
8 methods of suspension;

9 (c) Conditioning of rear yard spaces; location of delivery signs;

10 (d) Design of awnings, canopies, and outside seating;

11 (e) All other exterior materials and colors; and

12 (f) Compatibility of new construction as to scale, color, materials,
13 and signing.

14 (4) The Commissioner’s review must be guided by the property
15 rehabilitation standards which, in general, provide that the original
16 design of buildings must be retained or restored, and that new
17 elements must be harmonious with existing elements of the same
18 property and with adjacent properties.

19 2. New Construction

20 All plans for new construction on any property within the project area must be
21 submitted to the Department of Housing and Community Development and the
22 Department of Planning for review, which may include presentations before the
23 Department’s Urban Design and Architectural Review Panel. Upon finding that
24 the proposed plans are consistent with the objectives of the Urban Renewal Plan,
25 the Commissioner of the Department of Housing and Community Development
26 must authorize the processing of the plans for issuance of a building permit. The
27 provisions of this section are in addition to, and not in lieu of, all other applicable
28 laws and ordinances relating to new construction.

29 The minimum building height for new construction is 20 feet.

30 3. Demolition

31 All applications for demolition permits shall be submitted to the Department of
32 Housing and Community Development for review and approval. If the proposed
33 demolition is found to be consistent with the objectives of the Urban Renewal
34 Plan, the Commissioner of the Department of Housing and Community
35 Development shall authorize the issuance of the necessary permit.

Council Bill 10-0494

D. Other Provisions Necessary to Meet Requirements of State and Local Laws

1. In selling or otherwise disposing of property in Annapolis Road, the Department of Housing and Community Development must require that developers agree in writing not to discriminate in the sale, lease, use, or occupancy of the property developed by them against any person on the basis of race, religion, color, sex, or national origin.
2. If the Annapolis Road Urban Renewal Plan fails to meet the statutory requirements for the content of a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal plan, those requirements are waived, and the Urban Renewal Plan is exempted from them.
3. If a provision of this Urban Renewal Plan concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions must be construed to give effect to each. However, if the provisions are found to be in irreconcilable conflict, the one that establishes the higher standard for the protection of the public health and safety prevails. If a provision of this Urban Renewal Plan is found to be in conflict with an existing provision of any other law or regulation that establishes a lower standard for the protection of the public health and safety, the provision of this Urban Renewal Plan prevails, and the other conflicting provision is repealed to the extent of the conflict.

E. Duration of Provisions and Requirements

The Annapolis Road Urban Renewal Plan, as it may be amended from time to time, shall be in effect for a period of 10 years following the date of original adoption by the Mayor and City Council of Baltimore.

F. Procedures for Changes in Approved Plan

1. The Urban Renewal Plan may be amended from time to time, upon compliance with the requirements of law, provided that, prior to the passage of any ordinance amending the Urban Renewal Plan, a public hearing is held.
2. The Department of Housing and Community Development must submit to the Westport Business Association, or its successor and all groups in Westport as identified in the City's Community Association Directory, for its their review and comments, all proposed amendments presented to the City Planning Commission by the Department of Housing and Community Development. Written comments must be submitted to the Department no later than 30 days after the amendments have been submitted to the Westport Business Association, or its successor; otherwise, it is presumed the proposed changes are satisfactory. Prior to the passage of any ordinance amending the urban renewal plan, a public hearing must be held and the Westport Business Association, or its successor, must receive written notice, at least 10 days before the hearing, of the time and place of the hearing.

Council Bill 10-0494

1 G. Separability

2 In the event it be judicially determined that any word, phrase, clause, sentence,
3 paragraph, section or part in or of this Plan, or the application thereof to any person or
4 circumstances is invalid, the remaining provisions and the application of such
5 provisions to other persons or circumstances shall not be affected thereby, it being
6 hereby declared that the remaining provision of this Plan without the word, phrase,
7 clause, sentence, paragraph, section or part, or the application thereof, so held invalid
8 would have been adopted and approved.

9 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Annapolis
10 Road, identified as “Urban Renewal Plan, Annapolis Road”, including Exhibit 1, “Land Use/
11 Zoning”, dated September 3, 2009, is approved, and the Clerk of the City Council is directed to
12 file a copy of the Renewal Plan with the Department of Legislative Reference as a permanent
13 public record and to make the same available for public inspection and information.

14 **SECTION 4. AND BE IT FURTHER ORDAINED,** That if the amended Urban Renewal Plan
15 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
16 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
17 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
18 Ordinance is exempted from them.

19 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
20 application of this Ordinance to any person or circumstance is held invalid for any reason, the
21 invalidity does not affect any other provision or any other application of this Ordinance, and for
22 this purpose the provisions of this Ordinance are declared severable.

23 **SECTION 6. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
24 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
25 safety law or regulation, the applicable provisions shall be construed to give effect to each.
26 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
27 higher standard for the protection of the public health and safety prevails. If a provision of this
28 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
29 establishes a lower standard for the protection of the public health and safety, the provision of
30 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
31 conflict.

32 **SECTION 7. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
33 is enacted.²

Council Bill 10-0494

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City