

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0304

Introduced by: Councilmembers Branch, Curran, D’Adamo
At the request of: Belair-Edison Neighborhood Incorporated (BENI)
Introduced and read first time: March 16, 2009
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 3, 2010

AN ORDINANCE CONCERNING

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

FOR the purpose of amending the Urban Renewal Plan for the Belair-Erdman Business Area to modify the uses in certain land use categories, change certain regulations, controls, and restrictions on land acquired by the City, modify certain rehabilitation standards, modify the duration of the Plan, provide for a penalty for violation of any provision of the Plan, and clarify, correct, and conform certain language and certain references; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

BY authority of
Article 13 - Housing and Urban Renewal
Section 2-6
Baltimore City Code
(Edition 2000)

Recitals

The Urban Renewal Plan for Belair-Erdman was originally approved by the Mayor and City Council of Baltimore by Ordinance 91-789 and last amended by Ordinance 99-572.

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

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

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.

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

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

4 (2) Community Business

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

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

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

19 THE FOLLOWING USES ARE ONLY PERMITTED AS ACCESSORY: TAX SERVICES
20 AND MESSAGE SALON.

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

25 (C) UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS
26 ALLOWED. A MINOR PRIVILEGE PERMIT IS REQUIRED TO DISPLAY
27 MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE PUBLIC
28 RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO
29 MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED
30 PERSONS.

31 (3) Community Commercial

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

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

38 After hours establishments, other than private clubs*; amusement arcades*;
39 amusement parks and permanent carnivals*; automobile laundries*; BAIL

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1 BONDSMEN; building and lumber materials sales establishments with shops
2 and yards; ~~BUY AND SELL STORES~~; CHECK CASHING AGENCIES; contractor and
3 construction shops and yards; FIREARM SALES; garages, for storage, repair,
4 and servicing of motor vehicles - including body repair, painting and engine
5 rebuilding*; garages and lots for bus and transit vehicles; highway
6 maintenance shops and yards; industrial supplies - sales; LIQUOR AND
7 PACKAGE GOODS STORES; ~~MASSAGE SALONS~~; accessory and non-accessory
8 microwave antennas (satellite dishes); milk and dairy products - processing
9 and distribution; moving and storage establishments; parcel collection and
10 delivery stations; PAWNHOPS; pool halls and billiard parlors*; stables for
11 horses; taverns, including live entertainment and dancing; tattoo parlors*; ~~TAX~~
12 ~~SERVICES~~; overhead transmission lines (above 69-kv) on rights-of-way
13 acquired prior to January 1, 1969*; and warehousing and wholesale
14 establishments, and storage other than accessory to permitted uses.

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

17 THE FOLLOWING USES ARE ONLY PERMITTED AS ACCESSORY: TAX SERVICES
18 AND MASSAGE SALON.

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

23 (4) [Non-conforming] NONCONFORMING

24 A [non-conforming] NONCONFORMING use is any lawfully existing use of a
25 building or other structure, or of land [which] THAT does not conform to the
26 applicable use regulations of the ZONING district in which it is located, according
27 to the Zoning [Ordinance] CODE of Baltimore City. These [non-conforming]
28 NONCONFORMING uses shall be permitted to continue, subject to the provisions [in
29 Chapter 8] OF TITLE 13 of the Zoning [Ordinance] CODE of Baltimore City[, titled
30 "Non-Conformance."].

31 (5) [Non-complying] NONCOMPLYING

32 A [non-complying] NONCOMPLYING structure, as set forth in [Chapter 8 of Article
33 30 of the Baltimore City Code (1983 Replacement Volume, as amended), titled
34 "Zoning,"] TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY, is any lawfully
35 existing use of a building or other structure [which] THAT does not comply with
36 the bulk regulations of the zoning district in which it is located. These [non-
37 complying] NONCOMPLYING structures shall be permitted to continue, subject to
38 the provisions of [said Chapter 8] Title 13.

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

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

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

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

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

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

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

15 a . Building Fronts and Sides Abutting Streets

16 (1) NEW SECURITY GRATES, GRILLES, AND BARS ARE PROHIBITED ON THE
17 EXTERIOR FACADE OF A BUILDING. INTERIOR BARS ARE PERMITTED BUT MUST
18 BE REMOVED DURING BUSINESS WORKING HOURS TO PREVENT WINDOW AND
19 DOOR BLOCKAGE. INTERIOR BARS MUST BE PAINTED IN A MANNER THAT IS
20 COMPATIBLE WITH THE EXTERIOR FACADE OF THE BUILDING. WINDOW BLINDS
21 MAY BE USED TO COVER WINDOWS BUT ONLY DURING NON-BUSINESS WORKING
22 HOURS.

23 (2) [(1)]

24 . . .

25 (3) [(2)] All cornices, upper story windows and all other portions of a building
26 containing wood trim shall be made structurally sound. Rotten or weakened
27 portions shall be removed and repaired or replaced to match as closely as
28 possible the original patterns. All exposed wood shall be painted or stained,
29 or otherwise treated for protection. EXPOSED CINDER BLOCKS ARE PROHIBITED
30 ON BUILDING FACADES.

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

35 (5) [(3)] Windows

36 . . .

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

3 . . .

4 (6) [(4)] Show Windows

5 . . .

6 (H) ONLY 15% OF SHOW WINDOWS MAY BE COVERED OR BLOCKED DURING
7 BUSINESS HOURS. EXAMPLES OF ITEMS CONSIDERED INTO THE BLOCKAGE
8 CALCULATION INCLUDE EXTERIOR GRATES, SIGNAGE AND BANNERS AS
9 WELL AS INTERIOR ITEMS SUCH AS SHELVES, BOXES, POSTERS, SET BACK
10 ADVERTISEMENTS AND BARS. TINTING OR GLAZING OF STOREFRONT SHOW
11 WINDOWS IS PROHIBITED.

12 (7) [(5)]

13 . . .

14 (8) [6]

15 . . .

16 (9) [(7)] . . .

17 (10) [(8)] . . .

18 (11) [(9)] . . .

19 (12) [(10)] . . .

20 (13) [(11)] . . .

21 (14) [12]) . . .

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

23 . . .

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

30 . . .

31 (8) ONE PROJECTING SECONDARY OVERHANGING PERPENDICULAR OR BLADE SIGN
32 SHALL BE PERMITTED. THESE SIGNS MUST BE DOUBLE FACED AND BE ORIENTED 90

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1 DEGREES TO THE BUILDING FACE. SUCH SIGNS SHALL NOT EXCEED 6 SQUARE FEET
2 IN AREA OR 12 INCHES IN WIDTH AND SHALL NOT BE PLACED HIGHER THAN 13 FEET
3 ABOVE GRADE LEVEL OR THE BOTTOM OF THE SECOND STORY WINDOW,
4 WHICHEVER IS LOWER. LETTERING FOR PROJECTING SIGNS SHALL NOT EXCEED 12
5 INCHES IN HEIGHT. THREE DIMENSIONAL SPECIALTY SIGNS (I.E. HAMMER FOR A
6 HARDWARE STORE, EYEGLASSES FOR AN OPTICIAN) ARE ENCOURAGED FOR
7 PROJECTING SIGNS. ALL PROJECTING SIGNS MUST BE ATTACHED TO THE BUILDING
8 USING A DECORATIVE LEVER ARM NOT TO EXCEED 4 FEET IN LENGTH. WIRES OR
9 ROPE SHALL NOT BE PERMITTED IN THE HANGING OR STABILIZATION OF
10 OVERHANGING PERPENDICULAR OR BLADE SIGNS. NO PART OF THE PROJECTING
11 SIGN OR LEVER SHALL EXTEND FARTHER THAN 4 FEET FROM THE BUILDING
12 FACADE. DISCREET SPOTLIGHTING IS PERMITTED, BUT INTERNAL ILLUMINATION IS
13 PROHIBITED. OVERHANGING SIGNS ARE SUBJECT TO MINOR PRIVILEGE FEES. THE
14 YEARLY MINOR PRIVILEGE FEE DEPENDS ON THE SIZE OF THE OVERHANGING SIGN.
15 BUSINESS OWNERS MUST OBTAIN A MINOR PRIVILEGE PERMIT PRIOR TO
16 INSTALLING ANY OVERHANGING SIGNS.

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

20 (10) [(8)]

21 ...

22 (11) [(9)]

23 ...

24 (12) [(10)]

25 ...

26 (13) [(11)]

27 ...

28 (14) [(12)] No new general advertising signs (EXTERIOR BANNERS, billboards and
29 posterboards) shall be permitted.

30 ...

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

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

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

2 F. Duration of Provisions and Requirements

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

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

9 I. VIOLATIONS

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

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for the Belair-
14 Erdman Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan,
15 Belair-Erdman, revised to include Amendment 2, dated March 16, 2009”, is approved. The
16 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
17 Department of Legislative Reference as a permanent public record, available for public
18 inspection and information.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That if the amended Urban Renewal Plan
20 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
21 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
22 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
23 Ordinance is exempted from them.

24 **SECTION 4. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
25 application of this Ordinance to any person or circumstance is held invalid for any reason, the
26 invalidity does not affect any other provision or any other application of this Ordinance, and for
27 this purpose the provisions of this Ordinance are declared severable.

28 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
29 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
30 safety law or regulation, the applicable provisions shall be construed to give effect to each.
31 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
32 higher standard for the protection of the public health and safety prevails. If a provision of this
33 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
34 establishes a lower standard for the protection of the public health and safety, the provision of
35 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
36 conflict.

37 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
38 is enacted.

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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