

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0108

Introduced by: Councilmember Schleifer

At the request of: Blue Ocean Realty

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Introduced and read first time: July 17, 2017

Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 16, 2017

AN ORDINANCE CONCERNING

**Urban Renewal – Mt. Washington Village Business Area –
Amendment 1**

FOR the purpose of amending the Urban Renewal Plan for Mt. Washington Village Business Area to modify the boundaries of the Renewal Plan, to delete certain provisions of the Plan pertaining to powers of acquisition and condemnation made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland, to revise certain Exhibits to reflect the boundary modifications of the Plan and to reflect a change in zoning, upon approval by separate Ordinance, for a portion of the property known as 1700 South Road, ~~and to delete a certain Exhibit Exhibits, made obsolete by § 12-105.1 of the Real Property Article of the Annotated Code of Maryland~~ to clarify, conform and correct certain obsolete language, provisions, and references pertaining to the Zoning Code of Baltimore City, to clarify that if a land use is not allowed in the C-1 Zoning District, the use is prohibited, to modify certain land uses allowed in the Plan, to remove certain provisions pertaining to land disposition, to modify certain standards for rehabilitation of commercial properties, to modify the review process for developers' proposals for new development or significant rehabilitation of property, to modify the duration of the Plan, and to modify a certain procedure for amending the Urban Renewal Plan; 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

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 The Urban Renewal Plan for Mt. Washington Village Business Area was originally approved
2 by the Mayor and City Council of Baltimore by Ordinance 76-194.

3 An amendment to the Urban Renewal Plan for Mt. Washington Village Business Area is
4 necessary to modify the boundaries of the Renewal Plan, to delete certain provisions of the Plan
5 pertaining to powers of acquisition and condemnation made obsolete by § 12-105.1 of the Real
6 Property Article of the Annotated Code of Maryland, to revise certain Exhibits to reflect the
7 boundary modifications of the Plan and to reflect a change in zoning, upon approval by separate
8 Ordinance, for a portion of the property known as 1700 South Road, ~~and to delete a certain~~
9 ~~Exhibit Exhibits, made obsolete by § 12-105.1 of the Real Property Article of the Annotated~~
10 ~~Code of Maryland~~ to clarify, conform and correct certain obsolete language, provisions, and
11 references pertaining to the Zoning Code of Baltimore City, to clarify that if a land use is not
12 allowed in the C-1 Zoning District, the use is prohibited, to modify certain land uses allowed in
13 the Plan, to remove certain provisions pertaining to land disposition, to modify certain standards
14 for rehabilitation of commercial properties, to modify the review process for developers’
15 proposals for new development or significant rehabilitation of property, to modify the duration of
16 the Plan, and to modify a certain procedure for amending the Urban Renewal Plan.

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

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
21 following changes in the Urban Renewal Plan for Mt. Washington Business Area are approved:

22 (1) In the Plan, ~~amend the second paragraph of A.1. to read as follows:~~ strike all the
23 paragraphs of the boundary description and substitute the following:

24 A. Project Description

25 1. Boundary Description

26 ...

27 ~~Thence running in a southeasterly direction crossing Kelly Avenue in a~~
28 ~~straight line and binding on that line, to a point formed by the intersection of~~
29 ~~the western right-of-way line of Kelly Avenue and the southern right-of-way~~
30 ~~line of Sulgrave Avenue; thence running easterly along the southern right-of-~~
31 ~~way line of Kelly Avenue and binding on that line to a point of intersection~~
32 ~~with the [eastern] NORTHERN property line of Lot [5] 1, Ward 27, Section 17,~~
33 ~~Block 4700-A; thence running in [an easterly direction in a straight line and~~
34 ~~binding on that line] A WESTERLY DIRECTION FOR 50 FEET ALONG THE~~
35 ~~PROPERTY LINE; THENCE RUNNING IN A STRAIGHT LINE IN A SOUTHERLY~~
36 ~~DIRECTION AND PARALLEL TO THE WESTERN PROPERTY LINE, across South~~
37 ~~Road to a point formed by the intersection of the south right-of-way line of~~
38 ~~South Road with the western property line of Lot 6, Ward 27, Section 17,~~
39 ~~Block 4706-E;~~

40 ...

41 THE BOUNDARY DESCRIPTION OF THE PLAN IS SHOWN ON THE LAND USE PLAN,
42 EXHIBIT 1, DATED OCTOBER 16, 2017.

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1 (2) In the Plan, amend A.3.a. to read as follows:

2 A. Project Description

3 3. Types of Proposed Renewal Action

4 a. [Acquisition of properties, disposition and redevelopment]
5 Redevelopment;

6 (3) In the Plan, delete C.1.a.b. and c. in their entirety, and delete the letter d. in C.1.d.

7 (4) In the Plan, amend Exhibit 1, “Land Use Plan”, to reflect the modification of the
8 boundary of the Renewal Area, and amend the Exhibit, upon approval of rezoning by
9 separate ordinance, to reflect the change in land use for a portion of the property
10 known as 1700 South Road, from Residential to Office-Residential.

11 (5) In the Plan, amend Exhibit # 2, “ Zoning Districts”, to reflect the modification of the
12 boundary of the Renewal Area, and amend the Exhibit, upon approval of rezoning by
13 separate ordinance, to reflect the change in zoning for a portion of the property known
14 as 1700 South Road.

15 (6) In the Plan, delete Exhibit 2, “Property Acquisition” in its entirety, and delete Exhibit
16 3, “Land Disposition”, in its entirety.

17 ~~(7) In the Plan, amend Exhibit 3, “Land Disposition”, to reflect the modification of the~~
18 ~~boundary of the Renewal Area.~~

19 (7) In the Plan, amend B. to read as follows:

20 B. Land Use Plan

21 1. [Predominant land uses, streets, and all other public rights-of-way proposed or
22 existing to remain within the project area] LAND USES ARE IN ACCORDANCE
23 WITH THE ZONING CODE OF BALTIMORE CITY, UNLESS OTHERWISE NOTED
24 BELOW[,] AND are shown on the Land Use Plan, Exhibit 1.

25 2. Land Use Provisions and Standards

26 a. Permitted Uses

27 Only the uses shown on the Land Use Plan Map EXHIBIT 1 shall be permitted
28 within the [project area] PROJECT AREA. LAND USES IN THE PLAN ARE BASED
29 ON THE ZONING CODE OF BALTIMORE CITY. The use classifications are
30 Office-Residential[,] and [Community] NEIGHBORHOOD Business. Accessory
31 uses, including landscaping, off-street parking, and off-street loading will be
32 permitted to continue subject to the provisions governing [non-conforming]
33 NONCONFORMING uses as set forth in B.2.a.(C)(3) below.

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1 (1) Office-Residential [(O-R-1)] OR-1

2
3 [Bulk Regulations (Lot Area, Yard Requirements and Floor Area Ratio)
4 will conform to those outlined for the O-R-1 Zoning District, as specified
5 in section 5.1-2 of the Zoning Ordinance of Baltimore City.] BULK AND
6 YARD REGULATIONS SHALL CONFORM TO TABLE 12-302, AS SPECIFIED IN
7 THE ZONING CODE OF BALTIMORE CITY.

8 (2) [Community Business (B-2-2)] NEIGHBORHOOD BUSINESS DISTRICT C-1

9 (a) General Requirements

10
11 v. Activities involving the production, processing, cleaning,
12 servicing, testing or repair of materials, goods or products shall
13 conform to the performance standards established [for the M-1
14 District in Chapter 7 of] BY the Zoning [Ordinance] CODE of
15 Baltimore City.

16
17 (b) IF A LAND USE IS NOT ALLOWED IN THE C-1 ZONING DISTRICT, THE USE
18 IS PROHIBITED. [In the area designated as Community Business on the
19 Land Use Map, the uses shall be limited to the following:
20 ]

21 (c) The following uses are conditional uses subject to the requirements
22 and provisions of [Section 11-0-3 of the Zoning Ordinance for
23 Baltimore City] THE ZONING CODE OF BALTIMORE CITY:

24 [i. Accessory or non-accessory radio and television antennas and
25 towers when free standing or when they extend higher than 25 feet
26 above the building on which they are mounted.]

27 [ii. Bus and transit passenger stations and terminals.]

28 [iii.] Governmental services, as follows:

- 29 (i) Fire and Police stations
30 (ii) Post Offices

31 [iv. Accessory uses incidental to and on the same lot as the above
32 conditional uses.]

33 (d) [Open off-street parking areas and off-street parking garages] PARKING
34 LOTS AND PARKING GARAGES (PRINCIPAL USE), other than accessory,
35 [for the parking of four or more automobiles are conditional use and
36 shall require authorization by ordinance of the Mayor and City
37 Council, subject to the requirements and provisions of Section 11.0-6d
38 of the Zoning Ordinance for Baltimore City] ARE CONDITIONAL USES
39 SUBJECT TO APPROVAL OF THE BOARD OF MUNICIPAL AND ZONING
40 APPEALS.

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1 (e) Bulk AND YARD Regulations

2 [i. Lot area regulations and yard requirements will conform to those
3 outlined for the B-2-2 Zoning District, as specified in Section 6.2-2
4 of the Zoning Ordinance for Baltimore City.] BULK AND YARD
5 REGULATIONS FOR THE C-1 ZONING DISTRICT ARE SPECIFIED IN
6 TABLE 10-401 OF THE ZONING CODE OF BALTIMORE CITY.

7 [ii. The maximum floor area ration shall not exceed 1.5]

8 (F) STANDARDS

9 IF A PROVISION OF THIS URBAN RENEWAL PLAN CONCERNS THE SAME
10 SUBJECT AS A PROVISION OF ANY ZONING, BUILDING, ELECTRICAL,
11 PLUMBING, HEALTH, FIRE, OR SAFETY LAW OR REGULATION, THE
12 APPLICABLE PROVISIONS MUST BE CONSTRUED TO GIVE EFFECT TO
13 EACH. HOWEVER, IF THE PROVISIONS ARE FOUND TO BE IN
14 IRRECONCILABLE CONFLICT, THE ONE THAT ESTABLISHES THE HIGHER
15 STANDARD FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY
16 PREVAILS.

17 [(3) Public

18 In the area designated as Public on the Land Use Plan Map, the uses shall
19 be limited to off-street parking.]

20 (3) [4] [Non-Conforming] NONCONFORMING Use

21 A [non-conforming] NONCONFORMING use is any lawfully existing use of a
22 [building or other] structure[,] or of land [which] that does not conform to
23 the [applicable] use regulations APPLICABLE [of] to the district in which it
24 is located according to the Zoning [Ordinance] CODE of Baltimore City.
25 [Non-conforming] NONCONFORMING uses shall be permitted to continue,
26 subject to the provisions of the Zoning [Ordinance] CODE of Baltimore
27 City governing [non-conforming] NONCONFORMING uses.

28 (8) In the Plan, amend C.2. to read as follows:

29 C. Techniques to be Used to Achieve Plan Objectives

30 [2] Rehabilitation of Commercial Properties

31 The following additional standards shall be applied over and above the codes and
32 ordinances of the City of Baltimore to all structures designated as [Community
33 Business] NEIGHBORHOOD BUSINESS on the Land Use Plan Map, [7] Exhibit 1,
34 other than those [which] THAT are scheduled for demolition:

35 a. Building Fronts and Sides Abutting Streets

36
37 (3) Windows:

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1 (a) Windows not in the front of buildings shall be kept properly repaired
2 or[,with Fire Department approval,] may be closed, in which case sills,
3 lintels, and frames must be removed and the opening properly closed
4 to match the material design and finish of the adjacent wall.

5 (b) All windows must be tight-fitting and have sashes of proper size and
6 design. Sashes with rotten wood, broken joints or loose mullions or
7 muntins shall be replaced. All broken and missing windows shall be
8 replaced with glass[, plexiglass or lexan]. All exposed wood shall be
9 repaired and painted.

10
11 (6) Awnings

12
13 [(e) Rigid or fixed awnings, sun screens or permanent canopies are not
14 permitted on any portion of the building front.]

15
16 c. Roofs

17
18 [(3) Television and radio antennae shall be located so as to be as
19 inconspicuous as possible.]

20 (3) [(4)] Roofs shall be kept free of trash, debris, or any other element, which
21 is not a permanent part of the building, or a functioning element of its
22 mechanical or electrical system.

23
24
25 (9) In the Plan, amend D.1. by adding a third paragraph to read as follows:

26 D. Review of Developer’s Plans

27 1. Department of Housing and Community Development Review AND
28 APPROVAL PROCESS

29
30 THE DEPARTMENT SHALL SUBMIT TO THE MOUNT WASHINGTON
31 IMPROVEMENT ASSOCIATION AND THE MOUNT WASHINGTON MERCHANTS’
32 ASSOCIATION, OR THEIR SUCCESSORS OR ASSIGNEES, FOR REVIEW AND
33 COMMENT, THE FORM AND CONTENT OF ALL PLANS AND PROPOSALS FOR NEW
34 DEVELOPMENT OR SIGNIFICANT REHABILITATION OF ANY PROPERTY. THE
35 MOUNT WASHINGTON IMPROVEMENT ASSOCIATION AND THE MOUNT
36 WASHINGTON MERCHANTS’ ASSOCIATION, OR THEIR SUCCESSORS OR
37 ASSIGNEES, SHALL ADVISE THE DEPARTMENT OF THEIR RECOMMENDATIONS
38 REGARDING THE ACCEPTABILITY AND/OR PRIORITY CONCERNS REGARDING ALL
39 PLANS AND PROPOSALS. THE WRITTEN COMMENTS SHALL BE TRANSMITTED TO
40 THE DEPARTMENT NO LATER THAN 30 DAYS AFTER THE PROPOSALS AND PLANS
41 HAVE BEEN SUBMITTED TO THE MOUNT WASHINGTON IMPROVEMENT
42 ASSOCIATION AND THE MOUNT WASHINGTON MERCHANTS’ ASSOCIATION, OR
43 THEIR SUCCESSORS OR ASSIGNEES.

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1 (10) In the Plan, delete E.1. in its entirety, and amend E.2. to read as follows:

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

3 1. [2.] Zoning

4 All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore City,
5 other than herein provided, shall apply to properties in the [project area]
6 PROJECT AREA, as shown on the Zoning Districts Map, Exhibit [4] 2. In order
7 to execute the Urban Renewal Plan, zoning district changes as designated on
8 Exhibit [4] 2 will be required. These changes will require amendments to the
9 Zoning [Ordinance] CODE. Action to this effect will be initiated during the
10 execution of the Plan.

11 2. [3.] Reasons for Various Provisions of this Plan

12

13 (11) In the Plan, amend F. to read as follows:

14 F. Duration of Provisions and Requirements

15
16 The provisions and requirements of this Plan shall be in effect for a period of not
17 less than [twenty] 20 years [following] FROM the date [of the approval of this] THE
18 URBAN RENEWAL PLAN IS LAST AMENDED by the Mayor and City Council of
19 Baltimore.

20 (12) In the Plan, amend G.2. to read as follows:

21 G. Procedures for Changes in Approved Plan

22

23 2. The Department of Housing and Community Development shall submit to the
24 Mt. Washington Village Merchants' Association and Mt. Washington Village
25 Improvement Association, or their successors, for their review and comments,
26 all proposed amendments to the Urban Renewal Plan no later than the time the
27 proposed amendments are submitted to the City Planning Commission by the
28 Department of Housing and Community Development no later than [three (3)
29 weeks] 60 DAYS after they have been submitted to the Mt. Washington Village
30 Merchants' Association and Mt. Washington Village Improvement
31 Association, or their successors Association[.]; otherwise, it is presumed the
32 proposed changes are satisfactory. Prior to passage of any ordinance
33 amending the Urban Renewal Plan, a public hearing shall be held, and the Mt.
34 Washington Village Merchants' Association and Mt. Washington Village
35 Improvement Association, or their successors, shall receive, at least [ten] 10
36 days prior to [such] THE hearing, written notice of the time and place of [such]
37 THE hearing.

38 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Mt.
39 Washington Village Business Area, as amended by this Ordinance and identified as “Urban
40 Renewal Plan, Mt. Washington Village Business Area, revised to include Amendment 1 dated
41 July 17, 2017”, is approved. The Department of Planning shall file a copy of the amended Urban

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1 Renewal Plan with the Department of Legislative Reference as a permanent public record,
2 available for public inspection and information.

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

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

12 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
13 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
14 safety law or regulation, the applicable provisions shall be construed to give effect to each.
15 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
16 higher standard for the protection of the public health and safety prevails. If a provision of this
17 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
18 establishes a lower standard for the protection of the public health and safety, the provision of
19 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
20 conflict.

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

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