

AMENDMENTS TO COUNCIL BILL 17-0108
(1st Reader Copy)

APPROVED FOR FORM STYLE AND CENTRAL CURRENCY
10-2-17
DEPT LEGISLATIVE SERVICES

By: Housing and Urban Affairs Committee

Amendment No. 1

On page 2, in line 11, strike “amend the second paragraph of A.1. to read as follows:” and substitute “strike all the paragraphs of the boundary description and substitute the following:”; and, on the same page, strike lines 14 through 28 in their entirety and substitute “THE BOUNDARY DESCRIPTION OF THE PLAN IS SHOWN ON THE LAND USE PLAN, EXHIBIT 1, DATED OCTOBER 16, 2017.”.

ADOPTED

Amendment No 2.

On page 3, after line 7, insert

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

B. Land Use Plan

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

2. Land Use Provisions and Standards

a. Permitted Uses

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

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

....

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

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

(a) General Requirements

....

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

....

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

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

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

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

[iii.] Governmental services, as follows:

(i) Fire and Police stations

(ii) Post Offices

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

(d) [Open off-street parking areas and off-street parking garages] PARKING LOTS AND PARKING GARAGES (PRINCIPAL USE), other than accessory.

[for the parking of four or more automobiles are conditional use and shall require authorization by ordinance of the Mayor and City Council. subject to the requirements and provisions of Section 11.0-6d of the Zoning Ordinance for Baltimore City] ARE CONDITIONAL USES SUBJECT TO APPROVAL OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(e) Bulk AND YARD Regulations

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

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

(f) STANDARDS

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.

{(3) Public

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

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

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

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

C. Techniques to be Used to Achieve Plan Objectives

[2] Rehabilitation of Commercial Properties

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

a. Building Fronts and Sides Abutting Streets

.....
(3) Windows:

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

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

.....
(6) Awnings

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

.....
c. Roofs

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

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

.....

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

D. Review of Developer's Plans

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

.....

THE DEPARTMENT SHALL SUBMIT TO THE MOUNT WASHINGTON IMPROVEMENT ASSOCIATION AND THE MOUNT WASHINGTON MERCHANTS' ASSOCIATION, OR THEIR SUCCESSORS OR ASSIGNEES, FOR REVIEW AND COMMENT, THE FORM AND CONTENT OF ALL PLANS AND PROPOSALS FOR NEW DEVELOPMENT OR SIGNIFICANT REHABILITATION OF ANY PROPERTY. THE MOUNT WASHINGTON IMPROVEMENT ASSOCIATION AND THE MOUNT WASHINGTON MERCHANTS' ASSOCIATION, OR THEIR SUCCESSORS OR ASSIGNEES, SHALL ADVISE THE DEPARTMENT OF THEIR RECOMMENDATIONS REGARDING THE ACCEPTABILITY AND/OR PRIORITY CONCERNS REGARDING ALL PLANS AND PROPOSALS. THE WRITTEN COMMENTS SHALL BE TRANSMITTED TO THE DEPARTMENT NO LATER THAN 30 DAYS AFTER THE PROPOSALS AND PLANS HAVE BEEN SUBMITTED TO THE MOUNT WASHINGTON IMPROVEMENT ASSOCIATION AND THE MOUNT WASHINGTON MERCHANTS' ASSOCIATION, OR THEIR SUCCESSORS OR ASSIGNEES.

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

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

1. [2.] Zoning

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

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

.....

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

F. Duration of Provisions and Requirements

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

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

G. Procedures for Changes in Approved Plan

2.

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

Amendment No. 3

On page 3, in line 1, strike “4” and substitute “2”; on page 3, in line 5, before the period, insert “, and delete Exhibit 3, “Land Disposition”. in its entirety”; and, on page 3, strike lines 6 and 7 in their entirety.

Amendment No. 4

On page 1, in line 9, strike “and”; and, in the same line, after “delete”, strike “a”; on page 1, in line 10, strike “Exhibit” and substitute “Exhibits,” and strike beginning with “made” down through and including “Maryland” in line 11; one page 1, in line 11, before “; waiving”, insert “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".

Amendment No. 5

On page 2, in line 3, strike "and", and, in the same line, after "delete", strike "a"; on page 2, in line 4, strike "Exhibit" and substitute "Exhibits." and in the same line, strike beginning with "made" down through and including "Maryland", in line 5; and, on page 2, in line 5, before the period, insert "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".

Amendment No. 6

On page 1, in line 3, in the blank, insert "1"; and, on page 3, in line 10, in the blank, insert "1".

