



Legislation Text

File #: 09-0304, Version: 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmembers Branch, Curran
At the request of: Belair-Edison Neighborhood Incorporated (BENI)

A BILL ENTITLED

AN ORDINANCE concerning
Urban Renewal - Belair-Erdman Business Area - Amendment _

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.

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

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

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

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

BAIL BONDSMEN

BUY AND SELL STORES
CHECK CASHING AGENCY (PRIMARY AND SECONDARY SERVICE)
FIREARM SALES
LIQUOR AND PACKAGE GOODS STORES
MASSAGE SALONS (PRIMARY SERVICE)
PAWNSHOPS
TAX SERVICES

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

- (3) Community Commercial

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

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

After hours establishments, other than private clubs*; amusement arcades*; amusement parks and permanent carnivals*; automobile laundries*; BAIL BONDSMEN; building and lumber materials sales establishments with shops and yards; BUY AND SELL STORES; CHECK CASHING AGENCIES; contractor and construction shops and yards; FIREARM SALES; garages, for storage, repair, and servicing of motor vehicles - including body repair, painting and engine rebuilding*; garages and lots for bus and transit vehicles; highway maintenance shops and yards; industrial supplies - sales; LIQUOR AND PACKAGE GOODS STORES; MASSAGE SALONS; accessory and non-accessory microwave antennas (satellite dishes); milk and dairy products - processing and distribution; moving and storage establishments; parcel collection and delivery stations; PAWNSHOPS; pool halls and billiard parlors*; stables for horses; taverns, including live entertainment and dancing; tattoo parlors*; TAX SERVICES; overhead transmission lines (above 69-kv) on rights-of-way acquired prior to January 1, 1969*; and warehousing and wholesale establishments, and storage other than accessory to permitted uses.

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

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

(4) [Non-conforming] NONCONFORMING

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 of the ZONING district in which it is located, according to the Zoning [Ordinance] CODE of Baltimore City. These [non-conforming] NONCONFORMING uses shall be permitted to continue, subject to the provisions [in Chapter 8] OF TITLE 13 of the Zoning [Ordinance] CODE of Baltimore City[, titled "Non-Conformance."].

(5) [Non-complying] NONCOMPLYING

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

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

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

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

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

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

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

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

a . Building Fronts and Sides Abutting Streets

(1) NEW SECURITY GRATES, GRILLES, AND BARS ARE PROHIBITED ON THE EXTERIOR FACADE OF A BUILDING. INTERIOR BARS ARE PERMITTED BUT MUST BE REMOVED DURING BUSINESS

WORKING HOURS TO PREVENT WINDOW AND DOOR BLOCKAGE. INTERIOR BARS MUST BE PAINTED IN A MANNER THAT IS COMPATIBLE WITH THE EXTERIOR FACADE OF THE BUILDING. WINDOW BLINDS MAY BE USED TO COVER WINDOWS BUT ONLY DURING NON-BUSINESS WORKING HOURS.

(2) [(1)]

...

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

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

(5) [(3)] Windows

...

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

...

(6) [(4)] Show Windows

...

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

(7) [(5)]

...

(8) [6]

...

(9) [(7)] ...

(10) [(8)] ...

(11) [(9)] ...

(12) [(10)] . . .

(13) [(11)] . . .

(14) [12)] . . .

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

. . .

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

. . .

(8) ONE PROJECTING SECONDARY OVERHANGING PERPENDICULAR OR BLADE SIGN SHALL BE PERMITTED. THESE SIGNS MUST BE DOUBLE FACED AND BE ORIENTED 90 DEGREES TO THE BUILDING FACE. SUCH SIGNS SHALL NOT EXCEED 6 SQUARE FEET IN AREA OR 12 INCHES IN WIDTH AND SHALL NOT BE PLACED HIGHER THAN 13 FEET ABOVE GRADE LEVEL OR THE BOTTOM OF THE SECOND STORY WINDOW, WHICHEVER IS LOWER. LETTERING FOR PROJECTING SIGNS SHALL NOT EXCEED 12 INCHES IN HEIGHT. THREE DIMENSIONAL SPECIALTY SIGNS (I.E. HAMMER FOR A HARDWARE STORE, EYEGASSES FOR AN OPTICIAN) ARE ENCOURAGED FOR PROJECTING SIGNS. ALL PROJECTING SIGNS MUST BE ATTACHED TO THE BUILDING USING A DECORATIVE LEVER ARM NOT TO EXCEED 4 FEET IN LENGTH. WIRES OR ROPE SHALL NOT BE PERMITTED IN THE HANGING OR STABILIZATION OF OVERHANGING PERPENDICULAR OR BLADE SIGNS. NO PART OF THE PROJECTING SIGN OR LEVER SHALL EXTEND FARTHER THAN 4 FEET FROM THE BUILDING FACADE. DISCREET SPOTLIGHTING IS PERMITTED, BUT INTERNAL ILLUMINATION IS PROHIBITED. OVERHANGING SIGNS ARE SUBJECT TO MINOR PRIVILEGE FEES. THE YEARLY MINOR PRIVILEGE FEE DEPENDS ON THE SIZE OF THE OVERHANGING SIGN. BUSINESS OWNERS MUST OBTAIN A MINOR PRIVILEGE PERMIT PRIOR TO INSTALLING ANY OVERHANGING SIGNS.

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

(10) [(8)]

. . .

(11) [(9)]

. . .

(12) [(10)]

. . .

(13) [11]

...

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

...

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

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

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

F. Duration of Provisions and Requirements

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

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

I. VIOLATIONS

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

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

SECTION 3. AND BE IT FURTHER ORDAINED, That if the amended Urban Renewal Plan approved by this Ordinance in any way 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 amended Urban Renewal Plan approved by this Ordinance is exempted from them.

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

SECTION 5. AND BE IT FURTHER ORDAINED, That if a provision of this Ordinance concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the

applicable provisions shall 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 Ordinance 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 Ordinance prevails and the other conflicting provision is repealed to the extent of the conflict.

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

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