



Legislation Text

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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: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning
Historical and Architectural Preservation - Interior Protections

FOR the purpose of extending certain historical and architectural preservation procedures and protections to apply to the interiors of covered structures; conforming related references; correcting and clarifying certain language; and generally relating to historical and architectural preservation.

BY repealing and reordaining, with amendments

Article 6 - Historical and Architectural Preservation

Section(s) 1-1(a), 2-5(b)(1), 4-1, 4-2(b) and (c), 4-4(a) and (b)(1), 4-5(a) and (b)(1),
4-6, 4-7(a), 4-11(a), 5-2, and 5-3(a)

Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 6. Historical and Architectural Preservation

§ 1-1. Definitions.

(a) Demolition.

The term "demolition" for the purposes of and as used in this article includes "demolition by neglect", which term means willful neglect in the maintenance or repair of a building or structure, resulting in any of the following conditions:

(1) the deterioration of any [exterior] architectural feature so as to create or permit the creation of a hazardous or

unsafe condition;

- (2) the deterioration of [exterior] walls or other vertical supports;
- (3) the deterioration of roofs or other horizontal members;
- (4) the deterioration of [exterior] chimneys;
- (5) the deterioration or crumbling of [exterior] plaster or mortar; or
- (6) the ineffective waterproofing of [exterior] walls, roofs, and foundations, including broken windows and doors.

§ 2-5. Funding; incentive improvement program.

(b) Annual appropriation; incentive improvement program.

(1) There shall be appropriated in the annual Ordinance of Estimates a sum of money which may be expended by the Commission for Historical and Architectural Preservation for or in connection with:

- (i) the preparation of surveys of buildings and structures in Baltimore City;
- (ii) the acquisition [and/or] AND restoration of buildings or structures of historical or architectural significance; or
- (iii) an incentive improvement program under which the Commission may contract with the owner or lessee of a building or structure located in an Historical and Architectural Preservation District or on either the Landmark List or Special List to reimburse [such] THAT owner or lessee up to 20% of the actual cost incurred by HER OR him in the reconstruction, alteration, removal, repairs, or painting of an [exterior] architectural feature in furtherance of the purposes of this article, as determined by the Commission.

§ 4-1. HCD permit required.

Before any person or other legal entity commences any excavation, or the construction or erection of any building, fence, wall, or other structure of any kind, or commences any reconstruction, alteration, or removal of any exterior OR INTERIOR architectural feature, or commences any change in [the exterior] color by painting or other means, or commences any demolition of any structures now or hereafter in any Historical and Architectural Preservation District, or commences any reconstruction, alteration, or removal of any exterior OR INTERIOR architectural feature, or commences any change in [the exterior] color by painting or other means, or commences any demolition of any structures now or hereafter appearing on the Landmark List or the Special List, [such] THE person or other legal entity shall submit an application for a permit to the Commissioner of Housing and Community Development, and no work contemplated [herein] IN THIS SECTION [shall] MAY commence before the issuance of [such] THAT permit.

§ 4-2. Commission to review.

(b) Plans, etc., to be provided.

(1) All plans, elevations and other information deemed necessary by the Commission to determine the appropriateness of the proposed excavation, construction or erection, reconstruction, alteration, removal of any exterior OR INTERIOR architectural feature, change in [the exterior] color by painting or other means, or demolition of any structures shall be made available to the Commission.

(2) The Commission [shall] MAY take no action until it determines that any application is complete and includes all necessary plans, elevations, and other information as specified above.

(c) Commission action prerequisite for permit.

The Commissioner of Housing and Community Development [shall] MAY not issue a permit for any excavation, any construction, or erection of any building, fence, wall, or other structure of any kind; or for any removal of any [external] EXTERIOR OR INTERIOR architectural feature, or for any reconstruction, alteration, change of [any exterior] color by painting or other means, or for any demolition of any building or structure now or hereafter in any Historical and Architectural Preservation District or on the Landmark List or the Special List, until the Commission either [shall issue] ISSUES a Certificate of Appropriateness or a Notice to Proceed, or [shall proceed] PROCEEDS as hereinafter provided.

§ 4-4. Commission determination.

(a) In general.

As soon as convenient after the final conclusion of [such] THE public hearing, but in any event within 15 days (Saturdays, Sundays, and legal holidays excluded), or within such further time as the applicant for [said] THE permit approves in writing, the Commission shall determine:

(1) whether the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition will be appropriate to the preservation of the particular Historical and Architectural Preservation District or to the preservation of the structure appearing on the Landmark List or on the Special List and a Certificate of Appropriateness may be issued; or

(2) whether, notwithstanding that [such] THE proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition, in the opinion of the Commission, is inappropriate but is without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this [ordinance] ARTICLE, and denial of the application will result in substantial hardship to the applicant, then the Commission, in lieu of a Certificate of Appropriateness, may issue a Notice to Proceed.

(b) Factors to be considered.

(1) In passing upon the appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historic or architectural value and significance, architectural style, general design, arrangement, texture, material, and color of the exterior AND INTERIOR architectural features of other structures in the immediate neighborhood.

§ 4-5. Certificate of Appropriateness or Notice to Proceed.

(a) Issuance.

If the Commission determines that the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition of a structure in a District, on the Landmark List, or on the Special List is appropriate or, although inappropriate without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this article, the Commission shall forthwith direct the Executive Director or the Executive Director's designee to forward to the Commissioner of Housing and Community Development a Certificate of Appropriateness or a Notice to Proceed, as applicable, along with the related application, plans, and specifications.

(b) Denial.

(1) If the Commission determines that neither a Certificate of Appropriateness nor a Notice to Proceed [shall] SHOULD be issued, the Commission shall forthwith spread upon its records the reason for [such] THAT determination and may include a recommendation respecting the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition.

§ 4-6. HCD bound by Commission decision.

The Commissioner of Housing and Community Development, upon the return to him of the application, plans, and specifications [relative thereto] by the Commission, [shall be] IS bound by the determination of the Commission and SHALL approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition of any building or structure, in an Historical and Architectural Preservation District or on the Landmark List in accordance with [said] THAT determination.

§ 4-7. Postponement of permit.

(a) Commission to notify HCD.

If the Commission [shall determine] DETERMINES that the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior OR INTERIOR architectural feature, change in [exterior] color, or demolition of any buildings or structures on the Special List [shall be] IS inappropriate, the Commission shall notify the Commissioner of Housing and Community Development in writing to postpone the issuance of the permit.

§ 4-11. Permissible maintenance and repair.

(a) No change in design, etc.

Nothing in this article shall be construed to prevent any ordinary maintenance or repair of an [exterior] architectural feature now or hereafter in any Historical or Architectural Preservation District or on any building on the Landmark List or on the Special List, [which] IF THE MAINTENANCE OR REPAIR involves no change in design, material, color, or [outward] appearance [thereof] OF THE STRUCTURE.

§ 5-2. Injunctions.

On application of the Commission, the Circuit Court for Baltimore City may:

(1) restrain or enjoin the excavation, construction, or erection, reconstruction, alteration, removal of any exterior PR INTERIOR architectural feature, change in [exterior] color, or demolition of any building or structure[,] in an

Historical and Architectural Preservation District, on the Landmark List, or on the Special List, in violation of this article; and

(2) [may] order the removal of any [exterior] architectural feature constructed or reconstructed in violation of this article and the substantial restoration of any [exterior] architectural feature altered or demolished in violation of this article or the [exterior] color of which is changed in violation of this article.

§ 5-3. Penalties.

(a) In general.

Whoever excavates, constructs, or erects, reconstructs, alters, removes any exterior OR INTERIOR architectural feature, changes [the] exterior OR INTERIOR [color] COLORS, or demolishes any building or structure in any Historical and Architectural Preservation District, on the Landmark List, or on the Special List, in violation of this article, is guilty of a misdemeanor and, on conviction, is subject to a fine of not less than \$500 and not more than \$1,000 or imprisonment for not more than 12 months or both fine and imprisonment for each offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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- 5 -
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