

# Legislation Details (With Text)

File #:	21-0	023	Version:	0	Name:	Urban Renewal - Middle East - Amendn	ment	
Туре:	Ordi	nance			Status:	Enacted		
File created:	1/25	/2021			In control:	Baltimore City Council		
On agenda:					Final action:	7/14/2021		
Enactment date:					Enactment #	: 21-029		
Title:	Urban Renewal - Middle East - Amendment For the purpose of amending the Urban Renewal Plan for Middle East to modify certain land uses allowed in the Plan, to correct, clarify, and conform certain provisions and references in the Plan to those in the current Baltimore City Zoning Code, to replace Appendix B with new Appendix B, to delete Appendix E in its entirety, to remove certain properties from the lists in Appendices A, C, and D and to remove certain other properties located within the Renewal Area; to replace the exhibits with new exhibits to reflect the changes in the Plan, and to modify the boundaries of the Plan to reflect the removal of certain properties, as shown on the new exhibits; 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.							
Sponsors:	Antonio Glover							
Indexes:	Amendment, Urban Renewal							
Code sections:								
Attachments:	1. Exhibit Sheet 1 of 4, 2. Exhibit Sheet 2 of 4, 3. Exhibit Sheet 3 of 4, 4. Exhibit Sheet 4 of 4, 5. 21- 0023~1st Reader, 6. Planning Commission 21-0023, 7. DOT 21-0023, 8. Sign Certificate of Posting 1, 9. Sign Certificate of Posting 2, 10. Notification Letters to Community Associations, 11. Newspaper Affidavit - The Daily Record - 21-0023, 12. LAW 21-0023, 13. DHCD 21-0023, 14. CHAP 21-0023, 15. CHAP MEMO - 21-0023, 16. BDC 21-0023, 17. DPW 21-0023, 18. 21-0023 - Agenda, 19. Hearing Packet 21-0023 C, 20. 21-0023 Minutes, 21. Hearing Notes - 21-0023, 22. 2nd Reader Amendment 21-0023(1)~1st (comm), 23. 21-0023~3rd Reader, 24. Board of Estimates Submission Process Update, 25. EWY waive rules and announce hearing - 04.29.21, 26. Final Agenda 6-8-21 2PM, 27. 21-0023~3rd Reader, 28. Board of Estimates Submission Process Update, 29. EWY waive rules and announce hearing - 04.29.21, 30. Final Agenda 6-8-21 2PM, 31. 21-0023~3rd Reader, 32. 21-0023 Signed, 33. Signed Ordinance 21-0023							
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Economic and Community

**Baltimore City Council** 

Development

4/5/2021

1/28/2021

Scheduled for a Public Hearing

Refer to Dept. of Transportation

#### File #: 21-0023, Version: 0

1/28/	2021	0	Baltimore City Council	Refer to Dept. of Public Works
1/28/	2021	0	Baltimore City Council	Refer to Commission for Historical & Architectural Preservation
1/28/	2021	0	Baltimore City Council	Refer to Baltimore Development Corporation
1/28/	2021	0	Baltimore City Council	Refer to City Solicitor
1/28/	2021	0	Baltimore City Council	Refer to Planning Commission
1/28/	2021	0	Baltimore City Council	Refer to Dept. of Housing and Community Development
1/25/	2021	0	Baltimore City Council	Assigned
1/25/	2021	0	Baltimore City Council	Introduced

**Explanation:** Capitals indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.

\* Warning: This is an unofficial, introductory copy of the bill. The official copy considered by the City Council is the first reader copy.

# Introductory\*

# City of Baltimore Council Bill

#### Introduced by: Councilmember Glover

# A Bill Entitled

# An Ordinance concerning

# Urban Renewal - Middle East - Amendment

For the purpose of amending the Urban Renewal Plan for Middle East to modify certain land uses allowed in the Plan, to correct, clarify, and conform certain provisions and references in the Plan to those in the current Baltimore City Zoning Code, to replace Appendix B with new Appendix B, to delete Appendix E in its entirety, to remove certain properties from the lists in Appendices A, C, and D and to remove certain other properties located within the Renewal Area; to replace the exhibits with new exhibits to reflect the changes in the Plan, and to modify the boundaries of the Plan to reflect the removal of certain properties, as shown on the new exhibits; 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 Middle East was originally approved by the Mayor and City Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance 18-190.

An amendment to the Urban Renewal Plan for Middle East is necessary to modify certain land uses allowed in the Plan, to correct, clarify, and conform certain provisions and references in the Plan to those in the current Baltimore City Zoning Code, to replace Appendix B with new Appendix B, to delete Appendix E in its entirety, to remove certain properties from the lists in Appendices A, C, and D and to remove certain other properties located within the Renewal Area; to replace the exhibits with new exhibits to reflect the changes in the Plan, and to modify the boundaries of the Plan to reflect the removal of certain properties, as shown on the new exhibits.

Under Article 13, § 2-6 of the Baltimore City Code, no 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 Middle East are approved:

- (1) In the Plan, in A.1., delete the boundary description paragraph and substitute the following:
  - A. Description of Project
    - 1. Boundary Description

The boundary description of the Plan is shown on Exhibit 1, "Land Use Plan", dated November 10, 2020.

- (2) In the Plan, amend B.(1) to read as follows:
  - B. Land Use Plan
    - (1) Permitted Land Uses

Only the use categories shown on the Land Use Plan Map, Exhibit No. 1, shall be permitted within the project area. These are Residential;; Office-Residential;; Commercial, which includes Neighborhood Business, and General Commercial;[Industrial, Public, and Institutional] General Industrial; Educational Campus; Bioscience; Industrial Mixed-Use; Hospital; [Nonconforming Use, and Noncomplying Structure] and Nonconformities.

a. Residential

Residential uses shall be those permitted by the Zoning Code of Baltimore City[, and nonconforming uses authorized by the Board of Municipal and Zoning Appeals are only allowed in structures located on a corner].

b. Office-Residential

Office-residential uses shall be those permitted [in] under the [O-R Zoning District] Office Residential use categories of the Zoning Code of Baltimore City.

- c. Commercial
  - Commercial uses permitted shall be those permitted under the [B-1] C-1 (Neighborhood Business), [B-2 (Community business)] C-2 (Community Commercial), [and B-3 (Community Commercial)] C-3 (General Commercial), and C-4 (Community Commercial) use categories of the Zoning Code of Baltimore City.
  - (2) After enactment of Amendment No. 4 to this Plan, no new establishments that sell alcoholic beverages shall be permitted in the Middle East Urban Renewal Area.
- [d. Industrial]

[Industrial uses shall be those permitted by the Zoning Code of Baltimore City.]

[e. Public]

[In the area designated Public on the Land Use Plan Map, uses shall be limited to parks, playgrounds, plazas, and malls; active and passive recreation; schools and related educational facilities; neighborhood centers; medical centers; public offices; libraries; fire houses; parking; and public facilities.]

[f. Institutional]

[In the area designated Institutional on the Land Use Plan Map, uses are limited to active and passive recreation; hospitals, medical centers, and related medical facilities; neighborhood centers, parks, and playgrounds; plazas and malls; schools and related educational facilities; and off-street parking.]

d. General Industrial

General Industrial uses shall be those permitted under the I-2 General Industrial Use categories of the Zoning Code of Baltimore City.

e. Educational Campus

Educational campus uses shall be those permitted under the EC Educational Campus Use categories of the Zoning Code of Baltimore City.

f. Bioscience

Bioscience uses shall be those permitted under the BSC Bioscience Use categories of the Zoning Code of Baltimore City.

g. Industrial Mixed-Use

Industrial Mixed-Uses shall be those permitted under the IMU Industrial Mixed-Use categories of the Zoning Code of Baltimore City.

h. Hospital

Hospital uses shall be those permitted under the hospital use categories of the Zoning Code of Baltimore City.

[g. Nonconforming Use]

[A nonconforming use is any lawfully existing use of a building or other structure, or of land that does not conform to the applicable use regulations of the district in which it is located, according to the Zoning Code of Baltimore City. Nonconforming uses shall be permitted to continue, subject to the provisions of Title 13, titled "Nonconformance". However, the following uses will not be allowed as a change in a nonconforming use:]

[Tobacco shops (in R-1 - R-10 Districts) Bail Bonds Offices (in R-1 - R-10 Districts) Amusement devices (in R-1 - R-10 Districts) Clubs and lodges: private nonprofit (in R-1 - R-10 Districts) Helistops Marinas: accessory Marinas: recreational Marinas: recreational boat launch/tie up Poultry-and rabbit-killing establishments Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted - but not including microwave antennas (satellite dishes) Recycling collection stations Restaurants - including live entertainment and dancing, and including accessory outdoor table service (in R-1 - R-10 Districts) Tattoo parlors Travel trailers, recreational vehicles, and similar camping equipment: parking or storage.]

[h. Noncomplying Structure]

[A noncomplying structure, as set forth in Title 13 of the Zoning Code of Baltimore City, is any lawfully existing structure that does not comply with the bulk regulations of the zoning district in which it is located. These noncomplying structures shall be permitted to continue, subject to the provisions of Title 13.]

i. Nonconformities

Nonconformities shall be permitted to continue, subject to the provisions of Title 18, titled "Nonconformities" of the Zoning Code of Baltimore City. However, the following uses will not be allowed as a change in a nonconforming use:

Tobacco shops (in R-1 - R-10 Districts) Bail Bonds Offices (in R-1 - R-10 Districts) Amusement devices (in R-1 - R-10 Districts) Clubs and lodges: private nonprofit (in R-1 - R-10 Districts) Helistops Marinas: accessory Marinas: recreational Marinas: recreational boat launch/tie up Poultry-and rabbit-killing establishments Radio and television antennas that are free-standing or that extend more than 25 feet above the building on which they are mounted - but not including microwave antennas (satellite dishes) **Recycling collection stations** Restaurants - including live entertainment and dancing, and including accessory outdoor table service (in R-1 - R-10 Districts) Tattoo parlors Travel trailers, recreational vehicles, and similar camping equipment: parking or storage.

- (3) In the Plan, delete the second paragraph of C.2 and replace with a new second paragraph to read as follows:
  - C. Techniques Used to Achieve Plan Objectives
    - 2. Rehabilitation

. . .

Over and above the codes and ordinances of the City of Baltimore, the provisions set forth in Appendix B of this Plan shall be applied to all residential and non-residential properties whether occupied or vacant.

(4) In the Plan, in Appendices A, C, and D, and for certain properties not listed in the Appendices but which are within the boundaries of the Middle East Urban Renewal Plan, as of Ordinance 18-190, delete the following properties:

621 North Washington Street 627 North Washington Street 629 North Washington Street 624 North Castle Street 622 North Castle Street 620 North Castle Street 618 North Castle Street 616 North Castle Street 614 North Castle Street 612 North Castle Street 610 North Castle Street 608 North Castle Street 606 North Castle Street 604 North Castle Street 602 North Castle Street 600 North Castle Street 2026 McElderry Street 2024 McElderry Street 2022 McElderry Street 2020 McElderry Street 2018 McElderry Street 2016 McElderry Street 2014 McElderry Street 2012 McElderry Street 2010 McElderry Street 2008 McElderry Street 2006 McElderry Street 2004 McElderry Street 2002 McElderry Street 2000 McElderry Street 601 North Castle Street 603 North Castle Street 605 North Castle Street 607 North Castle Street 609 North Castle Street 611 North Castle Street 613 North Castle Street 615 North Castle Street 617 North Castle Street 619 North Castle Street 621 North Castle Street 623 North Castle Street 625 North Castle Street 627 North Castle Street 629 North Castle Street

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- (5) In the Plan, delete Appendix B East Monument Street Business Area: Properties and Exterior Rehabilitation Standards and replace with new Appendix B Middle East Urban Renewal Plan Design Guidelines, which reads as follows:

Middle East Urban Renewal Plan Rehabilitation Design Guidelines

## May 2020

## **General Objectives**

- Establish standards for the rehabilitation of structures that serve to preserve facades, including cornices, windows, doors, trim, and original materials.
- Encourage the rehabilitation of properties and structures that allows for modern need, design, and the preservation of historic elements and addresses the scale, form and context of existing block.
- Design additions to be compatible with the existing structure in massing, height, form, and scale. Endeavor to place additions on a secondary elevation where possible.
- Encourage the revitalization of commercial areas and properties in a way that preserves and supports the visual character and economic health of the district and allows for maintenance of district buildings and related sites in compliance with regulatory health and safety requirements.

## A. General Rehabilitation Guidelines

The guidelines in this section apply to all properties, zoning categories and uses within the Middle East Urban Renewal Plan area.

- 1. Exterior walls
  - All exterior front and/or sidewalls that have not been wholly or partially resurfaced or built over, shall be repaired, cleaned or painted. Brick walls shall be pointed where necessary. Painted masonry walls shall have loose material removed and painted. Patched walls shall match the existing adjacent surfaces as to material, color, bond, and joining.
  - Resurfacing of existing brick facades shall be implemented in accordance with standard brick modular brick work. With the exception of rear and interior side walls where formstone has been removed, resurfacing with materials such as formstone,

wood siding, structural glass veneer, aluminum and vinyl siding, etc. shall not be permitted. Front or side walls may be resurfaced with stucco-like materials.

- Unfinished, smooth-faced concrete is prohibited. Smooth-faced concrete must be finished with approved materials.
- Existing siding and unpainted formstone may remain if it is in good condition and in need of minimal repair. It may not be painted.
- Chimneys, elevator penthouses, or any other auxiliary structures on roofs requiring renovation shall meet all required zoning and building code requirements. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.
- · Chimneys must be standard modular brick.
- Foundations must be patched with like materials.
- 2. Windows and doors
  - All windows must be tight fitting and have sashes of proper size and design for the existing structure.
  - Sashes with rotten wood, broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced. All exposed wood shall be repaired and painted.
  - Replacement windows and doors must be of the same size and shape of the existing opening and fit within the structure's existing, original openings. Windows and doors that are fabricated with dimensions lesser than the structure's existing openings are not allowed to be installed with panel surrounds that serve to alter existing, original openings.
  - Existing masonry openings may not be enlarged except to accommodate contemporary door dimensions or unless submitted construction documents illustrate the new enlarged openings as a component of the comprehensive design for the structure or structures.
  - Window and door openings in the front of the building shall not be filled or boarded unless otherwise required by the Baltimore City Code.
  - Dormer windows on roofs sloping toward the street shall be retained and repaired or replaced in an appropriate manner to preserve their original architectural design.
  - Special windows, such as bays, boxes and dormers, must be refurbished unless their condition shows that they are beyond repair.
- 3. Trim
  - All structural and decorative elements shall be repaired or replaced to match as closely as possible, the existing materials and construction. All cornices shall be made structurally sound, and rotted or weakened portions shall be removed and repaired or replaced to match as closely as possible, the existing cornice. All exposed wood shall be painted.

- Existing cornices that have been covered with aluminum or vinyl siding and are in good repair may remain. Damaged or worn cornices must be repaired or replaced with trim that matches material and color of original component. No new installations of siding to cover cornices are allowed.
- 4. Properties/yards/fencing
  - Mechanical Units: Air conditioning units and other mechanical equipment must be screened from public view.
  - Accessibility Ramps on Residential Buildings: When accessibility ramps are used, they should be attached to the back or side of a residence. Side ramps that are visible from the street should incorporate the same architectural vocabulary as front porches.
  - Accessibility Ramps on Non-Residential or multi-family buildings over 20 units: When accessibility ramps are used, they should incorporate the same architectural vocabulary as the defined by the supporting building.
  - Front and side yard fencing: Fencing heights shall not exceed 42 inches for front yards and side yards in front of the rear building line.
  - Back yard fencing installed within areas located beyond the rear building line shall not exceed six feet in height.
- 5. Additions/garages
  - Additions and garages visible from any street must be designed to address the scale and the materials of primary structure. Smooth-faced concrete block that is not finished with approved materials is prohibited as a material for additions and garages.

## B. Non-residential rehabilitation standards

Over and above the codes and ordinances of the City of Baltimore, the following additional standards shall be applied to all non-residential properties, whether occupied or vacant, within the Middle East Urban Renewal Plan area, including the East Monument Street Business Area.

- 1. Storefronts
  - A storefront, as a part of a building facade, shall be defined to include:
    - (a) The building face and the entrance area leading to the door;
    - (b) The door, sidelights, transoms, show windows and all display platforms and devices including lighting and signage, designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.
  - Storefronts, entrances, lighting, sun protection, signage and other show window elements shall be designed to be compatible, harmonious and consistent with the architecture of the building and scale and character of the existing structures.
  - All exposed portions of security grilles and screens that are painted in normal

practice and all portions that require painting to preserve, protect or renovate the surface shall be painted. Non-metal grilles and screens shall be prohibited.

- All new and existing screens and grilles over show windows parallel with streets must be constructed so they may be opened or removed, except grilles over transoms and narrow sidelights which may be non-opening are subject to the approval of the Department of Housing and Community Development. Such screens and grilles shall be opened or removed during the normal business hours of that business.
- Display of goods shall be restricted to the inside of store premises with the exception of special sales events sponsored by the East Monument Street Merchant's Association and with the permission of the Department of Housing and Community Development.
- 2. Awnings
  - Rigid awnings or sun screens shall not be placed on any portion of a building except for those fixed awnings or sun screens that may be permitted by the Department of Housing and Community Development.
- 3. Signage
  - Comply with signage requirements per Article 17 of the Zoning Code of Baltimore City.

### C. Required submissions

For the purpose of seeking approval for any exterior modifications that comprise over 10 square feet for residential and non-residential properties, all permit applications must be accompanied by dimensioned site plans as needed, and elevations that show proposed improvements including materials. Where there are fenestration changes both the existing and proposed conditions must be provided.

- (5) In the Plan, delete Appendix E: New East Baltimore Community Guidelines in its entirety.
- (6) In the Plan, replace the exhibits as follows:

Exhibit 1, "Land Use Plan", with new Exhibit 1, "Land Use Plan", dated November 10, 2020
Exhibit 2, "Property Acquisition", with new Exhibit 2, "Property Acquisition", dated November 10, 2020
Exhibit 3, "Property Disposition", with new Exhibit 3, "Property Disposition", dated November 10, 2020
Exhibit 4, "Zoning Districts", with new Exhibit 4, "Zoning Districts, dated November 10, 2020

to reflect the changes to this Plan by this Ordinance.

**Section 2.** And be it further ordained, That the Urban Renewal Plan for Middle East, as amended by this Ordinance and identified as "Urban Renewal Plan, Middle East, revised to include Amendment \_\_\_, dated January 25, 2021", 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.