



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: The Council President

At the request of: The Administration (Department of Housing and Community Development)

A BILL ENTITLED

AN ORDINANCE concerning **Urban Renewal - Sharp Leadenhall- Amendment_**

FOR the purpose of amending the Urban Renewal Plan for Sharp Leadenhall to revise the boundary description for the project area, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, revise certain regulations, controls, and restrictions, and revise exhibits and Appendix A to reflect the changes in the Plan; correcting, clarifying, and conforming certain language; correcting 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 Sharp-Leadenhall was originally approved by the Mayor and City Council of Baltimore by Ordinance 74-581 and last amended by Ordinance 80-49.

An amendment to the Urban Renewal Plan for Sharp-Leadenhall is necessary to revise the boundary description for the project area, authorize the acquisition by purchase or by condemnation of certain properties for urban renewal purposes, revise certain regulations, controls, and restrictions, revise exhibits and Appendix A to reflect the changes in the Plan, correct, clarify, and conform certain language, and correct 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 Sharp-Leadenhall are approved:

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

A. Project Description

1. Boundary Description

Beginning for the same at the intersection of the south side of the first 3-foot alley north of West Henrietta Street and the east side of South Sharp Street; thence binding on the east side of Sharp Street southerly to intersect the NORTH SIDE OF STOCKHOLM STREET; THENCE BINDING ON THE NORTH SIDE OF STOCKHOLM STREET EASTERLY TO INTERSECT THE WEST SIDE OF RACE STREET; THENCE NORTHERLY TO INTERSECT THE NORTH SIDE OF WEST OSTEND STREET [north side of West Ostend Street]; thence binding on the north side of West Ostend Street easterly to intersect the east side the first 3-foot alley, east of Goodman Alley; thence binding on the east side of said alley northerly to intersect the north side of the first 2-foot alley; thence binding on the north side of said alley westerly to intersect the east side of Goodman Alley; thence binding on the east side of Goodman Alley northerly to intersect the south side of Ropewalk Lane; thence binding on the south side of Ropewalk Lane easterly 48 feet, more or less, crossing Ropewalk Lane, to intersect the east side of Goodman Alley extended; thence binding on the east side of Goodman Alley northerly to intersect the north side of West West Street; thence binding on the north side of West West Street easterly to intersect the west side of the first 3-foot, 1-inch alley; thence binding on the west side of said alley northerly to intersect the division line between Lot 48/52, Ward 23, Section 4, Block 949, and said alley; thence binding on said division line, as extended, easterly to intersect the division line between Lot 4 and Lot 48/52, Ward 23, Section 4, Block 949; thence binding on said division line northerly to intersect the division line between Lot 5 and Lot 48/52, Ward 23, Section 4, Block 949; thence binding on said division line westerly to intersect the east side of Olive Street; thence binding on the east side of Olive Street northerly to intersect the south side of a 3-foot alley; thence binding on the south side of said alley easterly 26 feet, more or less, to intersect the east side of Olive Street extended; thence binding on the east side of Olive Street northerly to intersect the north side of West Hamburg Street; thence binding on the north side of West Hamburg Street westerly to intersect the division line between Lot 2 extended and Lot 3, Ward 23, Section 1, Block 917; thence binding on said division line northerly to intersect the north side of Kronmillers Court; thence binding on the north side of Kronmillers Court westerly to intersect the east side of Olive Street; thence binding on the east side of Olive Street northerly to intersect the south side of West Wheeling Street; thence binding on the south side of West Wheeling Street easterly 98 feet, more or less, to intersect the eastern boundary of Lot 29/30 extended, Ward 23, Section 1, Block 917; thence binding on said eastern boundary northerly to intersect the rear property line of Lot 28 and continuing on the rear property line of Lot 27, Ward 23, Section 1, Block 917; thence binding on the rear property lines northeasterly to intersect the northeasterly to intersect the division line between Lot 27 and Lot 26, Ward 23, Section 1, Block 917; thence binding on said division line northerly to intersect the south side of West Henrietta Street; thence binding on the south side of West Henrietta Street easterly to intersect the west side of South Charles Street; thence binding on the west side of South Charles Street northerly to intersect the south side of West Churchill Street; thence binding on the south side of West Churchill Street westerly to intersect the west side of South Hanover Street; thence binding on the west side of South Hanover Street northerly to intersect the division line between Lot 26/29 and Lot 30, Ward 22, Section 9, Block 903; thence binding on said division line westerly to intersect the east side of Bevan Street; thence binding on the east side of Bevan Street northerly 47 feet, more or less, to a point of intersection formed by extending the rear property lines of Lots 25, 24 and 23, Ward 22, Section 9, Block 903; thence binding on said extension and the said rear property lines westerly to intersect the east side of Leadenhall Street; thence binding on the east side of Leadenhall Street southerly 15 feet, more or less, to a point of intersection formed by extending the south side of the first 5-foot alley south of West Montgomery Street; thence

binding on said extension and the south side of said alley westerly to intersect the east side of Peach Street; thence binding on the east side of Peach Street southerly 2 feet, more or less, to a point of intersection formed by extending the northern property line of Lot 22, Ward 22, Section 9, Block 902; thence binding on said extension and said northern property line to the point of beginning.

The boundaries of the project area are illustrated on Exhibit 3, Property Acquisition Map.

2. Objectives and Reasons for the Various Provisions of this Plan

- a. To remove substandard [buildings] STRUCTURES and to eliminate BLIGHT [blighting influences].
- b. To provide land for the development of USES CONSISTENT WITH THIS PLAN, INCLUDING new housing, [a replacement school, a replacement playground] PLAYGROUNDS, OTHER COMMUNITY FACILITIES, and [a new recreational and landscaped] PUBLIC open space areas.
- c. To [provide through subsidized housing programs, housing units for low- and moderate-income families or individuals on land to be disposed of for residential purposes] PROMOTE A SOCIALLY AND ECONOMICALLY DIVERSE RESIDENTIAL COMMUNITY THROUGH THE CREATION AND PRESERVATION OF PERMANENT HOUSING THAT ACCOMMODATES A WIDE RANGE OF INCOMES, TENURES, AND HOUSEHOLD TYPES AND SIZES.
- d. To encourage the rehabilitation of basically sound [houses] STRUCTURES where they occur in reasonable concentration.
- e. To establish reasonable standards and controls for REDEVELOPMENT AND new development [which] THAT will result in sound design compatible with existing land uses [and with the proposed highway I-395].
- f. To provide other public [facilities] INFRASTRUCTURE IMPROVEMENTS such as [street] STREETS and utilities [improvements].
- g. To propose district changes to the Zoning [Ordinance] CODE of Baltimore City, which are appropriate to the Land Use Plan and which will protect the project from future blighting influence.

(2) In the Plan, amend B.1. to read as follows:

B. Land Use Plan

1. Permitted Land Uses

Only the uses shown on the Land Use Plan Map, Exhibit 2, [shall be] ARE permitted within the [project area] PROJECT AREA. These uses are: Residential AND SUPPORTING USES, OFFICE-RESIDENTIAL, Industrial, Public, Community Commercial, and Community Business.

a. Residential

- (1) The permitted TYPES OF residential uses [shall be] ARE: FLAT OR GARDEN APARTMENT [garden-type walk-up apartments], ROWHOUSE [rowhouses], and MULTISTORY (WALK-UP OR ELEVATOR)[high-rise

elevator apartments for the elderly].

[(2) Supporting uses, such as: education and recreational uses, religious facilities of any denomination, sect, or rite; and subject to the approval of the Board of Municipal and Zoning Appeals, convalescent homes, homes for the care of the aged; day nurseries and nursery schools; other public service uses; professional offices for not more than four physicians or dentists in a structure designated and erected for residential use.]

(2) [(3)] Retail commercial facilities customarily accessory to [elevator apartments] MULTISTORY RESIDENTIAL.

(3) [(4)] Landscaping, off-street parking, and off-street loading related to the above [shall be] ARE permitted as accessory uses.

b. Public

The uses [shall be] ARE limited to a firehouse; school and related facilities; playgrounds; playfields and landscaped open space areas; libraries; multi-purpose neighborhood centers; other public facilities; and parking and loading facilities as related to the above uses.

c. Industrial

The permitted light and heavy industrial uses [shall be] ARE established within the [project area] PROJECT AREA under the M-2-2 [and M-3] INDUSTRIAL ZONING DISTRICT [industrial zoning districts, respectively].

d. Community Commercial

Community COMMERCIAL [commercial] uses [shall be] ARE limited to those uses permitted under the B-3 category of the Zoning [Ordinance] CODE of Baltimore City.

e. Community Business

Community Business uses [shall be] ARE limited to those uses permitted under the B-2 category of the Zoning [Ordinance] CODE of Baltimore City. HOWEVER, THE FOLLOWING B-2 PERMITTED USES ARE PROHIBITED IN THIS RENEWAL PLAN:

ATHLETIC FIELDS
BUS PASSENGER SHELTERS
BUS AND TRANSIT TURNAROUNDS
CLOTHES PRESSING ESTABLISHMENTS
FRATERNITY AND SORORITY HOUSES: OFF-CAMPUS
HOTELS AND MOTELS
LABORATORIES
LIQUOR STORES
NEWSPAPER DISTRIBUTION AGENCIES: FOR HOME DELIVERY AND RETAIL
TRADE
PET SHOPS
RADIO ANTENNAE
ROOMING HOUSES

TAVERNS
TAXIDERMIST SHOPS
TELEPHONE EXCHANGES
TOBACCO SHOPS

IN ADDITION THE FOLLOWING B-2 ACCESSORY AND CONDITIONAL USES ARE PROHIBITED IN THIS RENEWAL PLAN:

ACCESSORY MICROWAVE ANTENNAS
AMUSEMENT ARCADES
ANIMAL FACILITIES
ANIMAL HOSPITALS THAT ARE ODOR-PROOFED AND SOUND-PROOFED
AUTOMOBILE ACCESSORY STORES - INCLUDING RELATED REPAIR AND
INSTALLATION SERVICES
BUS AND TRANSIT PASSENGER STATIONS AND TERMINALS
FIREARM SALES, AMMUNITION SALES, OR BOTH
GARAGES, OTHER THAN ACCESSORY, FOR STORAGE, REPAIR, AND
SERVICING OF MOTOR VEHICLES NOT OVER 1 1/2 TONS CAPACITY - BUT NOT INCLUDING BODY
REPAIR, PAINTING, OR ENGINE REBUILDING
GASOLINE SERVICE STATIONS
GOVERNMENTAL SERVICES
MASSAGE SALONS
POOL HALLS AND BILLIARD PARLORS
POULTRY- AND RABBIT-KILLING ESTABLISHMENTS
RECYCLING COLLECTION STATIONS

F. OFFICE-RESIDENTIAL

OFFICE RESIDENTIAL USES ARE LIMITED TO THOSE USES PERMITTED UNDER THE O-R-3 CATEGORY OF THE ZONING CODE OF BALTIMORE CITY.

G. [f. Non-Conforming] NONCONFORMING USE

A [non-conforming 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 [district in which it is located according to Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning"] ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A "NONCONFORMING USE" ONLY AS PROVIDED IN TITLE 13 OF THE ZONING CODE. A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OF LAND THAT DOES NOT COMPLY WITH THE LAND USE REGULATIONS OF THIS RENEWAL PLAN IS ALLOWED TO CONTINUE FOR AN INDEFINITE PERIOD OF TIME. Non-conforming uses [shall be] ARE permitted to continue, subject to ALL OF the provisions of TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY ENTITLED "NONCONFORMANCE"[Chapter 8 of said Article 30 titled "Non-Conformance"].

H. [g. Non-Complying] NONCOMPLYING STRUCTURE

[A non-complying structure, as set forth in Chapter 8 of Article 30 of the Baltimore City Code (1976 Edition, as amended), titled "Zoning", is any lawfully existing structure which does not comply with the bulk regulations of the zoning district in which it is located. These non-complying structures shall be permitted to continue, subject to the provisions of said Chapter 8.] A LAWFULLY EXISTING STRUCTURE THAT DOES NOT COMPLY WITH THE

BULK REGULATIONS OF THE ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A "NONCOMPLYING STRUCTURE" ONLY AS PROVIDED IN TITLE 13 OF THE ZONING CODE. NONCOMPLYING STRUCTURES ARE REGULATED BY TITLE 13 OF THE ZONING CODE OF BALTIMORE CITY.

In addition, a [non-complying] NONCOMPLYING land use - when such term is used IN THIS RENEWAL PLAN [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] ARE permitted to continue for an indefinite period of time, except that:

- (1) Any [non-complying] NONCOMPLYING land use [which] THAT is discontinued for a period exceeding 12 months [shall] MAY not be reestablished;
- (2) 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; and
- (3) No [non-complying] NONCOMPLYING land use [shall] MAY be changed to any other [non-complying] NONCOMPLYING use.

(3) In the Plan, amend B.2. to read as follows:

2. Regulations, Controls, and Restrictions

a. Provisions Applicable to all Land to be Acquired

The following regulations, controls, and restrictions will be implemented where applicable by covenants[,] or other provisions in the agreements for land disposition and instruments of conveyance executed pursuant [thereto] TO THEM:

(1) General Provisions

- (a) No [buildings] BUILDING, structure, or parking area [shall] MAY be constructed over an easement within the [project area] PROJECT AREA without the prior consent of the Commissioner of the Department of Housing and Community Development and the Director of Public Works.
- (b) No materials [shall] MAY be stored or permitted to remain outside buildings. No waste material, refuse, or garage [shall] MAY be permitted to remain outside buildings except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for such containers [shall] MUST be properly screened.
- (c) Except as otherwise provided in specific lot controls, no signs other than those identifying the structure [upon] ON which they are installed or identifying the use conducted [therein shall be] IN IT ARE permitted. No sign [shall] MAY extend above the roof line or parapet wall of the building to which it is attached; no sign [shall] MAY project more than 12 inches from the building to which it is attached. No free standing signs [shall be] ARE permitted. No animated or pulsating signs [shall be] ARE permitted. The total area of exterior signs for each building [shall] MAY not exceed in gross area [one (1)] 1 foot times the street frontage, in feet, of the building; except that signs not exceeding [six (6)] 6 square feet in area erected for the purpose of directing motorists to the entrance or exit points of off-street parking areas [shall be] ARE permitted when attached to a fence, screening wall,

or building wall and [shall] ARE not [be] included in the total area calculated for exterior signs.

(d) All land not covered by structures, paved parking, loading or related service areas, paved areas for pedestrian circulation, or decorative surface treatment[, shall] MUST be provided with landscaping. Landscape treatment encompasses the planting of any, all, or a combination of the following: trees, shrubs, ground cover, grass, flowers. The amount of landscape treatment should be determined by the nature of the development and should serve to improve the utility of the site, soften and relieve the effects of structure and pavement, and provide a visual harmony. All screening and landscaping [shall] MUST be maintained in good condition.

(e) The setback areas abutting street right-of-way, with the exception of driveways, sidewalks and other walkways, [shall] MUST be used exclusively for the planting and growing of trees, shrubs, lawn, and other ground covering or material. These areas [shall] MAY not be used for nor considered in computing, the parking and/or loading space requirement.

(f) Exterior or ventilation equipment or any mechanical equipment placed outside of the building, including on the roof, [shall] MUST be effectively screened.

(g) Off-street parking and effective screening [shall] MUST be provided on all lots for development as established in the Zoning [Ordinance] CODE of Baltimore City, or in such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals, as a Special Exception or Variance.

(h) The Redeveloper [shall] MAY not enter into, execute, or be a party to any covenant, agreement, lease, deed, assignment, conveyance, or any other written instrument [which] THAT restricts the sale, lease, use of occupancy of the property, or any part [thereof] OF IT, or any improvements placed [thereon, upon] ON IT ON the basis of national origin, race, religion, sex, or color. [Such] THE agreement or covenant providing for this non-discrimination provision [shall remain] REMAINS in effect without limitation as to time. The Redeveloper [shall] MUST comply with all State and local laws[,] in effect [from time to time prohibiting] THAT PROHIBIT discrimination or segregation.

(I) HEIGHTS OF ALL NEW DEVELOPMENT IN NON-RESIDENTIAL ZONED AREAS MAY NOT EXCEED:

· 75 FEET ALONG OSTEND STREET AND LEADENHALL STREET SOUTH OF WEST STREET; AND WEST AND PEACH STREETS WEST OF LEADENHALL STREET;

· 60 FEET ALONG WEST STREET WEST OF RACE STREET;

· 45 FEET ALONG RACE STREET, WEST STREET BETWEEN LEADENHALL AND RACE STREET, AND CROSS STREET.

(2) Residential Disposition Lots

(a) Schedule of Standards for Residential Development FOR DISPOSITION LOTS ONLY:

[High-Rise
Walk-Up*	Row	Elevator	
Apartments	Houses*	Apartments	

Maximum Density	35	35	150
Floor Area Ratio	--	--	3.0
Maximum Height (ft.)	35	--	
Minimum Rear Yard (ft.)	**	**	**
Setback	20	20	20

* The number of attached dwellings shall not exceed 9 in a row.

** A minimum rear yard of 25 feet shall be required except where lesser amounts are authorized by the Board of Municipal and Zoning Appeals.]

FLAT OR GARDEN ROWHOUSE (1) MULTISTORY

MAXIMUM DENSITY	35	35	150
FLOOR AREA RATIO	--	--	--
MAXIMUM HEIGHT (FT)	35	35	50
MINIMUM REAR YARD (FT)	25	25	25
SETBACK (FT)	20	20	20

(1) THE NUMBER OF DETACHED DWELLINGS SHALL NOT EXCEED 9, EXCEPT AS PROVIDED FOR BELOW OR WHERE A LESSER AMOUNT IS AUTHORIZED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(b) Disposition Lots 9 and 9A

i. A minimum setback of 30 feet [shall be] IS required [from] FOR STRUCTURES LOCATED ON Henrietta Street. A minimum setback of 20 feet [shall be] IS required [from] FOR STRUCTURES LOCATED ON Hanover Street, or such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals, as a Special Exception or Variance.

ii. The maximum building height [shall] MAY not exceed 55 feet. The maximum bell tower height [shall] MAY not exceed 40 feet.

(c) Disposition Lot 12

i. Disposition Lot 12 [shall be] IS limited to off-street parking.

ii. The developer of Disposition Lot 12 [shall] MUST provide an easement for vehicular access for the adjacent property at 106 Winter Street.

iii. The developer of Disposition Lot 12 [shall] MUST convey overland surface drainage flows from Creek Street to the Race Street drainage system.

(3) Public Disposition Lots

(a) Disposition Lot 1 [shall] MUST be developed for a school and ancillary recreational facilities. The maximum floor area ratio [shall] MAY not exceed 0.4.

(b) Disposition Lot 5 [shall] MUST be developed for parking [in conjunction with] ACCESSORY TO THE adjacent firehouse.

(c) Disposition Lots 6 and 7 [shall] MUST be developed for recreation. No off-street parking or loading facilities are required.

(4) Industrial Disposition Lots

(a) General Provisions

i. Adequate off-street loading facilities [shall] MUST be provided on all lots for development.

ii. All loading and maneuvering of service vehicles and all other related service activities necessary to the operation of the development [shall] MUST be accommodated entirely within the lot lines.

iii. No noxious trade or activity [shall] MAY be carried on within the [project area] PROJECT AREA, nor shall anything be done [therein which] IN IT THAT may be or become an annoyance or a nuisance to the [project area] PROJECT AREA by reason of unsightliness or the excessive emissions or odors, dust, fumes, smoke, noise, glare, or heat.

(b) Disposition Lot 8

i. A front yard setback [shall] MAY not be less than [ten (10)] 10 feet in depth. The street corner side [shall] MAY not be less than [ten (10)] 10 feet in width.

ii. All loading and maneuvering of service vehicles and all other related service activities necessary to the operation of the development [shall] MUST be accommodated entirely within the lot lines.

iii. The developer of Disposition Lot 8 [shall] MUST provide an easement for vehicular access for the property located at 1201 S. Sharp Street.

iv. The developer of Disposition Lot 8 must maintain surface drainage flows in the Peach Street easement from the property at 1201 S. Sharp Street and convey the flows to the City's drainage system in Ostend Street.

(c) Disposition Lot 10

i. A front yard setback [shall] MUST BE not [be] less than [ten (10)] 10 feet in depth. The street corner side [shall] MUST BE not [be] less than [ten (10)] 10 feet in width.

ii. The maximum floor area ratio [shall] MAY not exceed 5.0.

iii. Everything not within A fully enclosed building [shall] MUST be screened.

iv. Required screening [shall] MUST consist of a fireproof opaque wall of uniform color, fence, or a combined opaque wall with fencing not less than [six (6)] 6 feet in height, resistant to damage from the elements and maintained in good condition.

v. No burning [shall] MAY be carried on within the lot except in suitable containers at appropriate locations and times and with the written permission of the Baltimore City Fire Department.

b. Provisions Applicable to all Land Not to be Acquired

(1) General Provisions

The provisions of Section B.1. (Permitted Uses) above [shall] apply to all properties not to be acquired within the [project area] PROJECT AREA. The provisions of Section B.2.a. [shall] apply as appropriate to properties not currently proposed to be acquired by this Plan if the owners [thereof] OF THEM acquire adjacent project land made available by the Department of Housing and Community Development under the provisions of this Plan.

(2) New Construction, Exterior Rehabilitation, and Change in Use

All plans for new construction (including parking lots), exterior rehabilitation, and change in use on any property not to be acquired under the provisions of this [plan] PLAN [shall] MUST be submitted to the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of the Urban Renewal Plan, shall the Commissioner of the Department of Housing and Community Development authorize the processing of the plans for issuance of a building permit. The provisions of this section are in addition to and not in lieu of all other applicable laws and ordinances relating to new construction.

(3) Demolition

All applications for demolition permits [shall] MUST be submitted to the Department of Housing and Community Development for review and approval. Upon finding that the proposed demolition is consistent with the objectives of the Urban Renewal Plan, the Commissioner of the Department of Housing and Community Development shall authorize the issuance of the necessary permit. If the Commissioner finds that the proposal is inconsistent with the objectives of the Urban Renewal Plan and therefore denies the issuance of the permit, [he] THE COMMISSIONER [shall] MUST, within 90 days of such denial, seek approval of the Board of Estimates to acquire for and on behalf of the Mayor and City Council of Baltimore the property, in whole or in part, on which [said] THE demolition was to have occurred, by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation, and disposition [thereof] OF IT. In the event that the Board of Estimates does not authorize the acquisition, the Commissioner[, shall] MUST, without delay, issue the demolition permit.

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

C. Techniques Used to Achieve Plan Objectives

1. Purposes for Which Properties will be Acquired

a. Properties designated for acquisition on the Property Acquisition Map. Exhibit 3, will be acquired either for clearance and redevelopment, for rehabilitation, or for public facilities. Those properties [which] THAT are [being] acquired for residential rehabilitation and [which] THAT have not been designated [collectively] with a disposition lot number[,] are listed in Appendix A, "Properties for Acquisition and Disposition for Residential Rehabilitation".

b. Conditions Under Which Properties Not Designated for Acquisition May Be Acquired

(1) Non-Salvable and Non-compliance with Provisions

[It may be necessary to] THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MAY acquire, by purchase or by condemnation for Urban Renewal purposes, the fee simple interest or any lesser interest in and to [such of] the remaining properties or portions [thereof] OF THEM in the Sharp-Leadenhall Project not specifically designated for acquisition on the Property Acquisition Map, Exhibit 3, as may be deemed necessary and proper by the Commissioner [of the Department of Housing and Community Development] to effect the proper implementation of the Project. [This] THE PROPERTIES may include:

(a) Any property in the [project area] PROJECT AREA containing a non-salvable structure, i.e., a structure [which] THAT in the opinion of the Commissioner of the Department of Housing and Community Development cannot be economically rehabilitated.

(b) Any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City within 12 months from the date of written notice of the required improvements, the COMMISSIONER OF THE Department of Housing and Community Development, after due consideration that the property owner has failed to achieve substantial conformity with the codes and ordinances of Baltimore City, may acquire [such] THE property pursuant to the Eminent Domain Law of [this] THE State OF MARYLAND as if the property [has] HAD [originally] been planned for acquisition UNDER THIS PLAN [after 90 days written notice to the owner. The Department of Housing and Community Development reserves the right to acquire any such non-complying property for a period of two (2) years from the date of said written 90 days notice by the Department of Housing and Community Development].

(2) Acquisition for Rehabilitation

In [such of] the remaining properties not designated for acquisition on the Property Acquisition Map, and in addition to those properties enumerated on Section C.1.b. (1) above, it may be necessary to acquire by purchase or condemnation the fee simple interest[, or] any lesser interest, in order to carry out rehabilitation by the Department of Housing and Community Development. These properties [are being] MAY BE acquired [because] IN ORDER TO:

(a) [It is necessary to] make residential structures available for low- or moderate-income families; or

(b) [Rehabilitation on a structure-by-structure basis is infeasible, and assemblage of] ASSEMBLE a group OR GROUPS of properties [is required] to carry out objectives set forth in this [plan] PLAN WHEN REHABILITATION ON A STRUCTURE-BY-STRUCTURE BASIS IS INFEASIBLE; or

(c) [Rehabilitation of individual, scattered properties is necessary in order to] remove blighting influences from otherwise sound residential blocks THROUGH THE REHABILITATION OF INDIVIDUAL, SCATTERED PROPERTIES.

c. Actions to be Followed by the Department of Housing and Community Development upon Acquisition of Properties

(1) Demolish the structure or structures [thereon] ON THEM and dispose of the land for redevelopment for uses in accordance with this Plan; or

(2) Sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

(3) Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and dispose of property in accordance with applicable regulations. If sale cannot be consummated by the time rehabilitation is accomplished, property may be rented pending continuing sale efforts.

2. Rehabilitation

Property rehabilitation [shall] MUST comply with the codes and ordinances of the City of Baltimore. Cleaning of masonry facades by means of sandblasting [shall] IS not [be] permitted.

3. Relocation

[a.] The Department of Housing and Community Development [assures] SHALL ASSURE that [before] individuals or families [are] displaced from their dwelling units due to the requirements of the Plan[,] WILL BE OFFERED standard housing within the displacees' financial means [shall be provided]. Residents living within the Project Area, if displaced through the requirements of this Plan, shall be given a priority by the Department of Housing and Community Development to any housing within the Project Area over which the Department has direct control.

[b. The Department of Housing and Community Development assures that before firms or individual businesses are displaced from their present location of operation due to the requirements of this Plan, standard commercial structures within the displacees' financial means, in or near the Project Area, shall be identified, Businesses displaced because of the requirements of this Plan shall be given favorable consideration, but not necessarily priority, by the Department of Housing and Community Development in the review of commercial and industrial redevelopment proposals.]

4. Review of Development

a. Department of Housing and Community Development Review

(1) Land to be Acquired and Disposed [of]

The Department of Housing and Community Development specifically reserves the right to review and approve the Redeveloper's plans and specifications for development or rehabilitation with respect to their conformance with the provisions of the [renewal plan] RENEWAL PLAN and in order to achieve harmonious development of the [project area] PROJECT AREA. The Department also reserves the right to refuse to approve any [such] drawings, plans, or specifications that are not suitable or desirable, in its opinion, for aesthetic or functional reasons; and in so passing upon such drawings, plans, and specifications, it shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans, elevations, materials and color, construction details, access, parking, loading, landscaping, identifications signs, exterior lighting, refuse collection details, streets, sidewalks, and the harmony of the plans with the surroundings.

(2) Land Not to be Acquired

Under the provisions of Section B.2.b. of this Plan, the Department of Housing and Community Development has

the right to review all plans for new construction (including parking lots), exterior rehabilitation, or change in the use on any property not to be acquired. In reviewing these plans, the Commissioner of the Department of Housing and Community Development shall be concerned with the objectives and design aspects contained in this Plan.

b. Community Review

The Department of Housing and Community Development may submit to the Sharp-Leadenhall Project Area Committee, or its successor, for [its] PUBLIC review and comment[,] the form and content of [all] proposals to redevelop land to be disposed of and the Preliminary and proposed Final Construction Plans for each disposition lot designated in this Plan. The [Commissioner of the] Department of Housing and Community Development may also [, at his discretion, submit to said Council, or its successor,] PRESENT for [its] PUBLIC review and comment, the plans for development or rehabilitation on any property not [to be] BEING acquired. The Sharp-Leadenhall Project Area Committee, or its successor, shall advise the Department of Housing and Community Development of its recommendations regarding the acceptability and/or priority of all plans and proposals. ANY COMMENTS REGARDING THE PLANS MUST BE [The] written AND [comments] [shall be] transmitted to the Department of Housing and Community Development no later than [3] 4 weeks after the proposal and/or plans have been [submitted] PRESENTED FOR CONSIDERATION [to the Sharp-Leadenhall Project Area Committee or its successors; otherwise, it is presumed that the proposals and/or plans are acceptable.] The Commissioner of the Department of Housing and Community Development retains final authority to approve or disapprove all plans and to grant or withhold development [priorities,] RIGHTS AND SHALL [disposing] DISPOSE of [redevelopment land] DISPOSITION LOTS through procedures established by the Department of Housing and Community Development.

5. Land Disposition

a. Land and property interests acquired by the Mayor and City Council within the area will be disposed of by sale, lease, conveyance, [or] transfer, or other means available to the City, in accordance with the provisions of this Plan.

b. The parcels shown on the Land Disposition Map, Exhibit 4, as available for disposition, are schematic and approximate. The Department of Housing and Community Development [shall have] HAS the right, [in] AT its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels[,] or lots, as shown on the Land Disposition Map, may be subdivided or combined.

6. Zoning

All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore City [shall] apply to properties in the Project Area. In order to execute the Urban Renewal Plan, Zoning District changes as designated on the Zoning Districts Map, Exhibit 5, 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.

7. INCLUSIONARY HOUSING REQUIREMENT

APPLICABILITY

THIS SECTION APPLIES TO ANY RESIDENTIAL DEVELOPMENT OF 10 DWELLING UNITS OR MORE SUBMITTED FOR SITE PLAN OR BUILDING PERMIT APPROVAL AND LOCATED WITHIN THE PROJECT BOUNDARIES DEFINED IN SECTION A. ANY DEVELOPMENT MEETING THIS DEFINITION SHALL BE KNOWN AS A PARTICIPATING PROJECT.

RESIDENTIAL DEVELOPMENTS SUBJECT TO THIS REQUIREMENT INCLUDE HOUSING CREATED BY NEW CONSTRUCTION, BY SUBSTANTIAL REHABILITATION OF ANY STRUCTURE FOR RESIDENTIAL USE, AND BY CONVERSION OF A NEW STRUCTURE FROM ITS ORIGINAL OR MOST RECENT USE TO RESIDENTIAL USE.

DEVELOPMENT PROJECTS INCLUDE CONTIGUOUS PARCELS DEVELOPED BY THE SAME DEVELOPER AND PHASED PROJECTS THAT IN THE AGGREGATE INCLUDE THE DEVELOPMENT OF 10 OR MORE RESIDENTIAL UNITS. IF SUBSEQUENT DEVELOPMENT PLANS OR BUILDING PERMITS BRING THE TOTAL DEVELOPMENT OF CONTIGUOUS PARCELS OR PARCELS DIVIDED BY ALLEYS TO A COMBINED TOTAL OF 10 OR MORE UNITS WITHIN 2 YEARS, ANY AFFORDABLE UNITS NOT PRODUCED IN THE FIRST PHASE OF THE DEVELOPMENT SHALL BE ADDED TO A SUBSEQUENT PHASE.

A. 10 PERCENT OF ALL UNITS CONSTRUCTED (ROUNDED TO THE NEAREST TENTH) IN ANY PARTICIPATING PROJECT SHALL BE PRICED TO BE AFFORDABLE TO HOUSEHOLDS WITH INCOMES AT 120 PERCENT OF THE AREA MEDIAN INCOME IN THE YEAR IN WHICH UNITS ARE FIRST OFFERED TO THE PUBLIC AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ADJUSTED FOR HOUSEHOLD SIZE.

THE UNITS MUST INCLUDE A RANGE IN THE TENURE OF UNITS AND NUMBER OF BEDROOMS WITHIN EACH TENURE COMPARABLE TO THE REST OF THE DEVELOPMENT. SUCH AFFORDABILITY SHALL BE MAINTAINED FOR A PERIOD OF 99 YEARS THROUGH A COVENANT RUNNING WITH THE LAND THAT SHALL SURVIVE SUBSEQUENT RE-SALE OR OTHER CHANGE IN OWNERSHIP OR OCCUPANCY.

B. DESIGN AND CONSTRUCTION

THE EXTERIOR DESIGN AND FINISH OF AFFORDABLE UNITS CONSTRUCTED PURSUANT TO THIS SECTION SHALL BE GENERALLY COMPARABLE TO OTHER UNITS IN THE PARTICIPATING PROJECT.

AFFORDABLE UNITS SHALL BE CONSTRUCTED PRIOR TO OR CONCURRENTLY WITH THE CONSTRUCTION OF OTHER UNITS IN THE PARTICIPATING PROJECT.

THE DEVELOPER SHALL SUBMIT SITE PLANS AND SCHEDULES OF PRICING AND COMPLETION DATES THAT RESPOND TO THE REQUIREMENTS OF THIS SECTION TO THE HOUSING COMMISSIONER ON OR ABOUT THE TIME OF SITE PLAN SUBMISSION. NO SITE PLAN APPROVAL SHALL BE GRANTED NOR ANY BUILDING PERMITS ISSUED UNTIL THE PLANS AND SCHEDULES ARE APPROVED BY THE COMMISSIONER.

C. WHERE DEEMED APPROPRIATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING, FOR DEVELOPMENTS THAT REQUIRE MULTIPLE PHASES, THE ABOVE REQUIREMENTS MAY BE APPLIED TO EACH PHASE SEPARATELY RATHER THAN FOR THE ENTIRE UNIT COUNT.

D. SEVERABILITY

SHOULD THE MAYOR AND CITY COUNCIL OF BALTIMORE ENACT LEGISLATION CONTAINING INCLUSIONARY HOUSING REQUIREMENTS ON A CITY-WIDE BASIS, THOSE REGULATIONS SHALL APPLY AND SUPERSEDE THE REQUIREMENTS OF THIS URBAN RENEWAL PLAN.

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

D. Duration of Provisions and Requirements

The Sharp-Leadenhall Urban Renewal Plan, as it may be amended from time to time, shall remain in full force and effect for a period of [forty (40)] 40 years from the date of original adoption of this Renewal Plan by ordinance of the Mayor and City Council of Baltimore.

(6) In the Plan, amend E. to read as follows:

E. Procedures for Changes in Approved Plan

The Department of Housing and Community Development shall submit to the Sharp-Leadenhall Project Area Committee, or its successor, for its review and comments all proposed amendments to the Urban Renewal Plan no later than at the time the proposed amendments are submitted to the Director of the Department of Planning by the Department of Housing and Community Development. The written comments and recommendations for this review shall be transmitted to the Department of Housing and Community Development no later than [three (3)] 3 weeks after they have been submitted to the Sharp-Leadenhall Project Area Committee, or its successor; 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 Sharp-Leadenhall Project Area Committee, or its successor, shall receive at least [ten (10)] 10 days prior to [such] THE hearing, written notice of the time and place of [such] THE hearing. With respect to any land in the Project Area previously disposed of by the Department of Housing and Community Development for use in accordance with the Urban Renewal Plan, the then owner of [such] THE land whose interests therein are materially affected by [such] THE Plan changes shall receive, at least [ten (10)] 10 days prior to [such] THE hearing, written notice of the time and place of [such] THE hearing and information as to where a copy of the proposed amendments may be inspected.

(7) In the Plan, amend Appendix A to read as follows:

Properties for Acquisition and Disposition for Residential Rehabilitation

In addition to those groups of properties to be acquired and disposed of for rehabilitation (designated with disposition lot numbers on Exhibit 4), the following properties are also being acquired and disposed of for rehabilitation. Certain properties listed below may be used, in whole or in part, as rear or side yard space for adjacent rehabilitated housing.

901 Bevan Street
905 BEVAN STREET
906 Bevan Street
907 Bevan Street
908 Bevan Street
909 Bevan Street
910 Bevan Street
911 Bevan Street
913 Bevan Street
914 BEVAN STREET
915 Bevan Street
916 Bevan Street

917 Bevan Street
918 Bevan Street
920 Bevan Street
921 BEVAN STREET
922 Bevan Street
925 BEVAN STREET
927 BEVAN STREET
931 Bevan Street
933 Bevan Street
935 Bevan Street
937 BEVAN STREET
939 BEVAN STREET

1128 CLARKSON STREET
1130 CLARKSON STREET
1132 CLARKSON STREET
1134 CLARKSON STREET

1002 CREEK STREET
1007 Creek Street
1009 Creek Street

100 through 104 W. Cross Street
116 W. CROSS STREET
123 W. Cross Street
129 W. Cross Street
138 W. Cross Street
146 W. Cross Street

123 W. Hamburg Street
127 W. Hamburg Street

827 S. Hanover Street
829 S. Hanover Street
900 S. Hanover Street
910 S. Hanover Street
934 S. HANOVER STREET
936 S. HANOVER STREET
1020 S. HANOVER STREET
1022 S. Hanover Street
1035 S. Hanover Street
1037 S. Hanover Street
1111 S. Hanover Street

103 through 113 W. Henrietta Street
137 W. Henrietta Street

114 KUHLMAN COURT
116 KUHLMAN COURT

900 through 908 Leadenhall Street
1001 LEADENHALL STREET
1003 through 1011 Leadenhall Street
1124 Leadenhall Street
1126 Leadenhall Street

836 Peach Street
838 Peach Street

1107 [through 1119] Race Street
1109 RACE STREET
1111 RACE STREET
1113 THROUGH 1119 RACE STREET
1121 Race Street
1123 Race Street

807 S. Sharp Street
809 S. Sharp Street
815 S. Sharp Street
833 S. Sharp Street
835 S. Sharp Street

29 W. West Street
36 W. WEST STREET
38 W. WEST STREET
48 W. West Street
127 W. West Street
133 W. West Street
135 W. West Street

(8) Exhibit 2, "Land Use Plan", Exhibit 3, "Property Acquisition", Exhibit 4, "Land Disposition", and Exhibit 5, "Zoning Districts", are amended to reflect the changes in the Renewal Plan.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Sharp-Leadenhall, as amended by this Ordinance and identified as "Urban Renewal Plan, Sharp-Leadenhall, revised to include Amendment __, dated October 31, 2005", 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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