

URBAN RENEWAL PLAN

WATERVIEW

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URBAN RENEWAL PLAN

WATERVIEW

ORIGINALLY APPROVED BY

THE MAYOR AND CITY COUNCIL OF BALTIMORE

BY ORDINANCE NO. 637

MAY 13, 1982

REVISIONS SINCE ORIGINAL APPROVAL BY THE MAYOR AND CITY COUNCIL OF BALTIMORE:

1. Amendment No. 1, dated August 16, 1984, approved by the Mayor and City Council of Baltimore by Ordinance No. 222, dated November 23, 1984.
2. Amendment No. 2, dated July 12, 2004, approved by the Mayor and City Council of Baltimore by Ordinance No. 04-840, dated November 29, 2004.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
BALTIMORE, MARYLAND

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APPENDIX A: PROPERTIES FOR ACQUISITION AND DISPOSITION
FOR ERICK STREET RIGHT-OF-WAY

EXHIBITS:

1. Land Use Plan, dated as revised October 29, 2004
2. Property Acquisition/ Land Disposition, dated as revised August 16,
1984
3. Zoning Districts, dated as revised October 29, 2004

WATERVIEW

A. DESCRIPTION OF PROJECT

1. Boundary Description

Beginning for the same at the intersection of the southwest side of Waterview Avenue and the east side of the B&O Railroad right-of-way; thence from said point of beginning and binding on the south side of Waterview Avenue southeasterly crossing Cherry Hill Road and Erick Street and continuing to intersect the northeast corner of Lot 10/13, Ward 25, Section 5, Block 7612-E; thence binding on the eastern property line of said Lot 10/13 southwesterly to intersect the north side of Deems Street; thence binding on the north side of Deems Street northwesterly to intersect the west side of Giles Road; thence crossing a portion of Lot 42/52, Ward 25, Section 5, Block 7612-E westerly to intersect the northeast corner of Lot 53, Ward 25, Section 5, Block 7612-E; thence binding on the northern property lines of said Lot 53 and Lot 53A, Ward 25, Section 5, Block 7612-E northwesterly to intersect the northwest corner of said Lot 53A; thence binding on the western property line of said Lot 53A southwesterly to intersect the southeastern property line of Lot 15, Ward 25, Section 5, Block 7512-E; thence binding on the southeastern property line of said Lot 15 southwesterly to intersect the south side of Cherry Hill Road; thence binding on the south side of Cherry Hill Road northwesterly to intersect the southeastern property line of Lot 3C, Ward 25, Section 5, Block 7612-D; thence binding on the southeastern property line of said Lot 3C southwesterly to intersect the southwest corner of said Lot 3C; thence binding on the western property line of said Lot 3C northwesterly to intersect the east side of the B&O Railroad right-of-way; thence binding on the east side of the B&O Railroad right-of-way northerly and northeasterly to the point of beginning.

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

- a. to retain existing firms and jobs in the Waterview Area and to facilitate their expansion where applicable;
- b. to attract and expedite new industrial development on the area's undeveloped land;
- c. to increase local and state tax revenues by converting previously vacant and underutilized land to a productive use;
- d. to increase employment opportunities, particularly targeted to adjacent residential areas;
- e. to develop an industrial community compatible with the adjacent Middle Branch Urban Renewal Area;
- f. to enhance access and mobility throughout the area including the provision of adequate off-street parking facilities.

B. LAND USE PLAN

1. Permitted Land Uses

Only the use categories shown on the Land Use Plan, Exhibit 1, shall be permitted within the project area. These are Commercial and Industrial. * Accessory uses including landscaping, off-street parking and loading will also be permitted. In addition, certain uses will be permitted to continue subject to the provisions governing non-conforming and non-complying uses set forth below.

a. Commercial

Commercial uses permitted shall be those permitted under the B-3 Community Commercial use category of the Zoning Ordinance of Baltimore City.

b. Industrial

Industrial uses permitted shall be those permitted under the M-2 Industrial use category of the Zoning Ordinance of Baltimore City.

c. Non-Conforming

A non-conforming use is any lawfully existing use of a building or other structure, or of land which 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), entitled "Zoning." Non-conforming uses shall be permitted to continue, subject to the provisions of Chapter 8 of said Article 30, titled "Non-Conformance."

d. Non-Complying

A non-complying use, 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 uses shall be permitted to continue, subject to the provisions of said Chapter 8.

In addition, a non-complying 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 uses shall be permitted to continue for an indefinite period of time, except that:

* *Amendment No. 2, as enacted by Ordinance No. 04-840, created a fifth category of permitted land use in Waterview, i.e., Residential (see next page), but did not add reference to residential land use here. - Ed.*

- (1) any non-complying land use which is discontinued for a period exceeding twelve (12) months shall 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 conform to the regulations of this Plan; and,
- (3) no non-complying land use shall be changed to any other non-complying land use.

e. Residential

Residential uses shall be those permitted under the R-6 Zoning District of the Baltimore City Zoning Code.

2. Regulations, Controls, and Restrictions Applicable to All Land and Property

The following regulations, controls, and restrictions will apply to all property in the Waterview Urban Renewal Area and will be implemented where applicable for both property rehabilitation and new construction.

a. General Provisions

- (1) No buildings, structures, or parking areas shall be constructed over an easement within the Project Area without the prior written consent of the Commissioner of the Department of Housing and Community Development and the Director of the Department of Public Works.
- (2) No waste material, refuse or garbage shall be permitted to remain outside buildings except as permitted by the Baltimore City regulations regarding containers for garbage; the areas for such containers shall be properly screened from public streets.
- (3) All land not covered by structures, paved parking, loading, or related service areas or paved areas for pedestrian circulation, shall be provided with landscape treatment. 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 shall be determined by the nature of the development and should serve to improve the utility of the site, enhance building design, and soften and relieve the environmental and visual impact of the development. All screening and landscaping shall be maintained in good condition.

- (4) All parking areas and storage lots shall be maintained in good condition. In addition, all storage lots shall be screened from public roadways. Storage lots include all areas holding materials and vehicles other than vehicles used in day to day operations of a business. Such screening shall seek to minimize the adverse visual impact of storage activities. The amount and nature of the screening shall be determined by the nature of the storage area and surrounding land uses but should consider the need for adequate security and surveillance.
- (5) Adequate off-street loading facilities shall be provided in a location that will minimize interference with accessory parking areas and means of ingress and egress thereto. All loading facilities shall be maintained in good condition.
- (6) All new exterior ventilation equipment or mechanical equipment placed outside of a building or on the roof, shall be screened.
- (7) No new or existing sign shall extend above the roof line of the building to which it is attached; no new or existing roof signs shall be permitted. No new paper, cardboard or other signs of a temporary nature shall be permitted in the Project Area. No new or existing animated or pulsating signs shall be permitted. The total height of any free standing sign shall not exceed 24 feet. All signs shall be maintained in good condition.
- (8) All structural and decorative elements of a building shall be repaired and maintained in good condition.

b. Review of Plans

All plans for new construction (including parking and storage lots), exterior rehabilitation, site improvements or change in use of any property in the Project Area shall be submitted to the umbrella organization Cherry Hill 2000 or its designee or successor and the Department of Housing and Community Development for review. Only upon finding that the proposed plans are consistent with the objectives of this 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.

c. Demolition

All applications for demolition permits shall 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 this 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 this Plan and therefore denies the issuance of the permit, he shall, 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 demolition was to have occurred, by purchase, lease, condemnation, gift or other legal means for the renovation, rehabilitation, and disposition thereof. In the event that the Board or Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit.

d. Compliance

All property owners will be required to meet the provisions of this Plan within two years from the time when their property is serviced by the City's sanitary sewer system and a public roadway of a rigid paved surface is provided. No work, alterations or improvements shall be undertaken after enactment of the ordinance approving this Urban Renewal Plan which do not conform with the requirements herein. However, the Commissioner may waive compliance with one or more of these standards if the proposed improvements do not adversely affect the objectives of this Plan.

C. TECHNIQUES USED TO ACHIEVE PLAN OBJECTIVES

1. Acquisition

Properties designated for acquisition on Exhibit 2 - Property Acquisition/ Land Disposition Map - will be acquired for clearance and redevelopment, or rehabilitation, or for public improvements.

a. Acquisition Necessary for Public Road Purposes

Erick Street between Waterview Avenue and Jorgenson Road may be constructed to provide vehicular access to undeveloped land within the Project Area. Certain property, as described in Appendix A of this Plan, may need to be acquired to provide the necessary right-of-way for construction. In addition to right-of-way acquisition, certain construction easements to accommodate grading and maintenance may be required.

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 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 in the Waterview Urban Renewal Area not specifically designated for acquisition 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. Such acquisition may include:

- (a) Any property in the Project Area containing a non-salvable structure, i.e., a structure which 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 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 property pursuant to the Eminent Domain Law of this State as if the property had originally been planned for acquisition 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) Actions to be followed by the Department of Housing and Community Development Upon Acquisition of Properties

Upon the acquisition of properties, the Department of Housing and Community Development will either:

- (a) Demolish the structure or structures thereon and dispose of the land for redevelopment for uses in accordance with this Plan; or
- (b) Sell or lease the property subject to rehabilitation in conformance with the codes and ordinances of Baltimore City; or

- (c) 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 comply with the codes and ordinances of the City of Baltimore and the specific provisions of this Plan.

3. Relocation

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 and/or industrial structures and/or lots within the displacees' financial means in or near the project area shall be identified.

4. Review of Development

Under the provisions of Section B.2.b and B.2.c of this Plan, the Department of Housing and Community Development specifically reserves the right to review and approve plans and specifications for new development, new construction (including parking and storage lots), exterior rehabilitation, demolition, site improvements, or change in the use of any property that is presently developed with respect to their conformance with the provisions of the Renewal Plan and in order to achieve harmonious development of the 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, 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, identification signs, exterior lighting, refuse collection details, streets, sidewalks, and the harmony of the plan with its surroundings.

The Department of Housing and Community Development will fully utilize its Design Advisory Panel to work with developers in the achievement of high quality site, building, and landscaping design.

5. Land Disposition

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

- b. The parcels or lots shown on Exhibit 2, Property Acquisition/ Land Disposition Map, are schematic and approximate. The Department of Housing and Community Development shall have the right, in its discretion, to fix their precise boundaries and size. For purposes of disposition, the parcels, or lots, as shown on Exhibit 2 may be subdivided or combined.

6. Zoning

All appropriate provisions of the Zoning Ordinance of Baltimore City shall apply to properties in the Waterview Area. In order to implement the Urban Renewal Plan, zoning district changes, as designated on Exhibit 3, Zoning District Map, will be required. These changes will require amendment to the Zoning Ordinance of Baltimore City. Action to this effect will be initiated during the execution of this Plan.*

D. DURATION OF PROVISIONS AND REQUIREMENTS

The Waterview Urban Renewal Plan, as it may be amended from time to time, shall be in full force and effect for a period of 40 years from the date of original adoption of this Renewal Plan by ordinance of the Mayor and City Council of Baltimore. To the extent there exists any conflict between the provisions of this Renewal Plan and the standards and controls of any Planned Unit Development legislation approved by the Mayor and City Council for the Waterview Urban Renewal Area, the standards and controls of the Planned Unit Development control.

E. PROCEDURES FOR CHANGES IN APPROVED PLAN

Prior to the approval of any ordinance amending the Urban Renewal Plan, a public hearing shall be held. With respect to any land in the Project Area previously disposed of by the Department of Housing and Community Development, the then owner of such land, whose interests therein are materially affected by such changes, shall receive notice at least ten (10) days prior to such hearing and information as to where a copy of the proposed amendments may be inspected.

F. SEPARABILITY

In the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Plan, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, it being hereby declared that the remaining provisions of this Plan without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid would have been adopted and approved.

* Ordinance No. 655, dated June 8, 1982, approved these recommended zoning district changes and accordingly, Exhibit 3 has been revised to reflect the approved zoning. (*Exhibit 3 was further revised by Amendment 2 to this Plan.*)

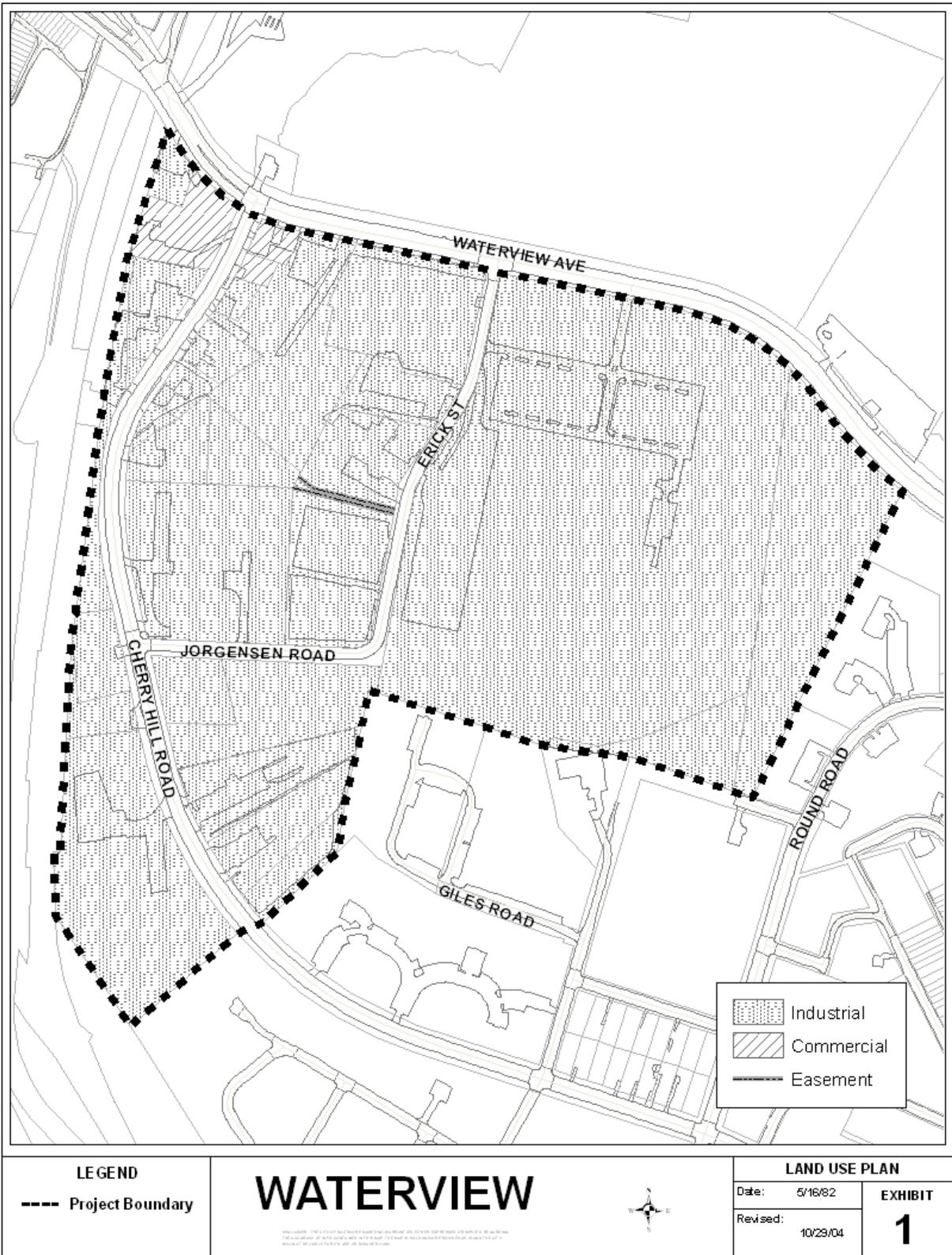
APPENDIX A

PROPERTIES FOR ACQUISITION AND DISPOSITION FOR ERICK STREET RIGHT-OF-WAY

The following described property, designated as Disposition Lots A, B, C, D, and E, on Exhibit 2, may be required for construction of Erick Street between Waterview Avenue and Jorgenson Road:

Property	Area Subject to Acquisition	Disposition Lot
Erick Street right-of-way as shown on Bureau of Surveys Plat, Ward 23, Section 5, Block 7612 E	Entire	A
3000 Waterview Avenue	West side, 10 feet	B
2940 Waterview Avenue	East side, 10 feet	C
2505 Erick Street	Front, 10 feet	D
2525 Erick Street	Front, 5 feet	E

Exhibit 1: Land Use Plan



LEGEND
 ---- Project Boundary

WATERVIEW

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LAND USE PLAN
 Date: 5/16/82
 Revised: 10/29/04
EXHIBIT 1

Exhibit 2: Property Acquisition/ Land Disposition

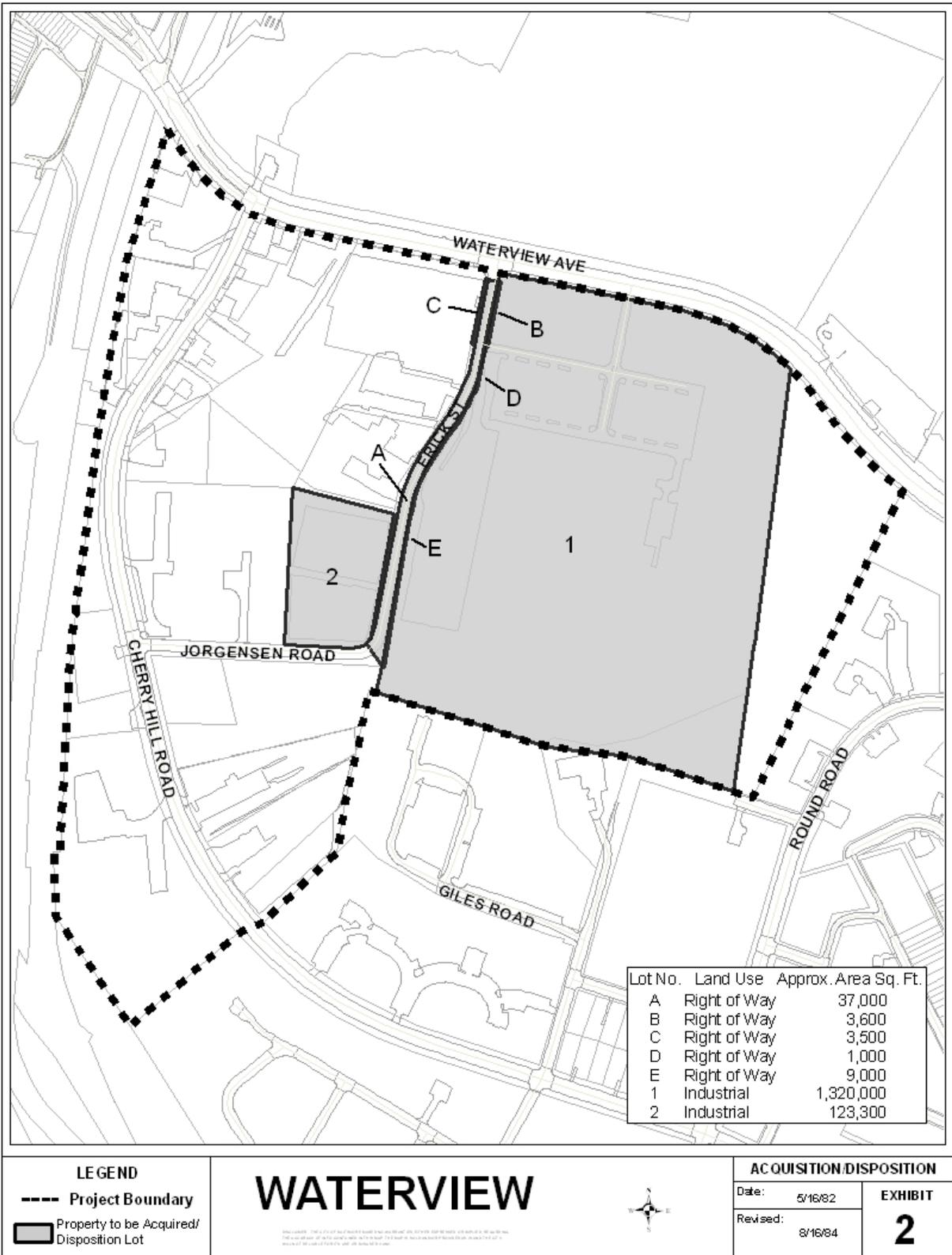


Exhibit 3: Zoning Districts

