

URBAN RENEWAL PLAN

WAVERLY BUSINESS AREA

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WAVERLY BUSINESS AREA

URBAN RENEWAL PLAN

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
BALTIMORE, MARYLAND

REVISED AND APPROVED BY
THE CITY OF BALTIMORE PLANNING COMMISSION
ON APRIL 18, 2002

ORIGINALLY APPROVED BY
THE MAYOR AND CITY COUNCIL OF BALTIMORE
BY ORDINANCE NO. 1029
MAY 24, 1979

Revised to include all amendments as of
June 24, 2011

- I. Amendment No. 1, dated April 12, 1989, approved by the Board of Estimates July 12, 1989.
- II. Amendment No. 2, dated June 8, 1995, approved by the Mayor and City Council of Baltimore by Ordinance No. 664, dated December 4, 1995.
- III. Amendment No. 3, dated May 30, 2002, approved by the Mayor and City Council of Baltimore by Ordinance No. 02-371, dated July 1, 2002.
- IV. Amendment No. 4, dated April 11, 2011, approved by the Mayor and City Council of Baltimore by Ordinance No. 11-470, dated June 24, 2011.
- V. Amendment No. 5, dated April 16, 2012, approved by the Mayor and City Council of Baltimore by Ordinance No. 12-710, dated December 5, 2012.

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EXHIBITS

1. Land Use Plan Map, dated May 30, 2002
2. Property Acquisition Map, dated April 16, 2012
3. Land Disposition Map, dated April 16, 2012
4. Zoning District Map, dated May 30, 2002

WAVERLY BUSINESS AREA

URBAN RENEWAL PLAN

Department of Housing and Community Development
Baltimore, Maryland

A. PROJECT DESCRIPTION

1. Boundary Description

Beginning for the same at a point formed by the intersection of the western right-of-way line of Greenmount Avenue and an extended line of the southern right-of-way line of E.35th St; binding on the western right-of-way line of Greenmount Avenue to a point of intersection with the southern right-of-way line of an unnamed 10 foot alley; thence running in a westerly direction and binding on the southern right-of-way line of said unnamed 10 foot alley to a point of intersection with the western property line of Lot 1, Ward 12, Section 18, Block 3735; thence running in a southerly direction and binding on the western property line of Lot 1, Ward 12, Section 18, Block 3735 to a point of intersection with the northern right-of-way line of Calvin Avenue; thence running in a westerly direction and binding on the northern right-of-way line of Calvin Avenue to a point of intersection with an extended straight line of the western property line of Lot 11, Ward 12, Section 18, Block 3884; thence running in a southerly direction and binding on said extended line and the western property line of Lot 11, Ward 12, Section 18, Block 3884 crossing an unnamed 10 foot alley to a point of intersection with the southern right-of-way line of said unnamed 10 foot alley; thence running in a westerly direction and binding on the southern right-of-way line of said unnamed 10 foot alley to a point of intersection with the eastern right-of-way line of an unnamed 10 foot alley; thence running in a southerly direction and binding on the eastern right-of-way line of said unnamed 10 foot alley to a point of intersection with the northern property line of Lot 32, Ward 12, Section 18, Block 3884; thence running in an easterly direction and binding on the northern property lines of lots 32 and 33, Ward 12, Section 18, Block 3884 to a point of intersection with the western line of right-of-way of Brentwood Avenue; thence running in a southerly direction and binding on the western right-of-way line of Brentwood Avenue to a point of intersection with the northern right-of-way line of Venable Avenue; thence running in a westerly direction and binding on the northern right-of-way of Venable Avenue, crossing Barclay Street to a point of intersection with the western right-of-way line of Barclay Street; thence running in a southerly direction and binding on the western right-of-way line of Barclay Street to a point of intersection with the north/west property line of Lot 1, Ward 12, Section 18, Block 3734; thence running in a southwesterly direction and binding on the north/west property line of Lot 1, Ward 12, Section 18, Block 3734, crossing E. University Parkway to a point of intersection with the southern right-of-way of E. University Parkway; thence running a north/westerly direction and binding on the southern right-of-way line of E. University Parkway to a point of intersection with the western right-of-way line of an unnamed 10

foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 10 foot alley, to a point of intersection with the southern right-of-way line of E. 33rd Street; thence running in an easterly direction and binding on the southern right-of-way line of E. 33rd Street to a point of intersection with an unnamed 10 foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 10 foot alley for 90 feet; thence running in an easterly direction parallel to East 33rd Street, crossing said unnamed 10 foot alley, Lot 25/26, Ward 12, Section 20, Block 3879-B and an unnamed 15 foot alley to a point of intersection with the eastern right-of-way line of said unnamed 15 foot alley; thence running in a northerly direction and binding on the eastern right-of-way line of said unnamed 15 foot alley to a point of intersection with the southern property line of Lot 49, Ward 12, Section 20, Block 3879-B; thence running in an easterly direction and binding on the southern property line of Lot 49, Ward 12, Section 20, Block 3897-B to a point of intersection with the western right-of-way line of Barclay Street; thence running in a southerly direction and binding on the western right-of-way of Barclay Street, crossing E. 32nd Street to a point of intersection with the southern right-of-way line of E. 32nd Street; thence running in an easterly direction and binding on the right-of-way of E. 32nd Street, crossing Barclay Street to a point of intersection with the western right-of-way line of an unnamed 10 foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 10 foot alley to a point of intersection with the northern property line of Lot 2, Ward 12, Section 20, Block 3881; thence running in an easterly direction and binding on the northern property line of Lot 2, Ward 12, Section 20, Block 3881 to a point of intersection with the western right-of-way line of an unnamed 15 foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 15 foot alley to a point of intersection with the southern right-of-way line of an unnamed 10 foot alley; thence running in an easterly direction and binding on the southern right-of-way line of said unnamed 10 foot alley to a point of intersection with the western right-of-way line of Brentwood Avenue; thence running in a southerly direction and binding on the western right-of-way of Brentwood Avenue, crossing E. 31st Street to a point of intersection with the southern right-of-way line right-of-way line of E. 31st Street; thence running in an easterly direction and binding on the southern right-of-way line of E. 31st Street to a point of intersection with the western right-of-way line of an unnamed 5 foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 5 foot alley, crossing Vineyard Lane to a point of intersection with the southern right-of-way line of Vineyard Lane; thence running in a south/westerly direction and binding on the southern right-of-way line of Vineyard Lane, crossing E. 30th Street to a point of intersection with the southern right-of-way line of E. 30th Street; thence running in an easterly direction and binding on the southern right-of-way line of E. 30th Street to a point of intersection with the western right-of-way of an unnamed 10 foot alley; thence running in a southerly direction and binding on the western right-of-way line of said unnamed 10 foot alley and the western property line of Lot 2A, Ward 12, Section 17, Block 3855 to a point of intersection with the northern right-of-way of E. 29th Street; thence running in an easterly direction and binding on the northern right-of-way of E. 29th Street, crossing Greenmount Avenue to a point of intersection with the eastern right-of-way line of Greenmount Avenue; thence running in a southerly direction and binding on the eastern right-of-way line of Greenmount Avenue to a point of

intersection with the northern right-of-way line of Exeter Hall Avenue; thence running in an easterly direction and binding on the northern right-of-way line of Exeter Hall Avenue to a point of intersection with the eastern property line of Lot 48, Ward 9, Section 4, Block 4072; thence running in a northerly direction and binding on said property line to a point of intersection with the southern right-of-way line of an unnamed 15 foot alley; thence running in a westerly direction and binding on said 15 foot alley to a point of intersection with the western right-of-way line of an unnamed 10 foot alley; thence running in a northerly direction and binding on the western right-of-way line of said unnamed alley, crossing E. 29th Street to a point of intersection with the northern right-of-way line of E. 29th Street; thence running in an easterly direction and binding on the northern right-of-way line of E. 29th Street to a point of intersection with the western right-of-way line of an unnamed 10 foot alley; thence running in a northerly direction and binding on the western right-of-way line of said unnamed 10 foot alley to a point of intersection with the northern property line of Lot 2A, Ward 9, Section 4, Block 4072-A; thence running in a westerly direction and binding on the northern property line of Lot 2A, Ward 9, Section 4, Block 4072-A, to a point of intersection with the eastern property line of Lot 3, Ward 9, Section 4, Block 4072-A; thence running in a northerly direction and binding on the eastern property line of Lot 3, Ward 9, Section 4, Block 4072-A, and the western property line of Lot 6, Ward 4, Block 4072-A, crossing E. 30th Street to a point of intersection with the northern right-of-way line of E. 30th Street; thence running in an easterly direction and binding on the northern right-of-way line of E. 30th Street to a point of intersection with the eastern property line of Lot 1, Ward 9, Section 3, Block 4074; thence running in a northerly direction and binding on the eastern property line of Lot 1, Ward 9, Section 3, Block 4074 to a point of intersection with the southern property line of Lot 2/3, Ward 9, Section 3, Block 4074; thence running in an easterly direction and binding on the southern property line of Lot 2/3, Ward 9, Section 3, Block 4074 to a point of intersection with the eastern property line of Lot 2/3, Ward 9, Section 3, Block 4074; thence running in a northerly direction and binding on the eastern property line of Lot 2/3, Ward 9, Section 3, Block 4074 to a point of intersection with the northern property line of Lot 2/3, Ward 9, Section 3, Block 4074; thence running in a westerly direction and binding on the northern property line of Lot 2/3, Ward 9, Section 3, Block 4074 to a point of intersection with the eastern right-of-way line of Greenmount Avenue; thence running in a northerly direction and binding on the eastern right-of-way line of Greenmount Avenue, to a point of intersection with the eastern right-of-way line of Old York Road; thence running in a northerly direction and binding on the eastern right-of-way line of Old York Road to a point of intersection with the southern right-of-way line of E. 31st Street; thence running in an easterly direction and binding on the southern right-of-way line of E. 31st Street to a point of intersection with an extended straight line of the eastern property line of Lot 1, Ward 9, Section 3, Block 4074-C; thence running in a northerly direction and binding on said extended line and the eastern property line of Lot 1, Ward 9, Section 3, Block 4074-C to a point of intersection with the northern property line of Lot 1, Ward 9, Section 3, Block 4074-C; thence running in a westerly direction and binding on the northern property line of Lot 1, Ward 9, Section 3, Block 4074-C to the point of intersection with the eastern right-of-way line of Old York Road; thence running in a northerly direction and binding on the eastern right-of-way line of Old York Road to a point of intersection with the northern right-of-way line of Montpelier Street;

thence running in an easterly direction and binding on the northern right-of-way line of Montpelier Street to a point of intersection with the eastern property line of Lot 13/14, Ward 9, Section 3, Block 4075; thence running in a northerly direction and binding on the eastern property line of Lot 13/14, Ward 9, Section 3, Block 4075 to a point of intersection with the northern property line of Lot 15/16, Ward 9, Section 3, Block 4075; thence running in an easterly direction and binding on the northern property line of Lot 15/16, Ward 9, Section 3, Block 4075 to a point of intersection with the western property line of Lot 5, Ward 9, Section 3, Block 4075; thence running in a northerly direction and binding on the western property line of Lot 5, Ward 9, Section 3, Block 4074, crossing Homestead Street to a point of intersection with the northern right-of-way line of Homestead Street; thence running in an easterly direction and binding on the northern right-of-way line of Homestead Street to a point of intersection with the eastern property line of Lot 9/10, Ward 9, Section 3, Block 4078; thence running in a northerly direction and binding on the eastern property line of Lot 9/10, Ward 9, Section 3, Block 4078 to a point of intersection with the southern property line of Lot 5, Ward 9, Section 3, Block 4078; thence running in an easterly direction and binding on the southern property line of Lot 5, Ward 9, Section 3, Block 4078 to a point of intersection with the eastern property line of Lot 4, Ward 9, Section 3, Block 4078; thence running in a northerly direction and binding on the eastern property line of Lot 4, Ward 9, Section 3, Block 4078, crossing Gorsuch Avenue, to a point of intersection with the northern right-of-way line of Gorsuch Avenue; thence running in an easterly direction and binding on the northern right-of-way line of Gorsuch Avenue to a point of intersection with the western right-of-way line of Frisby Street; thence running in a northerly direction and binding on the western right-of-way line of Frisby Street to a point of intersection with the southern right-of-way line of E. 33rd Street; thence running in a westerly direction and binding on the southern right-of-way line of E. 33rd Street to a point of intersection with the eastern right-of-way line of Old York Road; thence running in a northerly direction and binding on the eastern right-of-way line of Old York Road, crossing E. 34th Street to a point of intersection with an extended line of the northern property line of Lot 11, Ward 9, Section 2, Block 4049-C; thence running in a westerly direction crossing Old York Road and binding on said extended line and the northern property line of Lot 11, Ward 9, Section 2, Block 4049-C to a point of intersection with an extended line of the western right-of-way line of an unnamed 10 foot alley; thence running in a northerly direction and binding on said extended line and the western right-of-way line of said unnamed 10 foot alley to a point of intersection with the southern right-of-way line of E. 35th Street; thence running in a westerly direction and binding on the southern right-of-way line of E. 35th Street, crossing Greenmount Avenue to the point of beginning.

2. Plan Objectives

The basic goal of this Urban Renewal Plan is the revitalization of the Waverly Business Area in order to create a unique neighborhood retail business district with enhanced viability, attractiveness and convenience for residents of the surrounding area and of the City as a whole. The objectives of the plan include:

- a. establishing a positive and identifiable image for the Waverly Business Area;
- b. accommodating the expansion of existing retail small business;
- c. promoting new retail business activity in the area;
- d. developing off-street parking that will increase retail commercial activity;
- e. establishing minimum, comprehensive design and rehabilitation standards that will enhance the physical environment of the business area through private investment;
- f. bringing about a general physical improvement of the area through coordinated public improvements; and
- g. providing a pleasant environment for the staging of year-round promotional activities and events.

3. Types of Proposed Renewal Action

- a. Acquisition of properties, disposition, demolition, and redevelopment;
- b. Coordinated public improvements; and
- c. Property rehabilitation that shall comply with the codes and ordinances of the City of Baltimore, and the requirements set forth in this Plan.

2. LAND USE PLAN

- 1. Predominant land uses, streets and all other public rights-of-way proposed or existing to remain, within the project areas are shown on the Land Use Plan Map, Exhibit 1.
- 2. Land Use Provisions and Standards
 - a. Permitted Uses

Only the uses shown on the Land Use Plan Map shall be permitted within the project area. The use classifications are Neighborhood Business, Community Business and Public. Accessory uses, including landscaping, off-street parking and off-street loading will be permitted. In addition, certain existing uses will be permitted to continue subject to the provisions governing non-conforming uses set forth below in Section B.2.a (4).

(1) Community Business

In the area designated as Community Business on the Land Use Plan Map, uses are limited to those permitted in the B-2 Zoning District of the Zoning Code of Baltimore City, including residential and parking; however:

- i. blood donor centers, massage salons, poultry and rabbit killing establishments, pawnshops, liquor and package goods stores, and taverns not in existence on the date of enactment of the ordinance approving Amendment No. 2 of this Plan * are not permitted. [* December 4, 1995]

- ii. Soup kitchens and check cashing as primary uses not in existence on the date of enactment of the ordinance approving Amendment No. 2 of this Plan are not permitted.
- iii. Bail bond agencies are not permitted. `

(2) Residential

In the area designated as Residential on the Land Use Plan Map, uses shall be limited to those permitted under the R-8 and R-9 categories of the Zoning Ordinance of Baltimore City.

(3) Public

In the area designated as Public on the Land Use Plan Map, the use shall be limited to off-street parking.

(4) Non-Conforming Use

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 the Zoning Ordinance of Baltimore City. Non-conforming uses shall be permitted to continue, subject to the provisions of the Zoning Ordinance of Baltimore City entitled “Non-conformance”. A non-conforming use may be sold as long as that use is not discontinued for a period of time which constitutes an abandonment for that class of use under Chapter 8 of the Zoning Ordinance of Baltimore City.

b. Regulations, Controls and Restrictions on Land to be Acquired by the City

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:

(1) Provisions Applicable to All Land and Property to be Acquired by the City

(a) General Provisions

- i. No buildings, structure or parking area shall be constructed over an easement within the project area without the prior consent of the Commissioner of the Department of Housing and Community Development and the Director of Public Works.
- ii. No materials shall be stored or permitted to remain outside buildings. No waste-materials, refuse or garbage shall be permitted to remain outside buildings except of permitted by the Baltimore City

regulations regarding containers for garbage; the areas for such containers shall be properly screened.

- iii. Except as otherwise provided in specific lot controls no signs other than those identifying the structure upon which they are installed or identifying the use conducted therein shall be permitted. No sign shall extend above the roof line or parapet wall of the building to which it is attached; no sign shall project more than 12 inches from the building to which it is attached. No animated or pulsating signs shall be permitted. The total area of exterior signs for each building shall not exceed in gross area three (3) feet times the street frontage, in feet, of the building; except that signs not exceeding a six (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 permitted when attached to a fence screening wall or building wall and shall not be included in the total area calculated for exterior signs.
- iv. All land not covered by structures; paved parking, loading or related service areas; paved areas for pedestrian circulation; or decorative surfaces treatments shall be provided with landscape treatment. Landscape treatment includes planting any, all or a combination of the following: trees, shrubs, ground cover, grass, and 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.
- v. The setback areas abutting street right-of-way, with the exceptions of driveways, sidewalks and other walkways, shall be used exclusively for the planting and growing of trees, shrubs, lawn and other ground covering material. These areas shall not be used for nor considered in computing the parking and/or loading space requirement.
- vi. Exterior ventilation equipment or any mechanical equipment placed outside of a building, including on the roof, shall be effectively screened.

(b) Off-Street Parking Requirements

- i. Parking spaces shall be provided on all lots for development as established in the Zoning Ordinance 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. In addition to these requirements, off-street parking areas shall be visually screened from public streets and adjacent properties.

- ii. All required parking spaces shall be provided with proper ingress and egress to a public street or alley by means of access drives and aisles.
- iii. All parking facilities shall be effectively screened. Screening shall consist of a masonry wall or durable fence, or combination thereof, not less than four (4) feet in height; in lieu of such wall or fence, a compact evergreen hedge of not less than four (4) feet in height at times of original planting may be used. Screening and landscaping shall be maintained in good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits.
- iv. All exterior (surface) parking areas shall be paved with a hard, dust-free surface, and shall be properly illuminated.

(2) Applicability of provisions and Requirements to Property not to be Acquired

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

C. TECHNIQUES USED TO ACHIEVE PLAN OBJECTIVES

1. Rehabilitation Area

The entire project area is designated for rehabilitation. Property owners will be required to undertake rehabilitation of those structures which are capable of being brought up to the rehabilitation standards.

2. Acquisition

a. Properties Designated for Acquisition

Properties to be acquired are identified on the Property Acquisition Map; Exhibit 2.

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

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

- (a) 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 Waverly Business Area not specifically designated for acquisition on the Property Acquisition Map, Exhibit 2, 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 may include:

- i. 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.
 - ii. Any property the owner of which is unable or unwilling to comply or conform to the codes and ordinances of Baltimore City and the Property Rehabilitation Standards set forth in this plan within 24 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.
- c. Actions to be Followed by the Department of Housing and Community Development Upon Acquisition of Properties as Non-Salvable or for Non-Compliance with Provisions

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

- (1) Demolish the structure or structures thereon 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, and the Property Rehabilitation Standards set forth in this plan; or
- (3) Rehabilitate the property in conformance with the codes and ordinances of Baltimore City and the Property Rehabilitation Standards set forth in this plan 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.

d. Relocation

- (1) The Department of Housing and Community Development assures that before individuals or families are displaced from their dwelling units due to the requirements of the Plan, 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.
- (2) 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. The Department of Housing and Community Development in the review of commercial and industrial redevelopment proposals shall give businesses displaced because of the requirements of this Plan.

3. Property Rehabilitation Standards

In addition to the standards for properties outlined in the codes and ordinances of the City of Baltimore, the following additional standards shall be applied to all non-residential properties within the project area, whether occupied or vacant.

a. Windows

- (1) Windows not in the front of the buildings shall be kept properly repaired or, with Fire Department approval, may be closed, in which case sills, lintels and frames must be removed and the opening properly closed to match the material, design and finish of the adjacent wall.
- (2) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows and glass blocks shall be replaced with glass or approved plastic glazing. All exposed wood shall be repaired and painted.
- (3) Window openings in upper-floors of the front of the building shall not be filled, boarded up, or covered by any flat or projecting signs. Windows in unused areas of the upper floors may be backed by a solid surface on the inside of the glass. Window panes shall not be painted.
- (4) Shutters may be provided on windows above the first floor level on the front of the buildings. They shall be constructed of wood and affixed to the wall by either a metal latch or be held permanently open (fastened to the wall). The use of shutters shall be approved prior to installation by the Department of Housing

and Community Development, and shall not be allowed in cases where shutters would be inharmonious with the design of the building.

b. Building Fronts and Sides Abutting Streets

- (1) All defective structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of that building. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
- (2) All cornices, upper story windows and all other portions of a building containing wood trim shall be made structurally sound. Rotten or weakened portions shall be removed and repaired or replaced to match as closely as possible the original patterns. All exposed wood shall be painted or stained, or otherwise treated for protection.
- (3) A storefront as a part of the building façade shall be defined to include:
 - (a) the building face and the entrance area leading to the door;
 - (b) the door, sidelights, transoms, show windows, display platforms, devices including lighting and signing 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.
 - (c) Existing show windows, entrances, signs, lighting, sun protection, security grilles, etc., shall be compatible, harmonious and consistent with the scale and character of the structure; all show window elements must be located within 13 feet of grade on buildings proposed for construction or substantial rehabilitation subsequent to the effective date of this ordinance.
 - (d) Storefronts on single story buildings shall be designed for the full height to the cornice unless existing traditional architectural elements are present, in which case the new construction shall be harmonious with those elements. Cornice lines shall be maintained.
 - (e) Adjoining buildings used by the same occupant shall be rehabilitated in a unified and harmonious manner. Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques where feasible.
 - (f) Enclosures and housings for security grilles and screens shall be as inconspicuous as possible and compatible with other elements of the façade.

- (g) All exposed portions of the grille, screen or enclosure which are normally painted and all portions, which require painting to preserve, protect or renovate the surface, shall be painted. Non-metal grilles and screens shall be prohibited.
 - (h) All screens and grilles protecting entrances and show windows must be constructed so they can be opened or removed. Such screens and grilles shall be opened or removed during the normal business hours of that business.
 - (i) Show windows shall not be painted for advertising purposes but may be painted for authorized identification of the place of business when authorized by the Department of Housing and community Development.
 - (j) No temporary or permanent sign affixed or placed against the inside surface of a show window shall exceed 20% of the area of that show window.
 - (k) Decalcomanias one square foot or less in area may be affixed to show windows or entrance door windows when same are supplied by credit card companies and carry no text or message other than the identification of such companies.
- (4) Solid or permanently enclosed or covered storefronts shall not be permitted, unless treated as an integral part of the building façade using wall materials and window detailing compatible with the upper floors.
- (5) Awnings
- (a) Soft, retractable awnings are permitted over the first floor and on the upper floors over windows only.
 - (b) They must be flameproofed.
 - (c) They shall not project more than seven (7) feet from the building front and shall otherwise conform with the provisions of City ordinances.
 - (d) They shall terminate against the building at a height not to exceed thirteen (13) feet above the pavement, or one inch below the second floor windowsill, whichever is lower.
 - (e) Rigid or fixed awnings, sunscreens or permanent canopies are not permitted on any portion of the building front.
- (6) All exterior front or sidewalls, which have not been wholly or partially resurfaced or built over shall be repaired and cleaned or painted in an acceptable manner. Brick walls shall be pointed where necessary. Painted masonry walls shall have loose material removed and be painted a single color except for trim which may be another color. Patched walls shall match the existing adjacent

surfaces as to materials, color, bond and joining. Cleaning of masonry surfaces by means of sandblasting shall not be permitted.

- (7) Materials used on storefronts shall be consistent with the character of other buildings in the Business Area as well as other materials used on the building itself. Other factors such as durability, ease of maintenance and historical accuracy of materials shall be considered in relation to future material installations. Formstone, aluminum siding, real or simulated woodshakes, pebble-faced plywood, or any other material not approved by the Commissioner, shall not be permitted for any future use. Existing corrugated metal facing shall be cleaned, or, with approval of the Commissioner, painted a duranodic bronze color. Corrugated metal facing may be used in the future provided it is of a duranodic bronze finish. Existing aluminum siding shall be removed.
- (8) Dormer windows on roofs sloping toward the shopping street shall be treated in accordance with the same criteria as building fronts.
- (9) Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., shall be eliminated.
- (10) Sheet metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and downspouts shall be painted to harmonize with the other building front colors.
- (11) No new mechanical equipment shall be allowed to project through building fronts.
- (12) No dumpsters or rubbish containers shall be exposed at the fronts of buildings except those specifically designed and intended for public use.

c. Rear and Side Walls

- (1) Rear and sidewalls shall be repaired and painted to present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface.
- (2) Side walls, where visible from any of the streets, shall be finished or painted so as to harmonize with the front of the building.

d. Roofs

- (1) Chimneys, elevator penthouses or any other auxiliary structures on the roofs shall be repaired and cleaned as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

- (2) Any new mechanical equipment placed on a roof shall be so located as to be hidden from view from the shopping streets, and to be as inconspicuous as possible from other viewpoints. New equipment shall be screened with suitable elements of a permanent nature, finished so as to harmonize with the rest of the building. Where such screening is unfeasible, equipment shall be installed in a nests presentable manner, and shall be painted in such a manner as to minimize its visibility.
- (3) Television and radio antennae shall be located so as to be as inconspicuous as possible.
- (4) Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

e. Auxiliary Structures

Structures at the rears of buildings, attached or unattached to the principal commercial structure, which are structurally deficient, shall be properly repaired or demolished.

f. Rear Yards

Where a rear yard exists or is created through the demolition of structures, the owner shall condition the open area in one of two ways as outlined below.

(1) Enclosures of Yards

A rear yard may be enclosed along side and rear property lines by a masonry wall, consistent and harmonious in design with the rear walls of the building. Solid doors or solid gates may be used to the extent necessary for access and delivery. Such walls must be not less than five feet nor more than five feet six inches in height. Use of barbed wire or broken glass on top of walls shall not be permitted.

(2) Provision of Parking Area

An unenclosed rear yard may be used as a parking or loading area providing that it is properly paved, illuminated and maintained. A sign not exceeding six (6) square feet may be used to identify and control parking and loading. The building occupant shall be responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers shall be allowed in this area except when housed in permanent structures of acceptable design.

g. Signs

- (1) Existing signs may remain, provided they conform to this plan. No signs other than those identifying the property where they are installed or identifying the use conducted therein shall be permitted. Advertising by material or product manufacturers shall not be permitted except as primary identification of an establishment. A logo (decorative initial, trademark, symbol, etc.) may also be used as part of the sign.

All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.

- (2) Flat signs shall be placed parallel to the building face and shall not project more than 12" from the surface of the building and shall not exceed in area three times the width in feet of the frontage of the building. In the case of corner properties, each façade is to be calculated separately as to size allowed for each. The tops of flat signs shall be placed no higher than the bottom of the second story window or 13 feet above grade level, whichever is lower. Signs may be placed higher than 13 feet if such placement is consistent with the exterior design of the building and is approved by H.C.D. Lettering, including but not limited to neon signs, applied to ground floor show windows or entrance doors shall not exceed three feet in height and logos shall not exceed three feet in height and the text shall be limited to identification of the business. Signs identifying the occupant shall be permitted at rear entrance doors but shall not exceed six square feet in size, except where authorized by the Department of Housing and Community Development. No more than 50% of the entire window area on each side of the building may be obstructed from view.
- (3) Freestanding signs (pole signs) shall be permitted for identification of automobile service stations and for vacant automobile service stations proposed for commercial reuse, provided that such sign does not exceed 24 feet in height and 80 square feet in area (total of both faces). These freestanding signs shall not project into the public right-of-way; and shall contain only the name of the business conducted on the site therein, and/or a logo, decorative initial, trademark or symbol. Freestanding signs may be permitted on other sites where buildings are set back from their property lines, subject to the approval of the Commissioner.
- (4) One projecting sign shall be permitted for each street level business within the project boundaries. These signs shall be double faced and or oriented 90% to the building face. Signs shall extend no higher than 15 feet and no lower than 10 feet above the sidewalk. Signs shall project no more than 4 feet from the face of the building. Total area of the sign shall not exceed 12 square feet per face. These signs shall feature only the name of the establishment, and/or graphic symbol or logo, and shall be constructed of wood, plastic, or metal.

Signs shall be mounted to the storefront in an attractive and workmanlike manner. The use of logos, symbols, or freestanding letters is encouraged. Internally lit box or suitcase signs are not permitted. In all cases, the type of sign and its location shall be harmonious in scale, color and style with the building, and shall be approved by the Commissioner only upon submission and review of scaled descriptive drawing showing the signs location, size, material, and methods of mounting and lighting. Existing projecting signs shall be allowed to remain on 31st and 32nd Streets, provided that the signs and their supporting mechanisms are kept in good repair.

- (5) Painted signs on building surfaces or use of separate cutout letters shall be permitted in accordance with the above limits for flat signs.
- (6) Non-illuminated secondary signs shall be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall not exceed four (4) square feet in area and shall not project more than one inch beyond the surface of the building, nor shall they be placed higher than 13 feet above grade level.
- (7) Roof top signs, signs above the parapet of a building, billboards, or outdoor advertising signs painted or mounted on structures other than billboards, except as otherwise herein provided, shall not be permitted.
- (8) All existing rooftop and façade-mounted sign brackets and hardware shall be removed, except as permitted on 31st Street and 32nd Street.
- (9) Marquees shall only be allowed on operating theaters. The design of such marquees must be approved by the Commissioner of the Department of Housing and Community Development.

The present marquee on the Boulevard Theater at 3302 Greenmount Avenue may be permitted to remain provided it conforms to the following conditions:

- (a) The marquee is restored to its original appearance.
 - (b) The marquee is properly maintained and lit.
 - (c) Only standard marquee letters may be used for signage on the marquee.
- (10) Painted or inlaid signs on cloth awning are permitted.
 - (11) Flashing or moving signs other than barber poles or existing neon shall not be permitted.
 - (12) All projecting signs shall be lit in an acceptable manner such as is described in section (h) - Lighting (below). Method of lighting shall be shown on drawings for signs.

- (13) All signs not conforming to the above regulations shall be removed within two years from date of enactment of this plan; except billboards larger than sixty square feet, which shall be removed within five years. All signs not conforming to the amendments to the sign regulations adopted by Amendment No. 2 to this Plan shall be removed within 18 months from the date of enactment of the ordinance approving Amendment No. 2 of this Plan. Future minor privilege permits for signs shall be issued only for those signs meeting project design criteria.
- (14) No private signs shall be permitted except as herein provided or as otherwise authorized by the Department of Housing and Community Development for temporary purposes not exceeding thirty days.

Each store is required to display a postal address number on the storefront. The number shall be used in conjunction with the Waverly logo. Number size, style, location and design shall be approved by the Commissioner.

h. Lighting

- (1) The following lighting methods are not permitted:
 - (a) Exposed fluorescent lighting.
 - (b) Exposed quartz or mercury vapor lamps.
 - (c) Exposed incandescent lamps other than low wattage, purely decorative lighting.
- (2) The following lighting methods are permitted:
 - (a) Fully recessed downlights or wallwashers in projecting metal box. Box must run full length of storefront at top of sign area.
 - (b) Shield fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign zone.
 - (c) “Gooseneck incandescents”, porcelain enamel reflector on bent metal tube arm. Housing to prevent glare at pedestrian eyeline.
 - (d) Internally illuminated (except projecting signs) or back-lit (halo) letters.

i. Footways

Adjacent to all properties within the area boundaries shall be maintained in a manner consistent with applicable Baltimore City Codes. In addition, when required, footways shall be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design and finish of adjacent footway surfaces.

j. Off-Street Parking Requirements

- (1) Parking spaces shall be provided on all lots for development as established in the Zoning Ordinance 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. In addition to these requirements, off-street parking areas shall be visually screened from public streets and adjacent properties.
- (2) All required parking spaces shall be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles.
- (3) All parking facilities shall be effectively screened. Screening shall consist of a masonry wall or durable fence or combination therefore, or combination thereof, not less than four (4) feet in height; in lieu of such wall or fence a compact evergreen hedge of not less than four (4) feet in height at time of original planting may be used. Screening and landscaping shall be maintained in good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits. The Department of Housing and Community Development shall approve the design of the lot screening.
- (4) All exterior (surface) parking areas shall be paved with a hard, dust-free surface, and shall be properly illuminated.

k. Period of Compliance

To the extent that rehabilitation requirements for commercial uses are specifically applicable to the Waverly Business Area and are not generally required elsewhere, the work necessary to meet such requirements shall be completed within two (2) years from the effective date of this plan, unless specifically outlined elsewhere in this plan. No work, alterations or improvements shall be undertaken after enactment of this plan, which do not conform with the requirements herein.

Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law.

l. Design Review and Approval

- (1) It shall be the responsibility of the Department of Housing and Community Development to supervise that part of this Renewal Plan dealing with design, code enforcement and inspection.
- (2) Designs for all improvements, modification, repairs, rehabilitation or painting affecting the exterior of the existing buildings, yards, show windows, signs, exterior footways and new construction shall be submitted to the Department of Housing and Community Development and written approval by the Department

shall be required before obtaining the necessary permits and proceeding with the work.

- (3) The Department of Housing and Community Development shall be concerned with all aspects of design affecting exterior appearance, and in particular with the following:
 - (a) Colors to be used on buildings and signs.
 - (b) Design of show windows and entrance area, including choice of materials and types of security devices.
 - (c) Design of signs, methods of illumination, colors, materials, methods of suspension.
 - (d) Conditioning of rear yard spaces, location of delivery signs.
 - (e) All exterior materials and colors.
 - (f) Design of awnings, shutters and upper floor windows.
 - (g) Compatibility of new construction as to scale, color, materials and signing.
 - (h) Design and construction of exterior footways and footway elements such as street trees and driveways.

D. REVIEW OF DEVELOPER'S PLAN

1. Department of Housing and Community Development Review

The Department of Housing and Community Development specifically reserves the right to review and approve the Developer's plans and specifications for development or rehabilitation with respect to their conformance with the provisions of the renewal plan and in order to achieve harmonious development of the project area. Such review and approval shall 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 plans with the surrounding.

2. Design Objectives

a. Building Design Objectives

Each building unit, whether existing or proposed, shall be an integral element of the overall site design and shall reflect and complement the character of the surrounding area.

Non-residential buildings shall be located so as to be compatible with surrounding living areas and organized in a manner to coordinate employee and customer physical requirements. Building façades shall be complementary to those adjacent in terms of amenity and appearance.

b. Parking Design Objectives

Off-street parking areas shall be designed with careful regard given to orderly arrangement, landscaping, ease of access and as an integral part of the total site design. All parking areas shall be screened from adjacent streets by dense screen planting and/or masonry screening walls.

Vehicular access to the parking areas shall be direct and not in conflict with vehicular movement which services the various uses within the site. Ingress and egress points shall be well distanced from intersections to avoid congestion and interference with traffic.

c. Loading Design Objectives

Loading space shall be provided to the maximum extent possible in convenient off-street facilities to serve business uses in the area.

d. Street, Pedestrian Walkways and Open Space Objectives

Developers shall provide adequate open space in combination with the proper siting of buildings and location of off-street parking areas. Streets, pedestrian walkways and open spaces including street furniture and signs, shall be designed as an integral part of the overall design, properly related to adjacent existing and proposed buildings.

e. Landscape Design Objectives

A coordinated landscape program shall be developed covering the entire area to incorporate the landscape treatment for open space, streets and parking areas into a coherent and integrated arrangement. Landscaping shall include trees, shrubbery and plantings in combination with related paving and surface treatment.

3. Developer's Obligations

- a. The Developer shall not enter into, execute or be a part to any covenant, agreement, lease, deed, assignment, conveyance or any other written instrument which restricts the sale, lease, use or occupancy of the property, or any part thereof, or any improvements placed thereon, upon the basis of national origin, race, religion, sex or color. Such agreement or covenant providing for this non-discrimination provision shall be included in the instruments and the City of Baltimore shall be deemed a beneficiary of such covenants and shall be entitled to enforce it. The Developer shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation.
- b. The Developer shall devote the land to those uses specified in the plan and to no other uses.

- c. The Developer shall agree to retain the interest he acquires in the property transferred to him until he has completed the improvements, construction, and development in the area required by this plan and disposition instruments and he shall further agree not to sell, lease or otherwise transfer the interest he acquired or any part thereof without the prior written consent of the Department of Housing and Community Development or until the Department shall have certified in writing that the Developer has completed the improvements, construction and development in the area.

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 landscape design.

4. New Construction and Rehabilitation

All plans for new construction (including parking lots) or rehabilitation of any property not to be acquired under the provisions of this plan shall be submitted to the Department of Housing and Community Development for review. Upon finding that the proposed plans are consistent with the objectives of the urban renewal plan, the Commissioner of the Department of Housing and Community Development shall 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.

5. 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 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 urban renewal 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 of Estimates does not authorize the acquisition, the Commissioner shall, without delay, issue the demolition permit.

E. OTHER PROVISIONS NECESSARY TO MEET REQUIREMENTS OF STATE AND LOCAL LAWS

1. 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 3, as available for disposition, 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 the Land Disposition Map, may be subdivided or combined.

2. Zoning

All appropriate provisions of the Zoning Code of Baltimore City shall apply to properties in the Waverly Business Area. In order to implement the Urban Renewal Plan, Zoning District changes, as designated on Exhibit 4, will be required. These changes require amendment to the Zoning Code. Action to this effect will be initiated during the execution shown as of this Plan. It is not the intent to create nonconforming uses in those areas shown as proposed zoning areas on Exhibit 4 (3231 Old York Road, 605-627 and 633 East 33rd Street, 3211-3215 Tinges Lane, 615, 627, 629, 632, 640-644 Gorsuch Avenue, and 600 and 604 Homestead Street).

3. Reasons for the Various Provisions of this Plan

- a. Establishing a positive and identifiable image for the Waverly Business Area;
- b. Accommodating the expansion of existing retail small businesses;
- c. Promoting new retail business activity in the area;
- d. Developing off-street parking that will increase commercial activity;
- e. Establishing minimum, comprehensive design and rehabilitation standards that will enhance the business area through private investment;
- f. Bringing about a general physical improvement of the area through coordinated public improvements; and
- g. Providing a pleasant environment for the staging of year-round promotional activities and events.

F. DURATION OF PROVISIONS AND REQUIREMENTS

The provisions and requirements of this plan shall be in effect for a period of not less than twenty (20) years following the date of the approval of this plan by the Mayor and City Council of Baltimore.

G. PROCEDURES FOR CHANGES IN APPROVED PLAN

The Department of Housing and Community Development shall submit to the Waverly Merchants' Association and Waverly Development Committee and their successors for its review and comments all proposed amendments to the urban renewal plan no later than at the same 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 from this review shall be submitted to the Department of Housing and Community Development no later than 3 weeks after they have been submitted to the Waverly Merchants Association and Waverly Development Committee and/or their successors, 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. The Waverly Merchants' Association and Waverly Development Committee, or their successors, shall receive, at least ten days prior to such hearing, written notice of the time and place of such hearing. With respect to any land in the Project Area previously disposed of by the City for use in accordance with the urban renewal plan, the then owner of such land whose interests therein are materially affected by such changes shall receive at least ten days prior to such hearing written notice of the time and place of such hearing and information as to where a copy of the proposed amendments may be inspected.

H. 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 the plan without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof, so held invalid, would have been adopted and approved.

I. OFFICIAL ACTIONS

To carry out the Plan, it will be necessary for the Mayor and City Council of Baltimore to amend the Zoning Code of Baltimore City in accordance with Exhibit 4, "Zoning Districts."

EXHIBIT 1 - Land Use Plan

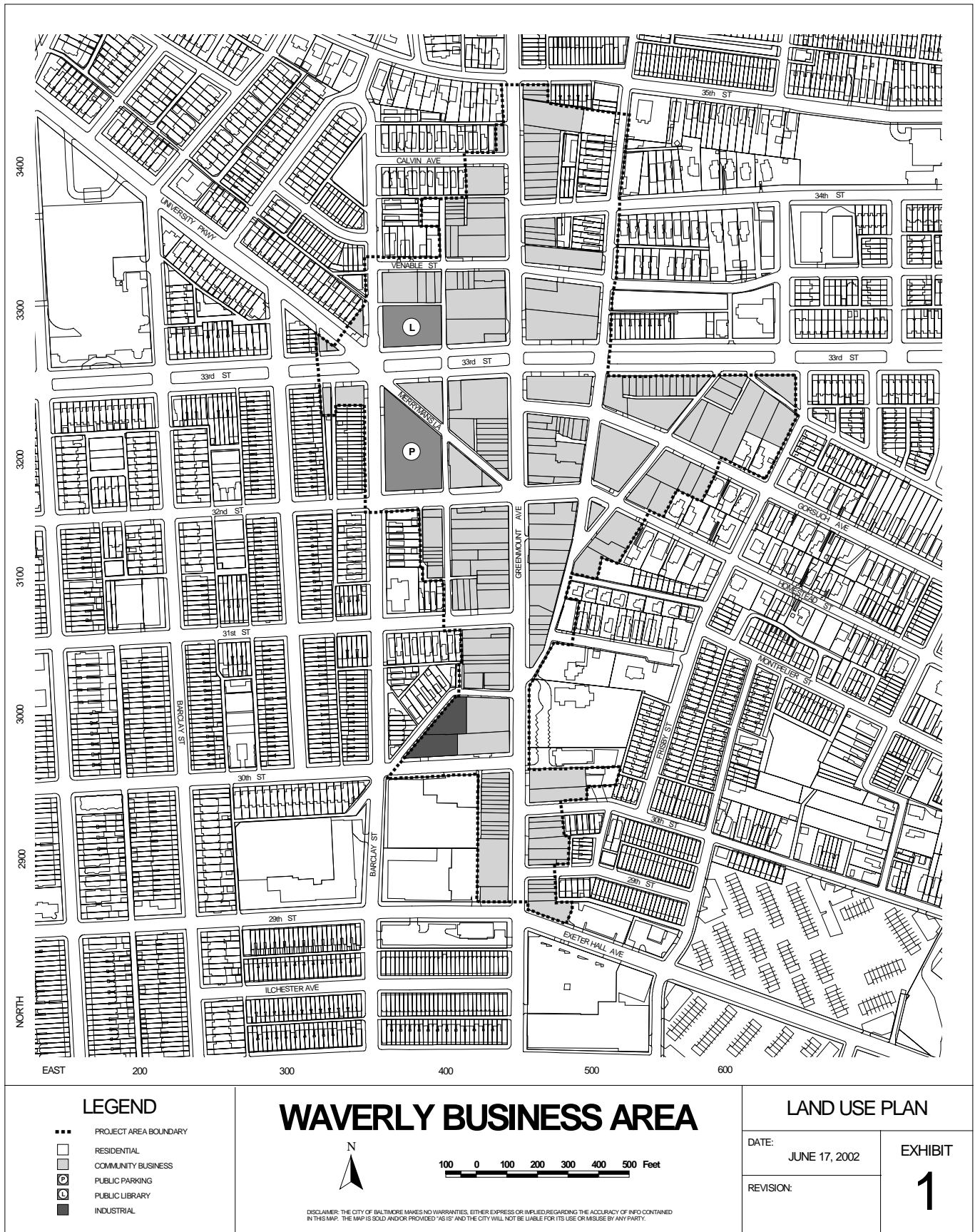


EXHIBIT 2 – Property Acquisition



EXHIBIT 3 – Land Disposition



EXHIBIT 4 – Zoning Districts

