

URBAN RENEWAL PLAN

ANNAPOLIS ROAD

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URBAN RENEWAL PLAN

ANNAPOLIS ROAD

APPROVED BY

THE MAYOR AND CITY COUNCIL OF BALTIMORE

BY ORDINANCE NO. 10-0494

MAY 11, 2011

REVISIONS SINCE ORIGINAL APPROVAL BY THE MAYOR AND CITY COUNCIL:

No amendments since original approval.

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A. Project Description

1. Boundary Description

Beginning at the intersection of Indiana Street and Annapolis Road; thence binding on the street centerline of Annapolis Road for ~800 feet to the intersection with Kent Street; thence binding east on Kent Street ~135 feet to the rear of 2251 Annapolis Road; thence binding north along the rear property line of 2251 Annapolis Road extended ~800 feet to the north side of 2119 Annapolis Road; thence binding west along the north side of 2119 Annapolis Road ~270 feet, crossing Annapolis Road, binding to the north side of 2128 Annapolis Road to the street centerline of the Tacoma Street-Annapolis Road Alley; thence binding south on the street centerline of Tacoma Street-Annapolis Road Alley ~660 feet, crossing Russell Street to the north side of 2257 Tacoma Street; thence binding west along the north side of 2257 Tacoma Street ~120 feet to the street centerline of Tacoma Street; thence binding south along the centerline of Tacoma Street ~250 feet to the south side of 2309 Tacoma Street; thence binding along the south side of 2309 Tacoma Street ~120 feet to the rear property line of 2312 Annapolis Road; thus binding south along the rear property line of 2251 Annapolis Road extended ~400 feet to Maisel Street; thus binding south to the rear property line of 2400 Annapolis Road ~250 feet; then heading east ~50 feet to the to the point of beginning.

2. Plan Objectives

- a. To bring about a general physical improvement along Annapolis Road in Westport through the rehabilitation of existing buildings and promotion of new, mixed use development to create a main street;
- b. To eliminate deterioration and blight by repairing or replacing exterior surfaces;
- c. To increase the economic viability of the area through the increased health, safety and attractiveness of properties;
- d. To encourage harmonious redevelopment throughout the area while maintaining appropriate support for surrounding industrial land uses;
- e. To provide for a process of review of all plans for properties along Annapolis Road to ensure harmonious and orderly rehabilitation and development.

B. Land Use Plan

1. Permitted Land Uses

Only the use categories shown on the Land Use Plan and Zoning Districts map, Exhibit 1, shall be permitted within the project area. These are Office Residential, Neighborhood Business, and Community Business. Accessory uses, including landscaping and off-street parking and loading, will be permitted. In addition, certain uses will be permitted to continue

subject to the provisions governing non-conforming and noncomplying uses set forth in Sections B.1.d. 2 and B.1.e. below.

a. Neighborhood Business

In the area designated as Community Business on the Land Use Plan, uses are limited to those uses permitted under the B-1 category of the Zoning Code of Baltimore City.

b. Community Business

In the area designated as Community Business on the Land Use Plan, uses are limited to those uses permitted under the B-2 category of the Zoning Code of Baltimore City, except for the following, which are expressly prohibited:

- adult bookstores
- bail bonds offices
- check cashing operations
- community correction centers
- dance halls
- fraternity and sorority houses
- garages, other than accessory, for storage, repair, and servicing of motor vehicles
- liquor stores—package goods
- pawnshops
- rooming houses for more than three persons
- tattoo parlors as a principal or accessory use
- taverns

c. Nonconforming Use

A nonconforming use is any lawfully existing use of a building, structure, or of land that does not conform to the applicable use regulations of the district in which it is located, according to the Zoning Code of Baltimore City. Non-conforming uses are permitted to continue subject to the provisions of Title 13 titled “Nonconformance”.

d. Noncomplying Structure

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

2. Zoning

All appropriate provisions of the Zoning Code of Baltimore City shall apply to properties in the Area. Any zoning district changes, as designated on Exhibit 1, Land Use Plan and Zoning Districts, must be approved by Ordinance.

C. Techniques Used to Achieve Plan Objectives

1. Rehabilitation and New Construction

Within the Project Area, any standards listed below that are above and beyond those required by the Building Code do not apply to existing properties unless the owner applies for permits for new construction or major rehabilitation of the property. The Annapolis Road Rehabilitation Standards are as follows:

a. Windows

- (1) Windows not visible from the street 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 must be replaced. All broken and missing windows and glass blocks must be replaced with glass or other approved glazing. All exposed wood must be repaired and painted.
- (3) Window openings in upper floors of the front or sides of the building facing streets may not be filled or boarded up. Windows in unused areas of the upper floors may be backed by a solid surface on the inside of the glass. Window panes may not be painted. Replacement windows, frames, or sashes must fit existing or historic masonry openings.

b. Building Fronts and Sides Abutting Streets

- (1) All defective structural and decorative elements of building fronts and sides abutting streets must be repaired or replaced in a workmanlike manner to match as closely as possible the character of surrounding buildings and the neighborhood. All damaged, sagging, or otherwise deteriorated store fronts, show windows, or entrances must be repaired or replaced.
- (2) All cornices, upper floor windows, and all other portions of a building containing wood trim must be made structurally sound. Rotten or weakened portions must be removed, repaired, or replaced to match as closely as possible the buildings in that block. All exposed wood must be painted or stained, or otherwise treated for protection.
- (3) Store fronts
 - (a) A store front, as a part of the building facade, includes:
 - i. the building face, windows, and the entrance area leading to the door;
 - ii. the door, sidelights, transoms, display platforms, and devices including lighting and signage designed to be viewed from the public right-of-way or

visible to the public prior to entering the interior portion of the structure.

- (b) Store front windows, entrances, signs, lighting, sun protection, security grilles, etc., must be compatible, harmonious, and consistent with the scale and character of the surrounding properties. All store front elements must be located below the second floor window sills.
 - (c) Solid or permanently enclosed or covered store fronts are not permitted. New storefronts must provide a minimum of 30% window openings.
 - (d) Enclosures and housings for security grilles and screens must be as inconspicuous as possible and compatible with other elements of the facade. All screens and grilles protecting entrances and store front windows must be constructed so they can be opened or removed. Screens and grilles must be opened or removed during the normal business hours of that business.
 - (e) No temporary or permanent sign affixed or placed against the inside surface of a store front window may exceed 25% of the area of that store front window.
- (4) Awnings
- (a) Soft awnings of appropriate material are encouraged over the first floor. They must be appropriately scaled and located to complement the building facade.
 - (b) Signage applied to awnings is restricted to business name or logo and street numbers. Lettering must be sized and located to complement the awning.
 - (c) Awning colors and lighting must complement the colors of the building facade.
- (5) Adjoining buildings used by the same occupant must be rehabilitated in a unified and harmonious manner.
- (6) All exterior front or side walls that have not been wholly or partially resurfaced or built over must be repaired and cleaned or painted in an acceptable manner. Brick walls must be pointed where necessary. Painted masonry walls must have loose material removed and be painted a single color except for trim, which may be other colors. Day-glo and fluorescent colors are not permitted. Patched walls must match the existing adjacent surfaces as to materials, color, bond, and joining.
- (7) Any applied facing material or resurfacing materials are not permitted on the front of the building. Examples are siding, formstone, stucco, or wood paneling. No brick facades shall be resurfaced with other materials.
- (8) Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., must be removed.

c. Rear and Side Walls

Rear and side walls, whether new or existing, must be repaired and painted or cleaned and repainted to present a neat and fresh appearance. Walls must be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface.

d. Roofs

- (1) Chimneys, elevator penthouses, or any other auxiliary structures on the roofs must be repaired and cleaned as required for rear and side walls. Any construction visible from the street or from other buildings must be finished so as to be consistent with other visible building walls.
- (2) Any new mechanical equipment placed on a roof must be located so as to be hidden from view from the streets and to be as inconspicuous as possible from all viewpoints. New equipment must be screened with suitable elements of a permanent nature and finished so as to harmonize with the rest of the building. Where screening is infeasible, equipment must be installed in a neat, presentable manner and must be painted in such a manner as to minimize its visibility.
- (3) Television and radio antennae must be located so as to be as inconspicuous as possible.
- (4) Roofs must be kept free of trash, debris, or any other element that is not a permanent part of the building or a functioning element of its mechanical or electrical system.

e. Auxiliary Structures

Structures at the rear of buildings, attached or unattached to the principal structure, that are structurally deficient, must be properly repaired or demolished.

f. Rear Yards

Where a rear yard exists, the owner must condition the open area in one of
37 two ways:

(1) Enclosure of yards:

A rear yard may be enclosed along side and rear property lines by a finished masonry wall, wood or picket fence, or coated chain-linked fence. Solid doors or solid gates may be used to the extent necessary for access and delivery. Walls or fences may not be more than 6 feet in height. Use of barbed wire or broken glass on top of walls is not permitted.

(2) Provision of parking area:

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

g. Exterior Signs

- (1) All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes must be concealed from view as much as possible.
- (2) One overhanging sign, up to 8 square feet in size, is permitted per building. It may not project more than 4 feet from the building face. The sign must be mounted lower than the second floor window sills or 13 feet above grade, whichever is lower. Discreet spotlighting is permitted, but internal illumination and neon are prohibited.
- (3) Flat signs must be placed parallel to the building face, may not project more than 12 inches from the surface of the building, and may not exceed in area 3 times the width in feet of the frontage of the building. In the case of corner properties, each facade is to be calculated separately as to size allowed for each. Flat signs must be placed no higher than the bottom of the second story window where windows exist or 13 feet above grade level, whichever is lower.
- (4) Signs painted on vertical building surfaces or use of separate cutout letters are permitted in accordance with the above limits for flat signs. Existing signs may remain.
- (5) Non-illuminated secondary signs are permitted for the tenants occupying the upper floors of a building. These signs may not exceed 2 square feet in area, may not project more than one (1) inch beyond the surface of the building, and may not be placed higher than 13 feet above grade level.
- (6) Roof top signs, signs above the parapet of a building, billboards, or outdoor advertising signs painted or mounted on structures other than billboards are not permitted.
- (7) Painted or inlaid signs on cloth awnings are permitted, as per subsection b.(4)(c) of this section.
- (8) Flashing or moving signs other than barber poles are not permitted.
- (9) No free standing signs are permitted.

h. Outdoor Seating

Outdoor table service, when accessory to a principal use, is a conditional use in the B-2 Zoning District requiring the review and approval of the Board of Municipal and Zoning Appeals (BMZA). A minor privilege permit may also be required. The BMZA has the authority to impose certain conditions for the approval of such seating. For the purposes of this Plan, the following guidelines and criteria must be used to evaluate all conditional use and minor privilege applications as to their conformance with the objectives of this Plan.

- (1) A plan and elevation showing the layout and design of the seating area must be submitted to the Department of Housing and Community Development and the Department of General Services along with all applications for permits.
- (2) A 6-foot public walkway must be maintained, and all tables and chairs must be at sidewalk level.
- (3) Sight lines to adjoining properties must be preserved.

i. Walk-up Windows

Walk-up windows are not permitted unless otherwise authorized by the Department of Housing and Community Development.

j. Screening of Private Parking Lots

If the parking area is greater than 4 spaces, the area must be effectively screened with fencing, landscaping or a combination thereof. Uncoated chain link fencing is not acceptable. The height of the screening must be between 2 and 4 feet.

k. Period of Compliance

- (1) After enactment of this Plan, no work, alterations, or improvements may be undertaken that do not conform to its requirements. However, the Commissioner of the Department of Housing and Community Development (“The Commissioner”) may waive compliance with one or more of the standards if the waiver is determined by the Commissioner not to adversely affect the Plan objectives for Annapolis Road.
- (2) With regard to waiver decisions affecting business properties within the Plan’s boundaries, the Commissioner may be advised by the Westport Business Association or its successor. In making decisions regarding the granting of waivers for residential properties within the Plan’s boundaries, the Commissioner may be advised by the appropriate neighborhood organizations in the area. All recommendations to the Commissioner must be made within 30 days of the filing of the waiver request with the Department of Housing and Community Development.
- (3) Nothing in the Plan may 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.

- (4) Any person violating the provisions of this Plan is subject to a fine to be determined by the Commissioner, and each day's violation constitutes a separate offense.

I. Design Review and Approval

- (1) Designs for all building improvements, modifications, repair, rehabilitation, or painting concerning the exterior of the existing buildings, their yards, their store fronts, or their outside seating, and for all signs and awnings, must be submitted to the Director of the Department of Planning and the Commissioner of the Department of Housing and Community Development, and issuance of a permit by the Department of Housing and Community Development is required before proceeding with the work.
- (2) The Commissioner or his/her designee may submit to the Westport Business Association, or its successor or assignee, for its review and comment, the plans for any storefront property not to be acquired. The Westport Business Association, or its successor or assignee, must advise the Department of its recommendation regarding the acceptability and/or priority of all plans and proposals. The written comments must be transmitted to the Department no later than 30 days after the proposals and/or plans have been transmitted to the Westport Business Association, or its successor or assignee; otherwise it is presumed that the proposals/plans are acceptable. The Commissioner retains the final authority to approve or disapprove all plans and to grant or withhold development priorities.
- (3) The Commissioner of the Department of Housing and Community Development and the Director of the Department of Planning shall be concerned with all aspects of the designs affecting exterior appearance and in particular with the following:
 - (a) Design of porch front or store front and entrance area, including choice of materials and types of security devices;
 - (b) Design of signs, methods of illumination, colors, materials, methods of suspension;
 - (c) Conditioning of rear yard spaces; location of delivery signs;
 - (d) Design of awnings, canopies, and outside seating;
 - (e) All other exterior materials and colors; and
 - (f) Compatibility of new construction as to scale, color, materials, and signing.
- (4) The Commissioner's review must be guided by the property rehabilitation standards which, in general, provide that the original design of buildings must be retained or restored, and that new elements must be harmonious with existing elements of the

same property and with adjacent properties.

2. New Construction

All plans for new construction on any property within the project area must be submitted to the Department of Housing and Community Development and the Department of Planning for review, which may include presentations before the Department's Urban Design and Architectural Review Panel. 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 must 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. The minimum building height for new construction is 20 feet.

3. Demolition

All applications for demolition permits shall be submitted to the Department of Housing and Community Development for review and approval. If the proposed demolition is found to be 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.

D. Other Provisions Necessary to Meet Requirements of State and Local Laws

1. In selling or otherwise disposing of property in Annapolis Road, the Department of Housing and Community Development must require that developers agree in writing not to discriminate in the sale, lease, use, or occupancy of the property developed by them against any person on the basis of race, religion, color, sex, or national origin.
2. If the Annapolis Road Urban Renewal Plan 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 Urban Renewal Plan is exempted from them.
3. If a provision of this Urban Renewal Plan concerns the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or safety law or regulation, the applicable provisions must 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 Urban Renewal Plan 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 Urban Renewal Plan prevails, and the other conflicting provision is repealed to the extent of the conflict.

E. Duration of Provisions and Requirements

The Annapolis Road Urban Renewal Plan, as it may be amended from time to time, shall be in effect for a period of 10 years following the date of original adoption by the Mayor and City Council of Baltimore.

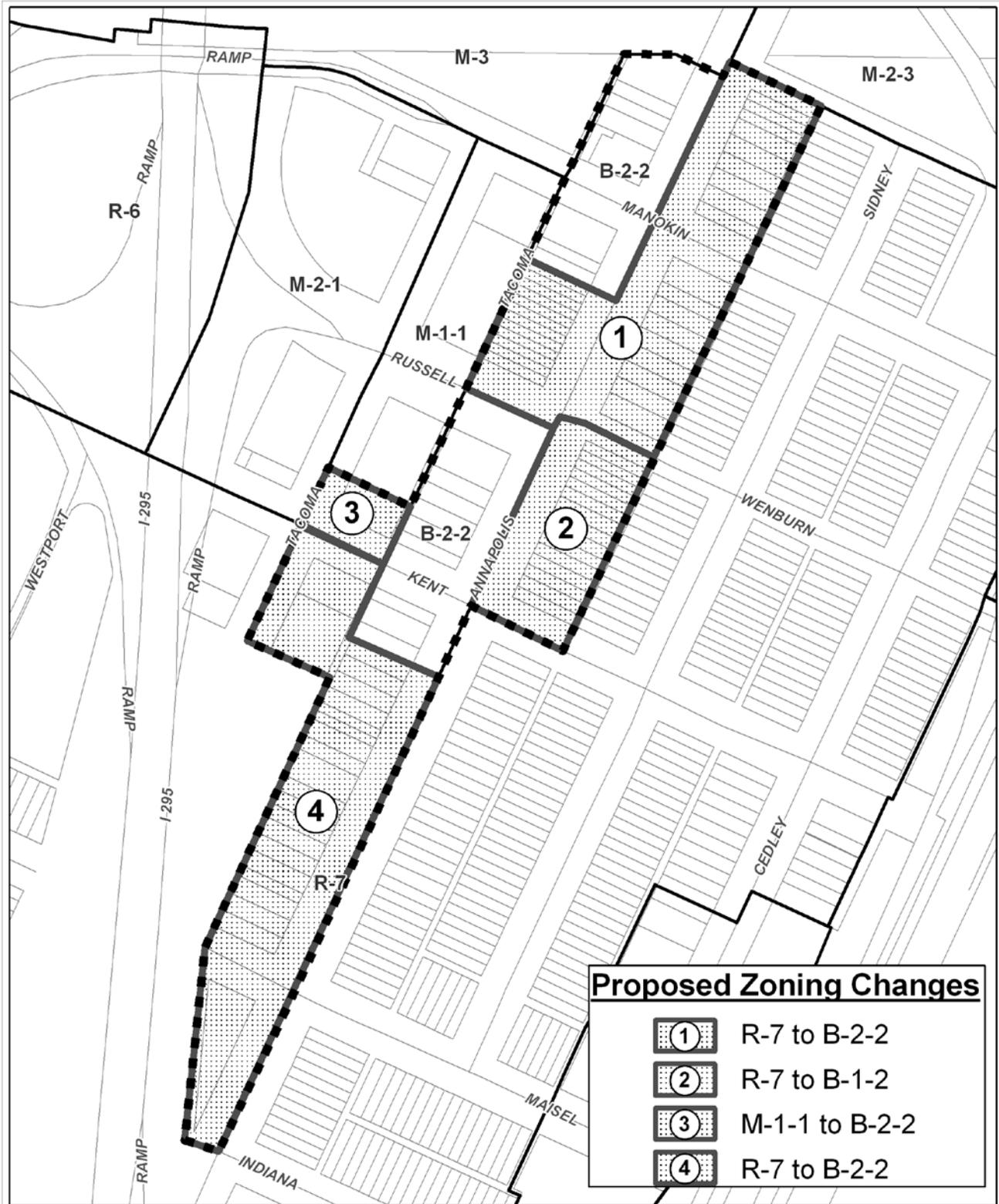
F. Procedures for Changes in Approved Plan

1. The Urban Renewal Plan may be amended from time to time, upon compliance with the requirements of law, provided that, prior to the passage of any ordinance amending the Urban Renewal Plan, a public hearing is held.
2. The Department of Housing and Community Development must submit to the Westport Business Association, or its successor and all groups in Westport as identified in the City's Community Association Directory, for their review and comments, all proposed amendments presented to the City Planning Commission by the Department of Housing and Community Development. Written comments must be submitted to the Department no later than 30 days after the amendments have been submitted to the Westport Business Association, or its successor; otherwise, it is presumed the proposed changes are satisfactory. Prior to the passage of any ordinance amending the urban renewal plan, a public hearing must be held and the Westport Business Association, or its successor, must receive written notice, at least 10 days before the hearing, of the time and place of the hearing.

G. 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 provision 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.

Exhibit 1: Land Use/Zoning



Legend

- Project Boundary
- Existing Zoning Districts
- Proposed Zoning Changes

ANNAPOLIS ROAD

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ZONING DISTRICTS

Date: 9-3-09
 Revised:

EXHIBIT
1