

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0022

Introduced by: Councilmember Curran
Introduced and read first time: January 28, 2008
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 24, 2008

AN ORDINANCE CONCERNING

**Urban Renewal – Hamilton Business Area –
Amendment 2**

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2
3 FOR the purpose of amending the Urban Renewal Plan for the Hamilton Business Area to specify
4 uses to be allowed, not allowed, regulated, conditioned, or otherwise limited in a certain land
5 use area, clarifying certain language, and conforming certain references; waiving certain
6 content and procedural requirements; making the provisions of this Ordinance severable;
7 providing for the application of this Ordinance in conjunction with certain other ordinances;
8 and providing for a special effective date.

9 By authority of
10 Article 13 - Housing and Urban Renewal
11 Section 2-6
12 Baltimore City Code
13 (Edition 2000)

Recitals

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15 The Urban Renewal Plan for the Hamilton Business Area was originally approved by the
16 Mayor and City Council of Baltimore by Ordinance 79-1207 and last amended by Ordinance 95-
17 564.

18 An amendment to the Urban Renewal Plan for the Hamilton Business Area is necessary to
19 specify uses to be allowed, not allowed, regulated, conditioned, or otherwise limited in a certain
20 land use area, to clarify certain language, and to conforming certain references.

21 Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in
22 any approved renewal plan unless the change is approved in the same manner as that required for
23 the approval of a renewal plan.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
25 following changes in the Urban Renewal Plan for Hamilton Business Area are approved:

26 (1) In the Plan, amend B.2.a.(3) and (4) to read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 (3) Community Business

2 (A) ~~In the areas designated as Community Business on the Land Use Plan Map,~~
3 ~~uses shall be limited to those uses permitted under the B-2-2 category of the~~
4 ~~Zoning [Ordinance] CODE of Baltimore City, including residential uses and~~
5 ~~parking[; however, rent-to-own stores, bail bondsmen, poultry and rabbit~~
6 ~~killing establishments, pawnshops, liquor and package goods stores, taverns,~~
7 ~~and second hand stores not in existence on the date of enactment of the~~
8 ~~Ordinance approving Amendment No. 1 of this plan shall not be permitted.~~
9 ~~Soup kitchens and check cashing as primary uses not in existence on the date~~
10 ~~of enactment of the ordinance approving Amendment No. 1 of this plan shall~~
11 ~~not be permitted].~~

12 (B) ~~THE FOLLOWING USES AS DEFINED BY THE ZONING CODE OF BALTIMORE CITY~~
13 ~~ARE NOT ALLOWED IN THE COMMUNITY BUSINESS AREA:~~

- 14 ~~BAIL BONDSMEN~~
- 15 ~~CHECK CASHING AGENCIES~~
- 16 ~~LIQUOR AND PACKAGE GOODS STORES~~
- 17 ~~PAWNSHOPS~~
- 18 ~~POULTRY AND RABBIT KILLING ESTABLISHMENTS~~
- 19 ~~RELIGIOUS INSTITUTIONS, AS FOLLOWS: CHURCHES, TEMPLES, AND~~
- 20 ~~SYNAGOGUES~~
- 21 ~~RENT-TO-OWN STORES~~
- 22 ~~SECOND-HAND STORES~~
- 23 ~~SOUP KITCHENS~~
- 24 ~~TAVERNS~~

25 IN THE AREAS DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE PLAN
26 MAP, THE FOLLOWING RESTRICTIONS APPLY:

27 (A) USES SHALL BE LIMITED TO THOSE USES PERMITTED UNDER THE B-2-2
28 CATEGORY OF THE ZONING CODE OF BALTIMORE CITY, WITH THE
29 EXCEPTION OF THE FOLLOWING USES, WHICH ARE PROHIBITED:

- 30 BAIL BONDSMEN
- 31 LIQUOR AND PACKAGE GOODS STORES
- 32 PAWNSHOPS
- 33 POULTRY AND RABBIT KILLING ESTABLISHMENTS
- 34 RENT-TO-OWN STORES
- 35 SECOND-HAND STORES
- 36 TAVERNS

37 (B) THE FOLLOWING USES ARE PROHIBITED AS THE PRIMARY USE:

- 38 CHECK CASHING AGENCIES
- 39 SOUP KITCHENS

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1 (C) STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR
2 SERVICE ESTABLISHMENTS THAT DEAL DIRECTLY WITH CONSUMERS, RELY
3 HEAVILY ON WALK-IN BUSINESS AND HAVE REGULAR DAILY HOURS.

4 (4) [Non-Conforming] NONCONFORMING USE

5 [A non-conforming use is any lawfully existing use of a building or other
6 structure or of land which does not conform to the applicable use or bulk
7 regulations of the district in which it is located according to the Zoning
8 Ordinance of Baltimore City. Non-conforming uses shall be permitted to
9 continue, subject to all the provisions of Chapter 8 of the Zoning Ordinance of
10 Baltimore City entitled “Non-Conformance”. A non-conforming use may be
11 sold as long as that use is not discontinued for a period of time which
12 constitutes abandonment for that class of use under Chapter 8 of the Zoning
13 Ordinance of Baltimore City.]

14 A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OR OF LAND
15 THAT DOES NOT CONFORM TO THE APPLICABLE USE OR BULK REGULATIONS OF
16 THE ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A
17 “NONCONFORMING USE” ~~ONLY~~ AS PROVIDED IN TITLE 13 OF THE ZONING
18 CODE. A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OR
19 OF LAND THAT DOES NOT ~~COMPLY WITH THE LAND~~ CONFORM TO THE
20 APPLICABLE USE REGULATIONS OF THIS RENEWAL PLAN IS ALLOWED TO
21 CONTINUE FOR AN INDEFINITE PERIOD OF TIME MAY BE CONTINUED AS A
22 “NONCONFORMING USE”, AS PROVIDED IN TITLE 13 OF THE ZONING CODE OF
23 BALTIMORE CITY.

24 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for the Hamilton
25 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hamilton
26 Business Area, revised to include Amendment 2, dated January 28, 2008”, is approved. The
27 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
28 Department of Legislative Reference as a permanent public record, available for public
29 inspection and information.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That if the amended Urban Renewal Plan
31 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
32 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
33 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
34 Ordinance is exempted from them.

35 **SECTION 4. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
36 application of this Ordinance to any person or circumstance is held invalid for any reason, the
37 invalidity does not affect any other provision or any other application of this Ordinance, and for
38 this purpose the provisions of this Ordinance are declared severable.

39 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
40 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
41 safety law or regulation, the applicable provisions shall be construed to give effect to each.
42 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
43 higher standard for the protection of the public health and safety prevails. If a provision of this
44 Ordinance is found to be in conflict with an existing provision of any other law or regulation that

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1 establishes a lower standard for the protection of the public health and safety, the provision of
2 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
3 conflict.

4 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
5 is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City