

**CITY OF BALTIMORE  
COUNCIL BILL 10-0443  
(First Reader)**

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Introduced by: Councilmember Cole  
Introduced and read first time: January 25, 2010  
Assigned to: Urban Affairs and Aging Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Penn-North Transit Station –**  
3 **Amendment \_**

4 FOR the purpose of amending the Urban Renewal Plan for Penn-North Transit Station to allow  
5 the unenclosed display of certain merchandise in a certain land use classification in the Penn-  
6 North Transit Station Urban Renewal Area, subject to certain conditions; waiving certain  
7 content and procedural requirements; making the provisions of this Ordinance severable;  
8 providing for the application of this Ordinance in conjunction with certain other ordinances;  
9 and providing for a special effective date.

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

15 **Recitals**

16 The Urban Renewal Plan for Penn-North Transit Station was originally approved by the  
17 Mayor and City Council of Baltimore by Ordinance 78-817 and last amended by Ordinance 85-  
18 316.

19 An amendment to the Urban Renewal Plan for Penn-North Transit Station is necessary to  
20 allow the unenclosed display of certain merchandise in a certain land use classification, subject  
21 to certain conditions.

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

25 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
26 following change in the Urban Renewal Plan for Penn-North Transit Station is approved:

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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In the Plan, amend B.1.c. to read as follows:

- c. Community Business - In the area designated Community Business on the Land Use Map, the uses listed under the B-2 category of the Zoning Ordinance of Baltimore City shall be permitted; except that the following uses shall not be permitted:

amusement arcades; athletic fields, poultry and rabbit killing establishments, drug abuse rehabilitation centers, community correction centers, exhibit rooms, dry cleaners with four or more employees, pawn shops, automobile accessory stores, blood donor centers (other than hospital or Red Cross sponsored centers), bowling alleys, dance halls, display rooms for mail ordered sales, fraternity and sorority houses, newspaper distribution agencies, skating rinks, automobile accessory stores with repair services, automobile service stations, repair garages (automotive), massage parlors, pool halls, homes for alcoholic treatment, liquor stores.

IN THE 2400 AND 2500 BLOCKS OF PENNSYLVANIA AVENUE, THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED, DURING THE HOURS OF 7 A.M TO 7 P.M. A MINOR PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED PERSONS.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Penn-North Transit Station, as amended by this Ordinance and identified as “Urban Renewal Plan, Penn-North Transit Station, revised to include Amendment \_\_, dated January 25, 2010”, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

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

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

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

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1 this Ordinance prevails and the other conflicting provision is repealed to the extent of the  
2 conflict.

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