

**CITY OF BALTIMORE
COUNCIL BILL 10-0449
(First Reader)**

Introduced by: Councilmember Cole
Introduced and read first time: February 22, 2010
Assigned to: Urban Affairs and Aging Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Druid Heights –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Druid Heights to allow the unenclosed
5 display of certain merchandise in a certain land use classification in the Druid Heights Urban
6 Renewal Area, subject to certain conditions, and to conform a certain reference; waiving
7 certain content and procedural requirements; making the provisions of this Ordinance
8 severable; providing for the application of this Ordinance in conjunction with certain other
9 ordinances; 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 Druid Heights was originally approved by the Mayor and City
17 Council of Baltimore by Ordinance 77-376 and last amended by Ordinance 94-361.

18 An amendment to the Urban Renewal Plan for Druid Heights is necessary to allow the
19 unenclosed display of certain merchandise in a certain land use classification in the Druid
20 Heights Urban Renewal Area, subject to certain conditions, and to conform a certain reference.

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 change in the Urban Renewal Plan for Druid Heights is approved:

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

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

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1 a. Residential and Community Business

2 Residential and Community Business uses permitted shall be those permitted by
3 the Zoning [Ordinance] CODE of Baltimore City. ON BOTH SIDES OF THE 2300
4 BLOCK OF PENNSYLVANIA AVENUE, ON THE EAST SIDE OF THE 2400 BLOCK OF
5 PENNSYLVANIA AVENUE, AND ON BOTH SIDES OF THE 1600 BLOCK OF WEST
6 NORTH AVENUE, THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE
7 PUBLIC IS ALLOWED, DURING THE HOURS OF 7 A.M TO 7 P.M. A MINOR PRIVILEGE
8 PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY.
9 DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH
10 IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY
11 DISABLED PERSONS.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Druid
13 Heights, as amended by this Ordinance and identified as “Urban Renewal Plan, Druid Heights,
14 revised to include Amendment __, dated February 22, 2010”, is approved. The Department of
15 Planning shall file a copy of the amended Urban Renewal Plan with the Department of
16 Legislative Reference as a permanent public record, available for public inspection and
17 information.

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

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

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

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