

**CITY OF BALTIMORE
COUNCIL BILL 14-0362
(First Reader)**

Introduced by: Councilmember Stokes

At the request of: Hendler Creamery Development, LLC

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Introduced and read first time: April 7, 2014

Assigned to: Urban Affairs and Aging Committee

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, Commission for Historical and Architectural Preservation, Baltimore Development
Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Jonestown –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Jonestown to modify the regulations,
5 controls, and design restrictions for certain disposition lots, to amend Exhibits 1 and 4 to
6 reflect the change in zoning, by separate ordinance, for certain properties in the Renewal Area,
7 to amend Exhibit 2 to reflect the removal of certain properties as acquisition lots, and to amend
8 Exhibit 3 to reflect a change in the disposition lots; waiving certain content and procedural
9 requirements; making the provisions of this Ordinance severable; providing for the application
10 of this Ordinance in conjunction with certain other ordinances; and providing for a special
11 effective date.

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

17 **Recitals**

18 The Urban Renewal Plan for Jonestown was originally approved by the Mayor and City
19 Council of Baltimore by Ordinance 78-939 and last amended by Ordinance 04-797.

20 An amendment to the Urban Renewal Plan for Jonestown is necessary to modify the
21 regulations, controls, and design restrictions for certain disposition lots, to amend Exhibits 1 and 4
22 to reflect the change in zoning, by separate ordinance, for certain properties in the Renewal Area,
23 to amend Exhibit 2 to reflect the removal of certain properties as acquisition lots, and to amend
24 Exhibit 3 to reflect a change in the disposition lots.

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

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

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
5 following changes in the Urban Renewal Plan for Jonestown are approved:

6 (1) In the Plan, amend B.2.a.(4)(f) to read as follows:

7 B. Land Use Plan

8 2. Regulations, Controls and Restrictions

9 a. Provisions Applicable to All Land and Property to be Acquired

10
11 (4) Commercial Development

12
13 (f) Dispositions Lots 33, 34, AND 35[, 36, and 37] shall be
14 rehabilitated and/or otherwise developed for uses permitted under
15 the B-3-3 and M-1-3 categories of the Zoning Ordinance of
16 Baltimore City, but shall not include residential uses or the
17 following:

18
19 The Floor Area Ratio (FAR) for Disposition Lots 33, 34, AND 35[,
20 and 36] shall be 3.5. THE FAR FOR DISPOSITION LOT 36 SHALL BE
21 5.0. Disposition Lot 37, original Hendler Building, is for
22 rehabilitation only.

23
24 The following design restrictions shall apply only to Disposition
25 Lots 33, 34, AND 35[, 36 and 37].
26

27 (2) In the Plan, delete B.2.a.(6)(a), and reletter B.2.a.(6)(b) to be B.2.a.(6)(a).

28 (3) Upon approval of rezoning by separate ordinance, amend Exhibit 1, “Land Use”, to
29 reflect the change in use category for the properties known as 1100 East Baltimore
30 Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133
31 East Fayette Street, and a portion of East Fairmount Avenue from Community
32 Commercial to Community Business.

33 (4) Upon approval of rezoning by separate ordinance, amend Exhibit 4, “Zoning”, to reflect
34 the change of zoning for the properties known as 1100 East Baltimore Street, 1110-
35 1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette
36 Street, and a portion of East Fairmount Avenue from the B-3-3 Zoning District to the B-
37 2-4 Zoning District.

38 (5) In the Plan, amend Exhibit 2, “Property Acquisition”, to remove 1100 East Baltimore
39 Street, 1107 East Fayette Street, and Fairmount Avenue as acquisition lots.

40 (6) In the Plan, revise Exhibit 3, “Disposition”, to reflect change in the Disposition Lots.

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1 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Jonestown, as
2 amended by this Ordinance and identified as “Urban Renewal Plan, Jonestown, revised to include
3 Amendment __, dated _____”, is approved. The Department of Planning shall file a
4 copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a
5 permanent public record, available for public inspection and information.

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

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

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

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