

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 09-0426

Introduced by: Councilmember Cole

At the request of: Wylie Funeral Homes, P.A.

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201

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Introduced and read first time: December 10, 2009

Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 8, 2010

AN ORDINANCE CONCERNING

**Urban Renewal – Harlem Park Project II –
Amendment 6**

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2
3 FOR the purpose of amending the Urban Renewal Plan for Harlem Park Project II to amend the
4 uses permitted in certain areas of the Plan, to revise an exhibit to reflect the changes in the
5 Plan, to provide that to the extent there exists any conflict between the provisions of the
6 Renewal Plan and the standards and controls of any Planned Unit Development legislation
7 approved by the Mayor and City Council, the standards and controls of the Planned Unit
8 Development control; conforming certain references; waiving certain content and procedural
9 requirements; making the provisions of this Ordinance severable; providing for the
10 application of this Ordinance in conjunction with certain other ordinances; and providing for
11 a special effective date.

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

Recitals

18 The Urban Renewal Plan for Harlem Park Project II was originally approved by the Mayor
19 and City Council of Baltimore by Ordinance ~~64-234~~ 60-419 and last amended by Ordinance
20 00-109.

21 An amendment to the Urban Renewal Plan for Harlem Park Project II is necessary to amend
22 the uses permitted in the areas designated “Commercial” under the Plan, to revise an exhibit to
23 reflect the changes in the Plan, and to provide that to the extent there exists any conflict between
24 the provisions of the Renewal Plan and the standards and controls of any Planned Unit

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 Development legislation approved by the Mayor and City Council, the standards and controls of
2 the Planned Unit Development control.

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

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
7 following changes in the Urban Renewal Plan for Harlem Park Project II are approved:

8 (1) In the Plan, amend paragraph C.2.a.(1)(a) to read as follows:

9 (a) Residential uses shall be restricted to uses listed in the R-8 and General Residence
10 and O-R-2 Office Residence Districts as listed in the Zoning [Ordinance] CODE of
11 Baltimore City with the exception of clubs and lodges – non-profit, rooming and
12 boarding houses for three or more roomers – but not exceeding ten rooming units
13 in each structures, non-profit homes for the rehabilitation of non-bedridden
14 alcoholic persons and for the care and custody of homeless persons, community
15 correction centers, [drug abuse rehabilitation and treatment centers] CLINICS:
16 HEALTH CARE, parole and probation offices, antenna towers and microwave relay
17 towers and installations for communications – transmission or receiving, bus and
18 transit turnarounds and passenger shelters, rooming and boarding houses with
19 eleven or more rooming units, travel trailers and similar camping equipments –
20 parking and storage, and hospitals. The O-R-2 uses shall be limited to 1700 –
21 1720 Edmondson Avenue AND 634 – 638 N. GILMOR STREET. The following
22 accessory uses shall be permitted:
23

24 (2) In the Plan, after C.2.a.(4)(b), add new subparagraph (c) to read as follows:

25 (C) UNDERTAKING ESTABLISHMENTS AND FUNERAL PARLORS.

26 (3) In the Plan, add new Section I. to read as follows:

27 I. PLANNED UNIT DEVELOPMENTS

28 SUCH OTHER USES ARE PERMITTED IN CERTAIN PORTIONS OF THE URBAN
29 RENEWAL AREA THAT ARE NOW OR MAY LATER BE SUBJECT TO ANY PLANNED
30 UNIT DEVELOPMENT (“PUD”), CREATED PURSUANT TO THE ZONING CODE OF
31 BALTIMORE CITY. TO THE EXTENT THERE EXISTS ANY CONFLICT BETWEEN THE
32 PROVISIONS OF THIS RENEWAL PLAN AND THE STANDARDS AND CONTROLS OF ANY
33 PLANNED UNIT DEVELOPMENT LEGISLATION APPROVED BY THE MAYOR AND CITY
34 COUNCIL, THE STANDARDS AND CONTROLS OF THE PUD, INCLUDING, WITHOUT
35 LIMITATION, THOSE AFFECTING USE, PARKING, ACCESS, AESTHETIC AND SPECIFIC
36 LOT CONTROLS, AND BULK REGULATIONS, CONTROL.

37 (4) In the Plan, revise Exhibit 2, “Land Use Plan”, to reflect the changes in the Plan.

38 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Harlem Park
39 Project II, as amended by this Ordinance and identified as “Urban Renewal Plan, Harlem Park
40 Project II, revised to include Amendment 6, dated December 10, 2009”, is approved. The

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1 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
2 Department of Legislative Reference as a permanent public record, available for public
3 inspection and information.

4 **SECTION 3. AND BE IT FURTHER ORDAINED**, That revised Exhibit 2, “Land Use Plan”, dated
5 November 23, 2009, is approved.

6 **SECTION 4. 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
8 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
9 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
10 Ordinance is exempted from them.

11 **SECTION 5. 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 6. 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
17 safety law or regulation, the applicable provisions shall be construed to give effect to each.
18 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
19 higher 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
22 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
23 conflict.

24 **SECTION 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it
25 is enacted.

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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