

**CITY OF BALTIMORE
COUNCIL BILL 08-0022
(First Reader)**

Introduced by: Councilmember Curran
Introduced and read first time: January 28, 2008
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, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

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

4 FOR the purpose of amending the Urban Renewal Plan for the Hamilton Business Area to specify
5 uses to be allowed, not allowed, regulated, conditioned, or otherwise limited in a certain land
6 use area, clarifying certain language, and conforming certain references; 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 the Hamilton Business Area was originally approved by the
17 Mayor and City Council of Baltimore by Ordinance 79-1207 and last amended by Ordinance 95-
18 564.

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

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 changes in the Urban Renewal Plan for Hamilton Business Area are approved:

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

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

2 (3) Community Business

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

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

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

26 (4) [Non-Conforming] NONCONFORMING USE

27 [A non-conforming use is any lawfully existing use of a building or other
28 structure or of land which does not conform to the applicable use or bulk
29 regulations of the district in which it is located according to the Zoning
30 Ordinance of Baltimore City. Non-conforming uses shall be permitted to
31 continue, subject to all the provisions of Chapter 8 of the Zoning Ordinance of
32 Baltimore City entitled “Non-Conformance”. A non-conforming use may be
33 sold as long as that use is not discontinued for a period of time which
34 constitutes abandonment for that class of use under Chapter 8 of the Zoning
35 Ordinance of Baltimore City.]

36 A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OR OF LAND
37 THAT DOES NOT CONFORM TO THE APPLICABLE USE REGULATIONS OF THE
38 ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A
39 “NONCONFORMING USE” ONLY AS PROVIDED IN TITLE 13 OF THE ZONING
40 CODE. A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OF
41 LAND THAT DOES NOT COMPLY WITH THE LAND USE REGULATIONS OF THIS
42 RENEWAL PLAN IS ALLOWED TO CONTINUE FOR AN INDEFINITE PERIOD OF
43 TIME.

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

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

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

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

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