

**CITY OF BALTIMORE
COUNCIL BILL 09-0426
(First Reader)**

Introduced by: Councilmember Cole

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

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Introduced and read first time: December 10, 2009

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 – Harlem Park Project II –**
3 **Amendment _**

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

13 BY authority of

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

18 **Recitals**

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

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

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1 the provisions of the Renewal Plan and the standards and controls of any Planned Unit
2 Development legislation approved by the Mayor and City Council, the standards and controls of
3 the Planned Unit Development control.

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

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

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

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

24

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

26 (C) UNDERTAKING ESTABLISHMENTS AND FUNERAL PARLORS.

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

28 I. PLANNED UNIT DEVELOPMENTS

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

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

39 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Harlem Park
40 Project II, as amended by this Ordinance and identified as “Urban Renewal Plan, Harlem Park

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1 Project II, revised to include Amendment __, dated December 10, 2009”, is approved. The
2 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
3 Department of Legislative Reference as a permanent public record, available for public
4 inspection and information.

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

7 **SECTION 4. 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 5. 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 6. 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 7. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it
26 is enacted.