

CITY OF BALTIMORE
COUNCIL BILL 19-0447
(First Reader)

Introduced by: Councilmembers Clarke, Pinkett
Introduced and read first time: September 9, 2019
Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Commission for Historical and Architectural Preservation, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

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

4 FOR the purpose of amending the Urban Renewal Plan for Hampden Business Area to conform
5 certain provisions and references to those of Article 32 - Zoning, to modify the duration of
6 the Plan, to revise certain exhibits of the Plan to conform the references to the land use and
7 the zoning district classifications of the Zoning Code that is now in effect, and to conform
8 and correct certain language in the Plan; 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)

17 **Recitals**

18 The Urban Renewal Plan for Hampden Business Area was originally approved by the Mayor
19 and City Council of Baltimore by Ordinance 77-285 and last amended by Ordinance 06-235.

20 An amendment to the Urban Renewal Plan for Hampden Business Area is necessary to
21 conform certain provisions and references to those of Article 32 - Zoning, to modify the duration
22 of the Plan, to revise certain exhibits of the Plan to conform the references to the land use and the
23 zoning district classifications of the Zoning Code that is now in effect, and to conform and
24 correct certain language in the Plan.

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

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

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

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

4 B. Land Use Plan

5 2. Land Use Provisions and Standards

6 a. Permitted Uses

7 Only the uses shown on the Land Use Plan Map shall be permitted within
8 the project area. The use classifications are Neighborhood Business[,
9 Community Business] and Public. Accessory uses, including landscaping,
10 off-street parking and off-street loading will be permitted. In addition,
11 certain existing uses will be permitted to continue subject to the provisions
12 governing [non-conforming] NONCONFORMING uses set forth below in
13 Section B.2.a.[(4)](3).

14 (1) Neighborhood Business

15 In the area designated as Neighborhood Business on the Land Use Plan
16 Map, uses shall be limited to those permitted under the [B-1] C-1
17 category of the Zoning Code of Baltimore City. A RETAIL GOODS
18 ESTABLISHMENT IS ALLOWED TO DISPLAY AND SELL ITS MERCHANDISE
19 OUTDOORS, SUBJECT TO § 15-509 OF THE ZONING CODE[, including
20 residential, except the unenclosed display of merchandise for sale to
21 the public is allowed]. A minor privilege permit is required to display
22 merchandise on the public right-of-way. Displays on the public right-
23 of-way must preserve 6 feet of clear width in order to maintain
24 continuous pedestrian access and accessibility by disabled persons.

25 [(2) Community Business]

26 [In the area designated as Community Business on the Land Use Plan
27 Map, uses shall be limited to those permitted under the B-2 category of
28 the Zoning Code of Baltimore City, including residential and parking,
29 except the unenclosed display of merchandise for sale to the public is
30 allowed. A minor privilege permit is required to display merchandise
31 on the public right-of-way. Displays on the public right-of-way must
32 preserve 6 feet of clear width in order to maintain continuous
33 pedestrian access and accessibility by disabled persons.]

34 (2) [(3)] Public

35 In the area designated as Public on the Land Use Plan Map, the use
36 shall be limited to off-street parking.

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1 (3) [(4)] [Non-Conforming] NONCONFORMING Use

2 A [non-conforming] NONCONFORMING use is any lawfully existing use
3 of a building or other structure, or of land [which] THAT does not
4 conform to the applicable use regulations of the district in which it is
5 located, according to the Zoning [Ordinance] CODE of Baltimore City.
6 [Non-conforming] NONCONFORMING uses shall be permitted to
7 continue, subject to the provisions of the Zoning [Ordinance] CODE of
8 Baltimore City governing [non-conformance] NONCONFORMING uses.

9 (2) In the Plan, amend F. to read as follows:

10 F. Duration of Provisions and Requirements

11 The provisions and requirements of this plan shall be in effect [for a period of not
12 less than 40 years following the date of approval of this plan by the Mayor and
13 City Council of Baltimore] UNTIL DECEMBER 31, 2029. WRITTEN NOTIFICATION,
14 BY THE URP ADMINISTRATOR, OF THE IMPENDING EXPIRATION DATE OF THIS URP
15 MUST BE PROVIDED TO THE HAMPDEN COMMUNITY COUNCIL OR ITS SUCCESSOR,
16 THE HAMPDEN VILLAGE MERCHANTS ASSOCIATION OR ITS SUCCESSOR, AND THE
17 REPRESENTATIVE COUNCILMEMBER(S) AT LEAST 6 MONTHS IN ADVANCE OF THE
18 EXPIRATION DATE.

19 (3) In the Plan, revise Exhibit 1, “Land Use” and Exhibit 4, “Zoning Districts”, to
20 conform the references in the Exhibits to the land use and the zoning district
21 classifications of the Zoning Code that is now in effect.

22 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Hampden
23 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hampden
24 Business Area, revised to include Amendment __, dated September 9, 2019”, is approved. The
25 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
26 Department of Legislative Reference as a permanent public record, available for public
27 inspection and information.

28 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or the
29 application of this Ordinance to any person or circumstance is held invalid for any reason, the
30 invalidity does not affect any other provision or any other application of this Ordinance, and for
31 this purpose the provisions of this Ordinance are declared severable.

32 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if a provision of this Ordinance concerns
33 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
34 safety law or regulation, the applicable provisions shall be construed to give effect to each.
35 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
36 higher standard for the protection of the public health and safety prevails. If a provision of this
37 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
38 establishes a lower standard for the protection of the public health and safety, the provision of
39 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
40 conflict.

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1 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
2 enacted.