

**CITY OF BALTIMORE
COUNCIL BILL 05-0035
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: February 14, 2005
Assigned to: Urban Affairs 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 City Parking Authority, Department of Transportation, Department of Recreation and Parks

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Middle Branch –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Middle Branch to revise the boundary
5 description for the project area and correct certain rights-of-way within the project area to
6 comply with existing conditions, create a new land use area and specify uses to be allowed,
7 not allowed, regulated conditioned, or otherwise limited, revise provisions for design and
8 rehabilitation standards, propose a zoning district change, and revise exhibits to reflect the
9 changes in the Plan; correcting, clarifying, and conforming certain language; correcting
10 certain references; waiving certain content and procedural requirements; making the
11 provisions of this Ordinance severable; providing for the application of this Ordinance in
12 conjunction with certain other ordinances; and providing for 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 Middle Branch was originally approved by the Mayor and City
20 Council of Baltimore by Ordinance 79-1146 and last amended by Ordinance 83-914.

21 An amendment to the Urban Renewal Plan for Middle Branch is necessary to revise the
22 boundary description for the project area and correct certain rights-of-way within the project area
23 to comply with existing conditions, create a new land use area and specify uses to be allowed,
24 not allowed, regulated, conditioned, or otherwise limited, revise provisions for design and
25 rehabilitation standards, propose a zoning district change, and revise exhibits to reflect the
26 changes in the Plan.

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

1 The project boundary is being amended to include a triangular parcel between Hanover and
2 Potee Streets at the entrance to Cherry Hill.

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 The Renewal Plan for Middle Branch has been approved by the Director of the Department
7 of Planning, with respect to its conformity to the Master Plan, the detailed location of any public
8 improvements proposed in the Renewal Plan, its conformity to the rules and regulations for
9 subdivisions, and all zoning changes proposed in the Renewal Plan; and the Renewal Plan was
10 approved and recommended to the Mayor and City Council of Baltimore by the Commissioner
11 of the Department of Housing and Community Development.

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

14 (1) On page 1 of the Plan, amend A.1. to read as follows:

15 A. Project Description

16 1. Boundary Description

17 Beginning for the same at the intersection formed by the north side of Cherry
18 Hill Road and the west side of [the east drive of] Potee street and the south
19 side of [the west drive of Potee Street] WATERVIEW AVENUE, thence binding
20 on the south side of WATERVIEW AVENUE [the west drive of Potee Street]
21 westerly, to intersect [the south side of Waterview Avenue, thence continuing
22 westerly, binding on the south side of Waterview Avenue, to intersect] the
23 west side of Cherry Hill Road, thence crossing Waterview Avenue and
24 continuing northerly binding on the east boundary line of Lot 1, Block 7611,
25 to the waters of the Middle Branch of the Patapsco River; thence northerly
26 with the meanders of the waters of the Middle Branch of the Patapsco River to
27 intersect the common boundary line between Lot 1, Block 7611, and Lot 6/10,
28 Block 7612; thence continuing and binding on said common boundary line
29 easterly to intersect the southern pierhead line of Lot 6/10, Block 7612,
30 established by the United States Government in 1915, thence binding on said
31 pierhead line easterly, northerly, and easterly to intersect the west side of
32 South Hanover Street, thence continuing and binding on the west side of
33 South Hanover Street southerly to intersect the SOUTH SIDE OF WATERVIEW
34 AVENUE, THENCE CONTINUING WESTERLY TO INTERSECT THE EAST SIDE OF
35 POTEЕ STREET, THENCE BINDING ON THE EAST SIDE OF POTEЕ STREET
36 SOUTHERLY TO THE NORTH SIDE OF CHERRY HILL ROAD, THENCE CROSSING
37 POTEЕ STREET WESTERLY [west side of the east drive of Potee Street, thence
38 continuing and binding on the west side of the east drive of Potee Street
39 southerly] to the point of beginning.

1 (2) On page 2 of the Plan, after B.1.a., insert new b. to read as follows:

2 B. COMMUNITY BUSINESS: PERMITTED USES SHALL INCLUDE THOSE
3 AUTHORIZED BY THE BALTIMORE CITY ZONING CODE AS PERMITTED USES
4 FOR A B-2 ZONING DISTRICT.

5 and, on page 2, before “Industrial”, delete “b” and substitute “c”; on page 3, before
6 “Non-Conforming Uses”, delete “c” and substitute “d”; and, on the same page, before
7 “Non-Complying Uses”, delete “d” and substitute “e”.

8 (3) On page 9 of the Plan, amend C.6. to read as follows:

9 6. Zoning

10 Existing zoning districts within this Urban Renewal Area are indicated on the
11 Zoning Districts Map, Exhibit 4. [No zoning] ZONING changes [are] MAY BE
12 proposed in this Urban Renewal Plan.

13 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Middle
14 Branch, as amended by this Ordinance and identified as “Urban Renewal Plan, Middle Branch,
15 revised to include Amendment __, dated September 15, 2004”, is approved. The Department of
16 Planning shall file a copy of the amended Urban Renewal Plan with the Department of
17 Legislative Reference as a permanent public record, available for public inspection and
18 information.

19 **SECTION 3. AND BE IT FURTHER ORDAINED**, That the revisions shown on the amended
20 Urban Renewal Plan on Exhibit 1, “Land Use”, Exhibit 2, “Property Acquisition”, Exhibit 3,
21 “Land Disposition”, and Exhibit 4, “Zoning Districts”, all dated as revised September 15, 2004,
22 are approved.

23 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan
24 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
25 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
26 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
27 Ordinance is exempted from them.

28 **SECTION 5. 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 6. 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.

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