

**CITY OF BALTIMORE
COUNCIL BILL 10-0442
(First Reader)**

Introduced by: Councilmember Cole
Introduced and read first time: January 25, 2010
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 – Upton –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Upton to allow the unenclosed display
5 of certain merchandise in a certain land use classification in the Upton Urban Renewal Area,
6 subject to certain conditions; waiving certain content and procedural requirements; making
7 the provisions of this Ordinance severable; providing for the application of this Ordinance in
8 conjunction with certain other ordinances; and providing for a special effective date.

9 By authority of
10 Article 13 - Housing and Urban Renewal
11 Section 2-6
12 Baltimore City Code
13 (Edition 2000)

14 **Recitals**

15 The Urban Renewal Plan for Upton was originally approved by the Mayor and City Council
16 of Baltimore by Ordinance 70-794 and last amended by Ordinance 02-480.

17 An amendment to the Urban Renewal Plan for Upton is necessary to allow the unenclosed
18 display of certain merchandise in a certain land use classification in the Upton Urban Renewal
19 Area, subject to certain conditions.

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

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 following change in the Urban Renewal Plan for Upton is approved:

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

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

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1 (2) Commercial

2 (a) All uses permitted in the B-2 zoning category shall be permitted in the area
3 designated as Community Business on the Land Use Map Plan, except that in
4 the area designated as the Pennsylvania Avenue Business District the
5 following uses shall not be permitted: auction rooms, blood donor centers,
6 check cashing agencies, dance halls, exhibit rooms, liquor stores, lunch
7 rooms, novelty shops, massage salons, pool halls and billiard parlors, public
8 facilities, second-hand stores, taverns, transient housing, and carry-out food
9 stores. IN THE PENNSYLVANIA AVENUE BUSINESS DISTRICT, THE
10 UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED
11 ON THE EAST SIDE OF THE 1500 BLOCK OF PENNSYLVANIA AVENUE AND ON
12 BOTH SIDES OF THE 1600 THROUGH 1800 BLOCKS OF PENNSYLVANIA AVENUE,
13 DURING THE HOURS OF 7 A.M TO 7 P.M. A MINOR PRIVILEGE PERMIT IS
14 REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY.
15 DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR
16 WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND
17 ACCESSIBILITY BY DISABLED PERSONS.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Upton, as
19 amended by this Ordinance and identified as “Urban Renewal Plan, Upton, revised to include
20 Amendment __, dated January 25, 2010”, is approved. The Department of Planning shall file a
21 copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a
22 permanent public record, available for public inspection and information.

23 **SECTION 3. 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 4. 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 5. 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.

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