

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 11-0691**

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Introduced by: Councilmembers Branch, Stokes, Welch

Introduced and read first time: May 2, 2011

Assigned to: Urban Affairs and Aging Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 14, 2011

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**AN ORDINANCE CONCERNING**

**Urban Renewal –Broadway East –  
Amendment 4**

1  
2  
3 FOR the purpose of amending the Urban Renewal Plan for Broadway East to amend and clarify  
4 certain land uses, to correct, clarify, and conform certain language and references, and to  
5 correct and clarify certain provisions concerning nonconforming uses and noncomplying  
6 structures; waiving certain content and procedural requirements; making the provisions of  
7 this Ordinance severable; providing for the application of this Ordinance in conjunction with  
8 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)

**Recitals**

14  
15 The Urban Renewal Plan for Broadway East was originally approved by the Mayor and City  
16 Council of Baltimore by Ordinance 88-156 and last amended by Ordinance ~~02-457~~ 11-454.

17 An amendment to the Urban Renewal Plan for Broadway East is necessary to amend and  
18 clarify certain permitted land uses, to correct, clarify, and conform certain language and  
19 references, and to correct and clarify certain provisions concerning nonconforming uses and  
20 noncomplying structures.

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

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
25 following changes in the Urban Renewal Plan for Broadway East are approved:

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

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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1           B. Land Use Plan

2                   1. Permitted Land Uses

3                           Only the use categories shown on the Land Use Plan Map, Exhibit 1, shall be  
4                           permitted within the [project area] PROJECT AREA. These are Residential,  
5                           Neighborhood Business, Community Commercial, Industrial, and Public.  
6                           Accessory uses, including landscaping, off-street parking and loading, will be  
7                           permitted. In addition, certain uses THAT ARE for the most part mixed uses,  
8                           will be permitted to continue, subject to the provisions governing [non-  
9                           conforming] NONCONFORMING USES and [non-complying uses]  
10                           NONCOMPLYING STRUCTURES set forth in Section B.1.f. and B.1.g. [below] OF  
11                           THIS PLAN.

12                   a. Residential

13                           In the area designated AS Residential on the Land Use Plan Map, the  
14                           permitted uses [shall be] ARE as follows:

15                           dwellings; private schools, and other educational facilities; libraries;  
16                           religious facilities of any denomination, sect or rite; clubs and lodges; and  
17                           public utility facilities. Subject to the regulations of the Zoning  
18                           [Ordinance] CODE of Baltimore City: convalescent homes; homes for the  
19                           care of the aged; day nurseries and nursery schools; other public service  
20                           uses; professional offices for not more than four physicians or dentists in a  
21                           structure designed for residential use; [and] housing for the elderly; AND  
22                           NONCONFORMING USES AUTHORIZED BY THE BOARD OF MUNICIPAL AND  
23                           ZONING APPEALS ARE ONLY ALLOWED IN STRUCTURES LOCATED ON A  
24                           CORNER.

25           (2) In the Plan, amend B.1.f. and g. to read as follows:

26           B. Land Use Plan

27                   1. Permitted Land Uses

28                           f. [Non-Conforming] NONCONFORMING USE

29                           [A non-conforming use is any lawfully existing use of a building or other  
30                           structure, or of land which does not conform to the applicable use  
31                           regulations of the district in which it is located according to Article 30 of  
32                           the Baltimore City Code (1983 Replacement Volume, as amended), titled  
33                           “Zoning.” Non-conforming uses shall be permitted to continue subject to  
34                           the provisions of Chapter 8 of said Article 30, titled “Non-Conformance.”]

35                           A NONCONFORMING USE IS ANY LAWFULLY EXISTING USE OF A BUILDING  
36                           OR OTHER STRUCTURE OR OF LAND THAT DOES NOT CONFORM TO THE  
37                           APPLICABLE USE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED,  
38                           ACCORDING TO THE ZONING CODE OF BALTIMORE CITY.  
39                           NONCONFORMING USES SHALL BE PERMITTED TO CONTINUE SUBJECT TO

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1 THE PROVISIONS OF TITLE 13, TITLED “NONCONFORMANCE”. HOWEVER,  
2 THE FOLLOWING USES WILL NOT BE ALLOWED AS A CHANGE IN A  
3 NONCONFORMING USE:

- 4 TOBACCO SHOPS (IN R-1 - R-10 DISTRICTS)
- 5 VARIETY STORES (IN R-1 - R-10 DISTRICTS)
- 6 BAIL BONDS OFFICES (IN R-1 - R-10 DISTRICTS)
- 7 AMUSEMENT DEVICES (IN R-1 - R-10 DISTRICTS)
- 8 CLUBS AND LODGES: PRIVATE NONPROFIT (IN R-1 - R-10 DISTRICTS)
- 9 HELISTOPS
- 10 MARINAS: ACCESSORY
- 11 MARINAS: RECREATIONAL
- 12 MARINAS: RECREATIONAL BOAT LAUNCH/TIE UP
- 13 POULTRY-AND RABBIT-KILLING ESTABLISHMENTS
- 14 RADIO AND TELEVISION ANTENNAS THAT ARE FREE-STANDING OR THAT  
15 EXTEND MORE THAN 25 FEET ABOVE THE BUILDING ON WHICH THEY  
16 ARE MOUNTED - BUT NOT INCLUDING MICROWAVE ANTENNAS  
17 (SATELLITE DISHES)
- 18 RECYCLING COLLECTION STATIONS
- 19 RESTAURANTS - INCLUDING LIVE ENTERTAINMENT AND DANCING, AND  
20 INCLUDING ACCESSORY OUTDOOR TABLE SERVICE (IN R-1 - R-10  
21 DISTRICTS)
- 22 TRAVEL TRAILERS, RECREATIONAL VEHICLES, AND SIMILAR CAMPING  
23 EQUIPMENT: PARKING OR STORAGE.

24 g. [Non-Complying] NONCOMPLYING STRUCTURE

25 [A non-complying structure, as set forth in Chapter 8 of Article 30 of the  
26 Baltimore City Code (1983 Replacement Volume, as amended), titled  
27 “Zoning,” is any lawfully existing structure which does not comply with  
28 the bulk regulations of the zoning district in which it is located. These  
29 non-complying structures shall be permitted to continue subject to the  
30 provisions of said Chapter 8.]

31 [In addition, a non-complying use - when such term is used herein - is any  
32 lawfully existing use of a building or other structure, or of land, which  
33 does not comply with the land use regulations of this Plan. These non-  
34 complying uses shall be permitted to continue for an indefinite period of  
35 time, except that:]

36 [(1) Any non-complying land use which is discontinued for a period  
37 exceeding 12 months shall not be reestablished;]

38 [(2) No change in the permanent physical members of a structure, such as  
39 bearing walls, columns, beams, or girders, or no substantial change in  
40 the roof or in the exterior walls shall be made in or to a building or  
41 structure except those required by law or except to make the building  
42 and use thereof conform to the regulations of this Plan; and]

43 [(3) No non-complying land use shall be changed to any other non-  
44 complying land use.]

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1 A NONCOMPLYING STRUCTURE, AS SET FORTH IN TITLE 13 OF THE ZONING  
2 CODE, IS ANY LAWFULLY EXISTING STRUCTURE THAT DOES NOT COMPLY  
3 WITH THE BULK REGULATIONS OF THE ZONING DISTRICT IN WHICH IT IS  
4 LOCATED. THESE NONCOMPLYING STRUCTURES SHALL BE PERMITTED TO  
5 CONTINUE SUBJECT TO THE PROVISIONS OF TITLE 13.

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

7 B. Land Use Plan

8 2. Regulations, Controls and Restrictions

9 a. Provisions applicable to All Land and Property to be Acquired

10 (1) General Provisions

11 . . . .

12 (f) Parking spaces and effective screening from public streets and  
13 adjacent properties shall be provided according to the requirements  
14 [as] established by the Zoning [Ordinance] CODE of Baltimore  
15 City, or in such lesser amount as may be approved by the  
16 Commissioner of the Department of Housing and Community  
17 Development and authorized by the Board of Municipal and  
18 Zoning Appeals as a Special Exception or Variance.

19 (4) In the Plan, amend C.6. to read as follows:

20 C. Techniques Used to Achieve Plan Objectives

21 . . . .

22 6. Zoning

23 All appropriate provisions of the Zoning [Ordinance] CODE of Baltimore  
24 City shall apply to properties in the Broadway East Project Area. Any  
25 change in the Zoning [Ordinance] CODE embodied in this Urban Renewal  
26 Plan and designated on Exhibit 4, Zoning Districts, shall be approved by  
27 ordinance in accordance with the procedural requirements of the Zoning  
28 [Ordinance] CODE and Article 66-B of the Annotated Code of Maryland  
29 [(1957 Edition, as amended)].

30 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Broadway  
31 East, as amended by this Ordinance and identified as “Urban Renewal Plan, Broadway East,  
32 revised to include Amendment 4, dated May 2, 2011”, is approved. The Department of Planning  
33 shall file a copy of the amended Urban Renewal Plan with the Department of Legislative  
34 Reference as a permanent public record, available for public inspection and information.

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

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

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

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

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City