

**CITY OF BALTIMORE
COUNCIL BILL 08-0023
(First Reader)**

Introduced by: Councilmember Reisinger

At the request of: Gateway South, LLC

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Introduced and read first time: January 28, 2008

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 – Carroll Camden –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Carroll Camden to permit additional
5 land use categories within the Project Area, to waive existing height limitations within the
6 Project Area, to revise certain exhibits to reflect the changes in the Plan, and conforming
7 certain references and language; waiving certain content and procedural requirements;
8 making the provisions of this Ordinance severable; providing for the application of this
9 Ordinance in conjunction with certain other ordinances; and providing for a special effective
10 date.

11 BY authority of
12 Article 13 - Housing and Urban Renewal
13 Section 2-6
14 Baltimore City Code
15 (Edition 2000)

16 **Recitals**

17 The Urban Renewal Plan for Carroll Camden was originally approved by the Mayor and City
18 Council of Baltimore by Ordinance 02-296 and last amended by Ordinance 07-548.

19 An amendment to the Urban Renewal Plan for Carroll Camden is necessary to permit
20 additional land use categories within the Project Area, to waive existing height limitations within
21 the Project Area, to revise certain exhibits to reflect the changes in the Plan, and to conform
22 certain references and language.

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

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

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
5 following changes in the Urban Renewal Plan for Carroll Camden are approved:

6 (1) In the Plan, in D.1., amend the first paragraph, and insert new subparagraph a. to read
7 as follows:

8 1. Permitted Land Uses

9 Only the use categories shown on the Land Use Plan, Exhibit 3, shall be permitted
10 within the Project Area. These are COMMUNITY BUSINESS, Community
11 Commercial, Public, [and] Industrial, AND OPEN SPACE. Accessory uses
12 including landscaping, off-street parking, and loading will be permitted. In
13 addition, certain uses will be permitted to continue, subject to the provisions
14 governing [non-conforming] NONCONFORMING USES and [non-complying]
15 NONCOMPLYING [uses] STRUCTURES set forth in Section D.1.[h] j. and D.1.[i] k.
16 below.

17 A. COMMUNITY BUSINESS

18 IN THE AREA DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE PLAN,
19 THE USES ALLOWED ARE THOSE LISTED UNDER THE B-2 CATEGORY OF THE
20 BALTIMORE CITY ZONING CODE, EXCEPT FOR RESIDENTIAL.

21 (2) In the Plan, in D.1., delete the existing subparagraph letterings, a. through g.,
22 respectively, substitute b. through h., respectively, and, after h., insert new
23 subparagraph i. to read as follows:

24 I. OPEN SPACE

25 IN THE AREA DESIGNATED AS OPEN SPACE ON THE LAND USE PLAN, THE USES
26 ALLOWED ARE THOSE LISTED UNDER THE OS/OPEN SPACE CATEGORY OF THE
27 BALTIMORE CITY ZONING CODE.

28 (3) In the Plan, amend D.1.h. and i. to read as follows:

29 J. [h.] [Non-Conforming] NONCONFORMING USE

30 [A non-conforming use is any lawfully existing use of a building or other
31 structure, or of land which does not conform to the applicable use regulations
32 of the district in which it is located according to Title 13 of the Baltimore City
33 Code as enacted by Ordinance 99-547, effective May 1, 2000, together with
34 all changes and additions enacted through December 31, 1999, titled “Non-
35 Conformance”. Non-conforming uses shall be permitted to continue subject
36 to the provisions of said Title 13, titled “Non-Conformance”.]

37 A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OR OF LAND
38 THAT DOES NOT CONFORM TO THE APPLICABLE USE REGULATIONS OF THE

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1 ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A
2 “NONCONFORMING USE” ONLY AS PROVIDED IN TITLE 13 OF THE ZONING
3 CODE. A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OF
4 LAND THAT DOES NOT COMPLY WITH THE LAND USE REGULATIONS OF THIS
5 RENEWAL PLAN IS ALLOWED TO CONTINUE FOR AN INDEFINITE PERIOD OF
6 TIME.

7 k. [i.] [Non-Complying] NONCOMPLYING STRUCTURE

8 A non-complying structure, as set forth in Title 13 of the Baltimore City Code
9 as enacted by Ordinance 99-547, effective May 1, 2000, together with all
10 changes and additions enacted through December 31, 1999, titled “Non-
11 Conformance,” is any lawfully existing structure which does not comply with
12 the bulk regulations of the zoning district in which it is located. These non-
13 complying uses shall be permitted to continue subject to the provisions of said
14 Title 13.]

15 A LAWFULLY EXISTING STRUCTURE THAT DOES NOT COMPLY WITH THE BULK
16 REGULATIONS OF THE ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED
17 AS A “NONCOMPLYING STRUCTURE” ONLY AS PROVIDED IN TITLE 13 OF THE
18 ZONING CODE.

19 Then, in D.1., delete the existing subparagraph letterings, j. and k., respectively,
20 substitute l. and m., respectively.

21 (4) In the Plan, in Appendix A, amend 2.d., by adding new subsection (4) to read as
22 follows:

23 (4) THESE HEIGHT LIMITS DO NOT APPLY TO PLANNED UNIT DEVELOPMENTS (PUDS)
24 WITHIN THE PLAN. HEIGHT LIMITS FOR PUDS SHALL BE GOVERNED BY THE PUD.

25 (5) Revise Exhibit 3, “Land Use Plan” and Exhibit 4, “Zoning Districts”, to reflect the
26 changes in the Plan.

27 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Carroll
28 Camden, as amended by this Ordinance and identified as “Urban Renewal Plan, Carroll Camden,
29 revised to include Amendment __, dated January 28, 2008”, is approved. The Department of
30 Planning shall file a copy of the amended Urban Renewal Plan with the Department of
31 Legislative Reference as a permanent public record, available for public inspection and
32 information.

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

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

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

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