


FROM	NAME & TITLE	DOUGLAS B. MCCOACH, III- DIRECTOR <i>DBM</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0022/URBAN RENEWAL- HAMILTON BUSINESS AREA AMENDMENT		

DATE:
May 19, 2008

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 N. Holliday Street

At its regular meeting of May 15, 2008 the Planning Commission considered City Council Bill #08-0022 for the purpose of amending the Urban Renewal Plan for Hamilton Business Area to permit additional land use categories within the Project Area, to waive existing height limitations within the Project Area, to revise certain exhibits to reflect the changes in the Plan, and conforming certain reference and language; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment to and approval of City Council Bill #08-0022 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0022 be amended and passed by the City Council.

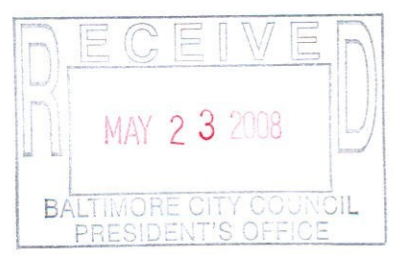
If you have questions, please contact Mr. Gary W. Cole, Deputy Director at 410-396-8337.

DBM/WYA/tti

Attachments

- cc:
- Mr. Andy Frank, Deputy Mayor
 - Mr. Demuane Millard, Mayor's Office
 - Ms. Angela Gibson, Mayor's Office
 - The Honorable "Rikki" Spector, City Council Commission Representative
 - Mr. Donald Small, Zoning Enforcement
 - Mr. David Tanner, BMZA
 - Ms. Nikel Nabors-Jackson, DHCD
 - Ms. Jennifer Coates, Council Services
 - Ms. Deepa Bhattacharyya, Law Department
 - Ms. Kristin Mitchell, BDC

F/A



PLANNING COMMISSION

STAFF REPORT

May 15, 2008

REQUEST: City Council Bill #08-0022/Urban Renewal Plan Amendment – Hamilton Business Area

For the purpose of amending the Urban Renewal Plan for the Hamilton Business Area to specify uses to be allowed, not allowed, regulated, conditioned, or otherwise limited in a certain land use area, clarifying certain language, and conforming certain references; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

RECOMMENDATION: Amendment and approval. Specific amendments are as follows:

Delete Section 1 in its entirety and replace with the following:

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

In the plan, amend Sections B.2.a. (3) and (4) to read as follows:

(3) Community Business

In the areas designated as Community Business on the Land Use Plan Map, the following restrictions apply:

(A) Uses shall be limited to those uses permitted under the B-2-2 category of the Zoning Ordinance of Baltimore City, with the exception of the following uses, which are prohibited:

- Bail bondsmen
- Liquor and package goods stores
- Pawnshops
- Poultry and rabbit killing establishments
- Rent-to-own stores
- Second-hand stores
- Taverns

(B) The following uses are prohibited as the primary use:

- Check cashing agencies
- Soup kitchens

(C) Street-facing ground floor uses must be primarily retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours.

(4) Nonconforming Uses

A lawfully existing use of a building or other structure or of land that does not conform to the applicable use or bulk regulations of the Zoning Code of Baltimore City may be continued as a "nonconforming use" as provided in Title 13 of the Zoning Code of Baltimore City. A lawfully existing use of a building or other structure or of land that does not conform to the applicable use regulations of this Renewal Plan may be continued as a "nonconforming use" as provided in Title 13 of the Zoning Code of Baltimore City.

STAFF: Natasha Poole

PETITIONER: Councilmember Robert Curran

OWNER: Multiple

SITE/GENERAL AREA

Site Conditions: The Hamilton Business Area URP is situated on either side of Harford Road from Gibbons Street on its southern end to Evergreen Avenue on its northern end.

General Area: The Hamilton Business Area URP is located in northeast Baltimore and enjoys close proximity to Herring Run Park, Lake Montebello, Clifton Park, and Morgan State University.

HISTORY

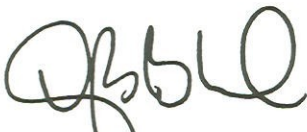
- Ordinance No. 1207, approved November 30, 1970, established the Hamilton Business Area Urban Renewal Plan.
- Ordinance No. 564, approved June 13, 1995 is the last amendment the plan.

ANALYSIS

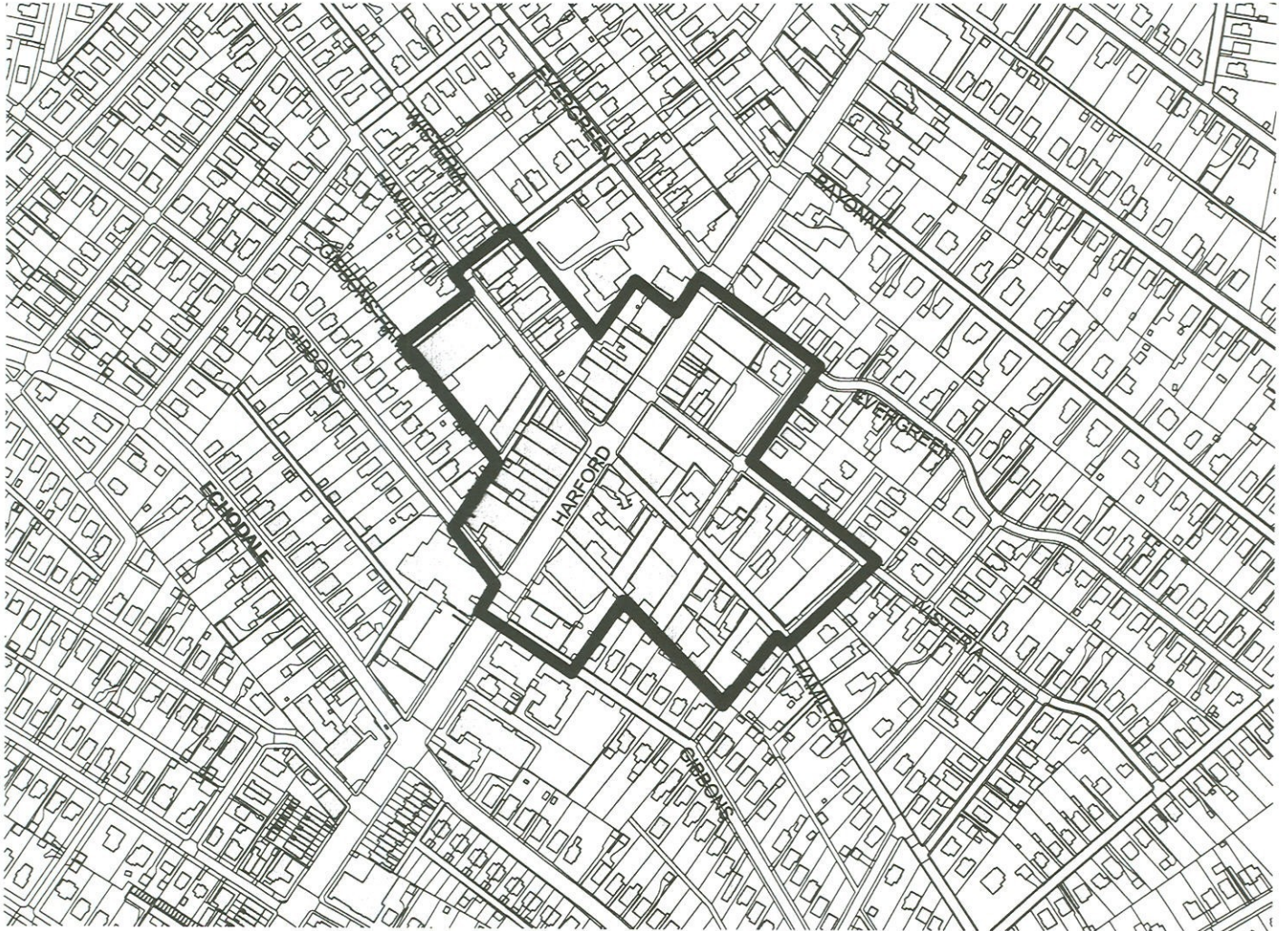
The requested amendment to the Hamilton Urban Renewal Plan seeks to prohibit the establishment of new religious institutions, including churches, temples and synagogues. There are a number of churches operating out of storefronts within the business district along the Harford Road Corridor, and there has been some concern about the shift away from active retail type uses. However, a land use prohibition on religious institutions violates federal law: The Religious Land Use and Institutionalized Persons Act of 2000, which expressly prohibits any jurisdiction from totally excluding religious assemblies.

That said, it is the goal of the Hamilton Business Area Urban Renewal Plan to promote a lively and active retail corridor that attracts new retail business activity. As such, staff has recommended an amendment to the legislation at hand which would eliminate the proposed prohibition on religious institutions and, instead, would require that all street-facing ground floor uses be retail or service establishments that deal directly with consumers, rely heavily on walk-in business and have regular daily hours. This requirement seeks to reinforce the active retail nature of the business district while not restricting religious uses from establishing on upper floors and rear of properties.

Staff has notified the following community groups of the current request: the Hamilton Business Association and the Harbel Community Organization.



Douglas B. McCoach, III
Director



**City Council Bill #08-0022/Urban Renewal
Hamilton Business Area Amendment**



Planning Commission
May 15, 2008