

**CITY OF BALTIMORE
COUNCIL BILL 06-0346
(First Reader)**

Introduced by: Councilmember Clarke
At the request of: The Hampden Village Merchants Association
Address: c/o Benn Ray, 9100 W. 36th Street, Baltimore, Maryland 21211
Telephone: 410-662-4444
Introduced and read first time: February 27, 2006
Assigned to: Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Hampden Business Area –**
3 **Amendment ____**

4 FOR the purpose of amending the Urban Renewal Plan for the Hampden Business Area to
5 establish certain standards and procedures for the location and operation of “formula
6 business establishments” and to clarify the duration of the Plan; waiving certain content and
7 procedural requirements; making the provisions of this Ordinance severable; and providing
8 for the application of this Ordinance in conjunction with certain other ordinances.

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 the Hampden Business Area was originally approved by the
16 Mayor and City Council of Baltimore by Ordinance 77-285 and last amended by Ordinance
17 00-089 {“Amendment 2”}.

18 An amendment to the Urban Renewal Plan for the Hampden Business Area is necessary to
19 establish certain standards and procedures for the location and operation of “formula
20 business establishments” and to clarify the duration of the Plan.

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
23 required for the approval of a renewal plan.

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

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

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

4 B. Land Use Plan

5 2. Land Use Provisions and Standards

6 a. Permitted Uses

7 *{Introductory paragraph unchanged}*

8 (1) Neighborhood Business

9 In the area designated as Neighborhood Business on the Land Use Plan
10 Map, uses shall be limited to those permitted under the B-1 category of the
11 Zoning [Ordinance] CODE of Baltimore City, including residential.

12 (2) Community Business

13 In the area designated as Community Business on the Land Use Plan Map,
14 uses shall be limited to those permitted under the B-2 category of the
15 Zoning [Ordinance] CODE of Baltimore City, including residential and
16 parking.

17 *{Items (3) and (4) unchanged}*

18 (2) In the Plan, after B.2.b., add new B.2.c., to read as follows:

19 C. SPECIAL REQUIREMENTS FOR FORMULA BUSINESSES

20 (1) IN THIS SECTION B.2.C., “FORMULA BUSINESS” MEANS ANY TYPE OF
21 COMMERCIAL BUSINESS ESTABLISHMENT THAT:

22 (I) USES A TRADEMARK, SERVICE MARK, LOGO, OR OTHER IDENTIFYING
23 NAME OR SYMBOL THAT IS SHARED BY 15 OR MORE COMMERCIAL
24 ESTABLISHMENTS; AND

25 (II) MAINTAINS A STANDARDIZED ARRAY OF SERVICES, MERCHANDISE,
26 DECOR, BUSINESS METHOD, ARCHITECTURE, LAYOUT, UNIFORMS,
27 OR SIMILAR STANDARDIZED FEATURE.

28 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PLAN OR OF THE
29 ZONING CODE, A FORMULA BUSINESS USE IN THE HAMPDEN BUSINESS
30 AREA REQUIRES SPECIFIC APPROVAL BY THE PLANNING COMMISSION.

31 (3) BEFORE GRANTING APPROVAL FOR A FORMULA BUSINESS USE, THE
32 PLANNING COMMISSION MUST CONDUCT A HEARING AT WHICH THE

1 PARTIES IN INTEREST AND THE GENERAL PUBLIC WILL HAVE AN
2 OPPORTUNITY TO BE HEARD.

3 (4) AT LEAST 30 DAYS' NOTICE OF THE TIME, PLACE, AND SUBJECT OF THE
4 HEARING MUST BE GIVEN, AT THE EXPENSE OF THE APPLICANT, AS
5 FOLLOWS:

6 (I) BY POSTING ON THE PROPERTY IN QUESTION; AND

7 (II) BY FIRST CLASS MAIL TO:

8 (A) THE PERSONS WHO APPEAR ON THE TAX RECORDS OF THE
9 CITY AS OWNERS OF THE PROPERTY IN QUESTION; AND

10 (B) THE ASSOCIATIONS (COMMUNITY, NEIGHBORHOOD
11 IMPROVEMENT, MERCHANTS, AND THE LIKE) THAT APPEAR
12 ON THE RECORDS OF THE DEPARTMENT OF PLANNING AS
13 REPRESENTING PERSONS IN THE NEIGHBORHOOD IN WHICH
14 THE PROPERTY IS LOCATED.

15 (5) BEFORE APPROVING A FORMULA BUSINESS USE, THE PLANNING
16 COMMISSION MUST FIND, IN EACH SPECIFIC CASE, THAT:

17 (I) THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE,
18 AND OPERATION OF THAT USE WILL NOT BE DETRIMENTAL TO OR
19 ENDANGER THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE;

20 (II) THE USE WILL BE COMPATIBLE WITH EXISTING SURROUNDING USES
21 AND HAS BEEN DESIGNED AND WILL BE OPERATED IN A NON-
22 OBTRUSIVE MANNER TO PRESERVE THE COMMUNITY'S CHARACTER
23 AND AMBIANCE;

24 (III) APPROVAL OF THE USE IS CONSISTENT WITH THE POLICIES AND
25 STANDARDS OF THIS PLAN, THE CITY'S MASTER PLAN, AND THE
26 ZONING CODE;

27 (IV) APPROVAL OF THE USE WILL CONTRIBUTE TO AN APPROPRIATE
28 BALANCE OF LOCALLY, REGIONALLY, AND NATIONALLY BASED
29 BUSINESSES IN THE COMMUNITY;

30 (V) APPROVAL OF THE USE WILL CONTRIBUTE TO AN APPROPRIATE
31 BALANCE OF SMALL-, MEDIUM-, AND LARGE-SIZED BUSINESSES IN
32 THE COMMUNITY; AND

33 (VI) THE PROPERTY AND STRUCTURE ON AND WITHIN WHICH THE USE
34 WILL OPERATE WILL BE COMPATIBLE WITH THE EXISTING
35 ARCHITECTURAL AND ESTHETIC CHARACTER OF THE COMMUNITY.

36 (3) In the Plan, amend F., to read as follows:

37 F. Duration of Provisions and Requirements

1 [The provisions and requirements of this] THIS plan shall be in effect for a period of
2 [not less than] 40 years following FEBRUARY 17, 1977, the date of the approval of this
3 plan by the Mayor and City Council of Baltimore.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for the Hampden
5 Business Area , as amended by this Ordinance and identified as “Urban Renewal Plan, Hampden
6 Business Area , revised to include Amendment _____, dated February 27, 2006”, is approved.
7 The Department of Planning shall file a copy of the amended Urban Renewal Plan with the
8 Department of Legislative Reference as a permanent public record, available for public
9 inspection and information.

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

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

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

28 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
29 after the date it is enacted.