

**CITY OF BALTIMORE
COUNCIL BILL 15-0570
(First Reader)**

Introduced by: Councilmembers Kraft, Scott

At the request of: 3244 Eastern Avenue, LLC

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Introduced and read first time: September 21, 2015

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, Commission for Historical and Architectural Preservation,
Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Highlandtown Business Area –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Highlandtown Business Area to
5 remove a certain land use category from the Plan, to repeal and replace Exhibit 1, “Land Use
6 and Zoning Map”, with new exhibits to reflect the change in land use with the removal of a
7 certain land use category and to reflect the change in land use and the change in zoning, upon
8 approval by separate ordinance, for the properties known as 3232, 3234, and 3236-3244
9 Eastern Avenue, and to add a new height limitation provision for new construction in the
10 community business land use area of the Plan; waiving certain content and procedural
11 requirements; making the provisions of this Ordinance severable; providing for the
12 application of this Ordinance in conjunction with certain other ordinances; and providing for
13 a special effective date.

14 BY authority of

15 Article 13 - Housing and Urban Renewal

16 Section 2-6

17 Baltimore City Code

18 (Edition 2000)

19 **Recitals**

20 The Urban Renewal Plan for Highlandtown Business District was originally approved by the
21 Mayor and City Council of Baltimore by Ordinance 77-511 and last amended by Ordinance 97-
22 209.

23 An amendment to the Urban Renewal Plan for Highlandtown Business Area is necessary to
24 remove a certain land use category from the Plan, to repeal and replace Exhibit 1, “Land Use and

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

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1 Zoning Map”, with new exhibits to reflect the change in land use with the removal of a certain
2 land use category and to reflect the change in land use and the change in zoning, upon approval
3 by separate ordinance, for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue,
4 and to add a new height limitation provision for new construction in the community business
5 land use area of the Plan.

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

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

11 1. In the Plan, amend A.2. to read as follows:

12 A. Project Description

13 2. Plan Objectives

14

15 a. Establishing a positive and identifiable image for the Highlandtown
16 Business Area;

17 b. Promoting new retail business activity in the area;

18 c. Establishing minimum, comprehensive design and rehabilitation
19 standards that will enhance the business area through private
20 investment; [and]

21 d. Bringing about a general physical improvement of the area through
22 coordinated public improvements; AND

23 [e. Achieving a balance between Neighborhood Business and Community
24 Commercial uses; and]

25 E. [f.] Providing a safe and pleasant environment for consumers,
26 merchants, and property owners.

27 2. In the Plan, amend the first 2 sentences of B.1. to read as follows:

28 B. Land Use Plan

29 1. Land Uses

30 Only the land use categories shown on [the Land Use and Zoning Map,
31 Exhibit No. 1] EXHIBIT 1, “LAND USE MAP”, shall be permitted within the
32 project area. The use classifications are [Neighborhood Business District,]
33 Community Business, Community Commercial, Light Industrial and
34 Medium Industrial.

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1 3. In the Plan, delete B.3.a. in its entirety, and, in B.3., reletter subsections b., c., d., e.,
2 f., and g., respectively, to be subsections A., B., C., D., E., and F., respectively.

3 4. In the Plan, amend I.1. to read as follows:

4 I. Other Provisions Necessary to Meet Requirements of State and Local Laws

5 1. Zoning

6 All appropriate provisions of the Zoning Ordinance of Baltimore City shall
7 apply to properties within the project area. No zoning district changes are
8 proposed by this plan. Existing Zoning Districts are indicated on [Exhibit
9 No. 1, Land Use and Zoning Map] EXHIBIT 2, “ZONING MAP”.

10 5. In the Plan, repeal and replace Exhibit 1, “Land Use and Zoning Map” with the
11 following exhibits:

12 a. Exhibit 1, “Land Use Map”, to designate the following land uses in the Plan:
13 Residential, Community Business, Community Commercial, Light Industrial, and
14 Medium Industrial.

15 b. Exhibit 2, “Zoning Map”, to reflect the existing zoning designations of the
16 properties within the Project Area and to reflect, on approval of rezoning by
17 separate ordinance, the change in zoning for the properties known as 3232, 3234,
18 and 3236-3244 Eastern Avenue, from the B-2-2 Zoning District to the B-2-4
19 Zoning District.

20 6. In the Plan, add new provision H.1. d. to read as follows:

21 H. New Construction within the Project Area

22 1. Any plans for new construction (exterior rehabilitation and changes in use) on
23 any property within the project area shall be submitted to the Department of
24 Housing and Community Development for review. Upon finding that the
25 proposed plans are consistent with the objectives of the Urban Renewal Plan
26 and with the standards set forth in Section D. and in this section, and after
27 reviewing the recommendations of the community review board, the
28 Commissioner of the Department of Housing and Community Development
29 shall authorize the processing of the plans for issuance of a building permit.
30 The provisions of this section are in addition to, and not in lieu of, all other
31 applicable laws and ordinances relating to new construction.
32

33 D. IN THE COMMUNITY BUSINESS LAND USE AREA WITHIN THE PROJECT AREA,
34 BUILDING HEIGHT IS LIMITED TO 75 FEET.

35
36 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for
37 Highlandtown Business Area, as amended by this Ordinance and identified as “Urban Renewal
38 Plan, Highlandtown Business Area, revised to include Amendment __, dated September 21,
39 2015”, is approved. The Department of Planning shall file a copy of the amended Urban

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1 Renewal Plan with the Department of Legislative Reference as a permanent public record,
2 available for public inspection and information.

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

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

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

21 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect when it is
22 enacted.