

**CITY OF BALTIMORE
COUNCIL BILL 11-0718
(First Reader)**

Introduced by: Councilmember Branch

At the request of: My Son Development, LLC

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Introduced and read first time: June 20, 2011

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 – Middle East –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Middle East to add a new land use
5 category to the permitted land uses in the Plan and to revise Exhibits 1 and 4 to reflect the
6 change in zoning, upon approval by separate ordinance, for 403-435 North Washington
7 Street; waiving certain content and procedural requirements; making the provisions of this
8 Ordinance severable; providing for the application of this Ordinance in conjunction with
9 certain other ordinances; and providing for a special effective date.

10 BY authority of

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

15 **Recitals**

16 The Urban Renewal Plan for Middle East was originally approved by the Mayor and City
17 Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance 11-453.

18 An amendment to the Urban Renewal Plan for Middle East is necessary to add a new land
19 use category to the permitted land uses in the Plan and to revise Exhibits 1 and 4 of the Urban
20 Renewal Plan to reflect the change in the zoning, upon approval by separate ordinance, of 403-
21 435 North Washington Street.

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

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

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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 Middle East are approved:

- 3 (1) In the Plan, amend the first paragraph of B.(1) and add new B.(1)b. to read as
4 follows:

5 B. Land Use Plan

6 (1) Permitted Land Uses

7 Only the use categories shown on the Land Use Plan Map, Exhibit No. 1, shall
8 be permitted within the project area. These are Residential, OFFICE -
9 RESIDENTIAL, Commercial, Industrial, Public, and Institutional. In addition,
10 certain uses, for the most part mixed uses, will be permitted to continue
11 subject to the provisions governing non-conforming and non-complying uses
12 set forth in Sections B.1.[f.] G. and B.1.[g.] H. below.

13 . . .

14 B. OFFICE-RESIDENTIAL

15 OFFICE-RESIDENTIAL USES SHALL BE THOSE PERMITTED IN THE O-R
16 ZONING DISTRICT OF THE ZONING CODE OF BALTIMORE CITY.

- 17 (2) In the Plan, renumber B.(1) b., c., d., e., f., and g., respectively to be B.(1) C., D., E., F.,
18 G., and H., respectively.
- 19 (3) Upon approval of rezoning by separate ordinance, for the properties known as 403-
20 435 North Washington Street, revise Exhibit 1, "Land Use Plan", to reflect the
21 addition of a new permitted land use category and to reflect the change in zoning
22 from Residential to Office-Residential.
- 23 (4) Upon approval of rezoning by separate ordinance, revise Exhibit 4, "Zoning
24 Districts", to reflect the change in zoning for the properties known as 403-435 North
25 Washington Street, from the R-8 Zoning District to the O-R-2 Zoning District.

26 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Middle East,
27 as amended by this Ordinance and identified as "Urban Renewal Plan, Middle East, revised to
28 include Amendment __, dated June 20, 2011", is approved. The Department of Planning shall file
29 a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a
30 permanent public record, available for public inspection and information.

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

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