

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0443

Introduced by: Councilmember Cole
Introduced and read first time: January 25, 2010
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 14, 2010

AN ORDINANCE CONCERNING

**Urban Renewal – Penn-North Transit Station –
Amendment 3**

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3 FOR the purpose of amending the Urban Renewal Plan for Penn-North Transit Station to allow
4 the unenclosed display of certain merchandise in a certain land use classification in the Penn-
5 North Transit Station Urban Renewal Area, subject to certain conditions; waiving certain
6 content and procedural requirements; making the provisions of this Ordinance severable;
7 providing for the application of this Ordinance in conjunction with certain other ordinances;
8 and providing for a special effective date.

9 By authority of
10 Article 13 - Housing and Urban Renewal
11 Section 2-6
12 Baltimore City Code
13 (Edition 2000)

Recitals

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15 The Urban Renewal Plan for Penn-North Transit Station was originally approved by the
16 Mayor and City Council of Baltimore by Ordinance 78-817 and last amended by Ordinance 85-
17 316.

18 An amendment to the Urban Renewal Plan for Penn-North Transit Station is necessary to
19 allow the unenclosed display of certain merchandise in a certain land use classification, subject
20 to certain conditions.

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 required for
23 the approval of a renewal plan.

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
25 following change in the Urban Renewal Plan for Penn-North Transit Station is approved:

26 In the Plan, amend B.1.c. to read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 c. Community Business - In the area designated Community Business on the
2 Land Use Map, the uses listed under the B-2 category of the Zoning
3 Ordinance of Baltimore City shall be permitted; except that the following uses
4 shall not be permitted:

5 amusement arcades; athletic fields, poultry and rabbit killing establishments,
6 drug abuse rehabilitation centers, community correction centers, exhibit
7 rooms, dry cleaners with four or more employees, pawn shops, automobile
8 accessory stores, blood donor centers (other than hospital or Red Cross
9 sponsored centers), bowling alleys, dance halls, display rooms for mail
10 ordered sales, fraternity and sorority houses, newspaper distribution agencies,
11 skating rinks, automobile accessory stores with repair services, automobile
12 service stations, repair garages (automotive), massage parlors, pool halls,
13 homes for alcoholic treatment, liquor stores.

14 IN THE 2400 AND 2500 BLOCKS OF PENNSYLVANIA AVENUE AND ON BOTH
15 SIDES OF THE 1600 BLOCK OF WEST NORTH AVENUE, THE UNENCLOSED
16 DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED, DURING THE
17 HOURS OF 7 A.M TO 7 P.M. A MINOR PRIVILEGE PERMIT IS REQUIRED TO
18 DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY. DISPLAYS ON THE
19 PUBLIC RIGHT-OF-WAY MUST PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO
20 MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND ACCESSIBILITY BY DISABLED
21 PERSONS.

22 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Penn-North
23 Transit Station, as amended by this Ordinance and identified as “Urban Renewal Plan, Penn-
24 North Transit Station, revised to include Amendment 3, dated January 25, 2010”, is approved.
25 The Department of Planning shall file a copy of the amended Urban Renewal Plan with the
26 Department of Legislative Reference as a permanent public record, available for public
27 inspection and information.

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

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

37 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
38 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
39 safety law or regulation, the applicable provisions shall be construed to give effect to each.
40 However, if the provisions are found to be in irreconcilable conflict, the one that establishes the
41 higher standard for the protection of the public health and safety prevails. If a provision of this
42 Ordinance is found to be in conflict with an existing provision of any other law or regulation that
43 establishes a lower standard for the protection of the public health and safety, the provision of

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1 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
2 conflict.

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City