

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 11-0755**

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Introduced by: The Council President  
At the request of: The Administration (Department of Housing and Community Development)  
Introduced and read first time: August 15, 2011  
Assigned to: Urban Affairs and Aging Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: December 5, 2011

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**AN ORDINANCE CONCERNING**

**Urban Renewal – Brooklyn-Curtis Bay Business Area –  
Amendment 5**

FOR the purpose of amending the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area to modify the boundary description to reflect the removal of certain properties from the Renewal Area, modify a Plan objective, amend and clarify certain land uses and delete a use category, delete from the Plan certain regulations, controls, and restrictions on land acquired by the City, modify certain standards for the development of new buildings in non-industrially zoned areas, delete standards for mixed use development in the Plan, delete a certain obligation of a Developer, amend certain Exhibits to the Plan to reflect the changes to the Plan, modify the duration of the Plan, add additional names of the community organizations to whom the Department must submit significant development proposals for review and comment, change the name of the Panel that the Department of Planning uses to review developers' projects, and conform certain 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.

BY authority of  
Article 13 - Housing and Urban Renewal  
Section 2-6  
Baltimore City Code  
(Edition 2000)

**Recitals**

The Urban Renewal Plan for Brooklyn-Curtis Bay Business Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 82-852 and last amended by Ordinance 06-314.

An amendment to the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area is necessary to modify the boundary description to reflect the removal of certain properties from the

**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.

**Council Bill 11-0755**

1 Renewal Area, modify a Plan objective, amend and clarify certain land uses and delete a use  
2 category, delete from the Plan certain regulations, controls, and restrictions on land acquired by  
3 the City, modify certain standards for the development of new buildings in non-industrially  
4 zoned areas, delete standards for mixed use development in the Plan, delete a certain obligation  
5 of a Developer, amend certain Exhibits to the Plan to reflect the changes to the Plan, modify the  
6 duration of the Plan, add additional names of the community organizations to whom the  
7 Department must submit significant development proposals for review and comment, change the  
8 name of the Panel that the Department of Planning uses to review developers' projects, and  
9 conform certain language.

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

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
14 following changes in the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area are  
15 approved:

16 (1) In the Plan, amend the last 6 clauses beginning with “thence” of A.1. to read as  
17 follows:

18 A. Project Description

19 1. Boundary Description

20 .....  
21 thence binding on the east side of Potee Street southerly and southeasterly to a  
22 point on the east side of Potee Street formed by extending the southeastern  
23 property line of Lot 15, Block 7027-J in a straight line across Potee Street AND  
24 SOUTH HANOVER STREET; ~~thence crossing Potee Street and continuing on the~~  
25 ~~southeastern property line of said Lot 15 southwesterly to intersect the~~  
26 ~~southern boundary line of Baltimore City; thence binding on the southern~~  
27 ~~boundary line of Baltimore City easterly and southeasterly to intersect the east~~  
28 ~~side of 2<sup>nd</sup> Street; thence binding on the east side of 2<sup>nd</sup> Street northerly to~~  
29 ~~intersect the north side of Jack Street; thence binding on the north side of Jack~~  
30 ~~Street westerly~~ CONTINUING EASTERLY ON THE CENTERLINE OF JACK STREET  
31 to intersect the east side of an unnamed 30 foot alley; thence binding on the  
32 east side of said 30 foot alley northerly to the point of beginning.

33 (2) (†) In the Plan, amend A.2.c. to read as follows:

34 A. Project Description

35 2. Plan Objectives

36 c. Establishing minimum, comprehensive design and rehabilitation standards  
37 that will encourage pedestrian-safe and attractive streets and commercial  
38 development in balance with adjacent commercial, industrial, AND  
39 residential uses [and encourage pedestrian-friendly, attractive commercial  
40 development].

**Council Bill 11-0755**

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

2           B. Land Use Plan

3               2. Land Use Provisions and Standards

4                   a. Permitted Uses

5                           Only the use categories shown on the Land Use Plan, Exhibit 1, are  
6                           permitted within the Project Area. These are Residential, OFFICE-  
7                           RESIDENTIAL, Industrial, Community Business, Community Commercial,  
8                           AND Park[, and Mixed Use]. Accessory uses including landscaping, off-  
9                           street parking and loading will be permitted. In addition, certain uses will  
10                           be permitted to continue subject to the provisions governing [non-  
11                           conforming] NONCONFORMING USES and [non-complying uses]  
12                           NONCOMPLYING STRUCTURES set forth below.

13                   (1) Residential

14                           In the areas designated Residential on the Land Use Plan, uses are  
15                           limited to those permitted under the R-6, [and] R-7, AND O-R-1  
16                           categories of the Zoning Code of Baltimore City, EXCEPT FOR THE  
17                           FOLLOWING USES THAT ARE PROHIBITED:

- 18                                   COMMUNITY CORRECTION CENTERS
- 19                                   ROOMING AND BOARDING HOUSES

20                   (2) Industrial

21                                   . . . .

22                   (3) Community Business

23                           In the areas designated as Community Business on the Land Use Plan,  
24                           uses are limited to those permitted OR ALLOWED AS CONDITIONAL USES  
25                           under the B-2 category of the Zoning Code of Baltimore City.  
26                           STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR  
27                           SERVICE ESTABLISHMENTS THAT DEAL DIRECTLY WITH CONSUMERS,  
28                           RELY HEAVILY ON WALK-IN BUSINESS, AND HAVE REGULAR DAILY  
29                           HOURS. However, the following B-2 [permitted] uses are prohibited in  
30                           this Renewal Plan:

- 31                                   ADULT ENTERTAINMENT, INCLUDING PEEP SHOWS AND ADULT
- 32                                   BOOK STORES
- 33                                   AMUSEMENT ARCADES
- 34                                   Automotive accessory stores - but not including repair or
- 35                                   installation services
- 36                                   Bail bondsmen
- 37                                   Liquor stores: package goods

## Council Bill 11-0755

1 [Additionally, the following B-2 uses that are conditional uses in  
2 the Zoning Code are prohibited in this Plan:]

3 Automobile accessory stores - including related repair and  
4 installation services  
5 Beverages: manufacturing  
6 CHECK CASHING ESTABLISHMENTS  
7 COMMUNITY CORRECTION CENTERS  
8 DANCE HALLS OR NIGHT CLUBS  
9 Firearm sales - when in a business establishment permitted in a  
10 Business District  
11 Garages, other than accessory, for storage, repair, and servicing of  
12 motor vehicles, not over 1 ½ tons capacity - but not including  
13 body repair, painting, or engine rebuilding  
14 Gasoline services stations  
15 HOTELS AND MOTELS  
16 Pawnshops  
17 POOL HALLS  
18 RENT-TO-OWN STORES  
19 Restaurants: drive-in but not including pick-up drives with window  
20 service  
21 ~~ROOMING AND BOARDING HOUSES~~  
22 Tobacco products: manufacturing  
23 Travel trailers, recreational vehicles, and similar camping  
24 equipment: parking or storage

### 25 (4) Community Commercial

26 In the areas designated as Community Commercial on the Land Use  
27 Plan, uses are limited to those permitted OR ALLOWED AS CONDITIONAL  
28 USES under the B-3 category of the Zoning Code of Baltimore City[.],  
29 EXCEPT FOR THE FOLLOWING USES THAT ARE PROHIBITED:

30 ADULT ENTERTAINMENT, INCLUDING PEEP SHOWS AND ADULT  
31 BOOK STORES  
32 AMUSEMENT ARCADES  
33 BAIL BONDS OFFICES  
34 BLOOD BANKS  
35 CHECK CASHING ESTABLISHMENTS  
36 FIREARM SALES  
37 GASOLINE STATIONS  
38 HOTELS AND MOTELS  
39 LIQUOR STORES: PACKAGE GOODS  
40 MOTOR VEHICLE SALES  
41 MOTOR VEHICLE SERVICE AND REPAIR, MAJOR OR MINOR  
42 MOVING AND STORAGE ESTABLISHMENTS  
43 OUTDOOR STORAGE AND DISPLAY  
44 PALMISTS  
45 POOL HALLS

**Council Bill 11-0755**

DANCE HALLS  
RENT-TO-OWN STORES

(5) Park

...

[(6) Mixed Use

In the area designated Mixed Use on the Land Use Plan, uses are limited to those in the Community Business category; however, retail or office uses are required on the first floor of buildings in these areas.]

...

and, in the Plan, B.2. a.(7), (8), and (9), respectively, are renumbered to be B.2.a.(6), (7), and (8), respectively.

(4) ~~(3)~~ In the Plan, amend B.2.b. to read as follows:

B. Land Use Plan

2. Land Use Provisions and Standards

b. Applicability of Provisions and Requirements to Property Not to be Acquired

The provisions of Section B.2.a. (Permitted Uses) above apply to all properties not to be acquired by this Renewal Plan. [The provisions of Section B.2.c. apply as appropriate to properties not currently proposed to be acquired by this Renewal Plan if the owners of the properties acquire adjacent project land made available by the Department under the provisions of this Renewal Plan.]

(5) ~~(4)~~ In the Plan, delete B.2.c. in its entirety; and delete Section C. Techniques for Plan Objectives in its entirety.

(6) ~~(5)~~ In the Plan, amend D.2.a.(2) to read as follows:

D. Review of Development

2. Standards for the Development of New Buildings in Non-Industrially Zoned Areas

a. General

(2) For buildings located in the B-2, B-3, and O-R zoning districts not on Patapsco Avenue, the building height at the property lines facing public streets must be a minimum of 20 feet and A maximum of 35 feet. [Ground floors must be a minimum of 12 feet high, except for parking structures that are not required to include first floor retail.] For

**Council Bill 11-0755**

1 buildings located in the B-2, B-3, or O-R zoning districts on Patapsco  
2 Avenue, the building height at property lines facing public streets must  
3 be a minimum of 20 feet and A maximum of 45 feet.

4 (7) ~~(6)~~ In the Plan, delete D.3. in its entirety.

5 (8) ~~(7)~~ In the Plan, delete D.4.g. in its entirety, and, renumber D.4., 5., and 6.,  
6 respectively, to be D.3, 4., and 5., respectively.

7 (9) ~~(8)~~ In the Plan, delete E.1.b. in its entirety.

8 (10) ~~(9)~~ In the Plan, amend F. to read as follows:

9 The Brooklyn-Curtis Bay BUSINESS AREA Urban Renewal Plan, as it may be amended  
10 from time to time, remains in full force and effect for a period of [20] 10 years from  
11 the date the Renewal Plan is last amended by the Mayor and City Council of  
12 Baltimore.

13 (11) ~~(10)~~ In the Plan, amend G. to read as follows:

14 G. Procedures for Changes in Approved Plan

15 The Department must submit to certain community organizations within the  
16 Project Area for their review and comment the form and content of all significant  
17 development proposals, as defined by the Department, within the Project Area.  
18 The community organizations to which these plans must be submitted are as  
19 follows:

20 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC.  
21 COMMUNITY OF CURTIS BAY ASSOCIATION  
22 Brooklyn and Curtis Bay Coalition, Inc.[, and]  
23 South Baltimore Business [Association] ALLIANCE, Inc., AND  
24 ANY OTHER ORGANIZATIONS LISTED IN THE COMMUNITY ASSOCIATION  
25 DIRECTORY

26 The above community organizations must advise the Department of their  
27 recommendations regarding the acceptability and/or priority of all plans and  
28 proposals. The written comments of the community organizations must be  
29 transmitted to the Department no later than 4 weeks after the proposals or plans  
30 have been submitted to the appropriate community associations; otherwise, it is  
31 presumed that the proposals and/or plans are acceptable. Prior to passage of any  
32 ordinance amending the Renewal Plan, two public hearings, one before the  
33 Planning Commission and one before the City Council must be held. The  
34 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC., THE COMMUNITY OF  
35 CURTIS BAY ASSOCIATION, THE Brooklyn and Curtis Bay Coalition, Inc., THE  
36 South Baltimore Business Alliance, Inc., AND ANY OTHER ORGANIZATIONS LISTED  
37 IN THE COMMUNITY ASSOCIATION DIRECTORY or their successors must receive, at  
38 least 10 days prior to the hearing, written notice of the time and place of the  
39 hearing. With respect to any land in the Project Area previously disposed of by  
40 the City for use in accordance with the Renewal Plan, the then owner of the land

**Council Bill 11-0755**

1 whose interests are materially affected by the changes must receive at least 10  
2 days prior to the hearing, written notice of the time and place of the hearing and  
3 information as to where a copy of the proposed amendments may be inspected.

4 (12) ~~(H)~~ In the Plan, amend I.4.b. to read as follows:

5 I. Design Review and Approval

6 4. City Review

7 b. Planning will fully utilize its [Design Advisory] URBAN DESIGN AND  
8 ARCHITECTURAL REVIEW Panel to work with Developers in the  
9 achievement of high quality site, building, and landscape design.

10 (13) ~~(I2)~~ In the Plan, renumber Sections D., E., F., G., H., I., and J., respectively, to be  
11 Sections C., D., E., F., G., H., and I., respectively.

12 (14) ~~(I3)~~ In the Plan, amend Appendix B.II.A. to read as follows:

13 Appendix B

14 Maintenance Standards

15 II. Compliance

16 A. These maintenance standards are enforced by the Department. Complaints  
17 about violations of these standards may be made to the Department by any  
18 individual or organization. Issues identified and complaints collected by  
19 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC., THE COMMUNITY OF  
20 CURTIS BAY ASSOCIATION, the Brooklyn and Curtis Bay Coalition, Inc.,  
21 and/OR THE South Baltimore Business Alliance, Inc., OR OTHER  
22 ORGANIZATIONS LISTED IN THE COMMUNITY ASSOCIATION DIRECTORY, will be  
23 coordinated and prioritized by these groups before they are transmitted to the  
24 Department for enforcement.

25 (15) ~~(I4)~~ Replace current Exhibit 1, “Land Use Plan”, dated October 5, 2006, with  
26 amended Exhibit 1, “Land Use Plan”, dated ~~August 2~~ December 1, 2011, and replace  
27 current Exhibit 4, “Zoning Districts”, dated October 5, 2006, with amended Exhibit 4,  
28 “Zoning Districts”, dated ~~August 2~~ December 1, 2011 to reflect the changes in the  
29 Plan.

30 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Brooklyn-  
31 Curtis Bay Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan,  
32 Brooklyn-Curtis Bay Business Area, revised to include Amendment 5, dated August 15, 2011”,  
33 is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan  
34 with the Department of Legislative Reference as a permanent public record, available for public  
35 inspection and information.

36 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan  
37 approved by this Ordinance in any way fails to meet the statutory requirements for the content of

**Council Bill 11-0755**

1 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal  
2 plan, those requirements are waived and the amended Urban Renewal Plan approved by this  
3 Ordinance is exempted from them.

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

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

17 **SECTION 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
18 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