

**CITY OF BALTIMORE  
COUNCIL BILL 05-0298  
(First Reader)**

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Introduced by: Councilmember Clarke  
Introduced and read first time: December 5, 2005  
Assigned to: Urban Affairs Committee

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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, Department of Transportation

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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 Hampden Business Area to allow the  
5 unenclosed display of certain merchandise in certain land use classifications in a certain  
6 portion of the Hampden Business Area; waiving certain content and procedural  
7 requirements; making the provisions of this Ordinance severable; providing for the  
8 application of this Ordinance in conjunction with certain other ordinances; and providing for  
9 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 Hampden Business Area was originally approved by the Mayor  
17 and City Council of Baltimore by Ordinance 77-285 and last amended by Ordinance 00-89.

18 An amendment to the Urban Renewal Plan for Hampden Business Area is necessary to allow  
19 the unenclosed display of certain merchandise in certain land use classifications in a certain  
20 portion of the Hampden Business Area.

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 changes in the Urban Renewal Plan for Hampden Business Area are approved:

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

1 Amend B.2.a.(1) and (2) to read as follows:

2 (1) Neighborhood Business

3 In the area designated as Neighborhood Business on the Land Use Plan Map, uses  
4 shall be limited to those permitted under the B-1 category of the Zoning  
5 [Ordinance] CODE of Baltimore City, including residential, EXCEPT THE  
6 UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED ON  
7 THE 800 THROUGH 1100 BLOCKS OF WEST 36<sup>TH</sup> STREET. A MINOR PRIVILEGE  
8 PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY.  
9 DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MAY NOT IMPEDE CONTINUOUS  
10 PEDESTRIAN ACCESS AND MAY NOT IMPEDE ACCESSIBILITY BY DISABLED PERSONS.

11 (2) Community Business

12 In the area designated as Community Business on the Land Use Plan Map, uses  
13 shall be limited to those permitted under the B-2 category of the Zoning  
14 [Ordinance] CODE of Baltimore City, including residential and parking, EXCEPT  
15 THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS  
16 ALLOWED ON THE 800 THROUGH 1100 BLOCKS OF WEST 36<sup>TH</sup> STREET. A MINOR  
17 PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-  
18 OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MAY NOT IMPEDE CONTINUOUS  
19 PEDESTRIAN ACCESS AND MAY NOT IMPEDE ACCESSIBILITY BY DISABLED PERSONS.

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Hampden  
21 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hampden  
22 Business Area, revised to include Amendment \_\_\_\_, dated \_\_\_\_\_”, is approved. The  
23 Department of Planning shall file a copy of the amended Urban Renewal Plan with the  
24 Department of Legislative Reference as a permanent public record, available for public  
25 inspection and information.

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

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

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

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