

**CITY OF BALTIMORE
COUNCIL BILL 07-0661
(First Reader)**

Introduced by: Councilmembers Clarke, Curran, Crider

Introduced and read first time: April 30, 2007

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 – Waverly Business Area –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for the Waverly Business Area to change
5 the permitted land use categories, modify the uses permitted in the B-2-2 Zoning District in
6 the Plan, amend the Property Rehabilitation Standards, create a Community Review Panel
7 and provide a review process for the Plan, and amend an Exhibit to reflect changes in the
8 Plan; correcting, clarifying, and conforming certain language and references; waiving certain
9 content and procedural requirements; making the provisions of this Ordinance severable;
10 providing for the application of this Ordinance in conjunction with certain other ordinances;
11 and providing for a special effective date.

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

17 **Recitals**

18 The Urban Renewal Plan for the Waverly Business Area was originally approved by the
19 Mayor and City Council of Baltimore by Ordinance 79-1029 and last amended by Ordinance 02-
20 371.

21 An amendment to the Urban Renewal Plan for the Waverly Business Area is necessary to
22 change the permitted land use categories, modify the uses permitted in the B-2-2 Zoning District
23 in the Plan, amend the Property Rehabilitation Standards, create a Community Review Panel and
24 provide for a review process for the Plan; amend an Exhibit to reflect the change in land use
25 categories in the Plan, and correct, clarify, and conform certain language and references.

26 Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in
27 any approved renewal plan unless the change is approved in the same manner as that required for
28 the approval 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 the Waverly Business District are approved:

3 (1) Amend B.2.a. of the Plan to read as follows:

4 2. Land Use Provisions and Standards

5 a. Permitted Uses

6 Only the uses shown on the Land Use Plan Map shall be permitted within the
7 project area. The use classifications are [Neighborhood Business]
8 RESIDENTIAL, Community Business, INDUSTRIAL, and Public. Accessory
9 uses, including landscaping, off-street parking and off-street loading will be
10 permitted. In addition, certain existing uses will be permitted to continue
11 subject to the provisions governing non-conforming uses set forth below in
12 Section B.2.a (4).

13 (1) Community Business

14 In the areas designated as Community Business on the Land Use Plan
15 Map, uses shall be limited to those permitted under the B-2-2 category of
16 the Zoning [Ordinance] CODE of Baltimore City, including residential
17 uses and parking; however, Blood Donor Centers, Massage Salons,
18 Poultry and Rabbit Killing establishments, Pawnshops, Liquor and
19 Package Goods Stores, [and] CHECK CASHING AGENCIES, Taverns – BUT
20 NOT INCLUDING LIVE ENTERTAINMENT OR DANCING, COMMUNITY
21 CORRECTION CENTERS, PAROLE AND PROBATION FIELD OFFICES, AND
22 BAIL BONDS BUSINESSES, not in existence on the date of enactment of the
23 Ordinance approving Amendment No. 2 of this Plan shall not be
24 permitted. Soup Kitchens [and Check Cashing as primary uses] not in
25 existence on the date of enactment of the Ordinance approving
26 Amendment No. 2 of this Plan shall not be permitted.

27 (2) Residential

28 In the area designated as Residential on the Land Use Plan Map, uses shall
29 be limited to those permitted under the R-8 and R-9 categories of the
30 Zoning [Ordinance] CODE of Baltimore City.

31 (3) Public

32 In the area designated as Public PARKING on the Land Use Plan Map, the
33 use shall be limited to off-street parking.

34 (4) [Non-Conforming] NONCONFORMING

35 A [non-conforming] NONCONFORMING use is any lawfully existing use of
36 a building or other structure, or of land, which does not conform to the
37 applicable use or bulk regulations of the district in which it is located
38 according to the Zoning [Ordinance] CODE of Baltimore City. [Non-

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1 conforming] NONCONFORMING uses shall be permitted to continue, subject
2 to all of the provisions of [Chapter 8 of the Zoning Ordinance of
3 Baltimore City entitled “Non-Conformance”] TITLE 13 OF THE ZONING
4 CODE OF BALTIMORE CITY TITLED “NONCONFORMANCE”. A [non-
5 conforming] NONCONFORMING use may be sold as long as that use is not
6 discontinued for a period of time [which] THAT constitutes an
7 abandonment for that class of use under [Chapter 8] TITLE 13 of the
8 Zoning [Ordinance] CODE of Baltimore City.

9 (2) Amend B.2.b.(1)(b)i. of the Plan to read as follows:

10 2. Land Use Provisions and Standards

11 b. Regulations, Controls, and Restrictions on Land to be Acquired by the City

12 (1) Provisions Applicable to All Land and Property to be Acquired by the
13 City

14 (b) Off-Street Parking Requirements

- 15 i. Parking spaces shall be provided on all lots for development as
16 established in the Zoning [Ordinance] CODE of Baltimore City, or
17 in such lesser amount as may be authorized by the Board of
18 Municipal and Zoning Appeals as a Special Exception or Variance.
19 In addition to these requirements, off-street parking areas shall be
20 visually screened from public streets and adjacent properties.

21 (3) Amend C.3. a.(2), (3), and (4) of the Plan to read as follows:

22 3. Property Rehabilitation Standards

23 a. Windows

24 (2) All windows must be tight-fitting and have sashes of proper size and
25 design. Sashes with rotten wood, broken joints or loose mullions or
26 muntins shall be replaced. All broken and missing windows and glass
27 blocks shall be replaced with glass [or approved plastic glazing]. All
28 exposed wood shall be repaired and painted.

29 (3) Window openings in upper floors of the front of the building shall not be
30 filled, boarded up, or covered by any flat or projecting signs. Windows in
31 unused areas of the upper floors may be backed by a solid surface on the
32 inside of the glass OR COVERED BY APPROVED EXTERIOR SHUTTERS.
33 Window panes shall not be painted.

34 (4) Shutters may be provided on windows above the first floor level on the
35 front of the buildings. They shall be constructed of wood OR APPROVED
36 MATERIAL and affixed to the wall by either a metal latch or be held
37 permanently open (fastened to the wall). The use of shutters shall be
38 approved prior to installation by the Department of Housing and

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1 Community Development[,] and shall not be allowed in cases where
2 shutters would be inharmonious with the design of the building.

3 (4) Amend C.3.b.(5)(e) and (f) and (7) of the Plan to read as follows:

4 3. Property Rehabilitation Standards

5 b. Building Fronts and Sides Abutting Streets

6 (5) Awnings

7 (e) Rigid or fixed awnings, sun screens or permanent canopies are [not]
8 permitted WITH APPROVAL [on any portion of the building front].

9 (f) AWNINGS MUST BE MAINTAINED AT ALL TIMES. AWNINGS THAT ARE
10 TORN OR OTHERWISE IN DISREPAIR MUST BE REPAIRED OR REPLACED
11 QUICKLY.

12 (7) Materials used on storefronts shall be consistent with the character of
13 other buildings in the Business Area as well as other materials used on the
14 building itself. Other factors such as durability, ease of maintenance and
15 historical accuracy of materials shall be considered in relation to future
16 material installations. Formstone, aluminum siding, VINYL SIDING, real or
17 simulated woodshakes, pebble-faced plywood, or any other material not
18 approved by the Commissioner, shall not be permitted for any future use.
19 Existing corrugated metal facing shall be cleaned, or, with approval of the
20 Commissioner, painted a duranodic bronze color. Corrugated metal facing
21 may NOT be used in the future [provided it is of a duranodic bronze
22 finish]. Existing aluminum siding shall be removed.

23 (5) Amend C.3.g.(2), (4), (7), and (9)(c) of the Plan to read as follows:

24 3. Property Rehabilitation Standards

25 g. Signs

26 (2) Flat signs shall be placed parallel to the building face and shall not project
27 more than 12" from the surface of the building and shall not exceed in area
28 (SQUARE FEET) [three times] the width [in feet] of the [frontage of the
29 building] FRONT FACADE IN LINEAR FEET. FOR EXAMPLE, IF THE FRONT OF
30 A BUILDING IS 20 FEET WIDE, THE SIGN MAY NOT EXCEED 20 SQUARE FEET.
31 In the case of corner properties, each facade is to be calculated separately
32 as to size allowed for each. The tops of flat signs shall be placed no
33 higher than the bottom of the second story window where windows exist
34 or 13 feet above grade level, whichever is lower. Signs may be placed
35 higher than 13 feet if such placement is consistent with the exterior design
36 of the building and is approved by the Department of Housing and
37 Community Development. Lettering, including but not limited to neon
38 signs, applied to ground floor show windows or entrance doors shall not
39 exceed [three feet] 12" in height, [and] logos shall not exceed [three] 3
40 feet in height, and the text shall be limited to identification of the business.

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1 Signs identifying the occupant shall be permitted at rear entrance doors
2 but shall not exceed [six] 6 square feet in size, except where authorized by
3 the Department of Housing and Community Development. No more than
4 [50] 20% of the entire window area on each side of the building may be
5 obstructed from view. TEMPORARY SIGNS MAY NOT BE IN PLACE FOR
6 GREATER THAN 30 DAYS. AUXILIARY OR INFORMATION SIGNS ARE SUBJECT
7 TO APPROVAL.

8 (4) One projecting sign shall be permitted for each street level business within
9 the project boundaries. These signs shall be double faced and or oriented
10 90% to the building face. Signs shall extend no higher than 15 feet and no
11 lower than 10 feet above the sidewalk. Signs shall project no more than 4
12 feet from the face of the building. Total area of the sign shall not exceed
13 12 square feet per face. These signs shall feature only the name of the
14 establishment, and/or graphic symbol or logo, and shall be constructed of
15 wood, plastic, or metal. Signs shall be mounted to the storefront in an
16 attractive and workmanlike manner. The use of logos, symbols, or
17 freestanding letters is encouraged. Internally lit box or suitcase signs are
18 not permitted. In all cases, the type of sign and its location shall be
19 harmonious in scale, color, and style with the building[,] and shall be
20 approved by the Commissioner only upon submission and review of
21 scaled descriptive drawing showing the sign's location, size, material, and
22 methods of mounting and lighting. Existing projecting signs shall be
23 allowed to remain on 31st and 32nd Streets, provided that the signs and
24 their supporting mechanisms are kept in good repair. THREE
25 DIMENSIONAL SPECIALTY SIGNS (I.E., HAMMER FOR A HARDWARE STORE,
26 EYEGLASSES FOR AN OPTICIAN) ARE ENCOURAGED AND WILL BE SUBJECT
27 TO INDIVIDUAL APPROVAL.

28 (7) Roof top signs, signs above the parapet of a building, billboards, or
29 outdoor advertising signs painted or mounted on structures [other than
30 billboards, except as otherwise herein provided,] shall not be permitted.

31 (9) Marquees shall only be allowed on operating theaters. The design of such
32 marquees must be approved by the Commissioner of the Department of
33 Housing and Community Development.

34 (c) [Only standard] STANDARD marquee letters [may] MUST be used for
35 signage on the marquee.

36 (6) Add new C.4. and 5. to the Plan to read as follows:

37 4. CREATION OF A COMMUNITY REVIEW PANEL

38 WAVERLY MAIN STREET SHALL FACILITATE THE CREATION OF A COMMUNITY
39 REVIEW PANEL. ALL MEMBERS OF THE PANEL WHO ARE APPOINTED BY THE
40 NEIGHBORHOOD ORGANIZATIONS AND WAVERLY MAIN STREET ARE DEFINED AS
41 THE INITIAL PANEL MEMBERS. IT IS THE RESPONSIBILITY OF THESE INITIAL PANEL
42 MEMBERS TO ESTABLISH A PROCESS FOR SELECTING THE AT-LARGE MEMBERS WHO
43 WILL FILL THE REMAINING SLOTS ON THE PANEL. ALL OF THE MEMBERS WILL
44 THEN CREATE THE GUIDELINES FOR OPERATING THE PANEL. THE COMMUNITY

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1 REVIEW PANEL WILL THEN BE RESPONSIBLE FOR CONDUCTING THE COMMUNITY
2 REVIEW PROCESS. ITS GUIDELINES WILL BE MADE AVAILABLE TO ANYONE WHO
3 REQUESTS A COPY.

4 THE COMMUNITY REVIEW PANEL MUST REVIEW AND RECOMMEND APPROVAL OR
5 DENIAL OF PERMIT APPLICATIONS FOR EXTERIOR REHABILITATION AND NEW
6 CONSTRUCTION TO ENSURE THAT THE GOALS AND OBJECTIVES OF THIS URBAN
7 RENEWAL PLAN ARE INCORPORATED IN THE PROPOSED PLANS. THE COMMUNITY
8 REVIEW PANEL MUST ALSO REVIEW DEMOLITION PERMIT APPLICATIONS TO
9 DETERMINE WHETHER THE PROPOSED DEMOLITION IS IN CONFORMANCE WITH THE
10 GOALS AND OBJECTIVES OF THIS PLAN.

11 A. MEMBERS OF THE COMMUNITY REVIEW PANEL ARE RESPONSIBLE FOR
12 CONVEYING INFORMATION ABOUT THE WORK AND DECISIONS OF THE PANEL TO
13 THE ORGANIZATIONS THEY REPRESENT.

14 B. MEMBERSHIP OF THE PANEL MUST INCLUDE:

15 (1) 1 REPRESENTATIVE FROM THE ABELL IMPROVEMENT ASSOCIATION (OR ITS
16 DESIGNEE);

17 (2) 1 REPRESENTATIVE FROM THE BETTER WAVERLY COMMUNITY
18 ASSOCIATION (OR ITS DESIGNEE);

19 (3) 1 REPRESENTATIVE FROM GUILFORD ON GREENMOUNT (OR ITS DESIGNEE);

20 (4) 1 REPRESENTATIVE FROM THE HARWOOD COMMUNITY ASSOCIATION (OR
21 ITS DESIGNEE);

22 (5) 1 REPRESENTATIVE FROM THE OAKENSHAW ASSOCIATION (OR ITS
23 DESIGNEE);

24 (6) 1 REPRESENTATIVE FROM WAVERLY IMPROVEMENT ASSOCIATION (OR ITS
25 DESIGNEE);

26 (7) 1 REPRESENTATIVE FROM A BUSINESS IN THE DISTRICT THAT IS LOCATED
27 WEST OF GREENMOUNT AVENUE OR ON THE WEST SIDE OF GREENMOUNT
28 AVENUE;

29 (8) 1 REPRESENTATIVE FROM A BUSINESS IN THE DISTRICT THAT IS LOCATED
30 EAST OF GREENMOUNT AVENUE OR ON THE EAST SIDE OF GREENMOUNT
31 AVENUE;

32 (9) 1 REPRESENTATIVE FROM WAVERLY MAIN STREET (OR DESIGNEE), WHO
33 MUST LIVE OR WORK WITHIN THIS URBAN RENEWAL AREA;

34 (10) 1 REPRESENTATIVE FROM A NON-PROFIT ORGANIZATION IN THE DISTRICT –
35 THE NON-PROFIT ORGANIZATION MUST BE A 501C(3) ORGANIZATION AS
36 DEFINED BY THE IRS;

37 (11) 1 NON-VOTING MEMBER WHO IS AN ARCHITECT;

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1 (12) 1 NON-VOTING MEMBER FROM THE BALTIMORE CITY COMMISSION FOR
2 HISTORICAL AND ARCHITECTURAL PRESERVATION; AND

3 (13) 1 NON-VOTING MEMBER FROM THE BALTIMORE CITY DEPARTMENT OF
4 PLANNING.

5 c. QUORUM FOR THE COMMUNITY REVIEW PANEL SHALL BE 5 VOTING MEMBERS.
6 A TIE VOTE MUST BE COUNTED AS A FAILURE OF THE MOTION.

7 d. MEETINGS WILL BE HELD AS NEEDED.

8 e. COMMUNITY REVIEW PANEL MEETINGS WILL BE POSTED ON THE WAVERLY
9 MAIN STREET WEBSITE ONE WEEK PRIOR TO THE MEETING DATE.

10 5. PLAN REVIEW

11 TO ENSURE THAT DEVELOPMENT IS CONSISTENT WITH THE REQUIREMENTS AND
12 OBJECTIVES OF THIS URBAN RENEWAL PLAN, ALL PLANS AND SPECIFICATIONS FOR
13 NEW CONSTRUCTION (INCLUDING PARKING LOTS) AND EXTERIOR REHABILITATION
14 FOR ANY PROPERTY MUST BE SUBMITTED FOR APPROVAL TO THE DEPARTMENT OF
15 HOUSING AND COMMUNITY DEVELOPMENT. THE PLAN REVIEW PROCESS BEGINS
16 WITH A BUILDING PERMIT APPLICATION TO DHCD:

17 A. THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST
18 FORWARD THE PERMIT APPLICATIONS FOR ALL NEW CONSTRUCTION AND FOR
19 ALL EXTERIOR REHABILITATION THAT INCLUDES SIGNIFICANT CHANGES THAT
20 ARE VISIBLE FROM A PUBLIC STREET TO THE COMMUNITY REVIEW PANEL IN
21 CARE OF WAVERLY MAIN STREET.

22 B. IN ADDITION TO MATERIAL GIVEN TO DHCD, DEVELOPERS OR PROPERTY
23 OWNERS ARE RESPONSIBLE FOR PROVIDING THE FOLLOWING INFORMATION TO
24 WAVERLY MAIN STREET FOR THE USE OF THE COMMUNITY REVIEW PANEL:

25 (1) FOR RENOVATIONS THAT CHANGE EXISTING BUILDING FACADES THAT ARE
26 VISIBLE FROM A PUBLIC STREET:

27 (A) PHOTOGRAPHS OF THE EXISTING FACADES AND NEIGHBORING
28 BUILDINGS;

29 (B) ELEVATIONS OF THE FACADES SHOWING THE PROPOSED CHANGES;

30 (C) ADDITIONAL DRAWINGS OR RENDERINGS AS NEEDED TO EXPLAIN THE
31 PROPOSED CHANGES; AND

32 (D) COLOR CHIPS AND SAMPLES OF PROPOSED MATERIALS.

33 (2) FOR PROJECTS THAT INCLUDE NEW STRUCTURES OR NEW BUILDING
34 ADDITIONS THAT ARE VISIBLE FROM A PUBLIC STREET:

35 (A) THE ITEMS LISTED ABOVE;

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- 1 (B) ELEVATIONS OF ALL OF THE FACADES;
- 2 (C) A COMPLETE SET OF FLOOR PLANS;
- 3 (D) A SITE PLAN SHOWING ADJACENT PROPERTIES AND STRUCTURES; AND
- 4 (E) A SMALL STUDY MODEL.

5 (3) THE SITE PLANS AND DRAWINGS MUST BE DRAWN TO A STANDARD
6 ARCHITECTURAL OR ENGINEERING SCALE. PHOTOGRAPHS AND
7 RENDERINGS MUST SHOW ENOUGH OF THE BLOCKS AND BUILDINGS
8 AROUND THE PROJECT SO THAT THE COMMUNITY REVIEW PANEL CAN
9 DETERMINE HOW SUCCESSFULLY THE PROJECT FITS IN WITH THE NEARBY
10 PARTS OF THE NEIGHBORHOOD.

11 C. THE PANEL WILL BE GIVEN A MAXIMUM OF 45 DAYS FROM THE DATE OF THE
12 RECEIPT OF THE REQUIRED INFORMATION FROM THE OWNER OR DEVELOPER TO
13 RESPOND WITH A RECOMMENDATION FOR APPROVAL OR DISAPPROVAL OF THE
14 PERMIT TO DHCD. THE PANEL MUST FORWARD ITS WRITTEN
15 RECOMMENDATION TO THE APPLICANT, THE DEPARTMENT OF PLANNING, AND
16 THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT. IF THE
17 COMMUNITY REVIEW PANEL RECOMMENDS DISAPPROVAL, A WRITTEN
18 EXPLANATION WILL BE PROVIDED DETAILING HOW THE PROPOSAL DID NOT
19 COMPLY WITH THE URBAN RENEWAL DESIGN STANDARDS. APPROVED PLANS
20 AND DRAWINGS WILL BE STAMPED BY THE COMMUNITY REVIEW PANEL
21 BEFORE THEY ARE FORWARDED TO THE DEPARTMENT OF HOUSING AND
22 COMMUNITY DEVELOPMENT.

23 D. ALL PROPERTY OWNERS AND DEVELOPERS ARE ENCOURAGED TO BRING THEIR
24 CONCEPTUAL AND PRELIMINARY DESIGNS TO THE COMMUNITY REVIEW PANEL
25 THROUGH WAVERLY MAIN STREET TO BEGIN A DIALOG WITH THE COMMUNITY
26 BEFORE THE PLANS ARE FINALIZED FOR THE CITY PERMITS. AN EARLY
27 PRESENTATION OF THE PLANS WILL OFTEN HELP THE PROPOSAL PROCEED
28 SMOOTHLY THROUGH THE APPROVAL PROCESS WITHOUT MAJOR AND COSTLY
29 LAST MINUTE CHANGES TO THE PLANS. PRELIMINARY PRESENTATIONS MAY
30 EXPEDITE THE PROCESS BUT DO NOT CHANGE THE FORMAL APPROVAL PROCESS
31 OUTLINED ABOVE.

32 E. IF THE PROJECT PLANS UNDERGO SUBSTANTIAL CHANGE BEFORE THE PERMITS
33 ARE APPROVED BY DHCD, THE REVISED PLANS MUST BE SUBMITTED TO THE
34 COMMUNITY REVIEW PANEL FOR ADDITIONAL REVIEW. THE PANEL WILL
35 HAVE 30 DAYS FROM THE RECEIPT OF THE NEW REQUIRED INFORMATION TO
36 REVIEW THE AMENDED PLANS PRIOR TO RESPONDING AGAIN IN WRITING TO THE
37 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

38 F. IF A DEVELOPMENT PROJECT LOCATED WITHIN THE BOUNDARIES OF THIS PLAN
39 IS REFERRED BY THE PLANNING DEPARTMENT OR DHCD TO THE CITY'S
40 URBAN DESIGN AND ARCHITECTURE REVIEW PANEL (UDARP) FOR DESIGN
41 REVIEW, THE PROJECT MUST ALSO BE REFERRED TO THIS COMMUNITY REVIEW
42 PANEL FOR REVIEW. THE COMMUNITY REVIEW PANEL WILL, WITHIN THE TIME
43 SPECIFIED FOR ITS COMMENTS, FORWARD ITS RECOMMENDATIONS TO THE

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1 COMMISSIONER SO THAT ITS VIEW, ALONG WITH THOSE OF THE CITY’S URBAN
2 DESIGN AND ARCHITECTURE REVIEW PANEL, CAN BE CONSIDERED IN THE
3 COMMISSIONER’S DECISIONS.

4 G. AFTER THE RECEIPT OF THE DECISION OF THE COMMUNITY REVIEW PANEL OR
5 AFTER THE TIME FRAME FOR THE COMMUNITY REVIEW PANEL DECISION
6 ESTABLISHED IN THIS DOCUMENT HAS ELAPSED, DHCD WILL APPROVE OR
7 DISAPPROVE THE PERMIT. DHCD MUST, TO THE BEST OF ITS ABILITY, BASE ITS
8 DECISION ON WHETHER THE PROPOSED PROJECT IS CONSISTENT WITH THE
9 OBJECTIVES OF THIS URBAN RENEWAL PLAN AND TAKE INTO CONSIDERATION
10 THE OPINION OF THE COMMUNITY REVIEW PANEL. THE COMMISSIONER OF
11 DHCD RETAINS THE FINAL RIGHT TO APPROVE OR DISAPPROVE ALL PLANS AND
12 PERMITS.

13 (7) Amend Exhibit 1, “Land Use Plan”, of the Plan, to reflect the change in land use
14 categories.

15 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for the Waverly
16 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Waverly
17 Business Area, revised to include Amendment __, dated April 30, 2007”, is approved. The
18 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
19 Department of Legislative Reference as a permanent public record, available for public
20 inspection and information.

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

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

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

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