

Introduced by: Councilmember Dorsey

Prepared by: Department of Legislative Reference

Date: January 23, 2019

Referred to: HOUSING AND URBAN AFFAIRS Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 14 - 0328

A BILL ENTITLED

AN ORDINANCE concerning



**Urban Renewal – Hamilton Business Area –
Amendment _**

FOR the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

- _____ Baltimore City Public School System
- _____ Baltimore Development Corporation
- _____ City Solicitor
- _____ Comptroller's Office
- _____ Department of Audits
- _____ Department of Finance
- _____ Department of General Services
- _____ Department of Housing and Community Development
- _____ Department of Human Resources
- _____ Department of Planning
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Board of Estimates
- _____ Board of Ethics
- _____ Board of Municipal and Zoning Appeals
- _____ Comm. for Historical and Architectural Preservation
- _____ Commission on Sustainability
- _____ Employees' Retirement System
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____
- _____ Environmental Control Board
- _____ Fire & Police Employees' Retirement System
- _____ Labor Commissioner
- _____ Parking Authority Board
- _____ Planning Commission
- _____ Wage Commission
- _____ Other: _____
- _____ Other: _____

Boards and Commissions

- _____ Department of Public Works
- _____ Department of Real Estate
- _____ Department of Recreation and Parks
- _____ Department of Transportation
- _____ Fire Department
- _____ Health Department
- _____ Mayor's Office of Employment Development
- _____ Mayor's Office of Human Services
- _____ Mayor's Office of Information Technology
- _____ Office of the Mayor
- _____ Police Department
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____

CITY OF BALTIMORE
ORDINANCE **19-247**
Council Bill 19-0328

Introduced by: Councilmember Dorsey
Introduced and read first time: January 28, 2019
Assigned to: Housing and Urban Affairs Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 15, 2019

AN ORDINANCE CONCERNING

**Urban Renewal – Hamilton Business Area –
Amendment 3**

1
2
3 FOR the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the
4 list of prohibited uses in the Community Business (now known as Community Commercial
5 per the enactment of Article 32 - Zoning) District; waiving certain content and procedural
6 requirements; making the provisions of this Ordinance severable; providing for the
7 application of this Ordinance in conjunction with certain other ordinances; and providing for
8 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)

14 **Recitals**

15 The Urban Renewal Plan for Hamilton Business Area was originally approved by the Mayor
16 and City Council of Baltimore by Ordinance 79-1207 and last amended by Ordinance 08-91.

17 An amendment to the Urban Renewal Plan for Hamilton Business Area is necessary to
18 modify the list of prohibited uses in the Community Business (now known as Community
19 Commercial per the enactment of Article 32 - Zoning) District.

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

23 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
24 following changes in the Urban Renewal Plan for Hamilton Business District are approved:

25 (1) In the Plan, amend B.2.a.(3)(a) 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.

Council Bill 19-0328

1 **B. Land Use Plan**

2 **2. Land Use Provisions and Standards**

3 **a. Permitted Uses**

4 ...
5 **(3) Community Business**

6 In the areas designated as Community Business on the Land Use Plan
7 Map, the following restrictions apply:

8 (a) Uses shall be limited to those uses permitted under the B-2-2
9 category of the Zoning Code of Baltimore City, with the exception
10 of the following uses, which are prohibited:

- 11 Bail bondsmen
12 Liquor and package goods stores
13 Pawnshops
14 Poultry and rabbit killing establishments
15 Rent-to-own stores
16 [Second hand stores]
17 Taverns.
18 ...

19 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Hamilton
20 Business Area, as amended by this Ordinance and identified as "Urban Renewal Plan, Hamilton
21 Business Area, revised to include Amendment 3, dated January 28, 2019", is approved. The
22 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
23 Department of Legislative Reference as a permanent public record, available for public
24 inspection and information.

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

30 **SECTION 4 3. AND BE IT FURTHER ORDAINED**, That if any provision of this Ordinance or the
31 application of this Ordinance to any person or circumstance is held invalid for any reason, the
32 invalidity does not affect any other provision or any other application of this Ordinance, and for
33 this purpose the provisions of this Ordinance are declared severable.

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

Council Bill 19-0328

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

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

Certified as duly passed this _____ day of APR 27 2019



President, Baltimore City Council

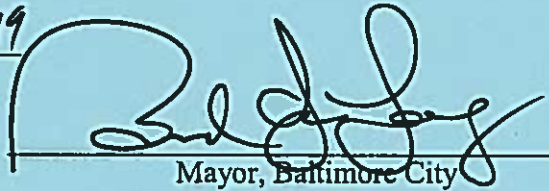
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of APR 27 2019



Chief Clerk

Approved this 24th day of April, 20 19



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

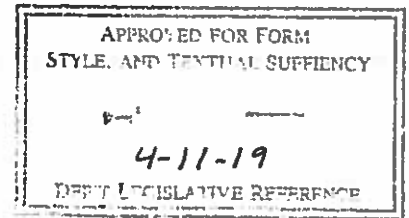
This 24th Day of April 2019



Chief Solicitor



AMENDMENTS TO COUNCIL BILL 19-0328
(1st Reader Copy)



By: Housing and Urban Affairs Committee

Amendment No. 1

On page 1, in line 3, in the blank, insert “3”; and, on page 2, in line 22, in the blank, insert “3”.

Amendment No. 2

On page 2, strike lines 26 through 30 in their entireties; on page 2, strikes lines 35 through 40 in their entireties; and, on page 3, strike lines 1 through 3 in their entireties.

Amendment No. 3

On page 2, in line 31, strike “4” and substitute “3”; and, on page 3, in line 4, strike “6” and substitute “4”.

ADOPTED

BALTIMORE CITY COUNCIL

Housing And Urban Affairs Committee

VOTING RECORD

DATE: 4-9-19

BILL#CC: 19 - 0328 BILL TITLE: Ordinance – Hamilton Business Area – Amendment

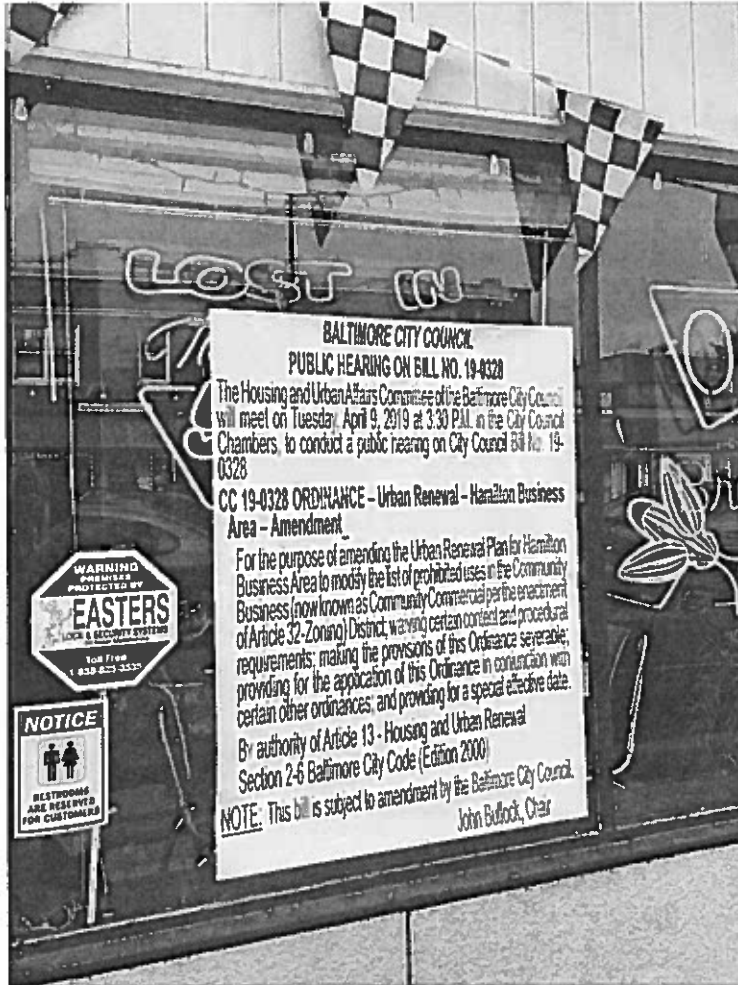
MOTION BY: PURGETT SECONDED BY: HENRY

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	10	0		

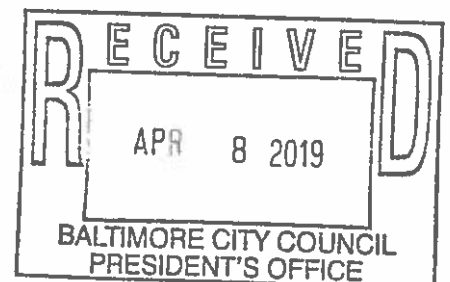
CHAIRPERSON: [Signature]
 COMMITTEE STAFF: Richard G. Krummerich, Initials: RK

**Certificate of Posting
Baltimore City Council
Hearing Notice
City Council Bill No. 19-0328**



5512 Harford Road, Baltimore, MD 21214

Posted 3/29/19





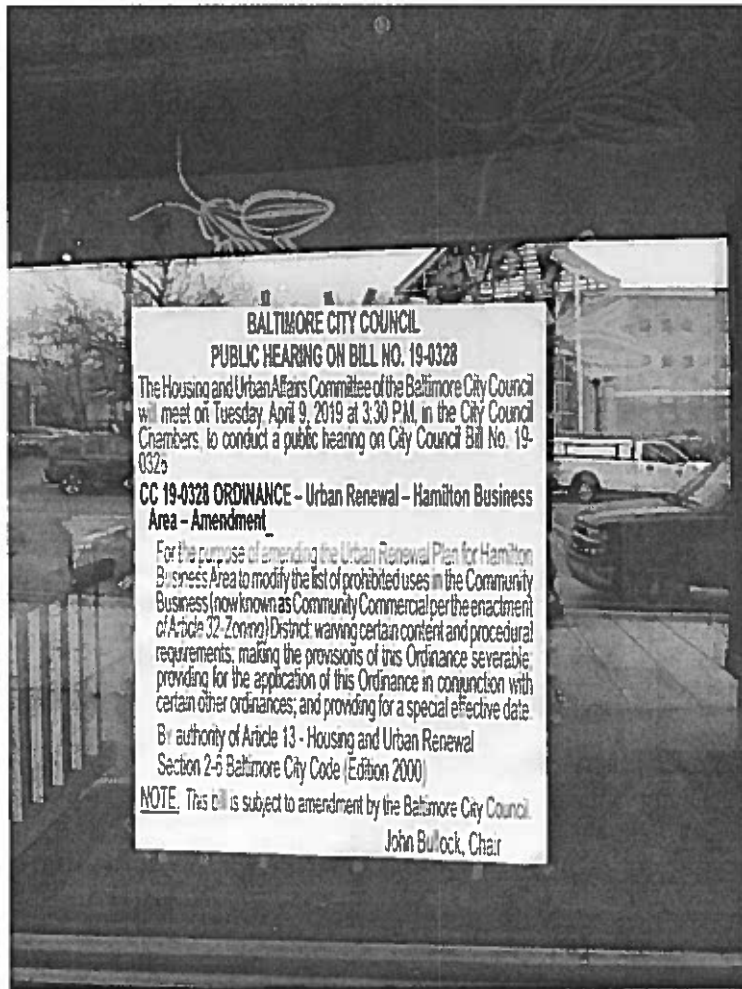
5416 Harford Rd, Baltimore, MD 21214

Posted 3/29/19



3015 Hamilton Ave, Baltimore, MD 21214

Posted 3/29/19



5406 Harford Rd, Baltimore, MD, 21214

Relocated from 5512 Harford on 4/1/19

Regina Lansinger

**Regina Lansinger, Director
Hamilton Lauraville Main Street**

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11722809

Case #:

Description:

Bill #19-0328 - Notice of Hearing on Tuesday, April 9, 2019 at 3:30 P.M.

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 2 times on the following dates:

3/28/2019

4/4/2019

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 19-0328

The Housing and Urban Affairs Committee of the Baltimore City Council will meet on Tuesday, April 9, 2019 at 3:30 P.M. in the City Council Chambers, to conduct a public hearing on City Council Bill No. 19-0328

CC 19-0328 ORDINANCE - Urban Renewal - Hamilton Business Area - Amendment - For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 22 Zoning) District; 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.

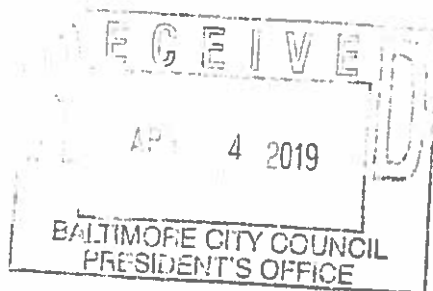
BY authority of


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

NOTE: This bill is subject to amendment by the Baltimore City Council.

JOHN BULLOCK
Chair

mh28.ap1



FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of , BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	Mayor and City Council Resolution 19-0328		

DATE March 5, 2019

TO

TO Housing and Urban Affairs Committee

INTRODUCTION

I am herein reporting on City Council Bill 19-0328 introduced by Councilman Dorsey.

PURPOSE

The purpose of the Bill is to amend the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 – Zoning) District; waive certain content and procedural requirements; make the provisions of this Ordinance severable; provide for the application of this Ordinance in conjunction with certain other ordinances; and provide for a special effective date.

BRIEF HISTORY

Ordinance 79-1207 established the Urban Renewal Plan for the Hamilton Business Area and was last amended by Ordinance 08-91. The Urban Renewal area includes both sides of Harford Road, from Gibbons Street to Evergreen Avenue, and both sides of Hamilton Avenue, roughly from Twin Oak to Hampnett Avenue. The purpose of the Urban Renewal Plan is to promote and preserve an active retail corridor that serves the surrounding communities of Hamilton Hills, Glenham Belhar, and Waltherson. The Urban Renewal plan is also part of the Hamilton-Lauraville Main Street organization. The Urban Renewal Plan imposes design guidelines for the rehabilitation of the commercial properties and listed uses that are not permitted within the Urban Renewal area. One of the prohibited uses is second-hand stores. City Council Bill 19-0328, if approved, would remove the prohibition of second-hand stores within the Hamilton Business Area.

FISCAL IMPACT

N/A

AGENCY/DEPARTMENT POSITION

The Department of Public Works has no objection to the passage of City Council Bill 19-0328.

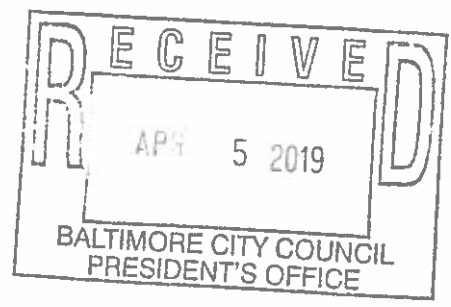
If you have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960 (Marcia.Collins@baltimorecity.gov).

Sincerely,


Rudolph S. Chow, P.E.
Director

RSC:MMC

No obj.





MEMORANDUM

DATE: February 12, 2019
TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary
FROM: William H. Cole, President and CEO
POSITION: Support
SUBJECT: City Council Bill 19-0328 – Hamilton Business Area – Amendment_

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0328, for the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business District; waving 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.

PURPOSE

An amendment to the Urban Renewal Plan for the Hamilton Business Area is necessary to modify the list of prohibited uses in the Community Business District.

BRIEF HISTORY

The Urban Renewal Plan is an overlay to the zoning ordinance that is more restrictive than the City's zoning. The Urban Renewal Plan for the Hamilton Business Area prohibits certain uses and the amendment seeks to remove one of those restricted uses [second hand stores] from the list of prohibited uses. By removing this restriction, it allows businesses of that type that were otherwise prohibited, to operate on the business corridor.

FISCAL IMPACT

NONE

AGENCY POSITION

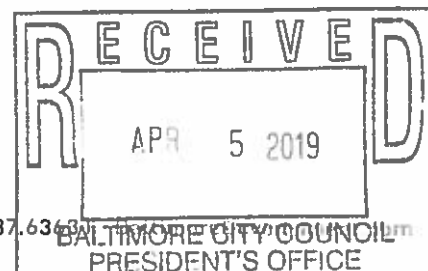
BDC is in support of City Council Bill 19-0328.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Jeffrey Amoros

[SC]

F



The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

Order #: 11722809
Case #:
Description:

Bill #19-0328 - Notice of Hearing on Tuesday, April 9, 2019 at 3:30 P.M.

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3/28/2019 4/4/2019

Darlene Miller, Public Notice Coordinator
(Representative Signature)

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0328**

The Housing and Urban Affairs Committee of the Baltimore City Council will meet on Tuesday, April 9, 2019 at 3:30 P.M. in the City Council Chambers, to conduct a public hearing on City Council Bill No. 19-0328

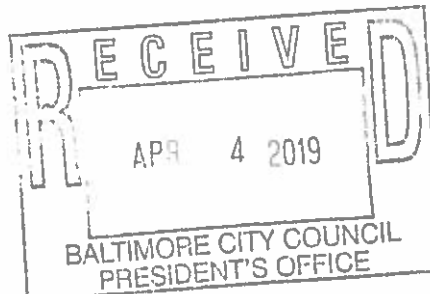
CC 19-0328 ORDINANCE - Urban Renewal - Hamilton Business Area - Amendment - For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 Zoning) District; 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)

NOTE: This bill is subject to amendment by the Baltimore City Council.

JOHN BULLOCK
Chair

mh28.ap1





BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner

Date: March 29, 2019

Re: **City Council Bill 19-0328, Urban Renewal – Hamilton Business Area – Amendment**

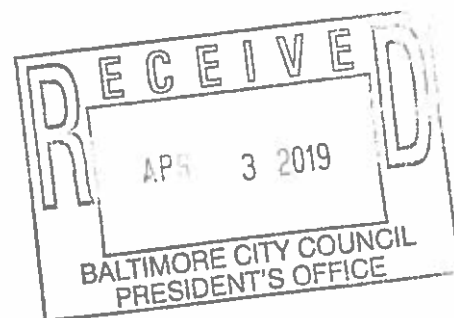
The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0328, for the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business District; waiving certain content and procedural requirements; 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.

If enacted, this bill will remove a provision in the Hamilton Business Area Urban Renewal Plan that prohibits second-hand stores. This bill is intended to remove a restriction that may deter future businesses from moving to the area.

DHCD supports the passage of City Council Bill 19-0328.

MB:td

cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*



CITY OF BALTIMORE

CATHERINE E PUGH, Mayor

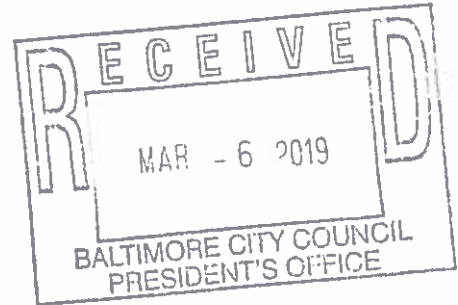


DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

March 6, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 19-0328 – Urban Renewal – Hamilton Business Area –
Amendment

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0328 for form and legal sufficiency. The bill seeks to remove the existing prohibition on “second hand stores” from Section B.2 of the Hamilton Business Area Urban Renewal Plan (the “Plan”).

The City Department of Housing and Community Development must give this proposed amendment to the “Hamilton Businessmen’s Association and local improvement associations or their successors, for their review and comment” at or before the time the Planning Commission receives the proposed amendment. Plan, ¶ G.2. The associations have three weeks to respond to any proposed change. Plan, ¶ G.2. There must be a public hearing on the change. Plan, ¶ G.2. At least ten days before that hearing, the associations must be given written notice of the date and time of that hearing. Plan, ¶ G.2. “With respect to any land in the Project Area previously disposed of by the City for use in accordance with the urban renewal plan, the then owner of such land whose interests therein are materially affected by such changes shall receive at least ten days prior to such hearing, written notice of the time and place of such hearing and information as to where a copy of the proposed amendments may be inspected.” Plan, ¶ G.2.

Although Section 3 of this bill appears to negate the effect of these notice requirements if they are not followed, Section 3 cannot accomplish this goal. *See, e.g., Blackwell v. City Council for City of Seat Pleasant*, 94 Md. App. 393 (1992) (informing public that a law has changed after the fact did not satisfy requirement that public be notified in a certain way before law becomes effective). Although this bill could be amended to delete Section G of the Plan, the language in Section G would govern the adoption of that amendment and require certain notice of that change. Thus, Section 3 of this bill must be deleted.

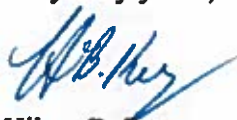
Additionally, the Council should consider rewording Section 5 as it is vague and confusing in this context because the Plan is based on the old zoning code and its land use categories. It is unclear if Section 5 intends to effectuate a change to those categories and if so, how. Moreover, the City’s Zoning Code already provides for the interaction between its mandates and the terms in an Urban Renewal Plan. City Code, Art. 32, §1-204(b). While this



provision may be an attempt to mirror that requirement, it goes beyond it in scope and in citing codes like the building and electrical codes. The Law Department recommends deleting Section 5.

Any changes in an Urban Renewal plan, such as these changes, must be made by ordinance. City Code, Art. 13, §2-6(g). Subject to the foregoing two amendments and the requisite notice requirements, the Law Department can approve City Council Bill 19-0328 for form and legal sufficiency.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Terval, Chief Solicitor
Ashlea Brown, Assistant Solicitor

AMENDMENTS TO COUNCIL BILL 19-0328
(1st Reader Copy)

Proposed by: Law Dep't

Amendment No. 1

On page 2, delete lines 26 through 30.

Amendment No. 2

On page 2, delete lines 35 through 40. And on page 3, delete lines 1 through 3.

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: February 28, 2019
RE: City Council Bill 19-0328

Peter Little



PARKING
OF BALTIMORE CITY
AUTHORITY

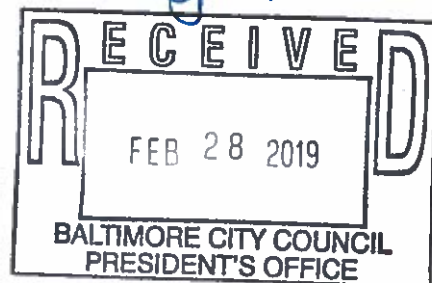
I am herein reporting on City Council Bill 19-0328 introduced by Councilman Dorsey.

The purpose of this bill is to amend the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Commercial District to delete "Second hand stores."

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation does not reference parking; however, the Parking Authority does administer on-street metered parking within the boundaries of the Hamilton Business Area. The scope of this request will not affect on-street or off-street parking.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 19-0328.

No objection



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0328 / URBAN RENEWAL – HAMILTON BUSINESS AREA – AMENDMENT _____		

TO

DATE:

February 25, 2019

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of February 21, 2019, the Planning Commission considered City Council Bill #19-0328, for the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0328 and adopted the following resolution; nine members being present (nine in favor):

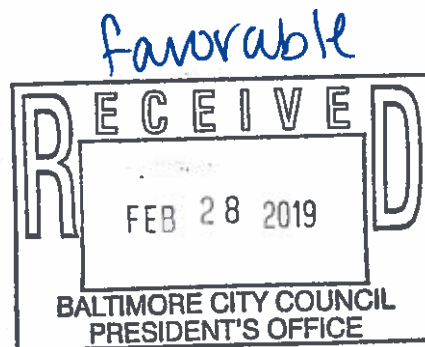
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0328 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
The Honorable Ryan Dorsey, 3rd Council District
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DCHD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Michael Castagnola, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services





Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

February 21, 2019

REQUESTS: City Council Bill #19-0328/ Urban Renewal – Hamilton Business Area – Amendment :

For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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.

RECOMMENDATIONS: Approval

STAFF: Carmen Morosan and Eric Tiso

INTRODUCED BY: Councilmember Dorsey

SITE/GENERAL AREA:

The Hamilton Business Renewal area is located in Northeast Baltimore along Harford Road in the Lauraville-Hamilton Main Street area. The boundaries of the plan are Evergreen Avenue to the North, Hampnett Avenue to the East, Arabia Avenue to the West and Gibbons Avenue to the South. Most of the Urban Renewal Plan (URP) area is zoned C-1, with two exceptions: four properties at the end of the 3300 Block of Hamilton Avenue, which are zoned OR-1 and 3009 Evergreen Avenue, which is zoned R-3.

The URP area is bounded by three neighborhoods: Hamilton Hills, Glenham Belhar and Waltherson. The URP area is part of the Hamilton-Lauraville Main Street organization whose mission is to revitalize and support local businesses in the commercial district.

The plan identifies three land use categories: residential coinciding with the R-3 areas, office-residential, occurring in the OR-1 area, and community business in the C-1 zoning district. In the community business land use category, the following uses are not permitted: Bail bondsmen; Liquor and package goods stores; Pawnshops; Poultry and rabbit-killing establishments; Rent-to-own stores; Second hand stores; and Taverns. The URP has strict design guidelines for property rehabilitation, such as windows, signs, roofs, off-street parking requirements, etc.

The Hamilton Business URP does not have an expiration date. The language states that it shall be in effect for no less than twenty years following the date of approval by the Mayor and City Council.

HISTORY

- Ordinance #79-1207, dated November 30, 1979, established the Hamilton Business Area Urban Renewal Plan (URP).
- Ordinance #08-91, dated December 11, 2008, approved the second amendment to this Hamilton URP.

The Hamilton Business Area Urban Renewal Plan (URP) was originally approved by the Mayor and City Council in November 30, 1979. Since then, the URP has been amended two times: in 1995 by City Ordinance #95-564, and most recently in 2008 by City Ordinance #08-91.

The main goal of the URP was the revitalization of the Hamilton Business Area by accomplishing the following objectives:

- a. Establishing a positive and identifiable image for the Hamilton Business Area;
- b. Promoting new retail business activity in the area;
- c. Establishing minimum, comprehensive design and rehabilitation standards that will enhance the business area through private investment; and
- d. Bringing about a general physical improvement of the area through coordinated public improvements.

ANALYSIS


Purpose: This bill was introduced in order to allow a second-hand store to open in this URP by deleting the specific use prohibition on second-hand stores in Section B.2.a.(3).(a) of the plan. This bill represents the minimum change needed to allow for second-hand stores to locate within the URP area. The purpose for allowing second hand stores is to diversify the uses in the URP area and allow for a wider range of retail businesses to locate in the commercial corridor. Over the past few years, several businesses have either moved from the area or closed, leaving vacant storefront buildings along Harford Road in Hamilton. It is important for the revitalization and survival of the Hamilton Main Street corridor to allow for a multitude of retail and business entities geared towards serving the residents of the surrounding communities to move to the area. Planning staff supports this amendment because it will remove a layer of restriction that can deter future businesses from moving to the area.

Notification: The following groups have been notified of this action: the Hamilton Hills Neighborhood Association, the Waltherson Improvement Association, the Glenham-Belhar Community Association, HARBEL, Hamilton-Lauraville Main Street, and the Hamilton Business Association.

As of this writing, staff has received letters from Hamilton-Lauraville Main Street, the Hamilton Business Association, the Glenham-Belhar Community Association, the Hamilton Hills Neighborhood Association, as well as from several individuals.



Chris Ryer
Director

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0328		

TO: Mayor Catherine E. Pugh
 TO: Housing and Urban Affairs Committee
 FROM: Department of Transportation
 POSITION: No Objection
 RE: Council Bill – 19-0328

DATE: 2/8/19

INTRODUCTION – Urban Renewal – Hamilton Business Area – Amendment

PURPOSE/PLANS – For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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.

COMMENTS – Baltimore City Department of Transportation defers to Baltimore City Department of Planning recommendation.

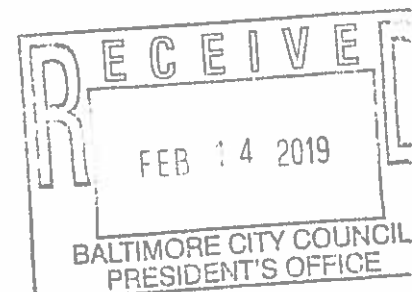
AGENCY/DEPARTMENT POSITION –

The Department of Transportation has no objection City Council bill 19-0328.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,


 Michelle Pourciau
 Director



CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Bill Henry, Member Shannon Sneed, Member Zeke Cohen, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0328

Urban Renewal - Hamilton Business Area - Amendment _

For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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.

Sponsors: Ryan Dorsey

A motion was made by Member Dorsey, seconded by Member Henry, that this Ordinance be Recommended Favorably with Amendment . The motion carried by the following vote:

Yes: 7 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Henry, Member Sneed, Member Cohen, and Member Dorsey

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



HEARING NOTES

Bill: CC 19-0328

Ordinance – Urban Renewal – Hamilton Business Area– Amendment

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: April 9, 2019
Time (Beginning): 3:37 PM
Time (Ending): 4:55 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 36
Committee Members in Attendance:
John Bullock Zeke Cohen
Isaac "Yitzy" Schleifer Ryan Dorsey
Kristerfer Burnett
Bill Henry
Sharon Sneed

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?.....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input checked="" type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Dorsey		
Seconded by:	Councilmember Henry		
Final Vote:	Fav. with Amendments		

Major Speakers

(This is not an attendance record.)

- Councilmember Ryan Dorsey (D.3)
- Hillary Ruley - Law Department
- Regina Lansinger - Hamilton Business Association

- Nia Blom - Neighborhood Association President
- Dian Coombs - Community Resident
- Leslie Stabile - Cedarcroft Resident

Major Issues Discussed

1. Chair Bullock convened the Hearing and welcomed the assembled guests. He then recognized Councilmember Ryan Dorsey, the sponsor of the Legislation.
2. Member Dorsey explained he introduced this bill to aid the Hamilton Business District by allowing businesses that sell used goods.
3. Community residents are concerned that second hand stores could be a magnet for stolen goods and wanted them to be treated like pawn shops.
4. The Law Department opined that it is not legal to have a reporting requirement only for stores in an Urban Renewal Plan.
5. Technical Amendments were made to the Bill and it passed unanimously.
6. The Hearing was adjourned.

Further Study

Was further study requested? Yes No

If yes, describe.

Committee Vote:

J. Bullock:..... Yea
 I. Schleifer: Yea
 K. Burnett: Yea
 B. Henry: Yea
 S. Sneed: Yea
 Z. Cohen: Yea :
 R. Dorsey : Yea
 :
 :
 :
 :
 :

Richard G. Krummerich, Committee Staff

Date: 4-10-19

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE

CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: * Housing and Urban Affairs

Chairperson: * John Bullock

Date: April 9, 2019

Time: 3:30 PM

Place: * Council Chambers

Subject: * - Ordinance – Urban Renewal – Hamilton Business Area – Amendment

CC Bill Number 19-0328

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Regina	Lansinger		5500 Harford RD	21224	Regina@hamiltonbusinessarea.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Mia	Blum		5807 Hampden RD		President@hamiltonbusinessarea.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Dian	Combs		Hamden Hill N.A.	21214	dian.combs@CNF.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Adaneh	Smart-Smith		5602 Plymouth Road	21214	nsmartsmith@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Leslie	Stabile		9101 Fairfairs	21224	codersangina@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Helene	Quinn		3201 Southern Ave	21214	quinn-helene@comcast.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
John	Rhodes		5608 FAIR OAK AVE	21214	prophet561e@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Vanya	Jones		2115 Hamilton Ave	21214	vjones10@hotmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Mica	Kertz		550 C		wfkgz@baltimoreadvisement.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Margaret	Green		2nd			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: * Housing and Urban Affairs

Chairperson: * John Bullock

Date: April 9, 2019

Time: 3:30 PM

Place: * Council Chambers

Subject: * - Ordinance – Urban Renewal – Hamilton Business Area – Amendment

CC Bill Number 19-0328

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Beverly	Jackson	4905	Ross Rd	21214	bjackson9@aol.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Michael	Jackson	4905	Russ Rd	21214	—	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ward	Carson	2209	WHITE AVE	21214	—	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Carina	Moreno			21200						
Sharon	Johnson		4150							
Madeline	Tyler	2902	Gibbons Ave	21214	mtg15r99@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

Krummerich, Richard

From: GHBH Community Association <ghbhpres@gmail.com>
Sent: Thursday, April 4, 2019 4:15 PM
To: Dorsey, Ryan
Cc: Krummerich, Richard; Mia Blom-Public; Helene Quinn
Subject: Council Bill 19-0328
Attachments: Dorsey-URP-2019-404.pdf

Dear Councilman Dorsey,

The community associations of Hamilton Hills, Glenham-Belhar, and Waltherson respectfully ask that you hold Council Bill 19-0328, the amendment to allow second-hand stores under the Hamilton Urban Renewal Plan (URP), until it is modified to better clarify which types of dealers are permitted under the Hamilton URP using the definitions in Article 2, Subtitle 12 (SECOND-HAND PROPERTY, ANTIQUES, AND CONSIGNMENT GOODS) in the Baltimore City Code.

Our suggestion is that Council Bill 19-0328 be amended to state that antique dealers and consignment goods dealers are allowed under the Hamilton URP, but second-hand personal property dealers are not and that all dealers must follow all required licensing, reporting, and record-keeping as appropriate for their business type under Article 2, Subtitle 12 of the Baltimore City Code.

We explain our rationale for this suggestion and our concerns with the current version of Council Bill 19-0328 in the attached letter. We would welcome the opportunity to work with you on a revised amendment that meets the needs of prospective business owners and helps strengthen our business district while continuing to protect our community from operations with a "quick cash" business model that takes advantage of vulnerable residents and may encourage crime.

We look forward to hearing from you.

++++
Anne Yastremski
President
Glenham-Belhar Community Association
Cell: 443-948-4341
++++



Glenham-Belhar
Community Association



April 4, 2019

Councilman Ryan Dorsey
Baltimore City Council
100 N. Holliday Street, Ste. 500
Baltimore, MD 21202

Dear Councilman Dorsey:

We are writing to you concerning Council Bill 19-0328, a proposed amendment to the Hamilton Urban Renewal Plan (URP) to remove the prohibition on second-hand stores within the Hamilton Business District. This district is contained within the communities of Hamilton Hills, Glenham-Belhar, and Waltherson where we currently serve as community association presidents.

We ask that you hold the amendment until it is modified to better clarify which types of dealers are permitted under the Hamilton URP using the definitions in Article 2, Subtitle 12 (SECOND-HAND PROPERTY, ANTIQUES, AND CONSIGNMENT GOODS) in the Baltimore City Code.

Our suggestion is that Council Bill 19-0328 be amended to state that antique dealers and consignment goods dealers are allowed under the Hamilton URP, but second-hand personal property dealers are not and that all dealers must follow all required licensing, reporting, and record-keeping as appropriate for their business type under Article 2, Subtitle 12 of the Baltimore City Code.

We believe that this clarification is necessary for the following reasons:

- 1) As recently as 2008, when the Hamilton URP was last amended, our community had a problem in the Hamilton Business District with second-hand stores that sold used electronics, appliances, and other goods. Business and community leaders at that time recognized that in order to attract viable businesses to Harford Road, these businesses needed to be limited and thus amended the Hamilton URP to prohibit them. The Hamilton Business District has not materially changed since 2008 to warrant allowing all second-hand dealers.
- 2) Our area of the city is faced with many residential burglaries including several large-scale burglary rings in the past few years. Electronics, musical instruments, and other household goods were taken from many residences and then sold for "quick cash" to stores throughout the city. We do not want to make it easier for burglars to find a market for these goods in our community.
- 3) Like other communities in Baltimore City, our area also struggles with many residents suffering from substance misuse issues that sometimes makes them the victim of people using them to sell illegally obtained goods in the hopes of getting "quick cash" or even liquidating household goods of their own or their local family members in the hopes of getting "quick cash." Again, we do not want to exacerbate this issue by encouraging this behavior in our community.

April 4, 2019
Councilman Ryan Dorsey
Page 2

We believe that by limiting the types of dealers allowed in the Hamilton Business District using the existing definitions in Baltimore City Code, we can meet the needs of prospective business owners and help strengthen our business district while also protecting our community from operations with a "quick cash" business model that takes advantage of vulnerable residents and may encourage crime.

It is interesting to note that Baltimore City Code appears to recognize a similar distinction between the various business models as consignment goods dealers are required to keep records of transactions and consigners but are not subject to the daily reporting to police or holding periods of other dealers. Similarly, a dealer is exempt from the reporting and holding requirements (but not the record-keeping) if the goods are obtained from public auctions, public sales, a personal representative of someone who has died, and several other sources that typically describe how most antique dealers acquire their goods for sale. It appears from reading the code that it was written with the idea that second-hand personal property dealers are a potential market for illegally obtained goods and thus daily reporting to police and a holding period are necessary to give police and crime victims an opportunity to identify stolen property.

In Article 2, Subtitle 12 of the Baltimore City Code, antique dealers are defined as "any person engaged in the business of buying for resale, trade, or transfer personal property that has special value because of its age, including but not limited to paintings, clothing, furniture, glass, ceramics, rugs, silverware, carvings, sculpture, and other moveable personal property, excluding motor vehicles, records, tapes, compact discs, and books." Consignment goods dealers are defined as "any person receiving consignment goods for the purpose of selling them" while consignment goods are defined as including "all categories of moveable personal property enumerated in subsections (b) and (f) of this section" (i.e. personal property including but not limited to paintings, clothing, furniture, glass, ceramics, rugs, silverware, carvings, sculpture, and other moveable personal property (regardless of the age of the goods), excluding motor vehicles, records, tapes, compact discs, and books).

Currently, business that sell used books and records are already allowed under the Hamilton URP. The other types of businesses we have heard residents say they want are antique stores and clothing consignment stores (especially for children's clothing). This modification to the amendment would allow the business types residents have said they would like to see while maintaining some of the protections against second-hand stores that business owners and community members recognized in 2008 and took action to mitigate.

We ask that Council Bill 19-0328 not leave the Housing and Urban Affairs Committee until it has been further clarified. Thank you in advance for considering our request in your deliberations on this matter.

Respectfully,

Mia Blom

Mia Blom
President
Hamilton Hills
Neighborhood Association

Anne Yastremski

Anne Yastremski
President
Glenham-Belhar
Community Association

Helene Quinn

Helene Quinn
President
Waltherson
Improvement Association

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Housing and Urban Affairs Committee

Tuesday, April 9, 2019

3:30 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0328

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0328

Urban Renewal - Hamilton Business Area - Amendment _

For the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 19-0328

Ordinance – Urban Renewal – Hamilton Business Area - Amendment_

Sponsor: Councilmember Dorsey

Introduced: January 28, 2019

Purpose:

For the purpose of amending the Urban Renewal Plan for the Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32-Zoning); 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.

Effective: Upon enactment

Hearing Date/Time/Location: April 9, 2019 at 3:30 PM in the Council Chambers

Agency Reports

Baltimore Development Corporation	Favorable
CHAP	
Planning Commission	Favorable
Department of Transportation	No Objection
Department of Public Works	No Objection
Department of Law	Favorable/Amend
Department of Housing and Community Development	Favorable
Parking Authority	Favorable

Analysis

Current Law

The Hamilton Business Area Urban Renewal Plan was created by Ordinance 79-1207 on November 30, 1979. It was amended by Ordinance 95-564 on June 13, 1995 and Ordinance 08-91 on December 11, 2018.

Background

The Hamilton Business Area Urban Renewal Plan is located in Northeast Baltimore along Harford Road. The Boundaries are generally: Evergreen Avenue to the North, Gibbons Avenue to the South, Hampnett Avenue to the East, and Arabia Avenue to the West It serves as the commercial strip for several residential neighborhoods.

Ordinance 08-91 established a new Community Business Land Use Category (now known as Community Commercial) and restricted uses in the District to those allowed under the B-2-2 Zoning Category with the exception that following list is not allowed in the District.

1. Bail Bondsman
2. Check Cashing Agencies
3. Liquor and Package Good Stores
4. Pawn Shops
5. Poultry and Rabbit Killing Establishments
6. Religious Institutions, as follows: Churches, Temples and Synagogues
7. Rent-to-own- Stores
8. Second –Hand Stores
9. Soup Kitchens
10. Taverns.

CC 19-0328 Amends the Urban Renewal Plan for Hamilton business by creating a new list of prohibited uses as follows

1. Bail Bondsmen
2. Liquor and package good stores
3. Pawnshops
4. Poultry and rabbit killing establishments
5. Rent – to –own stores
6. Taverns.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RL* Direct Inquiries to: 410-396-1266
Analysis Date: 04 -05-19

**CITY OF BALTIMORE
COUNCIL BILL 19-0328
(First Reader)**

Introduced by: Councilmember Dorsey

Introduced and read first time: January 28, 2019

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Department of Public Works, Commission for Historical and Architectural Preservation, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Hamilton Business Area –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the
5 list of prohibited uses in the Community Business (now known as Community Commercial
6 per the enactment of Article 32 - Zoning) District; 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 Hamilton Business Area was originally approved by the Mayor
17 and City Council of Baltimore by Ordinance 79-1207 and last amended by Ordinance 08-91.

18 An amendment to the Urban Renewal Plan for Hamilton Business Area is necessary to
19 modify the list of prohibited uses in the Community Business (now known as Community
20 Commercial per the enactment of Article 32 - Zoning) District.

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

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

Council Bill 19-0328

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

2 B. Land Use Plan

3 2. Land Use Provisions and Standards

4 a. Permitted Uses

5
6 (3) Community Business

7 In the areas designated as Community Business on the Land Use Plan
8 Map, the following restrictions apply:

9 (a) Uses shall be limited to those uses permitted under the B-2-2
10 category of the Zoning Code of Baltimore City, with the exception
11 of the following uses, which are prohibited:

12 Bail bondsmen
13 Liquor and package goods stores
14 Pawnshops
15 Poultry and rabbit killing establishments
16 Rent-to-own stores
17 [Second hand stores]
18 Taverns.
19

20 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Hamilton
21 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hamilton
22 Business Area, revised to include Amendment __, dated January 28, 2019”, 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.

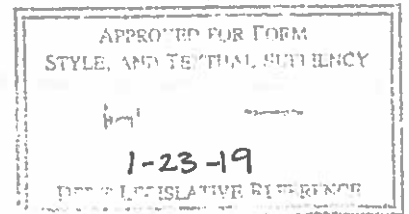
35 **SECTION 5. AND BE IT FURTHER ORDAINED,** That if a provision of this Ordinance concerns
36 the same subject as a provision of any zoning, building, electrical, plumbing, health, fire, or
37 safety law or regulation, the applicable provisions shall be construed to give effect to each.
38 However, 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

Council Bill 19-0328

1 establishes a lower standard for the protection of the public health and safety, the provision of
2 this Ordinance prevails and the other conflicting provision is repealed to the extent of the
3 conflict.

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Dorsey

A BILL ENTITLED

AN ORDINANCE concerning

**Urban Renewal – Hamilton Business Area –
Amendment _**

FOR the purpose of amending the Urban Renewal Plan for Hamilton Business Area to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District; 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 Hamilton Business Area was originally approved by the Mayor and City Council of Baltimore by Ordinance 79-1207 and last amended by Ordinance 08-91.

An amendment to the Urban Renewal Plan for Hamilton Business Area is necessary to modify the list of prohibited uses in the Community Business (now known as Community Commercial per the enactment of Article 32 - Zoning) District.

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

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the following changes in the Urban Renewal Plan for Hamilton Business District are approved:

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

B. Land Use Plan

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

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

2. Land Use Provisions and Standards

a. Permitted Uses

...

(3) Community Business

In the areas designated as Community Business on the Land Use Plan Map, the following restrictions apply:

- (a) Uses shall be limited to those uses permitted under the B-2-2 category of the Zoning Code of Baltimore City, with the exception of the following uses, which are prohibited:

Bail bondsmen
Liquor and package goods stores
Pawnshops
Poultry and rabbit killing establishments
Rent-to-own stores
[Second hand stores]
Taverns.

...

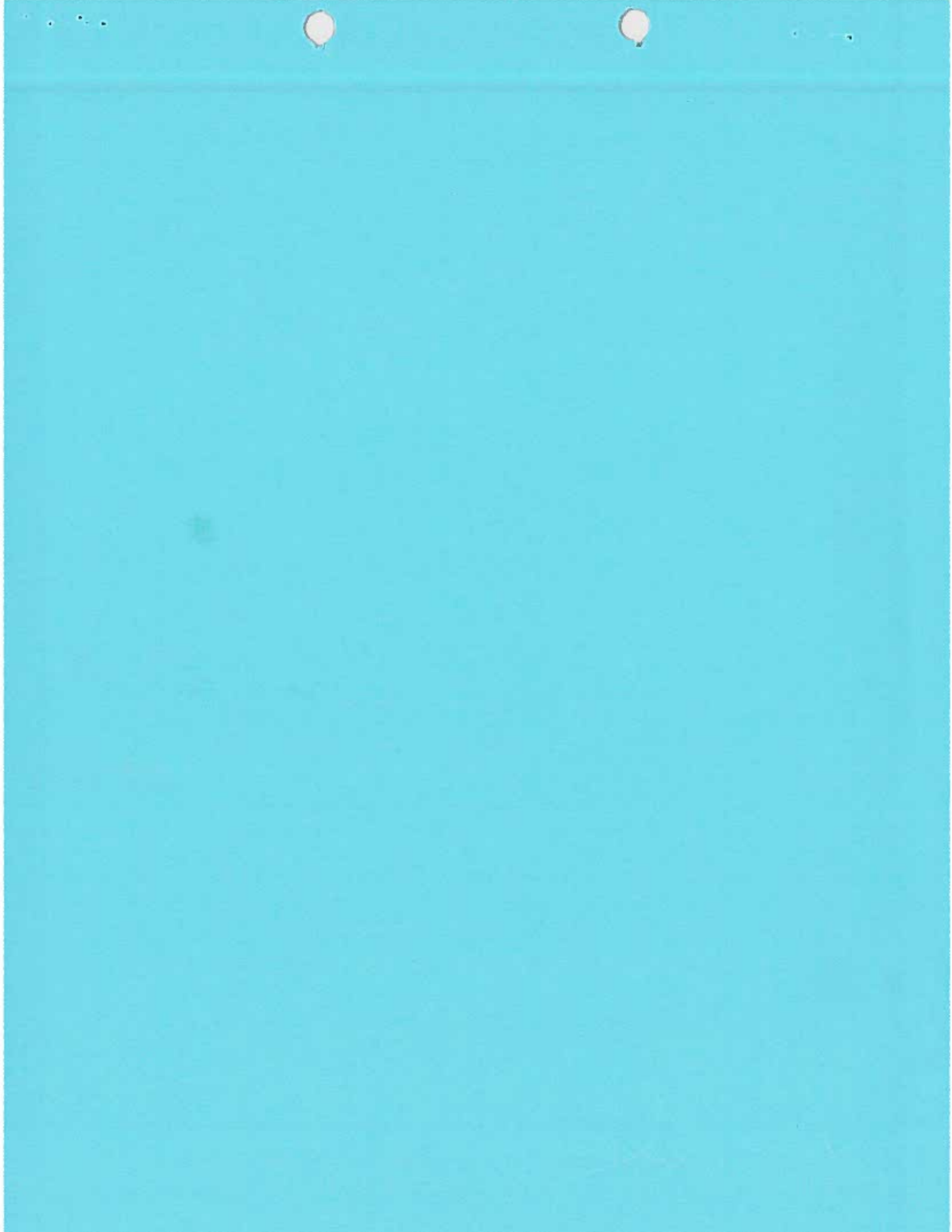
SECTION 2. AND BE IT FURTHER ORDAINED, That the Urban Renewal Plan for Hamilton Business Area, as amended by this Ordinance and identified as "Urban Renewal Plan, Hamilton Business Area, revised to include Amendment __, dated January 28, 2019", is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

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

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

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

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



ACTION BY THE CITY COUNCIL

JAN 28 2019
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON April 9 _____ 20 19

COMMITTEE REPORT AS OF April 15 _____ 20 19

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Signature]

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

APR 15 2019
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ APR 22 2019

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]

President

[Signature]

Chief Clerk