

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0023**

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Introduced by: Councilmember Reisinger

At the request of: Gateway South, LLC

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: January 28, 2008

Assigned to: Urban Affairs and Aging Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 7, 2008

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**AN ORDINANCE CONCERNING**

**Urban Renewal – Carroll Camden –  
Amendment 4**

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2  
3 FOR the purpose of amending the Urban Renewal Plan for Carroll Camden to permit additional  
4 land use categories within the Project Area, to amend the list of prohibited uses of a certain  
5 land use category, to waive existing height limitations within the Project Area, to revise  
6 certain exhibits to reflect the changes in the Plan, and conforming certain references and  
7 language; waiving certain content and procedural requirements; making the provisions of this  
8 Ordinance severable; providing for the application of this Ordinance in conjunction with  
9 certain other ordinances; and providing for 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)

**Recitals**

16 The Urban Renewal Plan for Carroll Camden was originally approved by the Mayor and City  
17 Council of Baltimore by Ordinance 02-296 and last amended by Ordinance 07-548.

18 An amendment to the Urban Renewal Plan for Carroll Camden is necessary to permit  
19 additional land use categories within the Project Area, to amend the list of prohibited uses of a  
20 certain land use category, to waive existing height limitations within the Project Area, to revise  
21 certain exhibits to reflect the changes in the Plan, and to conform certain references and  
22 language.

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

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

4 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
5 following changes in the Urban Renewal Plan for Carroll Camden are approved:

6 (1) In the Plan, in D.1., amend the first paragraph, and insert new subparagraph a. to read  
7 as follows:

8 1. Permitted Land Uses

9 Only the use categories shown on the Land Use Plan, Exhibit 3, shall be permitted  
10 within the Project Area. These are COMMUNITY BUSINESS, Community  
11 Commercial, Public, [and] Industrial, AND OPEN SPACE. Accessory uses  
12 including landscaping, off-street parking, and loading will be permitted. In  
13 addition, certain uses will be permitted to continue, subject to the provisions  
14 governing [non-conforming] NONCONFORMING USES and [non-complying]  
15 NONCOMPLYING [uses] STRUCTURES set forth in Section D.1.[h] j. and D.1.[i] k.  
16 below.

17 A. COMMUNITY BUSINESS

18 IN THE AREA DESIGNATED AS COMMUNITY BUSINESS ON THE LAND USE PLAN,  
19 THE USES ALLOWED ARE THOSE LISTED UNDER THE B-2 CATEGORY OF THE  
20 BALTIMORE CITY ZONING CODE, EXCEPT FOR RESIDENTIAL.

21 (2) In the Plan, in D.1., delete the existing subparagraph letterings, a. through g.,  
22 respectively, substitute b. through h., respectively, and, after h., insert new  
23 subparagraph i. to read as follows:

24 I. OPEN SPACE

25 IN THE AREA DESIGNATED AS OPEN SPACE ON THE LAND USE PLAN, THE USES  
26 ALLOWED ARE THOSE LISTED UNDER THE OS/OPEN SPACE CATEGORY OF THE  
27 BALTIMORE CITY ZONING CODE.

28 (3) In the Plan, amend D.1.h. to read as follows:

29 H. [g.] Heavy Industrial

30 In the area designated as Heavy Industrial on the Land Use Plan, the uses  
31 allowed are those as listed under the M-3 category of the Baltimore City  
32 Zoning Code, except for:

33 abattoirs; abrasives-manufacturing; acids-manufacturing; alcohol  
34 distillation; ammonia-manufacturing; arsenals; asbestos products-  
35 manufacturing; asphaltic mix plants; atomic reactors; auditoriums;  
36 automobile dismantling or scrapping; bituminous products: processing;  
37 cement-manufacturing; charcoal-manufacturing; charcoal products:  
38 processing; chemicals and allied products-manufacturing; ~~cinder and~~

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cinder blocks-manufacturing; coal distillation; concrete products-manufacturing; detergents-manufacturing; explosives-manufacturing and storage; fertilizer-manufacturing and processing; flammable liquids-manufacturing and storage; gases, combustible or toxic-manufacturing and storage; glue and sizing-manufacturing; hazardous material handling and storage; insecticides-manufacturing; junk or scrap storage and yards; mining, gravel, sand or other raw materials; offices-business and professional, other than accessory; penal and correctional institutions; pesticides and fungicides-manufacturing and processing; radioactive waste handling; radio and television antennas and towers, including microwave antennas /satellite dishes, when freestanding or when they extend higher than 25 feet above the building on which they are mounted; recyclable materials recovery facilities-with outdoor storage; rock crushing; recycling collection stations; restaurants, lunch rooms, including live entertainment and dancing; stables for horses; tar-manufacturing; taverns, including live entertainment and dancing; tire manufacturing-including open storage; tires and tire products-open storage within 200' of a residential district; and waste disposal (except garbage) for landfill and land reclamation.

(4) (3) In the Plan, amend D.1.h. and i. to read as follows:

J. [h.] [Non-Conforming] NONCONFORMING USE

[A non-conforming use is any lawfully existing use of a building or other structure, or of land which does not conform to the applicable use regulations of the district in which it is located according to Title 13 of the Baltimore City Code as enacted by Ordinance 99-547, effective May 1, 2000, together with all changes and additions enacted through December 31, 1999, titled “Non-Conformance”. Non-conforming uses shall be permitted to continue subject to the provisions of said Title 13, titled “Non-Conformance”.]

~~A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OR OF LAND THAT DOES NOT CONFORM TO THE APPLICABLE USE REGULATIONS OF THE ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED AS A “NONCONFORMING USE” ONLY AS PROVIDED IN TITLE 13 OF THE ZONING CODE. A LAWFULLY EXISTING USE OF A BUILDING OR OTHER STRUCTURE OF LAND THAT DOES NOT COMPLY WITH THE LAND USE REGULATIONS OF THIS RENEWAL PLAN IS ALLOWED TO CONTINUE FOR AN INDEFINITE PERIOD OF TIME.~~

K. [i.] [Non-Complying] NONCOMPLYING STRUCTURE

A non-complying structure, as set forth in Title 13 of the Baltimore City Code as enacted by Ordinance 99-547, effective May 1, 2000, together with all changes and additions enacted through December 31, 1999, titled “Non-Conformance,” is any lawfully existing structure which does not comply with the bulk regulations of the zoning district in which it is located. These non-complying uses shall be permitted to continue subject to the provisions of said Title 13.]

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1 A LAWFULLY EXISTING STRUCTURE THAT DOES NOT COMPLY WITH THE BULK  
2 REGULATIONS OF THE ZONING CODE OF BALTIMORE CITY MAY BE CONTINUED  
3 AS A “NONCOMPLYING STRUCTURE” ONLY AS PROVIDED IN TITLE 13 OF THE  
4 ZONING CODE.

5 Then, in D.1., delete the existing subparagraph letterings, j. and k., respectively,  
6 substitute l. and m., respectively.

7 (5) ~~(4)~~ In the Plan, in Appendix A, amend 2.d., by adding new subsection (4) to read as  
8 follows:

9 (4) THESE HEIGHT LIMITS DO NOT APPLY TO PLANNED UNIT DEVELOPMENTS (PUDS)  
10 WITHIN THE PLAN. HEIGHT LIMITS FOR PUDS SHALL BE GOVERNED BY THE PUD.

11 (6) ~~(5)~~ Revise Exhibit 3, “Land Use Plan” and Exhibit 4, “Zoning Districts”, to reflect  
12 the changes in the Plan.

13 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Carroll  
14 Camden, as amended by this Ordinance and identified as “Urban Renewal Plan, Carroll Camden,  
15 revised to include Amendment 4, dated January 28, 2008”, is approved. The Department of  
16 Planning shall file a copy of the amended Urban Renewal Plan with the Department of  
17 Legislative Reference as a permanent public record, available for public inspection and  
18 information.

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

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

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

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

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City