

**CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0043**

Introduced by: Councilmembers Branch, Young
At the request of: East Baltimore Development, Inc.
Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore,
Maryland 21201
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Introduced and read first time: February 14, 2005

Assigned to: Urban Affairs Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 13, 2005; Returned to Committee: August 15, 2005

Read second time: September 19, 2005

AN ORDINANCE CONCERNING

**Urban Renewal – Middle East –
Amendment 8**

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2
3 FOR the purpose of amending the Urban Renewal Plan for Middle East to correct a certain
4 reference and revise Appendix E; waiving certain content and procedural requirements;
5 making the provisions of this Ordinance severable; providing for the application of this
6 Ordinance in conjunction with certain other ordinances; and providing for a special effective
7 date.

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

Recitals

13
14 The Urban Renewal Plan for Middle East was originally approved by the Mayor and City
15 Council of Baltimore by Ordinance 79-1202 and last amended by Ordinance 02-455.

16 An amendment to the Urban Renewal Plan for Middle East is necessary to correct a certain
17 reference and revise Appendix E.

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

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.

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 Middle East are approved:

3 (1) On page 4 of the Plan, amend A.2. (e) to read as follows:

4 E. [(e)] Over and above the codes and ordinances of the City of Baltimore, the design
5 guidelines in Appendix [D] E shall be applied to all residential properties and
6 non-residential properties for both rehabilitation and new construction except
7 for non-residential properties within the East Monument Street Business Area.
8 ~~Specific addresses of properties comprising the East Monument Street~~
9 ~~Business Area are indicated in Appendix D, Section 2.~~

10 (2) In the Plan, ~~revise~~ replace Appendix E Design Guidelines with “Exhibit A, New East
11 Baltimore Community Design Guidelines”, dated March 30, 2005. ~~to read as follows:~~

12
13 (3) In the Plan, amend A.2.b. to read as follows:

14 b. To provide housing resources for households of varying income levels through
15 rehabilitation AND NEW CONSTRUCTION OF RESIDENTIAL PROPERTIES. IN THE EAST
16 BALTIMORE DEVELOPMENT PROJECT AREA (AS HEREINAFTER DEFINED),
17 DEVELOPER(S) WILL USE REASONABLE EFFORTS TO MAKE HOUSING AVAILABLE
18 FOR PURCHASE OR FOR RENT TO ALL RESIDENTS WHO HAVE BEEN RELOCATED
19 FROM THE AREA AS A RESULT OF THE REDEVELOPMENT OF THE AREA AND ARE
20 INTERESTED IN RETURNING TO LIVE IN THE AREA. REASONABLE EFFORTS WILL
21 INCLUDE GIVING SUCH RESIDENTS THE RIGHT OF FIRST OPPORTUNITY TO PURCHASE
22 OR RENT HOUSING IN THE AREA AND PROVIDING ALL SUCH RESIDENTS WITH
23 REGULAR NOTIFICATION OF THE AVAILABILITY OF HOUSING UNITS FOR PURCHASE
24 OR RENT IN THE AREA.

25 (4) In the Plan, amend B.(1)h. to read as follows:

26 h. PUD Standards and Controls

27 The development of the East Baltimore Biotech Center and the surrounding area
28 (Collectively, the “East Baltimore [Redevelopment area] DEVELOPMENT PROJECT
29 AREA”, DESCRIBED IN EXHIBIT B) shall require the preparation of a
30 comprehensive plan of development that is approved through a process that has
31 substantial community involvement. “Substantial Community Involvement”
32 means: Community participation that is consistent with the required approval of
33 the Planned Unit Developments (PUDs). In addition, PUDs shall be encouraged
34 (and for any phase after the initial phase, required) or, per Section 9-105(b) of the
35 Zoning Code or as otherwise permitted by law, initiated by the Planning
36 Commission itself to (1) establish unitary control over the East Baltimore
37 [Redevelopment] DEVELOPMENT PROJECT Area, rather than lot-by-lot regulation;
38 (2) achieve maximum coordination between or among each PUD and neighboring
39 land uses; (3) provide greater flexibility to the redeveloper; (4) allow for greater
40 involvement by the impacted community; [and] (5) ENSURE THAT SIGNIFICANT
41 HOUSING RESOURCES ARE MADE AVAILABLE TO HOUSEHOLDS OF VARYING INCOME
42 LEVELS, SPECIFICALLY, LOW INCOME (50% OR LESS OF THE MEDIAN INCOME
43 APPLICABLE TO BALTIMORE CITY AS PUBLISHED AND ANNUALLY UPDATED BY THE
44 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT),

1 MODERATE INCOME (MAKING MORE THAN 50% OF MEDIAN INCOME APPLICABLE TO
 2 BALTIMORE CITY BUT LESS THAN 100% OF MEDIAN INCOME, USING A
 3 COMBINATION OF PRICE ADJUSTMENTS AND BUYER FINANCING ASSISTANCE
 4 PROGRAMS, SPONSORED BY THE STATE OF MARYLAND AND OTHER SOURCES), AND
 5 MARKET RATE WITHOUT REGARD TO INCOME; (6) IN ACCORDANCE WITH
 6 SUBPARAGRAPH 5, ENSURE THAT THE DEVELOPMENT PROJECT AREA PROVIDES
 7 (EXCLUDING STUDENT HOUSING) ONE-THIRD LOW INCOME HOUSING, ONE-THIRD
 8 MODERATE INCOME HOUSING, AND ONE THIRD MARKET RATE HOUSING; AND (7)
 9 optimize the preservation of existing historic buildings and the unique historic
 10 character of the East Baltimore [Redevelopment] DEVELOPMENT PROJECT Area
 11 for Baltimore residents and visitors. In the event that a PUD is not utilized, there
 12 shall be no significant development within the East Baltimore DEVELOPMENT
 13 PROJECT Area or the completion of a comprehensive plan development for the
 14 East Baltimore [Redevelopment] DEVELOPMENT PROJECT Area without
 15 substantial community involvement, as defined above.

16 THE DEVELOPMENT PROJECT AREA SHALL BE DEVELOPED IN ACCORDANCE WITH
 17 THE "LAND DISPOSITION AND DEVELOPMENT AGREEMENT" BETWEEN THE MAYOR
 18 AND CITY COUNCIL OF BALTIMORE AND EAST BALTIMORE DEVELOPMENT, INC.,
 19 EFFECTIVE APRIL 28, 2004, AS AMENDED FROM TIME TO TIME.

20 (5) In the Plan, add "Exhibit B, Project Area Description".

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Middle East,
 22 as amended by this Ordinance and identified as "Urban Renewal Plan, Middle East, revised to
 23 include Amendment 8, dated ~~February 4~~ August 15, 2005", is approved. The Department of
 24 Planning shall file a copy of the amended Urban Renewal Plan with the Department of
 25 Legislative Reference as a permanent public record, available for public inspection and
 26 information.

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

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

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City