

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0362

Introduced by: Councilmember Stokes
At the request of: Hendler Creamery Development, LLC
Address: c/o Caroline L. Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South
Charles Street, Suite 2115, Baltimore, Maryland 21201
Telephone: 410-727-660
Introduced and read first time: April 7, 2014
Assigned to: Urban Affairs and Aging Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 16, 2014

AN ORDINANCE CONCERNING

**Urban Renewal – Jonestown –
Amendment 9**

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3 FOR the purpose of amending the Urban Renewal Plan for Jonestown to modify the regulations,
4 controls, and design restrictions for certain disposition lots, to amend Exhibits 1 and 4 to
5 reflect the change in zoning, by separate ordinance, for certain properties in the Renewal
6 Area, to amend Exhibit 2 to reflect the removal of certain properties as acquisition lots, ~~and~~
7 to amend Exhibit 3 to reflect a change in the disposition lots, and to amend Exhibit 4 to
8 update all current zoning categories and to remove any proposed zoning changes that have
9 previously been enacted, by separate ordinance; waiving certain content and procedural
10 requirements; making the provisions of this Ordinance severable; providing for the
11 application of this Ordinance in conjunction with certain other ordinances; and providing for
12 a special effective date.

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

Recitals

18
19 The Urban Renewal Plan for Jonestown was originally approved by the Mayor and City
20 Council of Baltimore by Ordinance 78-939 and last amended by Ordinance 04-797.

21 An amendment to the Urban Renewal Plan for Jonestown is necessary to modify the
22 regulations, controls, and design restrictions for certain disposition lots, to amend Exhibits 1 and
23 4 to reflect the change in zoning, by separate ordinance, for certain properties in the Renewal
24 Area, to amend Exhibit 2 to reflect the removal of certain properties as acquisition lots, ~~and~~ to

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 amend Exhibit 3 to reflect a change in the disposition lots, and to amend Exhibit 4 to update all
2 current zoning categories and to remove any proposed zoning changes that have previously been
3 enacted, by separate ordinance.

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

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

9 (1) In the Plan, amend B.2.a.(4)(f) to read as follows:

10 B. Land Use Plan

11 2. Regulations, Controls and Restrictions

12 a. Provisions Applicable to All Land and Property to be Acquired

13
14 (4) Commercial Development

15
16 (f) Dispositions Lots 33, 34, AND 35[, 36, and 37] shall be
17 rehabilitated and/or otherwise developed for uses permitted under
18 the B-3-3 and M-1-3 categories of the Zoning Ordinance of
19 Baltimore City, but shall not include residential uses or the
20 following:

21
22 The Floor Area Ratio (FAR) for Disposition Lots 33, 34, AND 35[,
23 and 36] shall be 3.5. ~~THE FAR FOR DISPOSITION LOT 36 SHALL BE~~
24 ~~5.0.~~ BUILDING HEIGHT FOR DISPOSITION LOTS 16, 36, AND 59
25 SHALL NOT EXCEED 95 FEET, INCLUDING MECHANICAL EQUIPMENT
26 AND ALL PERMITTED APPURTENANCES. Disposition Lot 37, original
27 Hendler Building, is for rehabilitation only.

28
29 The following design restrictions shall apply only to Disposition
30 Lots 33, 34, AND 35[, 36 and 37].

31

32 (2) In the Plan, delete B.2.a.(6)(a), and reletter B.2.a.(6)(b) to be B.2.a.(6)(a).

33 (3) In the Plan, amend B.2.b.(2) to add new subsection (c) to read as follows:

34 B. Land Use Plan

35 2. Regulations, Controls and Restrictions

36 b. Provisions Applicable to All Land and Property Not to be Acquired

37 (2) Review of Plans for New Construction, Exterior Rehabilitation, or
38 Change in Use

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3 (C) THE BUILDING HEIGHT OF THE PROPERTIES KNOWN AS 1100
4 EAST BALTIMORE STREET, 1110-1112 EAST BALTIMORE
5 STREET, 1101-1105 EAST FAYETTE STREET, 1107-1133 EAST
6 FAYETTE STREET (DISPOSITION LOT 36), THE BED OF
7 FAIRMOUNT AVENUE (DISPOSITION LOT 16), AND THE BED OF
8 AISQUITH STREET (DISPOSITION LOT 59) SHALL NOT EXCEED 95
9 FEET, INCLUDING MECHANICAL EQUIPMENT AND ALL
 PERMITTED APPURTENANCES.

10 (4) ~~(3)~~ Upon approval of rezoning by separate ordinance, amend Exhibit 1, “Land Use”,
11 to reflect the change in use category for the properties known as 1100 East
12 Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street,
13 1107-1133 East Fayette Street, and a portion of East Fairmount Avenue from
14 Community Commercial to Community Business.

15 (5) ~~(4)~~ Upon approval of rezoning by separate ordinance, amend Exhibit 4, “Zoning”, to
16 reflect the change of zoning for the properties known as 1100 East Baltimore
17 Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-
18 1133 East Fayette Street, and a portion of East Fairmount Avenue from the B-3-3
19 Zoning District to the B-2-4 Zoning District.

20 (6) ~~(5)~~ In the Plan, amend Exhibit 2, “Property Acquisition”, to remove 1100 East
21 Baltimore Street, 1107 East Fayette Street, and Fairmount Avenue as acquisition
22 lots.

23 (7) ~~(6)~~ In the Plan, revise Exhibit 3, “Disposition”, to reflect change in the Disposition
24 Lots. THIS EXHIBIT IS ALSO REVISED TO ADD NEW DISPOSITION LOT 59, FOR A
25 PARTIAL RIGHT-OF-WAY OF AISQUITH, TO THE LIST OF DISPOSITION LOTS AS
26 FOLLOWS:

<u>LOT NO.</u>	<u>LAND USE</u>	<u>AREA SQ. FT.</u>
<u>.....</u>	<u>.....</u>	<u>.....</u>
<u>59</u>	<u>COMMERCIAL</u>	<u>+/- 2,200</u>

30 (8) Amend Exhibit 4, “Zoning”, to update all current zoning categories and to remove any
31 proposed zoning changes that have previously been enacted, by separate Ordinance.

32 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Urban Renewal Plan for Jonestown, as
33 amended by this Ordinance and identified as “Urban Renewal Plan, Jonestown, revised to
34 include Amendment 9, dated April 7, 2014”, is approved. The Department of Planning shall file
35 a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a
36 permanent public record, available for public inspection and information.

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

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

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

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

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