

**CITY OF BALTIMORE
COUNCIL BILL 11-0755
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Housing and Community Development)
Introduced and read first time: August 15, 2011
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Urban Renewal – Brooklyn-Curtis Bay Business Area –**
3 **Amendment _**

4 FOR the purpose of amending the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area to
5 modify a Plan objective, amend and clarify certain land uses and delete a use category, delete
6 from the Plan certain regulations, controls, and restrictions on land acquired by the City,
7 modify certain standards for the development of new buildings in non-industrially zoned
8 areas, delete standards for mixed use development in the Plan, delete a certain obligation of a
9 Developer, amend certain Exhibits to the Plan to reflect the changes to the Plan, modify the
10 duration of the Plan, add additional names of the community organizations to whom the
11 Department must submit significant development proposals for review and comment, change
12 the name of the Panel that the Department of Planning uses to review developers' projects,
13 and conform certain language; waiving certain content and procedural requirements; making
14 the provisions of this Ordinance severable; providing for the application of this Ordinance in
15 conjunction with certain other ordinances; and providing for a special effective date.

16 By authority of
17 Article 13 - Housing and Urban Renewal
18 Section 2-6
19 Baltimore City Code
20 (Edition 2000)

21 **Recitals**

22 The Urban Renewal Plan for Brooklyn-Curtis Bay Business Area was originally approved by
23 the Mayor and City Council of Baltimore by Ordinance 82-852 and last amended by Ordinance
24 06-314.

25 An amendment to the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area is
26 necessary to modify a Plan objective, amend and clarify certain land uses and delete a use
27 category, delete from the Plan certain regulations, controls, and restrictions on land acquired by
28 the City, modify certain standards for the development of new buildings in non-industrially

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

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1 zoned areas, delete standards for mixed use development in the Plan, delete a certain obligation
2 of a Developer, amend certain Exhibits to the Plan to reflect the changes to the Plan, modify the
3 duration of the Plan, add additional names of the community organizations to whom the
4 Department must submit significant development proposals for review and comment, change the
5 name of the Panel that the Department of Planning uses to review developers' projects, and
6 conform certain language.

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

10 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
11 following changes in the Urban Renewal Plan for Brooklyn-Curtis Bay Business Area are
12 approved:

13 (1) In the Plan, amend A.2.c. to read as follows:

14 A. Project Description

15 2. Plan Objectives

16 c. Establishing minimum, comprehensive design and rehabilitation standards
17 that will encourage pedestrian-safe and attractive streets and commercial
18 development in balance with adjacent commercial, industrial, AND
19 residential uses [and encourage pedestrian-friendly, attractive commercial
20 development].

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

22 B. Land Use Plan

23 2. Land Use Provisions and Standards

24 a. Permitted Uses

25 Only the use categories shown on the Land Use Plan, Exhibit 1, are
26 permitted within the Project Area. These are Residential, OFFICE-
27 RESIDENTIAL, Industrial, Community Business, Community Commercial,
28 AND Park[, and Mixed Use]. Accessory uses including landscaping, off-
29 street parking and loading will be permitted. In addition, certain uses will
30 be permitted to continue subject to the provisions governing [non-
31 conforming] NONCONFORMING USES and [non-complying uses]
32 NONCOMPLYING STRUCTURES set forth below.

33 (1) Residential

34 In the areas designated Residential on the Land Use Plan, uses are
35 limited to those permitted under the R-6, [and] R-7, AND O-R-1
36 categories of the Zoning Code of Baltimore City, EXCEPT FOR THE
37 FOLLOWING USES THAT ARE PROHIBITED:

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COMMUNITY CORRECTION CENTERS
ROOMING AND BOARDING HOUSES

(2) Industrial

.....

(3) Community Business

In the areas designated as Community Business on the Land Use Plan, uses are limited to those permitted OR ALLOWED AS CONDITIONAL USES under the B-2 category of the Zoning Code of Baltimore City. STREET-FACING GROUND FLOOR USES MUST BE PRIMARILY RETAIL OR SERVICE ESTABLISHMENTS THAT DEAL DIRECTLY WITH CONSUMERS, RELY HEAVILY ON WALK-IN BUSINESS, AND HAVE REGULAR DAILY HOURS. However, the following B-2 [permitted] uses are prohibited in this Renewal Plan:

ADULT ENTERTAINMENT, INCLUDING PEEP SHOWS AND ADULT BOOK STORES
AMUSEMENT ARCADES
Automotive accessory stores - but not including repair or installation services
Bail bondsmen
Liquor stores: package goods

[Additionally, the following B-2 uses that are conditional uses in the Zoning Code are prohibited in this Plan:]

Automobile accessory stores - including related repair and installation services
Beverages: manufacturing
CHECK CASHING ESTABLISHMENTS
COMMUNITY CORRECTION CENTERS
DANCE HALLS OR NIGHT CLUBS
Firearm sales - when in a business establishment permitted in a Business District
Garages, other than accessory, for storage, repair, and servicing of motor vehicles, not over 1 ½ tons capacity - but not including body repair, painting, or engine rebuilding
Gasoline services stations
HOTELS AND MOTELS
Pawnshops
POOL HALLS
RENT-TO-OWN STORES
Restaurants: drive-in but not including pick-up drives with window service
ROOMING AND BOARDING HOUSES
Tobacco products: manufacturing
Travel trailers, recreational vehicles, and similar camping equipment: parking or storage

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1 (4) Community Commercial

2 In the areas designated as Community Commercial on the Land Use
3 Plan, uses are limited to those permitted OR ALLOWED AS
4 CONDITIONAL USES under the B-3 category of the Zoning Code of
5 Baltimore City[.], EXCEPT FOR THE FOLLOWING USES THAT ARE
6 PROHIBITED:

- 7 ADULT ENTERTAINMENT, INCLUDING PEEP SHOWS AND ADULT
- 8 BOOK STORES
- 9 AMUSEMENT ARCADES
- 10 BAIL BONDS OFFICES
- 11 BLOOD BANKS
- 12 CHECK CASHING ESTABLISHMENTS
- 13 FIREARM SALES
- 14 GASOLINE STATIONS
- 15 HOTELS AND MOTELS
- 16 LIQUOR STORES: PACKAGE GOODS
- 17 MOTOR VEHICLE SALES
- 18 MOTOR VEHICLE SERVICE AND REPAIR, MAJOR OR MINOR
- 19 MOVING AND STORAGE ESTABLISHMENTS
- 20 OUTDOOR STORAGE AND DISPLAY
- 21 PALMISTS
- 22 POOL HALLS
- 23 DANCE HALLS
- 24 RENT-TO-OWN STORES

25 (5) Park

26 . . .

27 [(6) Mixed Use

28 In the area designated Mixed Use on the Land Use Plan, uses are
29 limited to those in the Community Business category; however,
30 retail or office uses are required on the first floor of buildings in
31 these areas.]

32 . . .

33 and, in the Plan, B.2. a.(7), (8), and (9), respectively, are renumbered to be B.2.a.(6),
34 (7), and (8), respectively.

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

36 B. Land Use Plan

37 2. Land Use Provisions and Standards

38 b. Applicability of Provisions and Requirements to Property Not to be
39 Acquired

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1 The provisions of Section B.2.a. (Permitted Uses) above apply to all
2 properties not to be acquired by this Renewal Plan. [The provisions of
3 Section B.2.c. apply as appropriate to properties not currently proposed to
4 be acquired by this Renewal Plan if the owners of the properties acquire
5 adjacent project land made available by the Department under the
6 provisions of this Renewal Plan.]

7 (4) In the Plan, delete B.2.c. in its entirety; and delete Section C. Techniques for Plan
8 Objectives in its entirety.

9 (5) In the Plan, amend D.2.a.(2) to read as follows:

10 D. Review of Development

11 2. Standards for the Development of New Buildings in Non-Industrially Zoned
12 Areas

13 a. General

14 (2) For buildings located in the B-2, B-3, and O-R zoning districts not on
15 Patapsco Avenue, the building height at the property lines facing
16 public streets must be a minimum of 20 feet and A maximum of 35
17 feet. [Ground floors must be a minimum of 12 feet high, except for
18 parking structures that are not required to include first floor retail.] For
19 buildings located in the B-2, B-3, or O-R zoning districts on Patapsco
20 Avenue, the building height at property lines facing public streets must
21 be a minimum of 20 feet and A maximum of 45 feet.

22 (6) In the Plan, delete D.3. in its entirety.

23 (7) In the Plan, delete D.4.g. in its entirety, and, renumber D.4., 5., and 6., respectively,
24 to be D.3, 4., and 5., respectively.

25 (8) In the Plan, delete E.1.b. in its entirety.

26 (9) In the Plan, amend F. to read as follows:

27 The Brooklyn-Curtis Bay BUSINESS AREA Urban Renewal Plan, as it may be
28 amended from time to time, remains in full force and effect for a period of [20] 10
29 years from the date the Renewal Plan is last amended by the Mayor and City Council
30 of Baltimore.

31 (10) In the Plan, amend G. to read as follows:

32 G. Procedures for Changes in Approved Plan

33 The Department must submit to certain community organizations within the
34 Project Area for their review and comment the form and content of all significant
35 development proposals, as defined by the Department, within the Project Area.
36 The community organizations to which these plans must be submitted are as
37 follows:

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1 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC.
2 COMMUNITY OF CURTIS BAY ASSOCIATION
3 Brooklyn and Curtis Bay Coalition, Inc.[, and]
4 South Baltimore Business [Association] ALLIANCE, Inc., AND
5 ANY OTHER ORGANIZATIONS LISTED IN THE COMMUNITY ASSOCIATION
6 DIRECTORY

7 The above community organizations must advise the Department of their
8 recommendations regarding the acceptability and/or priority of all plans and
9 proposals. The written comments of the community organizations must be
10 transmitted to the Department no later than 4 weeks after the proposals or plans
11 have been submitted to the appropriate community associations; otherwise, it is
12 presumed that the proposals and/or plans are acceptable. Prior to passage of any
13 ordinance amending the Renewal Plan, two public hearings, one before the
14 Planning Commission and one before the City Council must be held. The
15 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC., THE COMMUNITY OF
16 CURTIS BAY ASSOCIATION, THE Brooklyn and Curtis Bay Coalition, Inc., THE
17 South Baltimore Business Alliance, Inc., AND ANY OTHER ORGANIZATIONS LISTED
18 IN THE COMMUNITY ASSOCIATION DIRECTORY or their successors must receive, at
19 least 10 days prior to the hearing, written notice of the time and place of the
20 hearing. With respect to any land in the Project Area previously disposed of by
21 the City for use in accordance with the Renewal Plan, the then owner of the land
22 whose interests are materially affected by the changes must receive at least 10
23 days prior to the hearing, written notice of the time and place of the hearing and
24 information as to where a copy of the proposed amendments may be inspected.

25 (11) In the Plan, amend I.4.b. to read as follows:

26 I. Design Review and Approval

27 4. City Review

28 b. Planning will fully utilize its [Design Advisory] URBAN DESIGN AND
29 ARCHITECTURAL REVIEW Panel to work with Developers in the
30 achievement of high quality site, building, and landscape design.

31 (12) In the Plan, renumber Sections D., E., F., G., H., I., and J., respectively, to be
32 Sections C., D., E., F., G., H., and I., respectively.

33 (13) In the Plan, amend Appendix B.II.A. to read as follows:

34 Appendix B

35 Maintenance Standards

36 II. Compliance

37 A. These maintenance standards are enforced by the Department. Complaints
38 about violations of these standards may be made to the Department by any
39 individual or organization. Issues identified and complaints collected by
40 CONCERNED CITIZENS FOR A BETTER BROOKLYN, INC., THE COMMUNITY OF

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1 CURTIS BAY ASSOCIATION, the Brooklyn and Curtis Bay Coalition, Inc.,
2 and/OR THE South Baltimore Business Alliance, Inc., OR OTHER
3 ORGANIZATIONS LISTED IN THE COMMUNITY ASSOCIATION DIRECTORY, will
4 be coordinated and prioritized by these groups before they are transmitted to
5 the Department for enforcement.

6 (14) Replace current Exhibit 1, "Land Use Plan", dated October 5, 2006, with amended
7 Exhibit 1, "Land Use Plan", dated August 2, 2011, and replace current Exhibit 4,
8 "Zoning Districts", dated October 5, 2006, with amended Exhibit 4, "Zoning
9 Districts", dated August 2, 2011 to reflect the changes in the Plan.

10 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Brooklyn-
11 Curtis Bay Business Area, as amended by this Ordinance and identified as "Urban Renewal Plan,
12 Brooklyn-Curtis Bay Business Area, revised to include Amendment __, dated August 15, 2011",
13 is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan
14 with the Department of Legislative Reference as a permanent public record, available for public
15 inspection and information.

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

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

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

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