

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0298

Introduced by: Councilmember Clarke
Introduced and read first time: December 5, 2005
Assigned to: Urban Affairs Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: May 8, 2006

AN ORDINANCE CONCERNING

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

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3 FOR the purpose of amending the Urban Renewal Plan for Hampden Business Area to allow the
4 unenclosed display of certain merchandise in certain land use classifications in a certain
5 portion of the Hampden Business Area; 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)

Recitals

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15 The Urban Renewal Plan for Hampden Business Area was originally approved by the Mayor
16 and City Council of Baltimore by Ordinance 77-285 and last amended by Ordinance 00-89.

17 An amendment to the Urban Renewal Plan for Hampden Business Area is necessary to allow
18 the unenclosed display of certain merchandise in certain land use classifications in a certain
19 portion of the Hampden Business Area.

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

25 Amend B.2.a.(1) and (2) 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.

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1 (1) Neighborhood Business

2 In the area designated as Neighborhood Business on the Land Use Plan Map, uses
3 shall be limited to those permitted under the B-1 category of the Zoning
4 [Ordinance] CODE of Baltimore City, including residential, EXCEPT THE
5 UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS ALLOWED ~~ON~~
6 ~~THE 800 THROUGH 1100 BLOCKS OF WEST 36TH STREET~~. A MINOR PRIVILEGE
7 PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY.
8 DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MAY NOT IMPEDE MUST PRESERVE 6 FEET
9 OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS PEDESTRIAN ACCESS AND
10 ~~MAY NOT IMPEDE~~ ACCESSIBILITY BY DISABLED PERSONS.

11 (2) Community Business

12 In the area designated as Community Business on the Land Use Plan Map, uses
13 shall be limited to those permitted under the B-2 category of the Zoning
14 [Ordinance] CODE of Baltimore City, including residential and parking, EXCEPT
15 THE UNENCLOSED DISPLAY OF MERCHANDISE FOR SALE TO THE PUBLIC IS
16 ALLOWED ~~ON THE 800 THROUGH 1100 BLOCKS OF WEST 36TH STREET~~. A MINOR
17 PRIVILEGE PERMIT IS REQUIRED TO DISPLAY MERCHANDISE ON THE PUBLIC RIGHT-
18 OF-WAY. DISPLAYS ON THE PUBLIC RIGHT-OF-WAY MAY NOT IMPEDE MUST
19 PRESERVE 6 FEET OF CLEAR WIDTH IN ORDER TO MAINTAIN CONTINUOUS
20 ~~MAY NOT IMPEDE~~ PEDESTRIAN ACCESS AND ~~MAY NOT IMPEDE~~ ACCESSIBILITY BY DISABLED PERSONS.

21 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Hampden
22 Business Area, as amended by this Ordinance and identified as “Urban Renewal Plan, Hampden
23 Business Area, revised to include Amendment 3 , dated December 5, 2005”, is approved. The
24 Department of Planning shall file a copy of the amended Urban Renewal Plan with the
25 Department of Legislative Reference as a permanent public record, available for public
26 inspection and 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.

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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